

Framing Marriage Equality

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Abstract

This paper serves as an exploration into the framing of arguments against the equality of marriage. We seek to explore the framing employed against the blanket issue of marriage equality, encompassing both same-sex marriage and interracial marriage. In order to analyze the frames, we will look at court decisions, main actors, historical precedent, and gather information on the media coverage of these frames. We seek to analyze the tactics employed by both proponents and opponents, to examine how they constructed their appeals based on previous political and psychological theory. We intend to examine how these appeals affected public opinion, and what caused the winning side to eventually prevail. This paper intends to examine the frames used by proponents and opponents, detail the shift of opinion, and look at potential causes of the rapid shifting of the Overton window to create a comprehensive view of the arguments behind marriage equality.

Marriage Equality: The Protection of Marriage as an Institution

Introduction

Same-sex and interracial marriage were relevant issues in different time periods, but the rhetoric and methodology employed in the arguments both for and against them had distinct similarities. The qualitative nature of our research discerned the language employed when using these frames, while the quantitative aspect of our research shows the rate at which these frames appeared. Opponents in both issues appealed heavily to fear in an attempt to affect their judgement, as theorized by Lerner and Keltner (Lerner and Keltner 2001). The morality and children frames, used to frame the debate as a moral issue that could impact the future of America, were the most prominent anti-frames in both arguments. These frames tried to incite fear in the populace; fear that society would fail to preserve the aspects which made it great in the first place. Opponents were perhaps successful in inciting fear in the early days of the argument, but the explosion in coverage for both issues indicates that the public initially came to see these issues as believable in the public sphere. Our qualitative data found that both sides used arguments that aligned with Kunda's theory of motivated reasoning, that people are motivated to accept information that appeals to them and disconfirm information that they do not like (Kunda, 1990). Opponents, especially within the context of the religious frame, made use of the idea of biased assimilation to appeal to the Christian aspect of the American identity (Lord, Ross, & Lepper 1979), namely that Christians had long-held prior theories on the issues that they could tap into. The eventual adoption of both of these issues as implemented policy indicates that the

anti-frames were unsuccessful, but opponents used a wide variety of psychological appeals and implicit biases to attempt to keep these issues within the ‘unthinkable’ realm of the Overton window. Theorized by political scientist Joseph Overton in the 1990s, the overton window is a spectrum that seeks to define what is considered acceptable policy (Astor, 2019). We examined the significant similarities in frame nature and rhetoric between the issues, and the rapid pace at which the Overton window for both issues shifted. Our research shows how opponents and proponents framed the debate consistent with Quattrone and Tversky’s theory on domains of loss and gain and risk perception (Quattrone and Tversky, 2004). Opponents implemented a wide range of appeals to fear, motivated reasoning, and identity in an attempt to maintain the status quo and keep marriage equality in the ‘unthinkable’ realm of the Overton window, but proponents of both movements were able to use episodic frames to frame American society as being in the domain of loss, where a risky policy was necessary to end legal discrimination.

Marriage as an equal right is commonplace in the United States today, but for decades it was a right many groups did not have. We seek to explore the frames both for and against the legalization of interracial and gay marriage in America. By documenting trends in the in history of marriage favorability between races and between same-sexes we can examine certain points in time where the opinion of gay and interracial marriage changes. In addition, we can evaluate the nature of legal cases that allowed for the transition of interracial marriage legalization in America and same-sex/LGBTQ marriage legalization.

Organization

This paper is organized as follows. The next section gives background on the issues of historical evidence of both gay marriage and interracial marriage and discusses previous studies of the topic. The following section develops a set of indicators of how marriage equality was discussed around the nature of both interracial marriage in the 1960s and gay/LGBTQ marriage in the 2010s. It explains of the media outlets compared to the popular opinion of gay marriage (in the 2010s) in America and interracial marriage in the 1960s. Additionally our research will seek to identify the actors both for marriage equality (respective of interracial and LGBTQ marriage and those who were for marriage as strictly as a religious institution (respective to the allowance of interracial marriages, just not same-sex, and those who were only for marrying within one's race.)

Background of Marriage Equality in the U.S.

Popular opinion and the influence of religious groups painted marriage equality as forbidden for much of human history. Religious doctrine strictly forbids the marriage of same-sex partners and associated a marriage between a man and a woman as a stable role in childrearing (W. Bradford, 2007). Over time, churches and other religious institutions have taken a backseat to dominant popular opinion in America, and the share of non-religious people in America has been steadily growing (Pew, 2015). Previous studies have sought to explore the role that religious institutions play in the marriage of a man and a woman. Other research studies such as Egan and Sherrill's have examined the changing tides in attitudes towards gay marriage by conducting surveys detailing peoples' knowledge of marriage law, opinion of civil unions, and preferences of for legal marriage. They show that younger generations in the LGBTQIA

communities were great proponents for the passage of same-sex marriage within the United States (Egan & Sherrill, 2005).

Maryland was one of the earliest states to pass a law on the banning of interracial marriage between groups of white individuals and people of color. The law did not draw a distinction between that of a freeman and enslaved or differentiate between marriage between black men to white women or white men to black women. Although the statute for interracial marriage bans were drawn out in Maryland, the first legal case to decide the fate of interracial marriages was the ruling in *Pace v. Alabama* (1883), where the U.S. Supreme Court decided that state-level bans on interracial marriages do not violate the 14th Amendment of the Constitution. In *Mclaughlin v. Florida* (1964), the United States Supreme Court ruled that bans on interracial sexual relations violates the 14th Amendment. While this did not allow for the legalization of interracial marriages nationwide it would set the precedent for the ruling of *Loving v. Virginia* in 1967.

The Lovings (Richard Loving and Mildred Jeter) married in Washington, D.C. where interracial marriage was legal. Shortly after their return to Virginia, the Lovings were arrested by their local sheriff and indicted on charges of violating Virginia's anti-miscegenation law condemning their act of interracial marriage as a felony under Virginia's penal code. The Lovings pleaded guilty under the law and were sentenced by Judge Bazile to a suspended one year prison sentence, provided that they would leave Virginia and not return until 25 years later. They appealed the court's decision to the United States through United States Attorney General and the American Civil Liberties Union (ACLU) who took it to the Virginia Supreme Court of Appeals and later the United States Supreme Court. The United States Supreme Court decision

of *Loving v. Virginia* (1967) voted in a unanimous decision that interracial marriage was legal in the United States under the Equal Protection Clause of the 14th Amendment. They stated the Virginia law has no grounds for constitutionality and that racial classifications were not subject to a rational purpose under the 14th Amendment. The statement of Earl Warren speaks for the shift in interracial marriages in the United States, “Under our constitution, the freedom to marry or not to marry, a person of another race resides within the individual, and cannot be infringed by the State (*Loving v. Virginia* n.d, 2019).”

This statement by Justice Warren coupled with the unanimous decision of the Supreme Court laid precedent for the decision in the case of *Obergefell v. Hodges* (2015). Forty-eight years after the decision of *Loving v. Virginia* (1967), multiple groups of same-sex couples sued the state agencies of Michigan, Kentucky, Tennessee, and Ohio for the challenge in constitutionality of the states’ bans on same-sex marriage or the refusal to recognize the legality of same-sex marriages in municipalities which allowed it to occur in the state(s). In a 5-4 decision, the United States Supreme Court proclaimed that the Due Process clause of the 14th Amendment provides protections for same-sex married couples and that the right to marry is guaranteed under the 14th Amendment as it is for all opposite-sex couples. The Court also reinterpreted the 1st Amendment in terms of religious freedom. They stated that the religious institutions have the right to protect and hold fast to their founding principles, but they cannot determine whether same-sex couples marry within their states (*Obergefell v. Hodges* n.d, 2019). Worldwide today, we see that most of the countries that allow gay marriage are in Western Europe, Australia, parts of South America and most North America and some of central America. We see a shift in framing of marriage equality beginning in the late 1960s with the

legalization of interracial marriage and the legalization of gay marriage and in the mid 2010s. Our examination utilizes the keywords: marriage, framing, equality faith, statute, interracial, gender.

We explain our main actors and frames below.

Main Actors

The main actors of the pro and anti-frames of marriage equality can be seen in the Supreme Court cases of *Loving v. Virginia* (1967) and *Obergefell v. Hodges* (2015). These cases discuss the injustices of marriage on the bases of race and sexuality. The proponents of these frames were breaking ground on new territory for years to come, as these issues are still relevant today.

The major constituents involved in the interracial arguments are the Loving's. In June of 1958, Mildred Jeter and Richard Loving left their home in Virginia to visit Washington, D.C. to get married. Shortly after returning home, they were arrested and jailed because their marriage violated state law. Richard was white, and Mildred was black. When they married in D.C. to avoid Virginia's law prohibiting interracial marriage, they had committed a serious crime (Wallenstein, 1995). Not being able to marry outside of your race was the main issue in this court case and that is what Mr. and Mrs. Loving were trying to overcome. The Loving's went to the United States Supreme Court to challenge the convictions against them for racial intermarriage (Wallenstein, 1995). In the end, the Court struck down all state laws banning interracial marriage as violations of the Fourteenth Amendment to the U.S. Constitution. Mr. Loving was a major actor in this case because of his emotional statements about the love of his wife, "...tell the Court I love my wife, and it is just unfair that I can't live with her in Virginia"

(Wallenstein, 1995). The Loving's situation was an episodic frame that evoked sympathy for the defendants. As a blanket issue interracial marriage is easy for opponents to frame in a negative way, but the episodic frame of the Lovings shows plight of a young couple in love and evokes sympathy for young couple having their rights violated.

The major actors against the interracial marriage arguments were those trying to uphold the anti-miscenegenation laws. The law the Loving's broke was created in 1691 by the House of Burgesses. They wanted to reduce the number of mixed-race children being born and did so by criminalizing marriage between someone classified as 'white' and 'colored' (Wallenstein, 1995). The Judge in this case, Judge Bazile, said, "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents; for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix" (Wallenstein, 1995). As opposed to the episodic frame of the Lovings, opponents used thematic frames, evident in Bazile's statement. Focusing on single stories creates empathy for those fighting discrimination, but focusing on the issue as a whole makes it easier to frame in a negative way.

Regarding gay marriage equality, a key actor who involved in the movement was James Obergefell. Obergefell and John Arthur were together in a relationship for 22 years. They had to travel to Maryland to get married because they could not legally wed in Ohio (Jim Obergefell, 2016). When they returned to Ohio, they learned that the state would not recognize their marriage as valid. Obergefell sued for their right to marry, and his case went all the way to the Supreme Court. The Supreme Court ended up ruling that the fundamental right to marry is guaranteed to same-sex couples by the Fourteenth Amendment of the United States Constitution.

The ruling requires that all states perform and recognize marriages of same-sex couples on the same basis as marriages of opposite-sex couples (*Obergefell v. Hodges* n.d.). *Obergefell* and Arthur invoked sympathy by causing the public to view the issue in an episodic frame, one where the unjust system prevented two people who love each other from being together. By focusing on the episodic frame, it created more sympathy within the public and created a specific example the public could point to (Aaroe, 2011). Justice Anthony Kennedy wrote the majority opinion that legalized same-sex marriage, arguing that the right to marry is a fundamental right and is protected by the due process clause.

Many of the state laws that prohibited gay marriage were associated with religion, and activists tried to frame this as a first amendment violation. Ohio did not recognize gay marriages for any purpose (Jim Obergefell, 2016). Many of the dissenting opinions on the Supreme Court argued marriage rights are not recognized anywhere in the constitution and should be left up to the discretion of the individual states. (*Obergefell v. Hodges*, Oyez). Critics of gay marriage echoed this sentiment, arguing that there was no constitutional basis, and the court was resorting to judicial activism push an agenda. The religious frames in these arguments appealed to the deep Christian identity of many Americans, hoping that they would not shun a core part of their identity to change the status quo.

In both marriage equality frames, the American Civil Liberties Union (ACLU) has been a major interest group in advocating for marriage equality. The ACLU has represented clients in court and has supported other major actors in defending rights (Targeted 2015). The ACLU focuses on the domain of loss, stating that any legal discrimination is un-American and we can improve our society by expanding marriage equality. The American Family Association (AFA)

is also another prominent interest group, but advocates against marriage equality (Washington 2015). The AFA tries to preserve the status quo by arguing that taking unnecessary risks could have disastrous consequences for long-held American ideals.

Opposing actors in the issues of marriage equality attempt to frame it in differing ways. Proponents typically focus on episodic frames to evoke sympathy, while opponents avoid this by using thematic frames to view the issue as a whole and avoid personal experiences (Aaroe, 2011). Proponents try to frame it as American being in the domain of loss to make people acceptance of the risk of implementing these policies, while opponents focus on the domain of gain to convince Americans we should not risk what we have for these radical ideas.

Marriage Equality Frames

Support for marriage equality in the United States shifted from a majority opposing it to a majority supporting it within the last twenty years. As recently as 2004, 60% of Americans opposed the legalization of same-sex marriage. In 2011, a majority of American supported marriage equality for the first time, at 46% in favor vs. 44% opposed. Today, 61% supports same-sex marriage vs. 31% opposed, a complete reversal in only fifteen years (Pew, 2019). In fifteen years, same-sex marriage rapidly transitioned from an unpopular radical idea to an implemented policy with wide support.

Since the early days of the LGBT movement, pro-LGBT rights groups have tried to frame the issue as one of civil rights. They have specifically avoided using the frames of family or religion, as those two frames are often used in negative portrayals of the movement. Detractors of gay rights will often frame the movement as trying to destroy typical family

structure or infringe on religious rights, trying to incite fear in the public and make them risk-averse. Risk-averse people are less likely to change the status quo, which the objective of the opponents in both cases. As far back as 1986, the ACLU supported same-sex marriage, framing the exclusion of gay people from the civil benefits of marriage as legal discrimination (Anderson, 1986). The frame of legal discrimination is one of the most common used by pro marriage equality groups, and it has succeeded in pushing their arguments through the courts under the pretense of the 14th amendment. In a 1989 New York Times article, the President of the California Bar Association Alan Rothberg said “It is unfair to deny people very substantial benefits solely on the basis of their sexual orientation” (Gutis, 1989). The frame of legal discrimination evokes feelings of fairness and equality for those that see that the groups message. The legal discrimination frame ignores religion, tradition, and focuses on fairness: how is it fair for same-sex couples to miss the benefits of a legally recognized marriage?

One of the earliest frames against the issue of marriage equality was the idea that it was morally abhorrent and would go against normalcy and tradition. Gary Bauer, a Reagan ally and head of the Christian fundamentalist Family Research Council, in a 1989 New York Times article said “[same-sex marriage] would undermine deeply held and broadly accepted ideas of normalcy”(Gutis, 1989). By framing same-sex marriage as an alien issue that had never been in contention during human history opponents argued that we should follow tradition and not change the status quo.

The frame of perversion that opponents applied to same-sex marriage made people fearful and therefore averse to changing the status quo. In 1996, Bob Barr, a Congressman who

was the co-sponsor of the Defense of Marriage Act that outlawed same-sex marriage, said "The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society, the family unit" (NPR, 2010). Barr employed this language to invoke fear and invoke the idea that Americans are in the domain of gain. By invoking the idea of the domain of gain, Barr is saying that the current status quo is what made American what it is and we risk destroying American's status by changing the current norms. This frame makes the same-sex marriage seem like a moral issue, as an assault on American moral values in which the moral cost outweighs the civil aspects.

Often used in this frame is the "Think of the children" argument, where opposing actors claim that homosexual couples being openly married will corrupt the morals of children or even 'turn them gay'. Within the morality frame, opposing actors would also make arguments that allowing same-sex marriages would be an assault on the nuclear family. Opponents put forth the idea that same-sex couples could not raise kids, and therefore we are morally protecting children by refusing to allow adoption by same-sex couples. By framing same-sex marriage as an assault on American values, the groups framing the issue hope to paint LGBT advocates as outsiders trying to attack the moral center of America. Invoking the children appeals to both fear and motivated reasoning. Every American is fearful for the world their children will inherit, and is motivated to make decisions in the present day to protect our posterity. This frame is usually seen as subtly bigoted today, but it never really disappeared: as recently as 2015 Senator Rand Paul called same-sex marriage a "moral crisis" (Zezima, 2015).

Today, the most common argument against gay marriage is typically the frame of religious liberty. Freedom of religion is one of the most heavily protected rights in America, and the anti-marriage equality actors invoke the religious frame to portray themselves as victims and increase the constitutional strength of their argument. In 2018, the Supreme Court ruled in favor of a baker who refused to make a wedding cake for a gay couple because he claimed it infringed upon his religion. The baker said that if he made the cake, it would be a symbolic endorsement of something explicitly forbidden in his religion. The Supreme Court agreed with him, ruling 7-2 in the baker's favor. Anthony Kennedy, the author of the opinion that legalized same-sex marriage, authored the opinion in this case and specifically cited religious freedom as a valid cause for refusing service (Liptak, 2018). The case, in which three justices who ruled in favor of marriage equality two years prior sided with the baker, exemplifies the strong constitutional strength of the religious frame. Religious liberty is a valence issue that has long been seen as a core American value, and very few people are willing to speak against it. Interestingly, the frame of religious liberty in the same-sex marriage debate seems to have come into prominence only recently. From 1980 to 2000, Nexis Uni returns only 1,543 results for the keywords "Religious Freedom" and "Gay Marriage", but from 2000 to 2019, this number balloons to more than 10,000. The most likely explanation is that as being LGBT became more accepted in society, arguments against it shifted away from the radical, 'this will destroy our civilization' frames of the 80s and 90s. Whereas framing same-sex marriage as 'unnatural' or claiming that same-sex marriage will "destroy the family structure" is now widely seen as bigoted, framing opposition to same-sex marriage as an issue of religious freedom can still garner widespread support for the framer's cause.

Interracial marriage is included in the blanket of marriage equality with same-sex marriage, and many of the frames employed in arguments about the issue are similar. Although some of the frames in the same-sex marriage argument at least attempted to be predicated on legal basis, most frames against interracial marriage were openly white supremacist. In the 1967 case *Loving v. Virginia*, the Supreme Court struck down bans on interracial marriage as unconstitutional. Though they were legal nationwide after the Loving ruling, interracial marriage still has opponents that try to attach a negative stigma to it and still suffers ill effects from the legacies of the frames employed against it.

The proponents of interracial marriage frame it as an issue of civil rights, but also as an issue of social de-segregation. Brown University sociologist Zhenchao Qian described an increase in interracial marriages as “reducing the social distance between [whites and blacks]” as well as garnering increased support as education increases (Clement, 2017). Actors on the pro side of this debate frame it as a natural outcome of an educated, non-bigoted populace. As in the same-sex marriage debate, proponents used the civil rights frame because it presented the issue as one of exclusion as opposed to the societal issues opponents tried to frame it as. Proponents framed the issue was one of inequality and unfairness, as opposed to the anti-frames of moral decay and racist sentiment. Proponents hoped to convince the public that they were in fact in the domain of loss, framing it as present-day discrimination that needed to be addressed to improve society. The proponents were successful using this frame, as anti-miscegenation laws were overturned in *Loving v. Virginia*, with the Supreme Court ruling that the laws violated the 14th amendment rights of the plaintiffs (Villazor, 2011).

Opponents of interracial marriage used a similar frame to the early anti-gay marriage arguments: that it was unnatural, perverted, and would lead to moral decay in society. In the 1967 Loving case that overturned interracial marriage bans, Virginia's assistant attorney general R.D. McIlwaine III compared interracial marriage to polygamy, incest, and child marriage (Reeve, 2012). The moral frame in interracial marriage pushed the same rhetoric it did in the argument of same-sex marriage, namely that the public should be fearful of the implications of allowing this. Opponents attempted to scare the public with the 'slippery slope' arguments of "what is next if we allow this?". The 'slippery slope' argument is a generic fearmonger argument, intended to frame the implications of this policy as uncertain and potentially disastrous. By making the public fearful and therefore risk-averse, the people using this frame intended us to see our present institutions as valuable and to deter any attempt to change them.

More overtly racist than the frame of morality, the opponents of interracial marriage evoked the frame of racial preservation to incite fear. A 2012 International Business Times article includes a 1924 quote by lawyer Lothrop Stoddard asserts "mongrelization of [the white blood] would spell the downfall of our civilization" (IBT, 2012). This frame relies heavily on the racist sentiment of the audience, and assumes that they view western civilization as exclusively for white people. This frame was highly successful in its time: Villazor mentions that the opinion in the *Loving v. Virginia* specifically mentioned that the bans on interracial marriage came from white supremacy. Villazor also mentions that legislatures constructed anti-miscegenation laws with the preservation of the white race in mind. Whites were banned from marrying any other race, not just blacks (Villazor, 2011). The widespread adoption of anti-miscegenation laws shows the effectiveness of this frame in convincing people that their race was under attack. The

frame of racial preservation is similar to the same-sex marriage religion frame in that it often tries to invoke images of God's will and the divinity of the framer's purpose. The judge who sentenced Richard Loving to prison for being married to a black woman said in his sentencing that "[God] did not intend for the races to mix", illustrating the religious connotations of the racial preservation frame (Gzedit, 2005). The religious frame in the interracial marriage argument appealed strongly to core factors of people's identity, namely their identity as an American and a Christian. Opponents tried to frame it as one that would destroy America and anger God, thus trying to convince the 'good American Christian' that the status quo should remain. The frame of racial preservation fell out of widespread use over time as it eventually came to be seen for the racist argument it is, but the legacy of this frame still lingers over Marriage Equality debates.

The individual issues of interracial and same-sex marriage combine under the umbrella of marriage equality. The positive frames of these issues are remarkably similar and focus on the idea that denial of free choice to marry anyone is legal discrimination. The opposing negative frames also contain remarkable similarities: the idea that this will cause moral decay, undermine tradition, and eventually result in societal collapse. Positive frames of both issues evoke equal rights, discrimination, and freedom of choice. The negative frames for both same-sex marriage and interracial marriage stoke fear and therefore influence citizens to be averse to changing the status quo. Our research found that the prevalence and nature of these frames were of remarkable similarity despite the differing time periods in which they were relevant.

Data Collection and Management

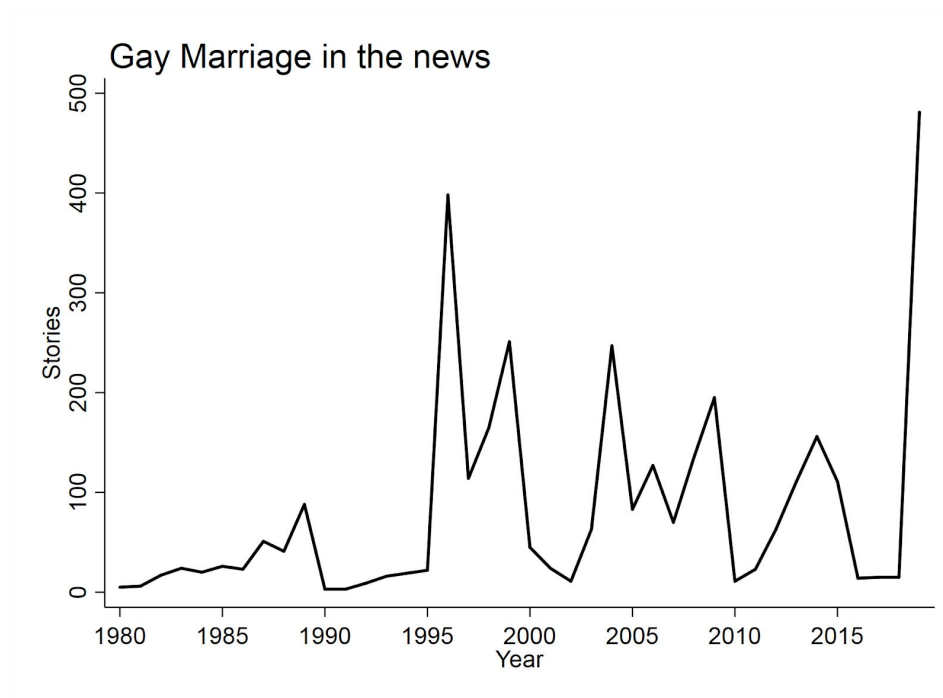
From our original research, we were able to discern five frames used in the marriage equality argument. The Civil Rights frame was how proponents of marriage equality framed the debate, while the rest of the frames were used by opponents.

- Civil Rights: Pro frame. Frames marriage discrimination as a violation of an individual's civil and legal rights;
- Morality/Children: homosexual and interracial marriage is a slippery slope, will lead to moral decay, and will affect our children;
- Perversion/Unnatural: gay and interracial marriage is not how marriage was intended and is abnormal;
- Tradition/Normalcy: gay and interracial marriage goes against all of human history, it will upheave society and throw tradition aside;
- Religious Freedom: allowing LGBTQ couples to marry infringes upon the religious rights of people whose religion specifically bans homosexuality.

Table 1 below shows the search terms used to isolate stories about gay marriage, table 2 shows the search terms we used to further isolate the frames in these stories.

Table 1: Search terms used to isolate stories about Gay Marriage

Decade	Search Terms
2010s	"gay marriage" or "homosexual marriage" or "same-sex marriage" or "homosexual couples" or "Domestic Partnership" or "Civil Union" or "LGBTQ marriage" and not Zealand and not memoir and not fiction and not Books and not Navy and not TV and not Film and not "marriage penalty" and not Army and not sibling and not Broadway and not opera and not cinema and not stage and not theater and not Denmark and not Ireland and not Affair and not "Ended in Divorce" and not "end in divorce" and not duchess and not Canada and not Argentine and not Argentines and not Argentina
2000s	"gay marriage" or "homosexual marriage" or "same-sex marriage" or "homosexual couples" or "Domestic Partnership" or "Civil Union" or "LGBTQ marriage" and not Zealand and not memoir and not fiction and not Army and not Books and not Navy and not TV and not Film and not "marriage penalty" and not sibling and not Broadway and not opera and not cinema and not stage and not theater and not Denmark and not Ireland and not Affair and not "Ended in Divorce" and not "end in divorce" and not duchess and not Canada and not Argentine and not Argentines and not Argentina
1990s	"gay marriage" or "homosexual marriage" or "same-sex marriage" or "homosexual couples" or "Domestic Partnership" or "Civil Union" or "LGBT marriage" and not Zealand and not memoir and not Army and not fiction and not Books and not Navy and not TV and not Film and not "marriage penalty" and not sibling and not Broadway and not opera and not cinema and not stage and not theater and not Denmark and not Ireland and not Affair and not "Ended in Divorce" and not "end in divorce" and not duchess and not Canada and not Argentine and not Argentines and not Argentina and not "Donald Fehr"
1980s	"gay marriage" or "homosexual marriage" or "same-sex marriage" or "homosexual couples" or "Domestic Partnership" or "Civil Union" or "LGB marriage" and not Zealand and not memoir and not fiction and not Books and not Navy and not Army and not TV and not Film and not "marriage penalty" and not sibling and not Broadway and not opera and not cinema and not stage and not theater and not Denmark and not Ireland and not Affair and not "Ended in Divorce" and not "end in divorce" and not duchess and not Canada and not Argentine



To isolate news articles focused on the issue of same-sex marriage, we used the search terms included in Table 1 in Nexus Uni’s search engine. We included differing nomenclature for the term, as it was primarily called “homosexual marriage” in the early 80s, before shifting to being referred to as “same-sex marriage” or “gay marriage” in later decades. We included “Civil Unions” and “Domestic Partnerships” in the terms because this was often presented as a safe compromise to give gay couples legal benefits without fully allowing them access to the institution of marriage. Specifically, in the early 2000s, we found articles citing the mention of the first domestic partnerships being granted in California. We originally used these terms separately (i.e. gay AND marriage), but combined them to singular strings to avoid false hit articles of people with ‘Gay’ in their name getting married. The excluded terms for each decade vary relatively little. Terms like TV, film, cinema, fiction, and books were excluded to avoid TV reviews, film reviews, or book reviews that mentioned gay rights. Army and Navy were

excluded to avoid articles that referred to military policy that, while important to the overall issue of gay rights, did not directly concern marriage. Affair and “end in divorce” were excluded to remove false hit articles about heterosexual marriages that had ended when one party had come out as gay. We excluded news from specific other countries that popped up in our search like Argentina, New Zealand, and Canada to limit our results to the United States.

Table 2: Search Terms to isolate gay marriage frames

Frame	Search Terms
Civil Rights	"legal rights" or "civil rights" or discrimination
Morality and Children	morality or children or immoral and not “child support” and not alimony and not “child abuse” and not “adoption”
Perversion/Unnatural	Perversion or abnormal or unnatural or taboo or forbidden and not “forbid discrimination” and not polygamy and not abortion and not “health insurance”
Tradition and Normalcy	Tradition or culture or normal or normalcy and not art and not “pop culture” and not parade
Religious Freedom	Religion or "religious freedom" or “religious liberty” or “religious rights” or christianity or god

Table 3: Prevalence of Gay Marriage Frames in New York Times (1975 - Present)

Frame	Search Terms Results
Civil Rights	1,570
Morality and Children	1,708
Perversion/Unnatural	241

Tradition and Normalcy	671
Religious Freedom	771

Prevalence of Gay Marriage Frames in New York Times 1975 - Present

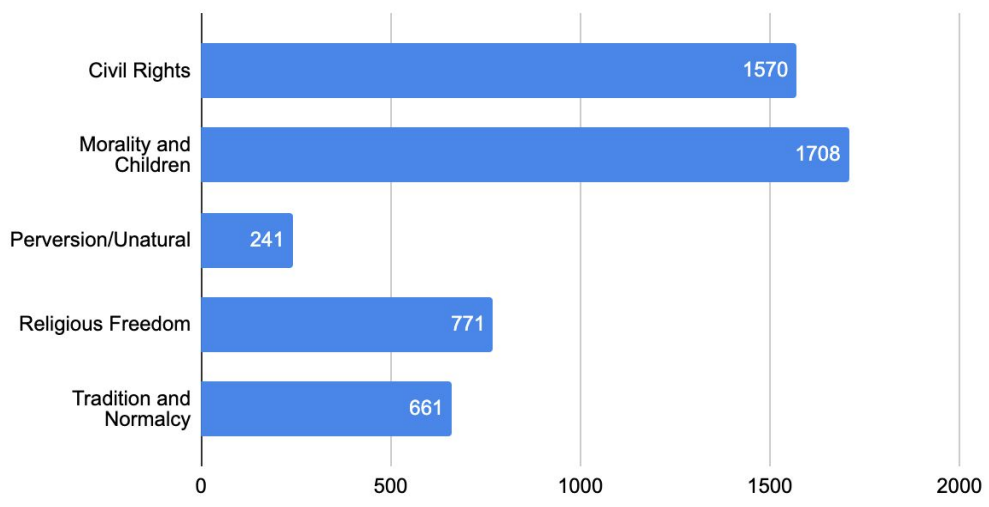


Table 4: Hits on gay marriage stories per publication

Decade	New York Times	Washington Post	Associated Press
2010s	4,606	2,014	3,926
2000s	2,992	1,879	3,330
1990s	513	268	504
1980s	143	73	218

Hits on Gay Marriage by Publication

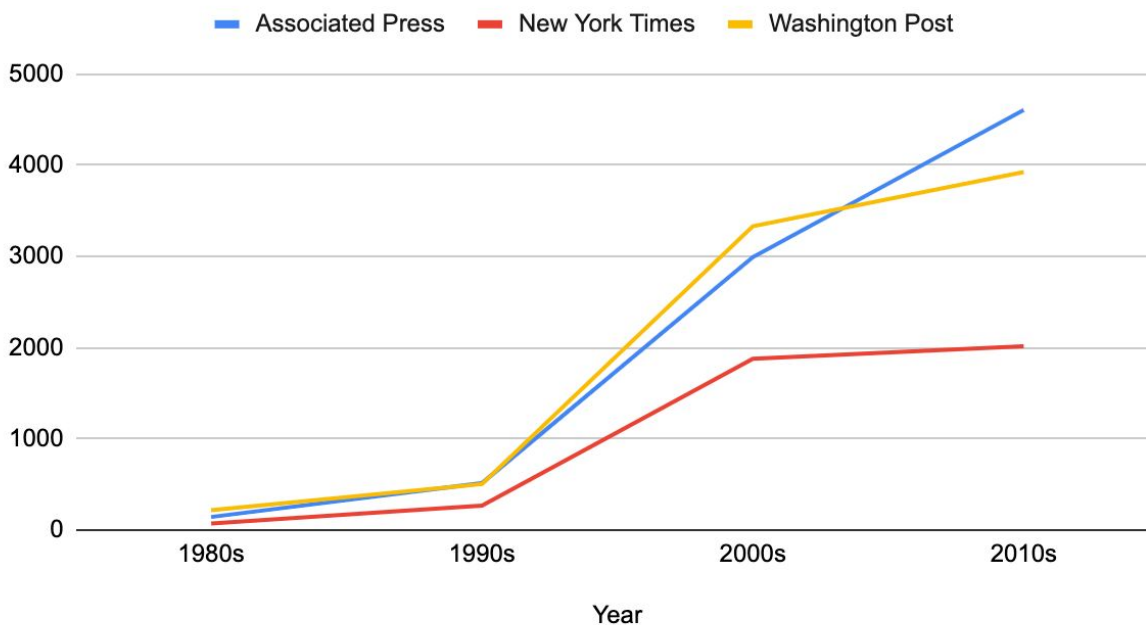


Table 3 illustrates the number of stories that we found from 1975 to the present that used each of our five defined frames. Our search terms may require some further refinement, but so far the morality frame was the most prevalent in the New York Times. Morality frames against gay marriage argued that gay marriage was a symptom of moral decay, as seen in our earlier quote from Congressman Bob Barr. This frame paint gay marriage as an assault on values, morals and typically invoke feelings of fear and “think of the children.” Civil rights was the second most prevalent frame, found using the keywords ‘legal rights’, ‘civil rights’ and discrimination. This was expected, as this was the positive frame and we expected a large number of articles to be positive. Articles in this frame talked about the discriminatory nature of anti-marriage equality arguments and how it infringed upon the rights of gay couples. The third

most prevalent frame was the frame of religious liberty, one that entails arguments that homosexuality is explicitly forbidden in a religion and legalization of same-sex marriage affects the religious rights of certain groups. This frame had 771 hits in the New York Times over our date range. The two least prevalent frames were Tradition and Normalcy and Perversion/Unnatural. Articles using these frames paint gay marriage as unnatural to humans, going against thousands of years of tradition, and forcing social change on an unwilling populace.

Table 4 shows our total number of hits for these stories by decade for three separate publications. All three show an increasing number of stories over time. While some of this may be due to an increased number of digitized copies, the uniform increasing trend across all three publications over the decades indicate the increased amount of attention the issue received over time, regardless of the number of digitized copies.

Table 5: Search Terms used to isolate articles about Interracial Marriage

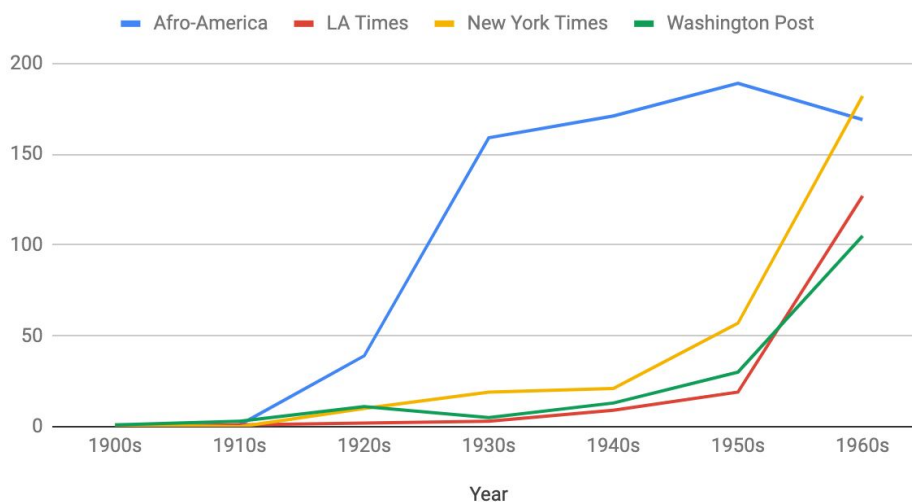
1960s	(((interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert edison) NOT (libeler AND co.) NOT (jewish faith) NOT (jugo slav) NOT (foreign students) No) NOT (DePriest's Job) NOT (Prophet Schunlyer)) NOT (Boy Scouts) NOT (Germany) NOT (Dinner) NOT (Britain) NOT (Big Fortune) NOT (Africa)) NOT (Holiday baby) NOT (Winter) 3,131 results
1950s	(((interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert edison) NOT (libeler AND co.) NOT (jewish faith) NOT (jugo slav) NOT (foreign students) No) NOT (DePriest's Job) NOT (Prophet Schunlyer)) NOT (Boy Scouts) NOT (Germany) NOT (Dinner) NOT (Britain) NOT (Big Fortune) NOT (Africa) 1,689 results
1940s	(((interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert edison) NOT

	(libeler AND co.) NOT (jewish faith) NOT (jugo slav) NOT (foreign students) No) NOT (DePriest's Job) NOT (Prophet Schunlyer)) NOT (Boy Scouts) NOT (Germany) NOT (Dinner) 1,119 results
1930s	((interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert edison) NOT (libeler AND co.) NOT (jewish faith) NOT (jugo slav) NOT (foreign students) No) NOT (DePriest's Job) NOT (Prophet Schunlyer) 791 results
1920s	((interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert edison) NOT (libeler AND co.) NOT (jewish faith) NOT (jugo slav)) NOT (foreign students) 302 results
1910s	(interracial marriage) NOT japanese NOT (interracial hospital) NOT (pet project) NOT (tammany leader) NOT (quiet dinner) NOT jews NOT (Robert Edson) NOT (liebeler AND co.) NOT (jewish faith) 26 results
1900s	Interacial marriage 22 results

Table 6: Hits on interracial marriage stories per publication

Decade	New York Times	Washington Post	LA Times	Afro-American
1960s	182	105	127	169
1950s	57	30	19	189
1940s	21	13	9	171
1930s	19	5	3	159
1920s	10	11	2	39
1910s	0	3	0	1
1900s	1	1	1	0

Hits on Interracial Marriage by Publication



As opposed to our gay marriage research, the interracial marriage terms were found on ProQuest. This was done primarily because the Proquest database goes much further back in time than Nexus, and this was a salient issue much longer ago than gay marriage. For our search on interracial marriage, we received fewer false positives, and as such our list of search terms is much smaller. The primary exclusion we had to make to get accurate results were excluding other countries from our results. We also oddly got some results about Jim Jones and the Jonestown suicides that we also had to exclude, due to Jim Jones' followers practicing interracial marriage. We found fewer articles likely just because this is a much older debate, and many of the news articles that would've commented on it are not digitized. Interestingly, we found little that was specifically on *Loving v. Virginia*. We included the New York Times, the Los Angeles Times, the Washington Post, and a black newspaper called Afro-America. We included the first three sources for geographic diversity, and the last one to get stories from the African-American press at a time when segregated newspapers were a common thing. For decades, Afro-America's stories on interracial marriage dwarfed those in the other newspapers. This indicates that the

African-American press saw the issue as more important, versus the mainstream press who did not give it much attention until the 1950s.

Table 7: Search terms to isolate interracial marriage frames

Frame	Search Terms
Civil Rights	"legal right" or "civil right" and discrimination
Morality and Children	Immoral or children or morals
Perversion/Unnatural	Abnormal or perverted or unintended or abnormality or unwanted
Tradition/Normalcy/Racial Preservation	tradition or normalcy or culture and not poet and not lacrosse
Religion/God's Will	"Race mixing" or divinity or divine or "God's Will" or god

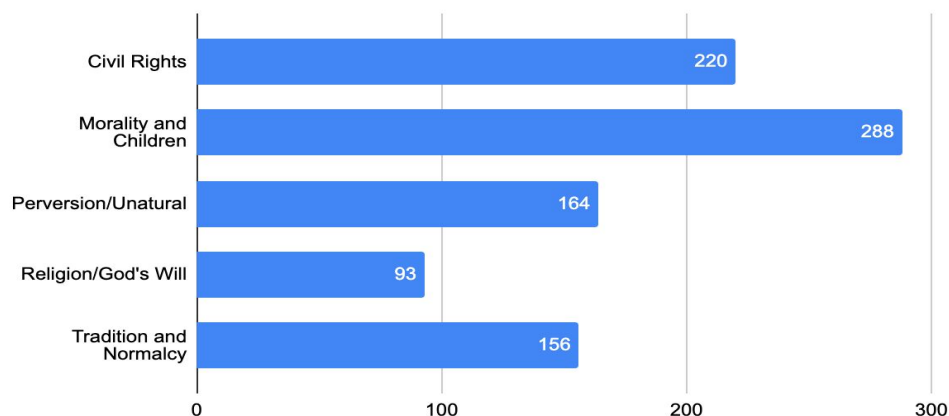
For the frames for interracial marriage, we used many of the same search terms as we did in the same-sex marriage debate, as many of these frames were highly similar. Proponents framed it as an issue of personal freedom and legal discrimination, opponents framed it as a moral decay of American values, perversion, or shirking tradition. The religious frame still exists in this debate, but is significantly different. In the same-sex marriage debate it generally centered on the religious freedom of people to refuse service to gay couples or to not wed gay couples, whereas in the interracial marriage debate it frequently focused on "divine will". The sentiment of this frame was illustrated in our earlier quote from the Judge in the *Loving* ruling that God deliberately placed the races on different continents so that they would not mix. Despite this

difference, the content anti-frames for gay and interracial marriage are remarkably similar, and typically focus on moral corruption, perversion, and a decay of American values. Opponents hoped that by framing these issues in extreme terms would incite fear in the populace, therefore making the populace risk-averse.

Table 8: Prevalence of Interracial Marriage Frames in New York Times (1975 - Present)

Frame	Search Terms Results
Civil Rights	220
Morality and Children	288
Perversion/Unnatural	164
Tradition and Normalcy	156
Religion/God's Will	93

Prevalence of Interracial Marriage Frames in New York Times
1975 - Present



We kept the same frames for the interracial marriage research, considering that proponents and opponents often framed it in the same way as the same-sex marriage debate. The most common frame we found in the New York Times for interracial marriage was the frame of morality, where opponents framed it as a moral crisis or harmful to children. Civil Rights as a positive frame was the second most prevalent again. These two frames were also the two most popular frames in the New York Times in the same-sex marriage debate. In the gay marriage debate, the religion and tradition frames were invoked much more often. Religion was still invoked in the interracial marriage debate, such as when the judge in the *Loving* rule declared that race-mixing was against the will of God.

Conclusions

A unique commonality within the same-sex marriage and interracial marriage movements is their rapid shift across the Overton window, illustrated in our data by the slow trickle of stories followed by a rapid explosion. Our research aligns with Overton's theory about how policies that were once unthinkable can become implemented (Astor, 2019). Same-sex marriage was fringe in the 1980s, debated in the 1990s, and received popular support in the 21st century, culminating in its nationwide legalization in 2016. Interracial marriage received little coverage until the 1950s, and then was legal nationwide by the 1967 *Loving* ruling. This rapid expansion shows that despite attempts by opponents to frame it as reprehensible and incite fear, proponents were able to frame it in a way that evoked empathy and garnered public support. The Civil Rights frame, especially during the height and immediate aftermath of the Civil Rights Movement, has considerable power, no American wants themselves or other citizens to be openly discriminated

against. By framing it as an issue of civil rights, proponents were able to convince the public that we were in the domain of loss; American citizens were being discriminated against, and change had to be made.

In public debate about both same-sex and interracial marriage, opposing actors tried to frame in a way that made the public fearful. A fearful public will be more conservative, and less likely to change existing status quo (Lerner and Keltner, 2001). The opposing actors made use of inflammatory language and the ‘slippery slope’ fallacious argument most prominently. The anti-frames were intended to convince the public that they were in the domain of gains, and therefore should be risk averse. In the same-sex marriage debate, the morality and tradition frames specifically tried to make the American public feel like allowing same-sex marriage would undermine the values they had worked so hard to establish and preserve. By giving ‘fire and brimstone’ speeches about how America would lose its moral center if this was allowed, opposing actors attempted to convince citizens they stood to lose American values if they allowed something as radical as same-sex couples to marry. Those arguing against same-sex marriage often brought children into the debate to try to further these feelings of fear. In 2015, Justice Antonin Scalia said that gay couples raising children had a “deleterious effect” on the child (Stern, 2015). This sentiment carries echoes of the arguments used by R.D. McIlwaine III, who argued on behalf of Virginia in the *Loving* case when he claimed that interracial children would not thrive in American society. In our research, we established the common linkage between these arguments. The language may be less overtly discriminatory, but the same intention is still there. When arguing against marriage equality, opponents go for the fearful, risk-averse route in an attempt to persuade the public it is not worth risking American society to

undertake this new endeavour. As proponents were increasingly successful in framing it as discriminatory, the morality and perversion frames was increasingly seen as bigoted.

The religion argument, especially in the same-sex marriage debate, tried to leverage Christianity to exploit the motivated reasoning of citizens. 70% of Americans still identify as Christians, a number that was much higher in the past (Pew, 2015). By portraying these issues as ‘against God’s will’, opponents hoped to appeal to the implicit bias present in the minds of Americans. Every Christian American wants to be a good Christian, and opponents tried to frame it as impossible to be a pious Christian that supported gay marriage. This frame is very powerful to this day, as it appeals to the implicit biases within people, and attacks the very foundation of their identity. This frame is also employed for its strong Constitutional strength, as evidenced in the aforementioned Supreme Court case about the Oregon baker. This frame continues to be prevalent in the modern day as it focuses on a core part of people’s identity that they are not going to discard, and it can be used independently of the harsh language that is typically associated with other frames. The catchphrase “Adam and Eve, not Adam and Steve” became a cliché of the religious opposition to same-sex marriage, appealing to the Christian knowledge and identities that many Americans grew up with and the prior theories they had.

The religious frame is typically associated with the same-sex marriage movement, but we found that it was still prevalent in the interracial marriage argument, albeit much less prevalently. Most notably, the judge in the *Loving* case claimed that God had placed the races on separate continents because he had not intended them to mix. This frame was employed for the same reasons as in the same-sex marriage argument, to appeal to the Christian identity of Americans in

a time when American was overwhelmingly Christian (Pew, 2015). This frame was not as successful in this argument because while the Bible explicitly bans homosexual couples, there is no real religious basis for the exclusion of interracial couples. Opponents hoped the same as in the same-sex debate, that the ‘good Christian Americans’ would refuse to allow this to become policy because it conflicted with their religion.

Marriage equality in its different forms has been a hard fought issue for decades. Opponents employed a wide variety of tactics that appealed to motivated reasoning, identity, and fear in attempts to keep it in the area of the Overton window deemed unthinkable. Despite the heavy opposition and unthinkable nature of both same-sex and interracial marriages for centuries, the public eventually decided that these issues were putting us in the domain of loss, namely by creating classes of second-class citizens who were not free to marry those they loved and enjoy the legal benefits that came with it. Same-sex marriage remains a contentious issue, with public opposition to it still around 30% and Supreme Court cases like the Oregon baker case, but interracial marriage has reached a point where it is unthinkable that we as a society would not allow it (Pew, 2019). As time passes, as frames against same-sex marriage become more mild in nature, and as children who are born not knowing a world in which it was forbidden, same-sex marriage will likely shift to join interracial marriage’s place in the Overton window.

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