ABSTRACT

FRAMING SAME-SEX MARRIAGE:
AN ANALYSIS OF 2004 NEWSPAPER COVERAGE OF MARRIAGE LEGISLATION

By Jennifer Anderson

Same-sex marriage legislation has been a central issue in mainstream political communication since Massachusetts first legalized same-sex marriages in May 2004. Oregon and Georgia both proposed and approved bans on same-sex marriage at the November 2004 elections, but did so with varying levels of voter approval (57% and 76%, respectively). The issue of same-sex marriage is complex; thus, this study outlines the histories of marriage and gay rights. In addition, many of the perspectives that figured prominently in this debate are articulated. This project’s case study used Semetko’s and Valkenburg’s (2000) five “common frames” to deductively and quantitatively analyze and compare the frames utilized in newspaper coverage of same-sex marriage legislation in The Oregonian and The Atlanta Journal Constitution. Results showed non-significant differences between the newspapers, but the combined sample revealed significant differences in overall frame use. The most often used frames in this study were the conflict and/or morality frames.
FRAMING SAME-SEX MARRIAGE:
AN ANALYSIS OF 2004 NEWSPAPER COVERAGE OF MARRIAGE LEGISLATION

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Chapter One

The Research Problem: Framing Same-Sex Marriage Legislation in News Media

Introduction .......................................................................................................................... 1
The Research Question & Subsidiary Questions ............................................................ 1
Literature Review .............................................................................................................. 2

Chapter Two


Introduction .......................................................................................................................... 12
Marriage History ................................................................................................................ 14
History of the Gay Rights Movement .............................................................................. 19
Gay Rights Perspectives on Same-Sex Marriage ............................................................. 23
Christian Perspectives on Same-Sex Marriage ............................................................... 27
The 2004 Situation ............................................................................................................. 31

Chapter Three

Case Study: Examining Coverage of Same-Sex Marriage Legislation in the Atlanta Journal Constitution and The Oregonian

Case Study Background .................................................................................................... 36
Methods ............................................................................................................................. 45
Results ............................................................................................................................... 47

Chapter Four

Discussion of Results: Finding Meaning in Frame Usage and its Measurement

Study Overview .................................................................................................................. 52
Discussion of Results ....................................................................................................... 54
Study Limitations ............................................................................................................ 64
Directions for Future Research ...................................................................................... 65
Conclusions ....................................................................................................................... 67

References ....................................................................................................................... 68
Appendix A (Data Charts) ............................................................................................... 77
Appendix B (Code Book) .................................................................................................. 79
CHAPTER ONE

Introduction

Same-sex marriage legislation has been a central issue in mainstream political communication since Massachusetts became the first state to legalize same-sex marriages in May 2004. Soon, other states rushed to amend their constitutions to prevent same-sex couples from obtaining state-sanctioned marriages. Though some states chose to put forth amendments procuring marriage privileges for same-sex couples (all of which failed), most states proposed measures that would define, or limit, legal marriage to opposite sex couples (every one of them passing). Oregon and Georgia both proposed and approved bans on same-sex marriage at the November 2004 elections, but did so with varying levels of voter approval (57% and 75%, respectively) (“Same Sex Marriage Legislation,” 2007). This type of legislation intimately affects thousands of people daily; thus, news media coverage surrounding it is important to scrutinize. News media have the potential to shape public opinion, public debate and therefore public policy on this and other contentious issues. By looking at the frames present in articles concerning this topic, this study will expose how news media treat this issue in order to understand the nature of their potential influence on citizens.

This study will use Semetko’s and Valkenburg’s (2000) five “common frames” (conflict, human interest, economic consequences, morality and responsibility) to deductively and quantitatively analyze and compare the frames utilized in newspaper coverage of same-sex marriage legislation in Oregon and Georgia. Additionally, the study will qualitatively examine the context of the debate over same-sex marriage with particular attention to the frames utilized by advocacy groups. The multiple competing perspectives on the issue that never receive recognition in mainstream print news media will also be studied (Scheufele, 1999).

The Research Question

Which frames were used by The Oregonian (TO) and The Atlanta Journal Constitution (AJC) newspapers in coverage of legislation dealing with same-sex marriage?

Subsidiary Questions

1. What is the frequency of each type of frame used?
2. How does frame usage differ between TO and the AJC?
3. Which tone (positive, negative or neutral) is most often associated with which frame?
4. Do the findings support a deductive “common frames” approach to framing research?
Literature Review

Foundations of Framing Theory

When Tuchman (1978) posited that news essentially creates and transmits knowledge to the masses, she sparked an intellectual journey into the examination of frames used in news discourse. Today framing research has grown into its own paradigm, but its roots trace back to Tuchman’s claims about the power of news to shape ideas and knowledge. Central to Tuchman’s viewpoint is the idea that journalistic practices account for the way that stories are created and then interpreted by readers. The journalistic practices create frames through which the stories can be understood. News, in effect, becomes a social resource for individuals looking to understand the world around and beyond them. And this resource is intimately connected with and shaped by cultural structures and institutions like politics or education (Tuchman, 1978).

Gitlin (1980) took the power of news discourse one step further to claim that news not only creates and transmits knowledge, but that it also reifies dominant ideology through its power to normalize definitions of particular events and issues. The very practice of news making and subsequently the product of it (articles) serve to reinforce the “inevitability of the established order” to make the world beyond direct experience look natural (Gitlin, 1980, p. 12). But news stories are not natural; they are the product of cultural meanings, practices and ideologies working together to emphasize and omit certain characteristics of reality in order to create a cohesive and independent story suitable for mass audience comprehension. Because media constitute a significant social force in terms of forming and delimiting ideology, the “selection, emphasis and exclusion” of journalistic practices work to set the public agenda both politically and socially by influencing public political actors and individual readers alike (Gitlin, 1980).

Taken together, Tuchman’s (1978) and Gitlin’s (1980) views of media create a dire situation for those in marginalized groups, because news becomes a powerful creator of knowledge which supports the dominant ideology. The present study is concerned with the media depiction of same-sex marriage legislation, a matter dealing with members of a marginalized group: the gay community. The ideology of the gay community (including individuals who are gay, as well as those straight individuals in support of gay rights) does not represent the majority or dominant ideology of the United States and therefore does not coincide with the ideology expressed in mainstream American media. Given this reality, the representations of gay interests in mass media are necessarily a concoction of (mostly straight)
journalistic practices responding to political and other forces working together to define a marginalized community to themselves. In other words, the representation of gay interests will almost never be a product of all gay actors working collectively to voice their opinions. Instead, one can expect that media representations will likely favor the (straight) status quo. In addition, the majority population (especially those without contact with a marginalized group like the gay community) must rely on mainstream media depictions of issues dealing with marginalized groups as a primary source of information. Therefore, the issue of news media creating knowledge and perpetuating dominant ideology is of particular importance to the issue of same sex marriage legislation.

From Tuchman’s (1978) and Gitlin’s (1980) notions of the power of media to transmit knowledge that reinforces dominant ideology, the concept of agenda-setting was born. Agenda-setting can be considered the predecessor to framing in that it seeks to analyze similar constructs and beliefs about media, but the approach and results differ slightly. The beliefs underscoring both models deal with the role of the media as a knowledge-creating institution and the ability of news to be presented in such a way as to highlight certain aspects of truth over others. But the approach in agenda-setting research is to focus on what was being covered by media sources, not how. Its central tenet is that in selecting which stories to cover, the media set the public agenda or debate regarding certain topics. Therefore, agenda-setting research provides information about which issues or events were covered most often (McCombs & Ghanem, 2001).

Yet, simply knowing how much coverage particular stories received does not provide a very detailed picture of the potential public debate surrounding the stories; specifically, it does not explain how the issue was treated in the articles devoted to it. McCombs and Ghanem suggest “second level agenda setting” to ascertain how certain stories are being covered, not just which stories are being covered in news media (2001). It is within this “second level” that frames reside, creating layers of meaning that agenda-setting alone cannot measure. The results of framing research provide a more complex and detailed picture of the nature of public debate as represented in the social institution of media. Thus, framing as a research paradigm broke free of agenda-setting work, and has grown into a field completely devoted to understanding not just what media cover, but how they do so.
Defining the Frame

As a relatively new paradigm, framing theory is characterized by multiple scholars working toward a definitive conceptual foundation that can serve as a springboard for research that produces significant and meaningful findings. At the root of the definitional dilemma is the definition of a “frame” itself. It seems that for every researcher devoted to the study of framing, there is an additional definition. Yet, many scholars begin with Entman’s (1993) concise and yet complete definition. “Framing essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text” (Entman, 1993, p. 52, emphasis in original). It is through the selection and salience of certain aspects of an issue that texts come to embody (through interaction with individual cognitive actions) specific meanings about and perceptions of an issue. This definition points to the constructive nature of discursive reality. It recognizes the ability of a text to create a specific reality which is not representative of the broader reality from which the story was drawn. News texts must necessarily leave out portions of news events or issues (selection and omission) and in so doing create a frame through which an audience comes to know about and understand an issue. In addition, texts highlight particular aspects of events or issues thereby imbuing them with more meaning. Because news media are considered impartial and official, the stories created through this selection and salience come to be understood as “real” or “natural” (Entman, 1993; Gitlin, 1980).

Entman (1993) also argues that frames define problems, diagnose causes, make moral judgments and suggest remedies. And they are important to analyze because they expose persistent patterns in news coverage. These four features of frames are especially significant for a topic like same-sex marriage, because one or more of these elements structures much of the debate surrounding the topic (in news media and elsewhere). The economic consequences frame1 is an unlikely but excellent example of this frame anatomy. In the economic consequences frame, a story about same-sex marriage would likely focus largely on companies deciding how to parcel out health care benefits and therefore “defines the problem” as: companies having a difficult time deciding how to cover health care costs for employees who are part of a same-sex couple. The

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1 For a discussion of the frames being used in this study, please see the “studying the frame” subsection of the Literature Review, as well as the “procedure” section.
“diagnosed cause” for this difficulty is the fact that same-sex couples cannot receive the same benefits package as heterosexual married couples since they cannot be legally married. The “moral judgment” made in this frame is that marriage (or sometimes simply a written commitment to a long-term monogamous relationship) is an appropriate way to determine the health benefits employees receive. There are typically two “remedies” suggested by this frame: give health benefits to employees and their significant others regardless of the state’s recognition of their union or allow same-sex couples to have state-sanctioned marriages so that companies do not have to make decisions on a case-by-case basis. For each frame employed in this study, similar “problems” are defined, causes are diagnosed, moral judgments are made (albeit discretely) and “remedies” are offered. This is an important way to think about frame usage because it points to the way that media representations of topics can shape audience understanding(s) of those topics. By presenting topics in a problem-solution format, the frame delimits debate on the topic because it rules out other ways of thinking about the issue (Gitlin, 1980).

Though much of framing literature focuses on the texts themselves, framing theory is also interested in the processes through which those texts gain meaning. Pan and Kosicki (2002) identify three framing players: sources, journalists and audience members. They argue that these players engage in an interactive and circular process of creating, conferring and receiving frames through the course of public debate over certain topics. The construct of deliberative action as it relates to framing will be discussed later in this literature review, but the idea of three separate players is discussed in the definition section because it provides a way to understand frames and to create definitions for them. In a sense, the way one defines frame is dependent on the actor to whom the frame is ascribed, because there are no inherent meanings in the texts independent of readers—just as texts do not exist without sources to provide stories and journalists to write them. Thus, frames are defined by the actors that work together (and oppositionally) to create texts which can evoke meanings in readers. The present study will examine two players: the sources and the audience members. Through an examination of the advocacy groups (as sources) themselves, as well as coding of articles (to gauge audience meaning creation), two of the three framing sources will be included in this study.
Framing Effects

Tankard (2001) discusses the power of frames to define the terms of the debate, which is crucial to a debate’s outcome. The definitional power of frames relates to the general concerns over the power of news media to shape and reinforce dominant ideology by delimiting the debate through the use of specific language (Gitlin, 1980; Tuchman, 1978), but it also has special relevance to the same sex marriage debate. Much of the debate centers on the definition of marriage. In fact, the amendments that were under debate in both Oregon and Georgia were specifically designed to define marriage in such a way that it cannot be conferred to couples of the same sex. Thus, this debate hinges on whose definition (of marriage; of homosexuality; indeed, of humanity) prevails. The present study, therefore, will examine the definitions put forth by various advocacy groups as well as how those definitions are reconstituted in news texts through various frames.

Central to the definitional dilemma of the same-sex marriage debate is the identity of particular advocacy groups. Phalen and Algan (2001) argue that newspapers tend to identify particular groups or individuals with certain issues, specifically with certain positions on those issues. This predisposition is especially true in the debate over same sex marriage legislation. In particular, religious (mostly Christian) groups become exclusively associated with an opposite sex definition of marriage. Gay rights groups (sometimes including bisexual and transgendered interests) become exclusively associated with fighting for marriage to be opened to couples of the same sex. In addition, media coverage of religious groups might associate them with character qualities like bigotry or hatred, whereas gay rights groups might be associated with agendas like political activism or social progressivism. The truthfulness (or falseness) of these associations is not as important as the effect they create: distraction from the issue at stake. As Phalen and Algan (2001) argue, when news media focus on extreme personalities or groups, they create passive distance from the issue. This distance reduces the debate to an event where personalities are clashing rather than an issue with serious personal and political ramifications.

The study must consider public opinion, debate and deliberative action as systems which work together to shape the outcome of same sex marriage legislation. Media shape public opinion and debate as well as deliberative action (Pan & Kosicki, 1993). As Pan and Kosicki (2002) argue, there is a symbiotic relationship between the forces that create frames and the forces that interact with and respond to them. Therefore, while it might be true that existing
conditions predisposed reporters to conceive of this issue in a certain way (and this is significant too) that does not diminish the potential effect of those created frames on the voting public. Reinforcing already held beliefs is just as important to voter decisions as potentially changing beliefs. For example, the reinforcing of particular beliefs might prompt a person to vote in a situation where complacency would typically prevail. Additionally, if the frames lead people to believe the situation is more urgent than they previously conceived (even without an attitude change in terms of their judgment of the situation) it might then change voting or civic behavior.

Therefore, because there is an important relationship between frame usage and public deliberative action (i.e., voting), this study will include the voting behavior of each state in its analysis of the frames utilized in newspaper coverage of the debate. Based on Pan and Kosicki’s (1993) claim that frames impact public deliberation, this study expected to find a correlation between the number of frames used (or frame complexity) and the voting outcome (or how many people voted for and against the amendment) in each state. However, as the results in chapter three show, there were no significant differences in frame usage between the newspapers—even given the dramatically different voting outcomes in each state.

**Studying the Frame**

Pan and Kosicki (2002) offer two ways to approach to study of frames: either as a strategy or a characteristic of the discourse itself. Though the present study takes the second approach and is mostly concerned with the meanings audiences derive from the texts, the notion of a strategy used by journalists and sources to create texts still informs much of the inquiry into potential reader attitudes and the frames advocacy groups choose for themselves. Given the scope of this project, it is not feasible to utilize each of the approaches laid out by Pan and Kosicki (2002), but the spirit of each will hopefully still be present in the final findings.

Once a particular approach to framing has been identified, one must specify goals for framing research. D’Angelo (2002) provides four goals that framing research might achieve: identifying frames, determining what creates frames, discovering how frames interact with individuals, and examining how frames shape public opinion/policy debate. This study will fulfill the first goal completely and work toward partial completion of the remainder of the goals. To determine what creates frames, research must directly examine the practices of journalists as well as public figures to understand precisely the process by which frames come to be present in texts. That process is simply beyond the scope of this study; therefore, the present work will
provide an overview of the positions of various prominent groups in this debate in order to contextualize the media’s framing of those positions.

To answer the question of how frames interact with individuals, one must utilize survey data or direct observation of individuals who have the opportunity to interact with manipulated texts in order to determine what effect framing might have on individual perception; again, this type of data collection goes beyond the scope of this study. The primary goal of any frame research is identifying frames (D’Angelo, 2002). Based on Gitlin’s (1980) and Entman’s (1993) work, frame will be defined in this study as: selection (and omission) and salience of certain features of content which create an overall theme for each article, where theme is understood as a distinct and unifying idea which pervades the discourse contained in the article. But which “frames” should be used to investigate newspaper coverage of same sex marriage legislation? Semetko and Valkenburg (2000) suggest a deductive approach to identifying frames that “involves predefining certain frames as content analytic variables to verify the extent to which these frames occur in the news” (p. 94). By defining frames prior to analyzing texts, rather than letting the texts convey frames to the reader (the inductive approach), frame research can become more easily replicated and better able to detect differences between media sources (Semetko & Valkenburg, 2000).

The present study will utilize the deductive approach set forth by the authors for three reasons. First, as the authors cite, this type of standardization in the field of framing research can benefit the body of framing knowledge because it aids in the replication, verifiability and comparability of results. Second, the common frames outlined by the authors include many of the salient features of the debate over same sex marriage and therefore should yield significant results. Finally, a subsidiary question posed in this study asks whether this approach is valid for the topic of same sex marriage legislation coverage in newspapers. Since no other studies have utilized this frame measurement instrument, the results of this study will be useful as a first step to verifying or discrediting this method as an appropriate approach to studying frames.

Semetko and Valkenburg (2000) conducted a review of framing literature to determine that five frames “largely account for all the frames that have been found in the news” (p. 95). These five frames—as defined by the authors—will be utilized in the present study. Although the original definition of each frame will be provided and utilized throughout the study, descriptions
specific to this case study will also be incorporated in order to better understand the manifestations of these frames for this issue.

The conflict frame “emphasizes conflict between individuals, groups, or institutions as a means of capturing audience interest” (Semetko & Valkenburg, 2000, p. 95). In the case of same sex marriage legislation, the conflict is often between members of the gay community and members of the religious community—though not always. The conflict frame is especially relevant to same sex marriage legislation given that news media have a propensity to report about politics as though it were a game (Kerbel, Apee, & Ross, 2000).

The human interest frame “brings a human face or an emotional angle to the presentation of an event, issue, or problem” (Semetko & Valkenburg, 2000, p. 95). For stories devoted to same sex marriage, the “human face” is often a same sex couple seeking—and being denied—a marriage license. Stories may also chronicle day-to-day struggles faced by couples who are not able to obtain a marriage license. Less frequently stories may cover groups or individuals protesting certain developments with regard to the legislation. Since this legislation is inherently personal, one might expect to see a preponderance of the human interest frame, but previous research indicates it may be far less prominent than the conflict frame (Cappella & Jamieson, 1997).

The economic consequences frame “reports an event, problem or issue in terms of the consequences it will have economically on an individual, group, institution, region or country” (Semetko & Valkenburg, 2000, p. 96). Economic consequences like access to health care or retirement benefits from one’s spouse often appear in discussions of same sex marriage legislation.

The morality frame “puts the event, problem or issue in the context of religious tenets or moral prescriptions” (Semetko & Valkenburg, 2000, p. 96). Though previous research suggests this frame is more prevalent in the readers’ minds than the text itself, it is an extremely crucial frame to identify in the same sex marriage legislation debate (Neuman, Just, & Crigler, 1992). Clearly, religious interests and ideologies inform much of the debate surrounding same sex marriage legislation. These interests often define the terms of the debate and make moral prescriptions about how to respond to it (Entman, 1993).

Finally, the responsibility frame “presents an issue or problem in such a way as to attribute responsibility for its cause or solution to either the government or to an individual or
group” (Semetko & Valkenburg, 2000, p. 96). This frame is particularly useful and revealing when it comes to same sex marriage legislation. For example, an article may point to the overturning of sodomy laws in Lawrence v. Texas to show that the government (particularly the judicial branch) is the cause for our reconsideration of marriage laws particularly with respect to couples of the same sex. Conversely, the article could cite the activity of particular interest groups as forcing this issue into mainstream conversation showing that “activists” are the cause for this issue. In terms of solutions, an article may highlight involvement in a particular group coupled with individual voting responsibility as the solution to this problem rather than relying on the Supreme Court to rule in favor of one’s position. Or, the article might make legal rulings paramount, thus relying on the government to create a solution to the issue. Thus, this study will utilize the five frames outlined above to analyze the newspaper coverage of same sex marriage legislation in both Georgia and Oregon.

The construct of tone will also be included in the analysis of each article. Tone will refer to whether the overall article (including sources quoted, the writer’s opinion, the use of pictures, etc.) supports or opposes the legal recognition of same sex partnerships as “marriage”. Because the legislation in both states deals with legally recognizing same sex partnerships as “marriages,” support for legal recognition of same sex partnerships as “civil unions” or any other term will be coded as “opposition” to same sex “marriage.” This determination was made because people in favor of “civil unions” typically voice this opinion in conjunction with a dismissal of same sex “marriage” on rhetorical or semantic grounds. Furthermore, “civil unions” conjure up a “separate but equal” mindset that should not be included when trying to ascertain the support for legal recognition of same sex partnerships as “marriage.” The construct of tone allows the study to determine not only which frames were used most often, but which frames were predominantly used to support or oppose the legal recognition of same sex partnerships as “marriage.”

Preview of Upcoming Chapters

Though framing provides a mechanism to understand the specifics of news media coverage of same-sex marriage, to fully understand the issue and its coverage, this study will highlight its social context. To provide perspective on the 2004 debate over same-sex marriage, chapter two opens with a representative history of marriage. It then turns to a brief history of the gay rights movement in the United States. Next, it highlights selected, diverse personal opinions on the same-sex marriage issue from within the gay community as well as the Christian
community. Finally, it situates the rhetorical framework of these movements within the material realities of the 2004 election.

Chapter three turns to a discussion of the case study involving The Oregonian and The Atlanta Journal Constitution. Beginning with accounts of the newspapers’ histories and potential biases (as observed by bloggers), the chapter moves to descriptions of the particular events that occurred in each state during the 2004 election cycle. Next, it analyzes the texts of the legislation concerning same-sex marriage passed in each state. Finally, it presents the methods and results of the quantitative framing analysis of the two newspapers’ 2004 coverage of same-sex marriage.

The final chapter discusses the results of the case study in light of the contextual information provided in previous chapters. In particular, careful attention is paid to the type of results generated by the measurement instrument as well as the validity of the instrument itself. The phenomenon of blended frames is highlighted as it points to the complexity of this issue, and framing studies in particular. Finally, directions for future research are presented. The study now turns to an examination of the context(s) from which the 2004 debate sprung.
CHAPTER TWO

Introduction

The rhetorical and legal debate concerning same-sex couples’ right to marry did not end after the wave of measures passed in 2004. Since the frenzy of the 2004 election cycle and the proposed Federal Marriage Amendment, eleven more states have amended their constitutions and passed statutes that effectively bar same-sex couples from obtaining the legal protection and recognition of “marriage” (“Voting Tallies,” 2006). Currently, 32 states have anti-gay marriage measures that ban marriage for same-sex couples; 8 have constitutional amendments banning same-sex marriage. Six more states passed statutes that ban other forms of partner recognition like domestic partnerships and civil unions (sometimes even for opposite-sex couples). Fifteen other states passed constitutional amendments to the same effect. Three states—Texas, Virginia and Ohio—have both a statute and constitutional amendment banning the recognition of any form of partnerships for couples of the same-sex (“Anti-Gay Marriage Measures in the U.S.,” 2007).

Some states have passed measures that guarantee some or all the rights and responsibilities of marriage to same-sex couples. Only two states, Massachusetts and California, grant full marriage equality to same-sex couples. Six states have “broad family recognition laws” which “extend to same-sex couples all or nearly all the rights and responsibilities extended to married couples under state law, whether titled ‘civil union’ or ‘domestic partnership’” (Relationship Recognition, 2008, p.1). Interestingly, Oregon, one of the states included in the case study, passed a broad family recognition law granting domestic partnerships to same-sex couples in 2007. The law went into effect in January 2008 (“Oregon Marriage/Relationship Law,” 2008). Finally, four states have passed measures that grant limited relationship recognition to same-sex couples (“Relationship Recognition,” 2008).

According to the Pew Forum on Religion and Public Life, the opinions regarding same-sex marriage have remained almost unchanged since the 2004 election. As of August 2007, 36% of Americans favor “gay marriage” while 55% expressed opposition to it. The strongest opposition to same-sex marriage remains among evangelical Christians, while those most strongly favoring same-sex marriage are largely religiously unaffiliated. In addition, those who attend church most regularly are the most likely to oppose same-sex marriage. Among those who attend weekly, 73% oppose same-sex marriage and 21% favor it; compared with 43% opposing
and 47% favoring among those who attend church less often (“Religion in Campaign ’08,” 2007). Still, a 2006 Pew survey found that the general public supports civil unions (54% to 42%). This finding holds true along various religious affiliations: 66% of white mainline Protestants, 63% of Catholics and 78% of seculars favor allowing gay and lesbian couples to enter into civil unions granting many of the legal rights of marriage (“Most Want Middle Ground,” 2006). As will be discussed later, the labels “civil union” and “marriage” carry very different types of “cultural power” (Hull, 2006). Still, many others oppose civil unions, for example 66% of white evangelicals, 62% of black Protestants, and 60% of frequent church attenders (“Most Want Middle Ground,” 2006). Mirroring public opinion, the original slate of 2008 presidential candidates remained overwhelmingly opposed to same-sex marriage; only Mike Gravel and Dennis Kucinich endorsed it. In contrast, all Democratic candidates and one Republican candidate (Rudy Giuliani) supported civil unions or domestic partnerships for same-sex couples (“The 2008 Presidential Candidates Positions,” 2007).

Though the American public and the presidential candidates remain resolute in their opposition to same-sex “marriage” and endorsement of same-sex civil unions or domestic partnerships, these issues seem to have less resonance with voters in 2008 than in 2004. In an almost complete about-face, the country has abandoned social issues like same-sex marriage and abortion in this presidential campaign cycle. In fact, for this election cycle, only White evangelical Protestants report social issues like gay marriage and abortion as the most important issues facing the country. All other groups report the War in Iraq and domestic issues like health care or education as most important (“Religion Campaign ’08,” 2007). Yet, just as the issue of same-sex marriage remains important for evangelical Protestants this election year, the LGBT community considers the fight for marriage/partner recognition its number one priority (“Policy priorities for the LGBT Community,” 2006).

Public opinion polls provide a necessary gauge of the general perception of this debate, but how was this opinion shaped? Three separate entities give rise to, and ultimately shape, the debate over same-sex marriage: activist groups, government officials, and media. Activist groups such as religious and gay rights groups continue to be the most outspoken, and most financially active, members of this debate. Religious groups such as Focus on the Family and the Family Research Council as well as gay rights groups such as National Gay & Lesbian Task Force,

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2 For a consideration of 2004 financial contributions, see section 4 of this chapter.
Human Rights Campaign, and Freedom to Marry, figure prominently in this debate (Adam, 2003). These groups’ advocacy measures will be examined later in the chapter. Government officials like the president, Supreme Court and other judges, as well as congresspersons, governors, and mayors have the ability to shape the national and local policy agendas. Chapter three will highlight the actions of government officials in Oregon and Georgia, as well as the specific legislative texts that were ultimately approved by voters. Media play a crucial role in interpreting and disseminating the messages of the first two groups, as discussed in the first chapter’s examination of framing.

To understand how the debate arose and was shaped for the 2004 election, this chapter will first outline the historical precedents for considering a re-shaping of “marriage” in the legal and political realms of the United States, including a brief summary of the histories of marriage and the gay rights movement. Next, it will discuss the prominent positions taken on the issue in contemporary political debate. Specifically, the sentiments of gay rights activists as well as religious leaders will be examined. Finally, the chapter will provide an overview of the 2004 election cycle by identifying key moments, central players, and important outcomes of that year.

Marriage History

Marriage must be understood as a system that interacts with other cultural systems to produce, contest, and reinforce the social structures that create societies (Coontz, 2005). Therefore, finding or creating a specific and universal definition of marriage is impossible. It is also unnecessary for understanding the character and importance of marriage in contemporary U.S. politics and culture. Marriage as a manifestation of the interaction among various cultural systems such as religion, politics, and economics can be traced through human history from prehistoric tribes to the present day. This historical account of marriage’s inception and inevitable transformation provides evidence that marital practices often coincide with prevailing social ideals (and realities) in the areas of economics, femininity, government, etc. The contemporary same-sex marriage debate in the U.S. is no different. Rather an aberration, it is really the newest attempt to fuse societal ideals (such as civil rights and nondiscrimination) with marital practices.
Defining “marriage”

Except for the Na people of China, societies have universally utilized marriage to organize social and personal life (Coontz, 2005). This universality prompts many to consider “marriage” itself a universal and timeless, even “natural,” institution (Reid, 2003). Yet, a closer look at the differences within and between societies over time reveals that marriage cannot be easily captured with one definition.

Take, for instance, the definition presented by anthropologist George Peter Murdock: “a universal institution that involves a man and a woman living together, engaging in sexual activity, and cooperating economically” (Coontz, 2005, p. 26). This definition seems reasonable and acceptable at first glance. But as Coontz (2005) points out, among groups in Ghana and Indonesia it is common for spouses to live separately; moreover, in Zambia, those married couples who do live together often do not eat together but instead gather among those of the same gender and/or age group. In addition, among the Yoruba and other African tribes, economic cooperation is not practiced between married partners, but instead partners keep economic resources separate and rely on parents to economically support their offspring (Coontz, 2005).

Another mid-twentieth century definition also faces refutation from numerous exceptions to it. The Royal Anthropological Institute of Britain defined it thusly: “a union between a man and a woman such that children born to the woman are the recognized legitimate offspring of both partners” (1951, p. 110 as quoted in Coontz, 2005). Yet, many African societies recognize marriages between partners of the same sex. In addition, there is a tradition among Chinese and Sudanese cultures which recognizes ghost or spirit marriages between one living and one dead person—thus making moot the possibility of producing children. Probably the biggest affront to a one woman-one man definition of marriage is the widespread tradition of polygyny, or the practice of a man having many wives. In fact, this form of marriage is found in more places and at more times than any other (Coontz, 2005).

The above definition also incorporates the issue of legitimacy for children. Indeed, the definitions and practices of marriage across time and cultures have much to do with the

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3 In this people group, brothers and sisters live together and jointly raise, educate and support the offspring of the sisters. These relationships perform the same functions as marriage, with the exception of creating in-laws (Coontz, 2005).
4 Less frequently, polyandry, or the practice of one woman having multiple husbands, also occurs (Coontz, 2005).
legitimacy of offspring. Yet, in some cultures, legitimacy is not tied to marriage. For example, communities in Burma and Sri Lanka determine legitimacy based on the father’s willingness to pay a fine to the mother and child or on the mother’s caste. In addition, matrilineal societies like the Navajo people of North America find the concept of legitimacy strange and unnecessary (Coontz, 2005).

While not an exhaustive search for the definition of marriage, the above discussion highlights the inability for any one definition to apply to all cultures at all times. Thus, it demonstrates the difficulty of searching for a definition of marriage that can be used to understand its various forms in different cultures and times, let alone trying to create such a definition currently in order to shape contemporary legislation. This is not to say that, through the democratic process, a consensus on a legal definition cannot be reached. Rather, it is to say that within any culture at a given time (and especially over the course of time as cultures change), marriage will mean different things to different people. And, as with anything, any one definition will not be pleasing, accurate, or inclusive of all who wish to partake in this thing we (legally) call “marriage.”

Indefinable marriage at the turn of the millennium

The definition of “marriage” has always been shifting, changing, and transforming as a result of the people within it as well as the sociopoliticocultural changes that accompany life itself. And perhaps at no other time in history have changes been coming so quickly and been as wide-ranging as they are now (D’Emilio, 2006). This is a significant time in the history of marriage, because it is reaping the effects of over 100 years of fighting for love in marriage, and thousands of years of restructuring the nature and effects of marriage for men and women. It makes perfect sense that at the culmination of years of fighting for equity in marriage, the gay rights movement has latched onto marriage as something that should not only be granted as a right, but in the process also be transformed into something new. The marriage trajectory has not always been perfectly straight, but it has generally moved toward more personal freedom, more equity, and more satisfaction even as it has led to more divorces and less definability (Coontz, 2005; D’Emilio, 2006).

Indeed, it seems this generation is witnessing a new era in the centuries-long struggle over the transformation of marriage from one primarily interested in property, progeny, and patriarchy, to something based in love, respect, and government protection. And granting the
rights of marriage to same-sex couples seems not so large a shift as many conservative thinkers propose. If one looks to the historical precedent, one sees dramatic changes in the meanings of “marriage,” such as increased focus on individual happiness, and a rising call to heed individual choice. Child-bearing, property owning, and family combination have all decreased in importance as marriage has developed over hundreds and thousands of years. With these changes, arguments against same-sex marriage have become more difficult to defend (Coontz, 2005).

Many opponents of gay marriage argue that “traditional” marriage existed at some point in history, and that societies should make every effort to return to this idealized conception of marriage (FF, 2007, Sprigg, 2004). This call for a return to an idealized past is partially a critique of the multiplicity of marriage and family arrangements that exist in contemporary Western societies, specifically the U.S. Yet, Coontz (2005) shows, through anthropological and sociological evidence, the definitions and practices surrounding “marriage,” even within Western culture, have changed dramatically over time. One example of a “traditional” picture of marriage that could be considered a product of its unique socio-cultural moment is the so-called “Ozzie and Harriet” marriage of the 1950s. This conception and practice of marriage was unique to the post-World War II culture of the United States. This way of organizing married life was as much a response to the relief of living without economic depression and world war as it was an embrace of domesticity. This particular expression of marriage is also best realized when a society’s economic base is wage labor combined and female wages are well below male wages (Coontz, 2005). This deconstruction of the so-called “Ozzie and Harriet” marriage is not an indictment of that type of marital arrangement; it is simply meant to give voice to the broad societal factors (the economy, conceptions of gender, global politics) that help to shape and define individual relationships like marriage.

It is the peculiar economic, governmental, and religious make-up of a given region/country that determines the marriage structures in which people must operate and through which people negotiate different understandings of what marriage can or should mean. In each age, traditionalists have fought the winds of change with fury, but were eventually defeated as societies moved toward more progressive ways of thinking. In general, the changes in marriage have followed a more progressive trajectory, even though (as we see in the overwhelming embrace of anti-same-sex marriage statutes) there have always been times when traditional ideas
triumphed (Coontz, 2005). Whether the legal United States definition of “marriage” returns to more “traditional” definitions (i.e., reinstating stricter divorce laws or coverture laws) or moves toward a more “progressive” stance (i.e., allowing same-sex marriage or benefits to non-married partners) it seems clear that “marriage” in the United States is under “definitional review.”

Indeed, the question at this point in marriage history seems to be not whether marriage will change. The question of what it “traditionally” was or should have been has also been largely discarded by scholars5 (Coontz, 2005). Rather, the question now is “how will marriage change?” followed by the more important question, “how will we [as a society] change as a result of that?” Societal change not only refers to the ways that we as individuals seek out and belong to marriages, but also how we recognize partnerships legally and economically. It also refers to how our ideals about men/women, masculinity/femininity will change. Therefore, the emphasis in marriage debates should no longer focus on what can be done to stop this tide of marital decay, but rather how we can respond to the changing needs and behaviors of a generation who simply will not embrace the “institution” of marriage in any way but their own, personally determined fashion.

“Marriage” is not a finite, definable, timeless arrangement, but rather something which is utterly determined by the time in which it appears. Thus, there is widespread debate in every generation about what “marriage” actually means, what it should mean, what it has meant, and what it could mean. A readily available, simple, one-size-fits-all definition of marriage simply does not exist. Thus, the debate over the meaning of “marriage” will continue until “marriage” ceases to exist. There is no way to define marriage so that it covers or satisfies all individuals and groups interested in its definition, because the heart of marriage (and the debate over it) consists of individuals pursuing an intimate (if not loving) relationship.

To put it simply, there is not one answer to what marriage should be, how it should be recognized, or how one should behave within it. This is because no one can forecast the inevitable economic, political, technological, and/or religious shifts in societies. The definition and practice of marriage rely intensely on the interactions of all these influences. Therefore, the definition of marriage, even when codified into a state constitution, has somewhat limited bearing on the day-to-day lives of the individuals who actually practice it. It has even less

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5 Clearly, many religious groups and other lay people continue to engage the debate over what “marriage” has traditionally meant and therefore what it should mean (FF, 2007; Sprigg, 2004). It is precisely because this argument persists that one finds such extensive media coverage of the debates over legislation that seeks to define marriage.
bearing on those individuals who (for whatever reasons) decide to challenge it. At the present time, gay rights groups are playing a large part in the challenging of the mainstream cultural definition of marriage in the United States. To fully understand their place in this debate, the chapter will now turn to a brief history of the gay rights movement.

**History of the Gay Rights Movement**

The debate over same-sex marriage is unique to the contemporary gay rights movement. This is because certain cultural indicators must be in place in order for such a debate to arise. First, lesbians and gay men\(^6\) must create a group identity such that they might enact social change. The group identity of gay men and lesbians came about as a response to changing economic systems (the rise of wage labor and capitalism), oppression and persecution from governmental, medical, and religious institutions, and the shared consciousness created from meeting together. Once gay men and lesbians formed a group identity, they worked for changes in medical, legal, and social policies regarding homosexual activity. Thus, the second indicator that must be in place is an increasing acceptance of homosexuality from the aforementioned medical, legal and social communities in the form of civil rights policies and other legal protections. Finally, the fight for same-sex marriage (a position generally associated with the gay rights movement) is a return to assimilationist rhetoric typical of time periods where persecution is strongest. In the face of strong, often violent, opposition, the gay rights movement has often taken up defensive (assimilationist) rhetoric to preserve (and attempt to advance) its position—the election cycle of 2004 was no different.

*Economics of the Gay and Lesbian Movement*

Just as with marriage, the development of wage labor—and subsequently the independence of women, the breakdown of kin relationships, and the individualization of culture—was crucial to the creation of communities structured around shared sexual interests/behaviors/ideologies (Sullivan, 2003). Somewhat ironically, it was during the Victorian era of repressed sexuality and intense social codes concerning proper sexual behavior that the first signs of a male (underground) homosexual community arose. The development of

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\(^6\) Transgendered, intersexed, transvestite and other variances are often included under the umbrella of “gay rights,” or more correctly, sexual variance, expressiveness and protection. And, as much as footnoting in this paper mimics the propensity to ignore such groups in larger society, it is a necessity of space and focus in this project. Since this project is chiefly concerned with the rights of gay men and lesbians with respect to marriage, it is beyond the scope of this paper to appropriately address the ramifications of this debate and subsequent legislation on those people who do not neatly fit within the distinctions “gay” and “lesbian.”
community beyond kinship ties was central to the creation of a homosexual movement. It allowed individuals to gain self-awareness beyond kin relationships and form a group identity based on common interest and sexual expression, rather than bloodlines. In addition, the advent of wage labor and the increasing availability of employment for women (throughout the twentieth century) allowed for unprecedented opportunities for individuals to freely associate with one another. This was particularly important for those interested in experiencing same-sex relationships. Furthermore, the rise in women’s employment allowed for the development of fully-realized female-female relationships as it finally became possible for women to survive financially without men (Adam, 1995; Coontz, 2005).

Persecution and Oppression

Significant, specific historical incidents illustrate the pervasiveness of persecution and oppression of homosexual people throughout modern times. The 1895 trial of Oscar Wilde sent chills through the communities of late nineteenth century lesbians and gay men. This public display of “deviance” and subsequent punishment led to a wave of suppression of gay men and lesbians and their contributions to society. In addition, it warned lesbians and gay men of the dangers associated with public revelation of their sexuality. As the nineteenth century dissolved into the twentieth, gay men and lesbians found new freedom for expressing their ideas—particularly in Germany, as well as other European countries. In just a few decades, gay communities gained significant freedoms. Yet this burgeoning gay culture was almost completely destroyed by the Holocaust. The Holocaust “effectively wiped away most of the early gay culture and its movement through systematic extermination and ideological control” (Adam, 1995, p. 59). After the Second World War, the United States was eager to promote a homogeneous picture of sexuality and family life—which clearly did not include lesbians and gay men. Though the Kinsey Report, which revealed the widespread reality of homosexuality, was published in 1948, sentiment against gay men and lesbians remained strong. And the McCarthyism of the 1950s targeted lesbians and gay men, as well as communist sympathizers (Adam, 1995).

The government was not alone in its condemnation of homosexuality. Most strikingly, the American Psychiatric Association (APA) formally declared homosexuality to be a mental disorder. Not until 1973 did the APA change their stance—and not with full approval from their members. With the backing of the medical community for most of the twentieth century, then,
homosexuality was criminalized through penalties for sodomy or oral sex. These laws resulted in a number of police raids in private homes, and more typically, gay bars (Loftus, 2001).

By the end of the 1960s, raids on gay bars continued, but some were protested by the gay customers and owners. Specifically, in 1969, the Stonewall club was raided by police who were met with a violent protest that eventually left the building torched. The event is heralded in gay rights mythology because it represented a pushing back, a protest against discrimination, persecution, and oppression. Yet, unfortunately, the raid on Stonewall was not an isolated form of punishment or persecution—nor was it the last. At the opening of the 1980s, the AIDS epidemic and a rising conservative political tide overtook a gay community that had gained limited civil rights during the visionary 1970s. A synergistic effort between conservative religious and political forces worked to overturn anti-discrimination laws, to (re)criminalize homosexuality, to suppress efforts to alleviate AIDS by associating it with sexual deviancy, and to proliferate hateful speech against lesbians and gay men in that decade (Adam, 1995; Sullivan, 2003).

*Raised Consciousness and Political Action*

It was not merely oppression and persecution that created a gay community; it was the effects of meeting together, sharing experiences and ideas, and taking that new consciousness to society at large. Interestingly, throughout its history, the gay rights movement has shifted (in a general sense) back and forth from assimilationist to liberationist ideologies and tactics (Smith & Windes, 2000; Sullivan, 2003). During early years of organization, while self-consciousness and group identity were being formed, the homophile movement developed. This group was concerned primarily with survival and only secondarily with abating general hostility toward lesbians and gay men. Yet meeting together and sharing experiences contributed to a growing sense of community and solidarity that became an important foundation for future gay rights actions. As the homophile movement developed, so did the fascist regimes of the early twentieth century. During WWII and directly afterward, gay men and lesbians suffered intense persecution (Adams, 1995). They therefore adopted defensive tactics and assimilationist rhetoric. In this rhetoric, the group looks for validation from the larger community and attempts to be integrated into the dominant ideology (Smith & Windes, 2000).

But as the Cold War waned and the 1960s presented opportunities for divergent thinking in many areas of civil rights, the gay rights movement adopted liberationist rhetoric (Sullivan,
Looking not to be accepted into larger society, but to rewrite the rules completely, the gay rights groups of this era eschewed the assimilationist approach of their homophile forefathers/mothers. During this time, consciousness-raising efforts were at a peak, and a unique, eclectic and integrated subculture began to develop. This period of gay rights history included some of its most outrageous political acts (such as staged “kiss-ins”) as well as some of its most enduring. The removal of homosexuality from the APA’s list of mental disorders (as mentioned above) was in large part due to the efforts of this new generation of “liberationist” gay rights groups who were searching for more than just tacit acceptance of homosexuality. New legislation protecting lesbians and gay men from discrimination in housing, employment, and military service began to creep across the nation (Adam, 2003). Hoping for more than just survival, these groups created change that required a once hostile government to begin offering protection to gay men and lesbians (at least on paper) (Adam, 1995; Loftus, 2001).

Though many of the legal protections that gay rights groups won in the 1970s were dashed in the conservative tide of the 1980s, they were reinstated as the country moved into the “politically correct” 1990s. Some groups were making progress with granting adoption rights to same-sex couples, many sodomy laws were being reversed, and anti-discrimination and hate crimes laws were being passed. Though the military adopted a “don’t ask, don’t tell” policy that did little to truly protect gay men and lesbians, many advances were being made (Adam, 1995; Loftus, 2001). Finally, in 2003, the Supreme Court decision in Lawrence v. Texas struck down anti-sodomy laws throughout the nation—effectively ending the criminalization of homosexual acts (Hull, 2006).

Contemporary Assimilationist Rhetorical Response

As the country approached the 2004 election, then, it seemed the tide might have turned in favor of recognizing the civil rights of lesbians and gay men. But President Bush announced his endorsement of a federal constitutional amendment that would consider legal only those marriages between one man and one woman. The introduction of such legislation not only pushed the marriage issue to the front burner for many religious and politically conservative groups, it also prompted gay rights groups to continue their debate over the issue. As the debate grew more heated and intense, it became obvious that for those opposed to same-sex relationships, verbal abuse had replaced physical abuse as the attack of choice. Thus, this new attack on the GLBT community constituted an intense opposition to gay rights (Goldberg-Hiller,
2001; Soule, 2004). The most out-spoken (or most often quoted by news media) gay rights groups then retaliated with assimilationist rhetoric (Hull, 2006). Rather than challenging the entire system of marriage or sexual/emotional relationships (as many gay rights groups did in the 1970s and many continue to do), the most vocal gay rights groups merely asked for the same rights as everyone else. Just as in earlier moments where the gay and lesbian community has felt attacked and threatened on a national level, the marriage debates of 2004 created a situation where assimilationist rhetoric was the most palatable “gay rights” position for mainstream media (and many gay and lesbian people) to uphold.

“Gay Rights” Perspectives

Assimilationist rhetoric does not characterize all (or even most) perspectives on same-sex marriage in the GLBT community. Identifying a position—or group of positions—held by lesbians and gay men is incredibly difficult due to the diverse and fluid composition of gay and lesbian groups as well as the difficulty associated with labeling either “a gay and lesbian movement” or even a gay or lesbian person/experience/identity. Trying to enumerate every position on same-sex marriage within the various communities that welcome and champion various expressions of sexuality would thus be an impossible and unnecessary undertaking for this project. Rather, this section will highlight a small range of distinct perspectives from the GLBT community.

One area that most parties in this debate continually reference is the “cultural power” of law (Hull, 2006). For gay men and lesbians in particular, same-sex marriage legislation is intensely personal because it carries with it the ability to legitimize same-sex relationships, essentially signifying their equality with opposite-sex relationships (Hull, 2006). Indeed, law has “cultural power” because it not only grants tangible legal benefits, but it also has the “perceived power to render all relationships culturally similar” (Hull, 2006, p. 3). This similarity-rendering power of law is seen as both a positive and negative force by lesbians and gay men. As will be examined in more detail later, gay men and lesbians who oppose same-sex marriage are likely to oppose it on the grounds that cultural similarity is not (and should not be) a goal of gay rights activism. To a large extent, it is this cultural similarity which also propels religious activists to fight against same-sex marriage. The idea that same-sex and opposite-sex couples would be considered “the same” in the “eyes of the law” (and thus in public perception) is possibly the most problematic outcome of such legislation for these groups (Hull, 2006). On the other hand,
Lesbians and Gay Men against Same-sex Marriage

The prevailing argument against same-sex marriage from lesbians and gay men, as mentioned earlier, has nothing to do with denouncing equal recognition from the law. Instead, for most gay men and lesbians, it is the cultural understanding of the institution of “marriage.” “Marriage” is something which many claim “privatized intimate relationships, hindered community interaction, and regulated sexuality” (Bronski, 2004, p. 49). Because of this, many scholars and gay rights activists argue that the fight for same-sex marriage, as enacted by gay and lesbian groups, is inherently assimilationist. It engages in and seeks to reconstitute among gay men and lesbians the same relational and sexual structures that heteronormative (dominant) society perpetuates (Smith & Windes, 2000; Sullivan, 2003). This assent to heteronormativity is precisely what many gay rights activists seek never to do.

In fact, this “assimilationist” characterization of the “gay” fight for marriage is seen as anathema to the personal and sexual liberation ideals that are found in many gay rights groups. Indeed, the argument from “liberationist” lesbians and gay men (which in any case is extremely difficult to categorize as a coherent whole) rests primarily on the “liberatory” framework that resists entering into social practices that have been created and sustained by dominant society (Sullivan, 2003). “Marriage” is just such a practice. Many gay men and lesbians elaborate on this same argument in the collected works found in I Do, I Don’t: Queers on Marriage, edited by Greg Wharton and Ian Philips (see Brownworth, 2004; Carpenter, 2004; Clarke, 2004; Ferguson, 2004). Some go so far as to argue that state recognition of any type of sexual/intimate relationship is intrusive and should be abandoned completely (Brandies, 2004).

One group associated with this position is Gay Shame. A self-proclaimed “virus” seeking complete sexual revolution, Gay Shame claims there is an underrepresentation of the voices of GLBT persons who are opposed to same-sex marriage in mainstream media. This occurs precisely because this position does not fit neatly within the dichotomous debate that both sides have created. In other words, groups like Gay Shame find it difficult to articulate their position within mainstream media because theirs is a total critique of “marriage.” It is one that hopes to eradicate that social structure entirely. Because many discussions of same-sex marriage center on...
claiming or denying rights, or claiming or denying certain types of morality, the issue of what marriage means or should/can mean often gets sidelined. It is this discussion (i.e., what is “marriage”? and why do we have it?) that members of groups like Gay Shame hope to bring to the fore of this debate (Gay Shame, 2007). And while most groups interested in the “marriage” debate are also hoping for shared reflection, critique, and transformation of marriage, a group like Gay Shame remains unique in its hope to completely eradicate “marriage” for all.

*Alternative Perspectives within the GLBT Community*

Opinions regarding same-sex marriage among gay men and lesbians often are not expressed as entirely supportive or oppositional. Rather, many lesbians and gay men remain ambivalent with regard to either their personal or political/public position on the subject. Some endorse same-sex marriage publicly as an act that symbolizes the equality of lesbians and gay men with their “straight” counterparts, yet do not endorse the practice of marriage personally (Bram, 2004; Burack & Martin, 2004; Gottleib, 2004; Provenzano, 2004). Some are concerned with the remaining exclusivity that even same-sex marriage would bring, specifically with regard to transgendered or bisexual persons (Duggan, 2004). Still others circumvent “marriage” to support something akin to a domestic partnership or civil union for all couples (regardless of gender make-up) in order to eliminate the (un)conscious cultural connections of “marriage” with religion, procreation, male hierarchy, etc. (Gay Shame in San Francisco, 2004; Hull, 2006). Caught between the “rights” rhetoric and the “liberation” rhetoric, (even as they must sort through personal feelings, relationships, and expectations) deciding whether to support or oppose same-sex marriage privately and publicly is an infinitely difficult and meaningful process for these members of the GLBT community.

Another interesting position taken in the gay community is the emphasis on public ceremonies rather than state-sanctioned recognition of the union. This argument neatly circumvents the sub-arguments of the same-sex marriage debate (i.e., what does “marriage” really mean? How will same-sex marriage affect the gay—and straight—communities?) by instead focusing on the ceremonial aspect of relational commitment. This unique and novel strategy calls attention to the materialistic and ritualistic traditions associated with marriage in this country, as well as to the subversive effects that same-sex marriage ceremonies might have on those traditions (Dolan, 2004). Pieces such as Dolan’s (2004) and other autobiographical accounts of marriage or wedding dreams (Christenson, 2004; Hyde, 2004; Penczack, 2004) add
to the debate a sense of humanity, personalness, and uniqueness. Yet, just like other positions in the debate over same-sex marriage, the strategy of re-imagining a ceremony which symbolizes “marriage” in our culture can be at once liberatory and assimilationist. This unique emphasis on form over content (Poniewaz, 2004) forces the reader to confront the ways that ideals about marriage spill over into ceremonies and the larger cultural landscape from which this debate springs. It creates what Hull (2006) calls a “demystification of marriage” whereby “marriage” becomes disentangled from its cultural and legal dimensions and is thus irretrievably fragmented and liberated.

Gay Men and Lesbians supporting Same-sex Marriage

The final perspective highlighted in this section takes a more direct approach to the same-sex marriage debate. The gay men and lesbians who support same-sex marriage often use strong and persuasive rhetorical strategies that could be partly responsible for the changing American ideas regarding sexuality and the granting of legal freedoms and protections to gay and lesbian individuals (Cahill, 2004; Gill, 2007). One of the most outspoken supporters of same-sex marriage is Evan Wolfson, the executive director of Freedom to Marry. Wolfson (2004) outlines the major arguments for same-sex marriage that are common to other gay men’s and lesbians’ positions. Wolfson (2004) states that marriage makes life more affordable, marriage discrimination is harmful to poor and disadvantaged couples, marriage discrimination hurts children, and that ending marriage discrimination is a “matter of civil rights, equality, the pursuit of happiness and love” (p. 381). The theme of civil rights occurs often in support of same-sex marriage recognition among gay men and lesbians (Cahill, 2004; Courtois, 2004; Gill, 2007; Hull, 2006; Rofes, 2004). Sometimes the civil rights frame is conflated with the civil rights movements of the 1960s and 1970s (which were concerned with racial and gender equality), but just as often it simply invokes a call to equal treatment as set forth by the constitution (Boykin, 2004; Gill, 2006).

Another strong voice in the debate over same-sex marriage is the Human Rights Campaign (HRC), a supporter of same-sex marriage rights. The HRC takes a similar approach to Freedom to Marry, focusing on civil rights issues. The HRC’s use of visual rhetoric demonstrates that gay and lesbian individuals are “just like” their straight counterparts. As part of their web presence, the group’s visual rhetoric provides a personalized approach that moves the debate from an abstract discussion of rights to a specific conversation about people who could be one’s
neighbors, one’s friends, or one’s children (Anderson, 2007a). It seems this group has at least partly heeded Hull’s (2006) call for a “morally framed” approach to arguing for same-sex marriage from a GLBT perspective. Though the group maintains a focus on providing specific information about rights issues, it is also dedicated to sharing stories and examining the way this issue affects particular individuals (Human Rights Campaign, 2007).

It is apparent from this brief discussion of attitudes and opinions on same-sex marriage originating from the GLBT community that there is not just one position, but many. Yet, in mainstream media representations of the same-sex marriage debate, only those gay and lesbian individuals who support legal recognition of same-sex marriage are routinely included. Some thoughtful journalists include brief references to the multiplicity of opinions within the GLBT community regarding same-sex marriage, but this is rare. This delimits the debate even as it misrepresents the diversity of opinions in the GLBT community. Blotcher (2004) contends that in the age of sound-bites, the most simplistic, easily understood, and slickly stated position receives prominence in public debates over complex issues. Arguably, any attempt to understand an issue will inevitably omit (intentionally or not) or misrepresent certain positions pertinent to that issue. Certainly even this project has limitations and cannot address every articulation of each position on this issue. However, in choosing which voices to include, media (and even this project) are subtly influencing readers’ perceptions of which positions are valuable and important in this debate. This “choosing” (or framing) is not inherently wrong and probably can never be avoided, but it does shape the way an issue is presented and understood. This “choosing” or “shaping” is precisely what the case study in this project hopes to uncover in the framing analysis of media texts from Oregon and Georgia.

Christian Perspectives

Indeed, a simple and binary understanding of “marriage” pervades a dominant source of discourse on the issue: religious (predominantly Christian) groups opposed to same-sex marriage. Roberta Combs, president of the Christian Coalition of America, said after the 2004 election,

There is no doubt that because four radical left-wing Massachusetts judges ruled that homosexual ‘marriages’ are constitutional last year, there was a conservative backlash which played a major role in the election outcome. Christian
evangelicals made the major difference once again this year (Brown & Martin, 2004).

Whether that statement is born out statistically is questionable, but the sentiment expressed by Ms. Combs accurately reflects the feelings of many Americans (Christian and otherwise) on the heels of legislation banning gay marriage overwhelmingly passing across the country. Certainly the Christian right was influential in the debate over same-sex marriage, frequently speaking out against same-sex partnership recognition (Adam, 2003). Yet, there were many Christians who did not endorse these bans, and still others for whom the issue remained ambiguous, conflicted, or unresolved.

This section explores different Christian\(^7\) viewpoints on same-sex marriage in the United States. Due to the scope of this project, the portraits of positions in this section, much like those in the gay rights section, are unable to include all the nuances of the opinions collected, much less include all the possible positions on the subject. Rather than an exhaustive review, this section is meant to familiarize the reader with prominent perspectives on same-sex marriage in order that the reader might more fully understand the effect of media framing of this issue. This section will first briefly discuss Christians who oppose same-sex marriage, then those who support it. While ambiguous attitudes among Christians certainly exist, they are more difficult to express—and thus have very few extant artifacts documenting them. Furthermore, the category of “conflicted” Christians is relatively small and difficult to define generally (Myers & Scanzoni, 2005). Therefore, that position will not be covered in this section. Though omitting this position creates a “frame” for this project, it is also necessary due to its scope. In the positions it does discuss, then, this section will focus on the ways that these positions negotiate crucial definitions and thus project their stances on the issue. Many of the rhetorical devices used by these groups resurface in mainstream media coverage of same-sex marriage.

*Christians opposed to same-sex marriage*

Perhaps no other Christian perspective is more straightforward and unwavering in its approach to definitional authority within the same-sex marriage debate than the conservative

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\(^7\) The author recognizes that other major religions played instrumental roles in developing a seemingly monolithic “religious” position on this issue. But much of the media coverage of this debate centered on Christians—evangelical Christians specifically. Therefore, it is advantageous for this project to explore those positions more deeply while side-stepping the viewpoints of other religious groups so that the reader has a fuller understanding of prominent media content. However, this narrowing (or framing) necessarily prohibits the fullest understanding of this issue. For more information on this subject, consult Siker’s (2007) excellent overview.
Christian perspective (Clarke, 2005). The term “conservative Christian” refers to those Christians who, beyond having a central monotheistic belief in the God of the Bible and His Son Jesus Christ, also tend to hold paramount the authority of a literal interpretation of all Scripture (or the entirety of the Old and New Testaments of the Christian Bible). Thus, the Bible informs (and by some accounts propels) the creation of definitions of the key terms of this debate. This group of Christians is not necessarily concerned with a highly politicized faith, but also places a strong emphasis on shaping public policy in order to promote a public morality that closely aligns with their own. Thus, such advocacy groups as Focus on the Family (FF), Family Research Council (FRC) and American Family Association (AFA) use the foundation of a literal Biblical approach to Christianity to advocate governmental policies that will strengthen families (American Family Association [AFA], 2007; Focus on the Family [FF], 2007; Family Research Council [FRC], 2007). Importantly, a major concern for these family-oriented Christian groups is the “threat” of same-sex marriage. The reason this issue concerns Christians “focused on the family” has much to do with the ways that “marriage” and “homosexuality” have come to be defined within this faction of Christians.

A major focus of this perspective is the struggle over key definitions. Those espousing this perspective spend considerable time defining “marriage” and “homosexuality” in a clear-cut, uniform way. In fact, the Sprigg (2004) concludes that the “problem” of potential same-sex marriages stems from people misunderstanding the definitions of both “marriage” and “homosexuality” provided in the Bible. The foundation of conservative Christian opposition to same-sex marriage is Biblical admonitions against homosexuality, including Leviticus 18:22, Romans 1:26-27, and Timothy 1:9-19 (Segura, 2005; Sprigg, 2004). Each of these passages refers to “homosexuality” or “lying with a man as one lies with a woman” and denounces them as “detestable,” “an abomination,” or “shameful.” Thus, Sprigg (2004)—along with other conservative Christians—utilizes Biblical authority to define “homosexuality” as sinful, or against the will of God (AFA, 2007; FF, 2007; FRC, 2007; Sprigg, 2004). An outgrowth of this “sinful” depiction of “homosexuality” is the classification of same-sex partnering as “infertile,” or unable to produce “true fathers and mothers” for children in the family unit. Indeed, following this line of reasoning, Baskerville (2006) concludes that same-sex marriages “serve no useful social purpose; indeed [they] are an absurdity” (p. 61).
Yet, conservative Christians do more than condemn homosexuality on moral/religious grounds; they work to deconstruct the evidence and rhetoric of the gay rights movement. Thus, Sprigg (2004) attempts to debunk the “myth” that homosexuality is an orientation (or is something much stronger and more immutable than choice). Deconstructing a number of social scientific studies, the author finds support for defining “homosexuality” as a choice—and the incorrect choice, at that (Sprigg, 2004). Because “homosexuality” is a choice, conservative Christians argue, the term “civil rights” should not apply to rights granted to homosexual persons, because “civil rights” protect immutable characteristics (AFA, 2007; FF, 2007; FRC, 2007; Sprigg, 2004). By downplaying the immutability of homosexuality, the conservative Christian position creates a sexuality hierarchy whereby heterosexuality (and by extension, heterosexual marriage) are inherently superior to homosexuality (and by extension, same-sex marriage) (Segura, 2005).

The conservative Christian position, then, is concerned with more than promoting a Biblical understanding of marriage. It also seeks to deconstruct and invalidate the rhetorical and social scientific claims of the gay rights movement. By asserting the mutability of homosexuality and denouncing the “civil rights” platform that has been so successful for gay rights activists, the conservative Christian position seeks to discredit the gay rights position even as it strengthens its own. Unlike most gay rights rhetoric, considerable time and energy in conservative Christian publications is spent reproaching its opposition. Thus, more than simply advancing a narrow, clear-cut picture of marriage, the conservative Christian position attempts to significantly undercut the prominent gay rights position.

**Christians supporting same-sex marriage**

The liberal Christian approach to defining marriage tends to be less straightforward and authoritative than the conservative Christian approach. This group (which includes members of denominations such as United Methodist, Eastern Orthodox Christian Church, the Roman Catholic Church and the Lutheran Church) is less likely to claim they have the only correct interpretation of the Bible—even when they claim their own interpretation is most valid (Siker, 2007). Typically, the Bible is not the sole authoritative source used for definitions. Rather, the liberal position also takes into account cultural trends, social science findings, and social justice causes.
In order to understand what the Bible says about “homosexuality,” Myers and Scanzoni (2005) argue, we must know what the writers of the Bible meant when they penned the words that have been translated as “homosexual.” Myers and Scanzoni (2005) suggest that “homosexuality” as we know it today (in the form of independent relationships built on sexual/emotional attraction and attachment to persons of one’s own sex) most likely did not exist at the time that any portion of the Bible was written. Instead, in the original languages of the Bible, “homosexual” acts or sexual acts between persons of the same sex (most often recorded as between two men) generally referred to one of three things. The first was “male anal intercourse, usually as an act of force associated with humiliation, revenge, or subjection” (this is the sense in which the passages of Leviticus most likely use the term) (Myers & Scanzoni, 2005, p. 84-88). The second, a practice called pederasty, where “an adult male would use a teenage boy for sexual gratification” (this is the most likely meaning of the term “homosexual” in both 1 Corinthians 6:9-10 and 1 Timothy 1:9-10) (Myers & Scanzoni, 2005, p. 89-94). The third, a general indication of sexual immorality that most likely did not include homosexual acts (this is most likely the case in Jude 6-7 and Romans 1:26-27) (Myers & Scanzoni, 2005, p. 95-104).

Liberal Christians, after providing alternative Biblical interpretations, call for a definition of marriage which does not circumscribe it in terms of the gender of persons entering into it. Marriage is thus defined as a “covenantal relationship” in which the values of “justice, fairness, love, kindness, faithfulness, and a revelation of God’s personhood” are paramount—instead of gender (Myers & Scanzoni, 2005, p. 113). The definition of marriage is thus more inclusive and in some ways endows more responsibility upon the partners than the definition provided by the conservative Christian definition (justice, faithfulness, and a revelation of God’s personhood seem to be higher standards than companionship and progeny).

Therefore, though the liberal Christian position is less easily contained in sound bites (something Focus on the Family encourages), it also more accurately reflects the complexity of this issue while retaining core religious beliefs (FF, 2007). Using religion and/or morality to argue for same-sex marriage is uncommon even among Christians, and it is certainly rare in mainstream media coverage of the issue. Hull (2006) suggests using morality to argue for same-sex marriage may be the most effective next step for religious and non-religious supporters of same-sex marriage alike. Just as GLBT persons who express doubts, concerns or opposition to
same-sex marriage are rarely included in media coverage of this issue, so too are those religious individuals and groups who support same-sex marriage.

The 2004 Situation

When, in February 2004, President Bush announced his support for the Federal Marriage Amendment (FMA), he effectively created the foundation for the simplistic, two-sided debate over same-sex marriage that followed in the months leading up to the 2004 presidential election. The proposed amendment would restrict marriage (and its rights and privileges) to couples of the opposite sex. The text of the proposed Amendment read:

> Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman (Marriage Protection Amendment, 2004).

Months after it was championed by President Bush, the Federal Marriage Amendment failed to make it past a procedural vote in the Senate, essentially nullifying it (Fagan, 2004). Yet, the debate over this federal amendment and myriad state amendments, or other measures designed to confer “marriage” and its privileges only to opposite-sex couples, fueled an already crackling fire between gay rights advocates and their opponents. This section of the chapter will recount important events regarding same-sex marriage that occurred in the months leading up to the election. It will then review salient demographic and public opinion data corresponding to same-sex marriage. Finally, it will critically examine the purported connection between “values voters” and the election outcome.

**Important Events**

Two states moved to issue marriage licenses to same-sex couples despite statutory prohibitions. In one of the most highly publicized moments of mayoral defiance, San Francisco Mayor Gavin Newsom claimed the authority to issue marriage licenses to same-sex couples—despite a 1998 California statute declaring marriage to be valid only if entered into by one man and one woman (“CA Supreme Court Blocks San Francisco Marriage,” 2004). The licensing period lasted only from February 12 to March 11, and the Supreme Court of California eventually declared all licenses void due to the illegality of Mayor Newsom’s actions (Egelko, 2004; “Same-Sex Nuptials in Limbo,” 2004). Multnomah County, Oregon followed Mayor
Newsom’s lead when it began issuing marriage licenses to same-sex couples on March 3, 2004. These marriages were also eventually voided (“Judge Halts Same-Sex Marriages in Oregon,” 2004). But these acts of upper-echelon civil disobedience added to the media frenzy surrounding the proposed same-sex marriage bans under consideration at the federal and state level.

**Demographics and Spending Trends**

Though all proposed bans on same-sex marriage passed in the 2004 election, exit polls showed that American opinion regarding same-sex partnerships was not entirely hostile. Though almost three-fourths of voters opposed same-sex marriage, approximately 35% of voters supported civil unions. In addition, among liberals, some 54% supported same-sex marriage, as did 51% of lesbians. Interestingly, among people who believe abortion should be illegal at all times (considered an indicator of political conservativism and/or Republican party affiliation), 52% supported same-sex marriage, according to research conducted by Stanford University (‘Same-Sex Marriage and Civil Unions,” 2006). In a survey conducted by the National Gay and Lesbian Task Force, 38% of non-GLBT voters responded that gay and lesbian couples should have no legal recognition for their relationships, 35% favored civil unions (but not marriage) and 25% favored legal marriage (“Key Similarities and Differences,” 2006).

Overwhelmingly, data support the connection between religious affiliation and attitudes toward same-sex unions. This is not surprising given the amount of money religious groups contributed to campaigns that worked effectively to connect religious affiliation to political decisions regarding things like same-sex marriage. Groups opposing same-sex marriage spent $6.6 million; conservative Christian organizations provided $2.2 million, churches gave $1.9 million, the remainder was contributed by individuals (O’Connell, 2006). Additionally, the annual income of religious groups who oppose same-sex marriage is considerably larger than those supporting it ($217,255,534 per year compared with $54,147,436, respectively) (Cahill, Cianciotto, Colvin, Johnson-Lashley, & Roberts, 2003). Thus, even though gay rights supporters raised $200,000 more than those who opposed same-sex marriage, the economic base—and thus prior reach of their message—was believed to be much greater (O’Connell, 2006). Yet, religiously affiliated Americans were not uniformly opposed to same-sex marriage. Among non-Protestants in particular, the support for same-sex unions was considerably higher than among Protestants. Still, among religiously affiliated voters, opponents vastly outnumbered supporters (Olson, Cadge, & Harrison, 2006).
“Values Voters” and the 2004 Election Outcome

Strong correlations between religious views and opinions toward same-sex marriage lead many to argue that “values voters,” or those who claimed “moral values” as a motivation to vote, somehow swayed the election. Many of these claims were based on an exit polls conducted by Edison Media Research and Mitofsky International (as cited in Lewis, 2005) which showed 22 percent of the American electorate claimed to be motivated by “moral values” when they voted. Indeed, Lewis (2005) found that attitudes toward same-sex marriage were statistically significant and had a “meaningful impact” on individual voters as well as state vote totals. Lewis’ findings were unique among scholars’ interpretations of the Edison exit polls.

Others noted the circular and reflexive relationship between voters, the preferred candidates/parties, and the ways the voters understand the issues facing them in an election. As Sherrill (2006) argues:

[w]hat we hear from the voters often is an echo of what the voters hear from their preferred parties and candidates. The voter often learns that the issues emphasized by their preferred party and candidates are the important ones… Voters were likely to say that “moral issues” were important in determining their choice for president because they were predisposed to vote Republican and because the Republican campaign effectively communicated the message that ‘moral issues’ were more important than others (p. 2).

Voters determine what to think about based on what is said by candidates they already prefer. Rather than choosing candidates based on issues, as some argue, voters tend to choose candidates whose general party platform is already appealing. They then determine stances on specific issues based on those candidates’ messages (Sherrill, 2006). This evaluation of the situation effectively demonstrates the power that framing has to shape the way that voters understand the election and its issues, and ultimately to shape the way they vote.

Among certain voting groups, social issues like same-sex marriage and abortion had no effect on voter decision-making. This finding held true even in states with anti-same-sex marriage initiatives on the ballot (Hillyguy & Shields, 2005). Additionally, Hillyguy and Shields (2005) argue that the “moral values” response on the Edison exit poll was not comparable to other possible responses due to its vagueness. They also show that the response was not statistically different from the portion of the population that selected the economy, terrorism and
the war in Iraq as motivators for voting. Burden (2004) also reported that voter turnout among religious voters did not change between 2000 and 2004, thus deflating the hypothesis that “moral values” significantly altered voter turnout in the 2004 election. “Values voters” were only a minor part of the complex voting mosaic of 2004.

Though marriage bans may not have played as instrumental a role in the 2004 presidential election as once thought, they did determine relational reality for same-sex couples in 13 states. Two of these states, Oregon and Georgia, will be the focus of the case study in this project. As the next chapter discusses, these states had very different experiences leading up to the 2004 vote on their proposed marriage bans, but both states approved the bans. Even though same-sex marriage bans were prevalent in 2004, Oregon and Georgia had very different experiences during that election year—and have very different constituencies. How could two states with such different experiences ultimately arrive at the same end result? If, as the political theorists claim, the framing of issues contributed to voter conception of the issues, then the analysis of newspaper framing of the same-sex marriage issue might suggest a tentative (if incomplete) answer.
CHAPTER THREE
Introduction

As the contextual/historical discussion of marriage and gay rights in Chapter 2 revealed, the issue of same-sex marriage marks a unique time in history as the definition of marriage seems on the verge of expansion—or, at the least, revision. Furthermore, Chapter 2 showed that positions in this debate include more than simple endorsement of or opposition to same-sex marriage and the legislation defining it. At an abstract level, the issue is tremendously important, even as it is astoundingly complex. This chapter will discuss the material world of newspapers involved in this study, the political actors in each state, and the specific texts of the legislation voters approved in Georgia and Oregon. That discussion will show the decidedly personal and practical nature of this political debate. The chapter will then present the methods and results of the case study.

The case study presented in this chapter utilizes the techniques of content analysis to gauge the presence and use of frames in articles from the AJC and TO. Content analysis of newspaper coverage of the issue is not meant to diminish either the complexity or intimacy of the issue, but rather to attempt to understand the types of categories that two examples of mainstream media favor in their coverage. Admittedly, content analysis is a reductionist approach to understanding the heavily nuanced texts of the news media. Yet, it also provides discrete, comparative evidence of media preferences for coverage types (i.e., frames). In this way, then, it is possible to understand how, in different political contexts, (and with the same measurement and categories), two mainstream newspapers like The Oregonian and the Atlanta Journal-Constitution treat the issue. Additionally, through the use of trained coders, it is possible to be reasonably certain that the “readings” measured in this study can be comparable to those of “lay readers” who consume these texts on a regular basis. Finally, content analysis provides generalizable evidence that can be used in future studies examining news coverage of a particular issue over time, or news coverage by a particular source with regard to different issues.

Case Study

Oregon and Georgia voters approved restrictions on same-sex marriage recognition with varying degrees of support. In Oregon, the vote was quite close, with supporters of the ban garnering only 57% of the vote. In Georgia, over three-fourths of voters (76%) supported the ban on same-sex marriage recognition (“Same-sex marriage recognition,” 2007). The different voting
outcomes in these states reflect the drastic demographic and ideological differences between them. This section will discuss background information for each newspaper under study, *The Atlanta Journal-Constitution (AJC)* and *The Oregonian (TO)*. It will incorporate blogger critiques of the bias present in both the AJC and TO. Then the setting for the 2004 vote on same-sex marriage bans will be examined by highlighting key events that occurred during the 2004 election cycle in each state. Finally, it will present the specific pieces of marriage legislation adopted by Oregon and Georgia voters in 2004.

*The Oregonian*

When Oregon became a state in 1859, *The Oregonian* newspaper had already been circulating for nine years. *The Oregonian* holds the distinction of being the longest continuously published newspaper in the far west United States, and remains one of the few state-wide newspapers in the country. Harvey Scott, an early editor for *The Oregonian*, promoted a conservative agenda through the paper even as many other papers in the state espoused more liberal views. Though *The Oregonian* was established by local Portland, Oregon, residents as a paper for their community, it was eventually (like many other newspapers) acquired by a much larger corporation, The Newhouse Group, in 1950 (Heinzkill, 1993). As of 2006, *The Oregonian* (based in Portland) had almost three-quarters of a million readers nationwide (“Readership,” 2006).

Of those readers, many local residents still feel very connected to *The Oregonian*. Some have even begun blogs related to Oregonian content and news coverage. Blogs are an important source for meta-communication about news and information, because they often critique the news itself, creating a “news” discourse that has news as its subject. They have become a sort of “fifth estate” monitoring the traditional “fourth estate” of mainstream media (Cooper, 2006). Blogs are a particularly important site for political knowledge creation and acquisition because politically-interested readers tend to find blogs as credible as, or more credible than, traditional, mainstream media (Johnson, Kaye, Bichard, & Wong, 2007). Furthermore, the 2004 presidential election cycle marked the first time that blogs were considered important sites for political debate and democratic involvement (Papacharissi, 2007).

With the importance of political and meta-media blogs in mind, then, it is interesting to note that blogs about *The Oregonian* reveal the perceived bias of the newspaper. Liberal bloggers for the Portland Independent Media center consider *The Oregonian* to be characterized
by “pro-corporate bias” today just as it was in its early years (“Oregonian’s bias,” 2002). At the same time, conservative bloggers writing for the “Dead Fish Wrapper Watch” (a name that signifies that The Oregonian, like a fish wrapper, is “completely dispensable”) website feel The Oregonian has a decidedly “liberal bias” (Dead Fish Wrapper Watch, 2007). Unfortunately, it is difficult to gauge which blog has more credibility in the minds of its readers—or which has greater readership, for that matter. Most likely, this is a common phenomenon for newspapers that attempt to provide balanced news coverage: that both sides feel their point of view is underrepresented. Though it is not the central research question for this project, data from the case study might shed some light on whether The Oregonian tended to favor a particular ideology—at least in the case of same-sex marriage.

The Atlanta Journal-Constitution

The Atlanta Journal-Constitution represents a coming-together of two long-standing newspapers in the Atlanta region, the Atlanta Journal and the Atlanta Constitution. Founded in 1868, the Constitution predates the Journal by fifteen years. The papers gained national recognition by winning Pulitzer prizes and developing journalistic talent. By the middle of the twentieth century, the Constitution’s editorial stance had taken on a decidedly progressive tone while the Journal remained more moderate. In the same year that The Oregonian came under corporate ownership (1950), both the Journal and the Constitution came under common ownership (Cox Enterprises)—though they remained separate papers. Finally in November 2001, the two newspapers merged to create the Atlanta Journal-Constitution (Perry, 2004). In 2006, Atlanta Journal-Constitution readership soared to close to a million readers, making it one of the top 20 most-read newspapers in the nation (“Readership,” 2006).

Some readers of the AJC have taken to blogging to express their feelings about the newspaper. One conservative blogger at NewsBusters described recent Pulitzer Prize-winning journalists at the AJC as having a “get-Bush smell to them” (Bozell, 2006). In fact, conservative bloggers are dominating the “blogosphere” conversation regarding the bias in the Atlanta Journal-Constitution. One blogger, calling him/herself “the blind pig,” refers to the Atlanta Journal-Constitution as the “Al-Jazeera Constitution” to highlight its opposition to “patriotism” (TheBlindPig, 2004). Another blogger tells the story of a reporter working for the AJC who repeatedly saw stories “edited” to take on a decidedly liberal slant (Goldberg, 2006). In fact, in repeated Internet searches, blogs devoted to exposing a conservative bias in the AJC were not
found. This is likely due to the continued liberal influence of Cox Enterprise’s founder James Middleton Cox (Cox, 1946). As stated above in the case of The Oregonian, the study of the AJC’s coverage of same-sex marriage legislation might shed some light on the question of its potential bias. If the data do reveal a conservative slant to the stories, it will raise interesting questions about the potentially one-sided discourse environment of Atlanta (and Georgia more broadly) discussed in the next section. In addition, it might expose the invalidity of using blogs to gauge the political climate of a region. Still, if blogs are a significant source of cultural and media critique, and no blogs claiming a conservative bias for the AJC exist, there might be something percolating in Atlanta that media and cultural observers would be wise to investigate. 

Key Events Leading up to the 2004 Vote in Georgia

In September 2004, representatives of the American Civil Liberties Union (ACLU) and Lambda Legal in Georgia filed a lawsuit to stop a constitutional amendment barring gay marriage from being placed on the ballot for the November election. This type of litigious response was fairly typical of gay rights groups during the year leading up to the sweep of same-sex marriage bans incorporated in the 2004 presidential elections (Jacobs, 2004). Yet, the specific reason for filing the suit was unique. The groups arguing against the amendment argued that it was poorly worded. They also argued that because the amendment forbade not only same-sex marriage but other contracts between two members of the same sex which would confer the benefits of marriage, it dealt with more than one subject. In Georgia, the precedent for amendments requires that each deal only with one subject. This amendment, argued the plaintiffs, dealt with more than same-sex marriage; it also concerned civil unions, as well as the jurisdiction of Georgian courts with respect to honoring contracts entered into in other states. The case brought by these litigants, however, was ultimately fruitless, and the amendment appeared on the ballot in November, passing overwhelmingly (Jacobs, 2004).

Interestingly, one of the main arguments that those opposing same-sex marriage repeatedly evoke is the idea that “activist judges” are rewriting (or at the very least, reinterpreting) laws in ways that align with a “liberal gay agenda” (Sprigg, 2004). This case, even though it represented defeat for supporters of same-sex marriage, might have actually increased the panic of those fearing “judicial tyranny” because it provided a proximal example of just how active the supporters of same-sex marriage can be. Thus, knowing that the court had not only symbolically silenced the same-sex marriage support in the state, but also explicitly
conferred the responsibility for determining the future of “marriage” in Georgia to the citizens, voters opposed to same-sex marriage conceivably found their “responsibility” to vote even more urgent and crucial. The fact that same-sex marriage advocates took the issue to court might have actually been detrimental to their cause, because it put the “threat” of same-sex marriage under an even brighter spotlight and conjured up the “judicial tyranny” fears of many same-sex marriage opponents.

In these events, the “conservative” actors had the most agency, while the “liberal” actors were merely responding to their threats. Even the contestation of the amendment by the ACLU and Lambda Legal was not agency but reaction to the conservative agency that brought the amendment forward in the first place. Therefore, with both legislation and litigation, conservative voices triumphed and effectively silenced liberal positions. In the real-world, just as in the Atlanta blogosphere, conservative voices rang louder and clearer than the liberal voices that remained either weak or non-existent. The air in Atlanta was thick with conservative rhetoric and action during the 2004 election cycle (as it undoubtedly remains to this day). In addition, the financial landscape of Georgia favored conservative voices with opponents of same-sex marriage spending $92,765 and supporters of same-sex marriage spending nothing (O’Connell, 2006).

It seems reasonable, then, to expect that the AJC’s coverage of the issue of same-sex marriage legislation in Georgia would reflect this conservative-agency narrative. However, this contradicts the overwhelming conservative (blog) critiques of the AJC’s newsgathering and reporting practices. Therefore, what the coverage may reflect, more than any type of inherent media bias, is the presence of dominant conservative voices in a region where liberal voices—at least on this issue—are marginalized, weak, non-existent, or even (self-) censored. And while it is obvious that many forces have come together to create a conservative climate for this issue in the Atlanta region, the role of media framing in reinforcing this climate cannot be discounted.

Oregon’s Unique 2004 Situation

In the months leading up to voter decision-making about same-sex marriage recognition, Oregon experienced activism on both sides of the issue. In March of 2004, a group called the Defense of Marriage Coalition filed paperwork to ensure that an initiative about same-sex marriage would have the option of being placed on the ballot. Within five weeks, the group had gathered more than the necessary 240,000 signatures, mostly from church groups, to have the initiative placed on the ballot in the form of Measure 36. At the same time that Oregon saw
advocates strongly opposing same-sex marriage, officials in Multnomah County began to issue marriage licenses to couples of the same-sex in defiance of Oregon law (Graves, 2004). Multnomah County, located in the upper northwest corner of the state, is the smallest county in Oregon; yet it is home to its largest city, Portland (“Oregon Almanac,” 2008). On March 2, Multnomah County officials began issuing marriage licenses to same-sex couples. By April 20, when they were ordered to stop, 2,986 same-sex couples had received marriage licenses. Activist groups in favor of same-sex marriage such as the ACLU, Planned Parenthood, and Basic Rights Oregon were also busy working for voter support of their position. Many polls predicted that Oregon’s vote on same-sex marriage would be the closest in the nation—they were correct (Graves, 2004).

The fight over votes was not just ideological, it was financial. In Oregon, supporters of the ban raised $2.4 million and opponents of the ban raised just under $3 million, making the clash over Measure 36 the most costly battle over same-sex marriage in the nation (O’Connell, 2006). Interestingly, Adams (2003) pointed out that earlier same-sex marriage opposition was largely funded and supported by small town, small business owners. While the social position of same-sex marriage supporters is unknown, their financial support in Oregon accounted for almost one-third of their total spending nationwide (in 13 states) during the 2004 election cycle. It was far and away the state where supporters of same-sex marriage gave the most money, where their contributions were closest to those who opposed same-sex marriage, and where the vote was the closest (O’Connell, 2006). This financial and voting parity reflects the above-described contentious agency between “liberal” and “conservative” actors, as well as the evidence from the “blogosphere” of the active liberal and conservative critics of media coverage. Clearly, Oregon was a costly state for same-sex marriage supporters to lose, not just psychologically or ideologically, but also financially.

The media attention to Multnomah County officials issuing marriage licenses to same-sex couples almost certainly impacted voters in Oregon. Just as the lawsuit in Georgia fueled same-sex marriage opponents’ fears of “judicial tyranny,” so too did the rebellious acts of Multnomah County officials ignite a fierce debate over not only what “marriage” should mean, but who gets to determine its meaning. The acts of these officials most likely increased the fears of those who would fight against same-sex marriage because it demonstrated a very obvious usurping of power by government “officials.” This is seen by many same-sex marriage opponents as going
hand-in-hand with a so-called “gay agenda” being thrust upon the American public without their consent (Sprigg, 2004). On the other hand, it likely energized the campaign for allowing same-sex marriage recognition by showing that at least some government officials support that position. It also gave visibility to the numerous couples in the area that sought out this form of relationship recognition as soon as it was available. It provided some momentum for supporters of same-sex marriage to claim some progress had been made, but that more was needed. Without question, the most important outcome of an event like the marriage license issuing in Multnomah County was the increased media attention that same-sex marriage received.

However, increased media attention is not necessarily good for anyone involved in this issue. For example, the coverage of scores of same-sex couples marrying provided pictures and stories of “normal” gay men and lesbian women. This essentially further marginalized the already marginalized population of GLBT persons who did not support marriage for same-sex partners. The coverage of granting marriage licenses in Multnomah County left very little room for expressing the multiple perspectives on marriage that existed within (and beyond) the GLBT community. Highlighting the story of same-sex partners rushing to get married (as this series of events inevitably did) provided further support for the belief that the gay community monolithically endorsed marriage recognition for same-sex couples. This again contributed to both (mainstream) sides’ arguments. For opponents of same-sex marriage, it provided support for the argument that a “gay agenda” is taking over because it shows the prevalence of same-sex couples and their desire to be involved in the social institution of marriage. At the same time, for supporters of marriage recognition for same-sex couples, it provided a unified image of the GLBT community that others can readily identify with and support. It also gave them a unified place from which to make proclamations about the next step in providing rights to minorities in the U.S. The marriage license-issuing season in Multnomah County crystallized the urgency and proximity of the issue in the minds of Oregon voters.

Thus, aside from the obvious demographic and ideological differences in the states, there was also considerable variation with regard to their experiences (many of them mediated) leading up to the 2004 Election Day decision-making. Georgia voters dealt only with a proposed amendment that faced a legal challenge (something which has become increasingly typical for new pieces of legislation), whereas Oregon voters were confronted with the reality of marriage licenses being issued to same-sex couples and then being revoked. When interpreting the results
of the newspaper coverage of this issue in each state, then, the reader must keep in mind the specific, local happenings that lead up to the 2004 vote. Still, it must be remembered that even as local events shape news coverage, so too does news (and other media) coverage shape the interpretation of those events, as well as future actions in response to them. As the newspaper picks up the frames from interest groups, or uses easily understood frames that fit the story, so the story (the actions) itself is are shaped by that coverage. So, for example, the actions of government officials doling out licenses in Multnomah County surely cannot be understood apart from the way they were described in multiple media sources including the Oregonian, just as the Oregonian (and other media) coverage of the debate over same-sex marriage legislation cannot be understood apart from the actions of those government officials. Each, in its own way, frames the situation for the other, and then those entities work together to frame the issue for voters (Pan & Kosicki, 2002).

Marriage Legislation in Georgia and Oregon

The text of each state’s 2004 marriage legislation is provided here as evidence of the ideological slant of each state, as well as to illustrate to the reader exactly what voters in each state adopted at their respective booths on November 2, 2004. In Georgia, voters approved a new state amendment, whereas in Oregon, voters only enacted a new policy regarding marriage. The pieces of legislation in each state therefore varied in their permanence; they also vary in terms of scope and opposition to gay and lesbian lifestyles.

Prior to amending their constitution to forbid same-sex marriage, Georgia’s code (created in 1981) included a prohibition against same-sex marriage (enacted in 1996):

§ 19-3-3.1. Marriages between persons of same sex prohibited; marriages not recognized
(a) It is declared to be the public policy of this state to recognize the union only of man and woman. Marriages between persons of the same sex are prohibited in this state.
(b) No marriage between persons of the same sex shall be recognized as entitled to the benefits of marriage. Any marriage entered into by persons of the same sex pursuant to a marriage license issued by another state or foreign jurisdiction or otherwise shall be void in this state. Any contractual rights granted by virtue of such license shall be unenforceable in the courts of this state and the courts of this
state shall have no jurisdiction whatsoever under any circumstances to grant a divorce or separate maintenance with respect to such marriage or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such marriage (Georgia Code).

Then, similar to many states with same-sex marriage prohibition already “on the books” but not part of the state constitution, Georgia voters amended the state constitution with the following addition to Section IV of the constitution entitled “Recognition of Marriage.”

(a) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state.

(b) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record, or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction. The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such relationship (Georgia Constitution).

As seen above, Georgia voters did not only endorse an amendment restricting marriage, they also adopted an amendment that questions (and even denounces) the authority and correctness of same-sex marriages (or civil unions) in other states. The people of Georgia, therefore, not only codified the definition of intimate, state-sanctioned relationships, they also permanently inscribed an ideological stance diametrically opposed to same-sex partnerships. Arguably all law contains a moral fiber (if not foundation). Highlighting this amendment’s value claims is not an indictment of morality in law. Rather, it is meant to expose which morality, which set of value claims, now holds the force of law in Georgia.

In Oregon, voters adopted a different type of legislation. Instead of approving a constitutional amendment, voters simply endorsed a policy for the state which denies only “marriage” to same-sex couples. The distinction between “marriage” and “civil unions” was important in Oregon. In fact, three years after this legislation passed, the Oregon state legislature
decided to grant “civil unions” to couples of the same sex. The language of the 2004 initiative remains unchanged:

It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage. [Created through initiative petition filed March 2, 2004, and adopted by the people Nov. 2, 2004] (Constitution of the State of Oregon).

Notice that Oregon’s policy does not go so far as to denounce the policies of other states (standing or future) in the way that Georgia’s policy does. Furthermore, what is absent from this policy is equally as important as what is present in Georgia’s policy: the mention of other forms of partnership that might be granted to same-sex couples. Finally, the Oregon statute does not carry with it the force and permanence of an amendment. The morality, or set of value claims, contained in this legislation are comparable to those in the Georgia amendment in that they endorse a male-female proscription of marriage. However, the language does not go so far as to identify those unions that it will specifically not recognize. That is a unique feature of Georgia’s amendment. Therefore, the moral message of Oregon’s legislation is decidedly less overt and oppressive than Georgia’s, even as it remains opposed to legal recognition of same-sex partnerships as “marriage”. It is the ability to put forth what Whorthen (2003) refers to as a “moral vision” that renders these laws so powerful for society at large and individuals in particular.

Methods

This case study examined the frames used by two newspapers in their coverage of the debate over the above-described pieces of legislation. To analyze frames utilized by newspapers, two coders completed quantitative coding analysis of articles dealing with the same-sex marriage legislation in Oregon and Georgia. Well over one hundred articles each from Atlanta Journal and Constitution (AJC) and The Oregonian (TO) were coded according to the common frames as outlined by Semetko and Valkenburg (2000). The coding procedure followed guidelines for content analysis as set forth by Lombard, Snyder-Duch and Bracken (2002) as well as the specific framing content analysis procedures as outlined by Semetko and Valkenburg (2000). Two coders underwent extensive training prior to coding the final sample for this study.

Lombard et al. (2002) recommend using a codebook outlining important terms and methods for coding to ensure unified application by coders. Therefore, a codebook detailing the
description of frames as well as the coding process was given to coders during the first session (See Appendix B). Descriptions for frames were taken from Semetko and Valkenburg (2000) and example articles were drawn from the original population of AJC and TO articles. This codebook served as a guide for the training process and also a resource during formal coding. For each article, coders completed a 22 item yes/no questionnaire (adapted from Semetko and Valkenburg, 2000) to determine the frame and tone of each article. The binary coding scheme from the questionnaire was expected to yield rather high intercoder reliability, given Semetko and Valkenburg’s (2000) claims. This measure also quantified the presence of multiple frames in a single text even as it gave a numerical indicator of the frames present in the text. By utilizing Semetko and Valkenburg’s (2000) binary coding scheme, then, the results of this study not only determined the framing scheme used to cover same sex marriage legislation in Oregon and Georgia, they also provided evidence as to the usefulness of this type of coding for framing research.

Informal intercoder reliability was assessed during training to ensure coders’ understanding of the coding process. The first round of coding yielded percentage agreement of 60%. This informal feedback was used to modify and clarify the coding instruments so that high reliability might be achieved with the final sample. Multiple training sessions were necessary to achieve high intercoder reliability. Particularly troublesome were the questions associated with the “responsibility” frame. For this issue, one that is intensely personal and yet being battled over through legislation and litigation, the ascription of responsibility to either governmental or civilian forces was exceptionally difficult. It also became apparent that though the coders did not have high agreement between themselves, they were internally consistent, i.e., each person answered the same questions in the same way across articles. Most disagreement was caused by a lack of close attention to the article, but some disagreement was also attributed to differing coder interpretations of terms such as “morality” or what “the issue” in this study should refer to. Still, after four coding sessions and two pilot tests, an acceptable level of percentage agreement among coders was achieved.

This study assessed intercoder reliability using two different indices accounting for two variables. This study utilized both percentage agreement (a liberal test) and Cohen’s kappa (a conservative test) to evaluate intercoder reliability in the final sample. Lombard et al. (2002) recommend utilizing more than one method to evaluate intercoder reliability given its centrality.
to the validity of content analysis. They also suggest using a pilot test to formally determine intercoder reliability after training and before moving to the final coding procedure. Thus, this study’s first pilot test included a representative sample of the population chosen randomly and consisted of 30 articles, or 10% of the entire population. The initial pilot test yielded only 77% agreement; thus, a second pilot test was conducted using 25 more articles. This pilot test yielded 74% agreement. Given that this study was meant to test not only for frames present in media texts, but also to determine the usefulness of this particular measure in framing research, coders proceeded to formal coding of the final sample absent stellar pilot test agreement measures.

Once intercoder reliability was computed, the data were analyzed with respect to the research questions set forth. First, the data from both newspapers were condensed into one group. Next, the data were divided to represent each news source. Remaining separated with respect to publication, the data were further segmented with respect to frame in order to determine the presence of tone. At this stage, for example, the data revealed if “human interest” stories in the AJC were most often in support of, in opposition to, or neutral toward the legislation. Finally, the two variables were layered such that the data will reveal which frame, with which tone, was used most (and least) often by each newspaper.

Population and Sample

Articles were drawn from the Atlanta Journal and Constitution (AJC) and The Oregonian (TO) through a LexisNexis search of key terms “same sex marriage,” “legislation,” “gay marriage,” and “amendment,” in order to retrieve all articles from January 1, 2004 to December 31, 2004 that deal with the same sex marriage legislation in these states. The final sample was drawn from 171 AJC articles and 234 TO articles. From this sample, 150 articles were randomly selected from each newspaper. Coders thus analyzed 300 articles total. Each coder analyzed 75 articles from each paper, to control for a potential interaction effect between news source and coder. The remaining 105 articles were used for training and pilot testing of the framing measures.

Results

Two coders were asked to rate a series of newspaper articles using the 20-item coding mechanism developed by Semetko and Valkenburg (2000) containing five separate frames: responsibility, human interest, conflict, morality, and economic consequences. The mechanism was augmented by the addition of two questions dealing with tone. A total of 288 articles were
examined. To determine if the two coders were assessing framing uniformly, two measures of intercoder reliability were calculated using 10% of the sample, or 30 articles. One coding worksheet was unusable, so final intercoder reliability was computed using 29 articles. Percentage agreement for the final sample was .72, which is considered satisfactory. Additionally, a Cohen’s kappa was calculated, K=0.42, which is not considered satisfactory.

To determine the presence of a frame in an article, responses to questions dealing with each frame were averaged in order to produce a numerical indicator of frame strength. For example, the conflict frame was measured with 4 questions. The coder may respond to each question with a 1 or a 0. The numerical responses to these questions were then averaged such that the score for the conflict frame would appear as 0.0, 0.25, .0.50, 0.75, or 1.0. Only those frames with an average score of .60 or higher were considered “present” in each article. This scoring procedure allows for multiple frames to be present within one article. The reports of frame frequency, therefore, reflect the possibility of articles being represented (or “counted”) more than once.

This project’s primary research question asked, “Which frames were used by The Oregonian and The Atlanta Journal Constitution newspapers in their coverage of legislation dealing with same-sex marriage?” The data showed that both newspapers used all five “common frames,” and included articles with positive, negative, and neutral tones. Both newspapers also contained articles that were absent of frames and/or tone. See Figure 1 for results.

With respect to subsidiary question 1, “what is the frequency of each type of frame used?” the data showed the most often used frame overall was the conflict frame. Out of a total of 288 articles, 188 (or 65% of the sample) contained the conflict frame. The second most often used frame was the morality frame; it was present in 127 articles (or 44% of the sample). The human interest frame was present in 97 articles (34% of the sample), the responsibility frame was present in 88 articles (31% of the sample), and the economic consequences frame was present in 33 articles (12% of the sample). Note that frames overlap within articles, and 30 articles (10% of the sample) contained no frames. A chi-square test revealed that differences in frame usage in the overall population were significant $\chi^2 (4, N = 533) = 121.01$, p < .001.
Subsidiary question 2 asked, “How does frame usage differ between *The Oregonian* and *The Atlanta Journal Constitution*?” A chi-square test revealed that differences between the newspapers’ frame usage were not significant $\chi^2 (4, N = 533) = 7.14, p > .05$. The data are represented in Table 2.1. The data showed that for both newspapers the *conflict* frame was used most often, followed by the *morality* frame. The *responsibility* frame and the *human interest* frame occupied third and fourth place, respectively, in the AJC. This finding was reversed for TO, where the *human interest* frame was used third most often, followed by the *responsibility* frame. The *economic* frame was used the least often by both. Separating the newspapers reveals that each source used frames with a variety that was statistically significant—in the AJC, $\chi^2 (4, N = 290) = 90.01, p < .001$; for TO, $\chi^2 (4, N = 243) = 59.94, p < .001$. Note that articles may have multiple frames, so the presence of one frame does not preclude the others. In addition, the totals in Figure 2.1 reflect the number of frames present in the entire sample, not the number of articles that had frames present. In fact, 20 articles in TO and 10 articles in the AJC were characterized as “without frames” because they did not contain the presence of even one frame.

**INSERT FIGURE 2.1 HERE**

Interestingly, the distribution of the *tone* construct was relatively similar between the newspapers. In fact, a chi-square test verified that the differences between the newspapers were non-significant, $\chi^2 (2, N = 55) = 1.04, p > .05$. See Figure 2.2 for tone frequency distributions between newspapers. In both newspapers, articles with a tone were most often “in support of” same-sex marriage (21 articles in TO and 11 articles in AJC). Though there were not significant differences in tone usage *between* newspapers, within TO, differences in the use of tone were significant, $\chi^2 (2, N = 33) = 13.82, p < .001$. In the measurement of tone, an unexpected finding was reported: the presence of both support and opposition in the same article. In TO, 7 articles were classified as having a tone of both support and opposition, in the AJC, 6 articles were classified thusly. The least often used *tone* was that of opposition to same-sex marriage, occurring only 5 times in each newspaper.
Subsidiary question 3 dealt with tone, asking, “Which tone (positive, negative, or neutral) is most often associated with which frame?” As noted above, a fourth tone category (both positive and negative tones present) was identified during coding and will therefore be included in the reporting of results. See Figure 3 for results. The “support” tone is most often associated with the *morality* frame (n=24), followed closely by the *conflict* frame (n=23). Difference in frame usage within the “support” tone was significant, $\chi^2 (4, N = 71) = 21.32, \quad p < .001$. The “oppose” tone is most often associated with the *morality* frame (n=9), followed by the *conflict* frame (n=7). Interestingly, the “oppose” tone was never used with the *human interest or economic consequences* frame. For articles with the “both support and oppose” tone, the most often associated frame was *conflict* (n=11), followed closely by the *responsibility* frame (n=10) and the *morality* frame (n=9). By far, the most common tone in each frame was “neutral” (over 50% in each case). Frame usage between tones (not including the “neutral” tone) was not significantly different, $\chi^2 (8, N = 134) = 10.75, p > .05$.

Finally, subsidiary question 4 asked whether the data “support a ‘common frames’ approach to framing research.” Given that this question deals more with interpretation, rather the presentation of results, it will be given more attention in the final chapter. However, the data show that the scale developed by Semetko and Valkenburg (2000) could not achieve acceptable intercoder reliability. Whether this is a result of the instrument, the training, the coders, the content, or some other confounding factor remains to be seen. Still, the data suggest that this type of frame measurement might not be appropriate in all cases, and thus the data do not support a “common frames” approach to framing research. Greater discussion of this point will be included in the following chapter.

The research questions posed at the beginning of this study did not account for the possibility of frame overlap. Because of the measurement tool, many articles contained more than one frame. Frequencies of frame overlap are shown in Figure 4. The frames that occurred
together most often were the conflict and morality frames (n=102, or 35% of the sample). The frames that occurred simultaneously second most often were the human interest and conflict frames (n=71, or 25% of the sample). The economic consequences frame was used least in conjunction with other frames, most likely due to its relatively infrequent presence in the overall sample. Beyond combinations with the economic consequences frame, the least frequently occurring frame combination was the responsibility and human interest frame (n=23, or 8% of the sample).

______________________________________________________________________________

INSERT FIGURE 4 HERE

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CHAPTER FOUR
Study Overview

This study examined *The Oregonian’s* (TO) and *The Atlanta Journal Constitution’s* (AJC) coverage of Oregon’s and Georgia’s state-level same-sex marriage legislation proposed during the 2004 election cycle. The first chapter traced the development of framing theory from its roots in uncovering media’s ability to shape public perceptions of key issues to its current incarnations as a way to discover not just *what* the media cover, but *how*. Since, framing researchers differ upon everything from the definition of “frame” to how best to measure them, it was important to specify the definition of frame for this study. Therefore, “frame” was defined as selection (and omission) and salience of certain features of content which create an overall theme for each article, where *theme* is understood as a distinct and unifying idea that pervades the discourse contained in the article. To measure frames, this study utilized Semetko and Valkenburg’s (2000) deductive “common frames” approach for three reasons. First, the standardization of framing within and between studies allows for greater comparisons in the field of framing research. Second, the “common frames” seem to tap into the important features of the debate over same-sex marriage. Third, using Semetko and Valkenburg’s (2000) frame measurement will provide evidence of its validity, and therefore usefulness. The “common frames” used in this study were *responsibility*, *human interest*, *conflict*, *morality*, and *economic consequences*. In addition, the construct of *tone* was added to determine which, if any, articles endorsed a specific position on the legislation, and whether that position was positive, negative or neutral.

To contextualize the debates over same-sex marriage, the second chapter included a number of historical and rhetorical accounts of the issue. The second chapter further situated the 2004 debate over legal recognition of same-sex marriage by briefly outlining the history of marriage and gay rights. The discussion of the history of marriage highlighted its inextricable connection to specific cultures, time periods, forms of government, economic structures, conceptions of sex and gender, and so on, to demonstrate the difficulty of determining *one universal and unchanging* definition of marriage. The overview of the gay rights movement paid particular attention to the movement’s divergent rhetorical strategies of assimilation or liberation. These competing ideologies continue to produce schisms in the gay rights community—particularly over the issue of same-sex marriage. Some of these positions were discussed in a
presentation of multiple gay (or queer) perspectives on the issue of same-sex marriage. Far from the monolithic entity often (re)presented in the media, the gay (or queer) community includes myriad positions and opinions on same-sex marriage. The presence of multiple opinions and positions within a movement is also true of the “Christian” faction of the voting public. (Re)presented as unilaterally opposed to gay rights of any kind, Christian groups do hold a variety of opinions. In chapter two, Christian opponents and proponents of same-sex marriage were described.

Far from being only a historical and rhetorical issue, the debate over same-sex marriage intimately affects thousands of Americans, and logically had material precursors and repercussions. Chapter two ended with a discussion of the national political scene in 2004, with a particular focus on the proposed Federal Marriage Amendment and the phenomenon of “values voters.” As certain political analyses of the exit polls indicated, “values voters” may not have played as crucial a role in the election outcome as many thought. But, as Segura (2005) points out, “the perception of truth is infinitely more important in shaping political action than the actual reality” (p. 189). Thus, “values” remain a critical component of the 2004 election cycle, and the legislation it produced. Turning from the national scene to the statewide election results, the third chapter explored the situation in Oregon and Georgia. To understand the media representation of same-sex marriage legislation in these states, chapter three provided brief descriptions of the histories of the newspapers used in this study. Though critics of The Oregonian came from both liberal and conservative backgrounds, criticisms of The Atlanta Journal Constitution were resolutely conservative. This chapter discusses whether these critics’ assertions were born out in the newspapers’ coverage of same-sex marriage legislation.

Regardless of how they chose to cover the debate, writers (including journalists and citizens writing into the newspaper) for both newspapers responded to myriad events relating to same-sex marriage the during the 2004 election cycle. Chapter three outlined these salient events. In Georgia, most of the attention was focused on gay rights attorneys’ challenges to the validity of the proposed marriage amendment. Ultimately, the State Supreme Court allowed the legislation—and voters approved it by a three to one margin. In Oregon, voters encountered officials in the Multnomah County courthouse issuing marriage licenses to same-sex couples without direct authority to do so. Though the officials were ordered to discontinue issuing licenses within weeks, the effects of this activism were felt throughout the state—on both sides
of the issue. Oregon’s vote was the closest in the nation, with only a slight majority approving the statute. Since the wording of each piece of legislation is central to the debate over them (as well as their power long after the debates end) the full language of the amendments was included and analyzed in chapter three.

Finally, returning to the newspapers’ coverage of the debate over the legislation, chapter three contained a detailed description of the specific method of content analysis used in this study to examine framing of this issue. Results of the case study were also presented. This chapter will analyze and discuss those results, examine study limitations, and provide suggestions for future research in this area.

Discussion of Results

The central research question for this study asked which frames were used by The Oregonian (TO) and The Atlanta Journal-Constitution (AJC) in their coverage of same-sex marriage. As chapter one mentioned, it was believed that since Oregon and Georgia had vastly different voting outcomes, some difference might be seen in the frame usage and frame complexity of the two newspapers. However, as the chi-square tests in chapter three showed, there were no statistically significant differences in frame usage between the newspapers. Thus, any linkages between frame usage and voting outcome were essentially nullified. Although the data do not support an analysis of the links between frame use and voter outcome, many other important conclusions can be drawn from the results pertaining to the central research question. The best way to completely answer the central question is to move through the subsidiary questions. Therefore, this discussion section will progress through the subsidiary questions as a means to answering the primary research question. But, perhaps a broader question that propels all framing research is: were frames actually used? In this study, nine out of ten of the articles contained the presence of one or more frames. The fact that only 10% of the articles in the sample were without frames points to the validity of framing as a research paradigm. This suggests that newspaper journalists do consistently utilize frames (consciously or unconsciously) to shape the information presented in articles.

Arguably the most important finding from the study is the overwhelming use of the conflict frame in both newspapers. As reported in chapter three, this overall difference in frame usage was statistically significant. This finding responds to subsidiary question two, which concerned the frequency of frames used in the overall sample. Almost two-thirds of the articles
in the sample contained the *conflict* frame. It is important to recall that the instrument measured the *conflict* frame with questions like “did the story refer to only two sides of the issue” and “does the story reflect disagreement between parties-individuals-groups?” Therefore, the *conflict* frame does not suggest that the articles were merely presenting this issue as a conflict of ideas; rather, the measurement of this frame indicates disagreement between specific people or groups. Yet, the measure does not indicate which groups were included in these disputes. However, as noted in Chapter 2, two groups tend to stand out as antagonistic toward one another in this debate: gay rights groups and Christian groups. It is likely that the articles in this study reflected the anecdotal understanding of this issue as one where the gay community (as a fixed and homogenous entity) is in conflict with the Christian community (as another fixed and homogenous entity). Clearly, though, as the discussion in Chapter 2 illustrated, this is not an entirely realistic picture of the situation, given the diversity of opinions within these two groups.

Though the prominent communities in this debate, as well as their perspectives, are far from internally homogenous, the representation of this issue in news media as two-sided was not misleading. The reductive understanding of the issue as two sides competing for victory may have been the best way to comprehend and present the issue. Similar to the *conflict* frame conceptualization, this study itself was mainly concerned with two perspectives on same-sex marriage: opposition to or support of legal recognition of same-sex marriage. Even though the delimiting nature of this approach was recognized, it also seemed to be the most effective way to conceptualize the current understanding of the issue of same-sex marriage. But, is a *conflict* frame (or even a perception of the issue as predominantly two-sided) the best possible way to conceive of the debate over same-sex marriage?

Certainly it is more simplistic and easier to understand (both for average newspaper readers as well as for activists espousing opposite viewpoints) the issue as one of conflict between two sides. It also follows the media trend of reporting news as though it were a sporting event (such as a horse race, or some other form of competition) (Cappella & Jamieson, 1997; Patterson, 1980). It makes sense that even though this issue is incredibly personal, it can be understood as a competition performed in the public arena between groups with different ideas (who support different types of legislation). But here again returns the question of whether this is the “best” way to understand the issue. Is the issue of same-sex marriage predominantly a conflict between the ideas and viewpoints of just two groups? Or, is there a possibility that the
conflict frame is measuring something that is more complex (in terms of content and presentation) than what the instrument indicates? This possibility cannot be confirmed or denied with the data from the present study; however, future studies would do well to ascertain whether the operationalization of the conflict frame is consistent with the construct of conflict.

For instance, it is possible that the human (coder) mind conceives of the issue as only two-sided, but also as multi-faceted. This is possible because one can form an understanding of same-sex marriage that sees only two potential viewpoints: supporting or opposing. Yet, within those two viewpoints there are multiple perspectives, motivations, and active manifestations. For example, Christians and queer individuals who oppose same-sex marriage are clearly not doing so for the same reasons, and the ways that they choose to enact those principles are likely vastly different. Yet, they remain on the same “side” of the debate. Indeed, this is an issue that resists a “middle ground” opinion8—perhaps because of its connection to intimate, personal relational identity. Therefore, it seems possible that there may ultimately be only two sides of the issue: for or against, even as there are potentially infinite permutations of those sides’ manifestations. Thus, though at first glance the news media’s presentation of the issue as a conflict between two groups might seem reductionist, upon further reflection it may be considered the best (read: economic, efficient) (news) media representation of a complex issue.

The second most often used frame was the morality frame, occurring in 44% of the articles in the sample. Again, the difference in frame usage was statistically significant. Interestingly, both newspapers used the conflict frame most often, and both newspapers used the morality frame second most often. Thus, in response to the primary research question concerning the differences between the newspapers, it seems the newspapers were more similar than different in their use of frames. Results of the chi-square test reported in chapter three showed no significant difference between newspapers. Almost half of the appearances of the morality frame occurred simultaneously with the conflict frame. In this study “moral” was defined as: “of, pertaining to, or concerned with the distinction between right and wrong (especially according to certain standards or principles) OR the judgment of the goodness or badness of human action, conduct or character.” This definition does not explicitly include religious (or, more specifically,

8 Though “middle ground” opinions sometimes seem to creep up (even briefly in chapter 2), many seem to lean to one side of this debate or the other (Provenzano, 2004). The “middle ground” opinions seem not to be so much a compromise as a refusal to define one’s position or to engage in the debate itself. Since this type of position is exceedingly hard to engage in a debate, it is rendered almost futile and thus typically becomes lumped with one side or the other (reinforcing the reductive, if unstable, binary).
Christian) components, but religion often plays a role in determining a person’s conceptions of “right and wrong…OR the judgment of goodness or badness of human action.” Thus, it is not surprising that a controversy that often includes resounding religious (i.e., Christian) voices gets expressed through a *morality* framework. Yet, just as the above discussion highlighted the similarities between Christian and gay rights activists taking “sides” on this issue, the realm of “moral” arguments is inhabited not just by Christian actors. Instead, the determination of “goodness or badness” as well as what is “right and wrong” often appears in the rhetoric of gay rights activists; it is simply not usually born out of an explicitly religious doctrine.

In fact, an earlier study that examined the rhetorical posturing of activist groups online indicated that the issue of values (i.e., right and wrong, good and bad) appears often on gay rights groups’ websites (Anderson, 2007b). The issue of expanding marriage rights (or rites) to all individuals regardless of sexual orientation is itself extremely value-laden no matter which position a person or group espouses. This is because marriage has always been (in every culture) a relationship imbued with critical meanings regarding gender, sexuality, child-rearing, economic arrangements, political power, and so on (Coontz, 2005). A discussion of marriage simply cannot occur without engaging the inherent value struggles present within marriage (at a personal and political level). Therefore, the use of the *morality* frame by each of the newspapers should not be read as an endorsement of Christian framing of the issue as a purely moral one, but rather an acknowledgment of the role of personal and cultural values in constructing a valid legal (and cultural) definition of the relationship of marriage (Hull, 2006).

The concurrence of the *morality* and *conflict* frames might be a result of the perception that this issue is characterized by groups competing over value-perspectives. In other words, much of this debate might be centered on whose perception and articulation of “right and wrong…goodness and badness” should be considered valid in forming laws that affect personal relationships. As discussed in chapter three, the statutes of each state were heavily value-laden. It makes sense, then, that advocates involved in the debate, as well as media covering it, would place focus on the morality of this legislation. It seems likely that both “sides” of this debate encourage the use of “morality” in their own framing of the issue, but the articulation of value-messages might be perceived differently by the average reader. Many individuals do not differentiate between morality and religion; and they may therefore pinpoint “morality” in religious moral claims more easily than in humanistic moral claims. This might lead average
citizens to conclude that the *morality* frame favors a Christian (or religious) understanding of the issue, when this is most likely not the case. Anderson (2007b) suggested that the *morality* frame might prove effectual for those that support same-sex marriage specifically because this issue is inherently morally-laden and it would be careless to ignore that critical component of the issue. It seems that the writers of the *AJC* and *TO* presciently concurred with this position. The morality frame was used to support same-sex marriage almost three times as often as it was used to oppose it. This finding upsets popular logic, as “values voters” were cited as most often voting *against* same-sex marriage (Brown & Martin, 2004). Perhaps the popular American conceptualization of “morality” (even more than “marriage”) deserves some reconsideration, even revision. The “values” and “morals” of citizen-voters are not restricted to the boundaries of religion; rather, in issues where the legal articulation of social structures is at stake, “morals” and “values” seem to accompany almost all voters to the ballot box.

Further answering the primary research question, this study found non-significant differences between the newspapers in terms of the three least used frames. The third most often used frame was the *human interest* frame, which occurred in 34% of the entire sample. It accounted for 22% of *TO*’s articles, while it only accounted for 15% of the *AJC*’s articles. The fourth most often used frame in the entire sample, the *responsibility* frame, occurred in 31% of the sample, accounted for 18% of the *AJC*’s articles, and was present in 14% of *TO*’s articles.

The use of the *human interest* frame in one out of every five articles in *TO* illustrates the importance of the specific events that occurred in each state leading up to the elections. As discussed in Chapter 3, the situation in Oregon was unique in that officials in Multnomah County (home to Portland—the city where *TO* originates) began issuing marriage licenses to same-sex couples. This type of event lends itself easily to a *human interest* framing of the same-sex marriage issue. In Oregon, reporters responded to a throng of human faces standing outside a courthouse anxiously awaiting legal recognition of their unions; this was not the situation in Georgia. Instead, the scene in Georgia was decidedly less personal, as judges and lawyers sifted through legislative material to determine whether a measure concerning same-sex marriage could appear on the ballot in November. Pointing to the centrality and influence of these particular events puts forth the possibility that using a *human interest* frame is not necessarily tied to newspapers’ endorsement of a particular side or understanding of this issue as much as it is most
likely tied to the actual events surrounding and propelling this issue to the forefront of public debate.

The different circumstances and ultimate frame outcomes of this situation point to the difficulties in using a framing approach to understand the presentation and reception of news. Though the “issue” in both cases was very similar (i.e., defining marriage through legislative efforts) the environment in which the debate took place was drastically different. Even discarding or ignoring the cultural and demographic differences in the two states, it is plain to see that the actions of public figures in each state were markedly different. The ways that readers interpreted these public actions through newspaper framing, then, may not have been as important as the simple fact that they occurred. A more rigorous study would include multiple newspapers from each state in order to make comparisons between news coverage of the same events, even as that study might compare the different states’ coverage against each other.

Importantly, the human interest frame was never used to completely oppose same-sex marriage. This again points to the importance of the Multnomah County officials’ actions: they placed real same-sex couples in the spotlight and forced media representatives and readers to engage the issue at a human level, rather than simply an ideological or “moral” level. In TO, the human interest frame was used seven times to support same-sex marriage; it was only used three times to do so in the AJC. The human interest frame was also associated with advocating both opposition to, and support of, same-sex marriage within the same article approximately the same number of times in each newspaper. This demonstrates that the human interest frame is not solely the purview of same-sex marriage advocates, as the absence of completely oppositional human interest frame articles suggests. Rather, what is striking about the human interest frame is that it never occurs without an endorsement of same-sex marriage. It seems, then, that news coverage of same-sex marriage that is allowed to engage with actual same-sex couples, or other “human faces” involved in the issue, is reluctant to deny same-sex couples the right to marry. This important finding should be considered carefully by gay rights activists, as it suggests a particular strategy that might be useful: render this issue a distinctly and overwhelmingly human one (and not an ideological one). It is easy to make proclamations about how others should behave as long as one is not face to face with that “other,” but as soon as ideas become lived experience and platitudes dissolve into human lives, the human face of this issue becomes

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9 This reflects the finding of no significant differences in overall tone use between newspapers.
exceedingly difficult to ignore. Sociological research in this area bears out the presumption that increased exposure to gay men and lesbians decreases homophobic and otherwise negative reactions (Doggette, Reid, Garfield, & Hoy, 2001; Evans & Broido, 2005).

Yet, even as the results seem to indicate that the human interest frame might benefit those who advocate same-sex marriage, they are also a warning to the gay community at large—particularly those who are not satisfied with media representations of gay life as monolithic or simplistic. Human interest stories (especially those featuring sexual minorities) tend not to feature revolutionary individuals, or those on the fringes of the gay community. In other words, they leave out the minorities within the minority group. As some have argued, the people chosen to “represent” the gay community are often those who look “just like” mainstream society (Courtois, 2004, Rofes, 2004). And while this may be counted as a victory for those hoping to assimilate into mainstream American culture, this is decidedly a step back for the more revolutionary or liberation-oriented members of the gay community. Visibility is achieved at the expense of diversity. Though many argue this as a necessary evil for accelerating the pace of gaining rights, others argue that this type of representation actually harms the gay community as a whole. “Mainstream gay” representations are not true to the entire community and thus risk marginalizing members of the group (particularly ethnic minorities, as well as economically disadvantaged members). They also do not allow room for the possibility that some same-sex couples (and individuals) are opposed to the idea of marriage altogether. Thus, the representation of same-sex couples in the human interest frame most often reinforces the dominant cultural ideology which uses marriage (and other social structures) to identify what “is” and “is not” acceptable, legally recognizable, and able to be a part of the fabric of American society. This comes at the expense of articulating the diverse reality of a polymorphous (queer/straight/American/human) community.

The responsibility frame was the most problematic to conceptualize during training and execution of the framing instrument. Most likely, this was a result of the intense and deep intermingling of the political and the personal on this issue. The responsibility frame hoped to capture the extent to which an article suggested that some level of government was responsible for the issue, or was able to somehow resolve it. Being that same-sex marriage can become “an issue” only because our society defines and recognizes marriage through law, it is almost impossible to separate the issue from its governmental influences. Still, the issue is intensely
personal, and the institution of marriage predates any form of government, not least, the government of the United States. Therefore, this debate springs from a human desire to understand and control our own and others’ relationships; and this desire often is separate from our links to governmental control and regulation. Still, it is important to understand whether contemporary society views marriage as a primarily political or personal choice. For both sides of this debate, the findings of this study present important implications for future strategies.

That the responsibility frame was used less often than both the morality and conflict frame overall, (and less often than the human interest frame in TO), suggests that writers and readers of newspapers prefer to conceive of this issue in terms of individual and group struggles over the meaning and manifestation of “right and wrong” rather than relying on the government to resolve this issue. Furthermore, it points to the correct understanding that this issue is not primarily about how the government regulates marriage; it is about how citizens (in a society) view marriage and then enforce that through government. It points to a logical understanding that the government cannot and will not “fix” this situation any more than it “created” it. As Worthen (2003) points out, if the government “resolves” the issue in certain ways (e.g., through Supreme Court ruling or executive order) the people will most likely reject that resolution directly (through insubordination) or indirectly (through withdrawal from civic duty). In a democratic country, it is ultimately up to the will of the people to determine the “rights and wrongs,” or the rules, of their society. In this case, people’s views were expressed and enforced through legislation that banned the legal recognition of same-sex marriage.

However, from the perspective of gay rights advocates, it has become painfully clear that this may not always be the “best” (in terms of human rights) answer. Sometimes, as with this issue, what the majority deems “right” impairs the rights and privileges of a silenced minority. In a case where public opinion might lag behind progressive notions of equality (similar to the Civil Rights Era), is it up to the government to lead the way ideologically rather than to respond to popular opinion? It seems that perhaps both sides (as well as the media) have shifted the focus of this debate from blaming the government (and subsequently calling on it for a solution) to characterizing this debate as one that will ultimately require the hearts and minds of Americans to be “on the same page.” In the meantime, however, critics watch and wait to find out whether this strategy proves effective (and for whom).
The final frame, the *economic consequences* frame, occurred in only 12% of the sample. This is not surprising given that this issue is not primarily about financial outcomes, but does have some economic implications for couples as well as for business owners and insurance companies. Economic outcomes figure into the issue of same-sex marriage, because many of the privileges granted to married couples come with or are primarily focused on economic issues such as inheritance, insurance, and taxes (Cahill, 2004). It would seem that, given the economic focus of marriage privileges, one would expect the *economic consequences* frame to be paired most often with the *human interest* frame. However, 70% of the articles containing the *economic consequences* frame also included the *conflict* frame; and only 40% also included the *human interest* frame. It is difficult to say with any certainty what the connection between the *economic consequences* and *conflict* frames might be. However, the presence of the *conflict* frame in conjunction with others might largely be a result of the overwhelming use of the *conflict* frame overall, and other frames simply getting tossed into the articles to provide greater context for the conflict. Future studies might focus specifically on examining which frames are most often combined, and what their relationship is to each other within the given issue.

The remarkable blending of frames, or the occurrence of multiple frames within the same article, is a phenomenon worthy of further study. One of the reasons scholars seem to appreciate the use of framing as a mechanism to understand news media coverage of issues is that it creates discrete categories of classification and measurement. However, when the possibility of blended frames is allowed into an examination of media framing (as it was in this study) the benefits of discrete categories are almost completely lost. Similar to an experimental design with multiple independent variables where the interaction effect trumps any main effects for variables, so too does the interaction of frames seem to trump the main effects of frames appearing singularly. Of the 258 articles that contained frames, only 86 of those articles were characterized by the presence of just one frame. A full two-thirds of the sample contained articles with two or more frames present. The data from this study suggest that frames most often occur in tandem with other frames. Similar findings occurred in other studies where frames were not operationalized as mutually exclusive, but this phenomenon was not highlighted (Callahan & Schnell, 2001; Phalen & Algan, 2001). Rather there was an assumption that frames would overlap and occur simultaneously.
Still, recognizing the high likelihood of frames to occur simultaneously within articles has profound implications for framing research. First, it is important to note that discovering the presence of discrete frames is still important, if only to use as a springboard for understanding the interaction between multiple types of frames. Second, the interaction effect points to a potential flaw in framing studies that require discrete categories for each article, because they deny the phenomenon of frame blending. In other words, it seems likely that many articles contain multiple frames (as was shown in this study) and thus it seems invalid to measure articles in ways that deny the presence of multiple frames. Yet, if the framing literature merely seeks to create and define frames only to then blend them again, what is the result? The results can be useful, as in this study where both overall frame usage and frame combinations were measured and analyzed. But if the goal of framing research is to create discrete categories for valid measurement, then the presence of blended frames suggests that some revision of frame operationalization is needed. However, if in recognition of the richness of blended data, framing research moves toward less discrete categories, it sacrifices the generalizability and measurability of frames themselves. This tension between discrete and fluid frame categories cannot be resolved in this study, but the problematization of the framing paradigm in this way will hopefully spur continued meaningful research in this area. It is possible that the concept of “frame” might need to be completely reconstructed in order to remain meaningful in light of these findings.

The additional construct of tone was meant to help understand how often the newspaper articles supported or opposed the legal recognition of same-sex marriage. Only 19% of the total sample of articles were identified as having one of three types of tone: positive (meaning it endorses legal recognition of same-sex marriage), negative (meaning it opposes legal recognition of same-sex marriage) or both (meaning it both supported and opposed the legal recognition of same-sex marriage). The remaining 81% of the articles in the sample included no tone (or neither support of nor opposition to legal recognition of same-sex marriage). Given that only approximately one in five articles contained a tone of any kind, the inferences about newspaper tone use should be understood with great caution. Still, it is interesting to note that neither newspaper overwhelmingly supported or opposed the same-sex marriage legislation through the overt use of tone. In addition, the differences in tone usage between newspapers were non-significant. Both the AJC and TO included the same number of articles opposing the legal
recognition of same-sex marriage (5 each) and a similar number of articles that both supported and opposed legal recognition of same-sex marriage (6 in the AJC and 7 in TO). Yet, within the TO, there were statistically significant differences in tone usage. Specifically, 2 out of every 3 times that TO used a tone in an article, it used the “positive” tone. This may be due to the same influencing factors discussed in the above discussion of the human interest frame (i.e., events specific to each state during the 2004 election cycle). The fact that reporters at TO were responding to the reality of actual same-sex couples being granted marriage licenses on the courthouse steps of their own city likely had an effect on the way the reporters understood and then covered the issue.

It is useful in the discussion of tone usage to recall the discussion of blogger critiques of each of the newspapers. Recalling that bloggers responding to the TO considered it both liberal and conservative, the findings about their preference for support of the legal recognition of same-sex marriage is interesting. Typically, support of same-sex marriage is considered a liberal position, given that it is both associated with liberal politicians, and it can be understood as a liberal social policy since it seeks to change rather than maintain the status quo. Thus, noting that when TO took a side, it supported the legal recognition of same-sex marriage four times as often as it opposed it, reveals that perhaps the newspaper has a “liberal” bias. Meanwhile, bloggers responding to the AJC found nothing but liberal bias in the paper. Their interpretation of the newspaper corresponds to the supposed continued influence of founder James Cox, but it shows some support for the findings of this study. The AJC supported the legal recognition of same-sex marriage twice as often as it opposed it. Still, the AJC only “took a side” (i.e., used a tone) in 8% of the stories examined in this study.

Study Limitations

Clearly the largest limitation of this study is the low level of intercoder reliability. This limitation, however, is directly linked to the final research question concerning the viability of the measurement instrument. Even though the percentage agreement achieved is considered satisfactory, a more conservative test of intercoder reliability (Cohen’s Kappa) revealed an unsatisfactory level of intercoder reliability. This means that the results from this study should be interpreted with great caution. It is possible that low intercoder reliability might have been caused by the instrument itself. Though Semetko and Valkenburg (2000) achieved acceptable

\[\chi^2 (2, N = 33) = 13.82, p < .001\]
percentage agreement (between 92% and 100%) with the instrument, the same level of reliability could not be achieved in this study. Given that coders underwent multiple (four) training sessions and completed two separate pilot tests with articles drawn from the total sample (and therefore remarkably similar to the final sample), it seems unlikely that the low level of intercoder reliability should be attributed to lack of training. Rather, it seems that the instrument may not be as universally applicable as Semetko and Valkenburg (2000) proposed. After all, European politics (the subject of Semetko and Valkenburg’s (2000) study) are drastically different than same-sex marriage legislation, and, thus, the constructs of responsibility and morality, in particular, take on vastly different meanings. As discussed above, this issue is one that defies a neat separation between individual and governmental responsibility either for generating or resolving it. Thus, the responsibility frame, in particular, is probably not the most reliable or even the best indicator of the ways that reporters framed this issue.

Furthermore, it remains to be seen whether another type of frame (or frame subset) might have more accurately measured the contextualization of this issue by reporters in articles in the AJC and TO. For instance, should the morality frame be divided into religious and non-religious forms of morality? And, instead of the responsibility frame, would this issue more accurately be measured using a frame like civil rights? In at least one other study of same-sex marriage framing, a civil rights frame was used, but that study was also plagued by low intercoder reliability (Anderson, 2007a). Perhaps the issue is not the number or types of frames being used, but rather the entire enterprise of trying to measure the contextualization of this issue through the use of discrete categories. This should not be seen as an indictment of all framing research, but rather a questioning of this approach’s universality for the myriad issues that deserve study. It may be that there are simply some issues that defy categorization and measurement. Conversely, the measurement instruments may simply be in need of revision and further testing.

In addition to the low level of reliability, this study is also limited by its scope. The study examined only one newspaper from each state. As discussed above, Georgia and Oregon had very different experiences leading up to the 2004 election, making it difficult to compare their coverage even of the “same” issue of same-sex marriage legislation. Including additional newspapers in the analysis would provide richer data for comparison between newspapers within each state. The study might also have included national papers in order to see how local/regional coverage differed from national coverage of the debate over the legal recognition of same-sex
marriage. Still, the purpose of this study was to examine differences between two specific newspapers in a given year on the issue of legal recognition of same-sex marriage. Given this goal, the scope of the study was adequate.

Directions for Future Research

This study was unable to achieve satisfactory intercoder reliability using Semetko and Valkenburg’s (2000) frame measurement instrument. Future studies should utilize the same instrument in different contexts in order to examine its reliability and validity. Particular attention should be paid to the types of issues the instrument measures validly and those it is unable to validly measure. A factor analysis should be performed to ascertain what each operationalized frame is truly measuring. Perhaps there is a bias in the measurement toward issues that are less personal and more focused on governmental action. Testing the instrument for reliability is important because it helps to establish the viability of a universal, deductive approach to measuring frames. If this tool is repeatedly shown to be unreliable in other contexts, the universality of the “common frames” will be called in to question. However, if other studies are able to replicate Semetko and Valkenburg’s (2000) reliability findings, a new paradigm of framing research might emerge. The answer to this study’s final research question regarding the use of common, deductive frame measurement will hopefully be found in future studies.

The issue of legal recognition of same-sex marriage continues to plague voters, politicians, and activists on both sides of the issue. Future studies might examine the role of same-sex marriage legislation in other elections (the mid-term elections in 2006, or the 2008 presidential election cycle). Moving away from the association of same-sex marriage legislation with political elections, future studies might also examine the ways that same-sex marriage appears in newspapers on a day-to-day basis. Particularly fascinating would be a longitudinal study of one or more newspapers that would provide evidence of potentially shifting attitudes and methods of coverage.

Combining framing and movement studies to examine the use of frames by activist groups would be another outlet for future research. Building on the knowledge of how newspapers tend to frame the issue of legal recognition of same-sex marriage, future studies should investigate the ways in which activist groups’ own chosen frames reinforce or contradict the frames being used by mainstream news media. Using the same frames to study activists as well as coverage of them in mainstream newspapers would yield interesting information
regarding the interplay between news media and social activism. This type of study might also include data regarding the ways that journalists create articles in order to ascertain whether the frames used by the activist groups themselves influence the ways that journalists are likely to understand a particular issue.

Newspapers are declining in readership every year (“Where has the public gone,” 2004); thus, future studies may wish to examine the framing of same-sex marriage in television and online news forums. These studies may establish differences between cable and broadcast news sources, between different cable channels or shows, between online blogs and mainstream news sources, or between interactive and non-interactive forms of news production. Online news forums might also include social networking sites as well as blogs, traditional news sources’ online presence, and alternative media. Framing research will have to adapt to adequately measure online and televised framing, because those sources incorporate audio, visual and interactive content that alter audience reception of the texts.

Conclusions

Legal recognition of same-sex marriage is a contentious issue at the turn of the twenty-first century in America. By studying the ways that two newspapers, *The Atlanta Journal Constitution* and *The Oregonian*, covered that issue during the 2004 election cycle, this study provides useful information about the issue itself and framing research more broadly. The results of this study are important because they allow activists on both sides of the issue to understand how the issue is being treated in the media, so that they might tailor their messages for the greatest impact.

The study found that the issue was presented overwhelmingly as a conflict between two groups. Most likely, considering the contextual evidence provided in chapter 2, these two groups were gay rights activists in support of same-sex marriage and Christians (or other religious figures) opposed to same-sex marriage. In addition, though both newspapers rarely used *tone*; when they did they tended to support legal recognition of same-sex marriage.

Though the results provide interesting information regarding the coverage of this issue in two newspapers, they must be interpreted with caution given the low intercoder reliability achieved. One of the goals of this study concerned determining whether the frame measurement instrument chosen was viable for universal use. Based on the results of this study, the instrument should not be considered reliable unless and until verification of the instrument has been
achieved in subsequent studies. This finding is important as it suggests that a universal “common frames” approach to framing research is not yet appropriate.
References


Bronski, M. (2004). Over the rainbow: Gay-movement organizers obsessed with fighting for same-sex marriage seem to have forgotten their roots in a quest for a more liberated world, one they shared with feminists who viewed marriage as hopelessly patriarchal. In G. Wharton & I. Philips (Eds.), I Do, I Don’t: Queers on Marriage (pp. 48-52). San Francisco: Suspect Thoughts Press.


Georgia Code, Title 19, Ch. 3, Article 1.

Georgia Constitution, Article 1, § 4, cl. 1


Oregon Constitution, Article 15, § 5, cl. 1.


Appendix A

Figure 1 *Frame Frequencies Overall and by Newspaper*

![Frame Frequencies Graph](image)

**Figure 2.1 Frame Frequency by Newspaper**

<table>
<thead>
<tr>
<th></th>
<th>Responsibility</th>
<th>Human Interest</th>
<th>Conflict</th>
<th>Morality</th>
<th>Economic consequences</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AJC</td>
<td>53</td>
<td>44</td>
<td>106</td>
<td>65</td>
<td>22</td>
<td>290</td>
</tr>
<tr>
<td>Oregonian</td>
<td>35</td>
<td>53</td>
<td>82</td>
<td>62</td>
<td>11</td>
<td>243</td>
</tr>
<tr>
<td>Total</td>
<td>88</td>
<td>97</td>
<td>188</td>
<td>127</td>
<td>33</td>
<td>533</td>
</tr>
</tbody>
</table>

**Figure 2.2 Tone Frequency by Newspaper**

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<tr>
<th></th>
<th>Oppose SSM</th>
<th>Support SSM</th>
<th>Both Support &amp; Oppose SSM</th>
<th>Total</th>
</tr>
</thead>
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<tr>
<td>AJC</td>
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<td>11</td>
<td>6</td>
<td>22</td>
</tr>
<tr>
<td>Oregonian</td>
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<td>21</td>
<td>7</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>32</td>
<td>13</td>
<td>55</td>
</tr>
</tbody>
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78
Figure 3 *Tone Frequency by Frame*

<table>
<thead>
<tr>
<th></th>
<th>Responsibility</th>
<th>Human Interest</th>
<th>Conflict</th>
<th>Morality</th>
<th>Economic consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support SSM</td>
<td>9</td>
<td>10</td>
<td>23</td>
<td>24</td>
<td>5</td>
</tr>
<tr>
<td>Oppose SSM</td>
<td>6</td>
<td>0</td>
<td>7</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Both Support &amp;</td>
<td>10</td>
<td>7</td>
<td>11</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Oppose SSM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neutral</td>
<td>63</td>
<td>80</td>
<td>147</td>
<td>85</td>
<td>24</td>
</tr>
</tbody>
</table>

Figure 4 *Frame Concurrence Overall*

<table>
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<th></th>
<th>Responsibility</th>
<th>Human Interest</th>
<th>Conflict</th>
<th>Morality</th>
<th>Economic consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibility</td>
<td>***</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Interest</td>
<td>23</td>
<td>***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conflict</td>
<td>50</td>
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<td>***</td>
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</tr>
<tr>
<td>Morality</td>
<td>36</td>
<td>58</td>
<td>102</td>
<td>***</td>
<td></td>
</tr>
<tr>
<td>Economic consequences</td>
<td>12</td>
<td>14</td>
<td>23</td>
<td>12</td>
<td>***</td>
</tr>
</tbody>
</table>
Appendix B
Code Book

Frame Descriptions........................................................................................................2
General Coding Guidelines..........................................................................................4
Conflict Frame example.................................................................................................5
Human Interest Frame example......................................................................................7
Economic Consequences Frame example.....................................................................11
Morality Frame example..............................................................................................13
Responsibility Frame example....................................................................................16
Frame Questionnaire example.....................................................................................19
Frame Descriptions

The **conflict frame** “emphasizes conflict between individuals, groups, or institutions as a means of capturing audience interest” (Semetko & Valkenburg, 2000, p. 95). In the case of same sex marriage legislation, the conflict is often between members of the gay community and members of the religious community—though not always. The *conflict frame* is especially relevant to same sex marriage legislation given that news media have a propensity to report about politics as though it were a game. (Kerbel, Apee, & Ross, 2000)

The **human interest frame** “brings a human face or an emotional angle to the presentation of an event, issue, or problem” (Semetko & Valkenburg, 2000, p. 95). For stories devoted to same sex marriage, the “human face” is often a same sex couple seeking—and being denied—a marriage license. Stories may also chronicle day-to-day struggles faced by couples who are not able to obtain a marriage license. Less frequently stories may cover groups or individuals protesting certain developments with regard to the legislation. Since this legislation is inherently personal, one might expect to see a preponderance of the *human interest frame*, but previous research indicates it may be far less prominent than the *conflict frame* (Cappella & Jamieson, 1997).

The **economic consequences frame** “reports an event, problem or issue in terms of the consequences it will have economically on an individual, group, institution, region or country” (Semetko & Valkenburg, 2000, p. 96). Economic consequences like access to health care or retirement benefits from one’s spouse often appear in discussions of same sex marriage legislation.

The **morality frame** “puts the event, problem or issue in the context of religious tenets or moral prescriptions” (Semetko & Valkenburg, 2000, p. 96). Though previous research suggests this frame is more prevalent in the readers’ minds than the text itself, it is an extremely crucial frame to identify in the same sex marriage legislation debate (Neuman, et al., 1992). Clearly, religious interests and ideologies inform much of the debate surrounding same sex marriage legislation. These interests often define the terms of the debate and make moral prescriptions about how to respond to it (Entman, 1993).

Finally, the **responsibility frame** “presents an issue or problem in such a way as to attribute responsibility for its cause or solution to either the government or to an individual or group” (Semetko & Valkenburg, 2000, p. 96). This frame is particularly useful and revealing
when it comes to same sex marriage legislation. For example, an article may point to the overturning of sodomy laws in *Lawrence v. Texas* to show that the government (particularly the judicial branch) is the cause for our reconsideration of marriage laws particularly with respect to couples of the same sex. Conversely, the article could cite the activity of particular interest groups as forcing this issue into mainstream conversation showing that “activists” are the cause for this issue. In terms of solutions, an article may highlight involvement in a particular group coupled with individual voting responsibility as the solution to this problem rather than relying on the Supreme Court to rule in favor of one’s position. Or, the article might make legal rulings paramount, thus relying on the government to create a solution to the issue. Thus, this study will utilize the five frames outlined above to analyze the newspaper coverage of same sex marriage legislation in both Georgia and Oregon.

*Tone* will refer to whether the article supports or opposes the legal recognition of same sex partnerships as “marriage”. Because the legislation in both states deals with legally recognizing same sex partnerships as “marriages,” support for legal recognition of same sex partnerships as “civil unions” or any other term will be coded as “opposition” to same sex “marriage.” Therefore, coders will simply answer yes or no to the question “Does the story support the legal recognition of same sex partnerships as “marriage”?"
General Coding Guidelines

1) Read through each article once before answering the questions on the coding worksheet. Refer back to the article if you need to double-check your responses.

2) Respond to each question based on the overall feel of the article, rather than small details that may be present.

3) If the answer to the question seems ambiguous, answer “no”. We only want to answer “yes” if the element is clearly present in the article.

4) Morality in this study is defined as: pertaining to, or concerned with the distinction between right and wrong (especially according to certain standards or principles) OR the judgment of the goodness or badness of human action, conduct or character.

5) Because “the problem” (as stated in questions 1-5) could take on multiple meanings between articles, and even within one article, “the problem” will be universal during coding. “The problem” will refer to the fact that same-sex couples cannot have legally recognized marriages. If, however, the article explicitly states a different problem (i.e., “activist judges are ruining America” or “religious voters are forcing their beliefs on others”) then refer to that stated problem when answering questions.

6) Only answer #22 “Does the story support recognition of same-sex partnerships as marriage?” if the answer to question #21 “Does the story take a clear stance on, or endorse a particular side of, the issue?” is “yes”.

83
Conflict frame

“emphasizes conflict between individuals, groups, or institutions as a means of capturing audience interest” (Semetko & Valkenburg, 2000, p. 95).

In the case of same sex marriage legislation, the conflict is often between members of the gay community and members of the religious community—though not always. The conflict frame is especially relevant to same sex marriage legislation given that news media have a propensity to report about politics as though it were a game. (Kerbel, Apee, & Ross, 2000)

ELECTION MAPS CULTURAL DIVISIONS

Summary: Portland-area precinct results show backers of Democrat John Kerry parted ways on the gay marriage ban and other issues

While Democrat John Kerry was winning almost all of the urban and close-in suburban neighborhoods of the Portland area, voters were much more divided on contentious ballot measures such as the ban on gay marriage.

The counties released precinct figures this past week that provided a much clearer political portrait of the tri-county area in the Nov. 2 election.

The results showed that Kerry's Oregon victory was based on a strong showing that extended from the entire city of Portland out into the neighboring suburbs of Washington and Clackamas counties. Meanwhile, President Bush did his best on the urban fringes, where newer subdivisions and still-rural communities gave him big vote margins.

Kerry received more than 90 percent of the vote in some inner-city precincts of Southeast and Northeast Portland, while Bush got more than 60 percent of the vote -- his highest percentages in the tri-county area -- in the rural parts of southwestern Clackamas County.

When it came to the ballot measures, however, many of the voters who brought Kerry his Oregon victory departed from Democratic orthodoxy and helped provide the winning margins to initiatives that boosted property rights and banned same-sex marriage.

The votes on both the measures and in the presidential race show that the true liberal heart of the region contains most of the city of Portland west of Interstate 205 as well as several neighborhoods stretching west into Beaverton and south through Lake Oswego and West Linn.

At the same time, conservatives were able to make substantial political inroads in the metropolitan area, chiefly through the ballot measures.

The same-sex marriage ban, Measure 36, passed in many blue-collar neighborhoods that supported Kerry, such as in Milwaukie and mid-Multnomah County. Neighborhoods in more affluent close-in suburbs were less likely to back Measure 36.

Tim Nashif, who led the Measure 36 campaign, said he wasn't surprised by the precinct results. He said voters in many blue-collar areas are culturally conservative and saw the issue in bipartisan terms.

"A lot of the grass-roots stuff we did was focused on the (blue-collar) areas you're talking about," he said.

Roey Thorpe of Basic Rights Oregon, which opposed the measure, said better-educated voters tended to oppose the same-sex marriage ban, as did younger voters.

Margins vary on gay marriage

The gay marriage ban received its biggest percentages of support in the outlying areas and its lowest numbers in many inner-city neighborhoods of Portland.
In one precinct in the heart of Northeast Portland's Irvington neighborhood, for example, Measure 36 received slightly less than 19 percent of the vote. Meanwhile, it won nearly 70 percent of the vote in a fast-growing neighborhood east of Clackamas Town Center.

Unlike in Irvington, Measure 36 was defeated by smaller margins in some nearby neighborhoods with a large African American population.

Some of the churches in that area backed the measure, and it appeared to be reflected in the vote, both Nashif and Thorpe said.

There was also a sharp divide on Measure 37, the property rights measure, which passed handily statewide. It requires either that landowners be compensated for new regulations that lower the value of their property or that the restrictions be waived.

It also won big majorities throughout the tri-county area, except in the urban core of Portland and its nearby suburbs. The measure also failed in the retirement community of Charbonneau, south of Wilsonville, where residents have been fighting an attempt to develop a nearby golf course into a warehouse and distribution center.

Neighborhoods divided by tax

There was a less clear-cut divide on Measure 33, an initiative defeated by the voters, which would have loosened restrictions on the use of medical marijuana.

While it passed in most Portland precincts west of I-205, it lost in some neighborhoods, such as the Alameda area, that have a large number of families. It did best in precincts marked by a large population of renters and young adults.

It also won in several outlying precincts of Washington and Clackamas counties as well as most of Milwaukie. Rep. Carolyn Tomei, D-Milwaukie, said voters in her city are "very individualistic" and perhaps saw the marijuana measure as an issue of personal choice.

Although Multnomah County is the most liberal of the three counties, it did have its own close vote on whether to repeal a temporary county income tax implemented to help schools and social services. The repeal measure failed by less than five percentage points, largely because of a strong no vote in the city's urban core.

The repeal measure failed in almost all of the precincts west of 82nd Avenue, with the major exception of North Portland. And the repeal was passed in all of the precincts east of 82nd. The measure received a low of 25.5 percent in the Sunnyside neighborhood of inner Southeast Portland and a high of 71 percent in a precinct covering much of Troutdale, in East Multnomah County.
**Human Interest frame**

“brings a human face or an emotional angle to the presentation of an event, issue, or problem” (Semetko & Valkenburg, 2000, p. 95).

For stories devoted to same sex marriage, the “human face” is often a same sex couple seeking—and being denied—a marriage license. Stories may also chronicle day-to-day struggles faced by couples who are not able to obtain a marriage license. Less frequently stories may cover groups or individuals protesting certain developments with regard to the legislation. Since this legislation is inherently personal, one might expect to see a preponderance of the *human interest frame*, but previous research indicates it may be far less prominent than the *conflict frame* (Cappella & Jamieson, 1997).

**THE DAYS AFTER THE 'I DO'S'

Summary: An outpouring of support and affection buoys three gay married couples

Amy Swanson and Heather Block, a Portland couple raising three daughters, have lived for years as if they were married.

But they weren't. As a same-sex couple, they weren't allowed to.

On March 3, that changed. Cradling their 9-day-old newborn, the two mothers rushed to Multnomah County headquarters the next day to enter a government-recognized marriage.

Like other gay and lesbian newlyweds who mark their three- and four-month anniversaries this month, Swanson and Block say the changes in their day-to-day life are subtle.

That holds true for a Southwest Portland gay couple whose April 17 backyard wedding came after they'd been together a quarter century. And for a pair of North Portland lesbians who became the "poster wives" of gay marriage in Oregon -- and still get congratulated by strangers on the street nearly every day.

The state's residents are sharply divided over same-sex marriage. A March poll by The Oregonian found 54 percent opposed. Supporters of an initiative to ban gay marriage in Oregon's Constitution gathered 244,000 signatures -- more than twice the number needed -- in just five weeks.

But these three couples say they have gotten only approving reactions and have felt buttressed by the unexpected upwelling of support.

Getting married didn't inject new romance into Swanson and Block's lives or step up their commitment, they say. Their notions of love and commitment were shaped by the example of their parents -- both sets married more than 35 years -- and in 2000, they committed themselves to a lifelong union, exchanging vows and rings in a backyard ceremony.

Plus, having survived a stressful six-month house remodel that had the family living in the basement all winter, the relationship had already proved it could survive any test, Block says with a laugh.

But the surge of good wishes from neighbors, friends and co-workers -- people whose embrace of the same-sex couple's relationship had chiefly gone unspoken in the past -- has touched them.

Slight and wiry, her hair a tangle of curls, Block comes from conservative rural Kentucky roots. She didn't come out as a lesbian, even to herself, until she was in her mid-20s, after failing to make an early marriage to a close male friend feel "real." Now 33 and an occupational therapist, she manages a rehabilitation unit at Oregon Health & Science University.
Swanson, tall and sturdy, was raised in Corvallis in a family she says was so liberal that her parents and brother found it easier to accept that she was gay than she did. With a master's degree in communications from Portland State University, the 32-year-old works for Multnomah County, helping administer the county income tax.

For them, as for many gay couples who waited in long lines to marry, a prime motivation was to get the legal privileges that come with marriage. The General Accounting Office tallies 1,138 of them, from death benefits and adoption rights to Social Security payments and inheritance rights.

But, with Multnomah County's gay-marriage licenses under court challenge, those legal rights haven't materialized. The federal Defense of Marriage law and the proposed state ban on gay marriage that will come before Oregon voters this fall mean they may be withheld for years.

So Swanson and Block rely on the same thick sheaf of legal papers -- wills, power of attorney documents, health care proxies, adoption papers -- that other gay couples do to ensure that their wishes will be honored if one of them gets sick or dies.

Similarly, their wedding did nothing to change the way daughters Mekyla Robinson, 10, and Emily Robinson, 7, born during Block's first marriage, view their two moms' relationship. In their eyes, their mothers already were as married as other parents.

The marriages, in fact, are in legal limbo. A Multnomah County judge upheld the 3,022 same-sex licenses as valid, but an appeals court judge granted the state permission to postpone recording them.

Swanson and Block say they hope court decisions and initiative votes go their way. But they're prepared for setbacks.

"Even if we have to take a step backward," Swanson says, "we are going to end up taking several steps forward in the end. As far as our marriage, we are always going to consider ourselves married."

Meanwhile, they say, the changes in their life have been welcome but small:

A signed, certified marriage license hangs in their dining room. Neighbors, some alerted by a "congratulations newlyweds!" message that construction workers spray-painted across the home's unfinished front gable, surprised them with a shower of cards and good wishes.

Perhaps the most intimate change, the women say, is one small word.

Block and Swanson had sometimes cringed at the terms available to explain the other person's place in her life -- "lover" too illicit and sexual, "partner" too open to being interpreted as a business arrangement.

Now they have a new word -- one that feels spot-on correct -- to explain the other's place in her life. Looking at Block with a smile, Swanson says: "Now we call each other 'wife.' "

Perfect first couple

Neither Mary Li nor Becky Kennedy expected to have one of the nation's most publicized weddings of the year.

In fact, as a lesbian, Li, 41, spent decades mourning that she'd never get married -- no picking out a china pattern and walking down the aisle in a long white dress, never able to live in a relationship condoned and supported by society.

Then Multnomah County's attorney decided it was unconstitutional to deny marriage to gay people -- and the state's most powerful gay advocacy group, Basic Rights Oregon, decided that Li and Kennedy, along with their baby daughter, would be the perfect first couple to exemplify gay newlyweds in Oregon.
Cue the "Today Show," Time magazine, MTV and prime-time network news coverage of their wedding.

In the months since they married, the couple have felt uplifted by an outpouring of support for their relationship.

When they dine out, they often get a complimentary dish from the chef. When they walk around Portland with their daughter, now 13 months old, they get handshakes and high-fives.

"We still get stopped every day by someone who says, 'Congratulations. Thank you so much for doing that,' " Kennedy says. "It's kind of cool."

The couple met through a personal ad placed by Kennedy. Then a therapist at the Veterans Affairs Medical Center, she mostly hung out with soccer-playing friends.

Li, who coordinates anti-poverty programs for Multnomah County, mainly socialized with gay and lesbian activists and in Portland's Asian community. She had recently ended a 12-year relationship with another woman.

Their first date, four years ago, lasted seven hours. "We were having such a great time, nobody wanted it to end," Li recalls.

They moved in together in 2002. Soon after, Kennedy proposed, complete with ring. They had baby Ava Jean Li-Kennedy in 2003. "We knew it was a lifetime thing," Kennedy says.

Still, they say, marriage feels different.

"I have heard this from other people who got married -- and it's true -- that there is a qualitative difference in your relationship," Li says, "a difference in the tenor, once you get up there and say 'I do.'"

Kennedy, 43, agrees. "There's something about having a piece of paper and having an ability we never thought we'd have -- you feel somehow even more committed."

The most affecting development, they say, has been the change in Kennedy's mother -- from opponent of gay marriage to an enthusiastic advocate of her daughter getting wed.

Her parents, devout Catholics who live in Pendleton, had embraced church teachings, including that marriage is meant solely for a man and a woman. Jean Kennedy told her daughter so.

But over the years, her mind kept turning the issue. When San Francisco's mayor began issuing same-sex licenses in February, she told her daughter she wasn't so sure. By the time California clamped down on the rogue mayor, she told Kennedy that she regretted that she and Li hadn't gone to San Francisco to marry.

"My mom said, 'You guys are a family, and you really should have all the rights everyone else does. Your father and I are completely behind you.' "

A culminating step in her mother's change of heart, Kennedy says, came when her parents were sent a petition form and letter asking them to collect signatures to add a ban on gay marriage to Oregon's Constitution.

They tore it up.

"They have really come full circle to stand behind us," Kennedy says. "It's incredible to me to have that much love and support."

'I love you'

David Strough remembers his first love affair.

He was 27, a sculptor with a degree in fine art, new to Portland, bartending to support himself. He fell for a man named Keith Love, a 30-year-old Vietnam vet and divorced father of a 5-year-old girl. Love was taking night classes at Portland State University and working as a waiter and bartender.
Neither expected what unfolded over the next quarter century: Now in their early 50s, they have remained committed and in love for 25 years. They've made a life together in Southwest Portland, combing estate sales, nurturing a dazzling array of plants, transforming their home into a place of luxurious welcome.

For Love's daughter, Erin, who has seen her mother marry and divorce twice since her parents split up, her father and Strough have been a constant couple in her life.

When they met, Strough found Love "adorable" and, more important, a good person -- accepting, concerned about others, not a hurtful bone in him.

Love was taken by Strough's creativity, his way of seeing the potential in people and objects, his ability to make life gracious and elegant, even though he lived in an apartment with only two chairs and a bed made of pallets.

Neither expected the relationship to endure.

Love, reeling from his divorce three years earlier, had seen many relationships end badly. Strough was looking for a first romantic relationship, not a lasting one.

And marriage -- well, that was out of the question, and not just because they were gay.

Keith Love's parents never married, and his father didn't stick around to meet his son. A grandmother and her live-in boyfriend mainly raised him.

Strough, similarly, does not remember his mother, the divorce came so fast. His father married and divorced three times before Strough finished high school.

Neither man's direct experience made marriage something to aspire to.

They took their relationship slowly, moving in together after about two years. Strough says he was open to deciding pretty much every day whether he was happier staying in the relationship or leaving -- which is why, he says, it took him 17 years of deciding every morning that he wanted to stay to realize neither one of them was leaving, ever.

"I just woke up and realized, by God, we've been together 17 years," he says. "It dawned on me, you can't decide to fall out of love."

Their life feels contented. Love rises early to putter before going to his job as a Fed-Ex customer service agent. Strough sleeps in after staying up half the night working in his basement art studio. They spend weekends eating out, gardening, shopping, talking.

When the Multnomah County commission first offered, they weren't interested in a wedding -- "all that folderol," Love called it.

But politically, they were for gay equality. And they wanted the legal rights and privileges of marriage, instead of having to hire lawyers to ensure their mutual medical and financial wishes.

They stood in line for their marriage license March 9.

Then Strough went to several after-the-fact hearings on whether to approve gay marriage. He listened as people said hateful things about gays and why marriage should remain off limits to them. Suddenly, marriage was personal -- and he wanted in.

They still weren't too serious, however. No minister or lengthy vows. Love's boss would sing Loretta Lynn's "You Ain't Woman Enough (To Take My Man)."

Both were surprised at the depth of emotion they felt during their wedding.

Love read an Edna St. Vincent Millay poem, calling his love "my hunger's rarest food, and water ever to my wildest thirst."

When Strough looked at Love and tried to say his vows -- "I love you. I have for 25 years. I do with all my heart. And I will for as long as I can." -- he choked up and could not speak.

A certified copy of the ordinance permitting same-sex marriage, signed in person by the four commissioners who approved it, hangs framed in their home.
"To us, this is Rosa Parks' bus ticket," Strough says. "Imagine if you had that to hang on your wall."

The biggest change in their lives since marriage, they say, is the notion that their relationship is legally recognized, or may soon be. That could mean having to revisit wills, power of attorney decrees, medical consent forms -- because all are invalidated if the person marries.

Almost as big, they say, has been the flowering of support from others. Friends have wept with them. Neighbors rush to congratulate them. Thanks to marriage, their love and commitment are easy for other people to talk about, and to celebrate.

"All of the sudden," Strough says, "there's this amazing liberation that's happened that we didn't even know wasn't liberated." Betsy Hammond: 503-294-7623 or betsyhammond@news.oregonian.com

CORRECTION: On Friday, the Oregon Court of Appeals denied a stay requested by the state to block the recording of thousands of marriage licenses of same-sex couples in Multnomah County. The state says it will not recognize the marriages until the constitutionality of gay marriage is considered by the courts. A story in today's Living Today section, "The Days After the I Do's," refers to gay couples awaiting the outcome of the appeals court challenge. The section was printed before Friday's court decision.
Economic Consequences frame

“reports an event, problem or issue in terms of the consequences it will have economically on an individual, group, institution, region or country” (Semetko & Valkenburg, 2000, p. 96).

Economic consequences like access to health care or retirement benefits from one’s spouse often appear in discussions of same sex marriage legislation.

**GAY MARRIAGE SUIT SHIFTS TO BENEFITS RIGHTS**

Summary: Gay-rights advocates turn to civil unions and legal equality in a case before the state high court.

Gay rights leaders on Thursday asked the Oregon Supreme Court to order civil unions for same-sex couples and to uphold the legality of 3,000 marriage licenses issued to gay and lesbian couples earlier this year in Multnomah County.

While conceding that passage of Ballot Measure 36 this month bans future same-sex marriages in Oregon, gay-rights advocates said they still might challenge the constitutionality of the initiative in a separate lawsuit at a later date.

Measure 36 amended the state constitution to recognize marriage as only between a man and a woman.

After Measure 36 passed, the Oregon Supreme Court asked supporters, opponents and state officials how the initiative affected a pending lawsuit that claimed that the state's marriage law violated the constitutional rights of gay and lesbian couples.

Kelly Clark, attorney for the Defense of Marriage Coalition, sponsor of Measure 36, said the passage of the measure eliminated any doubt about the validity of state laws that define marriage as being between a man and a woman.

Clark also questioned how gay-rights advocates can change tactics and push civil unions after arguing against them in earlier legal briefs.

"You can't change your request two-thirds of the way through a lawsuit," Clark said.

Gay-rights advocates say they were seeking the right to marry as well as the legal benefits of marriage. Measure 36’s passage eliminated their constitutional right to marry, but not their rights to the benefits of marriage.

The Oregon attorney general's office has identified 279 state laws that relate to marriage. Most define benefits and rights in areas such as Social Security, taxes, inheritance, public assistance, immigration and housing -- benefits that generally become important in times of illness, crisis, divorce and death.

Roey Thorpe, executive director of Basic Rights Oregon, the gay-rights group that unsuccessfully opposed Measure 36, said she and her allies are "still determined to achieve full marriage equality" for same-sex couples in Oregon, but will now focus on winning the benefits and rights of marriage for gay and lesbian couples.

In their legal briefs, attorneys for Basic Rights Oregon and the American Civil Liberties Union ask the Oregon Supreme Court to order the Legislature to pass a law giving gay and lesbian couples the same state benefits, obligations, rights, responsibilities and protections that married couples and their children receive.

"We are no longer seeking the right to marry for same-sex couples going forward, but we do believe the Oregon Constitution requires equality with respect to the protections that come with marriage," said Ken Choe, attorney for ACLU's National Lesbian and Gay Rights Project.
Measure 36, he added, "has not taken away rights of same-sex families and their children to these benefits."

ACLU attorneys say in their brief that the Legislature should have 90 days to pass a law establishing a civil institution to provide benefits of marriage for same-sex couples. Such legislation would be similar to Vermont's 4-year-old civil union law.

Earlier this year, Multnomah County officials began issuing marriage licenses to same-sex couples after determining that Oregon's marriage law violated the constitutional rights of gay and lesbians.

On March 24, gay-rights advocates filed a lawsuit seeking to force the entire state to allow gay and lesbian couples to marry and to recognize the marriage licenses issued to about 3,000 same-sex couples. The Oregon Supreme Court will hear arguments on the case Dec. 15.

The Defense of Marriage Coalition argues that the court should dismiss the suit except for the question about the status of the state's 3,000 same-sex marriages. Clark argues that they were never legal, as does the Oregon Department of Justice.

But unlike the Defense of Marriage Coalition, the Justice Department argues that the court should decide whether the Oregon Constitution requires the extension of marriage benefits to same-sex couples.

"We believe the court needs to hear this case and needs to make a decision as to the rights and privileges of same-sex couples," said Kevin Neely, a Justice Department spokesman. "And we believe that if, in fact, those couples are entitled to all the rights and privileges that married couples are, then the matter needs to be referred to the Legislature."

Historically, the Oregon Supreme Court has come up with its own solution when it finds a constitutional defect, not deferred to the Legislature.

"This may well be an extraordinary remedy, but this is an extraordinary case," Neely said.
**Morality frame**

“puts the event, problem or issue in the context of religious tenets or moral prescriptions” (Semetko & Valkenburg, 2000, p. 96).

Though previous research suggests this frame is more prevalent in the readers’ minds than the text itself, it is an extremely crucial frame to identify in the same sex marriage legislation debate (Neuman et al., 1992). Clearly, religious interests and ideologies inform much of the debate surrounding same sex marriage legislation. These interests often define the terms of the debate and make moral prescriptions about how to respond to it (Entman, 1993).

**FAITHS CLASH ON GAY MARRIAGE**

Summary: A ballot proposal to outlaw same-sex marriage in Oregon has created a theological fissure both among and within churches.

Most people of faith see marriage as a sacred, God-pleasing covenant, but they are divided over an Oregon ballot measure that would deny that union to same-sex couples.

Harold Dickhous, 51, a married warehouse manager in Beaverton who attends the nondenominational Living Hope Fellowship in Aloha, says the Bible condemns homosexuality as a sin that separates people from God.

"You can love them in Christ," he says, "but you can't abide the sin."

Allison McCormick, 33, a married mother and member of Sacred Heart Catholic Church in Southeast Portland, reads the same Scripture differently.

"The God I grew up with was a loving God, and he was the only one who had a right to judge how anyone else lives his or her life," she says. "I don't see how it in any way affects anyone else's life whether gays and lesbians marry."

Collectively, a majority of people of faith oppose same-sex marriage, according to a national poll released earlier this month.

But denominations, congregations, clergy, families, even some church-going couples, are divided over whether to support Measure 36, the Nov. 2 ballot measure to ban same-sex marriage. The measure would amend the Oregon Constitution to recognize marriage as being only between a man and a woman.

Views of same-sex marriage vary in part depending on how much authority people give to Scripture compared with their experience, reason and tradition in shaping their religious faith.

For example, Christians who interpret the Bible literally and view it as without error say it forbids homosexuality as a sin and thus same-sex marriage.

In the first chapter of Genesis, God creates man and woman, blesses them and tells them to "be fruitful and multiply," instituting the foundation for marriage. In Leviticus, the Bible denounces a man who "lies with a male as with a woman." The Apostle Paul also condemns "men committing shameless acts with men" in the New Testament book of Romans.

"There are seven condemnations of homosexuality in the Scripture, and nothing that supports it," says Pastor Berry Scruggs of Hoodland Lutheran Church in Brightwood.

To allow same-sex marriage "would absolutely legitimize a behavior we think is wrong," said Pastor Kelly Boggs of Valley Baptist Church in McMinnville.

Jennifer Emmert, 38, a member of Shepherd of the Valley Lutheran Church in Corvallis, says the Bible clearly endorses traditional marriage.
"When marriage is no longer between a man and a woman, we are tearing down the family system in this country, and it is already in bad enough shape," says Emmert, who is married and educates her two children at home.

Some seek context

But other Christians who oppose Measure 36 say Bible verses denouncing homosexuality should be viewed in the context of the times.

"Those passages of Scripture are not ones that can be applied in the situations we have today," says the Rev. Dennis J. Parker, interim rector for the Episcopal Church of the Resurrection in Eugene. "People of the same gender entering into loving and committed relationships would have been unknown in that society."

The Bible can be used to defend almost any view, say Christians who support same-sex marriage, as Scripture once was used by some churches to defend slavery. But they say the prevailing message of Jesus Christ in the New Testament is to love God and to love your neighbor.

"If the basic rule is we are supposed to be compassionate with our brothers and sisters, I don't see how this (Measure 36) fits," says the Rev. Larry Falkowski, rector of St. Stephens Episcopal Church in Portland.

Some Christians say that they need to balance what they learn from Scripture with what they learn from life.

"One of the things that moves my heart," says Richard Allan, 45, a Portland lawyer and member of First United Methodist Church, "is that I know some same-sex couples, and I see no differences in their lifestyle and what motivates those couples in their relationships and in raising children than in what motivates me and my wife in our relationship and in raising our children."

Conservative, liberal camps

Generally, religious groups divide into conservative and liberal camps over Measure 36.

The Defense of Marriage Coalition, the group that put the measure on the ballot, says it has support from more than 2,000 churches, many evangelical, representing more than 20 denominations across Oregon. The opposing group, No on Constitutional Amendment 36, reports more than 100 religious leaders and 31 congregations representing 20 denominations have endorsed its efforts.

The board of the Oregon Catholic Conference, representing 425,000 Roman Catholics, the state's largest religious group, endorsed Measure 36 this month.

The Church of Jesus Christ of Latter-day Saints, with about 140,000 members in Oregon, also issued a statement supporting all constitutional amendments that preserve "marriage as a lawful union of a man and a woman."

The emerging political bloc created by Catholics, Mormons and evangelicals on the marriage amendment represents a realignment, says Patricia O'Connell Killen, a religion professor at Pacific Lutheran University near Tacoma. It also reveals a split in an alliance that once existed in the Northwest between the Catholic Church and mainline Protestants, she says.

What's less clear is how much sway these groups have over their members, Killen says. Some Catholics, such as Allison McCormick, will oppose their leadership and vote against Measure 36.

Not every religious group is divided. Many evangelical congregations are united behind Measure 36. The Reformation Covenant Church in Oregon City, for example, requires church members to oppose homosexuality, says Pastor Dennis Tuuri.
Nearly all Muslims oppose same-sex marriage because the Quran explicitly speaks against homosexuality, says Yvonne Yazbeck Haddad, an Islam scholar at Georgetown University in Washington, D.C.

Poll finds wide differences

Members within each major Christian group, such as Catholics or mainline Protestants, differ widely on same-sex marriage. Those who adhere to traditional doctrines and rituals of their faith are more likely to oppose same-sex marriage than those open to modern interpretations and practices, according to a study released this month by John C. Green, director of the Bliss Institute, which studies religion and politics at the University of Akron in Ohio.

The survey of 4,000 randomly selected adults, supported by the Pew Forum on Religion and Public Life, showed that 30 percent of Catholics and 26 percent of mainline Protestants support same-sex marriage. But the study showed large differences between traditional and modern members of each group.

About 11 percent of traditional Catholics, for example, favored same-sex marriage compared with 51 percent of modern Catholics.

Ecumenical Ministries of Oregon, a group that represents 17 denominations including Catholic, Eastern Orthodox and Protestant, has taken stands against anti-gay rights measures in Oregon over the past decade. But it is taking no position on Measure 36.

"We just could not come to a consensus," says David Leslie, executive director of Ecumenical Ministries.

So the group is going to focus on providing materials and support for lively discussions in Oregon on Measure 36 and same-sex marriage, Leslie says.

"We don't believe this is over," he says. "No matter what happens on this initiative, it will be back."
**Responsibility frame**

“presents an issue or problem in such a way as to attribute responsibility for its cause or solution to either the government or to an individual or group” (Semetko & Valkenburg, 2000, p. 96).

An article may point to the overturning of sodomy laws in *Lawrence v. Texas* to show that the government (particularly the judicial branch) is the cause for our reconsideration of marriage laws particularly with respect to couples of the same sex. Conversely, the article could cite the activity of particular interest groups as forcing this issue into mainstream conversation showing that “activists” are the cause for this issue. In terms of solutions, an article may highlight involvement in a particular group coupled with individual voting responsibility as the solution to this problem rather than relying on the Supreme Court to rule in favor of one’s position. Or, the article might make legal rulings paramount, thus relying on the government to create a solution to the issue.

**STATUS OF SAME-SEX MARRIAGES CAUGHT UP IN LEGAL STRUGGLES**

Summary: Resolution of opinions pro and con could be further complicated by appeals of Measure 36

The license issued by Multnomah County and recorded by the state of Oregon spells it out in black and white: Becky Yarnall and Amanda Wright are married.

In reality, the two Portland women find the legal status of their marriage is gray.

The license enabled Yarnall, 29, to get health insurance through the employer of Wright, 24. Yet when Yarnall gave birth to their daughter, Sophie, in April, the state wouldn't allow Wright's name on Sophie's birth certificate as a parent. To get that, she must adopt Sophie.

Yarnall and Wright and nearly 3,000 other gay and lesbian couples married in the spring are spending their newlywed days in legal limbo.

And the November vote on Measure 36, which would declare only marriage between a man and a woman as legal, won't bring any immediate legal clarity.

If Measure 36 passes, opponents likely will challenge its constitutionality in new lawsuits.

And it's possible, some legal experts argue, that the court could create two groups of gay couples in the state by declaring the existing 2,961 same-sex marriages legal while upholding a ban on future same-sex marriages.

If the measure fails, the Supreme Court of Oregon would still have to rule on a lawsuit that claims the state's marriage law violates the constitutional rights of gays and lesbians.

A national debate The Measure 36 fight is one skirmish, possibly a pivotal one, in a fierce national battle over same-sex marriage.

The Massachusetts Supreme Court sparked the war earlier this year when it said prohibiting gays and lesbians from marrying violated their constitutional rights.

San Francisco Mayor Gavin Newsom began allowing gays and lesbians to marry after President Bush in his State of the Union address called for a constitutional amendment banning such marriages. Officials in New York, New Jersey and New Mexico briefly followed suit. Multnomah County officials in March started issuing marriage licenses to same-sex couples. Opponents of same-sex marriage struck back, filing lawsuits and pushing constitutional amendments at both the state and federal levels. A lawsuit stopped Multnomah County from issuing marriage licenses to same-sex couples in April.
Legal battles are unfolding across the country. Last month, a proposed federal constitutional amendment banning same-sex marriage was defeated 50-48 in the U.S. Senate, far short of the needed two-thirds majority.

In Missouri last week, voters approved by a wide margin a constitutional amendment banning same-sex marriage. The measure drew 1.5 million votes, more than any other race or issue on the ballot. At least eight states in addition to Oregon are considering similar amendments.

Also last week, a King County Superior Court judge in Seattle ruled that Washington's Defense of Marriage Act violated the state constitution by denying same-sex couples the "basic civil right to marry."

Same-sex marriages are now legal in Massachusetts, some Canadian provinces, the Netherlands and Belgium. Other states and countries are moving toward extending marriage or civil union privileges to gay and lesbian couples.

If Measure 36 fails The legal ramifications are more clear if Measure 36 fails. The focus of the debate will shift from the ballot to a lawsuit pending before the Oregon Supreme Court.

Gay rights supporters argue the state marriage law violates the state constitution's privileges and immunities clause by granting the right to marry only to heterosexual couples.

Opponents argue that traditional marriage between a man and a woman is an exception rooted in society's cultural history. State officials have argued that civil unions -- granting gay couples the same legal rights as married couples -- would satisfy the constitution.

The Oregon Supreme Court, which may rule next year, could settle the debate by declaring gays and lesbians have the right to marry.

But like Multnomah County Circuit Judge Frank L. Bearden, who earlier this year ruled that state marriage law violates the constitution, the court also could allow the Legislature to try to fix the problem by creating civil unions.

Kelly Clark, attorney for the Defense of Marriage Coalition sponsoring Measure 36, said such a decision would "split the baby" and push the debate out of the courts and into the political arena.

Gay rights advocates oppose anything short of marriage.

If Measure 36 passes It may seem that voter approval of Measure 36 would settle the same-sex marriage debate, but it could complicate it, at least in the short term, lawyers and legal scholars say.

Gay rights supporters likely would appeal under the state constitution, which prohibits ballot measures that amend more than one section of the constitution at a time.

Challengers could argue Measure 36 would make at least two changes. First, it amends the Oregon Bill of Rights to say only a marriage between a man and a woman is valid.

In addition, challengers might argue that Measure 36 implicitly nullifies same-sex marriages already performed in Portland. If so, the measure would amend another section of the constitution prohibiting laws that retroactively break contracts.

Challenging amendments on grounds they make multiple changes has been successful in recent years.

Since 1998, the Supreme Court has overturned constitutional amendments that enacted term limits, tightened campaign finance rules, required compensation for environmental regulations and changed aspects of the criminal justice system.

Clark said a successful challenge on such grounds would resonate beyond marriage.
"If this is not a single amendment, then nothing is, and the court has effectively killed the ability to amend the constitution by the people," he said.

Opponents of Measure 36 also could turn to federal courts, where gay-rights advocates have won two major victories in the last decade.

In 1995, the U.S. Supreme Court overturned an amendment to the Colorado Constitution that would have barred local governments from protecting gays and lesbians with anti-discrimination laws. The court said the amendment discriminated against gays and lesbians.

Last year, the court struck down a Texas law that prohibited sodomy between people of the same sex, saying that "Liberty gives substantial protection to adult persons in deciding how to conduct their private lives in matters pertaining to sex."

Another approach would be to argue that same-sex marriage bans violate the fundamental right to marry, a concept that the Supreme Court has upheld in at least three different contexts.

In 1967, the U.S. Supreme Court ruled that laws banning interracial marriage discriminated against African Americans. But in a less publicized section of the ruling, the court also said people have a fundamental right to marry, one which cannot be taken away without a compelling reason.

"Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival," the court wrote, quoting in part from an earlier decision.

Using the same reasoning, the court later struck down laws prohibiting marriage by inmates and by people who owed back child support.

In Seattle last week, Judge William L. Downing cited those decisions, saying that the state had failed to come up with any justification for infringing on the fundamental right of same-sex couples to marry.

"The denial to the plaintiffs of the right to marry constitutes a denial of substantive due process," he wrote.

His ruling is being appealed to the Washington Supreme Court.

If Measure 36 survives Constitutional amendments in Alaska and Hawaii overturned court rulings in favor of gay marriage in the 1990s.

But even if Measure 36 passes, the legal cloud hanging over the 3,000 same-sex marriages in Oregon still may not lift.

Several gay-rights advocates argue that Bearden in April ruled the marriages were legal under Oregon's constitution.

"I don't see how a change in Oregon's constitution can (retroactively) invalidate those marriages," said Edward Stein, professor at the Benjamin N. Cardozo School of Law in New York.

Clark, the attorney for the Defense of Marriage Coalition, disagrees.

The Supreme Court could uphold those marriages only by the "most tortured kind of legal reasoning" that would in effect say that "marriage licenses issued in direct violation of the then Oregon statutes are legal," argued Clark. "I just don't see that happening."

Even if Clark wins, the debate will not end, said David Fidanque, executive director of the American Civil Liberties Union of Oregon.

"People are not ready to let this go."
Responsibility Frame

1) Does the story suggest that some level of government has the ability to alleviate/resolve the issue?  Yes  No
2) Does the story suggest that some level of government is responsible for the issue?  Yes  No
3) Does the story suggest solution(s) to the issue?  Yes  No
4) Does the story suggest that an individual (or group of people in society) is responsible for the issue?  Yes  No
5) Does the story suggest the issue requires urgent action?  Yes  No

Human Interest Frame

6) Does the story provide a human example or “human face” on the issue?  Yes  No
7) Does the story employ adjectives or personal vignettes that generate feelings of outrage, empathy/caring, sympathy or compassion?  Yes  No
8) Does the story emphasize how individuals and groups are affected by the issue/issue?  Yes  No
9) Does the story go into the private or personal lives of the actors?  Yes  No
10) Does the story contain visual information that might generate feelings of outrage, empathy/caring, sympathy or compassion?  Yes  No

Conflict Frame

11) Does the story reflect disagreement between parties-individuals-groups?  Yes  No
12) Does one party-individual-group criticize/blame another?  Yes  No
13) Does the story refer to only two sides of the issue?  Yes  No
14) Does the story refer to winners and losers?  Yes  No

Morality Frame

15) Does the story include any moral message(s)?  Yes  No
16) Does the story make reference to morality, God and/or other religious tenets?  Yes  No
17) Does the story offer specific social prescriptions about how to behave?  Yes  No

Economic consequences Frame

18) Is there more than one mention of financial losses or gains now or in the future?  Yes  No
19) Is there more than one mention of the costs/degree of expense involved?  Yes  No
20) Is there more than one reference to economic consequences of pursuing or not pursuing a course of action?  Yes  No

Tone

21) Does the story take a clear stance on, or endorse a particular side of, the issue?  Yes  No

→ IF YES, ANSWER #22; IF NO, LEAVE #22 BLANK ←

22) Does the story support recognition of same-sex partnerships as “marriage”?  Yes  No