

VOTING THE STRAIGHT TICKET:
MEDIA DISCOURSE AS A TOOL FOR TRANSFORMING IDEOLOGIES
ABOUT LGBTQ PEOPLE INTO LAW

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By

Shelby Jonathon Lake, B.S.

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Thesis Advisor: Heidi E. Hamilton, Ph.D.

ABSTRACT

On May 8, 2012, the citizens of North Carolina voted to amend their state constitution to establish marriage between a man and a woman as the only domestic legal union that would be valid or recognized by the state. Although same-sex marriage was already prohibited under a 1996 statute, the amendment, which came to be known as Amendment One, wove this ban more tightly into the state's legal fabric. Using a critical discourse analytic approach (van Dijk, 1998; Fairclough, 1995, 1998), I examine how, in the six-month period leading up to the ballot measure, pro- and anti-amendment positions were represented in local newspaper coverage as "storylines" that positioned various social actors with respect to dynamics of power and agency. The way that storylines positioned actors mobilized ideologies toward the LGBTQ community to produce and represent voters as particular types of social actors who (should) behave a certain way. Drawing on mediated discourse analysis (Scollon, 1998, 2001), I suggest that storylines transformed and homogenized the interests and social practices of a diversity of North Carolina voters, serving as resources for the construction of voter identities that entailed either a vote "for" or "against" the amendment. My findings contribute not only to an understanding of how social knowledge such as ideologies is reflected in discourse practices at a single historical moment, but illuminate how the production of (voter) identity in news discourse is achieved interdiscursively through the linkage of discursive and social practices to the historical sequences in which these practices are situated. As blatant expressions of prejudice continue to decline (van Dijk, 1993), we must attend to the subtle manner in which discriminatory ideologies and attitudes can be embedded in discourse, particularly in cases such as Amendment One, where the outcome of the discursive negotiation of power and authority was objectivized, transforming ideologies about LGBTQ people into law.

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“It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.”

Justice Anthony Kennedy
Obergefell v. Hodges

INTRODUCTION

On May 8, 2012, the citizens of North Carolina voted to amend their state constitution to establish marriage between a man and a woman as the only domestic legal union that would be valid or recognized by the state. Although same-sex marriage was already prohibited under a 1996 statute, the amendment, which came to be known as Amendment One, wove this ban more tightly into the state's legal fabric. As the 30th and final U.S. state to pass a marriage amendment before the 2015 Supreme Court decision that would legalize same-sex marriage across the nation, Amendment One was not without precedent, but the timing of the campaign made it unique: Republican lawmakers in the North Carolina General Assembly introduced the amendment to the ballot at a time when Americans' attitudes toward LGBTQ people were improving and acceptance had reached a historic high (Pew Research Center, 2012). In addition, the United States government had just begun to systematically dismantle legislative and policy barriers to LGBTQ rights, and had committed its diplomatic resources to promoting equal rights for LGBTQ people globally (Myers and Cooper, 2011). It was in this sociopolitical climate that Amendment One supporters were faced with the challenge of convincing an increasingly LGBTQ-friendly electorate to approve a ban on same-sex marriage.

The manner in which the amendment was represented in local North Carolina media coverage leading up to the May 8 vote is my focus in this thesis. By exploring some of the ways that pro- and anti-Amendment One positions were expressed in print and digital newspapers, I contribute to the evolving conversation around discourses of discrimination in America's shifting sociocultural landscape, and consider how these discourses can mediate the transformation of ideologies into law. As blatant declarations of prejudice

continue to become less socially desirable (van Dijk, 1993), expressions of discrimination have “mutated to more subtle, symbolic or covert forms of expression generally focusing on issues of ‘fairness’ and ‘equity’ rather than individual characteristics of people” (Masser and Phillips, 2003: 184). Accordingly, modern discrimination against the LGBTQ community often manifests as a covert and generalized homophobia entangled in the knowledge and structures of society, such that sexual identity is not acknowledged as a part of social identity, and sexual identities are not considered to include aspects of ordinary life beyond sex acts (Nelson, 2006). This privileging of heterosexuality and associated social practices is known as heteronormativity.

While differing ideologies about heteronormativity certainly underpinned the arguments of Amendment One supporters and opponents and their representations in the media, these ideologies were rarely expressed directly. Rather, the arguments of Amendment One supporters and opponents took the form of “storylines,” discursively-constructed accounts of the amendment that position various social actors with respect to dynamics of power and agency through presupposition, evaluative use of lexical items, and the use of pronouns to establish symbolic group membership. The way that storylines positioned social actors mobilized ideologies about heteronormativity to that produce and represent voters as particular types of people who (should) behave a certain way. I focus on two of the most dominant storylines that appeared in local North Carolina media coverage, discussing one from each side of the debate: the pro-amendment *Judicial Activism Storyline*, in which “activist judges” and same-sex couples were characterized as a threat to the (heterosexual) institution of marriage in North Carolina; and the anti-amendment *Civil Rights Storyline*, in which LGBTQ people were characterized as victims

of oppression who lacked political agency. In the context of the campaign for Amendment One, storylines mediated the formation of a political opinion (and, ultimately the act of voting) in that the identities they proposed for voters entailed a particular position “for” or “against” the amendment. Importantly, the voter identities that are suggested by these storylines can ultimately be traced back to particular ideologies about LGBTQ people; as such, the amendment was effectively a referendum on the status and rights of the LGBTQ community. In this way, media discourse was not only a resource for construction of voter identity and for the formation of political opinions, but a tool for transforming ideologies and attitudes about LGBTQ people into law.

I begin my study by providing relevant theoretical background on the relationship between discourse and social practice, discourse in the media, and the construction and expression of identity in discourse. I then review the sociopolitical backdrop against which the campaign for Amendment One took place, including prior work examining the outcome of same-sex marriage votes in North Carolina and other states. Following this, I characterize my data and describe in detail the construction of the Judicial Activism Storyline and the Civil Rights Storyline. I then turn to a close linguistic analysis of excerpts from media coverage that exemplify the construction of these storylines, including a consideration of how these storylines negotiated similar dynamics of power and agency, even as they superficially addressed different themes. I conclude by discussing how my findings contribute to an understanding of how ideologies are encoded in media texts and the significance of this to the conversation about the evolution of expressions of discrimination.

BACKGROUND AND REVIEW OF RELATED LITERATURE

To situate my study within the conversation around LGBTQ rights, same-sex marriage, language, and society, I begin by providing theoretical and sociohistorical context. First, I review relevant previous work in critical discourse analysis, discourse analysis of the media, the production of identity through discourse, sociology, and political science. I discuss the relationship between language and society, and how critical discourse analysts have approached the study of this relationship. I then discuss prior work that explores how discourse functions as a resource for the construction of social identities and consider how this process can be leveraged by producers of media texts to influence public opinion, suggesting storylines as one tool for mediating this process. Following this, I review the sociopolitical backdrop against which North Carolina's debate over Amendment One took place, including a brief history of LGBTQ rights legislation in the United States and previous work examining influences on voters' behavior in ballot measures on same-sex marriage legislation. Finally, I provide an overview of North Carolina's Amendment One, including how the amendment made it on the ballot, the text of the amendment, a summary of the major arguments on both sides of the debate, and a review of previous work analyzing the outcome of the vote.

Critical discourse analysis: Language as social practice

Fairclough (1995) has argued that language should be treated as a social practice, describing it as "a socially and historically situated mode of action, in a dialectical relationship with other facets of the social" such as power relations and social agency (54). He suggests that texts have both an ideational function in constructing "systems of

knowledge and belief,” and an interpersonal function in constructing “social relations and identities” (58). The field of critical discourse analysis (CDA) has emerged as the primary means to study how the ideational and interpersonal functions of discourse intersect to produce and reproduce power relations and social structures. Broadly speaking, CDA practitioners view discourse and society as mutually constitutive, adopting an interdisciplinary approach to examine the systematic relationship between the structure of discourse and its sociohistorical context. Fairclough recognizes this sociohistorical dimension by grounding his approach to CDA in intertextuality, asserting that the ideational and interpersonal functions of a text are emergent in that they “respond to, reaccentuate, and rework past texts, and in so doing help to make history and contribute to wider processes of change” (Fairclough, 1992: 269). Importantly, Fairclough’s notion of the text (which I adopt throughout this work) is not limited to the products of communicative events (written or otherwise): a text may not be “an individual, specified, or identifiable other text, but a more nebulous ‘text’ corresponding to general opinion, what people tend to say, [or] accumulated textual experience” (283).

The recognition that the process of meaning-making using language is sociohistorically situated reflects Bakhtin’s (1981) notion of dialogicality, which posits that all language use reflects a diversity of voices, each of which can represent a different perspective or view. When we use language, the situational and contextual meaning of that language builds on historical voices and anticipates future voices—as a result, the meaning of an utterance exists somewhere between the current speaker(s) and previous speaker(s). The balance between heteroglossia of voices and monoglossia varies along social, cultural, and historical axes, and is shaped by *centripetal* forces that promote monoglossia through

unification and centralization, and *centrifugal* forces that promote heteroglossia through disturbance and diversification. Bakhtin's notion of dialogicality is useful for considering the relationship between micro-level discourse practices and broader, macro-level social discourses. Fairclough considers the implications of dialogicality for sociocultural practice in his suggestion that "conventional" language use is a type of centripetal force that produces and reproduces dominant social practices, such as systems of belief and knowledge, identities, and power dynamics (1995: 55). In contrast, "creative" language use is a centrifugal force that transforms these social practices. Fairclough and Chouliaraki (1999) note that the boundaries between discourses in contemporary society have weakened, increasing the potential for creativity and hybridity, and resulting in an increased heterogeneity within discourses. The increased potential for creativity and hybridity point to a role for discourse in sociocultural change: knowledge of discourse practices can be used to consciously intervene and effect wider social change by strategically shaping hybrid, centrifugal discourses that transform social practice. Although social systems will, of course, tend to resist such change, society does not have an endless capacity to absorb the transformational force of centrifugal discourses; as a result, dominant social currents may, over time, shift in response to these discourses (Fairclough and Chouliaraki, 1999).

Media texts as a "barometer" for social change and a site for reality construction

Media discourse has long been of interest to scholars interested in exploring the relationship between discourse and society due to its ready availability, representation of and influence on language attitudes, usefulness for exploring social meanings and

stereotypes, and dialogic relationship with culture, politics, and social life. Because the media is an immanently discourse-bearing institution, much CDA work takes as its data media texts, and CDA has become a standard framework for studying media discourse (Bell and Garret, 1998; Wodak and Busch, 2004). Van Dijk (1993) has argued that the media has a “nearly exclusive role” in the “communication and production of public discourse,” and Fairclough (1995) has suggested that because of this close relationship between public discourse and media discourse, the media is the primary site for contesting social truths. As a result, media texts are “sensitive barometers of cultural change” in which textual heterogeneity can be seen as a reflection of sociocultural contradictions and ongoing change (1995). Similarly, Mayr (2008) characterizes the news media as a civil institution that is a primary site for “reality construction.” She suggests that, although the news is ostensibly interested in transmitting factual information to the public, it actually participates in institutional reality construction by affording different groups (usually the elite) the power to shape social reality. Attending to sites of social and cultural contradictions can locate a text in relation to the complex social, political, and cultural context in which media discourse is enacted, enlightening an understanding of the (often unequal) distributions of power that texts both reflect and reproduce.

The media’s role in shaping social reality relies, in part, on the discursive production and representation of the identities of individual social actors (Scollon, 2001). The social construction of identity that takes place through media discourse is “a highly interdiscursive process in which identities are claimed and disputed, ratified and repudiated, displayed and masked depending on the ongoing social-interactive processes of the production of identity in discourse” (Scollon, 1998: 252). Thus, the media is not only

a site where groups put forth competing interpretations and representations of reality, it also serves as a repertoire of semiotic resources that influence public opinion, and which individual social actors may appropriate to make sense of the world and of themselves. Individual social actors may, in turn, introduce their interpretations back into the media, in what can be seen as a circle of mutual influence (van Dijk, 1993). To understand how social actors appropriate and use media texts in the construction of social identity, I will briefly discuss relevant theories on identity and its relationship to discourse.

Discourse as a tool for identity construction

The process of identity construction is linked to Bourdieu's (2000) concept of *habitus*, which describes the way that individuals have learned to perceive themselves and act in the world based on their accumulated prior experience. The concept of habitus implies a local set of values and dispositions that are implicated in the construction and expression of identities. Although this is an analytically useful approach, it is important to emphasize that one's habitus is not a reified social-psychological phenomenon: the focus is not on locating the "real" self, but to explore the extent to which an individual's sense of self remains constant across multiple social and interactive contexts. Weedon (1982) and Butler (1999) have elaborated on the dynamic nature of habitus in their models of identity formation: they have proposed the idea of "subjectivities," which refer to one's innate sense of self and understanding of themselves in relation to the world. Weedon proposes subjectivities as fluid, contextual, responsive, and constantly being reproduced as we are confronted with new and unfamiliar experiences (1982). Butler provides a practical example of this by exploring gendered subjectivities, which are socially constructed and

performed through talk, dress, gesture, and other social practice. The effect is that gender is “neither true nor false, but only produced as the truth effects of a discourse of a primary and stable identity” (Butler, 1999: 136). Thus, it is through the repeated performance of gendered subjectivities that social actors construct a gender identity. This notion of identity has implications beyond gender: through the repeated performance of particular subjectivities, one can construct an identity as, for example, a Black person, a leader, an educator, or a parent. Habitus informs the performance of subjectivities, but it is only through the ongoing interpretation and reinterpretation of subjectivities by other social actors that identity is constructed.

Of particular significance here is the role of discourse as one of the many ways through which subjectivities may be performed and interpreted. Gumperz and Cook-Gumperz (1982) were among the first to suggest that aspects of one’s identity such as gender, ethnicity, and class are not only unstable across contexts, but that they are communicatively produced. Similarly, Eakin (1999) asserts that identities are not constant, but constituted and re-constituted through discourse. Ivanic (1998) distinguishes between *biographical* (innate) and *discoursal* (expressed) identities, pointing out that identity must be examined as it is constituted through discourse because “there can be no evidence for (the former) other than (the latter)” (Ivanic, 1998: 105). Bucholtz and Hall (2005) echo this notion of identity as intersubjective in their framework in which identities are dialogically and relationally constructed (and analyzed) between self and other. Identity construction through discursive or other semiotic resources is successful only insofar as the repeated performance of subjectivities resonates with an interpreter’s habitus. This view of identity

as a socially negotiated construction relies on the representation of social knowledge in relation to various identities.

The interpretive moment: Linking (media) discourse to social knowledge

To understand how social actors appropriate media discourse as a resource for identity construction, we must consider the nature of the relationship between social knowledge and its representation in media texts. In his framework for discourse analysis of media texts, van Dijk (1998) provides a practical theory for how the socially-constructed dimensions of the mind (such as knowledge, values, attitudes, and ideologies) are related to discourse practices. He proposes a systematic relationship in which “mental models” serve as the interface between social and discourse practices. Mental models organize social information and past experiences into a “grammar” that is used in the production and interpretation of texts. Van Dijk describes the activation of models of the past and the future in the interpretive moment in a way that is reminiscent of Bakhtinian dialogicality, in which texts have both a historical and a forward-looking dimension. In his own consideration of the interpretive moment, Fairclough (1992) proposes the idea of textual *coherence*, which describes how well the diverse schemata of a text hang together for an interpretive subject such that they are intelligible and commensurable with the subject’s social knowledge. Van Dijk describes a similar notion of *ideological coherence*, in which mental models impose coherence by allowing for the reconciliation of a sequence of propositions with a particular ideology. At the time of production, text producers may “interpolate” subjects who are able to generate coherent readings, but coherence is an emergent rather than enduring property of texts. Thus, a text that is coherent to one

interpretive subject may not be coherent to another subject with different ideologies and values.

The idea of coherence is important to Bucholtz and Hall's (2005) suggestion that identity emerges interactionally: the repeated performance of (written or spoken) subjectivities will be interpreted as a particular identity only insofar as the subjectivities are coherent with the interpreter's social knowledge. Scollon (1998) discusses this as it relates to media texts, suggesting that media discourse is a crucial site for the interdiscursive construction of identity: representations of events and social actors in the media imply particular social identities that may or may not be ratified by a reader or a listener. Following Fairclough's (1992) and van Dijk's (1998) acknowledgement that coherence may be manipulated to suggest an intended reading of a text, the process of "interpolating" readers who can impose coherence can be seen as text producers imposing a particular identity on the reader, which has implications for the utility of media discourse as a tool for influencing public opinion.

Media discourse as a mediational means in the formation of a political opinion

In his consideration of the manner in which social actors engage with and deploy social knowledge, Wertsch (1997) proposes that "human mental functioning and human action more generally" inherently involve the use of *mediational means* or *cultural tools* (6)¹. In discourse, mediational means can take on a variety of forms: from ideas and emotions to narratives that present an integrated whole constructed from a set of persons,

¹ Although Wertsch used these terms interchangeably, others (such as Scollon) differentiated between them in later work. I will use the term *mediational means* because of its connection to mediated discourse analysis.

actions, and events. Mediational means are produced by various historical, institutional, and cultural forces, such as formal education, film, and, significantly for my study, the news media. Wertsch emphasizes that mediational means are not reified semiotic objects and that any analysis of a mediational means (such as news discourse) requires a consideration of the social actors (such as voters) and the mediated action(s) (such as voting) with which these means engage.

Scollon (2001) builds on these ideas in his theory of Mediated Discourse Analysis (MDA), which differs from CDA in its focus on the role of discourse *in* action (i.e., as a mediational means) rather than discourse *as* action (cf. Fairclough). Although I adopt a CDA approach to my data, some of the theoretical elements of MDA enlighten my consideration of how media discourse served as a mediational means for North Carolina voters. Scollon proposes that mediational means embed sociocultural and sociopolitical history as codifications or “technologizations” of social practice. This is of particular importance to his consideration of how the discursive practices of an individual’s social world produces them as a specific kind of social actor, and what effect this has on the (mediated) social actions an individual carries out. Thus, the analysis of the interaction between social actors (and their social knowledge) and a text may be illuminated by a consideration of whether and how a text serves as a mediational means for particular social actions.

Storylines as mental models and mediational means

Of primary interest to this study is how local media coverage served as a mediational means in the campaign for Amendment One. A key challenge for supporters

and opponents of the amendment was to persuade citizens that a vote “for” or “against” the amendment would be ideologically coherent with their individual beliefs and values.² Although heteronormative ideologies certainly influenced voters’ opinions, the ongoing shift away from blatant expressions of discrimination meant that directly appealing to these values would be an ineffective strategy (particularly for amendment supporters, whose homophobic beliefs would have been unpalatable if offered directly as a justification for opposition to same-sex marriage). Van Langenhove and Harré (1999) have noted this tension, suggesting that although social knowledge such as attitudes and opinions is usually expressed vaguely (or not at all), an election is a process in which voters are “forced to display a determinate political attitude, since there are only a finite range of choices displayed in the ballot paper” (17). In response to this tension, representations of the amendment in media discourse avoided direct evaluations of LGBTQ people, instead recontextualizing prior events and voters’ social knowledge in a manner that produced North Carolina voters as social actors who would favor a particular stance on the amendment.

These discursive representations can be conceived of as *storylines* that provided accounts of the amendment and entailed particular positions on the amendment. Storylines can be understood as a corollary to “mental models” in that they similarly mobilize pre-existing social knowledge (such as ideologies, values, and opinions) into representations of reality that are used in the interpretive process to make sense of new experiences.

² It is important to note that the language around support and opposition to Amendment One is somewhat counterintuitive: amendment supporters were (generally speaking) opponents of same-sex marriage, while Amendment One opponents were (often, though not always) supportive of same-sex marriage. To avoid confusion, I will refer to voters’ positions with respect to the amendment rather than the issue of same-sex marriage.

Storylines functioned both “ideationally” and “interpersonally” (Fairclough, 1992), proposing identities for social actors by positioning them with respect to values and ideologies related to heteronormativity and same-sex marriage. Thus, while they did not involve direct expressions of discriminatory ideologies, storylines nevertheless discursively manifested these ideologies and made them available to mediate the formation of an opinion about the amendment. In this way, representations of storylines in media coverage of Amendment One functioned as a centripetal force for transforming and homogenizing the interests and social practices of a diversity of social groups by suggesting voter identities that entailed either a vote “for” or “against” the amendment.

Having discussed the theoretical underpinnings of my study, I turn now to the sociopolitical context which is necessary to understand the emergent process by which storylines mediated the formation of a political opinion.

Legislating marriage in the United States

Same-sex marriage became a mainstream political topic in the United States in the early 1990s when Hawaii’s public debate over the issue captured the attention of Americans. In late 1990, three same-sex couples sued the state for the right to marry, initiating a protracted and contentious legal battle. In 1996, a court ruling temporarily legalized same-sex marriage in Hawaii, but the ruling was superseded in 1998 when the state passed a constitutional amendment defining marriage as between one man and one woman. Although there had been many unsuccessful attempts to gain legal recognition for same-sex unions since the LGBTQ rights movement formally organized in the 1970s (Eskridge, 1996: 54-57 in Hull, 2001), Hawaii’s eight-year legislative battle was the first

high-profile case, serving as a catalyst for two decades of similar struggles across the nation. The struggle in Hawaii in part led to the U.S. government enacting two significant policies in 1996: the Defense of Marriage Act (DOMA) which denied federal recognition of same-sex marriages, and “Don’t Ask, Don’t Tell” (DADT), an official policy that allowed gay, lesbian, or bisexual Americans to serve in the military so long as they remained closeted. That same year, the North Carolina General Assembly overwhelmingly approved a general statute banning same-sex marriage in the state.

Though many states continued to ratify constitutional amendments banning same-sex marriage³, the tide began to turn in 2003 when Massachusetts became the first U.S. state to legalize same-sex marriage following a ruling in which the state’s Supreme Judicial Court found that denying the right to marry is a violation of the Massachusetts State Constitution. As public acceptance of LGBTQ people continued to rise and activism increased, the federal government under President Barack Obama began to dismantle its restrictions on the rights of LGBTQ people. The year 2011 saw the end of DADT and the federal DOMA, an endorsement of a U.N. resolution advocating for the rights of LGBTQ people (the first such resolution), and an announcement that the United States would leverage its diplomatic capital to promote LGBTQ rights around the world. In late 2011 and early 2012, shortly after this shift in U.S. policy, the debate over Amendment One took place and the measure was approved by North Carolina voters. The nationwide trend toward equality culminated in 2015 when the United States Supreme Court ruled in *Obergefell v. Hodges* that the fundamental right to marry is guaranteed to same-sex couples under the Equal Protection Clause of the 14th Amendment to the United States Constitution,

³ See Appendix A for full list of states that passed constitutional amendments banning same-sex marriage.

effectively legalizing same-sex marriage across the nation and nullifying North Carolina's three-year-old Amendment One.

North Carolina's Amendment One

The debate over Amendment One came at a time of rapidly increasing public support for LGBTQ rights: A Public Policy Polling survey found that in 2011, 46% of Americans supported the right to marry for same-sex couples while 45% opposed it, the first time in 15 years of polling that the public had been evenly divided over the issue (Public Policy Polling, 2012). In 2012, North Carolina became the 30th state to approve a so-called marriage amendment, which superseded the 1996 statute and placed the legislation in the State Constitution beyond the reach of lawmakers and courts. Although North Carolina state lawmakers had made several attempts over the years to introduce a constitutional amendment addressing same-sex marriage, Amendment One was the first to make it on the ballot. In early 2011, three bills that would put a legislatively referred constitutional amendment on the ballot were filed in the North Carolina General Assembly, but each failed to receive sufficient support to advance. However, during a special legislative session in September 2011, a last-minute substitution was made that replaced a bill on legislative term limits with a bill that would put Amendment One on the ballot in the May 2012 Republican primary. On September 12, after a brief committee debate, the bill was sent to a House vote and approved by a margin of 75-42. The following day, it was approved in the state Senate by a vote of 30-16, clearing the final legislative hurdle before appearing before the people of North Carolina.

The House committee debate between lawmakers bore out several key issues that reflected prior marriage debates in other states, and which were later echoed in media coverage about the amendment leading up to the vote. First, those legislators who supported the amendment argued that it was a provision to protect the state from same-sex couples who might sue the state for recognition. In committee, Republicans repeatedly cited the 2009 Iowa Supreme Court decision that made Iowa only the third U.S. state where same-sex marriage was legal, warning that North Carolina's lack of a constitutional amendment addressing marriage left it vulnerable to a similar court challenge. Hume (2011) has suggested that such arguments resonate with voters, who may be supportive of approving amendments in cases where they perceive the threat of institutional (i.e., judicial) overreach.

Amendment supporters also argued that putting the amendment on the ballot would provide voters with the opportunity to directly decide the issue. These points were widely taken up by supporters of Amendment One as a justification for the ballot measure. For example, Tami Fitzgerald, executive director of the pro-amendment group N.C. Values Coalition, suggested that putting the amendment on the ballot fulfilled the democratic process, claiming that "the people of North Carolina want to determine for themselves how they want to define marriage. They don't want activist judges doing it for them" (Gieseke, 2011). This notion of "activist judges" (which had appeared in prior same-sex marriage debates) was taken up by supporters of the amendment who characterized the judiciary as ideologically motivated and a threat to voters' rights. It has been suggested that accusations of judicial activism are rarely critiques of judges exercising judicial power; rather, they are principled stances against particular policy outcomes that are masked as a criticism of a

small group of individuals making legal decisions that affect millions (Economist, 2015). Notably, even Supreme Court Justices have invoked the threat of judicial activism in their dissenting opinions: in his dissent in the 2014 *Obergefell v. Hodges* opinion that ultimately overturned North Carolina's Amendment One, Justice Samuel Alito wrote that the majority opinion "usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage" (Obergefell v. Hodges, 2015).

Opponents in the legislature responded to the introduction of the amendment by questioning the need for a constitutional amendment in light of the existing 1996 statute which banned same-sex marriage. Representative Joe Hackney, the House Minority Leader at the time, commented that it was "a transient issue of public policy that ha[d] no place in the Constitution of North Carolina" (Bonner, 2011). Hackney and other opponents condemned Amendment One as discriminatory, and contended that the rights of a minority group should not be put to a vote by the state. Amendment opponents also argued that the language of the measure was too broad in banning all domestic legal unions except marriage between a man and a woman, and that it would not only harm same-sex couples but unmarried heterosexual couples, as well.

Influences on voters' behavior on same-sex marriage amendments

Many scholars have found that resistance to same-sex marriage goes beyond the act of marriage itself, and is linked to perceptions of homosexuality and a broader heteronormative ideology that pervades Western society (Avery et al., 2007; Brow, 2009; Harding and Peel, 2006; Kitzinger and Wilkinson, 2004; Matthews and Augoustinos, 2012). Because it has become less socially acceptable to be (seen to be) homophobic,

expressions of homophobia are disguised as efforts to maintain social harmony by upholding “traditional” family structures and gender roles, preserve norms of sexual fidelity, and encourage couples to procreate. This trend is reflected in the fact that, though many states formerly had statutes criminalizing sodomy, such policies are now widely held to be intolerable expressions of homophobia. Modern policies rarely seek to directly limit the rights of LGBTQ people, and are instead often framed as “protections” of heteronormative institutions.

Because of its discriminatory nature, legislation on the rights of minority groups such as LGBTQ people is often vaguely worded; consequently, uncertainty among lawmakers and legal scholars about the effects of legislation coupled with poor public understanding are common in statewide debates about same-sex marriage (Fleischmann and Moyer, 2009). Some scholars have argued that, as a result of this poor understanding, when voters form opinions about such complex legislation, legal rationale becomes subordinate to beliefs and ideologies about LGBTQ people. For instance, Avery *et al.* (2007) suggest that public acceptance of same-sex marriage can be viewed as a measure of LGBTQ people’s political and social influence, while Matthews and Augoustinos (2012) note that resistance to marriage equality is grounded in heteronormativity, the pervasive social phenomenon which privileges monogamous heterosexual relationships. This perspective suggests that the concrete policy outcomes of the amendment were less important to voters than how consistent they perceived the amendment to be with their beliefs, highlighting a significant ideational role for the media in mediating public understanding.

Further supporting the primacy of ideology in determining support for same-sex marriage is Haider-Markel and Joslyn's (2008) work exploring beliefs about the origins of homosexuality. Examining a number of aspects of social identity such as age, education, religiosity, and race, they found that the strongest predictor of support for LGBTQ rights is whether an individual attributes homosexuality to biology or believe it is a personal choice. They note that "people who are observed to have caused their stigma will be evaluated more negatively than those who are stigmatized as a consequence of misfortune or the actions of others" (2008: 292). Importantly, they suggest that such attributions are closely tied to political beliefs: in the case of LGBTQ people, liberals favor a genetic attribution, while conservatives perceive LGBTQ identity as controllable (therefore eliciting more negative affect toward LGBTQ people). Haider-Markel and Joslyn's (2008) identification of a crucial role for attribution in determining support for LGBTQ people bears out in local media coverage of Amendment One, where in some cases attribution was directly cited and in others, the ideologies underlying arguments could be traced to attribution.

Language of the amendment

The text of Amendment One was a significant source of controversy, particularly the meaning of the term "domestic legal union," which was included in the amendment but is not formally defined under North Carolina or federal law. Both supporters and opponents of the provision agreed that the legal implications extended beyond banning marriage between same-sex couples, but legal scholars were divided on what these effects may be. State constitutional amendments that legislated marriage generally fell into three

categories: those that banned only same-sex marriage; those that banned same-sex marriage and civil unions; and those that banned same-sex marriage, civil unions, and marriage contracts. North Carolina's Amendment One was of 16 amendments of the second type, banning same-sex marriage by establishing marriage between a man and a woman as the only recognized legal union, and banning civil unions by defining marriage as the only domestic civil union that is valid in the state. The full text of the 1996 statute (Excerpt 1) and Amendment One (Excerpt 2) are as follows:

(1) N.C. § 51-1.2. Marriages between persons of the same gender not valid.

1 Marriages, whether created by common law, contracted, or performed
2 outside of North Carolina, between individuals of the same gender are not
3 valid in North Carolina.

(2) N.C. Amendment 1

1 Marriage between one man and one woman is the only domestic legal
2 union that shall be valid or recognized in this State.
3 This section does not prohibit a private party from entering into contracts
4 with another private party; nor does this section prohibit courts from
5 adjudicating the rights of private parties pursuant to such contracts.

One of the key differences between the language of the statute and that of the amendment is that the amendment does not specify a legal definition of marriage per se. Rather, it provides that the only “domestic legal union” (lines 1-2) that is valid in the state is marriage between one man and one woman. That the amendment was indirect in legislating the rights of LGBTQ people is unsurprising given the move away from openly discriminatory policy and towards more subtle forms of discrimination. This lack of a direct focus on the definition of marriage was reflected in the media, where representations of the amendment focused on dynamics of power, oppression, and political agency.

Because of the wording of the amendment, opponents of Amendment One argued that the amendment would go beyond banning same-sex marriage, and that it had the potential to affect all North Carolinians participating in civil unions, including heterosexual couples. They expressed the concern that the provision had the potential to negatively affect healthcare, adoption and custody of children, and domestic violence protections. Although the second sentence of the amendment (lines 3-5) was meant to allay these fears by providing a mechanism by which private employers may still extend partnership benefits to same-sex couples, there was widespread disagreement among legal scholars about the interpretation of this clause (Davison and Eatman, 2013).

Post-election analysis of Amendment One

Due to a lack of exit poll data, there has been limited post-election media analysis of North Carolina's vote on Amendment One. Davison and Eatman (2013) provide the most comprehensive analysis, noting that local media outlets "pigeon-holed Amendment One as the 'Gay Marriage Ban' instead of incorporating the effects the amendment would have for both heterosexual and same-sex domestic partnerships." They claim that, though the media suggested that the pro-amendment vote was driven by religious, rural, older, less-educated, and non-White populations, this was merely speculation without access to data from exit polls. Davison and Eatman attempt to systematically identify correlations between different communities and positions on the amendment by drawing on previous work that suggests county-level demographics and characteristics are significantly correlated with support of same-sex marriage (Burnett and Salka, 2009; Flesichmann and Moyer, 2009). At the county level, they found that Evangelical Protestant and rural voters

drove support of the amendment, while highly-educated populations drove opposition. Despite widely-circulated claims that Black voters were more likely to support the amendment, Davison and Eatman did not find that race was independently correlated with support. However, when education was controlled for, counties with higher proportions of Black voters became more likely to vote for Amendment One.

Above the county level, regional cultural characteristics have been suggested as a potential influence on voter behavior (Levernier and Barilla, 2006). Scholars have found that the regional location of a county and state have been important determinants in past elections. North Carolina's geographical position in the American South—an area of the country with a strong sense of shared experience—points to regional identity as a potential influence. Indeed, there are many examples in my data in which it is mentioned that North Carolina was (at the time) the only Southern state that had yet to pass an amendment on same-sex marriage. Amendment supporters noted this fact, appealing to the social conservatism which is characteristic of Southern identity and with which same-sex marriage is incommensurable.

My decision of which storylines to focus on was, in part, guided by Davison and Eatman's findings that a county's support for the amendment increased as its proportion of rural and (to a certain extent) Black voters increased. In line with their findings, I found that discourses of race, conservatism, and tradition were prominent in the media, and considered how these discourses were organized into storylines. That those discourses that I identified as prominent in local North Carolina media coverage were aligned with the interests of the above groups supports the idea that storylines (which draw on these discourses) ultimately influenced the way that members of these groups voted.

DATA AND METHODOLOGY

In this section, I offer a characterization of my data, explaining my motivation for focusing on particular news outlets and providing context to situate these outlets within the broader landscape of news media in North Carolina. I then provide an overview of my methodological approach, including detailed discussions of the two storylines which are the focus of my analysis: the pro-amendment Judicial Activism Storyline and the anti-amendment Civil Rights Storyline.

The data

My data consists of print and digital newspaper articles (and associated multimedia)⁴ published in seven local North Carolina news outlets, all of which are located in one of the state's three most populous metropolitan areas: the Charlotte metro area, the Triangle (Raleigh-Durham-Chapel Hill), and the Triad (Greensboro-Winston Salem-High Point). I selected the *Charlotte Observer*, the *Raleigh News & Observer*, the *Greensboro News & Record*, and the *Winston-Salem Journal* because they had the four highest circulations (by daily readership) among all North Carolina daily newspapers as of August 2012. I included digital coverage from WRAL (a major local news channel) because of its extensive reporting on state politics that owes to its location in Raleigh, the state capital. I selected the final two outlets because they fall at either end of the political spectrum, providing useful points of contrast to the five moderate outlets that make up the bulk of my data. *Indy Week*, a Durham, NC-based progressive weekly publication, is decidedly left-leaning; as such, coverage in *Indy Week* exemplifies the positions of Amendment One

⁴ See Appendix B for a full list of articles included in the data set.

opponents. The final outlet, *Civitas Institute*, is a conservative public policy institute headquartered in Raleigh. I was unable to locate Amendment One coverage in a conservative counterpart to *Indy Week*, so I include coverage from *Civitas Institute* (which regularly publishes articles on policy issues) because it exemplifies the positions of Amendment One supporters.

To approximate the ideological bias in the remaining five news outlets, I relied on Media Bias Fact Check (MBFC) News' partisan rating. MBFC News systematically estimates the media bias of outlets based on four metrics: lexical items in headlines and article body (including use of "loaded words" that convey emotion), supporting claims with evidence, balance of reporting from various perspectives on an issue, and how strongly a source endorses particular political ideologies. MBFC News' rating is a measure not only of political bias, but of the degree to which an outlet's reporting appears to be evidence-based. Although there is some subjectivity involved in determining partisan lean and factuality using MBFC's metrics, the ratings are informative in that they indicate my data is ideologically balanced. The characteristics of the media outlets from which my data is drawn are summarized in Table 1, below. *Indy Week* and *Civitas Institute* have not been evaluated by MBFC, so the approximation of ideological bias is based on their declared political leanings as well as my own knowledge of these outlets.

Table 1. Characteristics of selected media outlets.

Media outlet	Rank (by daily readership)	Region	Partisan bias
<i>Charlotte Observer</i>	1	Charlotte	Left-center
<i>News & Observer</i>	2	Triangle	Left-center
<i>News & Record</i>	3	Triad	Left-center
<i>Winston-Salem Journal</i>	4	Triad	Center
WRAL	N/A (online only)	Triangle	Center
<i>Indy Week</i>	N/A (unranked)	Triangle	Progressive
<i>Civitas Institute</i>	N/A (unranked)	Statewide	Conservative

Rank is based on average daily readership as reported by individual outlets. In most cases, partisan bias is based on estimates from MBFC News (www.mediabiasfactcheck.com)

In total, I collected 42 articles published between early September 2011 (just before the House committee debate that led to the eventual ballot measure) and mid-May 2012. Most of the reporting on the amendment took place between January 2012 (when campaigning around the amendment began in earnest) and May 2012. I included articles beginning in September 2012 because local North Carolina media coverage around this time focused heavily on legislators' arguments in the General Assembly. This is important because, as I discuss below, legislators' arguments for and against the amendment were picked up and re-articulated throughout the campaign, forming the foundation for storylines on both sides of the debate. Following Costelloe (2014), I chose to expand my time frame to the period immediately after the vote to consider reflective perspectives on the outcome of the vote, which offered further insight into which aspects of the amendment were the most salient for the public. Because my data set is too large to provide a comprehensive qualitative treatment here, in my analysis I discuss excerpts that exemplify the broader trends that I identified across all articles. Although I have included multiple excerpts from some outlets in my analysis below, the proportion of examples from each outlet is not meant to be representative of how frequently a particular outlet appears in the

entire data set. Rather, I selected excerpts that most clearly demonstrated the phenomena that I have identified as significant to the construction of storylines.

The construction of social truth that takes place in the news media is a dialogic process that involves both producers and consumers across multiple genres. In my analysis, I consider only print and digital newspaper articles due to their ready availability and durability. As a consequence, the particular manifestations of the Judicial Activism Storyline and Civil Rights Storyline that I describe below cannot be generalized to other news genres (such as broadcast and social media) without a consideration of these other genres' unique characteristics. For example, social media allows for rapid and often real-time dialogue between journalists, citizens, and influencers, while broadcast journalism may incorporate more visual and interactional semiotic resources than a print article. While my characterization of the Judicial Activism Storyline and Civil Rights Storyline would inform an examination of how these storylines are represented in broadcast and social media, it is important to note that the representation of storylines may be different across genres. Additionally, the manner in which storylines were appropriated as resources for the construction of voter identity would necessarily vary depending on each genre's unique production and reception processes.

Methodology

I discuss two of the most dominant storylines that appeared in local North Carolina media coverage of Amendment One, examining one storyline used by amendment supporters and one used by amendment opponents. My understanding of the issues that underlie these storylines is informed by previous work on media coverage of same-sex

marriage debates both in North Carolina and elsewhere (Avery et al., 2007; Davison and Eatman, 2013; Fleischmann and Moyer, 2009; Hull, 2001). In the pro-amendment Judicial Activism Storyline, “activist judges” are positioned as a threat to the values of North Carolinians, who are reflexively positioned as victims. In the anti-amendment Civil Rights Storyline, LGBTQ people are positioned as victims of oppression who lack political agency, and amendment supporters (such as Republicans in the North Carolina General Assembly) are positioned as oppressors. Before turning to my analysis, I elaborate on how storylines are discursively constructed and how they may function as resources for constructing voter identities. I then discuss how the Judicial Activism and Civil Rights Storylines linguistically manifest through specific themes and subject positions.

Positioning and the discursive construction of storylines

Storylines are fundamentally constructed through the positioning of social actors. Van Langenhove and Harré (1999) describe positioning as “the discursive construction of personal stories that make a person’s actions intelligible and relatively determinate as social acts and within which members of the conversation have specific locations” (16). A position is a metaphorical concept into which aspects of an actor’s social identity are collected. Positioning typically involves locating a social actor with respect to other social actors on the basis of one or more attributes. Thus, positioning is one way to understand both the ideational and interpersonal function of texts, as well as the synergy between these functions.

In this study, I abstract away from individual social actors to conceive of positioning as applying to groups of social actors such as same-sex couples or Republican

legislators. Crucial to positioning of groups of social actors within storylines was the production and reproduction of symbolic boundaries between these groups. As the rights of a minority group were at issue in the campaign for Amendment One, one of the key discourses through which this was achieved in the media was the discourse of civil rights (not to be confused with the Civil Rights Storyline, which is in part constructed from the discourse of civil rights). Groscurth and Orbe (2006) describe civil rights discourse as “a tension-filled process of meaning making among and between various stakeholders, ideologies, and social/political constraints.” Civil rights discourse is a powerful tool for discursively negotiating local power dynamics between social groups, including the attribution of power to particular groups and attention to “the needs of disempowered communities” such as racial and sexual minorities. Accordingly, civil rights discourse was a primary strategy through which power and agency were implicated in the delineation and characterization of group membership.

The linguistic features that I identified as most significant in the production and representation of group membership are the use of presuppositions, evaluative use of lexical items, and pronoun use. Presuppositions are implicit expressions of facts or opinions that are presumed to be true or taken for granted as common-ground, and are often used to introduce into a proposition information that is not actually true. For example, the following proposition contains the presupposition that acceptance of LGBTQ people is increasing:

“Alarmed that the public is warming to the view that LGBT people are entitled to be treated as people who live and love the same as straights, the Republican Party...” (*Indy Week*, “2012 Primary Endorsements”)

Presuppositions may also imply contextually-relevant value systems (van Dijk, 1998; Fairclough, 1995) that contribute to the evaluative positioning of an individual or group in an ideologically meaningful way. This has been referred to as “ontological gerrymandering,” a rhetorical strategy in which interlocutors “manipulate a boundary making certain phenomena problematic whilst leaving others unproblematic” (Woolgar and Pawluch, 1985, in Matthews and Augoustinos, 2012). For example, the term “activist” may be construed as a threat by supporters of Amendment One, but when used by amendment opponents it may have the connotation of an advocate. Finally, pronoun use is an important strategy for managing group membership; indexing and foregrounding aspects of particular social identities; and strategically generalizing facts, opinions, and social knowledge from individuals to entire groups or communities (Fairclough, 1995). For example, beginning a proposition with “we in the NAACP” constructs the speaker or writer as a member or representative of the NAACP, indexes the group’s authority and experience with civil rights activism, and implies that the information that follows is true not just of the speaker, but of the entire group.

The above features can be organized as a general strategy of “polarization” (van Dijk, 1998), in which shared, group-based attitudes and values are expressed through a series of positive ingroup descriptions and negative outgroup descriptions. The discursive construction and characterization of the ingroup and outgroup(s) allows for the social actors who comprise these groups to be positioned in ideologically meaningful ways, which I conceive of as storylines. Beyond the actors and groups of actors internal to a storyline, these storylines also position the reader (putative voter) in a manner that assumes that “there are other texts (which may or may not actually exist) that are common ground for

oneself and one's readers" (Fairclough, 1995: 107). It is by collecting these "prior texts" (Becker, 1995) into an integrated whole, storylines provide resources for the social construction of voter identities that entail particular political stances. Thus, the persuasive potential of storylines lies in their invitation to voters to interpolate themselves into the narrative and take on the identity suggested by it. In this way, storylines mediate the formation of political opinions (as well as the corresponding vote) with which they are ideologically coherent.

It should be noted that my particular characterization of these storylines is a matter of analytic convenience more than a broad claim about the mental representations of social actors or the identities they claim. That being said, they offer a glimpse into how sociocultural information is organized along social and historical axes, and how it can be mobilized as a resource for identity construction and to influence the outcome of social actions. Below, I briefly characterize the Judiciary Activism and Civil Rights Storyline as they were represented in local media coverage of Amendment One.

The Judicial Activism Storyline

The Judicial Activism Storyline appeared primarily in media coverage that expressed arguments in support of Amendment One. As I noted above, arguments that contributed to the construction of the Judicial Activism Storyline did not explicitly reject same-sex marriage. Rather, this storyline was grounded in procedural political questions of the proper role of majorities, courts, and constitutions in a democratic society. In this storyline, the institution of marriage was characterized as vulnerable to the threat of "activist judges" and same-sex couples seeking marriage equality, who were cast as the

“other” or an outgroup to North Carolinians. This characterization entailed the positioning of judges, LGBTQ people, and their allies as disruptors and oppressors who would seek to force their values on society. The ingroup was composed of the general public of North Carolina, who were reflexively positioned as victims of oppression. In addition, voters were positioned as politically powerful and capable of protecting North Carolina’s existing definition of marriage by approving a constitutional amendment.

References to same-sex marriage debates in other states were a primary thematic element of the Judicial Activism Storyline, particularly in the construction of the threat of “activist judges.” The fact that North Carolina was the 30th state to pass a constitutional amendment on marriage meant that debates in other states served as a significant repertoire of prior texts in the debate over Amendment One. Where the Judicial Activism Storyline appeared in the debate over Amendment One, it was underpinned by heteronormative ideologies that privileged a “traditional” view of marriage and the positioning of heterosexual couples as “normal.” This is most apparent in the positioning of judges (and, by extension, same-sex couples who have sued or might sue for marriage equality) as a threat to the heterosexual paradigm of marriage.

The Civil Rights Storyline

The Civil Rights Storyline was one of the dominant strategies used by Amendment One opponents, appearing primarily in media coverage that expressed opposition to the amendment. As with the Judicial Activism Storyline, the Civil Rights Storyline did not contest the definition of marriage per se, but rather dealt with whether marriage should be protected as a civil right and whether civil rights should be extended to people on the basis

of sexual orientation. The belief that homosexuality is attributable to immutable causes was frequently presupposed in the arguments of Amendment One opponents that were framed in terms of civil rights. In this storyline, the LGBTQ minority was positioned as lacking agency and as victims of discrimination and oppression, while Republican legislators and amendment supporters were positioned as politically powerful agents of oppression. There are several examples of Amendment One supporters directly contesting the Civil Rights Storyline by rejecting these positionings and arguing that homosexuality is a lifestyle choice (and therefore sexual orientation is not a basis for extending civil rights) or that LGBTQ people have equal rights as heterosexuals and same-sex marriage would be a “special” right. Implicit in this rejection were the same ideologies of heteronormativity that underlie the positioning of heterosexual couples as “normal” in the Judicial Activism Storyline.

A key component of the Civil Rights Storyline was reference to historic social movements such as the Civil Rights Movement, which indexed the associated immorality and positioned voters as sharing prior knowledge about the movements and as holding the belief that justice was served to their victims. The most frequent association in my data was with Black Americans’ struggle for racial justice, in which amendment opponents positioned LGBTQ people in solidarity with Black people. Indeed, in many cases, media outlets included the voices of Black people and civil rights activists, which lent authority to the Civil Rights Storyline and strengthened the framing of Amendment One as an issue of civil rights. Despite amendment opponents’ adoption of this civil rights framing, Davison and Eatman (2013) note that many Black voters continued to conceive of the amendment not as an issue of civil rights, but a question of the morality of homosexuality.

ANALYSIS

My analysis is divided into two sections: I first discuss examples of how the Judicial Activism Storyline was discursively constructed by supporters of Amendment One. I then discuss examples of how the Civil Rights Storyline was constructed by amendment opponents, and consider of how amendment supporters directly rejected the premise of this storyline. In both sections, I begin with an excerpt from a recording the House Judiciary Committee debate on the website of WRAL, in which the bill that referred Amendment One to the ballot was introduced. The committee debate is a useful starting point because the major arguments on both sides of the issue were clearly articulated for the first time in the campaign for Amendment One. Although legislators' arguments drew extensively on prior marriage debates, the committee debate was crucial in the formation of storylines as it was the point at which these prior texts were "recontextualized" (Bauman and Briggs, 1990) for use by North Carolina voters as resources for identity construction. I conclude my analysis with a discussion of significant points of overlap in the way these two dominant storylines produced and managed dynamics of power and political agency.

Arguing for the amendment: The Judicial Activism Storyline as a resource for supporting Amendment One

A key challenge for supporters of Amendment One was convincing an increasingly LGBTQ-friendly electorate of the need to elevate North Carolina's existing ban on same-sex marriage to the level of the constitution. As the primary interpretive framework that supporters adopted to address this challenge, the Judicial Activism Storyline was comprised of two components: first, Amendment One supporters characterized marriage

as an institution vulnerable to the discursively constructed threat of judicial overreach and LGBTQ activists, who were positioned as agents of oppression. Second, voters were positioned as politically powerful agents of democracy whose right it is to decide (and protect) the definition of marriage in North Carolina. Notably, the Judicial Activism Storyline contains hardly any discussion of or refutation of the reasoning that the state constitution should protect the rights of LGBTQ people. Thus, ideologies of heteronormativity are not directly expressed, but emerge in the positioning of social actors on the basis of their sexual orientations and their presumed beliefs about sexual orientation.

In the first part of this section, I describe how legislators in the North Carolina General Assembly laid the foundation for the Judicial Activism Storyline by characterizing marriage as vulnerable, positioning the judiciary as an oppressor, and reflexively positioning the (heterosexual) general public as potential victims of oppression. I then discuss how legislators complemented this positioning of the public as victims by repositioning them as politically powerful agents of democracy and protectors of marriage. The Judicial Activism Storyline was first articulated by legislators as a strategy to advance Amendment One to the ballot, but it was later circulated broadly by Amendment One supporters and reflected in media coverage throughout the campaign. Thus, an interpretive framework that belongs to the legal domain “leaked” into the media and the public sphere, becoming one of the most readily available lens through which the public could perceive and construct the reality around marriage, as well as the social identities of actors relative to this reality.

Positioning the judiciary as an oppressor and voters as without agency

To construct the judiciary as a threat to the will of the people of North Carolina, legislators (and, later, Amendment One supporters more broadly) characterized marriage as a vulnerable institution that was under attack in other states. They projected an urgency onto the situation by suggesting that recent court rulings in favor of same-sex marriage and growing support for LGBTQ people across the country were a danger to North Carolina’s existing statutory ban on same-sex marriage. The effect of this was to position judges and same-sex couples as disruptors (who would subvert the system) and oppressors (who would impose their values on society). The Judicial Activism Storyline emerged early in the House Judiciary Committee’s debate. Consider the following excerpt in which the amendment’s sponsor (Representative Paul Stam) emphasized the need for Amendment One when he introduced the bill in committee:

(1) [WRAL, “House committee considers marriage amendment” 9/12/2011]

1 “So, the policy is the same. The procedure is different because of what
2 has happened in other states makes it imperative that we not remain the
3 only state in the Southeast without any constitutional protection for our
4 marriage policy. But what we do know has happened is that in a half a
5 dozen state-states, the appellate courts have forced same-sex marriage on
6 their people.

In line 1, Stam’s assertion that “the policy is the same” but “the procedure is different” refers to the fact that Amendment One would have the same policy outcomes as the existing statutory ban on same-sex marriage, but that it would be procedurally more difficult to invalidate because it would be part of the State Constitution. Stam acknowledges the existence of a statute that enacts the “same” policy as the proposed amendment, positioning his audience as having enough knowledge of the statute to

understand why the amendment is different. It is this difference between the statute and a constitutional amendment that intertextually links North Carolina's debate to prior same-sex marriage debates: Stam implies that the need for a procedural difference arises from the vulnerability of North Carolina's marriage policy the kind of judicial intervention that has overturned statutes in other states. The *because* clause that begins in line 1 contains the presupposition that "what has happened in other states" (lines 1-2) will happen in North Carolina if an amendment is not passed to prevent it. The use of "imperative" (line 2) adds urgency and excludes alternative responses to this imagined threat, while describing the amendment as a "constitutional protection" (line 3) not only implies that the existing marriage policy is vulnerable, but that the current policy is favorable over any other. Stam positions the judiciary as an oppressor in line 5, where he states that courts in other states have "forced" same-sex marriage on their people. This also strips the people (of other states) of agency and reflexively positions them as victims of an oppressive judiciary, and suggests that same-sex marriage is undesirable by construing their presupposed notion of marriage (i.e., heterosexual marriage) as "normal." By generalizing this reality to all North Carolinians, Stam implies a link between identity as a North Carolinian and a heteronormative view of marriage.

Stam's introduction is also notable for how he uses the collective personal pronouns "we" (line 2) and "our" (line 3). Though Stam is directly addressing his colleagues in the House Judiciary Committee, his pronoun use is inclusive of all North Carolinians. As Fairclough (1995) has noted, such use of collective pronouns by powerful figures blurs the boundaries between the general public and the ruling elite such that "actions or practices or values of the latter are generalized to the former" (109). This is an ideological move in

that it assumes a consensus on the issue: Stam positions his fellow North Carolinians as sharing the common ground assumptions that North Carolina’s marriage policy is favorable and that it is vulnerable to the same judicial intervention that statutes in other states have faced. Thus, Stam’s statement constructs the Judicial Activism Storyline by establishing a reality in which the judiciary is an imminent threat to the institution of marriage, and in which same-sex marriage is undesirable and an instrument of oppression.

Senator Buck Newton echoed Stam’s arguments a day later when the North Carolina Senate passed the bill, officially putting the amendment on the ballot. Newton’s argument is expressed in the following excerpt from an article that reported the results of the Senate vote:

**(2) [WRAL, “Senate vote puts marriage amendment issue to voters”
9/13/2011]**

1 North Carolina voters will get to decide next May whether a ban on same-
2 sex marriage needs to be written into the state constitution after the state
3 Senate voted Tuesday to put the issue on the ballot.
4 Republican Buck Newton made one of the most passionate pleas in
5 support of the amendment.
6 “It is to protect us from judicial fiat, from judges somewhere else,
7 politically appointed, that decide that they’re going to impose their will
8 > on society about what a marriage shall be. That’s what this amendment is
9 > about.”

Similar to Representative Stam, Senator Newton positions the judiciary as agents of oppression when he refers to the outcome of judicial review as “judicial fiat” (line 6), which carries a pejorative reading. This is furthered in lines 7-8, where he warns that judges will “impose their will on society,” again stripping the people (society) of agency and positioning them as victims of the will of the courts (i.e., the legalization of same-sex marriage). While Representative Stam’s pronoun use in Excerpt 1 generalized his own

ideologies and values to the people of North Carolina, Senator Newton's statement is notable in the way that he draws an explicit boundary between "us" (North Carolinians) and "judges somewhere else" (line 6). Newton constructs the judiciary as the outgroup ("somewhere else") and as having political motives ("politically appointed," line 7), which questions their right to be involved in the affairs of the ingroup and underscores the fact that they are not elected representatives of the people. He also emphasizes their negative qualities through evaluative lexical items such as "fiat" and "impose." This characterization contributes to the positioning of the judiciary as oppressor and the people as victims, and is consistent with the Judicial Activism Storyline's focus on the risk of a rogue judiciary whose interests are inconsistent with the beliefs and values of North Carolinians. Newton's claim about the association between North Carolinian identity and heteronormative ideologies of marriage is notably stronger than Stam's statement in the previous excerpt. Senator Newton concludes his statement with a summative formulation structured as a bare assertion: "That's what this amendment is about" (lines 8-9, arrowed). By ending in this way, he strengthens his argument by not acknowledging the possibility of alternative interpretations of the amendment and explicitly framing the issue as unproblematic and decided (Martin and White, 2005). This works to position the reader as someone who agrees with the association between North Carolina identity and heterosexual marriage, even as the series of the arguments that precedes (and follows) this assertion implicitly construe the reader as someone who needs to be convinced of the validity of their link.

In the debate over Amendment One, the Judicial Activism Storyline originated as a strategy that legislators used to advance the amendment to the ballot, but it was

subsequently picked up by the media and widely circulated. In particular, the notion that the (politically-motivated) judiciary was a threat to the institution of marriage was captured in the widely-repeated phrase “activist judges.” For example, in the following excerpt from a publication about a WRAL poll measuring sentiment towards Amendment One, Tyler McNabb (a Raleigh, NC resident) used the phrase to describe his support of the amendment:

(3) [WRAL, “WRAL News poll: NC marriage amendment has widespread support” 3/21/2012]

- 1 Supporters say marriage is not a right, and the amendment would protect
- 2 the traditional institution of marriage from court rulings allowing same-
- 3 sex couples to wed.
- 4 “The point is, we're trying to allow the people to decide by allowing them
- 5 to vote May 8th and not allow an activist judge to decide for us,”
- 6 supporter Tyler McNabb said. "Marriage is an institution that was
- 7 created by God."

McNabb repeats one of the major talking points of the pro-Amendment One campaign in line 5, saying that the amendment would “not allow an activist judge to decide for us [the people of North Carolina].” Similar to Senator Newton’s statement in Excerpt 2, McNabb begins with “the point is” (line 4), which marks his proposition as a summative formulation of the effects of the amendment. Whether McNabb’s argument contained more nuance that was omitted is irrelevant, as its representation in the article gives the impression that there is no more to be said. The inclusion of McNabb’s account has the effect of homogenizing the position of Amendment One supporters, contracting the dialogic space and constraining the interpretive framework through which support for the amendment can be expressed. This, in turn, restricts the resources available for voters’ to understand and construct their identities relative to the amendment. This is especially significant in light

of the frequency with which the “activist judge” argument appears in media coverage expressing support of the amendment, suggesting widespread uptake of the Judicial Activism Storyline.

As the campaign for Amendment One went on, amendment supporters began to use the “activist” moniker not just for judges, but for others who opposed the amendment. Take as an example the following excerpt, which comes from an article in the politically-moderate *Winston-Salem Journal* describing the debate over how “domestic legal unions” besides marriage would be affected. The excerpt appears in the article as a summary of supporters’ argument for the need to pass the amendment:

(4) [*Winston-Salem Journal*, “Proposed same-sex marriage ban’s impact on heterosexual couples debated” 2/19/2012]

1 Amendment supporters have said a constitutional change is needed to
2 protect marriage from gay-rights activists on the march. Same-sex couples
3 have filed for marriage licenses at a number of North Carolina
4 courthouses, setting up potential court challenges that could overturn the
5 state law already defining marriage as between "a male and female person
6 who may lawfully marry."

As was the case with Excerpts 1 and 2, the article implies that the institution of marriage is vulnerable (“a constitutional change is needed to protect marriage,” lines 1-2). However, here the threat has been expanded from “activist judges” to “gay-rights activists” (line 2). Describing activists as “on the march” is evaluative in that it implies that they are oppositional and radical in their beliefs, positioning them as holding a minority belief that conflicts with wider social practice and, by extension, disruptors. Thus, even in an article that deals primarily with the amendment’s potential effects on heterosexual couples, the Judicial Activism Storyline is constructed through the positioning of LGBTQ people as a threat to the moral order of North Carolina.

Repositioning the voter as politically powerful

I now turn to the second aspect of the Judicial Activism Storyline, which complements the discursively-constructed threat of “activist judges” by repositioning voters as politically powerful agents of democracy whose right it is to decide the definition of marriage in North Carolina. As was the case in the previous section, I begin with an excerpt from the House Judiciary Committee debate. The following is from the concluding remarks of Representative Folwell, a supporter of Amendment One who delivered a lengthy rebuttal to the concerns of anti-amendment legislators:

(5) [WRAL, “House committee considers marriage amendment” 9/12/2011]

1 We are pushing the power of this decision away from our title, away from
2 this chamber, away from this town, back to the people it belongs, to
3 control and own the Constitution of North Carolina who have never had a
4 chance to vote on this issue.

Though the power to legislate currently resides with the General Assembly, which is represented in lines 1-2 by “our title,” “this chamber,” and “this town” (referring to Raleigh, the state capital), Representative Folwell implies that it does not originate there. Rather, legislative power is delegated to the General Assembly by the people of North Carolina. By “pushing the power” (line 1) to decide “back to the people” (line 2), Folwell positions voters as politically powerful agents of democracy who “control and own the Constitution of North Carolina” (line 3). Positioning voters as having the power to control and own the state constitution is a critical component of the Judicial Activism Storyline. As I demonstrated in the previous section, Amendment supporters implied that a constitutional provision was the only protection against the threat of “activist judges.”

Thus, Folwell’s statement presupposes agreement with the notion of heterosexual marriage by positioning North Carolina voters as protectors of the state’s definition of marriage.

The arguments made by Representative Folwell and his fellow amendment supporters in the General Assembly were taken up by supporters across the state and widely expressed in local media coverage. In Excerpt 2, WRAL writes that voters “will get to decide” (Excerpt 2, line 1) on the issue of the amendment, a point that is echoed by Tyler McNabb in Excerpt 3 when he says, “we’re trying to allow the people to decide” (Excerpt 3, line 4):

(2) [WRAL, “Senate vote puts marriage amendment issue to voters” 9/13/2011]

1 North Carolina voters will get to decide next May whether a ban on same-

(3) [WRAL, “WRAL News poll: NC marriage amendment has widespread support” 3/21/2012]

4 “The point is, we’re trying to allow the people to decide by allowing them

Likewise, the *Civitas Institute*, a conservative policy nonprofit based in Raleigh, NC, asserted that voters would have the opportunity to decide:

(6) [*Civitas Institute*, “Making sense of the gay marriage law” 10/18/2011]

1 For the record, it should be noted that a majority of the Republican-
2 controlled legislature did not vote in favor of a constitutional amendment
3 to ban gay marriage; rather, the majority voted to allow us—the voters—
4 to decide the question.

Civitas explicitly notes that legislators did not vote to amend the constitution, but voted to “allow us—the voters—to decide the question” (lines 3-4). In line 3, *Civitas* uses the term “the majority” to stand in for the General Assembly as a whole, strengthening the argument in favor of the issue and silencing the dissent among the minority of legislators

who voted against the bill. Attributing the decision to “the majority” also implies an alignment in interests between Republican legislators and North Carolinians (who elected the majority). The notion that voters will “get” to decide or will be “allowed” to decide supports the Judicial Activism Storyline in that it characterizes voting as a privilege and positions North Carolinians as having agency in shaping the definition of marriage. This is especially significant in how it contrasts North Carolina voters as the ingroup to the characterization of the activist threat as coming from outside the state, which is highlighted in the following excerpt taken from an article describing a demonstration by Amendment One opponents. Rachel Lee, a spokesperson for the pro-amendment Vote for Marriage NC campaign, is quoted throughout the article. The present excerpt includes text from a fundraising email (quoted in the article):

(7) [*News & Observer*, “**Hundreds march against same-sex marriage amendment**” 3/16/2012]

1 “These activists have an agenda, and we must act now in order to put a
2 stop to it,” Lee wrote in a Thursday fundraising email. “Will you stand by
3 while activists seek to redefine marriage in our state, or will you join our
4 efforts to protect marriage?”

Line 1 reflects the trend (noted above) in which supporters of the amendment began to use the term “activist” for all Amendment One opponents, not just judges. Lee’s use of the pronoun “we” in line 1 creates a distinction between activists (the outgroup) and supporters of Amendment One (the ingroup), which is elaborated in line 3, where it is implied that activists are not part of “our state”—that is, they are not of North Carolina and their interest in promoting same-sex marriage is not commensurable with North Carolinians’ values or identity. The excerpt concludes with Lee’s call to action, inviting voters to join “our efforts to protect marriage” (lines 3-4), positioning voters as having the

power to defend the state from “activists” and again presupposing that heterosexual identity is linked to North Carolinians’ identity. The above quote from Lee thus demonstrates the major components of the Judiciary Activism Storyline: the characterization of marriage as vulnerable to a discursively constructed “activist” threat from outside the state, and positioning NC voters as powerful agents of democracy who are capable of protecting marriage (between a man and a woman).

Summary

As I have demonstrated, in the context of the Amendment One debate, the Judicial Activism Storyline privileges a heteronormative view of marriage underpinned by an ideology of homophobia. Representations of this storyline in media coverage of the amendment implied that traditional marriage was vulnerable to judges, LGBTQ people, and Amendment One opponents, who were positioned as an outgroup, disruptive, and oppressive. The Judicial Activism Storyline also positioned voters as having the power to protect marriage by voting for the amendment. Nowhere is this better demonstrated than in Rachel Lee’s invitation in Excerpt 7 to “join our efforts to protect marriage.” A voter for whom this storyline was ideologically coherent may have appropriated it as a resource for identity construction, accepting the positioning as a protector and the associated positive reason to vote for the amendment (which, on a simple level, restricted the rights of some North Carolinians).

Arguing against the amendment: The Civil Rights Storyline as a resource for opposing Amendment One

In this section, I describe how media coverage that expressed opposition to Amendment One constructed the Civil Rights Storyline by positioning same-sex couples as an oppressed minority and positioning pro-amendment groups (legislators, interest groups, and, sometimes, voters) as oppressors. Framing social movements in terms of civil rights resonates with core American values and has been a powerful strategy for inspiring collective action in many recent movements in the United States, such as the women's rights movement and the disability movement (Hull, 2001). It is unsurprising, then, that one of amendment opponents' dominant interpretive frameworks was the Civil Rights Storyline, which understood the amendment as a codification of discrimination against a minority group. As was the case with the Judicial Activism Storyline, the definition of marriage was not contested per se; rather, at issue was whether marriage is considered a civil right and whether civil rights are protected on the basis of sexual orientation.

I begin my discussion by showing how amendment supporters positioned LGBTQ people as a minority group who was without agency and oppressed on the basis of a biological trait (in the same way that Black people were historically oppressed) and positioned Amendment One supporters as oppressors. This positioning implied an identity for North Carolina voters that presumed knowledge of North Carolina's civil rights history and an understanding of past civil rights violations as a mistake that should not be repeated with Amendment One. I then consider examples of coverage that directly compared Amendment One to prior civil rights struggles, which served as prior texts and allowed opponents to index the moral imperative of these past movements to build a case for the

amendment as a civil rights violation. Finally, I discuss examples of media coverage in which supporters of Amendment One rejected the positionings used to construct the Civil Rights Storyline by contesting the nature of sexual orientation, asserting that homosexuality is a choice. This implication that homosexuality is attributed to controllable causes implies that LGBTQ people do, in fact, have agency and are thus the ultimate cause of their own oppression. This allowed supporters to re-position LGBTQ people as disruptors of social harmony who were seeking “special” treatment by suing for marriage equality. To guide my analysis, I first establish an operational definition of civil rights, providing some of the sociohistorical context that served as a prior text in North Carolinians’ interpretation of same-sex marriage and civil rights.

Operational definition of civil rights

According to the Legal Information Institute at Cornell Law School, a civil right is “an enforceable right or privilege” that is not predicated on membership in a protected group, but extended to all people (Legal Information Institute, 2019). Denying an individual of a civil right based on their membership in a particular group or an aspect of their identity is considered discrimination. While harmful, discrimination is not always illegal—individual jurisdictions may extend legal protection by outlawing discrimination on the basis of membership in certain groups and classes. The groups and classes that receive legal protection are subject to change in response to shifting social currents and legislation.

The attribution of homosexuality to immutable or controllable causes has bearing on whether civil rights should be extended to individuals on the basis of sexual orientation.

Media coverage that expressed opposition to Amendment One contended that LGBTQ people are among those groups who should receive legal protection, a notion that is underpinned by the belief that sexual orientation is immutable (and reflected in their positioning as without agency in their oppression). In contrast, coverage that expressed support of the amendment suggested that homosexuality is controllable, and therefore that civil rights should not be extended on the basis of sexual orientation. Influences on North Carolinians' notion of a civil right would have included the state's history of slavery, its participation in Jim Crow laws that systematically restricted the freedoms of Black Southerners, and its large Black population. These served as prior texts that were deployed in the interdiscursive construction of the putative North Carolinian's identity in the Civil Rights Storyline. As a result, references to the Civil Rights Movement were pervasive in media coverage, and North Carolinians who identified as Black or aligned with predominantly Black institutions (such as the NAACP) were able to index the authority to speak on matters of civil rights.

Positioning LGBTQ people as victims of oppression

The fundamental elements of the Civil Rights Storyline were first articulated in the campaign for Amendment One by legislators during the House Judiciary Committee debate. The following excerpt is taken from Representative Paul Luebke's rebuttal of the arguments of amendment supporters in the House:

(1) [WRAL, “House committee considers marriage amendment” 9/12/2011]

1 But note that between 1993 and right now we have a change in our public
2 policy. Our military is allowing gays, lesbian, bisexual, transgender,
3 LGBT people to serve without discrimination in the military. We call
4 ourselves the most military-friendly state. We have a huge military
5 presence in our state. The military will be dealing with people equally,
6 will not be discriminating against them on the basis of sexual orientation.
7 Yet this committee is going in the direction of discrimination. Why? Why
8 not let the political process play itself out?

Representative Luebke, a Democrat from liberal-leaning Durham County, notes that increasing acceptance of LGBTQ people is a sign that sociocultural notions of sexual orientation are changing. He offers the military as an example, noting that even the military (which, until 2011, did not allow openly LGBTQ individuals to serve) “will not be discriminating against [people] on the basis of sexual orientation” (line 6). Luebke’s reference to the military is significant because North Carolina is home to one of the largest populations of active duty military personnel in the nation and prides itself on being the “most military-friendly state” (line 4). Thus, Luebke associates the beliefs and values that underlie North Carolinians’ identity with those of the military, which had recently begun to embrace the rights of LGBTQ people.

The timing of the House Committee debate is significant: it took place on September 12, just 8 days before the end of the restrictions implemented by the 1993 “Don’t Ask, Don’t Tell” (DADT) policy (“between 1993 and right now we have a change in our public policy,” lines 1-2), which would have made the recent policy change an especially salient prior text. Because of the military’s role in interdiscursively creating and sustaining American notions of masculinity and heteronormativity (Disler 2008), Luebke’s framing indexes the military’s sociocultural authority as a standard of masculinity (and, in

turn, heteronormativity) to suggest that acceptance of LGBTQ people is now the norm. In doing so, he positions same-sex couples as a natural part of society, asserting that to deny them the right to marry would be to “discriminat[e] against them on the basis of sexual orientation” (line 7). This allegation of discrimination on the basis of sexual orientation is at the core of the Civil Rights Storyline, which condemns this differential treatment as an injustice and invites voters to consider this as a part of their identity as North Carolinians.

The way that Luebke uses pronouns throughout Excerpt 1 constructs a shifting group membership that ultimately results in the positioning of those who support Amendment One as oppressors. In lines 1-2, Luebke’s pronoun use is inclusive of all Americans (including supporters of the amendment): “*we* have a change in our public policy” (line 1) refers to DADT, a federal policy (and thus belonging to all Americans); and “*our* military” (line 2) refers to the United States military. In lines 3-5, Luebke narrows membership of the ingroup to North Carolinians and implies that their values align with the U.S. military’s: “*we* call *ourselves* the most military-friendly state” (line 4, emphasis my own); and in lines 4-5 “*we* have a huge military presence in *our* state.” In line 7, he constructs “this committee” as the outgroup, consisting of the pro-amendment legislators in the House and, by extension, Amendment One supporters. Luebke then characterizes the outgroup as discriminatory, which aligns them in opposition to the military and North Carolinian and positions committee members as oppressive: “Yet *this committee* is going in the direction of discrimination” (line 7). Thus, Luebke establishes the expectation that North Carolinians would resist policies that restrict the freedoms of same-sex couples, and implies that the North Carolina House Judiciary Committee does not align with this. This constructs a Civil Rights Storyline by positioning Amendment One supporters as

oppressors who are in favor of discrimination on the basis of sexual orientation, and reflexively positioning same-sex couples as an oppressed minority.

Following the General Assembly’s vote to place the amendment on the ballot in the May 2012 primary, the Civil Rights Storyline began appearing widely in media coverage of Amendment One. For example, the following excerpt is taken from an article describing the results of a March 2012 WRAL news poll that measured support for the amendment:

(2) [WRAL, “WRAL News poll: NC marriage amendment has widespread support” 3/21/2012]

- 1 Amendment opponents say the measure would enshrine discrimination in the
- 2 North Carolina constitution and could have unforeseen consequences.
- 3 "Any time the majority makes decisions on behalf of the minority, it's hurtful.
- 4 It's wrong," said Anthony Pugliese, who is raising two daughters with his
- 5 partner of 15 years, Alex Mancuso.

In its discussion of poll numbers, the source article incorporates perspectives from a number of local citizens, including Anthony Pugliese, a local LGBTQ man. In line 1, politically-moderate WRAL reports that opponents feared the measure would “enshrine discrimination,” which thematically establishes the Civil Rights Storyline by framing the issue in terms of rights and discrimination. The use of the verb “enshrine” emphasizes the significance of amending the state constitution and speaks to the emotionally-charged nature of the debate. In lines 3-4, Pugliese is quoted as saying, “Any time the majority makes decisions on behalf of the minority, it’s hurtful. It’s wrong.” Pugliese draws clear boundaries around “the majority” (the membership of which is presupposed as heterosexual people) and “the minority” (same-sex couples), making these groups available to be positioned with respect to each other. Asserting that the majority is making decisions “on behalf of” the minority positions LGBTQ people as lacking political agency,

and describing these decisions as “hurtful” (line 3) and “wrong” (line 4) positions LGBTQ people as victims of oppression. Notably, by opening his quote with “any time,” (line 3), Pugliese frames the present situation as recurrent, situating Amendment One in the history of social movements in which minorities have lacked agency and highlighting the Civil Rights Storyline’s emphasis on this history.

The manner in which the voice of Anthony Pugliese is incorporated into the article is notable. Although the inclusion of an LGBTQ man who opposes Amendment One strengthens the argument against the amendment, the manner in which Pugliese is positioned nevertheless reveals heteronormative ideologies that also form the basis for the discursive construction of the threat of activists in the Judicial Activism Storyline. In the above quote (which later appears in several articles published by WRAL, as well as in at least one evening news broadcast), Anthony Pugliese is described as having a partner of 15 years with whom he is raising two children. This characterization of Pugliese responds to common arguments leveled against same-sex marriage; e.g., that LGBTQ people are incapable of monogamy or providing a healthy environment for raising children. Although on the surface this appears to counter many of the arguments of Amendment One supporters, it is problematic in that it signals that LGBTQ people must overcompensate (by foregrounding aspects of their identities that align with heteronormativity) to gain the recognition and rights afforded *prima facie* to the heterosexual majority. WRAL positions Anthony Pugliese as an “acceptable” LGBTQ person who is fulfilling heteronormative ideals of commitment and social responsibility that same-sex marriage opponents identify as vital to healthy marriages, but who is nonetheless still an agentless, potential victim of oppression.

Relative to WRAL, the Durham, NC-based progressive weekly *Indy Week* provides a decidedly more partisan stance on Amendment One. For example, consider the following excerpt from *Indy Week*'s 2012 primary endorsements:

(3) [*Indy Week*, “2012 Primary Endorsements” 4/18/2012]

1 Alarmed that the public is warming to the view that LGBT people are
2 entitled to be treated as people who live and love the same as straights,
3 the Republican Party in North Carolina made it a top priority, after
4 winning majorities in both houses of the General Assembly in 2010, to
5 step on gay citizens. That's the whole purpose of Amendment 1: To
6 define LGBT people as second-class citizens with diminished rights.

Indy Week makes use of the strategy of “aggressive accommodation” (Groscurth and Orbe, 2006) in which differential treatment between social groups is explicitly decried as an injustice. LGBTQ people are positioned as a group whose rights are threatened by Republicans, who are in turn positioned as politically powerful and having agency. In line 2, LGBTQ people are described as “entitled” to the same treatment as heterosexual people, establishing LGBTQ people as an outgroup and implying that sexual orientation is not a basis for denying their rights. This is supported in line 6, where *Indy Week* claims that the amendment would define LGBTQ people as “second-class citizens with diminished rights,” positioning them as an oppressed minority.

In line 1, increasing public support for LGBTQ rights is presupposed: “Alarmed that the public is warming...” *Indy Week*'s description of the public as “alarmed” by the public's increasing support for LGBTQ people positions NC Republicans and the people of North Carolina (“the public”) in opposition to each other. “Alarmed” implies that the amendment is a reactionary response by Republicans, characterizing them as acting on emotion rather than reason. This positioning is reinforced in line 5 where Republicans are

described as “step[ing] on gay citizens,” which positions Republican legislators as politically powerful agents of oppression. Positioning Republicans as emotionally-driven oppressors is significant in how it implies that Republicans, elected officials who derive their power from popular mandate, are acting against a natural order in which North Carolinians’ are becoming more accepting of LGBTQ people. In contrast, LGBTQ people (“gay citizens”) are positioned as politically weak and lacking agency where they are described as being “step[ped] on” (line 5).

Thus, *Indy Week* constructs a Civil Rights Storyline in its positioning of the various social actors affected by Amendment One and in its rejection of the homophobic ideologies that underpin this proposed restriction of rights. The authors of the *Indy Week* editorial assert that under Amendment One, LGBTQ people would be a politically weak, oppressed minority excluded from the institution of marriage on the basis of their sexual orientation, which amounts to a violation of their (civil) rights. In contrast, Republicans are positioned as irrational and politically-powerful agents of oppression. The magazine contests this oppression by noting that the public is increasingly accepting of LGBTQ people’s right to be treated the same as heterosexual people, implying that sexual orientation is not a reasonable basis for differential treatment. At the same time, it constructs North Carolina identity as entailing acceptance that LGBTQ people are equal to heterosexual people.

Situating Amendment One in the history of civil rights struggles: Parallels to Black Americans’ fight for racial justice

Hull (2001) notes that because social movements build on one another, historic movements serve as prior texts in the articulation of contemporary movements. The most

salient prior text in the Amendment One debate was the Civil Rights Movement: many amendment opponents represented same-sex marriage as a civil rights issue by drawing comparisons to Black Americans' historic struggle for racial justice. The particular ideas about the identity of North Carolinians that are put forward in these comparisons rely on voters sharing the opinion that the oppression that Black people faced (and continue to face) is immoral and an understanding of the connection to the experience of LGBTQ people under Amendment One. For example, the following excerpt comes from an article written in advance of the 2012 "Historic Thousands on Jones Street" march, a social justice demonstration organized by North Carolina's local National Association for the Advancement of Colored People (NAACP) chapters and held annually in the state capital. Rev. William Barber, a prominent civil rights activist who frequently clashes with North Carolina conservatives, spoke at the event:

(4) [*Winston-Salem Journal*, "Showdown on same-sex marriage amendment nears" 1/30/2012]

1 "It's a dangerous precedent when you allow a majority to vote on the rights of a
2 minority," said the Rev. William Barber, president of the state NAACP and the
3 pastor of a Goldsboro church.
4 Barber was careful to distinguish between the question of same-sex marriage
5 itself and the proposed amendment. The latter, he argued, should be viewed
6 through the state's long history of racial discrimination.
7 "They're trying to give people, based on their sexuality, second- or third-class
8 citizenship," he said. "We in the NAACP know what that looks like."

Rev. Barber characterizes LGBTQ people as an oppressed minority in a manner similar to other coverage and as demonstrated above: he positions the (Republican, heterosexual) majority as politically powerful and oppressive by asserting that they are "allowed" to "vote on the rights" of the (LGBTQ) minority (lines 1-2), who are positioned as lacking agency. In lines 7-8, his statement, "They're trying to give people, based on their

sexuality, second- or third-class citizenship,” foregrounds the agency of amendment supporters and reinforces the positioning of LGBTQ people as an oppressed group. The verb “trying” conveys purpose and intentionality on the part of Amendment One supporters, and the assertion that the amendment would give same-sex couples “second- or third-class citizenship” frames the issue in terms of civil rights, which contributes to the construction of the Civil Rights Storyline.

The propositional content of the article (a racial justice march) and Rev. Barber’s identity as a Black civil rights activist layer an additional reading: even as he is speaking about LGBTQ people, Barber’s “allow a majority to vote on the rights of a minority” simultaneously positions the (White) majority as politically powerful and oppressive and positions the (Black) minority as without agency and victims of oppression. In line 1, the ambiguity of Barber’s mention of a “dangerous precedent” speaks to the intertextual nature of the Civil Rights Storyline. It is unclear whether Barber intends a retrospective reading of “precedent” (referring to historic racist policies such as Jim Crow laws) or whether he is anticipating the precedent that would be set by the current debate over same-sex marriage. The precise meaning of Barber’s words is subordinate, however, to the intertextual meaning that emerges through the interaction of these two readings. This is underscored in lines 5-6 where the *Journal* notes that Barber directly compares the amendment to “the state’s long history of racial discrimination.” As a well-known public figure and leader in the state NAACP, Rev. Barber carries authority on matters of race and civil rights; thus, he has the right to speak on behalf of the NAACP, such as in line 8 when he indexes his identity as a Black person and an activist with “we in the NAACP.” Barber’s use of “we” is, on its surface, inclusive of the NAACP, but because the NAACP advocates

for racial equality it can also be read as generalizable to all people of color. Thus, Barber's use of "we" is an ideological move that assumes consensus in the Black community that the amendment is not commensurable with its values (although as I note below, there was not, in fact, consensus).

In lines 4-5, the *Journal* makes a key distinction that supports Barber's implication of consensus, and which is characteristic of the Civil Rights Storyline. Rev. Barber contests the amendment's effect on LGBTQ people's rights, but he does not necessarily do so out of support for same-sex marriage. Black voters have traditionally favored liberal policies (such as Amendment One), but also hold more socially conservative views than the mainstream Democratic Party in the United States (Williams, 2012). One reason for this is the influence of religiosity within Black communities, particularly in the South, which results in more widespread homophobia (and, as a result, less favorable views of same-sex marriage). By emphasizing that his opposition to Amendment One is not due to his views on same-sex marriage (which many Black voters did not approve of) but because it is evocative of Black people's historic civil rights struggles, Barber positions Black voters in solidarity with same-sex couples without also positioning them with respect to same-sex marriage. This leaves space for social conservatives who oppose civil rights violations but do not approve of same-sex marriage to see the Civil Rights Storyline as ideologically coherent.

Thus, Rev. Barber constructs a Civil Rights Storyline when he situates the campaign for Amendment One within the history of civil rights struggles (and the Civil Rights Movement, in particular), simultaneously positioning LGBTQ people and Black people as lacking political agency and as victims of oppression at the hands of heterosexual

and White majorities, respectively. Barber's status as a leader in the Black community lends his argument authority, and references to prior civil rights struggles index the moral dimensions of these movements. Barber's Civil Rights Storyline not only suggests an interpretation of Amendment One in terms of civil rights, it explicitly avoids positioning voters with respect to same-sex marriage. The effect is that Rev. Barber's argument is more palatable to socially conservative Black voters with whom the civil rights argument may resonate, but who have unfavorable views of homosexuality.

Despite instances such as this in which influential leaders and groups (such as the largely Black Ministers Conference and the state NAACP) attempted to frame this issue as one of civil rights rather than homosexuality, Davison and Eatman (2013) note that it appears many Black voters continued to conceive of the amendment not as an issue of civil rights, but a lifestyle choice with which they did not agree. In the following section, I provide examples of media coverage in which Amendment supporters rejected the distinction Barber makes, challenging the Civil Rights Storyline as a reason to vote against Amendment One.

Repositioning LGBTQ people: Rejection of the Civil Rights Storyline by Amendment One supporters

One way that Amendment One supporters responded to the Civil Rights Storyline was by rejecting the immutability of homosexuality and suggesting that sexual orientation is a controllable aspect of individuals. Under this reasoning, supporters challenged the positioning of LGBTQ people as lacking agency in their oppression by implying that the discrimination they face is a result of their personal choices, unlike that faced by Black people (and other racial minorities). For example, the following excerpt is taken from an

article about the rapid intensification of both the pro- and anti-amendment campaigns that took place in January 2012. The article includes a number of perspectives from supporters and opponents; in this excerpt, a Raleigh, NC woman is quoted as rejecting the equivalency of race and sexual orientation as a basis for extending civil rights:

(5) [WRAL, “Marriage amendment debate heats up in Raleigh” 1/18/2012]

- 1 Crystal Amanchukwu, a supporter of the ban, failed to see the connection.
- 2 “What we have gone through as a black people is because of our biology,
- 3 because of our race. And the other action is because of behavior, because of
- 4 personal choices,” she said.

In this excerpt, WRAL reports that Crystal Amanchukwu (a local Black woman) “failed to see the connection” (line 1) between racial discrimination and discrimination against LGBTQ people. She describes the discrimination that Black people have faced as “because of our biology” (line 2), emphasizing that race is an immutable and permanent characteristic that stands in contrast to sexual orientation, which is a matter of “behavior” or “personal choices.” By claiming that sexual orientation is not a permanent characteristic but a changeable lifestyle, Amanchukwu suggests that the discrimination faced by LGBTQ people and that faced by Black people is fundamentally different (to say nothing of those who are members of both minority groups), rejecting the positioning of LGBTQ people as lacking agency. Amanchukwu’s use of the collective “we” (line 2) and “our” (line 3) indexes her identity as a Black person to claim the authority to speak about matters of oppression and race. Notably, Amanchukwu does not leave space for those whose identities may fall at the intersection of the two communities she is comparing, i.e. Black LGBTQ people. She refers to them separately, drawing clear boundaries around these two groups: in line 2, “we” refers collectively to Black people, while in line 3 “the other action” is

attributed to LGBTQ people. This further distanced the experience of Black people from that of LGBTQ people, rejecting the comparison to the Civil Rights Movement as a strategy for framing Amendment One as an issue of civil rights. Amanchukwu's perspective is consistent with that of many Black voters for whom the comparison of Amendment One to the Civil Rights Movement did not resonate because of their beliefs about the attribution of homosexuality to controllable causes (Davison and Eatman, 2013). Because civil rights are not extended to groups whose membership is based on personal choices, this reading precludes the protection of same-sex marriage as a civil right and rejects the Civil Rights Storyline as a rationale for voting against the amendment and repositions LGBTQ people as agents of their own oppression.

Another way that Amendment One supporters rejected the Civil Rights Storyline was by claiming that same-sex couples' opposition to the definition of marriage as between a man and a woman was equivalent to same-sex couples seeking preferential treatment under the law. This can be seen in the following excerpt from an article describing the launch of the pro-amendment group Vote FOR Marriage NC:

(6) [WRAL, "NC gay marriage ban supporters launch effort" 1/23/2012]

1 "It's not a rights issue. It's a special rights issue," said Patrick Wooden, president
2 and chief executive officer of The Upper Room Church of God in Christ. "What
3 we're talking about is a special right to redefine marriage as we know it."

In line 1, Raleigh, NC pastor Patrick Wooden explicitly rejects the idea that Amendment One is an issue of (civil) rights, claiming that it is an issue of "special" rights. Because civil rights are meant to ensure equal treatment under the law, the claim of "special" rights implies that LGBTQ people are already receiving equal treatment and that the amendment would grant them additional protections beyond this. In this way, Wooden

rejects the positioning of same-sex couples as potential victims of oppression and repositions LGBTQ people as having equal rights to heterosexual people. In line 3, Wooden frames Amendment One as an attempt to “redefine marriage as we know it,” with his use of “we” constructing (heterosexual) amendment supporters as the ingroup and implying that LGBTQ people are the outgroup. Thus, same-sex couples are also positioned as disruptors of tradition and social harmony, with amendment supporters positioned as potential victims. Not only does Wooden reject the basis of the Civil Rights Storyline by suggesting LGBTQ people are seeking “special” rights, the manner in which he positions amendment supporters as potential victims and same-sex couples as a threat resonates with the Judiciary Activism Storyline.

The two preceding examples are typical of media coverage that directly rejected the Civil Rights Storyline by denying the positioning of LGBTQ people as lacking agency and as victims of oppression. In some cases, the basis for this denial was the attribution of homosexuality to controllable causes, which allowed amendment supporters to reposition LGBTQ people as having agency in their oppression and therefore undeserving of civil rights protections. This was exemplified in Excerpt 5, where Crystal Amanchukwu argued that homosexuality is a choice by contrasting it to race (a “biological” trait) and describing it as an action rather than a characteristic. In other cases, amendment supporters implied that same-sex couples already have the same rights as heterosexual people, and that they were seeking preferential treatment under the law. This was exemplified in Excerpt 6, where Patrick Wooden suggested that allowing same-sex marriage would be extending a “special” right. This suggestion reveals the belief that heterosexuality (and heterosexual

marriage) is the “natural” condition, and that homosexuality represents a threat to heterosexual institutions.

Summary

In the above, I have demonstrated how the Civil Rights Storyline was used by amendment opponents to position same-sex couples as an oppressed minority group who lacked political agency, while positioning Amendment One supporters as oppressors. In some cases, media coverage drew parallels to historic civil rights movements that were presupposed to be fundamental to the identity of North Carolinians, such as in Excerpt 4 where civil rights leader Reverend William Barber equated discrimination against LGBTQ people to that faced by Black people. Thus, the Civil Rights Storyline implied that a vote “for” the amendment would be to ignore North Carolina’s civil rights history (which constitutes a part of North Carolinians’ identity) by casting a vote for oppression. Amendment supporters widely rejected this interpretation, contending that homosexuality is a choice and positioning LGBTQ people as a group whose oppression was caused by a lifestyle choice. In some cases, amendment supporters took this further by suggesting that same-sex couples have the same rights as heterosexual couples, and that advocating for same-sex marriage was tantamount to seeking the “special” right to disrupt the traditional definition of marriage.

DISCUSSION

Neither of the two dominant storylines that I presented in the above analysis contested the definition of marriage or the morality of homosexuality; rather, each storyline was fundamentally constructed by locating actors in relation to dynamics of power, oppression, and agency. The particular positioning and themes that emerged in each storyline were structured around these ideas in a manner that was consistent with the ideologies and values of the putative voter to whom the storyline was designed to appeal. Thus, the storylines served as resources for the construction of voter identities that entailed a particular stance “for” or “against” the amendment.

It is significant that, in some ways, the two storylines I have considered here offer opposite interpretations of the amendment relative to what it means to be a North Carolinian. First, the two storylines involved opposite positionings of the oppressor and the oppressed. The Judicial Activism Storyline was predicated on North Carolina voters being positioned as potential victims of oppression in the form of judicial intervention on behalf of same-sex couples. This storyline held that North Carolinians could resist this oppression only by voting for Amendment One, which would prevent the state’s ban on same-sex marriage from being overturned in a lawsuit. The interpretive framework presented by the Civil Rights Storyline was the opposite: under this storyline, same-sex couples were not the agents, but the victims of oppression in the form of a restriction of their civil rights.

The two storylines were also opposite in the way they positioned actors as holding political agency. In the Judicial Activism Storyline, Amendment One supporters implied that North Carolinians’ political agency was under threat and that to protect it, voters

needed to exercise this agency by enacting a constitutional ban on same-sex marriage. In the Civil Rights Storyline, same-sex couples were positioned as lacking the political agency to secure their own rights, similar to the historical oppression of Black Americans. Amendment supporters disputed this characterization by reframing the conversation as being about a different kind of agency: the ability to choose one's sexual orientation.

Thus, each of the two storylines differently conceived of the origin and nature of oppression and vested political agency in different actors. The persuasive power of these storylines lay in the way that they positioned the reader or listener as sharing the beliefs, values, and ideologies which knitted them together, and in how, through different positionings, they differently construed the social act of voting. When positioned as an oppressor (as in the Civil Rights Storyline), to vote for Amendment One was understood as discriminatory. When positioned as a protector, however, to vote for Amendment One was understood as a safeguard. When positioned as having agency in determining their sexual orientation, LGBTQ people were undeserving of the right to marry and a vote for Amendment One was not understood as discriminatory. When LGBTQ people were positioned as without agency, however, a vote for Amendment One was a civil rights violation. Thus, it was by proposing identities that differently understood the amendment and by connecting these to existing (and presumably shared) aspects of North Carolina identity that storylines mediated the formation of an opinion and the act of voting.

CONCLUSION

While the Constitution contemplates that democracy is the appropriate process for change, individuals who are harmed need not await legislative action before asserting a fundamental right.

Justice Anthony Kennedy, *Obergefell v. Hodges*, 2015

On June 26, 2015, three years after a majority of North Carolina voters approved Amendment One, the Supreme Court of the United States ruled that the fundamental right to marry is guaranteed to same-sex couples by the Fourteenth Amendment to the United States Constitution. The ruling superseded Amendment One and required North Carolina to immediately begin performing and recognizing marriages of same-sex couples on equal terms as those of heterosexual couples. In the majority opinion, Justice Anthony Kennedy wrote that when individuals are denied a “fundamental right,” the legislative process is sometimes not an adequate solution. In those cases, the urgency of the issue demands a response from the court. Justice Kennedy’s opinion touches on both of the themes that I have explored here: his assertion that marriage is a “fundamental right” resonates with the Civil Rights Storyline, and his invocation of the court’s duty to intervene where the democratic process fails dovetails with the Judicial Activism Storyline.

That Justice Kennedy’s opinion resonates so strongly with the storylines that I have explored here speaks to the interdiscursive nature of the public conversation around same-sex marriage. More broadly, this reflects the ongoing evolution of the way that Americans conceive of and express what are ultimately heteronormative ideologies. My focus here has not been restricted to implicating heteronormative ideologies in media representations of the public debate over Amendment One—it is indisputable that these ideologies underlie any conversation about LGBTQ people and their rights. Rather, I have shown how

heteronormative ideologies were mobilized in the discursive production and representation of North Carolinians as particular types of voters within storylines that construed a vote “for” or “against” the amendment to mean different things. In this way, media coverage served as mediational means for the formation of a political opinion about Amendment One and, ultimately, casting a vote.

The importance of my findings goes beyond furthering our understanding of how social knowledge such as ideologies is reflected in discourse practices at a single historical moment. As I have shown, the production of (voter) identity in news discourse is achieved interdiscursively through the linkage of discursive and social practices to the historical sequences in which these practices are situated. As I have conceived of them, the Civil Rights Storyline and the Judicial Activism Storyline are not permanent, reified semiotic objects, but cultural tools that emerged from the ongoing negotiation of the positioning of social actors relative to historical dynamics of power and agency, and ideologies of heteronormativity. Thus, the potential of these storylines is derived from the social-interactive process of their construction in which they “respond to, reaccentuate, and rework past texts, and in so doing help to make history and contribute to wider processes of change” (Fairclough, 1992: 269).

The findings I have presented here could be enhanced by further research into other storylines in coverage of Amendment One. Though Judicial Activism Storyline and Civil Rights Storyline were pervasive in local media coverage of Amendment One, they were not the only resources for understanding the amendment. In particular, an investigation of the framing of the amendment as an issue of religion would be insightful. Moon (2014) has noted that, although religious views inform much of the public debate about homosexuality

(and consequently, LGBTQ rights), nuanced positions are often transformed into a “born gay” vs. “sinful choice” dichotomy. Not only does this reproduce stereotypes, exacerbate conflicts, and compound confusion, it belies the fact that Americans’ views are more nuanced and do not fit into a simple binary. Because public opinion on Amendment One was necessarily reduced to a determinate “for” or “against,” this transformation is especially stark, making media coverage of the amendment a fruitful site to investigate how religious views are reconciled with same-sex marriage. Further, though I have drawn on prior work that examined media coverage of same-sex marriage debates in other states, a direct comparison of Amendment One coverage to the coverage of other states’ amendments would highlight broader patterns in the way heteronormativity manifests in media coverage and allow for a more thorough consideration of the historical architecture of these patterns. A comparison of how the Judicial Activism Storyline and Civil Rights Storyline manifested in other genres of news media (such as broadcast journalism and social media) would also be informative, especially in light of the fact that same-sex marriage debates in the United States took place over the course of two decades of shifting sociopolitical and technological currents. Finally, although post-election analysis of voting trends guided my analysis, it is difficult to draw broad conclusions about the extent to which voters appropriated particular aspects of media discourse as a tool in the formation of a political opinion on Amendment One. Qualitative interviews with North Carolinians who voted in the 2012 Republican Primary would enlighten this process of appropriation, and likely highlight directions for further research into the public’s reception of media discourse related to an election.

The decline of policies and traditions that blatantly discriminate against the LGBTQ community is encouraging, but both producers and consumers of texts must remain attentive to subtle and unconscious expressions of discrimination that can be equally as pernicious. Even in the absence of overt expression of prejudice, the manner in which social actors are represented in the media can have a significant impact on social practice. This is especially true in cases such as Amendment One, where the outcome of the discursive negotiation of power and authority was objectivized, transforming ideologies about LGBTQ people into law. As the United States continues to grapple with issues of systemic and institutionalized discrimination, attention to the subtlety with which prejudicial attitudes and values are embedded in discourse is essential, as each new text has the capacity to mobilize these social forces toward the production of a new reality.

APPENDIX I: LIST OF STATE CONSTITUTIONAL AMENDMENTS BANNING SAME-SEX MARRIAGE

Table 2. List of state constitutional amendments that outlawed same-sex marriage.

Constitutional amendments banning same-sex marriage, civil unions, and marriage-like contracts (4)		
	<i>State (year passed)</i>	<i>Amendment text</i>
1	Michigan (2004)	To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.
2	Nebraska (2000)	Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.
3	South Dakota (2006)	Only marriage between a man and a woman shall be valid or recognized in South Dakota. The uniting of two or more persons in a civil union, domestic partnership, or other quasi-marital relationship shall not be valid or recognized in South Dakota.
4	Virginia (2006)	That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions. This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.
Constitutional amendments banning same-sex marriage and civil unions (16)		
	<i>State (year passed)</i>	<i>Amendment text</i>
1	Alabama (2006)	No marriage license shall be issued in the State of Alabama to parties of the same sex... A union replicating marriage of or between persons of the same sex in the State of Alabama or in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state as a marriage or other union replicating marriage.
2	Arkansas (2004)	(1) Marriage consists only of the union of one man and one woman. (2) Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas.
3	Florida (2008)	Inasmuch as marriage is the legal union of one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

	<i>State (year passed)</i>	<i>Amendment text</i>
4	Georgia (2004)	(a) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state. (b) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage.
5	Idaho (2006)	A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.
6	Kansas (2005)	(a) Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void. (b) No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.
7	Kentucky (2004)	Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.
8	Louisiana (2004)	Marriage in the state of Louisiana shall consist only of the union of one man and one woman. No official or court of the state of Louisiana shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.
9	North Carolina (2012)	Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts.
10	North Dakota (2004)	Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.
11	Ohio (2004)	Only a union between one man and one woman may be a marriage valid in or recognized by this state. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.
12	Oklahoma (2004)	A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups. C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.

	<i>State (year passed)</i>	<i>Amendment text</i>
13	South Carolina (2006)	A marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized in this State. This State...shall not recognize...any other domestic union, however denominated.
14	Texas (2005)	(A) Marriage in this state shall consist only of the union of one man and one woman. (B) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.
15	Utah (2004)	Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.
16	Wisconsin (2006)	Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.
Constitutional amendments banning same-sex marriage (10)		
	<i>State (year passed)</i>	<i>Amendment text</i>
1	Alaska (1998)	To be valid or recognized in this State, a marriage may exist only between one man and one woman.
2	Arizona (2008)	Only a union of one man and one woman shall be valid or recognized as a marriage in this state.
3	California (2008)	Only marriage between a man and a woman is valid or recognized in California.
4	Colorado (2006)	Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.
5	Missouri (2004)	To be valid and recognized in this state, a marriage shall exist only between a man and a woman.
6	Mississippi (2004)	Marriage may take place and may be valid under the laws of this state only between a man and a woman.
7	Montana (2004)	Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.
8	Nevada (2000, 2004)	Only a marriage between a male and female person shall be recognized and given effect in this state.
9	Oregon (2004)	Only a marriage between one man and one woman shall be valid or legally recognized as a marriage
10	Tennessee (2006)	The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state.

APPENDIX B: LIST OF SOURCE ARTICLES

Table 3. List of all local North Carolina newspaper articles included in data set.

<i>Title</i>	<i>Publication</i>	<i>Date</i>
Amendment One protest was quick, polite	<i>Greensboro News & Record</i>	4/19/12
Randolph Democrats reject Amendment One	<i>Greensboro News & Record</i>	4/20/12
Amendment One weakens insurance for kids, foes say	<i>Greensboro News & Record</i>	4/25/12
Amendment gets officials' nod	<i>Greensboro News & Record</i>	4/26/12
Marriage isn't government's business	<i>Greensboro News & Record</i>	4/26/12
Board backs Amendment One	<i>Greensboro News & Record</i>	4/26/12
Two walk out over promotion of Amendment One	<i>Greensboro News & Record</i>	4/27/12
Plenty of confusion on ballot proposal	<i>Greensboro News & Record</i>	4/28/12
Critics rally against Amendment One	<i>Greensboro News & Record</i>	4/28/12
not married to amendment	<i>Greensboro News & Record</i>	5/8/12
Amendment One passes with 61% of vote	<i>Greensboro News & Record</i>	5/9/12
Does the Religious Right really believe equality will allow us to marry ice cream?	<i>Indy Week</i>	4/4/12
2012 Primary Endorsements	<i>Indy Week</i>	4/18/12
Hundreds march against same-sex marriage amendment	<i>News & Observer</i>	3/16/12
Poll shows confusion over scope of N.C. marriage amendment	<i>News & Observer</i>	3/30/12
Amendment goes too far	<i>News & Observer</i>	4/11/12
Marriage amendment campaigns intensify	<i>News & Observer</i>	4/20/12
Marriage vote imperils benefits for all unwed couples	<i>News & Observer</i>	4/26/12
The AG's 'no'	<i>News & Observer</i>	4/27/12
NC gay marriage ban gets Sunday push in churches	<i>News & Observer</i>	4/29/12
Affirming tradition	<i>News & Observer</i>	5/1/12
It goes way beyond marriage	<i>News & Observer</i>	5/3/12
Obama says he supports right to same-sex marriage	<i>News & Observer</i>	5/9/12
Saunders: Who will amendment backers target next?	<i>News & Observer</i>	5/10/12
Amendment foes vow no let up	<i>News & Observer</i>	5/10/12
Senate to begin debate Monday on marriage amendment	WRAL	9/9/11
NC House passes marriage amendment bill	WRAL	9/11/11
Senate vote puts marriage amendment issue to the voters	WRAL	9/13/11
NC gay marriage ban supporters launch effort	WRAL	1/23/12

<i>Title</i>	<i>Publication</i>	<i>Date</i>
WRAL News poll: NC marriage amendment has widespread support	WRAL	3/21/12
Let's keep religion out of politics	<i>Charlotte Observer</i>	2/8/12
Tillis: marriage amendment will come, then be repealed	<i>Charlotte Observer</i>	3/27/12
Move convention? Despite anger over marriage amendment, it won't happen	<i>Charlotte Observer</i>	5/10/12
Showdown on same-sex marriage amendment nears	<i>Winston-Salem Journal</i>	1/30/12
Proposed same-sex marriage ban's impact on heterosexual couples debated	<i>Winston-Salem Journal</i>	2/19/12
Amendment on gay marriage divides young and old, rural and urban	<i>Winston-Salem Journal</i>	5/7/12
Marriage amendment highlights clergy divisions in Statesville	<i>Winston-Salem Journal</i>	5/7/12
Black clergy fight amendment in Greensboro	<i>Winston-Salem Journal</i>	5/7/12
Ministers divided over marriage ban	<i>Winston-Salem Journal</i>	4/29/12
Making sense of the gay marriage law	<i>Civitas Institute</i>	10/18/11
Raleigh City Council to Consider Opposing Marriage Amendment	<i>Civitas Institute</i>	12/5/11
SBE weighs in on Marriage Amendment	<i>Civitas Institute</i>	5/8/12

Articles are arranged by outlet and ordered by date of publication.

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