Media Framing and the Politics of Local LGBT Referenda

Royal Gene Cravens, III
PhD Candidate,
Department of Political Science
Graduate Research Fellow,
Howard H. Baker, Jr. Center for Public Policy
University of Tennessee

Abstract:

Sexual minority issue framing often follows a simple pattern. Both pro-LGBT and anti-LGBT interest groups and elites rely on frames constructed around conceptions of morality and equality. Contemporary research, however, suggests different frames are used for gender minority issues such as fairness and safety/security. In this study, I explore the use of frames by print media in the individualistic and highly salient context of local LGBT ordinance referenda using the cities of Chattanooga, TN, Fayetteville, AR, and Houston, TX as case studies. The results suggest 'gay rights' and 'transgender rights' media frames are only somewhat interchangeable. Ordinances which provide benefits to same-sex couples follow the 'gay rights' narrative focusing on the dichotomy between equality and morality. Non-discrimination or civil rights ordinances, however, follow a separate pattern, focusing on fairness and safety/security frames, the latter of which relies heavily on anti-transgender rhetoric. New frames also emerge, such as local economy, non-local values, and government intervention frames which define ordinance costs and benefits in terms of local economic impact, portray ordinances as the product of 'outside' influences, or otherwise unlawful acts of local government, respectively. The latter of which, again, often relies on the devaluation of LGBT identities and lived experiences.

Blurb:
Transgender-inclusive policy is often rejected by local referenda. This may be due to local media framing. Using case-study methodology, an analysis of the media coverage of 3 municipal LGBT rights referenda campaigns highlight how gay/lesbian & trans rights issues are framed differently by local press.

Issue framing is a process "by which a communication source, such as a news organization, defines and constructs a political issue or public controversy" (Nelson, Clawson, and Oxley 1997:567). Issue frames "spell out the essence" of a social or political problem, "suggesting how it should be thought about" and, in some cases, offer a preferred policy solution (Nelson and Kinder 1996:567; Entman 1993). Frames are typically introduced by political elites and transferred by the media to the mass public, although, due to professional constraints, the media – especially broadcast media – may also impose issue frames (Nelson, et al. 1997). While there are some limitations to issue framing, such as "existing public predispositions" (Tadlock 2014:27; Joslyn and Haider-Markel 2006; Price, Nir, and Capella 2005; Druckman and Nelson 2003; Hull 2001; Benford and Snow 2000) and perceived reliability of the source of frame content (Druckman 2001), in many cases, media framing of an issue can have a significant influence on public opinion in a given policy domain as well as effect policy outcomes (Gamson and Modigliani 1987; Gamson and Modigliani 1989; Gamson and Lasch 1983; Gamson 1992; Pan and Kosicki 1993; Nelson, Oxley, and Clawson 1997; Nelson, Clawson and Oxley 1997; Brewer 2002; Brewer 2003).

Issue framing of Lesbian, Gay, Bisexual, and Transgender (LGBT) issues often follows a simple pattern. Both pro-LGBT and anti-LGBT interest groups and elites often convey issue frames constructed around conceptions of morality (or 'traditional values') and equality (Tadlock 2014; Pan, Ming, and Zhou 2010; Brewer 2008; Tadlock, Gordon, and Popp 2007). Moreover, the media typically use these frames to define same-sex marriage and other 'gay rights' claims which research suggests have serious policy consequences (Tadlock, Gordon, and Popp 2007; Ott and Aoki 2002; Meyers 1994). Research beyond 'gay rights' claims have produced a somewhat different account of the issue frames used to define transgender political conflicts.

Specifically, media accounts of transgender politics often invoke educational, safety/security, majoritarian, or equality frames (Tadlock 2014). Furthermore, studies of LGBT issue framing often examine national interest group and media publications (Tadlock 2014; Tadlock, et al. 2007) and provide insight into the relationship between national elite and media frames. I further media framing research on LGBT policy by positing the question, "Does a change in the context of a political conflict necessitate a change in frames?" More specifically, "How are debates regarding LGBT rights framed by the media in the context of a confrontational, individualistic, and highly salient public referendum on LGBT rights?"

In what follows, I explore the use of issue frames by print media in the context of local LGBT ordinance referenda campaigns. Using the cities of Chattanooga, Tennessee (2014), Fayetteville, Arkansas (2014, 2015), and Houston, Texas (2015) as case studies, I analyze issue frames in local newspaper reports of LGBT ordinance referenda. The results comport with extant research which suggests 'gay rights' media frames and 'transgender rights' media frames are only somewhat interchangeable. Ordinances which provide benefits to spouses of same-sex couples follow the 'gay rights' narrative, using frames typically associated with the same-sex marriage debate which focus on the dichotomy between equality and morality. Non-discrimination or civil rights ordinances, however, follow a separate pattern, focusing on fairness and safety/security frames, the latter of which relies heavily on anti-transgender rhetoric. New frames also emerge, perhaps as a consequence of the localized context, such as local economy, non-local values, and government intervention frames which define ordinance costs and benefits in terms of local economic impact, portray ordinances as the product of 'outside' influences – primarily non-local elites or interest groups – or otherwise unlawful acts of local government,

respectively. The latter of which, again, at times relies on the devaluation of lesbian, gay, bisexual, and especially transgender identities and lived experiences.

Media & Public Policy

As Rochefort and Cobb (1994:27) note, "in the world of politics," actions and words "are inextricable; actions and words influence and even stand for each other as embodiments of the ideas, arguments, convictions, demands, and perceived realities that direct the public enterprise." The study of problem definition – how a condition in society is defined as a problem for purposes of public policy – then provides a "systematic way to unveil these interrelationships and their significance" (Rochefort and Cobb 1994:27).

Deborah Stone (1989) elucidates a fundamental process in the agenda-setting literature. Namely, that "conditions, difficulties, or issues do not have inherent properties that make them more or less likely to be seen as problems or to be expanded" (Stone 1989:282). Instead, it is argued that "political actors *deliberately portray*" issues in "calculated" ways with the intent of gaining support or leverage for their own position (Stone 1989:282, emphasis in original). One essential tool for these portrayals is the media (Cobb & Ross 1997). In fact, Iyengar (1991) notes that media coverage of political issues has consequences for the locus of blame which can reinforce opposition attacks on policy "initiators" who struggle to get an issue on the formal agenda of decision-makers (Cobb & Ross 1997). Furthermore, Baumgartner and Jones (2009:26) recognize that a critical characteristic of successful agenda-setting and policy change efforts is in the 'tone' of the image or problem definition held by "key social actors such as the media." They recognize, as does Stone (1989), that "competing participants" in the policy process "attempt to manipulate [the tone – or evaluative component of a policy image] to suit their needs"

(Baumgartner and Jones 2009:28). Finally, Jeon and Haider-Markel (2001) and Haider-Markel (1999) view the media's role in the public policy process as two-fold. First, interest groups can use the media to "channel their demands to a wider constituency," and second, as with Baumgartner and Jones (2009), they recognize that the media can bring "publicity to a particular issue" thereby helping "in the construction of an issue's policy image" (Jeon and Haider-Markel 2001:218).

Media Framing

While agenda-setting and issue 'priming' are somewhat more "subtle" influences on politics, issue framing – which "centers on the effects of media content rather than mere coverage of a problem" (Nelson, Clawson, and Oxley, 1997:567) – is a more overt exercise of media influence. Media frames often define "what political controversies are about" (Brewer 2002:303; Gamson and Modigliani 1989) and "act like plots or story lines, lending coherence to otherwise discrete pieces of information" (Nelson, Clawson, and Oxley 1997:568; Gamson and Modigliani 1987; Gamson & Lasch 1983). While the media can generate its own issue frames (Nelson, Clawson, and Oxley 1997), often interest group and political elites seek to convey messages to the general public through the media. Institutional constraints and concerns, such as a desire to appear non-partisan or offer balanced perspectives, coupled with elite prerogatives "make the mass media the perfect vehicle for carrying [elites'] preferred frames" (Tadlock, et al. 2007:196). While the psychological processes behind framing effects are debated (Brewer 2002; Brewer 2001), it is widely understood that media reports which carry issue frames have the potential to significantly affect public opinion and the public policy process (Iyengar 1987; Meyers 1994; Kinder and Sanders 1996; Koch 1998; Schram and Soss 2001; Ott and Aoki 2002;

Brewer 2003; Joslyn and Haider-Markel 2013) as policy-makers – and especially voters – use these "accessible" frames based on "personal values" to inform their policy positions (Tadlock, et al. 2007:196).

Media Framing & LGBT Politics

The media has long had an effect on the construction of sexual and gender minority issues. Donovan (1997), for example, notes the public policy response to the HIV/AIDS epidemic was driven by medical conceptions of AIDS as a sexually transmitted disease – as opposed to a viral infection – which carried deeply moralistic connotations and perhaps contributed to the lack of government response throughout the 1980s. Furthermore, the HIV/AIDS epidemic became the first "living-room epidemic" as popular media inundated American televisions with images, updates, and analyses of individuals and communities suffering from HIV/AIDS (Cook and Colby 1992, quoted in Donovan 1997; Kinsella 1989). Not until images of those suffering with the infection depicted individuals "deserving" (Donovan 1997) of assistance or those considered "dependents" (Schneider and Ingram 1997), however, did public policy begin to change.

Studies of LGBT media framing have typically analyzed same-sex marriage and other 'gay rights' claims (Brewer 2008, 2003; Bull and Gallagher 1996; Hull 2001; Pan, et al. 2010; Price, et al. 2005; Tadlock, et al. 2007; Rimmerman, Wald, and Wilcox 2000). Such studies often conclude that gay rights media framing follows a simple pattern: equality vs. morality (Brewer 2002). While gay rights support or opposition can be framed in either paradigm (Tadlock 2014), issues such as same-sex marriage are often couched in arguments of equality by pro-LGBT groups and traditional values or morality by opponents. Other frames have been observed,

however, including majoritarian and tolerance (Hull 2001) as well as national security, fairness, and contemporary family values frames (Brewer 2002; Bull and Gallagher 1996; Rimmerman, et al. 2000).

Recent studies have distinguished between gay issue/media frames and transgender issue/media frames. While equality remains a distinctive frame for transgender politics, morality appears to be significantly less important (Tadlock 2014). Instead, opposition interest groups and elites appear to rely on safety/security, majoritarian, freedom or liberty, and pathology frames (Tadlock 2014:32-3). Alternatively, transgender advocacy groups and elites rely on equality, education, empowerment or liberty, visibility, and adopt safety/security frames (Tadlock 2014:32-3). Again, claims from either side of the argument can be based in other paradigms, and there is considerable overlap.

Regardless of the paradigm, transgender frames typically reflect an "individualistic" (Tadlock 2014:27) understanding of the 'problem' – or what Iyengar (1991) refers to as an "episodic frame" (Nelson, Clawson, and Oxley 1997). "Bathroom" bills, for example, often provoke competing claims to safety and security. Transgender advocates frame the argument as a matter of individual safety. That is, being able to use a public facility without fear of personal harm. Opponents of such measures often frame the issue in similar individualistic safety and security terms, the most extreme of which characterize transgender people as predators out to abuse women and children (Tadlock 2014).

How do these gay rights and transgender frames translate to contested local political contexts? Does media coverage mimic national patterns or can other frames be identified? In the following sections I discuss the case study research design adopted here. I also provide

descriptions of each of the three cases and contexts and then present the data and analysis. I conclude with a discussion of the results.

Media Frames in a Contested Local Context

Media frames effect public opinion and public policy (Iyengar 1987; Meyers 1994; Kinder and Sanders 1996; Koch 1998; Schram and Soss 2001; Ott and Aoki 2002; Joslyn and Haider-Markel 2013). Frames are used by individuals to "organize and simplify their attitudes and evaluations of an issue" in a world characterized by ready access to information (Tadlock, et al. 2007:196). Furthermore, individuals rely on frames – which are based on "personal values" – as an easily-understood heuristic, which is more "accessible" to the average voter than "specific political knowledge" (Tadlock, et al. 2007:196). In the context of local referenda, media frames have the potential to effect election outcomes as voters translate frames into public policy decisions. Current research also suggests that competitive local environments open the political system, incentivizing policy-makers to listen to their constituents, and in fact, contribute to the adoption of pro-LGBT policies (Cravens 2015). It is important, then, to study media frames in contested local contexts to analyze how frames are used and what effect they have on LGBT policy referenda.

Data & Methodology

In order to analyze LGBT media frames in a contested local political environment, media reports by major newspapers in three cities in the United States which recently held LGBT policy referenda are analyzed. The cities are: Chattanooga, Tennessee, Fayetteville, Arkansas, and Houston, Texas. Despite the variance in population, the cities exhibit relatively similar

economic, religious, and political characteristics – including indicators such as per capita income (U.S. Census Bureau 2016), religious affiliations (ASARB 2010), and 2012 presidential election results. Furthermore, these cities were chosen because of the differences in the underlying policy initially adopted by the local government, which I will describe in detail below, the time during which the referenda were held – both antecedent and subsequent to the June 2015 United States Supreme Court *Obergefell v. Hodges* decision which legalized same-sex marriage in the U.S. – and, the outcomes of the referenda. For each city, the relevant years are: Chattanooga (2013-2014); Fayetteville (2014-2015); and Houston (2014-2015).

Individual newspaper articles published during the time period in which ordinances were adopted and brought to a public vote by three major local newspapers (*Chattanooga Times Free Press - TFP*; *Northwest Arkansas Democrat-Gazette - NADG;* and *Houston Chronicle - HC*) are the units of analysis. Previous research suggests that groups which "successfully frame their issues in newspapers are more likely to reap policies reflecting their beliefs," since newspapers often "set the issue agenda for other media, including television" (Tadlock 2014:27; Schram and Soss 2001). A localized Boolean search of the Newsbank world news database using the terms "LGBT;" "gay;" "transgender;" "ordinance;" and the name of each city for the years 2013-2015 (Ex: "LGBT" OR "gay" OR "transgender" AND "ordinance" AND "Chattanooga") yielded 696 newspaper articles which contained the search terms. Only articles which devoted a substantial amount of the report to local LGBT ordinances were included in the analysis. For example, articles which provided raw vote totals, articles which profiled cultural events unrelated to referenda campaigns, and profiles of local candidates which did not address LGBT public policy were excluded from the analysis. As with Tadlock (2014) and Cooper, Knotts, and Haspel (2009) I include letters to the editor in the analysis as they also have the potential to influence political

orientations. A substantial number of articles were duplicates – 30% in the case of the *NADG* alone. After excluding duplicates and articles not substantially related to coverage of the ordinance, content analyses are conducted on 284 articles, *TFP* = 38; *NADG* = 101; *HC* = 146. Articles are coded using the frames established in the literature, and in addition, the variable *Editorial* is operationalized where 0 = "General news article" and 1 = "Editorial/Commentary" and, the variable *Tone* is operationalized where 0 = "Neutral," 1 = "Pro-Ordinance," and 2 = "Anti-Ordinance."

Consistent with Tadlock (2014) equality, morality, safety/security, education, tolerance, pathology, majoritarian, and fairness frames are used to describe LGBT policy in each of the three newspapers. Along with those frames observed by Tadlock (2014), Tadlock, et al. (2007), and others, three other frames were apparent: local economy, non-local influence, and government intervention. Figure 1 presents the frequency with which each frame is used. As is clear from Figure 1 – and distinct from Tadlock's (2014:39) finding – articles often use multiple, and sometimes competing, frames to characterize local LGBT ordinances. This likely results from the media prerogative to balance news coverage of 'controversial' issues. Indeed, 59.5% of the articles are neutral in their tone toward local LGBT ordinances – using competing frames to 'balance' positions on the issue – while 28.1% exhibit a pro-LGBT policy position and 12.3% exhibit an anti-LGBT policy position. Overall, 60.2% of the articles are general news reports while only 39.8% are editorials or commentary. Cross-tabulation reveals that 65.5% of the editorials express support for local LGBT ordinances while only 28.3% express opposition.

Figure 1: Frame Frequency (n = 284) - *Chattanooga Times Free Press* (2013-2014), *Northwest Arkansas Democrat-Gazette* (2014-2015), *Houston Chronicle* (2014-2015)
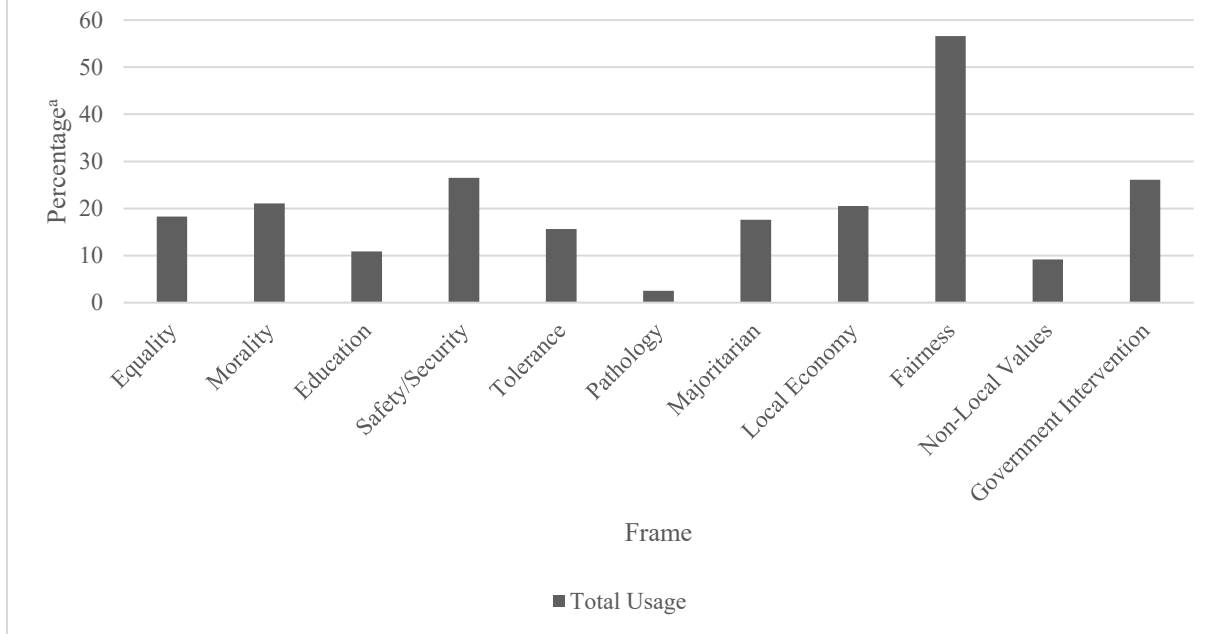
As Figure 1 shows, *Fairness* is the most commonly used frame, appearing in 56.6% of the articles. The fairness frame refers to experience with discrimination and in the pro-LGBT ordinance context, often denotes the idea that LGBT people should be treated no differently than heterosexual or cis gender people. For example, an editorial published by the *TFP* describes Chattanooga's ordinance as "about basic fairness," and continues, "a person who works hard and does his or her job effectively should not be fired just because he or she is gay, lesbian, bisexual or transgender" (Weinberg 2014). As with most all frames in this analysis, fairness can also frame an anti-LGBT ordinance argument. For example, the *NADG* quotes an executive with the conservative Arkansas Family Action Council who describes the Fayetteville ordinance as "elevating the status of some categories of people," namely LGBT people, and suggests that by

"carving out special classes" for protection under local law "you automatically devalue the status of other people," in this case referring to conservative Christians (Musa 2014a).

The second most commonly used frame is *Safety/Security*. Consistent with Tadlock (2014), safety/security is typically used to frame opposition arguments that convey fear of personal harm. The frame is used to convey broad messages of concern for opponents of local LGBT policy, as when the *NADG* quoted a local resident on the day of a neighboring city's referendum saying "the city's Christians were afraid to get out of their homes today" because they "were intimidated by vile, radical, vicious people in this town" (Blagg 2015a). The frame is more frequently used, however, in the context of public accommodations. For example, in describing Houston's ordinance the *HC* notes "opponents frequently have cited the perceived threat of male sexual predators dressed in drag entering women's restrooms, dubbing the measure the Sexual Predator Protection Act" (Driessen 2014). Safety/security is also used to frame pro-ordinance arguments, albeit a much smaller proportion. This frame often cites personal experience with violence and asserts the need for a local LGBT ordinance to prevent personal harm against transgender people. For example, the *NADG* quoted one transgender man saying, "People like me don't feel safe here. I'm living with a shadow over my head" (Musa 2014a).

Contrary to previous studies, and likely due to the localized nature of the case studies, according to Figure 1, the *Government Intervention* frame is adopted in about one quarter (25.8%) of articles. This frame is used primarily in opposition to LGBT ordinances and expresses the idea that the protections afforded by these ordinances represent an overreach of local government authority. For example, in describing the process of referring the Fayetteville ordinance to a popular vote, the *NADG* opines, "We opposed Fayetteville's effort, primarily due to those details that empowered government too much and left small businesses and landlords on

the losing side even if they eventually overcame the case being made, by their own city, against them" (NADG 2015a). Government intervention, however, can also be used to frame support for LGBT ordinances. For example, in another editorial, the *NADG* recognizes the utility of local LGBT ordinances because "the reality for the LGBT community is it has little to no immediate hope of achieving protection from discrimination from state lawmakers" (NADG 2015b).

According to Figure 1, 21.1% of articles adopt the morality frame when reporting on local LGBT ordinances. *Morality* frames often reflect religious beliefs and position public policies in relation to deeply-held values. Consistent with Tadlock (2014), morality is predominantly used to frame opposition to local LGBT ordinances in the context of homosexuality alone. For example, the *TFP* quotes a local activist who called the city's proposed ordinance "evil and wicked," and "referred to homosexuality as sodomy" (Lukachick 2013a), and the *NADG* quotes a state senator – who is also a minister – calling the Fayetteville ordinance, "a slippery slope that would infringe on the free religion of persons believing homosexuality to be sinful" (Brummett 2015b). Like the other frames, morality can also frame support for local LGBT ordinances. In another editorial, the *NADG*, references the debate between private rights of business owners and civil rights of LGBT people and asks, "What would Jesus do? He'd do unto others as he would have others do unto him. Jesus would bake the cake" (Thompson 2015).

Another frame not previously addressed in the literature reflects the effect of LGBT ordinances on the local economy. As Figure 1 shows, 20.5% of the articles adopted the *Local Economy* frame. Local economy frames emphasize the effect of compliance with LGBT ordinances on local businesses as well as the economics of discrimination. That is, opponents of LGBT ordinances often stress the negative effects of the ordinance on local businesses. For example, the *NADG* describes For Repeal 119, the leading ordinance opposition group as

"concerned the ordinance could essentially quash a business," and quotes the organization's secretary saying, "If a boss fired an employee, who happened to be gay, the employee could come back and make a discrimination complaint…it would prompt a full investigation. The attorney fees alone could hurt a business" (Musa 2014b). When used by ordinance proponents, the local economy frame often intimates a threat of boycott or other negative economic effects. For example, the *HC* quotes a supportive member of the city council saying, "If this goes to the ballot and anything should happen where it's threatened to be overturned my concern at this point - besides equal rights for all - is what it does for the city of Houston financially. I'd have great concern about the Super Bowl, the Final Four, a number of the big conventions coming to town" (Driessen and Morris 2015).

Equality generally refers to the equal treatment of individuals under the law. While previous research suggests this to be the most common frame used by 'gay rights' groups and the media, as Figure 1 shows, the equality frame is only used in about 18% of the articles in this analysis. The frame is typified in a *TFP* editorial which quotes a local police captain describing the ordinance as, "ensur[ing] that my family will receive the same protections and benefits as every other officer in the department" (Weinberg 2014). Ordinance opposition, too, may use the equality frame. For example, the *NADG* quotes a local alderman asking, "If I'm a member of the community that believes in traditional marriage and want to live that out, I'm prosecuted. How can that be equal treatment?" (Holtmeyer 2015).

In the case of local referenda, the *Majoritarian* frame is characterized by advocacy for subjecting the ordinance to a popular vote as well as suggesting that a majority of citizens support a certain position. Opposition to local LGBT ordinances is often framed in this fashion

(12.7% of articles). For example, about 7.5% of *HC* articles describe the city's ordinance opposition as a campaign "to send the issue to the voters."

Tolerance refers to respect for diversity and, as Figure 1 shows, appears in roughly 15% of articles in this study. In the local context, the frame is typically used to promote LGBT ordinances. For example, the *TFP* quotes a local 'gay activist' in describing the Chattanooga ordinance as "a sign that Chattanooga is supportive of the LGBT citizenry" (Lukachick 2013b) and in an editorial describes opposition to the ordinance as "about fear. Fear of difference. Fear of being around men who like men and women who like women" (Cook 2014). The media also frame opposition to LGBT ordinances using the tolerance frame. For example, the *NADG* published a letter to the editor which suggests that LGBT ordinances are a means of restricting diversity: "Seems to me that the "bullying" is being done from the LGBT community by trying to force us conservatives to see their point of view by enacting laws to make our point of view illegal. Who is being "intolerant" here?" (NADG 2015c).

Consistent with Tadlock (2014), *Education* is exclusively used to frame support for LGBT ordinances and, according to Figure 1, appears in about 10% of articles in this study. This frame is manifest as a "call for understanding the uniqueness of transgender people" and also through "the related concept of cultural competency" (Tadlock 2014:32). In the media coverage of local LGBT ordinances, however, the frame is not limited to transgender politics. In three articles, for example, the *HC* extensively profiles gay and transgender people, describing the lived experiences of LGBT people and how the city's ordinance and its repeal affect those experiences (Collette and Begley 2015; Collette and Rohr 2015; Foxhall 2015).

Pathology is exclusively used to frame opposition to LGBT ordinances and primarily conveys the message that homosexuality is an unhealthy 'lifestyle' that should not be condoned

by local government. For example, the *NADG* quotes a former Arkansas state legislator saying, "the gay lifestyle is unhealthy and gay men contract cancer at a rate 13 times higher than heterosexuals" (Perozek 2015). The frame is also used in conjunction with other opposition frames such as morality. For example, the *TFP* quotes a local pastor testifying against the proposed ordinance before the city council saying, "I do as a pastor believe this is a moral issue and that a life of homosexuality is sinful," said pastor Shad Smith. But, "this matter before this council is not simply a moral issue … this is an unhealthy lifestyle" (Lukachick 2013a).

Finally, another frame not previously addressed in the literature is *Non-Local Values*. This frame refers to the imposition of exogenous values – either supportive of or in opposition to LGBT ordinances – upon a local community. This frame noticeably emerged from the *NADG* coverage as nearly 17% of articles referenced the work of the Human Rights Campaign – the nation's largest LGBT advocacy group – in drafting the city's ordinance suggesting that the organization was encouraging the adoption of public policy that is unrepresentative of the residents of Fayetteville. Even after the HRC publicly disavowed the Fayetteville ordinance for its broad religious exemptions, the *NADG* quoted a member of Protect Fayetteville – the ordinance opposition group – warning that to believe the claim was "absurd" and "a campaign ploy to deceive voters" (Walsh 2015a).

Having established the frames examined in this study I now turn to a case-by-case analysis of the application of the frames beginning with Chattanooga, Tennessee.

Chattanooga, Tennessee: Equal Benefits for Same-Sex Couples

On November 20, 2013, the Chattanooga city council adopted an ordinance which enacted non-discrimination protections for city workers on the basis of sexual orientation and

gender identity, created a domestic partnership registry for the city of Chattanooga, and offered

equal employment benefits to the same-sex spouses of city employees who were registered

domestic partners (Lukachick 2013b). Almost immediately, opponents of the ordinance

organized a successful petition effort to place the measure on the August 7, 2014 ballot after

which it was repealed (Lukachick 2014a, 2014b).

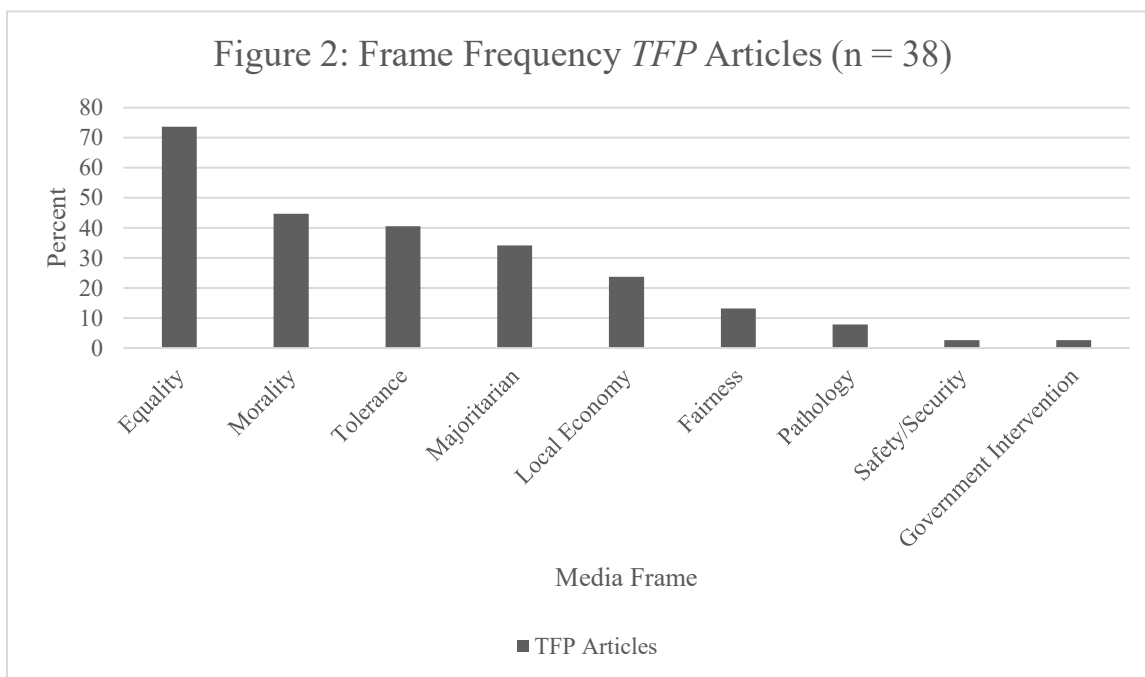Figure 2: Frame Frequency *TFP* Articles (n = 38)

Figure 2 shows the frequency of media frames used by the *TFP* during the years 2013

and 2014. As noted previously, contrary to Tadlock (2014), articles in this analysis adopt

multiple frames – perhaps due to professional standards of fairness. This is evidenced by the

finding that more than half (60.5%) of *TFP* articles are neutral in tone, while about one-quarter

(23.7%) of the articles are supportive of the ordinance and only fifteen percent (15.8%) express

opposition. In contrast to the aggregate data, equality is the most commonly used frame by the *TFP* (73.7% of articles), followed by morality (44.7% of articles), tolerance (40.5% of articles), and majoritarian (34.2% of articles) frames.

While the Chattanooga ordinance enacted non-discrimination protections for sexual and gender minority city employees, as the dominance of the equality frame suggests, the newspaper coverage generally focuses on the provision of benefits to spouses of same-sex employees. For example, many headlines characterize the Chattanooga law as the "same-sex benefits ordinance" and articles focus almost exclusively on lesbian and gay couples. Furthermore, many *TFP* articles quote the only openly-gay member of Chattanooga's city council as well as openly-gay city employees. Perhaps this can be contributed to the fact that the Chattanooga ordinance was adopted and repealed in a one-year period before the nation-wide legalization of same-sex marriage. The salience of the same-sex marriage debate likely influenced the frames used by the *TFP*. Indeed, the content analysis reveals that almost one-third (28.9%) of *TFP* articles reference "same-sex marriage" while only four articles use the word "transgender" – and this is generally in the context of the umbrella term "Lesbian, Gay, Bisexual, and Transgender."

Figure 3 shows how the four dominant frames are used in *TFP* coverage of the Chattanooga LGBT ordinance. The majority (92.8%) of *TFP* articles which use the equality frame do so in support of the city's ordinance, while less than one-tenth (7.4%) use the frame in opposition. Similarly, most (90.9%) *TFP* articles which adopt the tolerance frame show support for the ordinance. Conversely, while almost one-quarter (23.5%) of *TFP* articles adopt the morality frame in support of the city's ordinance, more than three-quarters (76.4%) of the articles use the frame in opposition to the law, as do more than half (69.2%) of articles which adopt the majoritarian frame.

Figure 3: Use By Category, *TFP* Articles (n = 38)
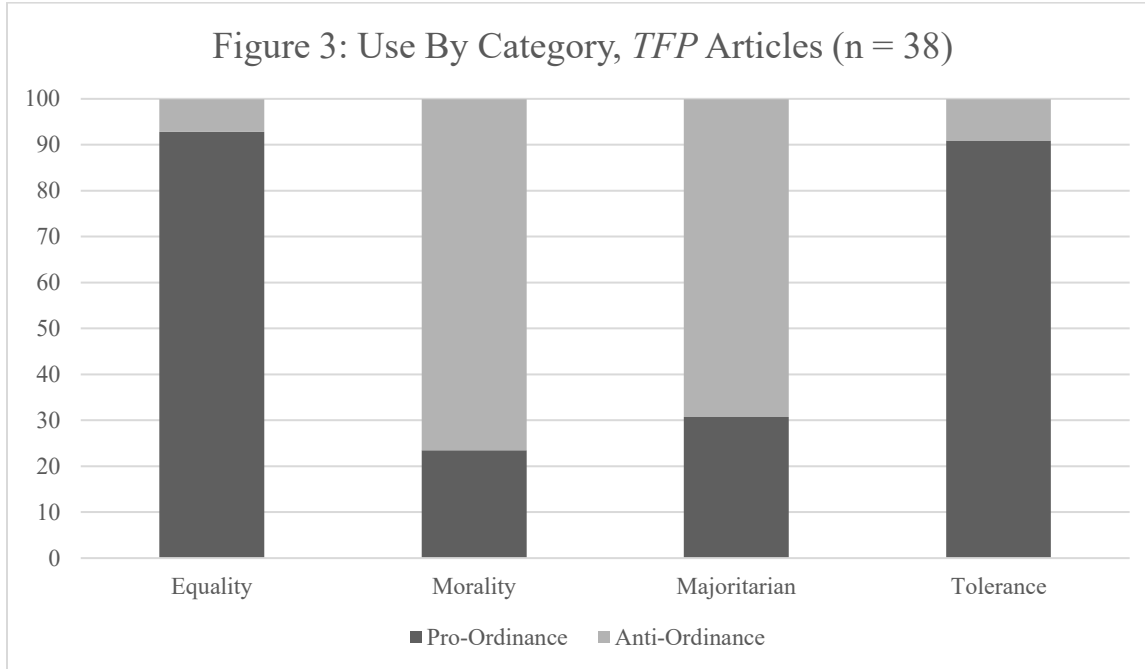
Although the local economy frame is somewhat less used in *TFP* articles (23.7% of articles, See Figure 2), its use holds different connotations since the Chattanooga ordinance only applied to city employees. Instead of the ordinance's effect on local businesses, the frame was used to emphasize the effect of the ordinance on the city budget. For example, the *TFP* opined, "At a time when the city's budget is under constant strain and there are regular efforts to minimize costs, it is irresponsible to extend benefits to a new group of individuals who are not even related to a city employee" (West 2014) while an editorial published six days before the referendum admonished, "Passage of the law also will increase the drain on the city's budget, but nobody can say for sure how much…but officials admitted they really have no idea how much it might increase" (Chattanooga Times Free Press 2014).

Finally, about more than one-third (39.5%) of *TFP* articles are editorials and, cross-tabulations reveal that a majority (53%) of these articles adopt a tone supportive of the

ordinance, while slightly less (40%) of the editorials express an anti-ordinance tone. Consistent with previous analyses of media coverage of 'gay rights' claims such as same-sex marriage, the two dominant frames in *TFP* coverage of the Chattanooga LGBT ordinance are equality and morality (Pan, et al. 2010; Brewer 2008; Tadlock, et al. 2007). While other frames are adopted, in the case of Chattanooga, it appears that media framing of the LGBT ordinance referendum follows the debate over same-sex marriage rights. In a conservative state, this likely influenced the rejection of the LGBT ordinance despite relatively positive media coverage.

Fayetteville, Arkansas: A Tale of Two Votes

On August 20, 2014, the Fayetteville city council adopted an ordinance which enacted housing, employment, and public accommodation protections based on sexual orientation and gender identity, created a civil rights agency tasked with investigating alleged violations of the ordinance, but also allowed exceptions for "sincerely held religious beliefs" (Musa 2014a). Like Chattanooga, opponents of the ordinance quickly organized a campaign to repeal the measure by referendum and, by December 10, 2014, the ordinance had been repealed (Musa 2014c). The issue did not end after one vote, however. In June 2015, amid state legislative activity to prevent the enforcement of such ordinances, the Fayetteville city council once again voted to adopt an ordinance with similar protections, but allowed for broader religious exemptions and slated the measure for a public in September of that year. Despite previous failures at the ballot box, on September 8, 2015 voters in the city opted to retain the ordinance (Walsh 2015b).

Figure 4 shows the frequency of media frames used by the *NADG* for the years 2014 and 2015. Contrary to the *TFP* coverage, fairness appears to be the most commonly used frame during the period, appearing in more than half (67%) of *NADG* articles, followed by the

government intervention (57% of articles), morality (28% of articles), and local economy (22% of articles) frames. Again, the use of multiple frames appears to reflect the overall neutral tone of *NADG* articles. In this case, about two-thirds (66%) of articles are neutral, while less than one-quarter of articles reflect either a pro-ordinance (19%) or anti-ordinance tone (15%). Also, consistent with the *TFP* findings, more than one-third (36%) of *NADG* articles are editorials or commentary; and, more than half of them are supportive of the ordinance (52.8%).

Figure 4: Frame Frequency *NADG* Articles (n = 101)
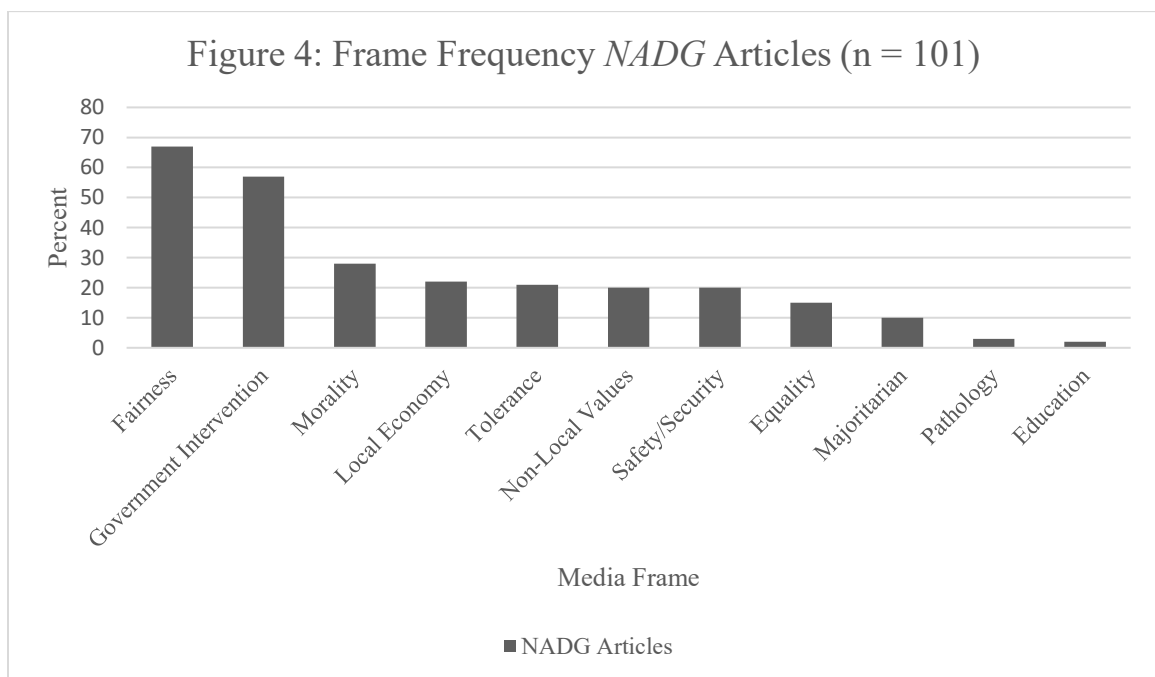
Whereas the Chattanooga ordinance was primarily framed as an equality issue – a measure which would extend equal benefits to same-sex couples – the Fayetteville ordinance is primarily framed as an issue of fairness. The ordinance itself enacts anti-discrimination protections for sexual and gender minorities and more than one-tenth (15%) of headlines refer to the law as either the "no-discrimination rule" or "anti-bias law," although the measure is often framed as affecting only sexual minorities, i.e., described as preventing "anti-gay bias." Slightly

more than half (about 59%) of *NADG* articles were published before the 2015 legalization of

same-sex marriage, and the final referendum was held three months after the Supreme Court's

decision. The role of local government in the LGBT rights debate, however and the focus on

same-sex marriage, is still apparent, as more than half of the articles adopt the government

intervention frame.

Figure 5: Frame Use By Category, *NADG* Articles (n = 101)
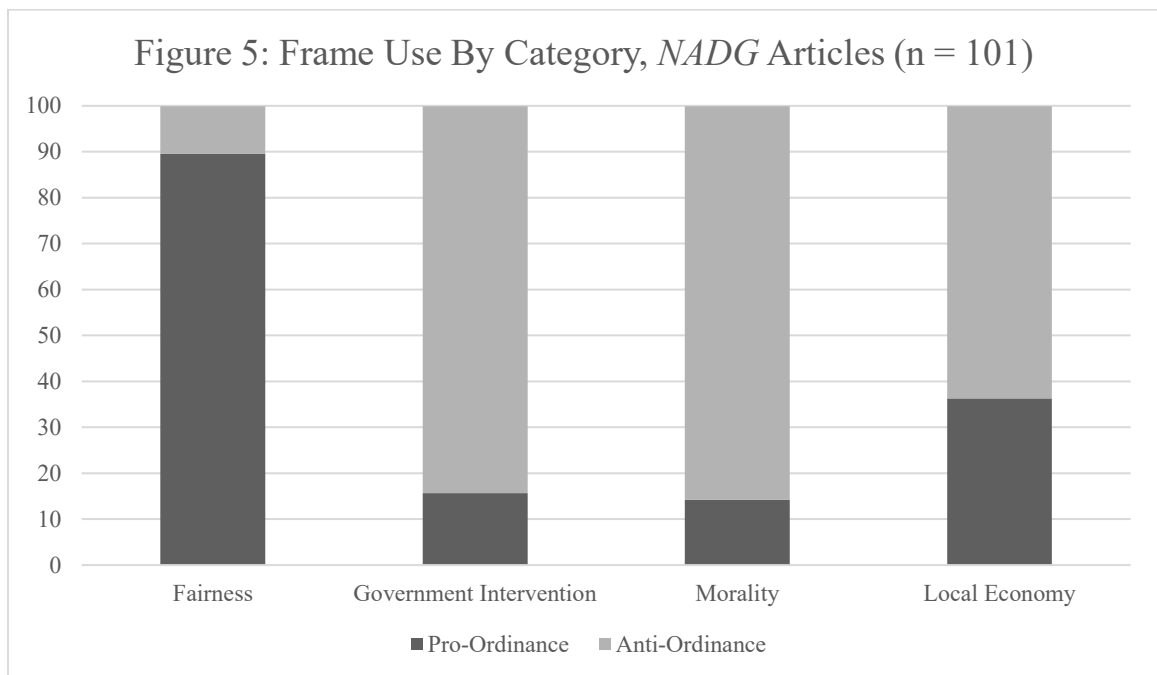
As Figure 5 shows, of the articles that adopt the government intervention frame, more

than three-quarters (80%) reflect an anti-ordinance tone. This is not surprising considering the

context within which the Fayetteville ordinances were debated, adopted, and referred to voters.

After Fayetteville adopted and repealed its first ordinance, the Arkansas legislature took up a

measure to bar local governments from extending civil rights protections to categories of

individuals beyond what exists in state law. Furthermore, between referenda, the Fayetteville

ordinance debate – like in Houston – centered around lawsuits which sought to clearly delineate

the power of local governments vis-à-vis the state in relation to civil rights protections. These two exogenous developments may explain the use of the government intervention frame as many state legislators and conservative organization elites are quoted in opposition to local government action in "defiance" of state law. Of the small proportion of articles (15.7%) which adopt a pro-ordinance government intervention frame, many did so in conjunction with the fairness frame. Indeed, a code sequence analysis reveals a statistically significant relationship, at the ninety-five percent confidence level, between the use of government intervention and fairness frames ($z = 4.97$; $p = .037$). For example, in an editorial, the *NADG* suggests "People, regardless of sexual orientation or gender identity, should be treated equally under the law. If all of Arkansas can't accept that, those places that are accepting ought to be able to have their own ordinances. Local control makes good sense sometimes" (Blagg 2015b).

As Figure 4 shows, almost one-quarter (22%) of *NADG* articles adopt the local economy frame. In contrast to *TFP* ordinance coverage, the local economy frame used by the *NADG* emphasizes the effect of the ordinance on small businesses, and when used to frame support for the ordinance, seeks to convey the potential loss of large corporate businesses which maintain liberal anti-discrimination policies. For example, a *NADG* editorial warns "Such big companies," like the retail giant Wal-Mart headquartered in Bentonville – also Northwest Arkansas – "finding gay-tolerant policies essential in the changing world, will be loath to relocate to communities where people are on record preserving discrimination" (Brummett 2015a).

In the *NADG* coverage of the Fayetteville LGBT ordinance, two examples reflect the differences between sexual minority and gender minority depiction in media frames. First, about half of the *NADG* articles which adopt the safety and security frame exclusively use the frame to articulate opposition to the ordinance based on safety/security concerns related to transgender

people. For example, the *NADG* often quote conservative interest group elites who voice concern with the Fayetteville ordinance "because of family safety in locker rooms and bathrooms" (Musa 2014a) or because "some man might call himself a transgender person and go into the women's restroom either to expose himself or gawk" (Brummett 2015b). This finding is consistent with Tadlock (2014) and also with Currah (2008:332), whose analysis of transgender narratives in popular culture suggest that the "dissonance" brought about by

> "the presence of someone whose gender identity or gender expression is not traditionally associated with the sex assigned to them at birth can bring people to the very brink of cognition, and beyond it, in any setting customarily segregated by gender: bathrooms, and locker rooms, homeless shelters, and correctional facilities, among others."

The focus on safety/security in public restrooms, then, is not unanticipated.

Secondly, a smaller proportion of *NADG* articles (about 19%) which adopt the government intervention frame do so in a way that adversely represents the lived experiences of transgender people. In some articles, the *NADG* frames ordinance opposition not as an unlawful local government action, but as an unnecessary government action, denying the existence of transgender discrimination, and transgender people altogether. For example, the director of the ordinance opposition group is quoted suggesting that sexuality and gender identity are choices for which government protections are not needed: "I don't see the need for it, he said. All the other protected classes are very specific. There's zero you can do to change your color, your ethnicity or your national origin" (Walsh 2015). While other conservative groups are quoted describing the law as "absolutely unnecessary" because "we already have laws dealing with threats, harassment and people being mistreated" (Musa 2014a).

Despite the fact that Fayetteville adopted, repealed, and re-adopted an LGBT ordinance in the space of two years, *NADG* frames appear relatively consistent. An analysis of articles by date of publication shows little variation in the use of frames or the overall tone of articles. That

is not to say that media coverage did not influence the Fayetteville referenda. Without an investigation of the totality of media coverage it is impossible to make any definitive statements, however, when contrasted with the analysis of *Houston Chronicle* articles which follows, some hypotheses may emerge. For example, *NADG* and *TFP* articles relatively rarely use transgender-related media frames; and, from the preceding analysis, when adopted, those frames reflect negative and often salient images which may contribute to the defeat of local LGBT referenda. The following analysis focuses on this aspect of local LGBT media framing.

Houston, Texas: Misunderstanding & Bathroom Panic

On May 28, 2014, the Houston City Council voted to expand the city's civil rights protections to include gays, lesbians, bisexuals, and transgender people. Referred to as the "Houston Equal Rights Ordinance" or "HERO," the policy applied across public and private sectors and provided protections in housing, employment, and public accommodations, although "religious institutions" were exempted (Morris 2014). Like Chattanooga and Fayetteville, opponents of the ordinance immediately launched a signature campaign to place the measure on the ballot for May 2015. City officials determined, however, that the petitions submitted on behalf of the referendum were invalid, prompting more than a year of legal filings before the Texas Supreme Court ruled in July 2015 that the city must either repeal the ordinance or let it stand for referendum (Morris and Elliott 2015). In August 2015, the city council agreed and cleared the measure for a public vote in November. On November 3, 2015, opponents were successful in repealing the ordinance (Driessen 2015).

Figure 6 shows the frequency of media frames used by the *HC* for the years 2014 and 2015. Like the *NADG*, the most commonly used frame is fairness (60.9% of articles). Unlike

either of the previous cases, the second most commonly used frame is safety/security (37% of articles), followed by the education (19.8% of articles) and local economy (18.5% of articles) frames. Like the case of Fayetteville, the use of the fairness frame reflects the nature of the LGBT ordinance, i.e., non-discrimination protections for sexual and gender minorities. While *NADG* coverage of the Fayetteville ordinance confronted transgender discrimination, almost three-quarters (71.9%) of *HC* articles reference transgender people or their experience as it relates to the Houston ordinance. The largest proportions of those articles are consistent with Tadlock's (2014) findings in that they use the Fairness, Safety/Security, and Education frames.

Figure 6: Frame Frequency *HC* Articles (n = 146)
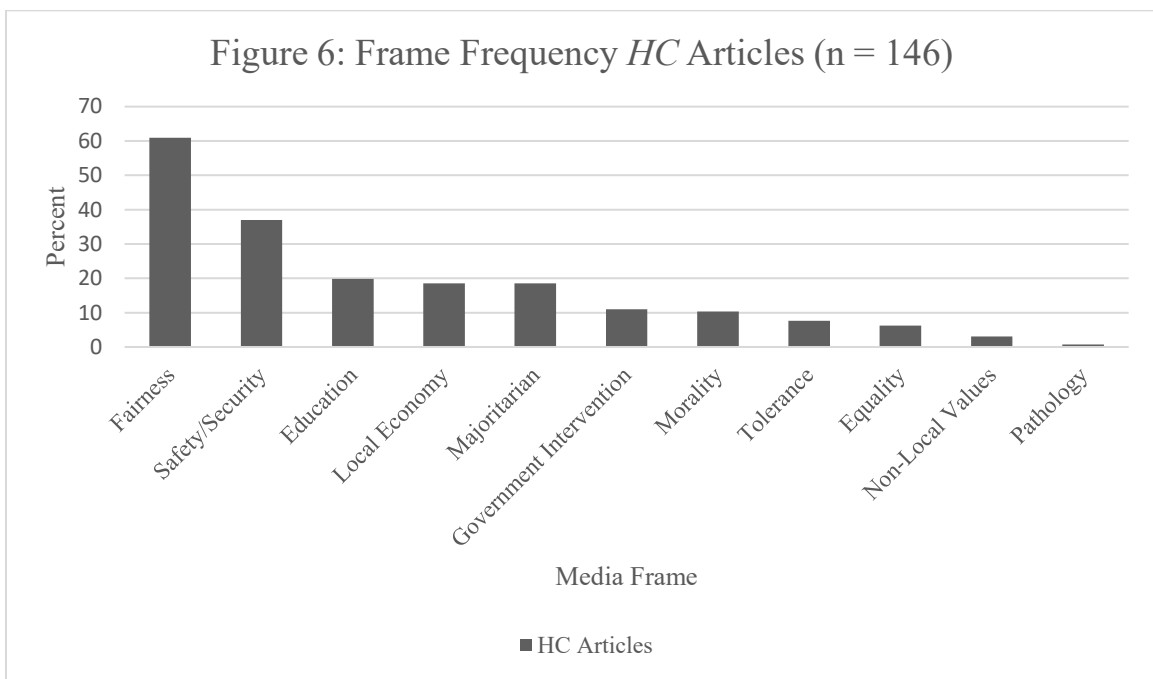
In *HC* articles, fairness and education frames are most commonly used in a pro-ordinance context (See Figure 7). For example, the *HC* quotes the director of an LGBT interest group describing the function of the ordinance after the mayor's original proposal was slightly altered saying it will "still protect transgender people. Discrimination is discrimination – whether it's a

restroom, at a job, or somewhere else" (Fraser 2014). Also, consistent with Tadlock (2014) the

education frame is almost exclusively used by the *HC* in a pro-ordinance context to describe the

experiences of transgender people in both an "episodic" fashion, extensively profiling

transgender Houstonians (Collette and Begley 2015; Collette and Rohr 2015; Foxhall 2015)

describing how the LGBT ordinance would affect their lives; but also, in a more "thematic"

(Iyengar 1991) way describing the experience of other U.S. cities after the passage of local

LGBT laws. For example, in a pro-ordinance editorial the *HC* states:

> "Seventeen states and the District of Columbia prohibit discrimination on the basis of
> gender identity or expression. More than 160 cities and counties have passed their own
> individual laws, including Atlanta, Nashville and New Orleans. Dallas has had similar
> protections for a decade. Minnesota first prohibited discrimination against transgender
> folks in public accommodations more than 20 years ago. Even the Houston Independent
> School District added a transgender category to its nondiscrimination policy in 2011.
> Houstonians have patiently studied these others' experiences, and the results are
> overwhelmingly positive. A city of sex criminals run amok only exists in the perverse
> fantasies of those prone to moral panics, desperately yearning for evidence that their fears
> were rightly founded. That evidence simply does not exist beyond the anecdotal urban
> legend" (HC 2014).

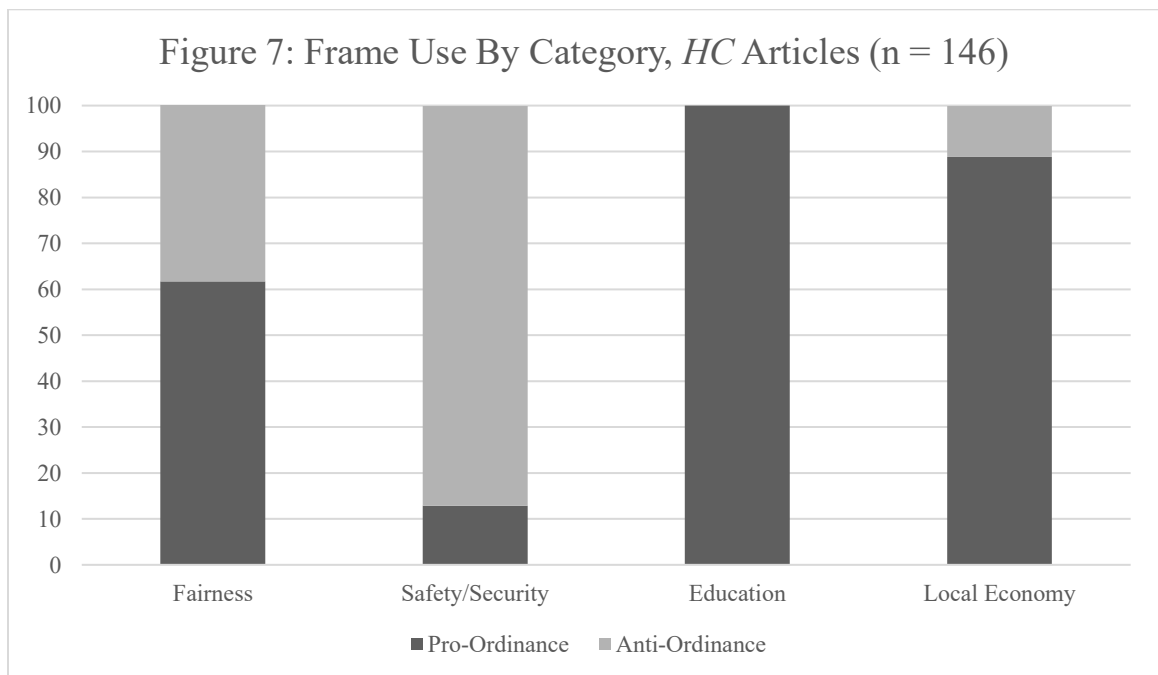Figure 7: Frame Use By Category, *HC* Articles (n = 146)

Figure 7 also shows that anti-ordinance articles most often rely on safety/security frames. In this instance, more than three-quarters (87%) of articles which adopt a safety/security frame do so in an anti-ordinance tone. Of that population, almost ninety percent of the articles use anti-transgender framing. The safety/security frame also highlights the use of religion in the context of transgender politics. Tadlock (2014), for example, notes that morality is rarely used to frame transgender issues. In the context of local referenda, however, under highly salient political conditions frames may intersect and interact. The *HC* quotes numerous local pastors who express multiple concerns which, although not explicitly moralistic, are couched in religious settings and rhetoric. For example, the *HC* describes an opposition rally: "People cheered and waved Bibles as [the president of the Baptist Ministers' Association] argued the ordinance would restrict religious liberty, harm businesses and, even…put children using public bathrooms at risk from sexual predators" (Fraser 2014). Furthermore, about one-quarter (25%) of *HC* articles use the word "bathroom" when reporting on the ordinance, however, only less than one-tenth (9%) of articles adopt a safety/security frame in a pro-ordinance tone (See Figure 7).

Some articles also depict the subtitles of media framing in a local context – and again, the role of morality and education. For example, the *HC* quotes a Unitarian Universalist minister who describes opposition to the ordinance as "displaying a fundamental ignorance of transgender reality" further elucidating, "[the opposition] tries to raise the specter of fear of children and women being molested," and, "People don't stop and think we have transgender children who have to be protected, and, frankly, are more at risk of being attacked for non-conforming gender identity than straight kids" (Turner and Morris 2014).

The Houston LGBT ordinance was repealed by referendum on November 3, 2015. Many critics of the repeal, both in the articles in this data set and in recent months have contributed the

defeat to the use of anti-transgender rhetoric. While both the Fayetteville and Houston ordinances were primarily framed by the local media as fairness issues, Houston media coverage appears to exhibit a far more negative safety/security frame. It does appear, however, that pro-ordinance advocates tried to counter the negative safety/security frame with a mix of morality, fairness, and educational rhetoric. The overall positive tone of *HC* coverage suggests that other factors, perhaps preexisting perceptions – or a lack of knowledge about transgender people – were likely contributors to the ordinance defeat. Indeed, the agenda-setting literature suggests that an important component of agenda change is "preexisting perceptions" (Kingdon 1984:197). Future efforts, then, may prove more successful as perceptions of transgender people continue to improve.

Conclusion

Given the nature of this analysis, it is impossible to definitively link articles published during local LGBT ordinance debates with the outcomes of referenda. In fact, the relatively positive tone adopted by the articles in these case studies suggest all the ordinances might have been affirmed at the ballot box. What is apparent is that 'gay rights' issue frames and transgender issue frames are only somewhat interchangeable. Ordinances and subsequent referenda which provide benefits to same-sex couples adopt an equality vs. morality frame dichotomy, consistent with research on same-sex marriage media frames (Brewer 2008, Tadlock, et al. 2007). Ordinances and subsequent referenda which add sexual orientation and gender identity to local civil rights statutes, however, appear to follow Tadlock's (2014) fairness, education, and safety/security model.

New frames also emerge in the analysis, likely due to the localized nature of the political conflict. Government intervention is typically used to frame opposition to local LGBT ordinances as an overreach of government authority, and in some cases, it attempts to erase transgender identities and experiences with discrimination. Local economy frames highlight the effect of LGBT ordinances on local economies either by emphasizing compliance costs or by stressing the negative effects of a locality being perceived as discriminatory by others. Finally, while only being used in less than one-tenth of the articles in this study, the non-local values frame appears to be an artifact of local media coverage. The frame focuses on the motivation behind LGBT policy, those policies which originate with, and are drafted by community members appear more legitimate than policies which originate with policy elites from outside the city.

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