

Equal Rights vs. Special Rights: Rights Discourses, Framing, and Lesbian and Gay Antidiscrimination Policy in Washington State

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This study argues that rights discourse influences heterosexual public opinion in Washington State. We tested this through a survey experiment conducted in the 2011 Washington Poll. We broke interviewees into three groups, with each group exposed to a different frame: a pro-lesbian and gay equal rights frame, an anti-lesbian and gay special rights frame, and a control or no frame. Immediately following the treatment, we asked interviewees if they agreed with a pro-lesbian and gay policy: changing state antidiscrimination law to encompass those who identify as lesbian and gay. Overall, this study concludes that a special rights frame dampens support among some while an equal rights frame has no effect. Respondents who indicated that they were against same-sex marriage even more strongly opposed altering antidiscrimination policy to include sexual orientation when confronted with an equal rights frame than when confronted with the special rights frame or no frame at all.

INTRODUCTION

Does rights talk influence public opinion on pro-lesbian and gay policies? According to a *Los Angeles Times* article released in March of 2012, proponents of lesbian and gay rights issues have found that focusing on equality and civil rights does not significantly contribute to mobilizing public support for some lesbian- and gay-friendly policies, like same-sex marriage (Lopez 2012). Following the November 2012 election in Washington State, researchers with Third Way, a moderate think tank, released polling data suggesting that Washingtonians who voted for same-sex

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marriage did so because LGBT¹ rights groups minimized the use of rights-based frames in their advocacy (Brydum 2012; Hatalsky and Trumble 2012). Recognizing the limits of rights frames, successful statewide marriage equality campaigns utilized alternatives to rights frames throughout the 2010s by adopting messaging that emphasized love and commitment and prospective same-sex couples' desire to enjoy the blessings of marriage (Solomon 2014). However, there is very little data available that explains why focusing on equality and civil rights does not seem to persuade voters.

Do rights frames impact public opinion when it comes to lesbian and gay issues? Does a *special rights* frame (a counter-gay and lesbian rights frame, which challenges quests for equal rights, like LGBT-inclusive antidiscrimination policy, by asserting that such rights are unnecessary claims for special treatment) influence public opinion more than pro-lesbian and gay equal rights frames? We approach these questions using data drawn from a survey experiment to provide a controlled look at whether these frames have an effect.

The survey experiment we employ makes our study unique. Past scholarship has largely not combined rights discourse theory with experimental survey techniques in order to determine whether rights frames can alter and manipulate public opinion. Legal mobilization scholars have primarily used in-depth interviews and content analyses in order to explore activists' use of rights frames in their struggles to achieve social movement goals (Pedriana 2006; Bernstein, Marshall, and Barclay 2009; Fisher 2009). Public opinion researchers, by contrast, have used experimental techniques to determine how framing influences group dynamics, how framing impacts the way that citizens understand issues, and what accounts for viewpoint shifts on lesbian and gay rights policies (Brewer 2002, 2003; Price, Nir, and Cappella 2005). However, public opinion research has not utilized experimental survey techniques in order to examine how rights frames, as theorized by legal mobilization scholars, influence public opinion. As a result, this study adds a new dynamic to current research on rights discourses and public opinion on lesbian and gay issues.

1. The preferred terms used to reference sexual minorities have changed dramatically over the past fifty years. Currently, the term "homosexual" is both overly medicalized and a relic of midcentury stigma. Thus, it is not the preferred term today, and we do not use it in this study unless it is in direct reference to survey questions or quotes. Because this project focuses exclusively on gay men and lesbians, we do not use the full LGBT (lesbian, gay, bisexual, and transgender) acronym unless it is in reference to movement organizations, activist groups, or the movement as a whole. In the last few years, some major LGBT organizations have begun to add the letter Q (queer) to the LGBT acronym to signal a shift toward greater inclusiveness and criticism that the LGBT rights movement's focus on issues like same-sex marriage and other legal rights (like antidiscrimination policy) has resulted in the marginalization of issues that have a greater impact on LGBTQ people of color, transgender people, and LGBTQ people who hold multiple intersectional identities (National LGBTQ Task Force 2014). However, in 2011, when the survey was conducted, the vast majority of mainstream LGBT organizations had not yet adopted the term "queer." The term "queer" has been used as a catchall term for sexual and gender minorities; it can also connote an opposition to assimilationist politics and static identity categories. Many older lesbians and gay men are uncomfortable with using this term, as it used to be a strong insult. Also, the connotation of radical politics does not necessarily reflect the experiences of many people who identify as something other than straight (Rosenblum 2009). Because our article concerns mainstream organization issues and because most mainstream organizations have not yet incorporated the letter Q to signify the inclusion of queer identities, we use the acronym LGBT in reference to the LGBT rights movement in this article.

Furthermore, this study provides three additional benefits meant to fill in gaps in prior research on framing and rights discourse and raise new issues of interest to both public opinion and sociolegal scholars. First, we investigate whether Brewer's (2002) findings concerning the efficacy of the equal rights frame are still applicable in today's political atmosphere. Brewer studied an equality frame, which asserted that those who identify as gay or lesbian deserve equal rights, because mainstream LGBT social movement organizations and the media commonly used it at the time. The experiment concluded that the equality frame influenced how participants understood lesbian and gay issues, including antidiscrimination policy. However, since Brewer's study, proponents of lesbian and gay rights have shifted away from equal rights framing in some of their advocacy, particularly their same-sex marriage advocacy. As a result, it is possible that there has been a shift in how the equality frame influences public opinion on pro-lesbian and gay policies. Our study explores whether the *equal rights* frame continues to resonate among the heterosexual public over a decade after Brewer's study.

Second, the survey experiment examined in this study contains two rights frames as experimental conditions: an equal rights frame and a special rights frame.² Many previous studies solely focus on the equal rights frame, examine the rights frames used by pro-lesbian and gay rights groups against the morality frames (frames emphasizing homosexuality as an immoral, religious transgression) used by opponents of gay and lesbian rights, or explore how opponents use morality frames with respect to lesbian and gay issues (Hull 2001; Miceli 2005; Gaines and Garand 2010; Mucciaroni 2011). These studies do not test how the public responds to pro- and anti-lesbian and gay rights frames. Our research fills in this gap by exploring how both rights movement frames (equal rights frames) and countermovement frames (special rights frames) influence the heterosexual public in a specific state context.

Finally, our study contributes to sociolegal research by investigating the extent to which rights serve as a resource and constraint for social movements, as theorized by some legal mobilization scholars (McCann 1994; Goldberg-Hiller 2002; Lovell 2012). According to these scholars, rights can serve as a resource for mobilization among countermovement activists, and, in doing so, limit the opportunities available for social change, while simultaneously creating opportunities for change for social movement activists by generating new understandings of community and public support for unrecognized rights claims. We add to this scholarship by exploring how equal rights and special rights frames serve as resources and constraints for a social movement's ability to mobilize public opinion in support of lesbian and gay antidiscrimination policy in a specific state context. Because of their contingency on context and audience, we argue that rights frames often impact public opinion in ways that defy the expectations of the activists who deploy them.

We test how exposure to pro- and anti-lesbian and gay rights frames impacts heterosexual public opinion in Washington State on a policy that has long been

2. The equal rights and special rights frames used in this study have been used in rights movement and countermovement advocacy for some time (Herman 1997; Hull 2001; Richman 2005; Stone 2012). The section entitled "Theories of Framing, Rights Discourse, and Social Change" discusses the social development of these frames in greater detail.

important to the LGBT rights movement: changing existing antidiscrimination laws to incorporate sexual orientation. Our experiment appeared in the 2011 Washington Poll, and we used it to test three hypotheses. Hypothesis 1: The equal rights frame increases support for antidiscrimination laws. Hypothesis 2: The special rights frame decreases support for antidiscrimination laws. Hypothesis 3: Both the equal rights and the special rights frames have the largest impact on those who are ambivalent about gay and lesbian rights. We expected that those whose minds were made up on the issue of gay rights and the status of lesbians and gay men in society would be less influenced by framing effects than those who were ambivalent about these issues.

The first section of this article analyzes how public opinion and sociolegal scholars have studied rights discourse, framing, and counter-rights discourse, and includes a brief discussion of recent pro-gay and lesbian policy in Washington State. This section engages in current research in order to ground the theory that undergirds our hypotheses further. The second section explains the data, measures, and methodology that we use in our study. The third section illustrates the results of our survey experiment, briefly delineating our core findings. The last section discusses the implications and broader merits of our findings for both future research and social movement activism. This final section explores our core findings and delves into what they reveal about the limits of rights and the interconnection between movement and countermovement rights frames.

Overall, our study finds that the special rights frame continues to weaken heterosexual support for lesbian and gay antidiscrimination policy in Washington State, while the equal rights frame has no effect or elicits greater opposition among certain voters. Those who are ambivalent on lesbian and gay policies are not likely to be influenced by the equal rights frame, but more likely to be influenced by the special rights frame. Our findings suggest that it is not surprising that large increases in support for some LGBT rights issues, like same-sex marriage, have coincided with movement organizations minimizing equal rights language in some settings. It makes sense for LGBT organization activists to follow their current framing strategy, which focuses more on love, commitment, and personal narratives in some arenas given our findings (Solomon 2014; Wofford 2014). Furthermore, our study supports many sociolegal scholars' contentions that distinctions between equal rights and special rights frames are convoluted rather than simply contradictory and, thus, the persuasive power of frames depends largely on audience and context. Aware that our findings are limited by region, time, and the various methodological pitfalls of survey experimentation, we contend that our findings speak to a greater need in sociolegal and public opinion research on social movements to recognize and respond to the ways in which rights frames influence public opinion.

THEORIES OF FRAMING, RIGHTS DISCOURSE, AND SOCIAL CHANGE

(A) Frames in Thought and Frames in Mobilization: Influencing Public Opinion on LGBT Rights

How *framing* is defined and studied diverges greatly in public opinion and sociolegal scholarship. In public opinion research, framing refers to the process by

which people form an understanding of an issue or reorient how they conceive of an issue with respect to particular values (Chong and Druckman 2007). Through survey experimentation, some scholars find that framing by opinion leaders (like political leaders and pundits) and mass media organizations shapes public understandings of contemporary problems and the merits of potential resolutions (Nelson and Kinder 1996; Nelson, Clawson, and Oxley 1997). From this general understanding of framing, research in public opinion scholarship can be divided into two subsets. First, research on *frames in communication* analyzes trends in elite discourse and focuses on the phrases, terms, images, or presentation styles a given speaker uses when relaying information to another person (Gamson and Modigliani 1987; Cappella and Jamieson 1997; Druckman 2001). Second, *frames in thought* refers to studies that focus on how framing impacts an individual's understanding of a given issue (Goffman 1974). Because this study uses a survey experiment to test whether these frames have an effect on individual conceptualizations of an issue, we are concerned with the branch of public opinion research that delves into frames in thought.

Public opinion scholars have studied frames in thought in order to account for how different frames influence public understandings of lesbian and gay rights issues (Brewer 2002; Craig et al. 2005; Price, Nir, and Cappella 2005). Price, Nir, and Cappella's (2005) work, using data collected by the Electronic Dialogue Project, tests how the *civil union* and *homosexual marriage* frames, combined with the equal rights and special rights frames, influence group support for granting legal standing to same-sex partnerships. The study concludes that the tested framing manipulation influences how groups discuss same-sex unions and that the effects of the framing manipulation are contingent on a group's ideological make-up. Price, Nir, and Cappella suggest a connection between framing and ideology on public support of gay and lesbian rights issues. Brewer's (2002) study, referenced above, uses a laboratory experiment exposing participants to different types of frames embedded in media coverage, and finds that participants who are given a particular frame are likely to discuss gay rights with framing language. Although Brewer's and Price, Nir, and Cappella's studies use frames that include rights language, neither study illuminates whether or not rights framing has persuasive power when it comes to public opinion about lesbian and gay policies.

While public opinion scholars study framing in communication and framing in thought, legal mobilization scholars adopt an entirely different understanding of framing. One of the most commonly used definitions of framing, or *collective action frames*, in legal mobilization scholarship is grounded in the social movement theory understanding of frames as the "schemata of interpretation that enable individuals to 'locate, perceive, identify, and label' occurrences within their space and the world at large" (Benford and Snow 2000, 614; see also Gamson and Meyer 1996; Zald 1996; Williams 2004). This is very similar to the general understanding of framing in public opinion research described above; however, it is also dissimilar, because framing in legal mobilization scholarship is further used to describe group mobilization around a collective grievance. Framing in legal mobilization research occurs when a group agrees that it has a grievance, the group selects a method (e.g., a discourse) for expressing this grievance that calls upon a

specific solution, and the method selected is used to mobilize support for the grievance's resolution.

We adopt an overarching understanding of framing in this study that incorporates both the public opinion and the legal mobilization approaches. We strive to strike a balance between the legal mobilization understanding of the role frames play in defining group grievances and the frames in thought understanding from public opinion research, which emphasizes the role that frames play in influencing how individuals conceive of issues. For this reason, our study focuses on two of the most prominent collective action frames utilized by LGBT rights activists and opponents in group mobilization, the equal rights frame and the special rights frame, and explores how these frames shape individual support for a pro-gay and lesbian antidiscrimination policy.

We further incorporate the idea that issues related to sexuality stem from personal convictions, religious values, and morality. As a result, lesbian- and gay-friendly issues are seen as easy issues or issues understood at a gut level that require "almost no supporting contextual factual knowledge, no impressive reasoning ability, no attention to the nuances of political life" (Carmines and Stimson 1989, 11). Previous research also supports the contention that lesbian- and gay-friendly policies are the type of issues that "prove susceptible to the influence of changing situational cues," like rights-based frames (Dancey and Goren 2010, 689; see also Dyck and Pearson-Merkowitz 2012). We argue that since lesbian and gay antidiscrimination policy is an easy issue that nevertheless is susceptible to situational cues like rights frames, it is possible that those who are ambivalent about a lesbian and gay issues will be more persuaded by rights-based frames than those who are more decided on that issue. Alternatively, researchers have also found that ambivalence may result in people choosing moderate opinions on surveys (Mulligan 2013). Thus, our study will explore whether rights frames might alter the moderate trend traditionally exhibited by those who are ambivalent about political issues.

(B) Rights Discourse and the Law: The Interconnection Between the LGBT Rights Movement and Countermovement

Many scholars have identified the equal rights and special rights frames as dominant frames impacting public debate on lesbian and gay rights issues (Goldberg-Hiller and Milner 2003; Dudas 2005; Dugan 2005; Richman 2005). Both frames are also examples of *master frames* in social movement advocacy. According to Pedriana (2006), the law and legal arguments about rights are a type of master frame with a theoretical power and importance that span a variety of social movement and cultural contexts, including both pro- and counter-rights movements (see also Benford and Snow 1993).

The equal rights frame asserts that gay men and lesbians have the right to equal treatment under the law, and in order for this right to be fully achieved legislatures should adopt laws that protect individuals from discrimination based on sexual orientation and gender identity or expression, that outlaw hate crimes based on sexual orientation and gender identity or expression, and that enable the formal recognition of same-sex relationships (Richman 2005). Hence, LGBT rights

activists often argue that LGBT-identified individuals have the right to be treated equally: in other words, they adopt an equal rights frame in their advocacy.

On the other hand, the countermovement has developed a special rights frame, a countermobilization frame that “infuses conservative political action with nationalistic ardor ... [and] convinces [conservatives] that their opposition is necessary for protecting the American way of life” (Dudas 2005, 725; see also Goldberg-Hiller 2009). The purpose of the special rights frame is to secularize countermobilization discourse and tap into fundamental cultural values concerning individualism and prejudicial views of lesbian, gay, bisexual, and transgender people (Herman 1997; Stone 2012). According to the countermovement’s special rights frame, when LGBT rights activists assert that laws need to be changed to effect equal treatment, these activists are asking for *more* rights than the average American receives. Consequently, LGBT rights opponents argue that LGBT activists’ call for equal rights amounts to nothing more than special rights claiming.

The scholarship on the relationship between rights movement and countermovement rights discourses is complicated and heavily debated in sociolegal research. Some of the principal research on the relationship between movement and countermovement strategizing argues that rights movement litigation provokes political reaction from countermovement groups that, in turn, undercuts rights litigation successes (Klarman 2004; Rosenberg 2008; Klarman 2013). According to this scholarship, there is a causal link between the strategizing efforts of movements and countermovements. Countermovements organize and develop political discourses, like the special rights discourse, in direct response to litigation successes. Thus, Klarman (2013) argues that the countermovement activism that culminated in more than 25 state constitutional amendments banning same-sex marriage was the direct result of pro-same-sex partnership judicial decisions in 1999 and 2003, in Vermont and Massachusetts respectively. Scholarship that adopts a causal understanding of countermobilization tends to think of rights movement and countermovement strategizing as operating in two different political spaces. Rights movements pursue litigation advances, and countermovements react to these advances with alternative antirights mobilization.

By contrast, other sociolegal scholars adopt a multicausal understanding of the relationship between rights movements and countermovements. For these scholars, countermovement strategizing is intertwined with promovement strategizing and is not merely reactionary. Some of this scholarship sees rights movement mobilization as initiating both countermovement mobilization and, more optimistically, argues that rights mobilization also contributes to important rights movement advances (Eskridge 2002; Andersen 2005; Keck 2009). For example, Keck (2009) analyzes LGBT rights movement litigation and argues that this litigation has both fueled countermobilization and expanded the rights of LGBT persons by mobilizing the public in support of these rights, which has led to policy advances like increased governmental recognition of same-sex relationships.

Another variant of sociolegal scholarship that recognizes that rights advocacy can spur both countermobilization and movement advances adopts a broader understanding of what encompasses law. According to this understanding, the law includes judicial decisions and the use of legal rights discourse in the mobilization of public support or opposition to rights advances (McCann 1994; Goldberg-Hiller

2002; Lovell 2012). These scholars adopt the theoretical understanding that both social movement activists and everyday people often use the law in order to mobilize support for their causes (Zemans 1983; Hull 2001; Bernstein, Marshall, and Barclay 2009; Fisher 2009; Dorf and Tarrow 2014). Using this broader understanding of law, these scholars argue that there is an affinity between movement and countermovement forces and that a countermovement has tremendous influence on the discourse and agenda adopted by a rights movement and vice versa.

Rather than seeing the relationship between movement and countermovements as a causal chain, this final group of scholars argues that there is a symbiotic or intertwined relationship between the strategizing of rights movement proponents and opponents. The activism of LGBT rights movement opponents is not always purely reactionary, but can also push issues onto the agenda of LGBT organizations due to the triangular relationship between rights movements, countermovements, and grassroots advocacy (Dorf and Tarrow 2014). Furthermore, countermovement strategizing has more metrics than mere court cases; it also includes legal, political, and cultural dimensions (Schachter 2009). This study embraces the theoretical understanding of rights discourses described by these scholars. These legal mobilization scholars analyze the constitutive role of legal rights by adopting an inclusive definition of the law that emphasizes the effects and development of legal norms, legal symbols, and legal rights discourses across and through movements and countermovements.

(C) Recent Lesbian and Gay Policy in Washington State

Since 2000, the Washington State legislature has enacted a variety of laws addressing gay and lesbian issues. Some of the most significant laws passed in Washington over the past decade include H.B. 2661, commonly known as the Anderson-Murray Anti-Discrimination Bill, which added sexual orientation and gender identity to the state's antidiscrimination statutes in 2006; S.B. 5688, commonly known as the "everything but marriage" law, which extended the rights and benefits of domestic partnerships to same-sex couples, and was approved by statewide vote in 2009; and S.B. 6239, Washington's marriage equality law, which expanded civil marriage to same-sex couples, and was approved by statewide vote in 2012 (2006 Wash. Laws 2661; 2009 Wash. Laws 5688; 2012 Wash. Laws 6239; Garber 2006; La Corte 2006; Turnbull, Tu, and Kelleher 2009; Hansen 2012). Each of these laws is indicative of increasingly strong mobilization around gay and lesbian issues in Washington State, centered primarily in Seattle, King County, and the surrounding area.

Interestingly, although Washington has experienced statewide gay and lesbian policy successes, there has been very little published research on the framing strategies advanced by activists in these campaigns. Lesbian and gay rights activists in Washington undoubtedly engaged in large-scale public education and political mobilization campaigns in 2009 and 2012 when S.B. 5688 and S.B. 6239 were brought to statewide vote via Referendum 71 and Referendum 74, respectively. Voters in Western Washington frequently support liberal and Democratic candidates and issues, and the region is regularly cited as one of the most liberal areas of the United States. However, the state as a whole is more ideologically monolithic;

voters in Eastern Washington predominantly vote for conservative and Republican issues and candidates (Webley 2013). As a result, in order to win at the statewide level, referenda and initiatives in Washington must appeal to more conservative voters in addition to voters who identify as liberal.

Given the distinctive political environment in Washington State, the experience of the LGBT rights movement in Washington provides a case for understanding how historically liberal gay rights issues have been framed in ways that appeal to more conservative and moderate voters. The little research on framing around gay and lesbian policy in Washington State has focused on same-sex marriage. Research conducted by the bipartisan think tank Third Way suggests that love and commitment framing more effectively influences voters' views about same-sex marriage in Washington than rights framing (Hatalsky and Trumble 2012). This research contrasts with earlier studies conducted by scholars like Brewer (2002, 2003) and Price, Nir, and Cappella (2005), who suggest that rights framing does have some efficacy when it comes to gay and lesbian rights issues. Our study investigates this apparent inconsistency by delving into how rights framing influences heterosexual sentiment on antidiscrimination policy in Washington State.

We have selected lesbian and gay antidiscrimination policy because it presents a least likely case to uncover framing effects. This is because the Washington State legislature enacted the Anderson-Murray Anti-Discrimination Bill, incorporating sexual orientation and gender identity into the state's antidiscrimination statutes, in 2006 with widespread support (2006 Wash. Laws 2661; Garber 2006; La Corte 2006). An attempt to bring this change to Washington's antidiscrimination law to a statewide vote failed to obtain enough signatures for a referendum in 2006. The recent passage of a lesbian and gay antidiscrimination law in Washington indicates that there is broad popular support for this particular issue in the state.³ In addition to the broad popular support for Washington's 2006 antidiscrimination law, there is another reason why we believe that antidiscrimination policy provides a good dependent variable: there were few competing frames in the media that could complicate our analysis in 2011. Including sexual orientation in antidiscrimination policy was not a salient issue in Washington State in 2011. Because it was not featured heavily in the media in 2011, it likely did not interact with other preexisting frames or images that could color peoples' perception of including sexual orientation in antidiscrimination policy (Lippmann 1965; Zaller 1992). As a result, any movement between the control and experimental groups' (the groups that receive the rights frames) perceptions of lesbian and gay antidiscrimination policy implies that the effect is largely coming from our experimental manipulation.

3. Despite the fact that Washington State law lists sexual orientation as a protected class, public knowledge about the contents of antidiscrimination laws is typically low. For example, the LGBT Issues and Trends Survey conducted by the Public Religion Research Institute found that 75 percent of Americans believed, incorrectly, that it was currently "not legal under federal law to fire or refuse to hire someone because they are gay, lesbian, bisexual, or transgender." Only 15 percent correctly identified that this was legal as of 2014. While one could hypothesize that much of the public would find additional laws to be overkill and would therefore not support additional laws, the same survey found 72 percent of respondents either strongly favored (33 percent) or favored (39 percent) "laws that would protect gay and lesbian people against job discrimination" (Jones, Cox, and Navarro-Rivera 2014, 34–35). This suggests that support for antidiscrimination laws might not be connected to whether or not such laws are currently on the books.

Yet, our survey experiment took place at a unique political moment in the movement for marriage equality in Washington State: between the passage of the 2009 law extending the rights and benefits of marriage to same-sex domestic partners and the 2012 legalization of marriage equality in the state. Thus, at the time we conducted our survey experiment, same-sex marriage was quickly becoming a major statewide political issue. We conducted our survey experiment on the Washington Poll in autumn 2011, about two months before the start of a legislative session that would include the passage of a law legalizing same-sex marriage in the state. In 2012, this law was brought to a statewide referendum and passed with broad public support—making Washington State one of the first states to legalize same-sex marriage by popular vote. It is possible that some who participated in our survey conflated our antidiscrimination policy statement with statewide same-sex marriage policy for this reason.

However, we contend that Washington's unique political climate in 2011 will actually help us to explore in greater detail the importance of context when considering the persuasiveness of rights frames. Further, we believe that this context makes our survey experiment even more relevant to the present national political climate. The United States is currently grappling with nationalization of same-sex marriage in the wake of 2015 Supreme Court case *Obergefell v. Hodges*. At the same time, broad federal antidiscrimination protections have not yet been extended to gay men and lesbians (the policy tested by our survey experiment) or to transgender and gender nonconforming individuals. Thus, we are currently experiencing a political climate in which how the public perceives extending antidiscrimination protections is influenced by the politics of same-sex marriage. Our survey experiment offers the unique opportunity to explore the persuasive power of rights frames around antidiscrimination policy in a state political context that somewhat mirrors the present national political climate with respect to same-sex marriage.

DATA, MEASURES, AND METHODOLOGY

This study is based on a survey experiment that appeared on the 2011 Washington Poll, which included 1,067 registered Washington State voters. The survey was in the field between October 10th and November 3rd, 2011, and was overseen by researchers at the University of Washington. Trained undergraduates conducted the interviews via telephone. They called both landline and cell phone numbers. The survey lasted approximately twenty minutes. In addition to our survey experiment, which we discuss shortly, the survey instrument included questions about favorability toward minority groups, trust toward the media, and job approval of various public figures. Demographic questions, including sexual orientation, were included at the end of the survey. Only heterosexual respondents ($n = 1,037$) were used in the analysis.⁴

4. We believe that framing effects about lesbian and gay issues might operate differently for those who identify as LGBT compared to those who do not. Furthermore, because of the small sample size of people who identify their sexual orientation as something other than heterosexual, we were unable to provide analysis. Specifically, twelve identified as gay, one as lesbian, five as bisexual, seven as something else, one as don't know, and four as refused. Replicating this experiment with an oversample of LGBT respondents would be an interesting direction for further research.

The survey included a question about support for same-sex marriage, which was asked well before our experiment. Another survey experiment about immigration reform, two five-question batteries, and two additional policy questions separated the same-sex marriage question and our experiment. In coding the survey, respondents were independently randomized into control or treatment conditions for each experiment. Therefore, there were minimal priming effects from the marriage question on our experiment.

We used the response to the same-sex marriage question as a proxy for preexisting support for lesbian and gay rights generally. The same-sex marriage question had four listed response options in addition to options for “don’t know” and refusals:

- (1) Gay and lesbian couples should have the same legal right to marry as straight couples.
- (2) Gay and lesbian couples should be able to have the same legal rights as straight couples, but it should not be called marriage.
- (3) There should be domestic partnerships that give gay and lesbian couples only some of the benefits and protections of marriage.
- (4) There should be no legal recognition of gay and lesbian couples.

Our survey experiment took place roughly fifteen minutes into the twenty-minute survey. Interviewees were randomized into either one of the experimental conditions (the special rights or equal rights frames) or the control condition (in which interviewees skipped straight to the dependent variable). Interviewees were subsequently asked the dependent variable: whether or not they supported an anti-discrimination law that included sexual orientation. The exact wording of (1) the equal rights frame, (2) the special rights frame, and (3) the antidiscrimination question are included below:

- (1) Equal Rights Frame: “The right to equality plays an important role in United States history. The Fourteenth Amendment of the Constitution says that no State can deny, to any person, the equal protection of the laws. Throughout our nation’s history we have made strides to further increase equality and stop discrimination.”
- (2) Special Rights Frame: “The Constitution already guarantees equality. Minority groups who are calling for greater rights are, in fact, asking for special treatment or special rights. In other words, these groups are asking for more benefits or rights than the average American receives.”
- (3) Opinion on Antidiscrimination law: “Please tell me if you agree or disagree with the following statement: We should change our antidiscrimination laws so that gays and lesbians are protected from unwanted discrimination and prejudice.”

There were, initially, six possible response categories for the dependent variable. Interviewers were instructed to read four response categories, which ranged from “strongly disagree” to “strongly agree.” The order of the responses was randomly rotated. Two unread categories, “don’t know” and “refused,” were also available options.

Table 1 serves as a randomization check on the experiment. It provides heterosexual sample means and standard deviations of independent covariates of interest for each group. The groups appear evenly split. Overall, there were 380

TABLE 1.
Means and Standard Deviations of Key Variables by Experimental Condition,
Respondents Who Identify as Heterosexual

	Equal Rights	Control	Special Rights
Female	0.56	0.52	0.54
	<i>0.50</i>	<i>0.50</i>	<i>0.50</i>
College education	0.53	0.50	0.53
	<i>0.50</i>	<i>0.50</i>	<i>0.50</i>
White	0.88	0.91	0.92
	<i>0.33</i>	<i>0.29</i>	<i>0.28</i>
Party identification	3.75	3.87	3.60
	<i>2.10</i>	<i>2.06</i>	<i>2.09</i>
Ideology	4.05	4.18	3.99
	<i>1.83</i>	<i>1.88</i>	<i>1.78</i>
Age	59.15	59.62	58.93
	<i>14.77</i>	<i>14.31</i>	<i>14.52</i>
Undecided on same-sex marriage	0.42	0.43	0.39
	<i>0.49</i>	<i>0.50</i>	<i>0.49</i>

Note: Means on top row, standard deviations below (italics).

heterosexual respondents in the equal rights frame, 318 in the special rights frame and 339 in the control condition.

We further checked randomization by running *t* tests for each of the demographic variables listed in Table 1, comparing the sample means in the equal rights and control conditions, the special rights and control conditions, and the equal rights and special rights conditions. Because there were three conditions to compare across seven demographic measures, we ran 21 *t* tests. Out of these 21 *t* tests, none of the *t* scores were significant at the 0.95 level, and only two were significant at the 0.9 level.⁵ This suggests that the randomization was largely successful.

Our methodology tests our study's three hypotheses: (1) that the equal rights frame increases support for antidiscrimination laws, (2) that the special rights frame decreases support for antidiscrimination laws, and (3) that these effects are most pronounced for those who are ambivalent about LGBT rights. We used two techniques to test these hypotheses. First, we used difference in means tests to determine if there were significant differences in the dependent variable by experimental condition. This method is reasonable because we randomized the conditions, so the effects of potential confounders should be minimal. Second, we relaxed the assumptions of no confounding by running ordered logistic regressions. We present these results in a table of regression coefficients, but also calculate relevant predicted probabilities to ease interpretation of the models.

We used the full heterosexual sample for all tests of Hypothesis 1 and Hypothesis 2. To test Hypothesis 3, we divided the heterosexual sample into three groups: (1) those who supported same-sex marriage, (2) those who opposed same-sex

5. The difference in heterosexual sample means of white respondents between the equal rights condition and the special rights condition ($t = 1.66, p = 0.10$) and of party identification between the special rights and control condition ($t = 1.66, p = 0.10$), are significant at the 0.90 level.

TABLE 2.
Contingency Table of Support for Sexual Orientation–Inclusive Antidiscrimination Law, by Experimental Condition

Full Heterosexual Sample	Equal Rights	Control	Special Rights
Strongly favor	47.61	42.90	41.90
Somewhat favor	17.55	20.85	16.83
Neutral (don't know)	7.45	9.37	6.67
Somewhat oppose	8.24	10.57	10.48
Strongly oppose	19.15	16.31	24.13
Total	100.00	100.00	100.00

marriage, and (3) those who were ambivalent about recognizing same-sex relationships. We divided our sample in this manner because we hypothesize that having a strong position on a specific issue like same-sex marriage is a good proxy for being more decided and, therefore, less persuadable on LGBT issues more generally.

There are many possible ways to operationalize those who are ambivalent about gay rights. Ultimately, we operationalized ambivalence to include everyone who was not at either extreme of the issue of same-sex marriage. This includes those who reported support for full civil unions, those who reported support for limited domestic partnerships,⁶ and those who did not know their policy preference.⁷

In our analysis we recoded the dependent variable (support for antidiscrimination laws) as follows: rather than drop the “don’t know” respondents from the analysis, we recoded them as a middle category. Thus, our dependent variable ranges from one to five, with one representing those who strongly support antidiscrimination laws and a five representing those who strongly oppose such laws.⁸ Table 2 provides descriptive statistics for the dependent variable by experimental condition.

Ultimately, the results of our analysis are found in Tables 3 to 5 and in Figure 1. Table 3 presents the results of the difference in means tests for the full sample, testing Hypotheses 1 and 2. Table 4 does the same, but divides the sample into pre-existing attitudes on gay and lesbian rights, testing Hypothesis 3. We adjusted for potential confounders in our ordered logistic regression models to further test our hypotheses, the results of which are found in Table 5 and Figure 1.

Besides experimental condition, the variables in our models are party identification, education level, gender, region, age, race, marital status, and affiliation as a born-again Christian. Many of the covariates were recoded as dummy variables. These included

6. Civil unions and domestic partnerships were frequently presented as a compromise or moderate option for recognizing same-sex couples in 2011.

7. Throughout our analysis, we excluded those who refused to answer the question in order to limit the assumptions we would have to make about the data. We are making an assumption that those who answered “don’t know” are ambivalent. We tested this by rerunning our regression model for moderates without the “don’t knows” in the subsample. There was no change in the sign of our parameters of interest or in the parameters’ statistical significance.

8. Ordered logistic regression does assume that the categories of the dependent variable are sequentially ordered. To relax this assumption, we ran the models as multinomial logistic regressions. There was no change in the levels of significance for our treatment effects. Thus, we kept the ordered logistic regression.

TABLE 3.
Difference in Means, Full Heterosexual Sample

Full Heterosexual Sample	Equal Rights	Control	Special Rights
Sample mean	2.34	2.37	2.58
N	376	331	315
	Difference in Mean (S.E.)	<i>t</i>	Pr.
Control vs. Equality	0.03 (.12)	0.24	0.81
Control vs. Special rights	-0.22 (.12)	-1.73	0.08
Special rights vs. Equality	0.24 (.12)	1.97	0.05

TABLE 4.
Difference in Means, by Attitudes about Same-Sex Marriage

Subgroup		Equal Rights	Control	Special Rights
Ambivalent about same-sex marriage	Sample mean	2.68	2.74	3.15
	N	155	140	123
		Diff. (S.E)	<i>t</i>	Pr.
	Control vs. Equality	0.06 (0.18)	0.33	0.74
	Control vs. Special rights	-0.41 (0.19)	-2.2	0.03
Support same-sex marriage	Sample mean	1.60	1.68	1.81
	N	166	130	133
		Diff. (S.E)	<i>t</i>	Pr.
	Control vs. Equality	0.08 (0.14)	0.58	0.56
	Control vs. Special rights	-0.13 (0.16)	-0.79	0.43
Against same-sex marriage	Sample mean	3.60	2.91	3.12
	N	50	56	59
		Diff. (S.E)	<i>t</i>	Pr.
	Control vs. Equality	-0.69 (0.31)	-2.23	0.03
	Control vs. Special rights	-0.21 (0.31)	-0.66	0.51
	Special rights vs. Equality	-0.48 (0.33)	-1.48	0.14

gender (female = one), race (white = one), education (at least a college degree = one), marital status (currently married or widowed = one), region (control region is Eastern Washington), and evangelical Protestant affiliation (born-again Christian = one). Party identification was coded from one to seven, and age was coded in years.

RESULTS

Table 3 provides a summary of heterosexual sample means by experimental condition and the results of the difference of means tests for the dependent

TABLE 5.
Ordered Logistic Regression Results

	Full Model (S.E.)	Pro-Same-Sex Marriage (S.E.)	Ambivalent about Same-Sex Marriage (S.E.)	Anti-Same-Sex Marriage (S.E.)
Right to equality frame	-0.04 (0.15)	-0.14 (0.27)	-0.14 (0.21)	1.09** (0.43)
Special rights frame	0.40** (0.15)	0.32 (0.27)	0.54* (0.23)	0.58 (0.39)
Female	-0.41*** (0.12)	-0.25 (0.22)	-0.36* (0.18)	-0.27 (0.34)
College	0.30* (0.13)	0.62** (0.24)	0.28 (0.18)	-0.26 (0.33)
White	0.12 (0.22)	0.36 (0.38)	-0.07 (0.33)	0.17 (0.63)
Puget Sound	-0.38* (0.16)	-0.03 (0.29)	-0.49* (0.24)	-0.50 (0.39)
Western Washington	-0.10 (0.17)	0.18 (0.32)	-0.33 (0.26)	0.53 (0.43)
Born-again Christian	0.70*** (0.14)	0.29 (0.30)	0.42* (0.19)	1.21*** (0.36)
Ever married	0.21 (0.23)	0.05 (0.39)	0.49 (0.36)	0.13 (0.57)
Party identity	0.39*** (0.03)	0.36*** (0.06)	0.26*** (0.05)	0.44*** (0.09)
Age in years	0.02*** (0.01)	0.02* (0.01)	0.01* (0.01)	0.01 (0.01)
Cut point 1	2.79 (0.42)	3.52 (0.75)	1.33 (0.65)	2.29 (1.10)
Cut point 2	3.74 (0.43)	4.53 (0.76)	2.30 (0.66)	3.56 (1.13)
Cut point 3	4.15 (0.43)	4.72 (0.77)	2.87 (0.67)	4.00 (1.14)
Cut point 4	4.78 (0.44)	5.30 (0.78)	3.62 (0.67)	4.49 (1.15)
Pseudo R ²	0.10	0.06	0.05	0.17
Chi ²	281.53	47.07	61.07	73.39
Prob. > Chi ²	0.00	0.00	0.00	0.00
Akaike information criterion (AIC)	2522.02	808.65	1234.66	406.10

Notation: † = .10, * = .05, ** = .01, *** = .001.

variable, which was scaled from one to five, with one representing strong support for antidiscrimination laws and five representing strong opposition.

There is very little evidence for Hypothesis 1, but some support for Hypothesis 2. The .03 point difference between the sample average for the equal rights condition and the control condition is not statistically significant. However, the mean of the heterosexual sample that received the special rights condition is .22 points higher (more opposed) than both the control condition ($t = -1.73$, $p = .08$) and .24 points higher than the equality condition ($t = 1.97$, $p = .05$). This similar magnitude suggests that the equal rights frame is having a muted effect compared to the effect of the special rights frame, providing evidence for Hypothesis 2 (that the special rights discourse decreases support) but not Hypothesis 1 (that the equal rights discourse increases support for antidiscrimination policy).

Table 4 shows the heterosexual sample means for those who were ambivalent about same-sex marriage, compared to those who were already decided about this issue. Those who heard the special rights frame and were ambivalent about marriage were less likely to support antidiscrimination laws compared to those who heard the control condition ($t = -2.2$, $p = .03$) and the equality frame ($t = 2.43$, $p = 0.02$).

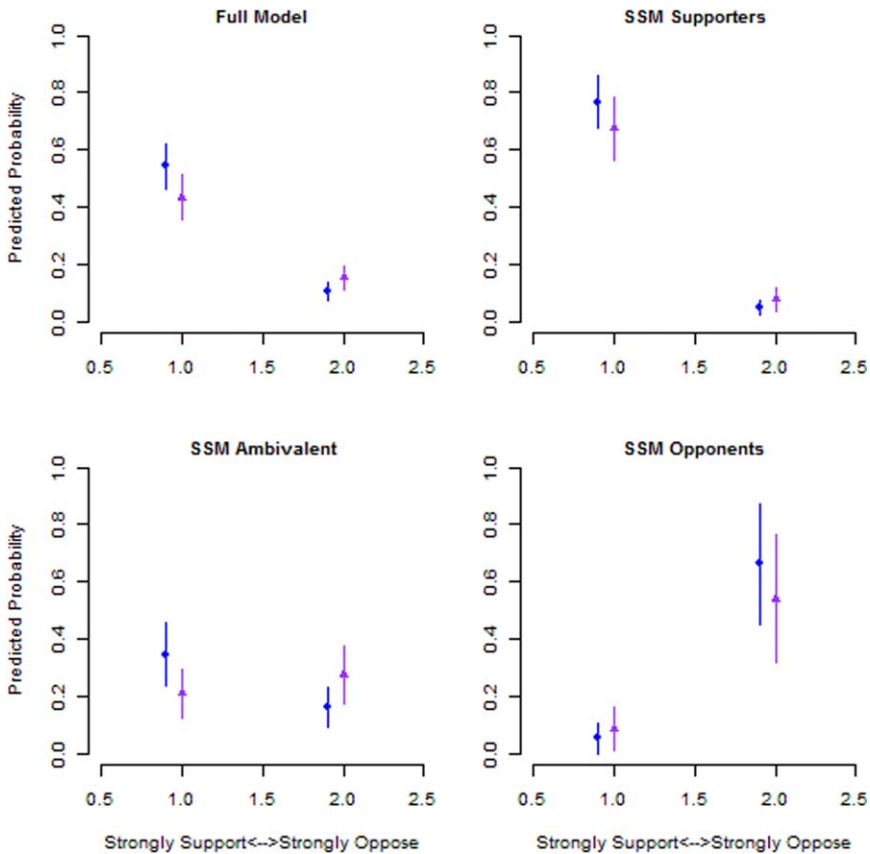


FIGURE 1.

Predicted Probabilities for Models 1 (1a: Full Model) through 4 (1d: Anti-same-sex Marriage). Predicted probabilities are shown for Strongly Support and Strongly Oppose response options for both the equal rights frame (blue diamonds) and special rights frame (purple triangle). Error bands are the 95% confidence intervals calculated for the predicted probabilities. Most notable is that the special rights frame decreases the predicted probability for supporting antidiscrimination laws in all models, whereas the equal rights frame has little effect in all respondents but anti-same-sex marriage respondents. Exposure to the equal rights frame increases the probability that an opponent of same-sex marriage will oppose anti-discrimination laws. [Color figure can be viewed at wileyonlinelibrary.com]

These differences, 0.41 and 0.47 more likely to oppose antidiscrimination laws, respectively, are roughly double those of the full heterosexual sample.

We include in Table 4 those who were pro- and anti-same-sex marriage to contrast with respondents who were ambivalent about same-sex marriage. There is no statistically significant difference between any of the conditions for these respondents. Support for antidiscrimination laws is high across experimental conditions among respondents who already supported gay and lesbian rights.

Table 4 also provides strong evidence that the equal rights frame elicits further opposition to adding sexual orientation to antidiscrimination policy among

respondents opposed to same-sex marriage. The heterosexual sample that opposed same-sex marriage and heard the equality frame had a mean score that was 0.69 points higher (more opposed) than the control ($t = -2.23$, $p = 0.03$). This stands in contrast to our expectations in Hypotheses 1 and 3. There is an experimental effect for those who already had strong opinions on gay and lesbian issues and the movement is not in the expected direction (i.e., the direction predicted in Hypothesis 1). Exposure to the equal rights frame seems to decrease support further for including sexual orientation in antidiscrimination laws among those who oppose same-sex marriage.

The results of the ordered logistic regressions shown in Table 5 add further nuance. The full model (Model 1) tests Hypotheses 1 and 2, while the remaining models (Models 2 to 4) test Hypothesis 3. Model 1 does not provide evidence for Hypothesis 1; the equal rights frame did not increase support for altering antidiscrimination law to encompass sexual orientation. However, it does provide strong evidence for Hypothesis 2; the special rights frame decreased support for altering antidiscrimination law to encompass sexual orientation. The estimated coefficient is statistically significant, and the sign is in the expected direction.

Model 3, which tests how those who are ambivalent about the legal recognition of same-sex couples respond to the rights frames, provides support for Hypothesis 3 and echoes the findings of the difference of means tests. Respondents who are ambivalent about same-sex marriage are more likely to oppose changing antidiscrimination laws to encompass sexual orientation when exposed to the special rights frame, but do not react to the equal rights frame. Models 2 and 4 also echo the results of the difference of means tests. Model 4 found that when those who are against the legal recognition of same-sex couples are exposed to the equal rights frame, they are more likely to oppose including sexual orientation in antidiscrimination policy than when they are in the control condition. The special rights frame had no effect compared to the control condition on this subgroup. Model 2 found no framing effects among those who already supported same-sex marriage.

Figure 1 shows predicted probabilities calculated from these models and provides a more substantive interpretation for these coefficients. We see that being exposed to the special rights frame makes respondents less willing to support changing antidiscrimination laws to include sexual orientation. Specifically, in the full model, which encompasses all heterosexual interviewees, someone exposed to the special rights frame has a 43 percent predicted probability of strongly supporting altering these laws, 11 percentage points lower than someone exposed to the equal rights frame (54 percent). We see the same trend among those heterosexual respondents who were ambivalent about same-sex marriage; there is a 14 percentage point gap in strongly supporting antidiscrimination laws between those exposed to the equal rights frame (35 percent) and the special rights frame (21 percent).

The figure also demonstrates the increased opposition to antidiscrimination laws when respondents who opposed same-sex marriage heard the equal rights frame. When faced with the equal rights frame, there was a 66 percent predicted probability that a same-sex marriage opponent would strongly oppose such laws. In comparison, if that respondent heard the special rights treatment, he or she had only a 54 percent predicted probability of strong opposition, a 12 percentage point decrease.

TABLE 6.
Summary of Support for Hypotheses

Hypothesis	Support
Hypothesis 1: The equal rights frame will increase support for adding sexual orientation to antidiscrimination laws.	<i>No support.</i> The equal rights frame had no effect on all respondents (Model 1), those who support same-sex marriage (Model 2), and those who are ambivalent about same-sex marriage (Model 3). This frame surprisingly elicited opposition among those who are against same-sex marriage (Model 4).
Hypothesis 2: The special rights frame will decrease support for adding sexual orientation to antidiscrimination laws.	<i>Some support.</i> The special rights frame decreased support among all heterosexual voters tested (Model 1) and those who are ambivalent about same-sex marriage (Model 3).
Hypothesis 3: Both the equal rights and the special rights frames will have the largest impact on those that are ambivalent about same-sex marriage.	<i>Some support.</i> Those who are ambivalent about same-sex marriage were more likely to oppose lesbian and gay antidiscrimination policy when confronted with the special rights frame, whereas the equal rights frame had no effect (Model 3).

DISCUSSION: FRAMING, MOBILIZATION, AND THE LIMITS OF RIGHTS

As the results above indicate, the rights frames did influence how interviewees responded to including sexual orientation in the state's antidiscrimination policy. Support for the hypotheses is summarized in Table 6. We did not find support for Hypothesis 1, which posited that the equal rights frame would increase support for such a law. We found support for Hypothesis 2, which asserted that the special rights frame would reduce support for an antidiscrimination law. We also found support for Hypothesis 3; the special rights frame had a statistically significant effect in the ambivalent, less decided group but not in the groups that held stronger convictions about same-sex marriage. Interestingly, our analysis suggests that respondents who were against same-sex marriage (Model 4 in Table 5) are more likely to oppose antidiscrimination laws when they are exposed to the equal rights frame than when they are in the control condition. Additionally, the equal rights frame has no statistically significant effect on those who support or hold ambivalent positions about legal recognitions for same-sex couples.

Given our results, we present three potential explanations. First, the equal rights discourse might serve as a proxy for "liberal" or be a core component of liberal identity. That is, the equal rights frame may be a master frame that taps into liberal identity by invoking language and values that span multiple movements, including the civil rights movement and the women's rights movement, in addition to the LGBT rights movement. As a result, those who support same-sex marriage, who are also more likely to identify as liberal, already think about equal rights when they hear a liberal policy position like including sexual orientation in antidiscrimination laws. For these individuals, thus, the equal rights frame has no effect.

Second, rights discourses are constitutive in that they simultaneously serve as resources and constraints for rights movements. They give rights advocacy movements a means of defining collective grievances for mobilization purposes while also influencing how countermovements perceive and respond to calls for social change. Hence, it is reasonable for the equal rights frame to elicit opposition to adding sexual orientation to antidiscrimination policy among those who oppose same-sex marriage and for the special rights discourse to elicit opposition among heterosexual voters and those who are ambivalent about same-sex marriage in Washington State at the same time.

Third, rights discourses are the result of the symbiotic and intertwined mobilization strategizing of rights movements and countermovements—they are part of the interlocked struggle between each movement. As a result, it is possible that those who oppose same-sex marriage are reminded of the perceived threat posed by the LGBT rights movement when they hear the equal rights frame. For this reason, these individuals are more likely to oppose lesbian and gay antidiscrimination policy when confronted with the equal rights frame.

(A) Equal Rights as a Proxy for “Liberal”: Rights Discourse as a Master Frame in the LGBT Rights Movement

Our study provides no support for the contention that the equal rights frame is persuasive among the heterosexual public. While Brewer (2002) demonstrated that this frame continued to influence how the public understood lesbian and gay issues in 2002, today this may no longer be the case for heterosexual voters on at least some issues, like supporting pro-lesbian and gay antidiscrimination policy. We argue that the equal rights frame’s indifferent effect on those who already support the legal recognition of same-sex couples may lend some insight as to why. Many who strongly support lesbian and gay rights identify with the ideological left (Pew Research Religion & Public Life Project 2012). We believe that the longstanding presence of the equal rights frame within liberal ideology may explain why this frame does not have an effect on those who support same-sex marriage.

The equal rights frame has been part of the ideological psyche of those on the political left since at least the 1950s and 1960s, when both African Americans and women adopted it in order to express their grievances and organize support for their social causes in civil rights movement and women’s rights movement activism (Benford and Snow 1993; Richman 2005; Pedriana 2006). As a result, the equal rights frame could currently be so ingrained in liberal identity that it already impacts and guides liberal perceptions of political policies whether or not liberals are aware of it. In other words, for liberals the equal rights frame is linked with their internal ideology and values and, as a result, serves as a proxy for “liberal.” For those who support same-sex marriage, the equal rights frame does not further mobilize them in support of adding sexual orientation to antidiscrimination policy because they are already always thinking about policy through an equal rights/liberal lens regardless of whether or not they are confronted with a rights frame.

(B) Rights as Constitutive: Rights Discourse as a Resource and Constraint for the LGBT Rights Movement

The support for Hypothesis 2 (that the special rights frame will reduce support for including sexual orientation in antidiscrimination law), given the lack of support for Hypothesis 1 (that the equal rights frame will increase support), is likewise quite intriguing. Although the failure of the equal rights frame is different from what was anticipated in Hypothesis 1, the opposition to lesbian and gay antidiscrimination policy that the special rights frame elicits actually supports legal mobilization scholars' research regarding the constitutive nature of rights discourse within social movements.

McCann (1994) asserts that the primary project of legal mobilization is "to analyze the constitutive role of legal rights both as a strategic resource *and as a constraint* for collective efforts to transform or 'reconstitute' relationships among social groups" (7, emphasis added; see also Goldberg-Hiller 2002; Lovell 2012). For McCann and many legal mobilization scholars, the development of a grievance discourse is not limited to rights movement activists, but also encompasses the discursive strategies of countermovement groups. Thus, one would expect rights and counter-rights discourses to have varying persuasive ability depending on context and audience—as the dueling discourses in our survey experiment do.

The special rights discourse appears to be effective in influencing greater opposition to a pro-lesbian and gay policy among some heterosexual voters in Washington State, at least at the moment the survey experiment occurred. In contrast, the equal rights discourse appears both unable to influence public opinion in general and to effect greater opposition to the same policy among certain populations in Washington State. In accordance with the arguments of legal mobilizations scholars, it may be that, because rights discourse is indeterminate and constitutive, the meaning of rights varies greatly depending on context, space, and time. Thus, when considering how to use a rights frame in heterosexual public advocacy, it is crucial for activists to consider the multiplicity of factors that influence the interpretation of rights. That is, advocates should consider carefully the audience and political context through which rights are interpreted when using rights framing.

(C) The Interconnection between Movement and Countermovement Discourse

The final explanation for our results combines the constitutive understanding of rights discussed above with sociolegal scholarship that argues that movement and countermovement advocacy is interconnected rather than merely causally linked. The most intriguing finding in our study is that those who oppose same-sex marriage likewise oppose adding sexual orientation to antidiscrimination policy when confronted with the equal rights frame *to an even greater degree* than when they are confronted with either the special rights frame or no frame at all. It is possible that, for those opposed to same-sex marriage, equal rights occupies the same political space as the special rights frame. Thus, for those who are opposed to same-sex

marriage, hearing the equal rights is a reminder of the opposition and is perceived as a direct threat to their own identity in the political struggle to maintain the dominant social order. Consequently, reminded of a moral and political threat, these individuals respond more negatively to adding sexual orientation to antidiscrimination policy when they hear the equal rights frame than when they hear no frame or the special rights frame alone.

This argument is supported by sociolegal scholarship that finds that there is an interconnected, symbiotic relationship between the strategizing of rights advocacy movements and countermovements. Same-sex marriage, some argue, became a leading LGBT rights issue because of the anticipatory countermobilization conducted by the countermovement when the public and elected officials largely opposed that issue (Dorf and Tarrow 2014; see also Fetner 2008). The LGBT rights movement largely adopted same-sex marriage as a movement issue in response to countermovement mobilization and grassroots pressure to respond to countermovement advocacy. Similarly, the countermovement developed the special rights discourse out of a desire to mobilize supporters and reach out to the broader public in response to LGBT rights movement mobilization. Due to this interconnection between rights advocacy and countermobilization, our findings support the contention that, when using rights frames in advocacy, it is important to recognize that these frames can be assimilated in vastly different ways depending on audience and context.

CONCLUSIONS

Given that the equal rights frame was unable to influence public opinion on antidiscrimination policy within the limited confines of our survey experiment in Washington State, a future study is necessary in order to determine if another, non-rights based frame is better suited for pro-lesbian and gay advocacy on antidiscrimination policy in similar state contexts. The news reports discussed at the beginning of this study argue that pro-lesbian and gay advocates have had more success mobilizing the public around same-sex marriage by using personal narratives and discourse frames that focus on love and commitment. Future research could test this assertion by using a survey experiment, similar to the one conducted in this study, that tests non-rights based framing (e.g., love and commitment frames) and special rights framing in order to determine which framing strategy most resonates with the American public with respect to antidiscrimination policy.

Future research should also explore why the equal rights discourse continues to elicit opposition among some of the heterosexual public and does not have an effect on at least some LGBT rights movement issues. Presumably, the equal rights discourse once resonated with large segments of the American public during the early days of the civil rights movement. However, when the discourse is applied to lesbian and gay antidiscrimination policy in Washington State today, it appears to have the opposite of its intended effect among those opposed to same-sex marriage and no effect at all among the heterosexual population at large. Might this suggest a divergence between LGBT and traditional civil rights movement politics, or is the American public merely oversaturated with the equal rights frame in some contexts?

Is it possible that the equal rights frame's alignment with liberal identity somehow invokes skepticism rather than support among those who oppose same-sex marriage? Future research should delve into these questions in order to understand more fully how rights and non-rights based discourses operate in LGBT politics in contemporary America.

LGBT rights movement leaders now believe that the equal rights frame does not move the average voter on same-sex marriage in at least some contexts (Brydum 2012; Lopez 2012). This study suggests the equal rights frame may now be ineffective on other gay and lesbian issues beyond same-sex marriage in some arenas. While hearing a special rights frame is associated with a lower probability of support for antidiscrimination laws, there is little evidence to suggest that invoking equal rights has a positive effect on support for these laws. What's more unexpected is that exposure to the equal rights frame appears to generate increased opposition among those who are already opposed to some lesbian and gay civil rights. Overall, the survey experiment reported here does indicate that rights discourses have the ability to influence public opinion; however, the impact of discourses differs depending on the audience and context. Given the complexity and unpredictability of our findings, it is our hope that additional research will further uncover the mechanisms of rights framing and the dynamics of other discourses that surround the struggle over lesbian and gay rights.

REFERENCES

- Andersen, Ellen Ann. 2005. *Out of the Closets and into the Courts: Legal Opportunity Structure and Gay Rights Litigation*. Ann Arbor, MI: University of Michigan Press.
- Benford, Robert D., and David A. Snow. 1993. Master Frames and Cycles of Protest. In *Frontiers in Social Movement Theory*, ed. Aldon D. Morris and Carol McClurg Mueller, 133–55. New Haven, CT: Yale University Press.
- . 2000. Framing Processes and Social Movements: An Overview and Assessment. *Annual Review of Sociology* 26:611–39.
- Bernstein, Mary, Anna-Maria Marshall, and Scott Barclay. 2009. The Challenge of Law: Sexual Orientation, Gender Identity, and Social Movements. In *Queer Mobilizations: LGBT Activists Confront the Law*, ed. Scott Barclay, Mary Bernstein, and Anna-Maria Marshall, 1–20. New York: New York University Press.
- Brewer, Paul R. 2002. Framing, Value Words, and Citizens' Explanations of Their Issue Opinions. *Political Communication* 19:303–16.
- . 2003. The Shifting Foundations of Public Opinion and Gay Rights. *Journal of Politics* 65: 1208–20.
- Brydum, Sunnivie. 2012. Poll Discovers How Marriage Won in Washington. *The Advocate*, December 13. <http://www.advocate.com/politics/marriage-equality/2012/12/13/poll-discovers-how-marriage-won-washington> (accessed July 24, 2015).
- Cappella, Joseph N., and Kathleen Hall Jamieson. 1997. *Spiral of Cynicism: The Press and the Public Good*. New York: Oxford University Press.
- Carmines, Edward G., and James A. Stimson. 1989. *Issue Evolution: Race and the Transformation of American Politics*. Princeton, NJ: Princeton University Press.
- Chong, Dennis, and James N. Druckman. 2007. Framing Theory. *Annual Review of Political Science* 10:103–26.

- Craig, Stephen C., Michael D. Martinez, James G. Kane, and Jason Gainous. 2005. Core Values, Value Conflict, and Citizens' Ambivalence about Gay Rights. *Political Research Quarterly* 58: 5–17.
- Dancey, Logan, and Paul Goren. 2010. Party Identification, Issue Attitudes, and the Dynamics of Political Debate. *American Journal of Political Science* 54:686–99.
- Dorf, Michael, and Sidney Tarrow. 2014. Strange Bedfellows: How an Anticipatory Counter-movement Brought Same-Sex Marriage into the Public Arena. *Law & Social Inquiry* 39:449–73.
- Druckman, James N. 2001. The Implications of Framing Effects for Citizen Competence. *Political Behavior* 23 (3): 225–56.
- Dudas, Jeffrey R. 2005. In the Name of Rights: “Special” Rights and the Politics of Resentment in Post-Civil Rights America. *Law & Society Review* 39:723–57.
- Dugan, Kim. 2005. *The Struggle Over Gay, Lesbian, and Bisexual Rights: Facing Off in Cincinnati*. New York: Routledge.
- Dyck Joshua J., and Shanna Pearson-Merkowitz. 2012. The Conspiracy of Silence: Context and Voting on Gay Marriage Ballot Measures. *Political Research Quarterly* 65:745–57.
- Eskridge, William N., Jr. 2002. *Equality Practice: Civil Unions and the Future of Gay Rights*. New York: Routledge.
- Fetner, Tina. 2008. *How the Religious Right Shaped Lesbian and Gay Activism*. Minneapolis, MN: University of Minnesota Press.
- Fisher, Shauna. 2009. It Takes (at Least) Two to Tango: Fighting with Words in the Conflict over Same-Sex Marriage. In *Queer Mobilizations: LGBT Activists Confront the Law*, ed. Scott Barclay, Mary Bernstein, and Anna-Maria Marshall, 231–56. New York: New York University Press.
- Gaines, N. Susan, and James C. Garand. 2010. Morality, Equality, or Locality: Analyzing the Determinants of Support for Same-Sex Marriage. *Political Research Quarterly* 63:553–67.
- Gamson, William A., and David S. Meyer. 1996. Framing Political Opportunity. In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John D. McCarthy, and Mayer N. Zald, 275–90. Cambridge: Cambridge University Press.
- Gamson, William A., and Andre Modigliani. 1987. The Changing Culture of Affirmative Action. *Research in Political Sociology* 3:137–77.
- Garber, Andrew. 2006. Effort to Repeal Gay Rights Law Falls Short. *Seattle Times*, June 6. http://seattletimes.com/html/localnews/2003044061_webref6506.html (accessed August 28, 2014).
- Goffman, Erving. 1974. *Frame Analysis: An Essay on the Organization Experience*. New York: Harper and Row.
- Goldberg-Hiller, Jonathan. 2002. *The Limits to Union: Same-Sex Marriage and the Politics of Civil Rights*. Ann Arbor, MI: University of Michigan Press.
- . 2009. Do Civil Rights Have a Face? Reading the Iconography of Special Rights. In *Queer Mobilizations: LGBT Activists Confront the Law*, ed. Scott Barclay, Mary Bernstein, and Anna-Maria Marshall, 231–56. New York: New York University Press.
- Goldberg-Hiller, Jonathan, and Neal Milner. 2003. Rights as Excess: Understanding the Politics of Special Rights. *Law & Social Inquiry* 28 (4): 1075–1118.
- Hansen, Bettina. 2012. Referendum 74: A Celebration for the History Books. *Seattle Times*, November 7. http://seattletimes.com/html/picturethis/2019631397_ref_74_passes_marriage_celebration_capitolhill.html (accessed August 28, 2014).
- Hatalsky, Lanae Erickson, and Sarah Trumble. 2012. How Marriage Won in Washington State. *Third Way*. <http://www.thirdway.org/publications/623> (accessed August 28, 2014).
- Herman, Didi. 1997. *The Antigay Agenda: Orthodox Vision and the Christian Right*. Chicago: University of Chicago Press.
- Hull, Kathleen E. 2001. The Political Limits of the Rights Frame: The Case of Same-Sex Marriage in Hawaii. *Social Perspectives* 44 (2): 207–32.
- Jones, Robert P., Daniel Cox, and Juhem Navarro-Rivera. 2014. *A Shifting Landscape: A Decade of Change in American Attitudes about Same-Sex Marriage and LGBT Issues*. Public Religion

- Research Institute. http://publicreligion.org/site/wp-content/uploads/2014/02/2014.LGBT_REPORT.pdf (accessed February 8, 2015).
- Keck, Thomas M. 2009. Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights. *Law and Society Review* 43 (1): 151–86.
- Klarman, Michael J. 2004. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. New York: Oxford University Press.
- . 2013. *From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage*. New York: Oxford University Press.
- La Corte, Rachel. 2006. Gregoire Signs Gay-Civil-Rights Bill. *Seattle Times*, February 1. http://seattletimes.com/html/politics/2002775140_gayrights01m.html (accessed August 28, 2014).
- Lippmann, Walter. 1965. *Public Opinion*. New York: Free Press.
- Lopez, Ricardo. 2012. New Tune for Gay Marriage Fight. *Los Angeles Times*, March 4, Main News section, Home edition, A4. <http://articles.latimes.com/2012/mar/04/nation/la-na-gay-marriage-20120304> (accessed August 28, 2014).
- Lovell, George I. 2012. *This Is Not Civil Rights: Discovering Rights Talk in 1939 America*. Chicago: University of Chicago Press.
- McCann, Michael. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- Miceli, Melinda S. 2005. Morality Politics vs. Identity Politics: Framing Processes and Competition among Christian Right and Gay Social Movement Organizations. *Sociological Forum* 20: 589–612.
- Mucciaroni, Gary. 2011. Are Debates about “Morality Policy” Really about Morality? Framing Opposition to Gay and Lesbian Rights. *Policy Studies Journal* 39 (2): 187–216.
- Mulligan, Kenneth. 2013. Variability or Moderation? The Effects of Ambivalence on Political Opinions. *Political Behavior* 35:539–65.
- National LGBTQ Task Force. 2014. *New Name, New Plan for Nation’s Oldest National LGBTQ Advocacy Organization*. October 4, Press release. <http://www.thetaskforce.org/new-name-new-plan-nations-oldest-national-lgbtq-advocacy-organization/> (accessed July 22, 2015).
- Nelson, Thomas E., Rosalee A. Clawson, and Zoe M. Oxley. 1997. Media Framing of a Civil Liberties Conflict and Its Effect on Tolerance. *American Political Science Review* 91:567–83.
- Nelson, Thomas E., and Donald Kinder. 1996. Issue Frames and Group-Centrism in American Public Opinion. *Journal of Politics* 58:1055–78.
- Pedriana, N. 2006. From Protective to Equal Treatment: Legal Framing Processes and Transformations of the Women’s Movement in the 1960s. *American Journal of Sociology* 111:1718–61.
- Pew Research Religion & Public Life Project. 2012. Two-Thirds of Democrats Now Support Gay Marriage. July 31. <http://www.pewforum.org/2012/07/31/2012-opinions-on-for-gay-marriage-unchanged-after-obamas-announcement/> (accessed August 28, 2014).
- Price, Vincent, Lilach Nir, and Joseph N. Cappella. 2005. Framing Public Discussion of Gay Civil Unions. *Public Opinion Quarterly* 69 (2): 179–212.
- Richman, Kimberly D. 2005. (When) Are Rights Wrong? Rights Discourses in Gay and Lesbian Parents’ Custody Cases. *Law & Social Inquiry* 30:137–76.
- Rosenberg, Gerald N. 2008. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.
- Rosenblum, Darren. 2009. Queer Legal Victories: Intersectionality Revisited. In *Queer Mobilizations: LGBT Activists Confront the Law*, ed. Scott Barclay, Mary Bernstein, and Anna-Maria Marshall, 38–51. New York: New York University Press.
- Schachter, Jane. 2009. Courts and the Politics of Backlash: Marriage Equality Litigation, Then and Now. *Southern California Law Review* 82:1153–1224.
- Solomon, Marc. 2014. *Winning Marriage: The Inside Story of How Same-Sex Couples Took in Politicians and Pundits and Won*. Lebanon, NH: University Press of New England.
- Stone, Amy L. 2012. *Gay Rights at the Ballot Box*. Minneapolis, MN: University of Minnesota Press.
- Turnbull, Lornet, Janet I. Tu, and Susan Kelleher. 2009. “Everything but Marriage” Backers Smelling Victory. *Seattle Times*, November 3. http://seattletimes.com/html/localnews/2010196421_elexref7104m.html (accessed August 26, 2014).

- Webley, Kayla. 2013. A State Divided: As Washington Becomes More Liberal, Republicans Push Back. *Time*, January 15. <http://nation.time.com/2013/01/15/a-state-divided-as-washington-becomes-more-liberal-republicans-push-back/> (accessed August 26, 2014).
- Williams, Rhys H. 2004. The Cultural Contexts of Collective Action: Constraints, Opportunities, and the Symbolic Life of Social Movements. In *The Blackwell Companion to Social Movements*, ed. David A. Snow, Sarah A. Soule, and Hanspeter Kriesi, 91–115. Malden, MA: Blackwell.
- Wofford, Carrie. 2014. Why Equality Is Winning. *U.S. News & World Report*, March 26. <http://www.usnews.com/opinion/blogs/carrie-wofford/2014/03/26/how-did-public-opinion-on-gay-marriage-shift-so-quickly> (accessed August 28, 2014).
- Zald, Meyer N. 1996. Culture, Ideology, and Strategic Framing. In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John D. McCarthy, and Mayer N. Zald, 261–274. Cambridge: Cambridge University Press.
- Zaller, John. 1992. *The Nature and Origins of Mass Opinion*. Cambridge: Cambridge University Press.
- Zemans, Frances Khan. 1983. Legal Mobilization: The Neglected Role of Law in the Political System. *American Political Science Review* 77:690–703.

CASE CITED

Obergefell v. Hodges, 135 S. Ct. 2584 (2015).

STATUTES CITED

2012 Wash. Laws 6239.
 2009 Wash. Laws 5688.
 2006 Wash. Laws 2661.