Exploring the Relationship between Media Influence and Policy Output: A State Comparative Study

Stephanie Savas Joannou Menefee
Old Dominion University, ssjmenefee@gmail.com

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EXPLORING THE RELATIONSHIP BETWEEN MEDIA INFLUENCE AND POLICY OUTPUT: A STATE COMPARATIVE STUDY

by

Stephanie Savas Joannou Menefee
B.S. December 2003, Old Dominion University
M.P.A. August 2010, Old Dominion University

A Dissertation Submitted to the Faculty of Old Dominion University in Partial Fulfillment of the Requirements for the Degree of

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Approved by:

Meagan M. Jordan (Director)
Berhanu Mengistu (Member)
Tancy Vandecar-Burdin (Member)
Katrina Miller-Stevens (Member)
ABSTRACT

EXPLORING THE RELATIONSHIP BETWEEN MEDIA INFLUENCE AND POLICY OUTPUT: A STATE COMPARATIVE STUDY

Stephanie Savas Joannou Menefee
Old Dominion University, 2017
Director: Dr. Meagan M. Jordan

Through the years, various forms of media have become political institutions able to influence the public policy agenda. Analyzing policy helps to promote a better understanding of how the policy process works, how problems appear on the political agenda, and why governments choose to act or not to act on particular policy problems. This research utilizes Baumgartner and Jones’s (1993) Theory of Punctuated Equilibrium (PET) to examine the ways in which media attention influenced public policy on marijuana in the states of Kentucky, Massachusetts, and Vermont between 1996 and 2016.

Using qualitative research methods, the researcher conducted an exploratory, comparative case study of the states of Kentucky, Massachusetts, and Vermont to find whether disproportionate attention, changes in policy image, and changes in policy output affected marijuana legislation. Data sources were archival, gathered from Newsbank and from the websites of Kentucky, Massachusetts, and Vermont state legislatures. A total of 4,244 sources were collected for in-depth content analysis.

The results of the study provide evidence to support the applicability of the PET model to the understanding of state-level marijuana policy change and the role of the media in this process. The stability of prohibitive legislation related to marijuana spanning multiple decades contrasts with the sharp increase in legislative activity
regarding decriminalization, medicinal legalization, and recreational legalization which occurred to varying degrees in the three states examined during the 20-year study period.
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This dissertation is dedicated to my father:
Thank you for teaching me that excellence is not an act, but a habit.
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As I am now and have always been unconventional in my ways, this acknowledgement does not at all follow the usual dissertation acknowledgement template. While I will always be eternally grateful for the time and energy everyone on my committee put into both this dissertation and its author, I must first take a moment to thank my long time mentor, friend, and soon to be colleague, Dr. Berhanu Mengistu. I met Dr. Berhanu as a Master’s student, and within one semester, he forever changed the way I view the world and my place in it. I am a better person for meeting him, and am thankful every day for his presence in my life. Dr. Berhanu, you have saved me many times – and this time is no exception. Thank you for being my mentor, my friend, and most importantly, my family.

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CHAPTER 1
INTRODUCTION

Background

In 1930, the Federal Bureau of Narcotics (FBN) was established within the United States Department of the Treasury. At its head was Harry Anslinger – a man who believed marijuana caused insanity. In 1933, William Randolph Hearst launched a full-scale campaign against marijuana using news media as the vehicle for delivery. Hearst’s main interest was eliminating competition from the hemp industry, since he had a steep financial stake in the lumber and paper industries. Together, these two men were successful in bringing marijuana to the public eye as a danger that was necessary to quell. While the Marijuana Tax Act of 1937 was the first to make possession and transfer of marijuana across the United States illegal, it was not until the Nixon administration that the federal government began to pass criminal statutes to regulate marijuana, rendering its use for medicinal purposes also illegal (Houser & Rosacker, 2014).

In the 1960s, as views on marijuana began to change, more scientific inquiry went into the substance, finding that marijuana should not be in the same class as cocaine and heroin on any level, especially not medicinally (Abadinsky, 2010). However, a combination of the article on marijuana in Life magazine’s issue published Halloween of 1969 highlighting the story of a young, successful, white man being jailed for 20 years for possession of three pounds of marijuana and the arrest of Robert Kennedy, Jr. and R. Sargent Shriver, III for possession of marijuana made waves with the public. As a result of these events that were all highlighted by the media, legislators were pressured by constituents to reconsider both state and federal penalties for marijuana (Abadinsky, 2010).
The Comprehensive Drug Abuse Prevention and Control Act of 1970 criminalized drug-related activities and placed marijuana as a Schedule I narcotic, along with Heroin, LSD, Ecstasy, Peyote, MDMA, GHB, Psilocybin, Quaaludes, Khat, and Bath Salts, meaning that the Drug Enforcement Agency had defined marijuana and the other drugs on the list as drugs with no apparent medical use and a high abuse potential with potentially severe psychological or physical dependence (Drug Enforcement Administration, 2016).

In July of 1973, President Nixon created the Drug Enforcement Administration (DEA) to “establish a single unified command to combat ‘an all out global war on the drug menace’” (U.S. Department of Justice, 2016, p. 1). When it began, the DEA had a $65 million budget and 1,305 special agents. Today the DEA has a $2.882 billion budget and over 5,200 special agents (U.S. Department of Justice, 2016).

Since 1973, the federal government has arrested over 20 million Americans, jailed over 40,000, and spent billions of dollars on eradication and enforcement of marijuana (Gieringer, 2011). Meanwhile, states have been decriminalizing and permitting marijuana use for medicinal purposes. Some states consider legal medicinal marijuana a prescription drug that requires a recommendation from a licensed physician (Khatapoush & Hallfors, 2004). Marijuana decriminalization means that while marijuana is still illegal, states will not prosecute for possession under an amount specified by state policy. In states that have decriminalized marijuana, the penalty usually involves a fine and does not go on an individual’s criminal record (Milivojevic et al., 2012). If a state has legalized marijuana for recreational use, then any individual is entitled to possess and use up to the amount specified by that state’s policy.

In 1973, Oregon was the first to decriminalize marijuana and issue tickets for possession of small amounts. In Oregon that amount was one ounce and the fine was between $500 and
$1000. (Blumenauer & Polis, 2012). Since then, 20 states have decriminalized the use of marijuana, and 28 states and the District of Columbia have legalized the use of marijuana for medicinal purposes. While the legalization debate remains a constitutional one, the purpose of this study is to delve into the factors that make one state more likely to legalize marijuana, whether medicinally or recreationally, than another. To achieve meaningful results, a qualitative analysis was performed, focusing on media attention as a driver of policy change. This was done by performing a comparative case study on how local news media helped to influence change in marijuana policy between January 1, 1996 and January 1, 2016 in the states of Kentucky, whose inhabitants have not yet legalized medicinal marijuana, Massachusetts, whose voters made medicinal marijuana legal in 2012 and recreational marijuana legal in 2016, and Vermont, whose policy makers made medicinal marijuana legal in 2004. The time period of 20 years was chosen because it follows in line with the time period suggested by Baumgartner and Jones (1993) as most effective in measuring spikes in policy attention. Agenda setting was chosen as a framework for this exploration because it helps explain how the local news media portray marijuana in the three states under examination.

Through the years, various forms of media have become political institutions. When American newspapers first appeared, they were informative, entertaining, and mostly nonpartisan. However, in the late 1800s, with the establishment of yellow journalism, the media were able to begin influencing the public policy agenda. Yellow journalism is the sensationalizing of news stories exploding with crime and corruption (Campbell et al., 2001). As mentioned above, William Randolph Hearst was one of the first to sensationalize the news across a chain of almost 30 newspapers distributed in large American cities. A politically left-wing progressive, Hearst exercised sole control over the political news published in his papers. While
other papers also published content along the same lines, Hearst did so in such a dramatic style that his words had great influence over his readers (Bonnie & Whitebread, 1979).

Newspaper columnist Walter Lippmann (1922) was the first to shed light on the power of the mass media and their ability to influence the public agenda. Building on Lippmann’s idea, Cohen (1963) noted “The press may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about” (p. 13). Building on Cohen’s work, McCombs and Shaw (1972) developed the version of agenda setting theory used in this exploration while researching the role of the mass media in influencing public opinion. In short, the theory indicates that media have power over public opinion. McCombs (2004) posited:

Through their day-by-day selection and display of the news, editors and news directors focus our attention [on] and influence our perceptions of what are the most important issues of the day. This ability to influence the salience of topics on the public agenda has come to be called the agenda-setting role of the news media. (p. 1)

Salience derives from where the news media place the story, how much space and time they devote to the topic, and how frequently the news outlets publish the story. McCombs (2004) noted that the first step to formulating public opinion is establishing salience among the public. Additionally, Kiousis (2004) noted, “Beyond placement and position, the presence of a story in a prestigious news source is another signal of prominence that relays salience cues to audiences” (p. 74).

Hearst is but one example of the influence media has over politics. One could posit that a policy agenda set by a select few can be a detriment to the many. Beyond the fact that media portrayal of events may not take place in real time or even proportionately to the magnitude of
the issue, the basis of this type of agenda setting is often hot topics and value-laden events (e.g., abortion, gun control, and drugs) and it could come at the exclusion of other issues that are actually time sensitive. One such example is the prohibition of marijuana through yellow journalism (Abadinsky, 2010; Bonnie & Whitebread, 1970, Bonnie & Whitebread 1974).

Problem Statement

Marijuana has become increasingly popular since its prohibition in the early 1900’s, and the popularity of state enacted marijuana policies are growing, despite the fact that marijuana is illegal at the federal level (21 U.S.C. § 811). The general problem is that while extant research exists highlighting the effects of marijuana and its illegality at the federal level (Ashton, 2001; Blaszczyk-Boxe, 2014; Bonnie & Whitebread, 1979; Borgelt, 2013; Bostwick, 2012; Harris, 2000; Pacula, 2014; Pope & Yurgelun-Todd, 1996; Volkow, 2014), little time has been spent researching why states are breaking away from the federal mandate prohibiting the use of marijuana for any reason.

While the legalization debate remains a constitutional one, factors that make one state more likely to legalize marijuana, whether medicinally or recreationally, than another are unknown. One possible factor that could affect a state’s likelihood to legalize marijuana is media attention. Existing studies have examined variables such as how much attention policy makers are giving a particular issue, how concerned citizens are about that issue, and how the media are framing that issue (Baumgartner & Jones, 1993; McCombs, 2004; Wolfe, 2012) – but, to date, there is scant research on the connection between the media agenda and policy output. The media agenda is defined as the specific way the news media communicates to the public the “relative importance of various political issues by extending differential coverage priorities to them” (Liebert & Schwartzberg, 1977, p. 152).
Marijuana is a topic around which policy is currently changing, and there has been no shortage of media attention on the subject. However, no state comparative study on how media attention affects policy-setting agenda in relation to marijuana exists. This is the specific problem of interest for the current study. It is deemed that a successful completion of this study will lead to replication within and across topics.

Generally, analyzing policy helps to promote a better understanding of how the policy process works, how problems appear on the political agenda, and why governments choose to act or not to act on particular policy problems. Recent policy is isolating marijuana, when in the past, specifically within federal policy, regulators have lumped marijuana together with other drugs. Additionally, studies that do explore politics and the media often fail to integrate the two phenomena successfully (Wolfe, Jones, & Baumgartner, 2013). The results of this study will produce a simple, linear model, tracing the evolution of policy output starting with the media, continuing through the agenda-setting phase, and finally making it to the legislative calendar.

Purpose of Study

The purpose of the study is to examine, using punctuated equilibrium theory (PET) as a guide, the ways media attention influenced public policy surrounding the marijuana issue in the states of Kentucky, Massachusetts, and Vermont. The ideal setting for this study is that which surrounds a current hot-button policy issue – marijuana. Marijuana is a term used to describe the ingestible buds and leaves of the *cannabis sativa* plant (Danovitch, 2012). These three states are chosen for specific reasons. One that has not legalized marijuana and has laws in place prohibiting its sale and consumption (Kentucky), one that has legalized both medicinal marijuana and recreational marijuana (Massachusetts), and one that has legalized medicinal marijuana only (Vermont).
With its prohibition in the early 1900s, marijuana was classified as a Schedule I substance along with drugs like heroin, LSD, and Ecstasy. A Schedule I drug is considered one to be prone to abuse and dependence (Drug Enforcement Administration, 2016). When states began to decriminalize small amounts of marijuana (generally 28 to 30 grams or less), and especially in 1996 with the passage of the Compassionate Use Act in California allowing marijuana to be used for medicinal purposes, states began to separate marijuana from other drugs under the Schedule I classification, but only on the state level as it is still illegal for all purposes on the federal level.

On April 29, 1911, Massachusetts passed a statute making it illegal to possess marijuana without a prescription. The primary aim of the statute was to curb abuse of hypnotic narcotics such as opium and morphine. Legislators only added marijuana to the bill because Progressive Era reformers hoped it would prevent abuse of the substance in the future (Gieringer, 2011). After the first anti-drug law passed in Massachusetts in 1911, other states soon followed: California, Maine, Indiana, and Wyoming in 1913, shadowed by 25 more states by 1937, when Congress enacted the first federal prohibition law. Since 1911, marijuana consumption has grown from a small few to tens of millions of Americans, and in recent years, public support for relegalizing marijuana has increased, reaching majorities between the West Coast and New England (Gieringer, 2011).

**Theoretical Framework**

Many policy scholars are interested in following the evolution of public policy, distinguishing from periods of stability to points of sudden change. While policymaking models typically focus on incrementalism and periods of negative feedback (Baumgartner & Jones, 1993), this dissertation focuses on Baumgartner and Jones’s (1993) theory of Punctuated
Equilibrium (PET). In short, PET explains extended periods of policy stability followed by short periods of change (Baumgartner & Jones, 1993; True et. al., 1999; Jones and Baumgartner, 2005). This study in particular revolves around the period of stability seen in state-level marijuana policy and the sudden shift in that policy beginning in 1996 with the legalization of marijuana for medicinal use in California.

Baumgartner and Jones’s (1993) theory of Punctuated Equilibrium (PET) states that public policy is a “relatively stable, purposive course of action followed by an actor or a set of actors in dealing with a problem of a matter of concern” (Anderson, 2003, p. 2). One way to ensure that policy stays current is to analyze the process by which political actors make and sustain policy (Burch, 1999). While policy takes on various forms at the federal, state, local, and organizational levels, the level of analysis addressed here will be the policy of state-level actors in the interest of state-level constituents.

At its most basic level, public policy is a course of action taken by government officials in response to public problems (Cairney, 2013). Policy can be both a process (the steps people take in deciding to act or not) and a product (the delivery of policy from governmental entities to the public) (Cairney, 2013). In this exploration, the focus is public policy as a process, regarding that process as a governmental decision resulting from goals and objectives set forth by the American constituency. While many levels of government and organizations craft public policy, this exploration focuses only on state-level policy enacted by state legislatures.

Researchers such as Birkland (2005) and Noel (2010) have noted the existence of inconclusive evidence on what exactly influences policy. While research exists defining the role of experts in the policy process, there is very little research outlining the role of nonexperts in the policy process. Thus, the purpose of this dissertation was to highlight the influence nonexperts
have over the policy process – specifically the news media. One reason for choosing to analyze
the media over an extended period is because public policy is the result of actions or patterns of
actions taken over time (Anderson, 2003).

In the field of public administration, descriptions of policy often involve rational choice,
power structures, networking groups, and socioeconomic influences (John, 2003). While these
frameworks contribute to the spread of ideas, they are also smaller pieces of the larger policy
change picture. Using a theory of evolution that explains change over time is a more
comprehensive method of analysis. Originally a biological concept, evolution here refers to the
process by which dominant genes change over time (Gould, 1972). In essence, evolution ensues
when a mutation occurs in the dominant gene and reproduces until it, in turn, becomes the
dominant gene. Policy change can function in the same way when a dominant policy changes,
either over time or suddenly, to reflect a new course of legal action.

Theorists such as Anderson (2003), Birkland (2005), Choi et al. (2005), Ritter (2011),
and Weible et al (2012) asserted that the policy process is complex, is political, and lacks a
single theoretical foundation. Because there is no one best approach to analyzing the policy
process (Nowlin, 2011; Weible et al., 2012) the theory of punctuated equilibrium (PET) is
utilized to guide this exploration. Also considered were the institutional analysis and
developmental framework, multiple streams, the advocacy coalition framework, policy diffusion
and innovation, social construction, and policy design, but none provided the same opportunity
to study in depth and across time as PET. Further, PET is the only theory that best allows for
measuring and explaining periods of policy stability disrupted by strong, penetrating periods of
instability followed by policy transformation (Baumgartner & Jones, 1993; Cairney, 2013).
The most common explanation for policy evolution is incremental change, as described by Charles Lindbloom (1959). In this light, the complexity of decision-making surrounding policy allows for legislators to change only one aspect of a policy at a time. Thus, a policy must land on the agenda time and time again – each time changing a small amount, eventually leading to a major reform. An exploration of marijuana policy over the last 20 years will likely show that this policy has not followed the incremental theory of change. Incrementalism has been challenged by researchers such as Jones and Baumgartner (2005), Padgett (1980, 1981), Hayes (1992), Wanat (1974), Schick (1998), and Gist (1982). Over the course of their research, the creators of PET, Jones and Baumgartner (2005), have noted that the main failure for incrementalism is that there exists no underlying theory of information processing. Jones and Baumgartner (2005) satisfied this limitation in the research by bridging the gap between incrementalism and PET via disproportionate information processing (later referred to as disproportionate attention), which is the foundation of PET and is discussed below in detail.

While many may see changes in opinion over the marijuana legalization debate as incremental, others could assert that policy did not reflect those changes until there was a catalyst present that caused punctuation in the policy. In other words, it could be posited that policy concerning marijuana did not change until either large-scale events or continuous coverage by outside influences (media, interest groups, etc.) brought enough attention to the marijuana debate. Marijuana policy change fits the model of PET put forward by Jones and Baumgartner (1993) because PET explains policy evolution by showing how a policy issue resists change and attracts little attention until a focusing event serves as a catalyst, drawing attention to a new policy alternative (True, Jones, & Baumgartner, 1999). The extant research surrounding the early days of marijuana prohibition suggests newspaper mogul William Randolph Hearst as
responsible for portraying marijuana in such a negative light that it affected legislation on the substance (Abadinsky, 2010; Bonnie & Whitebread, 1970, Bonnie & Whitebread 1974). Further research spanning the last 90 years suggests that marijuana policy in particular has followed the method of policy evolution put forward by Jones and Baumgartner (1993). Additionally, analysis of the current research, using a dataset comprised of news articles and legislative activity from the past twenty years, will further illustrate Jones and Baumgartner’s (1993) model of PET, adding value to its contribution to the field of Public Administration.

**Punctuated Equilibrium.** The literature suggests that disproportionate information processing is one major reason for punctuation in policy (John & Jennings, 2010; Jones, 2005; Jones & Baumgartner, 1993; Mortensen, 2009). Disproportionate information processing is rooted in bounded rationality, meaning that legislators cannot comprehend a holistic view of any one single policy issue. Rather, they can only process a few issues at a time, leading to a heightened sense of urgency to act when an issue comes to the policy agenda. Conversely, when a policy issue is not in the forefront, legislators tend to ignore, or under-react, to that issue. Both of these situations together point to punctuated change and incremental change.

In the PET model, policy networks and monopolies that control policy resources reinforce policies. Policy resources refer to the assets that management of an enterprise or institution can access. These assets can be financial resources, material resources, and services. These resources are used to produce benefit and can be naturally used up and become eventually unavailable (True et al., 1999). A policy network is made up of agencies and individuals who have dominance in that given policy area (True et al., 1999). When a catalytic event causes punctuation, a new equilibrium forms and a new policy monopoly supports the new policy. For example, when marijuana legislation first made an appearance on the policy agenda, it was
because of often “unfounded accounts of marijuana’s dangers as presented in what little newspaper coverage the drug received” (Bonnie & Whitebread, 1970, p. 1021).

Bonnie and Whitebread’s (1970) article on the legal history of marijuana prohibition suggests that marijuana policy at the federal level may exhibit PET-like patterns. While Bonnie and Whitebread were writing more than twenty years before PET entered the world of public policy, their findings lend themselves well to the discussion, mainly because these researchers have continuously found that something major has to happen for marijuana policy to change. Additionally, while Bonnie and Whitebread mainly focused their research on federal-level studies, their findings will likely translate easily to both state-level studies and the PET scholarship as well. The aim of this research is to show how media attention, a catalytic event, affects the changes in public policy regarding marijuana. To this end, archival research shows the change in policy trends and identifies the punctuation that leads to marijuana policy change. Additionally, this research is a starting point for future research surrounding state-level marijuana policy. While there are numerous studies, journal articles, books, and dissertations in print focusing on federal-level marijuana policy (Belenko, 2000; Bonnie & Whitebread, 1979; Pickerill & Chen, 2008; Single, 1989; Zeese, 1999), there is scant research on state-level policy (Kamin, 2012; Khatapoush, 2004; McGuire, 1997), and even less comparative research (Cerda, et al, 2011; Cruz, 2016). This exploration may be the foundation on which other state studies build.

**The Media, Agenda Setting, and Issue Framing.** For this study, one portion of mass media was examined – print media, specifically news media – over a period of 20 years (from January 1, 1996 to January 1, 2016). Researchers such as Christie (1998), Noto, Pinsky, and Mastroianni (2006), Gelders et al. (2009), and Lancaster, Hughes, Spicer, Matthew-Simmons,
and Dillon (2010) noted that print media heavily influence public opinion, and therefore public policy regarding drugs. Additionally, Mastroianni and Noto (2008) noted that agenda setting theory is the best way to illustrate how the media play this role by reinforcing concepts and generate saliency of issues with the public. While producers of print media cannot alone define public opinion, they can select content that elicits discussion among the public.

Understanding of risk … relating to drug use … develops through social practices but also through the ever changing way risk is presented to audiences through media content… Those who have little contact with illicit drugs and illicit drug users tend to shape their perception of risk and their behavior around prominent portrayals in the media. (Lancaster et al., 2010, p. 399)

Researchers such as Fan (1996), Stryker (2003), and Vickovic (2011) have done extensive research on media coverage of marijuana and other drugs. Most applicable to the current study are Fan’s findings that media coverage of illicit drugs contributed to an over 50% rise in public perception of drugs being an important American policy problem.

The following two theories receive wide use in media studies and are paramount to this research: agenda setting theory and issue framing. These two theories have been highlighted many times in pre- and early PET literature in studies done by researchers such as Baumgartner and Jones (1993), Laswell (1951), McCombs and Shaw (1972), Dearing and Rogers (1996), Sinclair (1986), and Schattschneider (1960). Agenda setting theory focuses on the media’s role in public opinion and the resultant policy change (Dearing & Rogers, 1996; McCombs & Shaw, 1972). Framing focuses on the way publishers, in this case, the media, organizes and distributes information to the public (Reese, 2001).
According to Dearing and Rogers (1996), agenda setting has three components: media agenda, public agenda, and policy agenda. Content analysis of news stories, which measure the relative salience/importance of issues, typically reveals what is on the media agenda (Dearing & Rogers, 1996; Weaver, McCombs & Shaw, 2004), while surveys typically measure what is on the public agenda. The rules and regulations legislators make or revise to address a specific issue typically indicate the policy agenda. The media agenda, the public agenda, or both typically highlight these issues (Dearing & Rogers, 1996). McCombs and Shaw (1972) used agenda setting to study the role of mass media in the 1968 presidential campaign in Chapel Hill, North Carolina. The purpose of the study was to see if what mattered to Chapel Hill voters matched what the news media were saying about the election, and the researchers found that there was indeed a connection between media messages and voter preference.

According to Eriksson and Noreen (2002), framing an issue expands a conflict by garnering support from groups previously silent toward a specific problem. Issue framing or reframing is one potential mechanism for those promoting changes to current policy to gain support toward transforming a previously disregarded alternative into one of high importance. According to Stone (1989), policy alternatives can be introduced as new definitions of old problems. Typically, a causal story or issue frame is needed to place a new issue on the policy agenda. This story makes the problem seem overly important to solve with haste, attaches social values to the problem, highlights victims in the problem, and points to the preference of the majority as the solution that is the best possible alternative (Cobb & Ross, 1997; Stone, 1989; 1997).
Research Questions

Baumgartner, Jones, and True (2006) noted that when enough people mobilize behind an issue to make the issue stand out as important, policy makers are more apt to pay attention and act on that issue. If the media can establish salience surrounding an issue, the issue is more likely to garner disproportionate attention from legislative bodies and be placed on agenda over other issues. The objective is to analyze news stories for meaning, and to see how these meanings influence attention. The goal is to examine the relationship between the policy output to the values of news media moguls and/or a collective motivation by the public to change policy. The overarching research question is: How does media attention influence state-level marijuana legislation? Using punctuated equilibrium theory (PET) as a guide, in what ways has media attention influenced public policy on marijuana in the states of Kentucky, Massachusetts, and Vermont? The researcher examined whether disproportionate attention, changes in policy image, and changes in policy output may have affected marijuana legislation. If so, whether marijuana policy follows the PET model for disruption and instability of policy preceded by a period of policy stability was determined. Three sub-questions are explored:

RQ1a. Can media accounts demonstrate disproportionate attention?

RQ1b. Can examining the content of state-level legislation and committees demonstrate disproportionate attention?

RQ1c. Can policy output be attributed to media attention and disproportionate legislative information processing?

Methodology

According to Denzin and Lincoln (2005), “Qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their
natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them” (p. 3). This particular study is a hermeneutical one, which means that the researcher will “try to understand the meaning of the text as interaction between the preconceptions of the reader and the intentions of the text producer” (Mayring, 2014). Further, qualitative researchers often use an inductive, or “bottom up” approach to research (Hays & Singh, 2012). Using this type of analysis means that rather than testing hypotheses, researchers allow the data to help them understand the phenomenon in question. As the research evolves, patterns and themes emerge and a phenomenon is better grasped. As Agar (2006) posits in his exploration of qualitative epistemology: “Inductive logic [is] the way to see how well new material fit[s] the available concepts” (p. 10). Additionally, as Krippendorff (1980) notes, “How categories are defined… is an art” (p. 76). The content analysis portion of this research will be modeled after Schulte’s (2006) study using media sources to explore greenhouse gas rules in California. Schulte’s (2006) study is modeled after Krippendorff’s guide to content analysis because the codes translate well to both the news articles and legislation being analyzed in the current study.

Scholars such as Lijphart (1971), Eckstein (1975), George (1979), George and Bennett (2005), Hays and Singh (2012), and Yin (1994) argue in support of using case studies to structure, develop, and test theories. In this research, a case study is utilized because the researcher seeks to answer a “how” question, control over the phenomenon is limited, and the phenomenon can be studied in its natural context (Hays & Singh, 2012). This exploration utilizes a hermeneutical comparative case study to examine the progression of marijuana policy between January 1, 1996 and January 1, 2016 in the states of Kentucky, Massachusetts, and Vermont.
According to Back and Dumont (2004) research that involves rigorous study provides a better understanding of variables and allows better identification of causal mechanisms that are integral to outcomes. In this exploration the outcome is marijuana policy output. To this end, local and state news and state legislative documents on the phenomena of interest (marijuana) have been collected from Kentucky, Massachusetts, and Vermont. All data was obtained online via NewsBank and from the legislative websites of Kentucky, Massachusetts, and Vermont.

**Significance of Study**

One might agree that stories are used to craft meaning, that stories are used as forms of communication, and that stories could have a transformative impact on those who are listening. How and if the power of a story contributes to political transformation, or policy-making is gauged in this exploration. This study contributes to the literature, in that it will continue to add to prior studies examining if and to what extent media attention affects public policy. Ultimately, the insights gathered from the results of this study may contribute to the change in how matters of public interest are covered in the news.

Additionally, Givel (2010) notes that those public policy studies that have focused on tone alone typically uphold punctuated equilibrium, where studies focusing solely on policy output contradict Jones and Baumgartner’s theory. Because this study is focused both on tone and policy output, the results will offer a more robust contribution to the overall body of PET literature.

**Limitations**

Limitations are considered outside forces or circumstances that arise which are out of the researchers control (Bloomberg & Volpe, 2012). There are limitations to this study. One limitation of the study is that due to time constraints the researcher focuses only on print media.
as a possible source of policy punctuation. A second limitation is that the findings will be based on the gathering and analysis of archival data by the researcher, and are limited to what can be retrieved by the researcher.

**Delimitations**

Delimitations are conscious boundaries set by the researcher in order to make the study possible (Bloomberg & Volpe, 2012). There are delimitations in this study. Most delimitations cannot be mitigated because they have a boundary. This investigation of the effect of media on marijuana policy is delimited to the United States of America, particularly the three states of Kentucky, Massachusetts, and Vermont. The representation will not include other states or countries, due to time constraints. Furthermore, the data sources analyzed in this study are from printed news sources only, and confined to the years between 1996 and 2016. As such, some of the articles examined are past the date of legislation, meaning that some articles examined in this study are from after the legislation was passed in a particular state. The reasoning behind examining articles past the date of legislation is that legislation has the potential to constantly change. The debate does not stop merely because a law was passed. For example, if a state were to pass a law legalizing marijuana use for recreational purposes, that law could be changed or even repealed in the future. Including articles past the date of legislation allows for a thorough analysis of how the news media’s continued coverage of the new law may or may not affect whether or not the law is changed over the years. Thus, articles spanning the entire twenty years of the study will be analyzed for content.

**Subsequent Chapters**

In the following chapters, the extant literature surrounding marijuana on the federal level, and in the states of Kentucky, Massachusetts, and Vermont is comprehensively examined. The
literature review begins with an overview of the American federal system, a discussion of PET, and a discussion of how the media frames issues – more specifically, how those issues develop into the policy agenda. Following the media discussion, the history of marijuana on the federal level as well as in the states of Kentucky, Massachusetts, and Vermont is explored. Then, a thorough description of the qualitative methods used is given, followed by an in-depth content analysis of newspaper articles concerning marijuana legalization in the states of Kentucky, Massachusetts, and Vermont, along with an in-depth content analysis of the legislative bills all three states introduced between January 1, 1996 and January 1, 2016. These years were chosen because they cover the period from when California adopted the first medical marijuana policy to the present day. Finally, the paper ends with future directions and conclusion. Wolfe et al. (2013) noted that there is a policy disconnect in studies that use agenda setting to connect the media and policy change. Specifically, scholars are failing to link the media to policy output, policy change, and agenda change. Overall, the aim is to create the simple, linear model that Wolfe et al. (2013) noted is missing from the current body of literature.
CHAPTER 2

THE LITERATURE

The following chapter will provide an account of the existing literature pertaining to the effects of media coverage on state-level marijuana legislation. This review will investigate the literature, provide a concise background as to how it has developed, and finally, address the remaining gap in the scientific literature. Thus, there is currently a need for additional research on this topic. The strategy of reviewing pertinent literature on the study revolved around providing an overall context for the concepts that the research seeks to explain.

The Evolution of the Marijuana Problem

Marijuana is an ageless substance. People have used it industrially, as treatment for numerous ailments, for religious purposes, and also as an intoxicant (Ben Amar, 2006; Bonnie & Whitebread, 1974; Marshall, 2005). Originating in Mexico, the term marijuana is well known in the United States (Abel, 1980; Bonnie & Whitebread, 1974; Marshall, 2005; Polsky, 1969; Sloman, 1979; Walton, 1938). Although numerous other terms exist to describe the substance (including, but not limited to, cannabis, reefers, ganja, pot, weed, and marhuana), for the purposes of this research, marijuana is the only term used to describe the substance.

Americans use the term marijuana to refer to the buds and leaves of the cannabis sativa plant (Danovitch, 2012). While some smoke the buds and leaves, others ingest products made with its oils, and still others use topical products made from the sum of its parts. While most consider marijuana a drug, it is in actuality a vegetal substance containing more than 460 chemicals, over 60 of which are unique cannabinoids (Ben Amar, 2006; Julien, Advokat, & Comaty, 2008). Naturally occurring in the immune and nervous systems of animals, cannabinoids bind to receptors and have structural relationships to THC, the psychoactive
ingredient in marijuana (Ben Amar, 2006; Lambert & Fowler, 2005). Most individuals use marijuana by smoking the dried leaves of the plant, crushing and rolling them into marijuana cigarettes or placing them in water pipes (Hall & Degenhardt, 2003). However, more recently, the popularity of consuming marijuana in food and drink has grown. The term marijuana is used here to refer to all of the possible ways to ingest or otherwise use the plant, with the exception of hemp, which comes from the fiber of the plant.

The first written evidence of the use of marijuana dates back thousands of years to China where it was used medicinally, and described as a “liberator of sin” in 2737 BC (Aldrich, 1971; Marshall, 2005). At this time, the Chinese emperor Shen Neng documented marijuana as a successful treatment for such illnesses as rheumatism, malaria, and gout (Marshall, 2005). Since then, medicinal marijuana use has also occurred in India, Japan, Southeast Asia, the Middle East, and Africa (Abel, 1980). The Spanish slave trade was likely the first to transport the drug from Africa to South America (Abel, 1976; Aldrich, 1971; Bonnie & Whitebread, 1974; Grinspoon & Bakalar, 1993; Hermes & Galperin, 1992; Weisheit, 1992).

Historically, the medicinal use of marijuana has been as a pain reliever for a vast array of ailments, including – but not limited to – arthritis, glaucoma, menstrual cramps, cancer, multiple sclerosis, AIDS, and insomnia. In 1842, Irish surgeon William O’Shaughnessy introduced marijuana to Western medicine (Koch, 1999). Subsequent researchers found more uses for marijuana, especially in Africa, China, and India. They found marijuana use can aid alleviate problems in childbirth, fatigue, absentmindedness, venereal diseases, snake bites, and many more (Abel, 1980; Grinspoon & Bakalar, 1993; Weisheit, 1992). Some say that Mexican migrant workers first brought marijuana to American soil in the early 1900s (Abel, 1980; Bonnie & Whitebread, 1974; Sloman, 1979; Walton, 1938) while others say the plant was thriving in
Jamestown, Virginia and all along the east coast long before its appearance in the southwestern states (Aldrich, 1971; Brecher, 1972; Robinson, 1996).

**Recreational use.** Supporting the idea of Mexican migrant workers introducing marijuana to North American soil is the fact that in the early 1900s, Mexican laborers were the first to use marijuana recreationally in North America (Polsky, 1969). This practice seems to have spread to African Americans and Caucasians living in racially mixed urban areas first, followed by the jazz community and intellectuals, then college students (Polsky, 1969). Today, the use of marijuana transcends color, socio-economic status, and age. However, at the time of prohibition, one reason for prohibiting the use of marijuana for recreational purposes was because marijuana use was mainly in the up-and-coming jazz music scene and by those with low incomes, and the elite wanted to curb its use in both populations (Polsky, 1969; Schneider & Ingram, 1993).

The most interesting part about the above theory on prohibition is that in the late 1800s, marijuana was widely available for public purchase and consumption not only in liquid form, but also in the form of hashish. In America, marijuana use for medicinal purposes was acceptable until 1970 with the passage of the Controlled Substances Act (Khatapoush, 2002). However, individual states began prohibiting the recreational use of marijuana in 1911, with each state enacting prohibition legislation for its own reasons.

**Evolution of the Marijuana Policy Problem**

Over the years, some have seen marijuana as a madness-inducing drug, a devil weed, and also a miracle drug. Although it is still illegal on the federal level, as of 2015, 44% of the American population admitted to at least trying marijuana, and 27 states and the District of Columbia have either legalized marijuana in some form or decriminalized it (Pew Research
Just like public opinion on marijuana, public policy concerning marijuana has also changed numerous times over the years. According to McCombs and Reynolds (2002), media exposure is a key factor in influencing public policy. For example, in 1996 when California passed the Compassionate Use Act, the topic of medical marijuana usage once again came to the forefront of public attention. Specifically, news media covered the subject extensively when law enforcement officers by and large chose to ignore the Act and arrest individuals who were using marijuana legally under the Act. The first such occasion involved a raid on a medical marijuana club in which media outlets dubbed DEA action as federal piracy (NORML, 1997).

**Overview.** In the southwest and on the west coast, legislators prohibited marijuana because Mexican migrant workers were bringing it into the states, and they believed that if marijuana were illegal, then the migrant workers would go home (Bonnie & Whitebread, 1999). Nearly everywhere else in the country, marijuana stayed legal until the United States Congress passed the Marijuana Tax Act in 1937 (Bonnie & Whitebread, 1999). In 1971, President Nixon, concerned mostly with the supply of marijuana, declared a war on drugs by going after big cartels and providing funding for the treatment of drug dependence. When President Reagan came into office, he placed more emphasis on demand, beginning a period of zero tolerance that still results in the incarceration of individuals for nonviolent drug offenses (Reuter, 2013). Now in the 21st century we are seeing another paradigm shift, the legalization of marijuana for both medical and recreational purposes.

In an effort to understand the reasoning behind the classification of marijuana as a Schedule I substance, we turn to the few who have recorded its historical evolution. While most marijuana scholars agree that the Marijuana Tax Act of 1937 and the Controlled Substances Act
of 1970 were the most influential in shaping current marijuana policy (Bertram et al., 1996; Bonnie & Whitebread, 1999; Booth, 2005; Duke & Gross, 1993; Gerber, 2004; Grinspoon & Bakalar, 1993; Himmelstein, 1983; Lee, 2012; Meier, 1992; Sloman, 1998; Werner, 2011), it is also important to look at other driving forces behind marijuana policy.

Federal rules. While the social control of marijuana began in the early 1900s, the first legal sanctions on marijuana at the federal level came in 1937, with the Marijuana Tax Act. There is no clear consensus on the social origin of the Act or why it criminalized marijuana, but in the 1930s, Harry Anslinger, the head of the Federal Bureau of Narcotics (FBN) (today’s Drug Enforcement Administration) and American newspaper mogul William Randolph Hearst framed marijuana as a “violence-inducing, insanity-producing ‘assassin of youth’” (Elsner, 1994, p. ii).

Sponsored by Congressman Robert Doughton from North Carolina, the Chairman of House Ways and Means at the time, The Marijuana Tax Act – originally titled The Marijuana Taxing Bill (H.R. 6385) – went to Congress on April 14, 1937. This bill would require anyone who handled marijuana via cultivation, sale, or use to pay a tax of $1 per ounce for medicinal or industrial use, and $100 per ounce for recreational use (Matthew, 2009). Hearings took place April 27-30 and May 4, 1937, and the bill reported out as H.R. 6906 on May 11, 1937. On June 10, 1937, the bill came to the floor of the House of Representatives. Because many congressmen did not know what the bill was about, they tabled it until June 14, when it received only brief attention before passing without a roll call. On the Senate side, one hearing took place – July 12, 1937 – before the finance committee. H.R. 6906 returned to the House amended, and the House adopted it on July 26, 1937. When President Roosevelt signed the bill into law on August 2, 1937, he made no mention of the new law to the public (Bonnie & Whitebread, 1974). The bill passed quickly and rumors suggested that Congress ignored two historic reports in the decision
to enact the federal prohibition of marijuana: the Indian Hemp Drugs Commission Report (ICHR) and the Panama Canal Zone Military Investigations (PCZMI).

The ICHR is a 7-volume document produced by a 7-member commission, which interviewed almost 1,200 witness in 30 cities surrounding the cultivation of the hemp plant in Bengal, the preparation of drugs from it, the trade in those drugs, the effect of their consumption upon the social and moral condition of the people, and the desirability of prohibiting the growth of the plant and sale of ganja and allied drugs. (ICHR, 1894, p. 1)

The commission concluded that there was only a very slight connection between marijuana and crime, and that marijuana use did not exacerbate crime and violence levels. The commission further found that the use of marijuana in small doses could actually be beneficial for medicinal purposes (Abel, 1980, 1982).

The PCZMI report consisted of three separate investigations spanning seven years: the first in 1925, the second in 1929, and the third in 1931 (Abel, 1980). After the first investigation, the Army lifted a ban placed on soldiers living in the Panama Canal Zone just a few years prior to the study. Two more investigations followed, and though the results were the same, the army reinstated the ban (Abel, 1980). The investigations involved interviews with officers commenting on the use of marijuana by those under their command – and with controlled lab experiments amongst 15 participants. Many heralded this investigation as the best research on the substance for its time, and in 1933 the Journal of the Association of Military Surgeons of the United States published the reports (Bonnie & Whitebread, 1974). Much like the ICHR, the findings of the PCZMI included, but were not limited to, the following: there is no evidence that marijuana is habit forming, the insanity claim lacks medical evidence, the effects of marijuana do
not appear to include violence, and the ratio of delinquency is higher when military personnel use alcohol as an intoxicant.

Additionally, in 1939 the LaGuardia Committee began work on a report, and New York City Mayor and former Congressman Fiorello LaGuardia conducted another investigation with virtually the same results as the ICHR and the PCZMI (Bonnie & Whitebread, 1974; Kalant, 1968; Solomon, 1966). Despite the results of these investigations, the FBN and others maintained that marijuana was indeed a harmful and terrible substance. Because both of these studies were contrary to the opinion of the FBN, it is possible that the FBN buried them in favor of its own agenda (Himmelstein, 1983) and in support of newspaper mogul William Randolph Hearst, who had stock in nylon threads and felt threatened by the prospective use of hemp for making paper (Bonnie & Whitebread, 1974).

After the Marijuana Tax Act, the Boggs Act passed in 1951, followed by the Narcotic Control Act in 1956. These two acts both placed penalties and provided sentencing guidelines for those who were found in possession of marijuana (Bonnie & Whitebread, 1970). In the 1960s, marijuana use became more widespread. As popularity increased, many saw marijuana as less of a danger. Following this period of federal regulation there was a period of rest, until 1970 when Congress passed the Comprehensive Drug Abuse Prevention and Control Act. This act defined marijuana as a Schedule I substance, meaning that – according to the federal government – marijuana has a high probability for abuse, no relevance in medical treatment, and is unsafe to use – even under medical supervision (DEA, 2009).

Because marijuana was in the Schedule I category with other drugs like Heroin, Ecstasy, and LSD, it was subject to even harsher controls. Since its classification in 1970, marijuana has been the subject of many discussions, most of which were in opposition to its placement in the

Over ten years later, the DEA held a public hearing concerning NORML’s request, but marijuana remained a Schedule I substance (Marshall, 2005). Despite the passage of the Drug Abuse Control Act, in 1975 the federal government created the Compassionate Investigative New Drug program, promising to supply medicinal marijuana to all patients who qualified (Robinson, 1996). It was not shocking that this program was largely ineffective because of the tedious administrative process one had to go through to gain approval. Overall, the program only accepted about 50 individuals – and because individuals had to receive their marijuana from the federal government, those who were part of the program had trouble actually receiving their marijuana (Clark, 2000; Pacula et al., 2002).

Marijuana use increased in popularity after the Drug Abuse Prevention and Control Act. One speculation is that many people were not aware of marijuana’s existence earlier. Another is that the way the media portrayed marijuana to the public was the biggest deterrent to its use in the early 1900s. For example, in 1937, Anslinger, the Commissioner of the FBN, had co-authored an article saying that marijuana would push the younger population to commit suicide. Additionally, the government funded film Reefer Madness had made the world think that marijuana induced psychotic episodes – specifically showing teenagers getting high and murdering their parents (Marshall, 2005).
However, after the media-induced paranoia surrounding marijuana subsided, there was a rise in its use – and social acceptance of the substance caused a decline in the beliefs about marijuana’s negative effects. Thus, the government resorted to moral attacks on the substance. From 1981-1989, the federal government launched another negative campaign called the war on drugs, this time portraying those who used marijuana as having low moral values (Benavie, 2009; Ferraiolo, 2007). As time passes, more and more individuals are in favor of legalizing marijuana. As of 2016, legislation allowing medicinal use of marijuana has passed in 24 states and the District of Columbia, and legislation allowing recreational use of marijuana has passed in three states and the District of Columbia. Additionally, according to an April 2015 Pew Research Center poll, 53% of the United States population favors marijuana legalization – a 21 percentage point increase since the last poll taken in 2006.

State rules. Even before the federal government began its prohibition of marijuana, certain states were passing laws related to marijuana. Massachusetts was the first state to prohibit marijuana use in 1911 (White, 2007). Between 1913 and 1931, 22 other states outlawed the sale of marijuana, four states barred marijuana farming, and one made it illegal to use marijuana for any reason at all (Bonnie & Whitebread, 1970). The reason for most of the states placing limitations on marijuana came from anticipating its growth in popularity after they placed limitations on other, harder drugs, although by and large both the citizens and law enforcement ignored these laws (Bonnie & Whitebread, 1970). In 1977, President Carter proposed decriminalization of marijuana possession, but he was unsuccessful at the federal level (Marshall, 2005). However, some states decided to take the matter into their own hands. Oregon was the first to decriminalize in 1973, followed by 12 other states over the next five years (Model, 1993). By 1983, 31 states and the District of Columbia had passed legislation
addressing the use of marijuana for medicinal purposes. The legislation allowed for a medicinal marijuana research program, allowed the prescription of marijuana by a doctor for medical necessity, or rescheduled the drug (Pacula et al., 2002). A few other states that did not pass decriminalization or medicinal use laws allowed judicial discretion in marijuana possession cases (Gettman, 1989). Vermont’s legislative body was a participant in decriminalization and limited medical use of marijuana, but neither Kentucky nor Massachusetts passed laws in favor of medical marijuana usage during this time.

The early laws addressing medical marijuana usage by and large were failures. Any research programs in progress still had to pass federal standards, and because the protocols involved in establishing the programs were so strict, only eight of the 22 states that attempted to build research programs were actually successful (Pacula et al., 2002; Schmitz & Thomas, 2001). Other states that saw research programs as insurmountable obstacles chose to reschedule marijuana so that physicians could then prescribe it to patients in need. However, because marijuana remained a Schedule I substance on the federal level, any physician prescribing marijuana was subject to federal sanctions (Pacula et al., 2002). Some of the states were able to protect their physicians with physician prescription laws, but by the mid-1980s, most states ceased the fight and either repealed existing laws or allowed them to expire (Pacula et al., 2002). With the Reagan administration showing no signs of rescheduling marijuana, the Food and Drug Administration approved a new drug called Marinol in 1986. Because this drug contained THC, the same active ingredient found in marijuana, the need to push for medical legalization laws came to a grinding halt (Dogwill, 1998; Pacula et al., 2002).

Ultimately, Marinol did not alleviate ailments in the same manner as marijuana. Thus, in 1996 there was a resurgence in support for legalizing medicinal marijuana (Pacula et al., 2002).
While many states have since altered their marijuana laws, some have not made any changes. To gain insight into why some states have decriminalized or legalized marijuana for medicinal purposes and some have not, an across state comparative study of Kentucky, Massachusetts, and Vermont was conducted. Before going to a discussion of individual states, let us first review the overall concerns surrounding the legalization of marijuana for both medicinal and recreational use.

**The Current State of Marijuana Policy**

The literature on marijuana legalization indicated four main areas of interest surrounding the hesitation to legalize the substance: public health and safety, fiscal, environmental, and organizational. After a thorough review of the literature, one could agree that much of the marijuana literature is not based on empirical research, but rather discussions of the possible legalization implications. While these possible implications do not serve as evidence for real policy discussion, they start researchers down the path toward a more scientific and empirical study of the marijuana policy domain. Below is an overview on each of the four areas.

**Public health and safety implications.** Overall, the goal of marijuana legislation is to reduce the harms of the war on drugs while preventing a public health catastrophe like tobacco use, which kills approximately six million people per year (Barry et al., 2014). Many of the current articles surrounding the legalization of marijuana for personal use center on how legalized recreational use would impact public health, with debates ranging from long-term use decreasing intelligence quotient (IQ) to addiction and adolescent use, and to ill effects on overall health (Golub et al., 2004). Around six million people report using marijuana daily – which adds up to approximately 2% of the U.S. population. A 2009 American Psychological Association survey found that almost eight million current users say that marijuana has negative effects on
their daily lives, yet they use it anyway despite knowing the consequences (Caulkins et al., 2012).

Even though 23 states and the District of Columbia have enacted legislation allowing the use of medicinal marijuana, current concerns about public health include increased health risks, drug abuse, and dependence. The National Institute on Drug Abuse (NIDA) reported that 9% of users become addicted – this number comes mostly from users who begin as adolescents and those who use marijuana every day. While the recreational use laws allow only for use in adults 21 years of age or older, it is clear from alcohol and tobacco use that just because the substance is illegal for minors to use does not mean they will honor that law (Lucas, 2014).

Padden (2014) suggested that regular use of marijuana can decrease an adult IQ score by six to eight points. This research goes to the argument that increased teen use of marijuana could lead to lifelong addiction and negatively impact society (Danovitch, 2012; Lucas, 2014). Another potential health risk of marijuana use is the increased risk of cancer. According to a White House report on the public health consequences of marijuana legalization (White House, 2014), the connection is still unclear, but health officials are concerned because research suggests that marijuana smoke, much like cigarette smoke, contains carcinogens, and people who smoke risk exposure to certain cancers. Overdose is also a concern, because while marijuana overdose is typically not fatal, its overuse utilizes resources such as hospitals and treatment facilities (Caulkins et al., 2012).

This body of literature also addresses the increased cost of treatment programs. A 2009 American Psychological Association study also reported that marijuana is currently second behind alcohol as the cause of people seeking drug treatment programs. However, Blumenson and Nielsen (2009) noted that law enforcement has been an aggravating force behind these risks
associated with marijuana use, and that legalization may alleviate the treatment cost by lessening the number of individuals committed to programs through court mandate.

While most of the research relating to marijuana focuses on the negative health implications, there are also positive health effects related to marijuana use (Pacula et al., 2014). The World Health Organization (2014) not only claimed that cannabinoids aid in the treatment of nausea in advanced stages of fatal illnesses, but also mentioned marijuana in the therapeutic management of seizures, depression, appetite stimulation, asthma, glaucoma, and in the treatment of multiple sclerosis symptoms.

While administrative social costs are the focus of public health implications surrounding the legalization of marijuana for recreational use, drugged driving and measuring intoxication are the focus of the discussion on public safety. Anderson, Hansen, and Rees (2013) found that in states that have legalized marijuana for medicinal purposes, there has been an 8% to 11% decrease in traffic fatalities. They went on to posit that this decrease could be because of three things: people tend to use marijuana in their residences, when marijuana is legal there is a decrease in alcohol consumption, and finally marijuana impairment does not lead to the same risky behavior seen from those who are under the influence of alcohol. Anderson et al. (2013) also noted that when medicinal marijuana became legal, beer sales decreased by 5%. However, there is insufficient knowledge and empirical evidence to establish a real correlational relationship between marijuana use and a decrease in risk-taking behavior.

With drugged driving, studies have found that marijuana alone is not a significant indicator of crash responsibility, but the combination of alcohol and marijuana leads to an increased possibility of crash responsibility (Danovitch, 2012; Griffin, 2013; Lowenstein & Koziol-McLain, 2001; Pacula et al., 2014). A recent study by the Center for Injury
Epidemiology and Prevention at Columbia University found that a driver under the influence of alcohol was 13 times more likely to be involved in a fatal crash than a sober person, a driver under the influence of marijuana was 12 times more likely, and a driver under the influence of both alcohol and marijuana was 24 times more likely to be involved in a fatal crash. The study included 23,500 drivers who died within one hour of crashing between 1999 and 2010. The numbers came from California (legalized medicinal marijuana and decriminalized marijuana), Hawaii (legalized medicinal marijuana), Illinois (legalized medicinal marijuana), New Hampshire (legalized medicinal marijuana), Rhode Island (legalized medicinal marijuana and decriminalized marijuana), and West Virginia (all marijuana is illegal), because each performs toxicology tests on drivers in fatal accidents. To allege that marijuana-related driving deaths have increased provides an incomplete story, since no formal reports exist describing the cause of each accident. Additionally, none of the states included in the study have legalized marijuana for recreational use.

Crime rate increase is also a worry with the legalization of marijuana. However, a study in Denver between 1990 and 2006 regarding medical marijuana legalization showed a decrease in homicides and assaults, while robberies and burglaries were unaffected by the legalization (Morris et al., 2014). Butane hash oil is also a worry with the legalization of recreational marijuana. This concentrated form of cannabis can cause bomb-like explosions resulting in severe burns and fatalities, and in states where marijuana is legal, the courts are limited in the charges they can bring against the individuals responsible for the explosions (Sheldon, 2014). Additionally, current federalism doctrine cannot determine whether an officer is supposed to arrest someone in possession of marijuana, even in a state where it is legal (Schwartz, 2013). While public health and safety are of large concern, especially in the partisan discourse
surrounding legalization efforts, there are also numerous fiscal and environmental implications surrounding the legalization of marijuana for recreational use.

**Fiscal implications.** Tax revenue from the legalization of marijuana has the ability to reduce monetary problems and law enforcement costs (Blake & Finlaw, 2014; Schneider, 2014), but there is also the potential that marijuana legalization will bring with it new health and safety costs that could negate the positive fiscal implications. Stiffler (2012), an economist writing for the Colorado Center on Law & Policy, projected that Colorado alone would net $59.2 million yearly in tax revenue from marijuana sales, $40 million of which would go to Colorado public school construction until 2017, when the legislature can re-prioritize the funds.

In Washington, the tax is higher than in Colorado, leading to the question of price elasticity, which could have policy implications if cost outweighs demand. Additionally, it is still unknown whether people in Washington will continue to be as apt to purchase recreational marijuana as those in Colorado. Colorado imposes a 12.9% overall sales tax and a 15% state excise tax on recreational marijuana, while Washington levies a blanket 25% tax, which raises Washington’s projected revenue to almost $1 billion in the first five years of sales (Caulkins, Andrzejewski, & Dahlkemp, 2013).

According to Pacula (2005), Bouchery et al. (2006), and Sabet (2014), Americans disburse almost 15 times the tax revenue generated by alcohol and cigarettes for the health and safety costs of their use by citizens. There is a chance that marijuana legalization could cost just as much, but the studies are still for the most part inconclusive. The current information available to researchers shows that when an individual goes into treatment for marijuana, he or she is apt to stay three times longer than someone who is in for an alcohol addiction (Pacula, 2005). Pacula also noted that 5,000 marijuana patients produce the same cost as 10,000
alcoholics, which could be a cost issue for rehab centers, insurance companies, or even Medicaid if marijuana rehabilitation coverage is extended in the future.

If someone needs to pass a clean urine sample before being discharged from a state-run rehab facility, marijuana stays in the system longer than alcohol, and this could be a reason that those in treatment for marijuana have longer stays. Additionally, there is a chance that court-mandated marijuana rehabilitation would decrease with the legalization of recreational marijuana in more states, thereby alleviating this financial implication. To this end, a great benefit to the marijuana legalization debate would be a thorough cost-benefit analysis of the budgetary implications of legalization.

**Environmental implications.** The environmental implications of marijuana legalization are twofold. First, there is the dilemma of where to put grow houses and dispensaries. Second, a more literal implication can be found in the natural resources used in growing and producing marijuana for sale to the public. As more states legalize the use of marijuana, local governments will gain the responsibility of determining where to put the grow houses and dispensaries. Oftentimes there are different city, county, state, and federal laws that conflict over land use, and the legalization of marijuana is creating challenges with interactions between the levels of government (for permits, etc.) (Morrison, 2013).

Nagourney and Lovett (2014) reported that in California, growers were using six gallons of water per plant in one day. This water use lasted over 150 days and worsened the California drought. In addition to negatively affecting the drought, the water consumption of growers is affecting the water levels in streams where endangered fish spawn. This implication is a very serious one, and needs more research to ensure that marijuana grow houses and fields avoid using water from streams where endangered fish reproduce.
The implications of marijuana legalization listed above are far-reaching and systemic. The other piece to the puzzle is the organizational implication of legalizing recreational marijuana. This implication is one that citizens will feel immediately, yet it is the one least addressed in the literature.

**Organizational implications.** In addition to the systemic effects of legalization, the organizational effects of legalized marijuana have received little attention. Issues such as employee drug testing policies, organizations prohibiting employees from partaking in marijuana use on personal time, and the rights of those employees in states where marijuana consumption is legal are still ambiguous at best. Currently, employers are able to terminate employees who test positive for marijuana under state at-will employment laws, even if those employees are registered medical marijuana users. As it stands now, courts are rejecting claims by employees seeking to assert medical marijuana statutes as a defense (Hartman, 2013). If this precedent is holding for medicinal users, then it may as well for recreational users.

Because of the continuance of federal prohibition, Kirchhoff and Zimney (2013) and Hartman (2013) stated that employers may want to begin revisiting their policies, especially in states where recreational use is also legal. If an employer decides to protect employees who use marijuana, then the organization will be open to liability for accidents and negligent hiring claims (Hartman, 2013). Kirchhoff and Zimney (2013) take the discussion one step further by constructing a matrix for employers that will help in the decision to allow employees to use medicinal marijuana, but they offer no such matrix for the use of recreational marijuana.

Much of the literature notes that thinking through the what ifs of legalization implications is a necessary step in the marijuana legalization process, but if we begin to make decisions based on hypotheticals, then one might posit that we are taking a step backward in the scientific realm.
Thus far, the debate has centered on limited facts and a myriad of hypothetical scenarios. The resources to explore the issue of medicinal and recreational marijuana use and implications resulting from legalizing it empirically are at our fingertips. In April 2013, the Pew Research Center conducted a study and found that 52% of Americans support the legalization of marijuana (Stacy et al., 2014). Legalization initiatives are trending, which means that now is the time to mitigate as many of the above-mentioned negative implications of policy implementation as possible.

As mentioned above, state measures to legalize marijuana have had a great impact on federal-state relations. Marijuana falls under an area of federal concern, which has escalated conflict between state and federal governments (Ferraiolo, 2008; Hall & Degenhardt, 2003; McDonough, 2000; Pickerill & Chen, 2008). One such example is from Colorado, where marijuana is currently legal for both medicinal and recreational use. In the summer of 2015 the Colorado Supreme Court issued a ruling against a quadriplegic who used medical marijuana outside working hours for pain management but failed a drug urinalysis test at his place of employment (Hudak, 2015). While the ruling could have gone either way, the Supreme Court followed federal law in making its ruling. While this conflict between federal and state law is not really a conflict where federal law is concerned, as Pickerill and Chen (2008) noted, allowing individual states to make the decision whether or not to legalize allows others to view the process and use it as a learning situation, adopting and changing aspects of the policy that worked or did not work for other states before.
American Federalism & State Powers

To understand the policy process fully, it is important first to understand the American political system. The U.S. Constitution calls for the United States to be a federal, representative, democratic republic made of 50 states and one federal district (H.R. Doc. No. 108-94, 2003). Simply put, in the United States, elected officials represent the people, governing on their behalf. Together, the Declaration of Independence (1776) and the U.S. Constitution (1787) represent the underpinnings of the U.S. government (Harris & Tichenor, 2009). The Constitution allows both the federal government and the individual states to exercise specific powers, though sometimes the lines are blurred (Volden, 2005). The federal government makes decisions on behalf of the country, while the state governments make decisions that affect only the inhabitants of each respective state. That said, the Constitution also allows for court interpretation. In sum, the Constitution provides lawmakers the right to run the nation on behalf of their constituents, but provides safeguards against the accumulation and abuse of power (Storey, 2007).

While state and federal governments are mostly independent, any discrepancies between federal and state law fall under the purview of federal law (U.S. Department of State, 2007). States have historically had responsibility for issues such as education, law enforcement, health, and transportation (Storey, 2007; Thomas, 2013), but in the last 20 years, state residents have been taking control of their own drug policies, specifically marijuana policy, as much of the marijuana legislation has come out of referendum and ballot initiatives rather than state legislative action, a type of reform dating back to the 17th century (Arnon, 2008). Originally, citizens who were dissatisfied with the laws their representatives enacted brought about this type of reform. In addition to acting as a check on a political system, where interest groups and monopolies can corrupt and control the process, forms of direct legislation allow citizens to share
in the legislative process (Arnon, 2008; Braunstein, 2004; Williams, 2009). California was the first to legalize medicinal marijuana by referendum in 1996 (Brown, 2008).

The states discussed in this exploration use a combination of legislative process and direct legislation. According to the Kentucky State Legislative website (2015), Kentucky has a legislative process where drug reform is concerned. The Kentucky Constitution grants referendum power locally, but only on a specific set of issues. Marijuana legalization for medicinal or any other purpose is not one of those issues. Vermont is also a legislative process state, as there is no mention of direct legislation in the Vermont Constitution (2010). According to the Massachusetts General Court (2016), citizens of Massachusetts can initiate legislation themselves through the process called indirect initiative. In this process, successful petitions are first presented to the Massachusetts General Court. Once the initiative goes to the legislature, one fourth of the legislature must approve the amendment before it can go to voters. Massachusetts is one of 24 states that have this system of indirect initiative.

Boehmke and Bowen (2010) suggested that the initiative process can escalate conflict surrounding an issue, bringing interest group lobbying and media coverage to an all-time high. An interest group is a private association or independent agency whose members seek to influence government (Birkland, 2005; Harris & Tichenor, 2009; Singh, 2003). When media coverage increases, the range and potency of the conflict increases, leading to more individuals taking sides on the issue (Boehmke, 2002). From this activity, it is also clear that policy influence is indirect in states that allow direct legislation, because legislators want to avoid the chance that an interest group will submit an initiative to challenge policy (Boehmke, 2008; Bowler & Donovan, 2004). The largest criticism of interest group positioning is that well-organized interest groups with proper funding can use lack of voter knowledge to turn votes in
their favor. As is discussed below, framing of an issue is paramount to turning votes one way or another. Even a small change in the way campaigns present information can change the opinions of citizen voters (Druckman, 2001; Hastings & Cann, 2014).

Another issue with direct legislation is that federal courts have the ability to overturn the popular vote on federal constitutional grounds (Magleby, 1998; Theodore, 2013). This action has happened with issues like the death penalty, illegal immigration, homosexual rights, and abortion (Magleby, 1998). While the issue of state rights versus federal rights has been a longstanding debate, there are many areas where states are able to adopt differing policies concerning a particular issue (for example, taxes) (Dinan & Krane, 2006; Drake & Nelson, 1999; Williams, 2009). Legalization of marijuana is not one of those areas, yet many states are choosing to ignore the federal policy prohibiting the cultivation, use, and sale of marijuana in favor of state policy that allows the cultivation, use, and sale of small amounts of marijuana. Dinan and Krane (2006) suggested that one reason a state government may enact policy contrary to federal policy is due to inactivity surrounding a particular problem on the federal level.

As such, no state law overrides federal law (Williams, 2009). Both the U.S. Constitution and federal statutes are supreme over both state laws and state constitutional provisions. While state constitutions are generally more detailed than the U.S. Constitution, nothing in them can override federal law (Williams, 2009). The case of marijuana legalization is interesting, in that while it is still illegal on the federal level, presidential maneuvers have taken place to allow its cultivation, use, and sale in states that have passed legalization laws (Egelko, 2009). Among the ways to gradually maneuver toward the legalization of marijuana is agenda-setting (Dearing & Rogers, 1996). Agenda-setting is done through the increase of awareness toward controversial topics like marijuana legalization, consequently bringing the issue into the forefront and raising
the perception that it is an important issue (Stryker, 2003). The next sections will discuss agenda setting; discuss the theory that will be used and media attention.

Agenda Setting

Every social system must have an agenda if it is to prioritize the problems facing it, so that it can decide where to start work. Such prioritization is necessary for a community and for a society. (Dearing & Rogers, 1996, p. 1)

While agenda setting was originally a communications theory set forth by Max McCombs and Donald Shaw (1972), political scientists Roger Cobb and Charles Elder (1972, 1983) brought it quickly to the political arena. Cobb and Elder (1983) defined an agenda as “a general set of political controversies that will be viewed at any point in time as falling within the range of legitimate concerns meriting the attention of the polity” (p. 14). Cobb and Elder (1983) further defined these controversies, or issues, as “a conflict between two or more identifiable groups over procedural or substantive matters relating to the distribution of positions or resources” (p. 32). The important thing to note here is that the contentious nature of the issue is what helps to make it newsworthy in the public arena.

Since the beginning of public policy study, scholars like Laswell (1951), Sinclair (1986), Schattschneider (1960), and others have been intrigued by the nature of agenda setting and its role in public policy making. Schattschneider in particular, noted that the expansion of a conflict is one way that an outside group can push its policy goals onto the political agenda. This means that by increasing the scope of the conflict and multiplying the number of participants entrenched in the conflict, one group can successfully push its policy goals onto the agenda of its legislators. Bachrach and Baratz (1962) tested Schattschneider’s idea of conflict expansion and found that interest groups either restrict issues or allow issues to find a way to the policy agenda by
promoting their values, norms, and beliefs to influence the context of a particular problem. Further confirming Schattschneider’s idea, Cobb, Ross, and Ross (1976) posited that conflict expansion is paramount for outside groups that are interested in shaping the policy agenda.

Previous agenda setting studies have noted that drug use is a one-sided issue because people generally are not in favor of publically taking a pro-drug-use stance (Dearing & Rogers, 1996). Now, with the separation of marijuana from other drugs, the issue of marijuana legalization has become incredibly contentious, with numerous public supporters and opponents on both sides of the issue. In addition, marijuana is also an issue that has received widespread media exposure, making it a highly debated and publicized public issue (Stryker, 2003). In the past, many have seen drug-related issues as valence issues, meaning that there is only one appropriate side to the issue (Baumgartner & Jones, 1993; Nelson, 1984). For these kinds of valence issues, the question has historically been “how do we solve the problem?” This exploration takes marijuana away from a valence issue and back into the arena where it is a two-sided issue and thus a part of the political discourse (Cobb & Elder, 1983; Lang & Lang, 1981). Hence, it is appropriate to use marijuana as an example of how an issue can rise and fall on the political agenda, how competing sides of an issue act toward one another, who advocates that the issue needs attention, and overall, how this type of behavior can be a zero-sum game (Zhu, 1992).

Researchers such as Wallack (1990), who illustrated how media advocacy helped to reverse the socially accepted practice of smoking, have suggested how successful media attention frames an issue in a specific way and pushes those issues through the public to the policy agenda. Figure 1 illustrates the main components of the agenda setting process. Proposition 1 refers to the media agenda getting the attention of policymakers, making the issue
a public agenda (arrow from media agenda to public agenda). Proposition 2 refers to the public agenda being set into a policy agenda item (arrow from public agenda to policy agenda).

Figure 1

Main components of the agenda setting process: The media agenda, public agenda, and policy agenda. Source: Rogers and Dearing (1988).

Historically, agenda setting studies have progressed incrementally, using Herbert Simon’s idea of bounded rationality as context (Pump, 2011; Simon, 1972). The basis of Simon’s work includes the following limitations surrounding decision making: individuals cannot process all facets of an issue before making a decision, the information decision-makers process is imperfect, there can never be certainty surrounding the output of a particular decision, and a decision maker may not be acutely aware of his or her preferences while making the said decision (Simon, 1972). This type of bounded rationality, originally a psychological concept, translated to public administration and served as a foundation for many early agenda setting studies (Rogers, Dearing, & Bregman, 1993). McCombs and Shaw (1972) conducted the first
agenda setting study in Chapel Hill North Carolina, looking at issues that voters believed were important and comparing them with the media agenda in that area. Out of this agenda setting study, ultimately came the theory of PET set forth by Baumgartner and Jones (1993), which is discussed in detail in the following section. The basis of this theory is that policy-making agenda follow a stable, predictable, and incremental course until an outside influence leads to policy change.

**Punctuated Equilibrium Theory**

**Punctuated equilibrium.** Regardless of constituent approval, “policymakers make decisions about which societal problems to address, then identify and formulate solutions to those problems” (Singh, 2003, p. 246). Thus, understanding the motivation of policymakers can be an important tool in predicting policy change in regard to the legalization of marijuana. To understand the motivation behind legalizing medicinal marijuana further, the policy formation theory of PET is explored.

Baumgartner and Jones (2014), the first to apply PET to the policy arena, asserted, “although generally marked by stability and incrementalism, political processes occasionally produce large scale departures from the past” (p. 59). In essence, what Baumgartner and Jones were saying is that while most policy systems are static, only changing incrementally and mostly coming back to equilibrium, the chance exists for change that is large enough to depart from the static course (Baumgartner & Jones, 2009). Equilibrium, rather than punctuation, is the norm across most policy periods, although when punctuation occurs, it can be very dramatic. Thus, Jones et al. (1999) noted that both calmness and transformation are important features of the policy process.
One such way punctuation can occur is through turbulence. Turbulence begins when those individuals or groups outside the monopoly begin to exert pressure on those maintaining the current or original agenda during equilibrium (Baumgartner & Jones, 1993). Three types of activities that could produce periods of turbulence for marijuana policy include:

1) Greater participation from agency officials (Baumgartner & Jones, 1993; Talbert et al., 1995), namely an increase in the number of state representatives submitting legislation proposing to decriminalize the use of marijuana for medical purposes.

2) An increase in legislative committee and subcommittee hearings (Baumgartner & Jones, 1993; Talbert et al., 1995), namely an increase in the number of hearings on the issue and the number of committees or subcommittees holding hearings. Because both factors contribute to turbulence, a distinction is made between the two in the data analysis phase.

3) Increased media coverage (Baumgartner & Jones, 1993), namely the relevant articles compiled from the Newsbank database, analyzed for content and discussed in the following chapter. Jasperson et al. (1998) noted that media attention to an issue will “alter the public’s understanding of the issue and the importance they assign to it” (p. 206).

Jones et al. (1999) suggested that both change and stability are key elements of the policy process, and that the rise and fall of issues pertaining to a particular subject can either reinforce or undermine existing policy. For example, as the subject of medicinal marijuana receives more attention, people become more educated on the subject and find it a less taboo and more important issue to discuss. Here, the conceptual elements of PET are used to compare three states – one that has legalized medicinal marijuana, one that is in the process of legalizing
recreational marijuana, and one that has not legalized marijuana for any reason – to see if the rise and fall of issues pertaining to marijuana in the media have any bearing on whether policymakers are legalizing the substance. While many researchers such as Berdahl (1998), Breunig and Koski (2009), Crosson (1996), Martinez (2002), McGuinness (1995), have performed single-state case studies addressing policy reform through a PET lens, none have adequately addressed the dynamics of policy change.

The study of Breunig and Koski (2009), for example, chose to identify the determinants of incremental and large-scale budgetary changes in enacting policy. On the other hand, Martinez (2002) presented a framework in order to understand higher education systems by state, while McGuinness discussed the same topic but in terms of restructuring the New Jersey education system. These studies do not adequately focus on the dynamics of policy change, and instead leave out the “political antecedents [and] correlates” of policy change (McLendon & Ness, 2003, p. 75). A couple of exceptions, Smith (2009), from the area of healthcare reform; and Larson (2003) who researched decentralization, found that, in general, policy entrepreneurs who are given the opportunity for an audience are able to produce shifts in policy.

Additionally, while early PET studies focused almost solely on the US federal level, researchers like Baumgartner, Green-Pedersen, and Jones (2006) have noted the lack of attention to comparative studies. While the comparative studies of these researchers are focused mostly on parliamentary systems outside of the US, it has been posited that “the comparative approach offers the promise of considerable refinement and improvement in the literature on agenda-setting” (Baumgartner, Green-Pedersen, and Jones, 2006). Further, in a comparative study, “effects of variables such as party differences… interest group influence, or focusing events can be studied much more systematically… [And researchers are offered] a way to study non-
decisions, i.e. one can compare... where certain decisions are made and not made” (Baumgartner, Green-Pedersen, and Jones, 2006). Examples of such studies to date are those conducted on tobacco policy by Albaek, Green-Pedersen, and Nielsen (2007) comparing the difference in how the issue of tobacco consumption makes it to the agenda in Denmark and the United States; on budgeting by Breunig, Koski, and Mortensen (2010), using disproportionate information processing to suggest that Denmark and the United States, while very different countries, show similar budgetary tendencies; on environmental policy issues by Pralle (2006) using longitudinal analysis to determine why the scope of some environmental conflicts expand and others do not; on value issues like euthanasia by Green-Pedersen (2007) using the theories set forth by both Schattschneider and Baumgartner and Jones to determine why some issues become political in one country and not in another; and on immigration policy by Scholten and Timmermans (2010) analyzing how frames of immigrant issues emerge in discussions between policy makers and immigrant policy experts in the Netherlands, France, and the United Kingdom.

The model of PET emphasizes two related elements: issue definition and agenda setting. Issue definition can occur in multiple ways –which include focusing and feedback mechanisms and indicators. The way in which one defines an issue will either bring prominent attention to that issue or make it fade away (Kingdon, 1995). That said, the simplest way to understand how PET best fits this research is to view it first as a foundation for policy arenas, and second as a facilitator of change.

**Foundations for policy arenas.** There are three key concepts in measuring policy output stability – dominant interests, reinforcing policy images, and reinforcing institutional structures (Baumgartner & Jones, 1993). The dominant interest, or policy monopoly, consists of groups
who are able to achieve a monopoly, thereby establishing their policy preferences. As Baumgartner and Jones (1993) noted, “If a group can convince others that [its] activities serve such lofty goals, then it may be able to create a policy monopoly” (p. 7). This kind of monopoly is what Hearst and Anslinger, staunch opponents of marijuana, were able to achieve in the early 1900s. Once these dominant interests take control of policy images, an institutional structure that will establish partial equilibria, their supporters must entrench their desired policy positions and diminish rival access (Riker, 1988). In other words, Hearst and Anslinger were the dominant interests, and through use of mass media they were able to convince a majority of the public and policy makers that marijuana is a harmful substance. In turn, this majority embraced the opposition of marijuana for any use; thereby silencing the minority who still believed marijuana had useful purpose.

To identify arena boundaries for the purposes of analysis, Benson (1982) advised using the terms surrounding the issue that are subject to public debate. Thus, the marijuana legalization policy arena between the years of 1996 (the year medicinal marijuana became legal in the United States) and 2016 will be explored and analyzed. The reasoning behind identifying a policy arena is to make an otherwise complex policymaking process more stable and simpler to detect (Smith, 1994). Additionally, there are oftentimes many different groups on either side of the policy problem, which can cause an extra layer of conflict and confusion for policymakers. A policy arena, therefore, can “limit the number of actors involved in a policy area and … can limit the policy options that are available” (Smith, 1994, p. 35).

**Facilitators of change.** PET is based on agenda setting, where organizations select decisions and policies for implementation following an official agenda (Baumgartner & Jones, 1991). Specifically, PET allows for a disruption in policy stability by competing interests,
changing venues, or the exploitation of focusing events to push a particular policy issue onto the public agenda (Baumgartner & Jones, 2014; Cairney, 2013). Competing interests are intent on changing the policy monopoly within the arena, doing so by using any available resources to challenge the current policy preferences. As attention surrounding an issue increases, groups interested in the issue must either contain or expand the issue. In this process, the meaning of an issue can change (Baumgartner, Green-Pedersen & Jones, 2006). Schattschneider (1960), one of the first to study agenda-setting within the political arena, noted that not only is issue definition intertwined with the scale (or size) of the conflict, but also that issue definition is the most powerful part of the agenda-setting process. Because the rise and fall of issues on the political agenda are synonymous with changes in how that issue is understood, policy studies to date have been mainly concerned with issue definition and policy change (Baumgartner, Green-Pedersen & Jones, 2006).

Reframing is one method that competing interests may use to alter the policy playing field. Using new images or redefining the policy problem can often cause a shift in power in a political battle (Schattschneider, 1975). Another method of upsetting a policy monopoly is a change of venue. This option is tied closely to images, because those trying to influence policy may find that the image they convey is more successful in one venue than another (Baumgartner & Jones, 1993). Although national-level policy dominates the issue of marijuana policy, many treat it as a multi-venue issue. Much like education policy, which the states and the federal government share, marijuana policymaking is taking place at the state level with little push back from the federal level (Egelko, 2009).

Last, focusing events are those that attract enough attention to the arena to make policymakers take notice and to bring the issue to the public agenda (Baumgartner & Jones,
An example of a focusing event would be any dramatic localized issue or major disaster that has national coverage and gains the focus of both public and policy elites. These events can be especially important for disadvantaged coalitions seeking policy change, because the events themselves enable smaller groups to assert messages that larger groups would otherwise stifle (Birkland, 1998). Baumgartner and Jones (1993) noted that because the degree of public indifference to given problems changes dramatically … it should not be surprising if periods of agenda access are followed by dramatic changes in policy outputs…. [T]his is precisely why policy entrepreneurs fight so doggedly either to push their issue toward the public agenda or to ensure that it not arrive there. (p. 20)

Baumgartner and Jones (1991) also expanded on Schattschneider’s (1960) idea of conflict expansion by noting that existing beliefs, values, and policy images can all change as a result of focusing events.

**Media Framing of Issues/Agenda Setting**

The media conglomerates are not the only “industry” whose owners have become monopolistic in the American economy. But media products are unique in one vital respect. They do not manufacture nuts and bolts: they manufacture a social and political world – Ben Bagdikian, *The New Media Monopoly*, 2014.

As noted above, framing is a very important concept of PET. “How a policy is understood and discussed is its policy image. Policy images play a critical role in the expansion of issues to the previously apathetic” (Baumgartner & Jones, 1993, p. 25). Using the rise and fall of nuclear power as an example, Baumgartner and Jones (1991, 1993) found that a big piece of the success of anti-nuclear interest groups was their ability to frame nuclear power as a hazardous and costly investment that would have lasting negative consequences for the
environment. The turning point for the nuclear power issue was when the Union of Concerned Scientists began participating in the debate and pointing to its dangers. However, it usually does not take one small, but important group to dominate a policy image frame. More often it is a policy monopoly that takes successful control of the policy agenda. A policy monopoly is a network of individuals or groups linked together surrounding a particular policy (Baumgartner & Jones, 1993). These individuals or groups can be inside or outside of the traditional governmental structure (Baumgartner & Jones, 1993). Further, policy reform is affected when there is a change in the balance of power within the monopoly (Sawyers & Meyer, 1999).

Using marijuana as an example of how the media influences policy, the media, which present “complex arguments of specialists so that the general reader or viewer may understand them” (Baumgartner & Jones, 1993, p. 103), propagate policy image frames. Depending on whether the tone of the coverage is positive or negative, how the coverage frames the issue, and whether or not that framing is in line with a particular side to the policy issue will influence how the reader absorbs and thinks about the coverage. As Jones, et al (2006) in multiple media studies using punctuated equilibrium as guiding theory and other researchers like Holt and Barkemeyer (2010) exploring the media’s role in the evolution of business ethics across 62 international newspapers, Wolfe (2012) in a study exploring how media attention can slow down the speed of policymaking, and Kiss (2013) in a study seeking to understand why only some state legislatures placed a ban on products made from bisphenol A (BPA), found that the tone of media attention is a key piece of policy change in PET. Thus, below is an overview of how media framing shapes the policy agenda.
Media framing policy agenda. In 1791, Congress adopted the First Amendment as part of the Bill of Rights. This amendment, though initially only applicable to congressional laws, has over time become the cornerstone and guideline of mass media operation at large (Volokh, 2008). However, while the first amendment guarantees all Americans freedom of speech and of the press, it does restrict incitement (Volokh, 2008), false statements of fact (Gertz v. Robert Welch, Inc., 1974), and obscenity (Miller v. California, 1973). An assumption of this research is that the media is aware of these restrictions so the researcher will not be exploring falsities and errors committed by the mass media in disseminating information across time.

The role of mass media in influencing the American political climate has long been in the research spotlight. Largely, existing works paint mass media in a negative light, identifying them with the escalation of conflict, including culture wars, political partisanship, and other generally negative forms of discourse. In general, “the entire study of mass communication … is based on the premise that the media have significant effects” on audiences (Schuefele, 1999, p. 104 quoting McQuail, 1994, p. 327).

Over the last two decades, Americans have moved from preferring television over any other media source by wide margins (Nelson, Clawson, & Oxley, 1997) to preferring social media platforms for newsworthy information (Holcomb, Gottfried, & Mitchell, 2013). Because of the vast use of mass media today, mass media is defined as broadcast, film, video games, audio recording and reproduction, Internet (blogs, RSS feeds, podcasts, mobile), print (book, magazine, newspaper), and outdoor media (billboards, signs, placards). In this exploration, and because of the delimiting factor of time, only printed newspaper articles from the states of Kentucky, Massachusetts, and Vermont were analyzed.
McQuail (1994) wrote that the history of research on media effects has gone through four stages since the 1900s. Dubbed the pioneer phase by McDonald (2004), the turn of the 20th century to the late 1930s saw World War I strategic propaganda leading to fearful thoughts that media has the ability to shape public attitudes. In his 1922 book, *Public Opinion*, even famous columnist Walter Lippman shared concerns about the power of the mass media over their audience (Britannica, 2013).

However, the late 1930s to late 1960s saw a weakening of media effects. During this time, personal influence drove attitude change. In essence, this period showed that existing attitudes influenced people, not media (McQuail, 1994). This period also saw a political homogeneity among Americans that vanished quickly in the 1960s, in part due to polarized attitudes on America’s involvement in the Vietnam War (Becker, 2013).

Through the 1970s to early 1980s, the cognitive effects of the mass media on audiences became clear (McQuail, 1994). Studies by McClure and Patterson in the late 1970s showed that television news audiences were less informed and less trusting of public officials, leading to the conclusion that “television news was related to political cynicism and disaffection” (McDonald, 2004, p. 192). Studies through the next several decades would focus on gaps in knowledge between mass media audiences and agenda setting, leading to framing as an extension of agenda setting (Genova & Greenberg, 1979; Jasperson et al., 1998; McDonald, 2004; Schu edele, 1999). Gitlin (1980) was the first to use framing to understand the effect of mass media on populations. In the context of Gitlin’s studies, framing is “concerned with how issues are presented in the news – which details are important, which are trivialized or peripheral” (McDonald, 2004, p. 193).
From the early 1980s to the present, we see media effects as a socially constructed reality – not only does media frame “images of reality … in a predictable and patterned way” (Schuefele, 1999, p. 105 quoting McQuail, 1994, p. 331), but also the media provide the public with individually processed information, thereby giving it personal meaning, not collective meaning (McDonald, 1993).

**Media framing of issues.** The media are a central piece of the political puzzle in that media resources have long facilitated communication between citizens and elected officials, and provided information regarding governmental politics and policy-making activity (Birkland, 2005; Harris & Tichenor, 2009). Birkland (2005) in particular, asserted that the media have a strong and long-term influence in the areas of agenda setting and framing. Ideally, this communication of information would be impartial, but there can be bias in media coverage that, in the long term, influences policy.

Brosius and Epps (1995) posited, “framing is not a clearly explicated and generally applicable concept, but only a metaphor that cannot be directly translated into research questions” (Scheufele, 1999, p. 103). However, one could postulate that not only is it possible to define framing, but also that research questions can arise from the definition. Framing, from a media perspective, is “the process by which a communication source, such as a news organization, defines and constructs a political issue or public controversy” (Nelson et al., 1997, p. 567). From the perspective of the media audience, framing is making or constructing something by fitting parts together (Nelson et al., 1997). In psychology, framing is contingent on the spin the presenter gives to a topic. For example, researchers presented two groups of participants with a Ku Klux Klan controversy. One presentation framed the controversy as a story in free speech, and the viewing group showed tolerance for the demonstrators. The
presentation of the same controversy to the second group focused on the disruption of public order, and this viewing group showed far less tolerance for the individuals involved in the controversy (Nelson et al., 1997). The assumption one garners from this framing experiment is that the basis of the individual decision to accept or reject mass media information rests on the attitudes, values, and ideologies of individuals rather than situational facts.

Schuefele (1999) argued that in the political realm, it is necessary to operationalize framing through a socially constructed lens. The people run the American political system; thus, its current state is a reflection of the ideologies (experiences, beliefs, resulting morals) of those people (Becker, 2013). Schuefele also introduced us to a typology of framing research in which researchers can view frames from a media perspective or from an individual perspective, and in which they can use the various perspectives as independent or dependent variables.

As discussed previously, in the early 1900s, the media portrayed marijuana as a terrible drug that would irreparably harm anyone who used it in any way. As presidential control shifted, so did the national opinion of marijuana – from President Carter’s call to decriminalize marijuana possession to President Reagan’s War on Drugs, and President Bush’s no tolerance policy – back to President Obama’s promise to stop federal oversight of medical marijuana dispensaries (Egelko, 2009). While the media is by and large the vehicle delivering high-powered communication and directing this change in ideology to take effect, some forms of media such as forum pages and letters to the editor allow the public to chime in using the same platform (Hoffman & Slater, 2007).

The media have a large influence in American lives, and the idea of the media having an impact on policy actions emerges when one views it through the lens of an agenda-setting theory such as PET. As McCombs and Reynolds (2002) noted, “the news media can set the agenda for
public thought and discussion” (p. 1). In doing so, media outlets select what they believe is important information to the public agenda (Mastroianni & Noto, 2008). Stryker (2003) examined the way in which the media cover marijuana, and found that coverage indeed related to specific events.

The shifting attention of the media is a great source of instability in American politics, and as Baumgartner and Jones (1993) noted, “Media outlets generally base their stories on a limited number of sources and imitate each other, so ideas and issues often spread quickly once they become a topic of interest” (p. 103). By directing positive or negative attention to an issue, the media are able not only to simplify complex issues, but also to aid those interested in a specific issue in choosing which side of that issue they fall. The media’s ability to influence is especially interesting when discussing the marijuana legalization issue, and the best way to illustrate that influence is by couching it in PET.

The media have already played a part in PET research in several ways. Studies performed by Baumgartner and Jones (1993), Lawrence (2000, 2001), Nelson (1984), and Pralle (2003, 2006) have shown that the media provide an alternative venue to more traditional policymaking venues (i.e. Congress). According to Baumgartner and Jones (1993), the point of view or slant of the media’s coverage over certain topics may often have a significant effect on public opinion. Nelson (1984) particularly saw the role of media in influencing public policy in the issue of child abuse by unearthing what specific beliefs or values the public held that are key to the central issue. Additionally, in a study on policy restricting pesticides, Pralle (2006) finds when looking at issue redefinition, that when the public and policymakers accept new principles (core values, beliefs, guidelines) attached to a certain policy issue, policy change could ensue to reflect those new principles. Further, studies performed by Baumgartner, De Bouf, and Boydstun (2008),
Baumgartner and Jones (1993), and Gamson and Modigliani (1989) suggest that media as a venue can alter policy images. According to Gamson and Modigliani (1989), the media’s coverage eventually leads to public discourse that helps focus on the issue and shapes the policy. Baumgartner, De Bouf, and Boydstun (2008) state that media attention also aids in the publication of various viewpoints, which help both the public and legislators to be informed. Furthermore, studies by Lawrence (2001) and Nelson, et al. (1997) have shown that the media can create a policy image where none previously existed. According to Lawrence (2001), the media can help raise awareness toward issues that have been previously ignored and provide an exploratory investigation into what can be done in terms of legislation.

Additionally, studies performed by researchers such as Baumgartner and Jones (1993), Edwards and Wood (1999), Eshbaugh-Soha and Peake (2005), and Peake and Eshbaugh-Soha (2008) suggested how the media can set the policymaking agenda across legislative bodies. Baumgartner and Jones (1993) posited that media outlets typically base their stories on a small number of sources and mirror each other’s ideas, and as a result, ideas and issues often spread quickly when they become a topic of interest. Eshbaugh-Soha and Peake (2005) added that the singularity of the message of different news reports can give the impression that it is in line with public perception. Even further, researchers such as Soroka (2002), Walgrave and Van Aelst (2006), and Wood and Peake (1998) have suggested that issue salience has a major effect on agenda setting. Walgrave and Van Aelst (2006) say that public awareness over a certain policy issue may lead to a general direction toward the desire for legislation, and policymakers may pick up on this salience as a sign that they would have to do something about it. This research takes into account the above PET studies along with Wolfe’s (2012) study of media and policymaking, discussed in detail in the methodology, to determine whether news media
accounts have any bearing over the policy process on a state level surrounding the marijuana policy issue.

According to Baumgartner and Jones (2009), there is a chance that static policy systems may depart from their generally static course, as there is a chance for change. Equilibrium is the norm throughout a majority of policy periods, despite the occurrence of punctuation. Furthermore, Jones et al. (1999) stated that both calmness and transformation are important features of the policy process. Researchers such as Fan (1996), Stryker (2003), and Vickovic (2011) have done extensive research on media coverage of marijuana and other drugs. Most applicable to the current study are Fan’s findings that media coverage of illicit drugs contributed to an over 50% rise in public perception of drugs being an important American policy problem. As such, the methodology of this study shall involve the analysis of archival data to investigate such findings.

Marijuana Policies in Kentucky, Massachusetts, and Vermont

The evolution of marijuana policy in Kentucky

Once most of these farmers relied on tobacco, a high-yield, low-acreage crop that has been the ideal moneymaker in a countryside where flat land and salaried jobs are about equally scarce. In recent years, given the instability of the tobacco market, they were faced with some hard choices: sell the farm (or lose it to the bank) and move to the city; commute two hours and more to an assembly-line job in a small-town factory; or grow pot.… There’s a complex struggle going on here, between the farmers’ strict ethics and what they need to do to make a living; between those who grow and those who don’t; between the farmers who grow to survive, and those who grow to get rich; between the law and people who have never had much use for it; between and among all these groups,
whose members are usually related to one another by blood and by the intricate
interweavings of small-town Southern life. (Johnson, 1989, p. 1)

According to the Kentucky State Board of Elections website (2016), the current
registered voter distribution in Kentucky is 52% Democrat, 40% Republican, and 8% unaffiliated
or other, with a split control legislative body (53 D/47 R in the House and 11 D/27 R in the
Senate). This state was chosen as the first state for comparison because while possession and
distribution are both illegal, there is an expansive history of interest groups on both sides of the
issue. There has been a push to legalize medicinal marijuana in Kentucky since 2003, but even
with support from the Kentucky House speaker, as of the close of session 2015, no progress had
occurred in reference to changing the current policy (Marijuana Policy Project, 2015).

As the quote above indicates, many farmers in Kentucky resorted to growing marijuana
over the years for their livelihood. Kentucky soil is prime for marijuana growth, and despite its
illegal status, there has always been a nationwide market for marijuana. One group in particular,
eventually dubbed the Cornbread Mafia, is a group of seventy Catholic marijuana farmers from a
three-county area in Kentucky arrested in the biggest drug bust in American history. Caught
with an estimated 182 tons of marijuana, these 69 men and one woman began their crop in 1971,
but their story goes back farther (Higdon, 2012). As Higdon (2012) highlighted in his
and the Biggest Marijuana Bust in American History, a group of persecuted Maryland Catholics
led by distiller Basil Hayden settled in the Marion area of Kentucky in 1785. The settlement
thrived, and by the close of the twentieth century, the ability to distribute its distilled spirits put
Marion County on the map as an economic powerhouse (Higdon, 2012). However, with the
onset of alcohol prohibition in 1919, the Great Depression made its way to Marion County well before appearing in the rest of the nation.

Deciding to continue what they knew best, the residents of Marion County ultimately decided, for the well-being of their families, to disregard the laws of man and continue distilling and distributing spirits despite their prohibition (Higdon, 2012). Throughout the years, residents of the county learned the value of protecting one another – leading Marion County to be one of the biggest hideouts for big-name criminals such as Al Capone and John Dillinger. Post prohibition, Marion County inhabitants continued to distill, making moonshine and illegally importing sugar during the period of national sugar rationing.

After the Vietnam war ended, boys who grew up watching their families break alcohol prohibition laws came home to Marion County with the notion that people would pay a lot of money for “the weed growing wild behind their grandfathers’ barns, forgotten remnants of the hemp-growing effort during World War II” (Higdon, 2012, p. xviii). Although marijuana farming and distribution was illegal, being a product of its culture, the group decided it had just better not get caught – and thus marijuana farming in Kentucky began (Higdon, 2012). Over the next fifteen years, headlines in the Lebanon Enterprise read like this:

- July 31, 1980: Police Discover Seven Acres of Marijuana on County Farm.
- July 28, 1982: Stiffer Pot Laws have not Stopped Local Marijuana Growers.
- August 6, 1986: Police Officers Continue War on Marion County Marijuana.

At around the same time as marijuana cultivation in Kentucky was picking up, the federal government was funding state raids to find marijuana, and Kentucky was one of seven states it chose in 1981 for a pilot program (Potter, Gaines, & Holbrook, 1990). In 1982, Kentucky received $60,000 in federal funding, and by 1987, funding had grown to $228,000; each raid
producing more result than the last (Potter et al., 1990). In 1989, the Kentucky Justice Cabinet reported that marijuana growing was taking place in 111 of the 120 counties in Kentucky, and that in many counties marijuana was the either the largest cash crop, or the second largest behind tobacco. Since 1982, Kentucky has been among the top five marijuana producing states, and in 1987, Kentucky was the second largest in the nation (Drug Enforcement Strategy Committee, 1987; Kentucky Justice Cabinet, 1989; Potter et al., 1990). In 1995, eradication efforts destroyed 255,356 marijuana plants – more than double the number from year before (van Sant, 1995).

Some believe that the resiliency of the marijuana market in Kentucky is due in no small part to the eradication efforts. Since the beginning of the eradication program, the quality of marijuana exported from Kentucky has risen, along with its potency; now double the national average (Potter et al., 1990).

By 1998, the federal government had designated 65 counties in West Virginia, Tennessee, and Kentucky as “high-intensity drug trafficking area[s]” and declared eastern Kentucky the “center of the Appalachian marijuana belt” (Bowman, 2000, p. 1043). Because of the heavy investigation into Kentucky marijuana growers, they began to move into Virginia. In August of 2000, the authorities found almost 4,000 marijuana plants in southwest Virginia near the Kentucky state line (Bowman, 2000). Although some Kentucky growers moved into Virginia, the federal government was able to destroy more than 486,000 marijuana plants from 5,703 Kentucky farms in 1998 and 1999, thanks to a $6 million federal-level budgetary designation (Bowman, 2000).

Federal eradication efforts in Kentucky still exist, but in the last decade there has been a shift in legalization beliefs, with 52% of Kentucky voters saying they would be open to legalizing marijuana (Patton, 2014). While state initiatives such as Up in Smoke (a combination
of Kentucky’s best eradication forces and U.S. Attorney’s office prosecutors) have been going strong since 2007, a shift in public thinking has legislators reconsidering legalization, as the 2014 legislative session was the first time a marijuana legalization bill made it out of committee (Harris, 2007; Patton, 2014).

While Kentucky has not legalized marijuana in any form, in 2012, voters in Massachusetts passed an initiative allowing marijuana for medicinal use. While Massachusetts has not received nearly the same attention as Kentucky on the subject, a history of marijuana in Massachusetts follows.

**The evolution of marijuana policy in Massachusetts.** According to the website of Secretary of the Commonwealth of Massachusetts (2016), the current registered voter distribution in Massachusetts is 34% Democrat, 10% Republican, and 53% unaffiliated or other, with a Democrat dominated legislative body (126 D/34 R in the House and 34 D/6 R in the Senate). From the Civil War until the 1920s, the GOP controlled Massachusetts, but then the landscape shifted to its current state and has remained that way since. This state was chosen as the second state for comparison because its political landscape is relatively similar to Kentucky; it was the first state to prohibit marijuana use, and one of the later states to legalize it medicinally. Massachusetts was the first state to criminalize marijuana in 1911, and the call for medical legalization began in 1997. While voters did not approve a decriminalization initiative until 2008, Massachusetts became the 18th state to legalize medicinal marijuana in 2012 (Marijuana Business Media, 2015). However, as of January 2015, it had approved 15 dispensary licenses but had not awarded any. The first medical marijuana dispensary opened its doors in June of 2015, and it operates by appointment only (Salsberg, 2015). Interest groups are currently
pushing for a ballot measure to legalize recreational use in 2016 (Marijuana Business Media, 2015).

Since 2000, thirty districts across Massachusetts have passed policy enacting civil fines rather than criminal penalties for marijuana possession, and in 2008, passing with 65% of the vote, the Sensible Marijuana Policy Initiative passed, eliminating criminal penalties for possession of marijuana across the state (Fell & Romano, 2013). In 2007 and again in 2009, bills entered the Massachusetts state legislature favoring legalization of medicinal marijuana, but both failed. It was not until 2011 that a bill entered the Massachusetts House and received attention. The bill moved to the House Rules committee, where it died after voters passed into law the Massachusetts Medical Marijuana Initiative on November 6, 2012 by a 63% margin. The new law eliminated criminal and civil penalties for possession and use of up to a 60-day supply of marijuana for individuals with a medical marijuana registration card.

**The evolution of marijuana policy in Vermont.** According to the website of Vermont’s Secretary of State (2016), there is currently no party registration in Vermont. When a voter goes to the polls, he or she receives a ballot for each party, fills out the ballot of his or her choice, and submits that ballot, discarding the other. Vermont’s political landscape, however, has gone from one of the most reliably Republican states to one of the most reliably Democratic states (Cohen, 2012). From 1856 until 1960, state inhabitants voted almost exclusively Republican. Then, in the mid-1960s, when an influx of environmentally conscious citizens from New York and Massachusetts began to come into the state, the landscape began to shift slowly into today’s Democratic stronghold (Cohen, 2012). Even though a majority of the state tends to vote Democrat, there is still a Republican influence that takes hold over certain issues, mainly fiscal ones (Cohen, 2012). The current legislative body in Vermont is comprised of 85
Democrats, 53 Republicans, 6 Independents, and 6 Progressives in The House of Representatives; and 21 Democrats, 1 Democrat/Progressive, 2 Progressive/Democrats, and 6 Republicans in the Senate.

Following Massachusetts in 1914, Vermont was the second state to adopt an act that would regulate the sale and use of narcotics, including marijuana, in 1915 (Gieringer, 1999). In 1947, Vermont adopted the Uniform Narcotic Drug Act, which came with imprisonment from one to five years for the possession of drugs, which included marijuana (Bonnie & Whitebread, 1974). In 1967, Vermont dropped the penalty and incarceration period for simple possession of marijuana to a misdemeanor that carried with it a six-month imprisonment period (Cohen, 2012).

In 1978, the Vermont legislature made an effort to decriminalize marijuana through House Bill 669. The purpose of the bill was not to condone the use of marijuana, but to ensure that those who did use were not subject to “unduly harsh sanctions.” In 1981, the Department of Health launched the Vermont Cannabis Therapeutic Research Program (Scott, 1994). This program allowed physicians to prescribe marijuana to cancer patients, but only through the Department of Health. This meant that if a physician prescribed marijuana for a patient, that patient could only receive the prescription from the Department. During the same period that the medicinal program was launched, the state legislature was increasing criminal penalties for the possession and sale of marijuana (NORML, 2013). This increase was a direct result of the 1980s Just Say No campaign for drug use led by Nancy Reagan (Frontline, 2010). Not until 2004 would the state see a true medical marijuana bill, and that was only after several years of bill introductions and a medical marijuana study committee that suggested ways to implement a medicinal marijuana program in Vermont (NORML, 2013).
Vermont’s current laws prohibit the possession, distribution, and production of marijuana for any purpose other than medicinal use. In 2004, state law changed to allow the use of medicinal marijuana by those with debilitating medical conditions, including AIDS, HIV, multiple sclerosis, or any other disease that includes severe pain, nausea, or seizures (Vermont Crime Information Center, n.d.). Vermont was the 9th state to allow such medicinal use of marijuana. In 2011, it enacted legislation to allow four dispensaries to distribute medical marijuana to 1,000 registered patients. According to the Vermont Department of Health, in 2014, Vermont’s patient cap was lifted and the legislature enacted legislation to allow the delivery of medicinal marijuana to qualified patients. While the recreational use of marijuana is still prohibited in Vermont, the state did decriminalize the substance in 2013, leaving most of those caught with the substance with a fine of between $200 and $500 (Marijuana Policy Project, 2016). This penalty is for those who have one ounce or less and the penalty is a civil one, much like the penalty for receiving a traffic summons.

While Vermont has a history of heroin and opiate drug addiction (Shumlin, 2014), alcohol is the most harmful intoxicant residents imbibe, accounting for 9% of deaths annually (Stahre, 2014). While alcohol is the most harmful drug Vermonter use, marijuana remains the most widely used drug in the state, used mostly by minors (Shumlin, 2014). According to the Vermont Department of Health, in 2014, the Vermont Division of Alcohol and Drug Abuse Programs spent almost $2.5 million in youth substance use-prevention programs. More recently, the legislature has made a push to legalize marijuana for recreational use as a measure to prevent youth consumption (Shumlin, 2015). In 2015, Senate Bill 95 was proposed to address marijuana taxation, and in 2016, Senate Bill 241, sponsored by Democratic Senator Jeanette White and Republican Senator Joe Benning, went to the Vermont legislature. This bill addressed the
personal possession and cultivation of cannabis and regulation of commercial cannabis establishments was the first of its kind to go to a state legislative body (Marijuana Policy Project, 2016). Vermont was chosen for inclusion in this exploration because, if passed, the bill would have been a historical moment for marijuana legalization in the United States. The Senate passed the bill 17 to 12 in February of 2016, but it was left in the House Appropriations Committee in April of 2016, just weeks before the legislature adjourned.

**Conclusion**

According to Cairney (2013) “the world is too complicated to study unless we simplify it” (p. 292). Thus, issues such as the legalization of marijuana that have high levels of ambiguity and include factors outside the realm of policy making are more suited to qualitative analysis, as qualitative analysis allows researchers to take a snapshot of the past, and use a historical narrative to explain the future (Geyer & Rihani, 2010; Klijn, 2008; Lewis & Steinmo, 2010; Pollitt, 2008; Room, 2011).

Dowding (2000) noted that evolutionary theories such as PET have the potential to predict the success of behavior in response to certain environments, but highlighted that the time required to do so must span decades. Thus, for this exploration, the period between January 1, 1996 and January 1, 2016 was examined. In the following chapter, the process for the study is outlined, including the research design, data collection and analysis methods, and the strengths and limitations of the study.
CHAPTER 3

METHODS

The agenda setting process encompasses the media, the public, and the policy agenda. While a research tradition exists for all three types of agendas, this exploration focuses primarily on the media agenda. As noted above, the purpose of this dissertation is to investigate the link between print media and public policy output, using PET to establish that media saliency and disproportionate political attention are the factors primarily responsible for placement of the marijuana issue on the political agenda. This research also fills the gap advanced by Wolfe et al. (2013), who stated, “Though interested in the effects of political communication, scholars … often fail to link the media to policy outcomes, policy change, or agenda change” (p. 175).

This study utilizes qualitative research methods to explore the level at which media attention affects policy output surrounding the legalization of marijuana. In this chapter, the design for testing the theory outlined in the previous chapter is presented. The study will analyze articles past the legislation passing date to have a more in depth understanding of the effect of media on public policy. First, the context of the study is outlined and a genesis of the methodology is presented, followed by a discussion of the propositions, then moving on to data collection and analysis, and ending with strategies for trustworthiness, and the strengths and limitations of the study.

Context

This study is an exploratory, comparative case study of the states of Kentucky, Massachusetts, and Vermont. The purpose of the study is to focus on the behavior of policy actors in relation to media attention to see if there is a correlation between media focus and governmental policy making. The theory used in the comparison is PET, as engaging in
longitudinal analysis allows for capturing trends that scholars often overlook using other methods. Additionally, much of the PET work revolves around policy agenda redefinition (following a punctuation when new ideas become the new prevailing wisdom). Usually these ideas come from outside the policy arena, and without this redefinition, there will only be marginal changes to existing policy (True et al., 2006).

Kentucky, Massachusetts, and Vermont were chosen as comparison states because they are relatively similar in terms of legislative control, and resident political party affiliation. There are states more similar to Massachusetts and Vermont than Kentucky in these characteristics, but they have already legalized medicinal marijuana, thereby not offering enough variation in agenda status. Further, each of these three states has a disproportionately large middle-aged population (45-64 years old). The most common ethnicity is Caucasian (about 80%), yet the three states show different agendas surrounding marijuana policy. Massachusetts legalized marijuana for medicinal use in 2012, and citizens voted via referendum in favor of a recreational use law in 2016. Vermont has legalized marijuana for medicinal use and is currently in the process of legalizing marijuana for recreational use via law enacted by the General Assembly, while Kentucky has done neither – even though Kentucky’s legislative body began to see a push for legalization in the early 2000’s (Farmer et al., 2014). In addition to the similarities of the three states, Kentucky, Massachusetts, and Vermont are especially interesting to compare because Massachusetts was the first state to enact prohibition in 1911, Kentucky was the first state whose inhabitants began cultivating and distributing marijuana on a large scale during prohibition (Marijuana Business Media, 2015; Marijuana Policy Project, 2015), and Vermont, the second state to prohibit marijuana use, could be the first state whose legislative body legalizes marijuana for recreational use.
Kentucky. In Kentucky, possession and distribution of marijuana are illegal, but there are so many people in the state who are producing and selling the drug that eradication efforts in the region have received national attention. While there has been a push to legalize medicinal marijuana in Kentucky since 2003 (Marijuana Policy Project, 2015), there has still been no change in legislative policy for the region. The Kentucky legislature is currently under split control with a Democratic House and a Republican Senate.

Massachusetts. Massachusetts was chosen for comparison because of its inhabitants’ history, discussed above, and its hesitation to legalize medicinal marijuana. Massachusetts was the first state to criminalize marijuana in 1911. The calls for medical legalization began in 1997. Medicinal marijuana did not become legal until 2012, and the first marijuana dispensary did not open until 2015 (Schrover & Dreibus, 2015). The Massachusetts legislature is currently dominated by Democratic control in both the House and Senate.

Vermont. Vermont allowed for medicinal marijuana use in 1981 and enacted state medicinal marijuana legislation in 2004. The legislature decriminalized marijuana in 2013, and in 2015 the Vermont legislature was the first in America to consider legalizing marijuana for recreational use. This state was chosen for comparison because while the recreational use bill died in the House in late April 2016, it is as far as any recreational legalization measure has gotten through a state legislature. The Vermont legislature is also dominated by Democratic control in both the House and Senate.

Genesis of Methodology

Researchers such as Christie (1998), Noto, Pinsky, and Mastroianni (2006), Gelders et al. (2009), and Lancaster, Hughes, Spicer, Matthew-Simmons, and Dillon (2010) noted that print media heavily influence public opinion, and therefore public policy, surrounding drugs. In
particular, Christie (1998) stated that in the creation of policies, there is often a tension between two end-goals: researched and supported policy objectives and the perceived public. Noto, Pinsky, and Mastrioanni (2006) added that surveying print media gives a better understanding of public opinion toward drugs, and thus, a better understanding of the situation toward legislation. Lancaster et al (2010) also stated that news reports on topics such as tobacco or drugs help shape short- and long-term attitudes and behaviors toward these topics, particularly in the Australian setting. Additionally, Mastroianni, Fabio, Noto, and Regina (2008) noted that agenda setting theory is the best way to illustrate how the media play this role, because it suggests how the media reinforce concepts and generate saliency of issues with the public.

Traditional PET studies often use national-level congressional data to understand national level policy change. Eight of the nine studies Baumgartner and Jones (2002) highlighted in Policy Dynamics analyzed congressional hearings as the primary unit of analysis. While researchers such as MacLeod (2002) analyzed the content of hearing testimony, others such as Hunt (2002) used the frequency of hearings to determine a change in policy image. Further, researchers like Hardin (2002) coded only the topic and the groups involved in the hearing, leaving the hearing content free of exploration. Because this is a state-level study, it approaches the PET methodology from a slightly different perspective.

Instead, a search was performed of the legislative records for the states of Kentucky, Massachusetts, and Vermont to find all bills related to the legalization of marijuana for both medicinal and recreational purposes. The purpose of analyzing the legislation is to show a connection between media attention, the legislative agenda, and policy output. An in-depth content analysis of the title and bill text was performed to uncover the intention of the legislation. Each bill was followed to see how much committee involvement it saw while it was
under consideration. It was also of relevance whether the bill died in committee, died on the chamber floor, or passed both bodies. If the bill passed, it was also noted whether the governor signed the bill into law or allowed it to pass without signature.

Because this is a purely qualitative study, it is important to note that the methods used in this dissertation are from the content analysis literature. Krippendorff (1980) provides a means for researchers to create an original content analysis using media coverage as a data source. Based on Krippendorff’s guidance, Schulte (2006) created an original content analysis using media sources to explore greenhouse gas rules in California. Schulte’s (2006) codes translate well to both the news articles and legislation being analyzed in the current study. The codes used by Schulte (2006) and a brief explanation of how each will be used in the current study (based on Benson’s (1982) arena boundaries) can be found in Table 1 below.
Table 1

*Adapted from original content analysis codes created by Schulte (2006)*

<table>
<thead>
<tr>
<th>Source</th>
<th>Which newspaper/piece of legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headline</td>
<td>Title of article/bill</td>
</tr>
<tr>
<td>Length</td>
<td>Number of words per article: More column space is attributed to greater importance</td>
</tr>
<tr>
<td>Author/Sponsor</td>
<td>Author of article: Shows if certain journalists are covering the phenomenon more than others. Sponsor of bill and party affiliation</td>
</tr>
<tr>
<td>Date</td>
<td>Used to detect patterns of coverage surrounding the phenomenon</td>
</tr>
<tr>
<td>Section</td>
<td>In which section of the newspaper the article appears</td>
</tr>
<tr>
<td>Page</td>
<td>Where the article appears in the paper. If close to, or on, the front page, then it signifies that the phenomenon is of high importance to the paper</td>
</tr>
<tr>
<td>Event</td>
<td>If the article correlates to a specific event it is listed here</td>
</tr>
<tr>
<td>Theme</td>
<td>After reading the article/bill, the focus of the article/bill is listed here</td>
</tr>
<tr>
<td>Interviews/People Mentioned</td>
<td>Names of people found in the article are listed here. This code shows which people and/or groups are being highlighted most in news coverage surrounding the phenomenon</td>
</tr>
<tr>
<td>Language</td>
<td>Any positive, negative, or neutral language is listed here in quotations</td>
</tr>
<tr>
<td>Tone</td>
<td>Added here to reflect a traditional PET content analysis code used by Jones and Baumgartner (1993). Articles/bills coded as positive, negative, or neutral. An article/bill has a positive tone if it aligns with current policy, a negative tone if it is disjoined with current policy, and neutral if the title is inappropriate for either of the two categories.</td>
</tr>
<tr>
<td>Visuals</td>
<td>Whether there are any pictures or charts in the article</td>
</tr>
<tr>
<td>Significance</td>
<td>If the article/bill addresses only the phenomenon of interest it is labeled as significant</td>
</tr>
<tr>
<td>Both Arguments</td>
<td>If the article lists pros and cons of marijuana</td>
</tr>
<tr>
<td>Notes</td>
<td>Personal notes to list any important information not listed above</td>
</tr>
</tbody>
</table>
All documents were coded using the above content analysis codes using QSR’s NVivo software. This type of analysis with NVivo has been conducted successfully by researchers such as Crow (2008), who studied stakeholder influence over legislative activity surrounding recreational water rights in Colorado; and Moerschell (2009) who studied PET in relation to leadership emergence theories. Using the above studies and Bazeley and Jackson’s (2014) book geared specifically toward content analysis with NVivo, the researcher created the methodology for the present study.

**Propositions**

PET is used to frame the propositions, which are designed to help advance the use of PET as a practical tool for policy makers. According to Baumgartner and Jones (1993), equilibrium is a period during which adjustment to policy is basically stable, occurring at a very small and slow pace, if at all. The reason for the incremental adjustment is mainly because of the issue’s dominance. Termed a policy monopoly, interest groups, institutions, individuals, and advocacy coalitions interconnected via shared interests and compatible policy demands control the policy (Baumgartner & Jones, 1993). Thus, the following propositions are put forward for exploration:

**P1: Media role in getting policymakers’ attention and public opinion.** Media content is more likely to get the attention of policy makers when media outlets are able to achieve saliency surrounding an issue.

**P2: Media role in getting issue placed on policy agenda.** An issue being placed on the policy agenda is more likely to occur when the media coverage is in opposition to the policy currently in place.
Researchers such as Christie (1998), Noto, Pinsky, and Mastroianni (2006), Gelders et al. (2009), and Lancaster, Hughes, Spicer, Matthew-Simmons, and Dillon (2010) noted that print media heavily influence public opinion, and therefore public policy regarding drugs. Additionally, Mastroianni and Noto (2008) noted that the media play this role by reinforcing concepts and generate saliency of issues with the public. Baumgartner, Jones, and True (2006) noted that when enough people mobilize behind an issue to make the issue stand out as important, policy makers are more apt to pay attention and act on that issue. If the media can establish salience surrounding an issue, the issue is more likely to garner disproportionate attention from legislative bodies and make it to the agenda over other issues. Performing a content analysis on printed news articles from the three states is expected to support several connections between media and policy setting. First, since 1996, there has been a change in media attention surrounding the issue of marijuana policy. There is an increased frequency of media coverage (Baumgartner & Jones, 1993, 2002; Feeley, 2002; Hunt, 2002; Wilkerson, Feeley, Schiereck, & Sue, 2002) in the states that have legalized marijuana in the years leading up to the legalization. Second, there have been changes in the policy image (“how [the] policy is understood and discussed”) (Baumgartner & Jones, 1993, p. 25). For example, do the policy images support stasis or reform? Additionally, we should also notice an attention shift within the state legislatures. With the legislatures, much like Baumgartner and Jones (1993, 2002) found within Congress, we should see an increase in the frequency and the number of legislative measures entering the House and Senate in each state, along with the number of committee meetings and hearings of members of the legislative bodies.

Baumgartner and Jones (1993) use the tone of an article title to measure whether coverage of an issue is encouraging or discouraging. An article has a positive tone if it aligns
with current policy interests, a negative tone if it is disjoined with current policy interests, and neutral if the title is inappropriate for either of the two categories. Thus, for this analysis, and borrowing from Baumgartner and Jones (1993), an article is coded as positive or encouraging if the title aligns with the current federal mandate that marijuana remain a prohibited substance, negative or discouraging if the title is pro marijuana, and neutral if the title cannot easily be placed into one of the two preceding categories.

P3: **Media role in transforming policy agenda into policy output.** The more disproportionate attention media sources give to a specific policy issue, the more likely a punctuation, or change, in policy will occur on that issue.

As discussed in the chapters above, researchers like Dearing and Rogers (1996), Kiousis (2004), McCombs (2004), Soroka (2002), Walgrave and Van Aelst (2006), and Wood and Peake (1998) have spent countless hours studying saliency and how the successful establishment of saliency is an integral part of establishing public opinion, and subsequently the legislative agenda. In propositions 1 and 2, we look at the components of our linear model separately. Analyzing this proposition will show how the components come together to create the linear model found in Figure 2 below.

Figure 2

*Simple linear model tracing the evolution of policy output surrounding marijuana in Massachusetts, Kentucky, and Vermont.*
Methodology

The research approach is a case study grounded in the principles of qualitative research with a constructivist approach in the hermeneutical tradition. While constructivists claim that truth is relative and dependent on one’s perspective, the constructivist viewpoint also values the existence of objectivity in analyzing multiple truths (Stake, 1995). Thus, in-depth content analysis was performed on all the data. Using case study as a theory-building tool is not new to the social sciences. While in the past, some have seen case studies as merely descriptive tools with little explanatory power that allow researcher bias to shape conclusions, researchers such as Yin (1984), Lincoln and Guba (1985), Togergerson (1986), and Lester and Stewart (1996) have reassessed the case study method and found it was a valuable tool for building theory.

Additionally, the case study method is the one most suitable for PET, because it allows for an in-depth analysis across time that can provide rich information to test the PET model. Only by analysis that covers several decades is it possible to identify meaningful shifts in policy output. Further, the factors that contributed to those shifts and identification of periods of stability and turbulence are best identifiable via this method.

Case study research investigates a phenomenon within a real-life context – when the boundaries between the phenomenon and the context are blurred (Hays & Singh, 2012; Yin, 1984). While case study research is typically not generalizable, the research in this dissertation is analytically generalizable within the context of PET. Further, while a single case study is justifiable, there is more potency and robustness in a comparative case study (Hays & Singh, 2012; Yin, 1984). In this dissertation, archival data was compiled as a hermeneutical dialogue to narrate the story of the marijuana policy domain in the three states of Kentucky, Massachusetts, and Vermont. Schleiermacher (1768-1834), Dilthey (1833-1911), and Heidegger (1884-1976)
were integral in shaping the hermeneutical research tradition, which has shifted from the interpretation of scriptural text to a form of “cultural inquiry that seeks to construct a historical understanding of the experience and realities of other persons” (McLeod, 2001, p. 26). In an intensive and rigorous study such as this, there is a deep understanding of not only human belief systems, but also the cultural products of those belief systems (Sandage, Cook, Hill, Strawn, & Reimer, 2008). Additionally, while a case study admittedly limits the external validity of the study, it does begin to bridge the gap between research and practice by providing thick descriptions and understanding in bounded systems where previous knowledge has not been available (Hancock & Algozzine, 2006; Hays & Singh, 2012). Generally, a case study design is useful when (a) the exploration seeks to answer how and why questions (b) it is not possible to manipulate the data, (c) contextual conditions are relevant to the phenomenon, or (d) there are no clear boundaries between the context and the phenomenon (Baxter & Jack, 2008; Yin, 2003).

Baxter and Jack (2008) and Yin’s (2003) points translate seamlessly into the current research because (a) the focus of the study is to understand how media attention affects governmental policy, (b) the data are purely archival and are expected to accurately depict the media’s role in the marijuana policy domain, (c) these contextual conditions may have a direct correlation to the phenomenon at hand and they had not been researched before the present study, and (d) because an analysis has yet to be performed on the marijuana policy issue at the state level, no clear explanation exists as to the cause of the policy change.

Though some in the academic community refer to a case study as a catchall for research that is neither reproducible nor statistically rigorous (Creswell, 2007; Merriam, 2009; Stake, 1995), it is very relevant across the social sciences because the aim is more particularization than generalization (Creswell, 2007; Merriam, 2009; Stake, 1995). As with most case studies, this
dissertation is more exploratory than confirmatory. In essence, “qualitative research is inductive … and theory emerges from the data rather than testing or verifying preexisting theory” (Padula & Miller, 1999, p. 329). The hope is that this approach will not only contribute original scholarship to the marijuana policy domain, but also further PET as a valid and rigorous theory.

As stated above, this study revolves around archival data collection covering the years between 1996 and 2016 from the states of Kentucky, Massachusetts, and Vermont. Below, the process of data gathering and analysis is described in depth, followed by a discussion of the variables used in this exploration, strategies for trustworthiness, and finally the strengths and limitations of the study.

**Data Sources**

The documents examined in this study are comprised of various texts and data sources appropriate for the phenomenon of interest, and include newspaper articles published in Kentucky, Massachusetts, and Vermont and legislative documents from the Kentucky, Massachusetts, and Vermont legislatures. In total, 4,244 sources were collected for analysis – 981 from Kentucky, 2,391 from Massachusetts, and 872 from Vermont. Newspaper articles analyzed include those published between the years of 1996 and 2016, both before and after legalization of marijuana, allowing the researcher a more in depth understanding of media attention pre and post legislation.

All news data was pulled from a search of Newsbank articles. While the standard for PET research is to pull archival data from the Reader’s Guide to Periodical Literature (the broadest index of popular periodicals and specialized publications in the United States) and the IAC National Newspaper Index (indexing of all articles appearing in five major U.S. newspapers
as well as five other major news publications) (Jones & Baumgartner, 1993), the Newsbank database was utilized for this research because it houses the most comprehensive listing of newspapers published in Kentucky, Massachusetts, and Vermont.

All legislative data was pulled from a search of the Kentucky, Massachusetts, and Vermont state legislature databases. The legislative websites of Kentucky, Massachusetts, and Vermont were accessed individually and searched for all levels of legislative activity surrounding marijuana from 1996 until 2016. The search included bills that were introduced and died in committee, bills that made it through several amendments before dying on either the House or Senate floor, bills that were passed by the legislative bodies and vetoed by the Governor, and bills that were enacted into law. Studying all levels of legislative activity allowed the researcher a more comprehensive look into the relationship between media exposure and policy activity. The number of legislative documents retrieved from each state can be found in Table 2 below.

The primary search in Newsbank for Kentucky was “North America” “Kentucky” “medical marijuana,” or “medicinal marijuana,” or “recreational marijuana” in all text and 1/1/1996 – 1/1/2016 in dates within USA, Kentucky, and multiple publications. The publications were selected based on the availability of news articles from 1996 to 2016. NewsBank houses articles from 53 newspapers across Kentucky, but only 7 of those publications are available beginning in 1996. The names of those publications and number of articles from those seven publications kept for analysis can be found in Table 2 below. All articles with marijuana or an associative of the word (e.g., pot, weed) in the title were kept, along with articles that focused solely on marijuana but without the term in the title. The search in Kentucky yielded 504 total
results. The primary search of the Kentucky legislature’s website was legislative record, years 1996 through 2016, “marijuana.” The search returned 477 documents.

The primary search in NewsBank for Massachusetts was “North America” “Massachusetts” “medical marijuana,” or “medicinal marijuana,” or “recreational marijuana” in all text and 1/1/1996 – 1/1/2016 in dates within USA, Massachusetts, and multiple publications. The publications were selected based on the availability of news articles from 1996 to 2016. NewsBank houses articles from 166 newspapers across Massachusetts, but only 10 of those publications are available beginning in 1996. The names of those publications and number of articles from those 10 publications kept for analysis can be found in Table 2 below. All articles with marijuana or an associative of the word (e.g., pot, weed) in the title, along with articles that focused solely on marijuana but without the term in the title were kept for analysis. The search in Massachusetts yielded 2,238 total results. The primary search of the Massachusetts legislature’s website was legislative record, years 2010 through 2016, marijuana. The search returned 53 documents.

The primary search in Newsbank for Vermont was “North America” “Vermont” “medical marijuana,” or “medicinal marijuana,” or “recreational marijuana” in all text and 1/1/1996 – 1/1/2016 in dates within USA, Vermont, multiple publications. The publications were selected based on the availability of news articles from 1996 to 2016. NewsBank houses articles from 16 newspapers across Vermont, but only 4 of those publications are available beginning in 1996. The names of those publications and number of articles from those four publications kept for analysis can be found in Table 2 below. All articles with marijuana or an associative of the word (e.g., pot, weed) in the title, along with articles that focused solely on marijuana but without the term in the title were kept for analysis. The search in Vermont yielded 822 total
results. The primary search of the Vermont legislature’s website was legislative record, years 1996 through 2016, mari*juana. The search returned 50 documents.

Table 2

*News Sources for Analysis*

<table>
<thead>
<tr>
<th>Kentucky</th>
<th>Number of Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Press: Fort Mitchell Metro Area</td>
<td>26</td>
</tr>
<tr>
<td>Associated Press: Louisville Metro Area</td>
<td>5</td>
</tr>
<tr>
<td>Daily News (Bowling Green)</td>
<td>37</td>
</tr>
<tr>
<td>The Kentucky Post (Covington)</td>
<td>18</td>
</tr>
<tr>
<td>The Lexington Herald-Leader</td>
<td>281</td>
</tr>
<tr>
<td>The Messenger (Madisonville)</td>
<td>77</td>
</tr>
<tr>
<td>Owensboro Messenger-Inquirer</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>504</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Massachusetts</th>
<th>Number of Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amherst Bulletin</td>
<td>28</td>
</tr>
<tr>
<td>Associated Press: Haverhill Metro Area</td>
<td>154</td>
</tr>
<tr>
<td>Associated Press: Waltham Metro Area</td>
<td>142</td>
</tr>
<tr>
<td>Boston Herald</td>
<td>398</td>
</tr>
<tr>
<td>Cape Cod Times (Hyannis)</td>
<td>254</td>
</tr>
<tr>
<td>Daily Hampshire Gazette (Northampton)</td>
<td>290</td>
</tr>
<tr>
<td>The Recorder (Greenfield)</td>
<td>220</td>
</tr>
<tr>
<td>The Republican (Springfield)</td>
<td>339</td>
</tr>
<tr>
<td>Valley Advocate (Easthampton)</td>
<td>59</td>
</tr>
<tr>
<td>Worcester Telegram &amp; Gazette</td>
<td>357</td>
</tr>
<tr>
<td>Total</td>
<td>2,238</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vermont</th>
<th>Number of Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Press: Burlington Metro Area</td>
<td>37</td>
</tr>
<tr>
<td>The Caldonian-Record</td>
<td>79</td>
</tr>
<tr>
<td>Rutland Herald</td>
<td>354</td>
</tr>
<tr>
<td>The Times Argus (Barre-Montpelier)</td>
<td>352</td>
</tr>
<tr>
<td>Total</td>
<td>822</td>
</tr>
</tbody>
</table>
Table 2 continued

**Legislative Sources for Analysis**

<table>
<thead>
<tr>
<th>Legislative Source</th>
<th>Number of Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentucky Legislature</td>
<td></td>
</tr>
<tr>
<td>Failed Legislation</td>
<td>28</td>
</tr>
<tr>
<td>Passed Legislation</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
</tr>
<tr>
<td>Massachusetts Legislature</td>
<td></td>
</tr>
<tr>
<td>Failed Legislation</td>
<td>25</td>
</tr>
<tr>
<td>Passed Legislation</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
</tr>
<tr>
<td>Vermont Legislature</td>
<td></td>
</tr>
<tr>
<td>Failed Legislation</td>
<td>46</td>
</tr>
<tr>
<td>Passed Legislation</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>49</td>
</tr>
</tbody>
</table>

**Data Analysis**

An in-depth content analysis was performed on all data sources. Content analysis is the process of examining written documents (Hays & Singh, 2012). This type of analysis was chosen for this examination because it involves unobtrusive data sources that are a matter of public record and that the respective governments had not collected for research purposes. Pursuant to the methodological protocol of content analysis, the articles and legislative documents were compared and contrasted in various ways, including categorizing the data and organizing and reorganizing it (Lincoln & Guba, 1985) to let themes emerge independently of the researcher (Altheide, 1996).

Following the suggested methods from PET literature (Baumgartner & Jones, 1993) and the content analysis literature (Altheide, 1996; Neuendorf, 2001; Schreier, 2012), the unit of observation was the individual document, and the level of analysis was the state. Because the categories or themes for analysis were developed from the data (Schreier, 2012), face validity is an important tool in assessing the validity of the study. Face validity of category definitions was
determined by following the methodological protocol of ethnographic content analysis. A sample or pilot coding scheme for semantic validity was developed, tested, and examined, ensuring that the words in each category either have similar meanings to or relate to a category similarly. Comparing and contrasting the data multiple times to let themes emerge independently of the researcher is how the pilot coding scheme was developed (Altheide, 1996). To ensure reliability, a random sample of 10% of the news articles (Lombard, Snyder-Buch, & Bracken, 2002) was gathered from all three states and those documents and a codebook were given to an inter-coder. This process helped to ensure the accurate coding of all the data collected. This interceding process was also used to assess content validity, as the intercoder is familiar with the concepts on which this research is based (Schreier, 2012).

**Construct and Themes**

The following is a discussion of themes, or coding parameters, found in this study. The construct, or dependent variable, is the policy output change surrounding medicinal and recreational marijuana. The themes used to explore the construct are available within the extant literature and are supported by the data.

**Construct.** The construct is the legalization of medical marijuana, or policy output change surrounding the legalization of marijuana for medicinal purposes. The amendment of existing laws or the formulation and passage of new laws substantiates this change. In instances where the change is incremental, it is likely that the change will benefit vested interests and not be an outcome of external pressures (Lindbloom, 1959; McCool, 1990). In instances where the change is dramatic and results in a non-incremental output or policy leap, it is likely that the change is due to external pressures (Mann & Ingram, 1990; Jones, 1974; Lester & Stewart,
All the variables described below were used to explore how media involvement relates to the state-level legalization of marijuana.

**Themes**

The themes defined below come directly from the PET and agenda setting literature and reflect the propositions stated above.

**Media achieving saliency surrounding the marijuana policy issue.** Baumgartner et al. (2006) noted that when enough people mobilize behind an issue to make the issue stand out as important, policy makers are more apt to pay attention and act on that issue. Additionally, we know that the media establishing issue saliency is one major way people mobilize behind an issue (Mastroianni et al., 2008). This theme is defined as the frequency in which marijuana is listed in the newspaper publications being examined in this study.

**Media opposing policy currently in place as evident in articles’ tone and content.** As discussed above, Baumgartner and Jones (1993) noted that tone comes from the title of an article. In this case, many of the article titles are neutral, so in this exploration, each article was coded as positive, negative, or neutral depending on both the title (Baumgartner & Jones, 1993) and the context in which each article discussed marijuana. To receive a positive coding, the article had to be in support of marijuana prohibition. If the article primarily highlighted the drawbacks of marijuana or discussed marijuana prohibition more positively compared to legalization, it was given a positive coding. Key words and phrases were searched in key areas of the article, such as the beginning where the primary argument was made or the conclusion where it was restated. To receive a negative coding, the article had to be pro marijuana legalization for any reason. The opposite of the criteria for pro marijuana prohibition was
applied for the negative coding. Articles not taking a clear positive or negative side on the issue were coded as neutral.

**Disproportionate media attention leads to punctuation or policy change.** Legislative attention to an issue (the introduction of bills, committee meetings on the topic) shows that the issue has made it to the legislative agenda. Further, when a legislature adopts policy on that issue, it shows a policy output surrounding the issue. In addition to tracking the legislative policy, those with output were coded as positive, negative, or neutral. To receive a positive coding, the legislation had to strengthen the prohibition effort. If the legislation primarily discussed the negative effects of marijuana use or argued for marijuana prohibition, it was given a positive coding. More specifically, if provisions in the legislation concretely prohibited or helped in the prohibition of marijuana, it was considered for positive coding. To receive a negative coding, the legislation had to reflect a pro-marijuana stance. Any legislation not taking a clear stance on the issue was coded as neutral.

**Strategies for Trustworthiness**

This dissertation was designed and executed in accordance with American Psychological Association research standards. For the purposes of this study, the following nine areas defined trustworthiness: credibility, dependability, conformability, coherence, sampling adequacy, ethical validation, substantive validation, intercoder reliability, and creativity (Hays & Singh, 2012).

First, the study is credible because all threats to internal validity have been adequately addressed. Because all data was gathered from archival sources that the relevant governments did not collect for research purposes, it is highly likely that the data are free of bias. Also, because each unit of analysis was selected purposefully using the guidelines set forth by content
analysis research, the threat of selection is not applicable to this study. Additionally, because the data are purely archival, this eliminates the threats of history, maturation, mortality, instrumentation, and contamination.

Second, the study is dependable because memos have been used as a data triangulation method. By consulting memos, the researcher can conduct cross-checking of multiple data sources which increases the validity and reliability of the findings. Third, conformability has been demonstrated by bracketing the assumptions of the researcher. Fourth, the study is coherent because, as described above, a consistent research approach was used throughout the dissertation process. Fifth, the study demonstrates sampling adequacy because there is an appropriate sample size and composition for the research purpose as suggested by the guiding theory. PET states that multiple decades of data are necessary to test the theory effectively (Baumgartner & Jones, 1993); this exploration used cases spread over a period of 20 years. Sixth, the study is ethically valid because the research objectively informs practice. Seventh, the study is substantively valid because it gives an in-depth description resulting from data gathering and analysis. Eighth, an intercoder, skilled in the field of public administration, was used to code in tandem with the author to ensure non-bias and consistency. Finally, the study is creative because there is novelty and flexibility in the research design.

**Strengths and Limitations**

Many representatives in states making the shift in marijuana policy from marijuana prohibition to allowing the medicinal, and even recreational use of marijuana find themselves in the midst of a seemingly intractable problem. The basis of the pro-con beliefs surrounding marijuana legalization are deeply held value systems, and policy actors may find it difficult to impact positive policy negotiation surrounding marijuana legislation. The biggest strength of
this dissertation is that by using PET, trends in data were captured that might not have appeared via other methods. Additionally, this research is the first to use PET to examine marijuana policy on the state level; and answers a call to research by Wolfe et al. (2013) asking for a simple linear model connecting media attention to policy output. Viewing marijuana policy through the lens of PET allows for a thoughtful, nonbiased approach to conflict de-escalation surrounding the value-laden issue of medicinal marijuana legalization – not only on a local level, but also potentially on a national level (Baumgartner & Jones, 2014; Cairney, 2013). Finally, as has been alluded to throughout this dissertation, this research is a study that others can add to and expand upon in future research by using the same methodology to investigate marijuana policy across the other 48 states and 1 district in the United States. While an in-depth study such as this one is time-consuming, it offers a neutral picture of a policy issue that is currently at the forefront of policy discussion.

Though the landscape surrounding marijuana policy is quickly changing, the results of this dissertation are still relevant. However, there are several limitations to the study. While the delimiting factor of a side-by-side state comparison allows the researcher to complete the research in a shorter amount of time, it also allows for replication in future studies. As Yin (2003) posited, a case study is “generalizable to theoretical propositions and not to populations or universes” (p. 10). Yin further noted that case studies have the purpose of expanding and generalizing theory, not representing a sample.

Additionally, as with most studies answering how and/or why questions, this study is more exploratory than confirmatory. However, there have to date been over 200 publications engaging with the PET approach to politics (Jones, Baumgartner, & Mortensen, 2014). Many of those publications are rigorous applications of PET that find strong evidence that the process is a
general characteristic of U.S. policymaking, one in particular contributing original scholarship to the phenomenon of interest (Ceccoli, 2003) and others focusing on governmental policy (McCool, 1998; Worsham, 1998), firearms control (True & Utter, 2002), education (Manna, 2006; McLendon, 2003; Mulholland & Shakespeare, 2005; Robinson, 2004), and environmental policy (Busenberg, 2004; Repetto, 2006; Salka, 2004; Wood, 2006). Thus, the intent of conducting this research is to be the first to contribute to the literature using PET as it relates to the state-level marijuana policy domain.

Finally, while PET can only predict system-level stability, leaving out the capacity for “point specific predictions” surrounding policy issues (Jones et al., 2014), this research will hopefully shed light on the overall tone of punctuations surrounding marijuana policy for medicinal and recreational purposes. Though it may not be possible to predict the next big shift, change, or frame of reference, immersion in the area will equip us with the knowledge necessary to recognize when the shift is occurring.

This chapter presented the methodological considerations and processes of the study. In the next chapter, the application of the PET model to the case studies of Kentucky, Massachusetts, and Vermont is explored. Each case is discussed longitudinally to identify the trends and shifts in marijuana policy over the last two decades. The narratives also identify the various policy participants in the marijuana policy domain. Additionally, the case studies allow for a rigorous application of PET to an archival data set covering the years 1996 to 2016.
CHAPTER 4
DATA COLLECTION AND ANALYSIS

Introduction

The purpose of the study was to examine, using punctuated equilibrium theory (PET) as a guide, the ways media attention influenced public policy surrounding the marijuana issue in the states of Kentucky, Massachusetts, and Vermont, thereby placing that issue on the political agenda in an expedient manner. This study utilized qualitative research methods to explore the level at which media attention affects policy output surrounding the legalization of marijuana. The findings attempted to address the research question: How does media attention influence state-level marijuana legislation?

Three sub-questions were also explored:

RQ1a. Can media accounts demonstrate disproportionate attention?

RQ1b. Can examining the content of state-level legislation and committees demonstrate disproportionate attention?

RQ1c. Can policy output be attributed to media attention and disproportionate legislative information processing?

This chapter will present the findings of the study based on the in-depth content analysis conducted through NVivo 11. The subsequent sections address the data collection for the study, data analysis procedures, and the results; the chapter will conclude with a summary.

Data Collection

Data sources were collected from news articles and legislatures from 1996 to 2016 in the states of Kentucky, Vermont, and Massachusetts. In total, 4,244 sources were collected for analysis – 981 from Kentucky, 2,391 from Massachusetts, and 872 from Vermont. The data
analysis procedure was identical for both news articles and legislative documents across all three states.

Each state had varying levels of legality in regard to marijuana that affected the content of these searches contingent on specific years. Kentucky has neither decriminalized nor legalized marijuana, except for utilization of industrial hemp for research purposes. Vermont decriminalized possession of a small amount of marijuana in June 2013 under House Bill 200, and legalized medicinal marijuana in May 2004 under Senate Bill 76. Massachusetts decriminalized possession of a small amount of marijuana in November 2008, legalized medicinal marijuana in November 2012, and legalized recreational marijuana in November 2016 all through ballot questions.

**Data Analysis Procedures**

Data analysis procedures were conducted through in-depth content analysis. Lincoln and Guba (1985) suggested organizing and reorganizing data in categories to be able to compare and contrast content of the documents. The method of comparing and contrasting also allowed for an inductive approach, in which themes that emerged were derived from the data. Each of the documents was skimmed by the researcher to familiarize herself with the data prior to the coding process. The documents were segregated per state and initially coded based on Schulte’s study prior to being read. As the researcher became familiar with the data, exploratory coding commenced. To conduct initial coding, the researcher used the Query feature in NVivo 11 to search for word frequencies. The query was conducted per state, then as a whole. The word frequency query allowed the researcher to identify the most commonly occurring word. NVivo 11 also has a feature which allowed the researcher to create word trees to see the key terms and the context linked to the highly occurring word. The word trees may be found in Appendix A.
Initial coding provided the researcher a direction in which to handle the datasets before a closer reading of the data, followed by focused coding (Saldana, 2009). Keeping the research questions in mind, the researcher was able to identify patterns in the data through key terms in the word frequency query results.

Text search query feature in NVivo 11 was then used to search for the key terms in the dataset per state. An example is provided in Figure 3 below. In the figure, the selected data were searched for the key term “legalize.” The researcher selected the search setting “with stemmed words” to be able to generate results such as “legalized,” “legal,” and “legalization.” The researcher selected “run query,” then “save results” to be able to closely read the results of the query, as the query did not consider the context in which the term “legalize” was based. The results were saved in nodes, saved separately per state. Each node was considered an initial code, and was later analyzed and refined to derive themes. In summary, text search query was used to help the researcher scan through all of the documents, while the analysis was conducted by the researcher herself.

Figure 3

*Sample text search query. Text search query in NVivo 11 helped the researcher locate the key terms, and the context in which the key terms were used.*
Not all queries generated results. Although some key terms appeared as highly recurring words in the datasets, some data sets did not contain the key terms at all. However, without conducting a text search query, the researcher may not have been able to identify which key terms were irrelevant in which datasets. Therefore, all key terms generated from the word frequency query were compared with each of the datasets through text search query. If the key term appeared to be completely irrelevant to the dataset selected, the query returned no results, such as shown in Figure 4.

Figure 4

*Sample of irrelevant key term. The selected dataset did not contain the term “decriminalize,” which shows that the term was irrelevant to the selected dataset.*

All of the relevant data, as well as the scope of each code were documented in node properties, as well as the code book (see Appendix B). Once the initial codes were assigned through nodes, the researcher began close reading the data for content analysis. The researcher selected a broad coding context (see Figure 5) to be able to analyze the content of the data in its context.
Sample coding context. To begin content analysis, the researcher closely read the content of the data through selecting a broad coding context.

At this point, the nodes contained results from the text search query, and the researcher had to read the data for content analysis. Therefore, not all results were relevant. Irrelevant findings were uncoded by the researcher, as shown in Figure 6.
Figure 6

*Sample of uncoding data. The researcher may opt to uncode data if deemed irrelevant to the code.*

Once the data were coded, uncoded, or sometimes combined, themes began to emerge. The entire coding process was conducted per state, then it was able to be coded as a whole in order fulfill the purpose of the study, which was to create a simple linear model linking the media to policy output using PET to support the claim that media’s establishment of saliency creates disproportionate attention surrounding an issue, thereby placing that issue on the political agenda in an expedient manner.
Results

The results section is divided into four sub-sections: policy-making in Kentucky, policy-making in Vermont, policy-making in Massachusetts, and overall attributes to policy-making. The sub-sections include narratives as a write-up of the findings, and excerpts from the documents to provide evidence of the results.

**Kentucky: Policy Making.** This sub-section includes the attributes of media and legislative content that may have contributed to the current marijuana policies of Kentucky. Currently, any form of marijuana is considered illegal in the state of Kentucky except for industrial hemp used in research. The major themes that were considered to affect policy-making in Kentucky were: (1) media exposure of medical marijuana, (2) legalization of industrial hemp for research purposes, and (3) upholding federal law.

**Media exposure of medical marijuana.** Medical marijuana has been a relevant content in the Newsbank articles from 1996 to 2016 in Kentucky. However, media content regarding medical marijuana spanned from benefits, regulated use, and even abuse. Moreover, other content included news from other states where medical marijuana was legalized, and abused by drug dealers, using medical purposes as an excuse to grow and sell marijuana on the black market.

**Efforts and barriers to legalization of medical marijuana.** Numerous articles described the efforts – and barriers – to the legalization of medical marijuana, a subtheme that prevailed from 1996 until 2016. The December 30, 1996 edition of the *Lexington Herald-Leader* described the efforts of the Clinton administration to pursue violations against those prescribing medical marijuana in Arizona and California. Clinton’s drug czar was quoted as saying: “Clearly if we had unscrupulous physicians who were using heroin to treat writer's block in Arizona, or if there
were prescription mills in California, federal law will be upheld.” The same paper, in November of 1999, focused on Washington state’s Initiative 692, which “passed with 59 percent of the vote. Despite predictions it would lead to a movement to legalize drugs and cause a surge in marijuana use, neither has happened. Instead, physicians and law enforcers are developing professional guidelines.” Not only did this article reinforce the number of states legalizing the drug for medicinal purposes, it also contradicted the opposition who posited such legalization would lead to increased recreational use. Furthermore, the article allayed fears by noting that “it appears that few -- if any -- patients have been prosecuted.”

In September of 2002, the paper noted that “voters in South Dakota will decide whether to give… medical marijuana users and other criminal defendants a new right. A proposed constitutional amendment would allow defendants there to concede their guilt but argue for acquittal on the grounds that the law under which they were charged is misguided or draconian,” which implies convictions for the use of medical marijuana are mistaken or “injudicious.”

The *Lexington Herald-Leader* in 2009 similarly reported on Portland, Maine where “Voters approved a referendum making Maine the fifth state to allow retail pot dispensaries…59 percent to 41 percent.” And two years later in 2011, *The Messenger* reprinted an opinion piece from *The Burlington Free Press* on medical marijuana in Vermont, saying:

A formal federal recognition of marijuana as a prescription drug is the logical approach to the medical marijuana debate. The current state by-state approach that challenges federal drug laws only invites confusion for doctors, patients, dispensaries and law enforcement agencies.
This theme continued into December 2013, when the *Lexington Herald-Leader* described the efforts of numerous states as to the legalization of medical marijuana:

Over the years, pot activists and state governments managed to chip away at the ban, their first big victory coming in 1996, when California allowed medical marijuana. Today, 19 other states, including Colorado and Washington, and the District of Columbia have similar laws.

The paper went on to indicate that Kentucky could be among those states to legalize, stating that “Medical marijuana [is] gaining traction in South,” with “several states considering use of cannabis oil.”

**Shifting Attitudes towards Legalization of Medical Marijuana.** By January of 2014, the Kentucky media was highlighting the shifting cultural opinions toward marijuana with a headline reading, “Attitudes shift nationwide on marijuana use - is this the year of legalization?” The article went on to say that “signature gatherers have been at work in at least five states to put marijuana measures on the ballot in 2014.” Like the 2013 article, this one emphasized the changes in marijuana that were specific to the South:

Organizers announced they had gathered more than 1 million signatures in favor of putting a medical marijuana measure before voters in Florida, a high-population bellwether that could become the first Southern state to embrace pot.

This emphasis on the changing attitudes of the South was reinforced by an article one month later, which noted:

Medical marijuana has been a nonstarter in recent years in the Deep South, where many Republican lawmakers feared it could lead to widespread drug use and social ills. That now appears to be changing, with proposals to allow a form of medical marijuana gaining
momentum in a handful of Southern states... Other Southern states also are weighing the issue with varying levels of support.

*Regulated Use of Medical Marijuana.* In addition to highlighting the shifting tide of legalization of medicinal marijuana in states across the country, news articles in Kentucky also underscored the regulated use of medical marijuana; within this frame, articles emphasized the medicinal value and support of legal medical marijuana. In November of 2000, the *Lexington Herald-Leader* reported on the Supreme Court who agreed “to decide whether ‘medical necessity’ can justify distributing marijuana, in violation of federal law, to people who use it to relieve pain or medical symptoms that cannot be effectively treated by conventional means,” framing the issue as a health concern. This health frame was often linked to a shifting viewpoint of the populace. A December 2004 article noted that “Nearly three-fourths of older Americans support legalizing marijuana for medical use,” which was connected to the wellbeing frame.

Moreover, these frames of health, wellbeing, and regulation were frequently reported in reference to Kentucky specifically. In a 2013 opinion piece in the *Owensboro Messenger-Inquirer* the writer emphasized the link between wellness and support for medical marijuana:

I did a double-take when 46 people supported legalizing marijuana for medical purposes — and only 23 opposed it. And again when 49 people supported a statewide smoking ban and only 22 opposed it... This was an audience made up largely of health-care professionals and community leaders.... Since then, 19 other states — including nearby Illinois — and the District of Columbia have approved similar laws. Two states — Colorado and Washington — have approved recreational use of marijuana. And California is reportedly considering it. But Kentucky? I doubt it. But then, when twice as
many middle-aged — and older — public officials and health-care professionals at a forum in Owensboro say they support its use for medicinal purposes, who knows.

In a letter to the editor, in January of 2014, reader Jason Andrew framed the issue as one of regulation and the need for scientific fact:

Recently, state Sen. Perry Clark introduced legislation to legalize the sale of medical marijuana in Kentucky. State Rep. Robert Benvenuti spoke against this, saying he could fill the statehouse with individuals affected by "pot deaths." I welcome Benvenuti to try to do so, but in the meantime I would like to point to a few facts. THC is a mind-altering drug and should be used with great care, but to prohibit its use is simply ignorant…

A 2014 article in *The Messenger* similarly highlighted the medical need for marijuana and the concurrent support for its regulated use by Kentucky residents, using pathos and a personal story to illustrate the frame:

Clad in pink and purple, 4-year-old Sylvia Haas moaned quietly in her stroller as her mother, Jill, told state lawmakers about the seizures Sylvia started having on the fourth day of her life. Jill Haas rattled off the names of a dozen drugs that her daughter had taken in an effort to stop the hundreds of small seizures Sylvia has each day, making it impossible for her to walk, talk or eat on her own. None of them worked. "Parents need something other than anti-epileptic drugs," Haas said. "The treatment is worse than the disease." What her daughter needs, Haas said, is for the Kentucky General Assembly to legalize marijuana for medical purposes. "We are out of options," she said. "You can help us create another option that might change our lives forever. ... You can give her a better future."
Voter Support for Medical Marijuana. Support from Kentucky voters was underscored repeatedly, particularly within articles in 2014. In February of 2014 an article noted that “A slim majority of Kentucky voters is ready to legalize medical marijuana…The survey asked 1,082 registered voters whether they favored or opposed allowing the use of medical marijuana in Kentucky; 52 percent were in favor, 37 percent were opposed and 12 percent were not sure.” Despite this support, a December 2014 article noted legislation was not sure to follow. A headline from the Owensboro Messenger-Inquirer read “Kentucky medical marijuana in doubt despite legislative support,” with the body of the article reporting that while “Kentuckians expressed support for medical marijuana in Bluegrass Polls the last two years” the medical marijuana bill presented by House Speaker Greg Stumbo was “uncertain” to pass. This reporting was accurate, as two bills to allow broader medical marijuana use died, including a House bill that was voted out of its Health and Welfare Committee before being sent to the Judiciary Committee where it died.

Abuse of Medical Marijuana. In a more negative frame, articles from Kentucky also presented the medical marijuana issue as one of abuse and suffering. In an op-ed in the Lexington Herald-Leader in March 9, 2003 the author decried advocates of marijuana, writing of the: Deceit in the medical claims for smoked marijuana and the fiction that rapists and murders are going free while police fill jails with "non-violent marijuana users." Perhaps voters simply realized that they had been lied to and that legalization would spread more misery.

A year later in October of 2004 the Lexington Herald-Leader reported on marijuana-induced violence, writing that
[A] teen was charged this month with killing his stepmother and keeping her body in a freezer for three days as he drove friends to the mall in her car. After his arrest, he told police he fought with the stepmother over his chronic marijuana use but could not remember the details of her death because he was stoned at the time.

In the same newspaper, seven years later in December 2015, an article declared that “Fewer teens drink and smoke cigarettes than in any time in the past 30 years, but the widespread availability of medical marijuana appears to be fueling a rise in pot use,” framing the issue as one of abuse.

In a similar vein, the media also framed medical marijuana as an excuse for recreational use of an illegal drug. In February of 1997, the *Lexington Herald-Leader* cast doubt about the effectiveness of medical marijuana, writing that “the nation's top drug scientists appeared to be clearly skeptical yesterday about using marijuana to cure nausea or relieve pain when other medicines are more effective and don't send patients into dreamlike trances.” In 2014, the *Owensboro Messenger-Inquirer* quoted Rep. Robert Benvenuti III, a Lexington Republican, who doubted the usefulness of medical marijuana: "What research has been done to show it can help people?" Adding, "We know the harmful side effects of this, and you want us to approve something on 'could possibly.'”

Legislation of Medical Marijuana. Despite these negative frames, and in line with the more supportive ones, on April 10, 2014, Kentucky Gov. Steve Beshear signed into law S.B. 124, a bill that intended to provide individuals suffering from intractable seizure disorders with safe, legal access to cannabidiol (CBD). However, in 2015, House Bill 3 and Senate Bill 40 both proposed establishing a medical cannabis framework in Kentucky, and both failed to pass out of committee. Similarly, in January 2017, Sen. Perry Clark introduced SB 76, a bill that would end
marijuana prohibition for adults in the Commonwealth and create a regulated and taxed system; however, the bill did not receive a hearing or a vote before the legislature adjourned in late March.

**Legalization of industrial hemp for research purposes.** Media attention on marijuana also included the legalization of industrial hemp for research purposes in Kentucky. Legislation allowing the studies were published in public records. News articles on the legalization of industrial hemp for research purposes also included the accredited institutions and organizations allowed to conduct the studies.

One primary frame around the legalization of industrial hemp was its use for – and barrier to – research. In 2009, the *Lexington Herald-Leader* reported that “State Sen. Joey Pendleton plans to take a group of Kentucky farmers to study the industrial hemp trade in Canada,” noting that a Democrat introduced a bill to “push to legalize industrial hemp in Kentucky as a cash crop and as a source for alternative fuels.” However, news articles also noted that such research is stymied by federal barriers. In 2012, *The Messenger* noted that “Hemp studies have been initiated in the past, but the Federal Drug Enforcement Administration denied permits to the Dean of University of Kentucky’s College of Agriculture Scott Smith.” The *Daily News* in December 2012 reported that “the DEA has not granted any current licenses to grow hemp, even for research purposes. To date, all commercial hemp products sold in the United States are imported or manufactured from imported hemp materials.”

The media also framed this issue around the advocacy for research by Agriculture Commissioner (and gubernatorial candidate) James Comer. In 2014 *The Lexington Herald-Leader* described legalizing industrial hemp as Comer’s “cause célèbre,” noting that he “announced plans for pilot hemp research projects shortly after the new federal farm bill became
law, allowing them to establish hemp research programs for the first time in decades.” An AP report, also in 2014, similarly focused on Comer’s efforts noting that his pilot project was possible because “Kentucky lawmakers passed legislation last year that allowed hemp to be reintroduced, but only if the federal government allows its production.” The importance of such a project was emphasized in a 2016 article in *The Messenger*, which argued that "The research efforts happening at UK [University of Kentucky] are providing valuable information that is not only going to help farmers right here in Kentucky, but is leading in the field as a whole," and that their “findings could be groundbreaking."

Several bills introduced in the Kentucky General Assembly since 2001 died. A bill approved in June 2001 created an industrial hemp research program and provided for Kentucky adopting the federal rules and regulations regarding industrial hemp – so any changes in federal law automatically take effect in Kentucky. That bill also created the Kentucky Industrial Hemp Commission, which was reactivated after a decade by State Agriculture Commissioner James Comer.

In 2013, SB50 was introduced, which redefined "Commissioner," "department," "grower," "industrial hemp," and "tetrahydrocannabinol,” as well as establishing conditions and procedures for the licensing of industrial hemp growers by the Department of Agriculture. The bills also set up a list of requirements, including criminal history checks, licensing costs, and relationship with local and federal law enforcement agencies. After lengthy debates and amendments offered by both Democrats and Republicans, the bill was passed by both the Kentucky House and Senate. However, under the current U.S. drug policy, all cannabis varieties, including hemp, are considered Schedule I controlled substances under the Controlled Substances Act (CSA, 21 U.S.C. §§801 et seq.; Title 21 CFR Part 1308.11). Hemp production is
controlled and regulated by the U.S. Drug Enforcement Administration (DEA). Therefore, Kentucky legislation was in disaccord with federal law.

In 2014, however, the U.S. Farm Bill included language allowing states to grow hemp for the first time in decades. The farm bill’s authorization of state departments of agriculture in states that have legalized the crop to administer hemp pilot programs paved the way for research to begin. A year later, in 2015, an amendment introduced by Senator Mitch McConnell was approved by the Senate Appropriations Committee, which ensures that federal funds cannot be used to stop state-run hemp programs. A similar measure made it through the House, as well.

Because of these bills, experimental projects began in Kentucky with only 33 acres in 2014. By 2016, 137 growers were approved to plant up to 4,500 acres, and in 2017, state agricultural officials approved 209 applications from growers, allowing them to produce up to 12,800 acres of hemp. In 2017, the Senate in Kentucky approved SB218, which expanded the requirements banning people from being involved in hemp to include those convicted of any type of felony or any drug-related misdemeanors or violations.

Yet another dominant frame within the issue of legalization of hemp its association with and to marijuana, and the accompanying legal problems that evokes. In 2012, *The Messenger* described viewpoint of Ed Shemelya, a former Kentucky State Police commander and head of the Office of National Drug Control Policy’s Appalachia High Intensity Drug Trafficking Area, reporting that he said, “Legalizing industrial hemp would create enforcement and perception problems for Kentucky.” A similar headliner in 2013 read “Hemp legalization poses complex issues for all involved. The article went on to describe the problems posed by the similarities between marijuana and hemp:
The nightmare hemp scenario for Kentucky State Police apparently is a field legally licensed to grow hemp for grain with illegally planted marijuana mingled in. Unlike hemp grown for fiber (when the plants are inches apart to promote tall stalk growth), the hemp grown for grain and marijuana plants would look substantially the same.

Other articles focused on the continuing illegality of hemp, particularly through the frame of federal law. In 2013 an article reported that “Growing industrial hemp remains illegal in Kentucky despite recent state legislation and a U.S. Department of Justice memo dealing with marijuana prosecutions.” The article read as a cautionary tale, quoting Attorney General Jack Conway who said that anyone who grows hemp "will expose themselves to potential criminal liability and the possible seizure of property by federal or state law enforcement agencies.” This warning was echoed in a different article in 2013, which read that “Farmers who plant industrial hemp in Kentucky soil risk prosecution.”

The final dominant frame was how hemp would be an economic boon to Kentucky. A 2012 article in *The Messenger* reported that:

Hemp can make rope, cloth, fuel, plastics and a myriad of other products…[and]

Kentucky’s history as a hemp-growing hub in the 19th Century has proponents predicting a hemp industry that could employ tens of thousands in the Commonwealth.

A 2013 *Lexington Herald-Leader* article reported that the Agriculture Secretary advocated hemp as a “crop to provide agriculture and manufacturing jobs in Kentucky, as it once did during World War II” and that “products containing hemp can be sold in the United States. The crop can be turned into paper, clothing, food, biofuels, lotions and many other products.” The article further noted that Comer said “at least three companies have approached him about coming to Kentucky if federal and state leaders lift the ban.” A later 2013 article in the same newspaper
reinforced the interest by business, quoting current hemp commission chairman Brian Furnish who “said he was still hearing from interested businesses,” and that certain parts of Kentucky could be a big hemp-growing area:

Because the terrain is too hilly to support row crops such as corn and soybeans. Right now, land like that is mostly used for hay, which doesn't pay much, especially compared to the potential from hemp. They're talking $250, $300 returns on their budgets.

This theme was reiterated by an AP report in June of 2104. The article noted that hemp was an “economic opportunity for a state still reeling from declines in the tobacco and coal industries.” The article quoted Katie Moyer, a member of the Kentucky Hemp Commission who is working with western Kentucky farmers on their hemp crops, saying, "It's way past time for people to stop being afraid of this plant. People just have to stop thinking of it as a danger and start looking at it like a tree." The article continues to note that businesses are interested in hemp:

Moyer's farmers have planted just 1.2 acres of hemp this year, but they have already found a buyer for the entire crop: a company that makes hempcrete, a building material similar to concrete that is made using hemp hurds, or stalks. And Gradient Engineering, a Montanabased engineering firm seeking to expand its product line, is preparing to move to Kentucky to take advantage of the state's burgeoning hemp industry.

The positive frames of hemp within the media correlate to the legislation passed by the Kentucky House and Senate: the House voted 88-4 and the Senate 35-1 to pass Senate Bill 50, which allows the Kentucky Department of Agriculture to license farmers to grow hemp if federal restrictions are eased. Furthermore, 7 U.S.C. § 5940 (2014 Farm Bill, Section 7606) authorized Departments of Agriculture to create industrial hemp research pilot programs, with a section (Section 7606) of the act, Legitimacy of Industrial Hemp Research, which defines industrial
hemp as distinct and authorizes institutions of higher education or State departments of agriculture in states where hemp is legal to grow hemp for research or agricultural pilot programs.

_Upholding federal law._ Several published materials in Kentucky with regard to marijuana involved upholding the federal law. Medical and recreational marijuana were still considered illegal by federal law, as well as state law. However, news on marijuana-related crime and violence were linked with federal law violations rather than state law violations.

Starting in 1996, the new coverage emphasized the incompatibility of state marijuana laws with federal ones. In December of 1996 the _Lexington Herald-Leader_ reported that “President Clinton has approved a plan to combat state laws legalizing marijuana for medical use through a variety of means that could include criminal charges against physicians who prescribe it.” Four years later, the newspaper covered the continued supremacy of federal law as it applied to marijuana, reporting that the Supreme Court ruled that "medical necessity" could not justify distributing marijuana, in violation of federal law, to people who use it to relieve pain.

This focus on the federal law shifted in the framing of medical marijuana stories when the administration did. As Obama’s Department of Justice alleviated the prosecution of medical marijuana users, the news used that angle, while still emphasizing the incompatibility of state and federal marijuana laws. A 2009 article reported that:

Attorney General Eric Holder announced last week that the federal government will no longer prosecute dispensers of medical marijuana if they comply with state law. Thirteen states, including California, have legalized marijuana for medical purposes, which remains illegal under federal law.

This was reiterated in a January 21, 2014 article, which recounted that “The Obama administration said last year it would not interfere in states that allow commercial marijuana
sales - as long as they are strictly regulated. But pot remains illegal under federal law, and messages from on high are mixed.” Once again, this was covered in 2016, by *The Daily News*, who reported that “U.S. Deputy Attorney General James M. Cole released eight priorities for federal marijuana enforcement,” which allows “pot companies that follow state laws have largely been able to operate unbothered by the Justice Department...” Furthermore, the article emphasized the importance of who is in power in the federal government. As the article noted, “the next presidential administration, then, will have immense power to shape the industry. It could maintain the current hands-off approach or tear up the Cole memo and enforce federal law.”

**Vermont: Policy Making.** This sub-section includes the media exposure of marijuana in Vermont, which may be associated with current state laws on marijuana. Medicinal marijuana has been legalized in Vermont in May 2004, and decriminalized in June 2013. Legalization attempts for recreational marijuana have been made since 2014. The major themes for this sub-section are: (1) medicinal marijuana and (2) decriminalizing and legalization attempts.

**Medicinal marijuana.** Documents on medicinal marijuana have been found to be largely related to regulations controlling medicinal marijuana. News articles before the legalization of medical marijuana (2001-2003) did not elicit any major themes. Three sub-themes emerged as the major content of media exposure of medicinal marijuana. The sub-themes are: (1) media attention on dispensaries, (2) regulations by the Department of Public Safety, and (3) federal law violations.

**Media attention on dispensaries.** Since the legalization of medicinal marijuana in Vermont, media attention has been focused on medical marijuana dispensaries. Media content included businesses and contractors bidding for the establishment of the facility, permits required and obtained to establish the dispensary, the number and location of dispensaries per county,
feedback from patients, as well as issues raised by residents near the dispensaries. Moreover, media attention has also focused on how dispensaries were controlled by the state, suggesting that the government has full control of the growth and sales of cannabis.

Many of the media frames focused on the technicalities of establishing dispensaries. The *Caledonian-Record* in 2011 described how “Senate bill S. 17 was passed by both bodies of the Vermont Legislature during the last week of the 2011 session” which meant that “a marijuana dispensary could be coming to a town near you.” The article describes “the 39-page bill [that] sets out a procedure to establish four legal, nonprofit dispensaries that could dispense small amounts of marijuana to be used by recipients for medical purposes.” There was also content that suggested the success of establishing these dispensaries; success was measured both monetarily and customer-based. In December of 2014, an article reported on the intersection of the establishment of the dispensaries and the success:

Four medical marijuana dispensaries in Vermont are treating more patients than they ever expected, and the people who run them say they are hoping to break even within five years. The dispensaries in Brandon, Brattleboro, Burlington and Montpelier, the first four facilities approved by the Legislature for a program run by the Department of Public Safety, had 1,290 registered patients as of this summer. While dispensaries have been lucrative in some other states, the Vermont ones are all relatively new nonprofit facilities that face strict regulations as they try to prove to lawmakers that they can cultivate marijuana to treat symptoms of epilepsy, cancer and HIV.

Media content also outlined the qualifications necessary for the establishment of dispensaries, which includes allowing villages and towns to vote against having a dispensary. In 2012, an article reported that the village of Lyndonville “reached a consensus that they would
prefer to not have a medical marijuana dispensary come to the village, “through the use of an ordinance.” Indeed, one frame of media content in Vermont was about the rejection of the establishment of these dispensaries, which offered towns a sense of control and rule. The Rutland Herald in December 2012 reported on Ludlow Village, saying the village “is sending a strong message to drug paraphernalia shops and medicinal marijuana dispensaries: Do not open, or face fines.” The article describes how:

Village Trustees approved an ordinance Dec. 4 to prohibit drug and tobacco accessory shops and medicinal marijuana dispensaries. The ordinance was passed in an effort to protect children from commercial exploitation by businesses seeking to profit off tobacco usage and illicit drug use.

In October of 2013 an article similarly reported that “The city council will be able to add Newport City to the growing list of Vermont municipalities banning medical marijuana dispensaries.”

In addition, media content employed the frame of concern about medical marijuana dispensaries. A 2011 The Times Argus described a Rutland, Vermont meeting whose purpose was not “to debate the use of marijuana as medicine,” but instead "to talk about are what would the public safety concerns be in the city of Rutland if a medical marijuana dispensary were to open." The article highlights the Rutland City Police Department who:

Opened the case against dispensaries by talking about the city's overall drug problem and saying that while there may be people with a legitimate medical need, a significant supply intended for them would have the potential to be diverted.

In November 2012, an article emphasized the concerns of Mayor John Hollar, who worried “that having a dispensary in the city could send a message to youth that it's OK to use marijuana.”
Additionally, in 2017, Gov. Phil Scott signed S.16, which authorizes an additional dispensary and allows existing dispensaries to open one additional location each.

*Regulations by the Department of Public Safety.* In relation to the state-governed dispensaries, media exposure on medicinal marijuana also included the regulations set by the Department of Public Safety. As some news involved citizens raising concern for the youth, addiction problems, and drug-related crime, published articles included statements from spokespersons from the Department of Public Safety to ensure the implementation of legalized medicinal marijuana.

The Vermont Senate Bill S.95 established the authority of the Department of Public Safety regarding the qualifications for “Registered caregivers” who “undertake responsibility for managing the well-being of a registered patient with respect to the use of marijuana for symptom relief.” According to the bill, “The Department of Public Safety shall review applications” for registered caretakers. This authority of the DPS was reinforced by media content. A March 2002 article implied that such authority strengthened the regulation of medical marijuana and dispensaries, as per S.95:

Supporters counter that the Vermont bill is the most restrictive marijuana measure of the eight states that already have such laws, in part by setting up a database with the state Department of Public Safety so police can confirm the identities of authorized patients and caregivers. It also limits caregivers to serving only one patient so they cannot possess more than minimum amount allowed in the bill.

Additional media content focused on the scope and range of that authority of DPS. A June 2011 article noted that “The Vermont Department of Public Safety, which will regulate dispensaries, is in the process of developing rules to carry out the new law” and that this law
“requires the Department of Public Safety to issue four licenses within a year - provided people apply and meet the strict requirements.” This concept of strict requirement was echoed three years later in an April 2014 article, which noted:

There are strict rules to transport medical marijuana, requiring a manifest of the amount and type of marijuana and a locked box. And all those who handle medical marijuana must be approved by the Department of Public Safety.

Additionally, a 2014 article focused on Governor Shumlin’s discussion of public safety as it regarded the rigor of the DPS:

Shumlin’s press secretary said in a statement that the governor is confident that medical marijuana dispensaries are carefully regulated by the Department of Public Safety and provide relief to those with debilitating illnesses.

DPS was also constructed as a mediating body for the establishment of dispensaries. A September 2011 article in The Times Argus reported that “The Public Safety Committee heard several arguments against medical marijuana dispensaries Wednesday, and a few in favor, but not enough to sway the committee to action….” In June 2012, an article described the guidelines established by DPS to open dispensaries: “a three-week application period during which potential proprietors can pay a non-refundable $2,500 fee to compete for the state's permission to open a dispensary.” A different article in June of 2012 emphasized the Department’s obligation for procedural confidentiality regarding the establishment of dispensaries, according to Vermont law:

State law requires the department to keep that information confidential. All the Department of Public Safety will be able to disclose to the media is there are X number of applications and [they] have made awards of dispensary certificates.
Once the Department of Public Safety began awarding these certificates, media content focused on the opening of those dispensaries. A September 2012 article reported not only the opening but also the additional requirements, which implied a rigor from DPS:

The state announced a conditional approval for the two dispensaries Wednesday and expected them to open within six months once finally approved. An operating certificate still requires several additional steps, such as reviewing the accounting practices of the dispensaries to quality control and inventory control processes.

In November 2013, The Times Argus reported that “The Vermont Department of Public Safety has conditionally approved the fourth and final medical marijuana dispensary in the state.”

*Federal law violations.* Despite the legalization of medicinal marijuana, news articles revealed that several patients who grew and possessed medicinal marijuana for personal use were arrested due to violation of federal law. Marijuana was considered illegal in federal law. However, the articles also mentioned that the cases were settled due to existing state laws in which medicinal marijuana was legal, and possession of a small amount of marijuana was decriminalized.

Between 2001 and 2002, media content focused on the discrepancies between federal and Vermont law, underscoring the possible criminal charges for those using medical marijuana in Vermont. A May 15, 2001 article noted that “The Supreme Court ruled on Monday that federal law does not allow a "medical necessity" exception to the prohibition on the distribution of marijuana,” noting that this was in contrast to “the medical use of marijuana in eight states.” In May 2002 the media reported on the concerns of Attorney General William Sorrel:

His primary concern over any medical marijuana bill centers on the consequences for law enforcement…Sorrell said he worried that those officers who cite or arrest a person and
confiscate the drug would be forced to return the pot to the patient under state law. But that is a violation of federal law, he said.

In 2004, the effects of the disparity between federal and Vermont law were emphasized in the Vermont media. A May 2004 article quoted Linda Kirker, a Republican from Essex Junction, who voted against the proposal because of this federal/state dichotomy: “Marijuana is an illegal drug,’ she said. ‘If we, as lawmakers, don’t respect federal law, what can we expect from our constituents as far as respecting state law? We have to set an example.’” A similar sentiment was expressed in an opinion piece in December 2004:

Passage of medicinal marijuana laws instills a false sense of legality; marijuana remains an illegal substance by federal law. Should we defy federal law and medical experts who are charged with determining whether a substance is safe and effective for medicinal use? Without the rule of law, chaos rules. Should we simply disregard laws enacted by our state representatives if we don't like them?

A year later, in August of 2005, Representative Anne Donahue wrote a letter to the editor that focused on the primacy of federal law in the face of Vermont state law:

It has been explicit from the beginning that federal law is not affected by Vermont's agreement not to prosecute...the law does not create any obligation on the part of a property owner to allow a registered patient to keep or use marijuana on the premises, and because its presence on one's property may place one in violation of federal law, there are good reasons for someone - whether an ordinary landlord or a nursing home - to say no.

This frame was still being employed by the media in 2011 when the Rutland Herald reported that the Police Commission wrote a letter to the board saying that “Congress has determined that
marijuana is a Schedule 1 controlled substance. Therefore, a medical marijuana dispensary is a violation of Federal Law.” Similarly, in May 2011, the Vermont Press Bureau also highlighted the chasm between state and federal law, particularly as it applied to medical marijuana dispensaries:

A letter from the U.S. Department of Justice sent this week to a Vermont official tweaked the debate in the Legislature over a bill that would allow the state to host medical marijuana dispensaries. The letter came from Tristram Coffin, the U.S. attorney for Vermont, and it ignited fresh concerns among some lawmakers that federal officials could raid the dispensaries as they have done in other states.

In the beginning of 2016, the federal and state law separation was discussed as a function of the legal structures of banks and marijuana. One article noted that “The challenges really are that banking is viewing marijuana at this point, from a depository point of view, as fitting nicely with an illegal activity under federal law,” and these dispensaries have to work under an array of federal laws, including the Controlled Substances Act, the Bank Secrecy Act, the Patriot Act, the Money Laundering Act.

There was also a small portion of Vermont media that focused on the state’s efforts to undermine or come into compliance with federal law. For example, an April 27, 2004 article reported that U.S. District Court Judge Jeremy Fogel issued a preliminary injunction “barring the federal government from raiding or prosecuting a medical marijuana cooperative in California…” The article proceeded to explain that this action was important to Vermont because Governor James Douglas, among other officials, “have claimed that federal hostility prevents the state from protecting medical marijuana patients from arrest.” In addition, a December 2011 article reported on Vermont Gov. Shumlin, who “supports and will sign onto a request that federal law
be changed to allow doctors to prescribe medical marijuana and pharmacists to fill the
prescriptions….” The article contextualizes this action, describing two other governors’ efforts to
change federal law:

His comments came one day after Rhode Island Gov. Lincoln Chafee and Washington
Gov. Christine Gregoire filed a report and petition with the federal Drug Enforcement
Administration to change marijuana from a "Schedule 1" drug, banned under federal law,
to a "Schedule 2" drug available by prescription.

However, in 2017, Vermont passed S. 16, a bill that improved patients’ access to
Vermont’s medical marijuana program, adding post-traumatic stress disorder (PTSD),
Parkinson’s disease, and Crohn’s disease to the list of qualifying conditions.

**Decriminalizing and legalization attempts.** In June 2013, possession of a small amount
of marijuana was decriminalized, and articles and legislations on decriminalization have been
made public. On May 10, 2017, the Vermont House of Representatives voted to approve the
Senate’s amendment to S. 22, which legalizes cannabis for adults over the age of 21. However,
Gov. Phil Scott vetoed the bill. A month later, the Vermont Senate passed a compromise bill that
met Gov. Scott’s approval, H. 511. However, the House rejected a motion to bring the bill up for
consideration — which required a three-quarter supermajority — and the veto session ended
without further action.

Talks of legalizing recreational marijuana have also been contents of several news
articles. The content regarding decriminalizing and legalization attempts of marijuana in
Vermont has derived three sub-themes. The sub-themes were: (1) influences of political party
stances, (2) attempts to legalize recreational marijuana, and (3) decriminalizing possession of
marijuana.
Influences of political party stances. Decriminalization and legalization of marijuana in Vermont have been influenced by political stances, according to news reports. Proponents, as well as opposing personalities, were often mentioned with their political affiliations in published articles. Furthermore, interviewed civilians and editorials included statements of whether they were Democrats or Republicans.

Much of the Vermont media focused on the political affiliation of officials supporting or opposing decriminalization and legalization. In February 2001, an article noted that there were “3,913 votes cast for the Vermont Grassroots Party candidate” specifically because of the candidate’s support of medical marijuana and industrial hemp. Another 2001 article noted that a medical marijuana bill “is sponsored by 21 members of the House of Representatives, a mostly liberal group with a few Republicans,” but noted that the Democratic Governor, Howard Dean, has “refused to develop the rules necessary to implement the law.” And an April 2001 article described a political coalition of officials, “upwards of 20 other legislators - Democrats, Progressives and Republicans” who supported an amendment that would incorporate a pending bill legalizing the medicinal use of marijuana into the proposal before the House. The bill was H.0214, which added ecstasy and a group of “date rape drugs.”

Media content from 2002 continued this trend. In an April letter to the editor, the writer Michael Mahoney specifically criticizes the Republicans:

It looks like the medical marijuana bill is going to be shot down by the ever-vigilant Republicans. Seems that they think that some people might end up smoking pot for fun. Heaven forbid…Marijuana use will never be legal as long as there are fat cats sitting on their duffs getting money to keep the big corporations rich.

Other media sources emphasized the cooperation between political parties. A March 2002 article
noted that a marijuana bill “had broad support from Democrats, Republicans and Progressives” and passed “after emotional debate,” indicating all parties cared deeply about the issue.

Moreover, Vermont media often used the political frame when discussing those people running for office. In 2002, media sources printed candidates’ statements, such as this one, which indicated the candidate’s party affiliation and stance on marijuana:

I wish to announce that I am going to try to run for political office as a Republican Party candidate for Vermont state representative for District Bennington 2-02… [and] I support medical marijuana for terminal patients to help lessen suffering prescribed by a physician.

In October 2014, an article described the impact of the issue on races for the state House and Senate:

In contrast to their counterparts in the Senate race, who seemed open to the idea with reservations, candidates for Rutland's House seats were lukewarm at best to the idea of marijuana legalization.

In addition, an August 2016 piece noted that the “four Democrats [who] want the honor of representing Windsor County in the Vermont Senate next year” all had “different views on Act 46,” which focused on the legalization of marijuana. This frame even reached the race for highest political office. A March 2016 article about John Kasich, a Republican contender in the primaries for President noted that when he was asked about the legalization of marijuana, Kasich “began with a joke. ‘Yeah, we’re in Vermont…’ He was for medical marijuana, ‘if we can figure out a way to control it.’

Given the link between marijuana legislation and political parties, it is unsurprising that this frame was frequently employed.
Attempts to legalize recreational marijuana. Documents on attempts to legalize recreational marijuana in Vermont varied in content. Some documents revealed the benefits to the state when marijuana became legalized, including collecting taxes from marijuana sales. Other documents presented the issues in legalizing marijuana, such as drug abuse, and crime and violence. These frames connect to the legislation that the Vermont State house passed to legalize recreational marijuana, but was vetoed by the Governor in 2017, citing concerns about safety.

In a March 2002 article, Steve McQueen, Winooski's police chief and legislative representative of the Vermont Association of Chiefs of Police, was highlighted; the article emphasized that “his organization would continue to oppose any attempt to decriminalize marijuana for recreational use,” citing concerns about abuse and crime. More than a decade later, an October 2014 piece quoted Republican incumbent Doug Gage, who wondered:

…why anybody would want to get high and warning against the societal cost.

‘We've got to ask ourselves, do we want a society that's sober or not,’ he said. ‘Do we want a society that's functioning?’

More recent media coverage continues the frame of concerns about the legalization of marijuana. A May 2016 article details a report by the American Automobile Association which “backs up what Vermont lawmakers heard during the debate over legalizing marijuana: There is no scientific way to prove if someone is under the influence of the drug while driving.” An October 2016 article aired the doubts of Democratic Rep. Herb Russel, who said he has “always resisted expansion of recreational marijuana,” adding that "I can only agree with law enforcement that there are too many unanswered issues."
However, there was an even larger sampling of media content that spoke to the benefits of legalized recreational marijuana. In a January 2008 Letter to the editor, doctor Kathleen Daye noted that positive impact on crime, as well as the implications for youth:

Legally available homegrown marijuana might deal a severe blow to the black market in hard drugs such as meth, heroin and cocaine. Dealers of hard drugs would no longer be making money on marijuana and, most importantly, they would lose access to the large market of recreational marijuana users. In other words, large numbers of would-be marijuana users, often young people, will not be pushed into contact with criminal elements in order to obtain marijuana. Specifically, they will no longer be at risk of being enticed into trying the dangerous white-powder drugs, which are the most profitable to the black market. The possibility that legalizing marijuana could thus help to stifle the flow of hard drugs into our state is an important consideration, needing more input from Vermont's criminal justice professionals.

A November 2013 article reinforced that readers’ view, reporting that Richard Van Winkler, superintendent of the Cheshire County House of Corrections, spoke to a town hall meeting at the Vermont Statehouse arguing that “under the current system, drug money goes to bad guys and the money funds terrorism. ‘If we legalize, control, regulate, tax in the same way that we do for alcohol, we put the illegal drug dealer out of business.’

In addition, a November 2015 reported on the possible economic benefits of legalized recreational marijuana by a pro-legalization group. The article quotes the report’s author, who said, “This report is the result of a year’s worth of collaboration and conversation about how legal, regulated cannabis can ignite economic growth and create jobs in Vermont.”
Decriminalizing possession of marijuana. Marijuana has been decriminalized since 2013 in Vermont. In 2013, Gov. Peter Shumlin signed H. 200, which replaced Vermont’s criminal penalties for possessing up to an ounce of marijuana with a civil fine similar to a traffic ticket for those over 21, and with court diversion for minors. State law 18 § 4230, in 2015, declared the sale and cultivation of marijuana as an offense punishable by up to two years or six months, respectively. The majority of published articles associated with decriminalization emphasized the savings in state and police resources due to decriminalization.

Many media sources emphasized the reduction in arrests. An October 2010 piece gave statistics as to the marijuana-based arrests and how decriminalization could help:

The 1,083 arrests for marijuana offenses in 2006 accounted for 56 percent of all drug arrests in Vermont and about 6 percent of arrests overall, according to state and federal data. More than 90 percent of marijuana arrests in Vermont were for possession, and supporters of decriminalization say those arrests exact an unnecessary toll on public-safety resources.

In an October 2012 article, Governor Shumlin himself was quoted about arrests, making a personal plea for why decriminalization was important; "… as parents of two daughters and as parents of kids who do smoke marijuana, as I did when I was that age and as other kids will, do we really want those kids to have a criminal record …” Tom King, in a letter to the editor in May of 2016 argued decriminalization did not go far enough in addressing marijuana-based crime:

It’s decriminalized to possess one ounce of pot or less, but a crime to grow or sell pot or purchase it. They must like the fact that drug dealers are supplying pot to some 80,000 Vermonters! Legalize pot now and go after the drug dealers….
Other media argued that decriminalization was important for the reduction of crime and a boost to the economy. A September 2013 article described the position of Rep. Susan Hatch Davis, a Progressive from Orange, who argued that decriminalization “makes sense both for law enforcement and the fiscal bottom line” because prohibition “has no effect on availability and only enriches criminals.” The article quoted Hatch Davis further on the economic gains of decriminalization: “If we tax and regulate marijuana like alcohol, we can save our limited law enforcement resources while creating local jobs and tax revenue.” In a November 2015 article, possible legislation was contextualized by “a state-commissioned study from the Rand Corp. released in January stating the taxation of marijuana could generate as much as $70 million a year in revenue — an attractive proposition for some lawmakers as the state is looking at a projected $66 million deficit.”

For a May 2016 author of a letter to the editor, decriminalization was a moral issue, particularly one about race and class:

There is no legal means to obtain pot in Vermont. The vast majority of legislators are middle-class and upper-middle class in Vermont. They are 95 percent white and do not smoke pot. Their drug of choice is alcohol…With 80,000 Vermonters known to use marijuana, these same legislators have intentionally allowed a law to remain in place that makes it a crime to obtain it. They have deliberately allowed a law to remain in place that allows for possession, but not legal purchase or growing of marijuana. They did this knowing full well that 80,000 Vermonters would be adversely affected. These actions by legislators in Vermont appear to be directed at legalization advocates and marijuana users. Common sense and reason would dictate a completely different legal outcome. When you know that 80,000 Vermonters use pot and that possession of one ounce or less is
decriminalized, but there is no legal means to obtain it, the goal should be to create legal, not illegal, marijuana purchase. Knowing that drug dealers are supplying pot and still voting down the Senate bill is contrary to the best interests of Vermonsters. That what these House members did.

**Massachusetts: Policy Making.** This sub-section presents the findings on media content in news articles and legislatures in Massachusetts which may be associated to current state laws on marijuana. The themes of the contents were: (1) decriminalized marijuana, (2) legalized medicinal marijuana, and (3) legalized recreational marijuana.

**Decriminalized marijuana.**

*Focus on youth protection.* Several documents focused on how children 18 and under may be harmed by decriminalization. A November 2010 article focused on the equation of decriminalization and lack of harm:

Today’s teens may not be big on news, but they’re very much up on the state’s decriminalization of recreational marijuana… “Certainly we’ve heard from kids, ‘Hey, it’s not illegal,’” said Michael Levy, vice president of clinical services for CAB Health and Recovery Services. Some teens’ perception of pot is that decriminalization has “normalized” it and made it seem “less deviant,” Levy said. “They like the high. It’s fun. It’s a social thing. (They say) it calms them down, makes them less aggressive, breaks up boredom. ‘What’s the big deal?’”

Another November 2010 article reported on Middlesex District Attorney Leone, who said he “fears decriminalization has created a booming “cottage industry” for dope dealers to target youths no longer fearing the stigma of arrest or how getting high could affect their already dicey driving.” This frame of increasing youth use through decriminalization was evident in media
content between 2012 and 2016 as well. A September 2012 article focused on Heidi Heilman, president of MPA, a group of stakeholders invested in addressing youth substance abuse, and her argument that decriminalization would “lead to more marijuana use by youths.” She was quoted as saying that “Since the (2008 decriminalization), we've seen an increase in youth marijuana use. Our rates in Massachusetts are 30 percent higher than the national average.” This was echoed in a February 2013 article, that quoted Jason Verhoosky, youth program director for Danvers CARES, a coalition that tries to prevent substance abuse: “‘What we've seen since the decriminalization in 2008 is that the perception of harm and risk of marijuana has gone way down, for both youth and their parents. What we're really trying to do is educate people — it's still a drug and it still causes harm.”’ This frame of youth harm was reiterated by the president of the Massachusetts District Attorneys Association in a November 2013 article:

“It’s not saying everyone who tries marijuana becomes a heroin addict, but the medical information is irrefutable that kids who start smoking marijuana are more likely to have substance abuse problems as adults…[he] said one unintended consequence of the decriminalization law in Massachusetts is that it's harder to get young people into treatment and diversion programs because they can't be arrested for possession of the drug. He said many private health insurance plans don't cover drug treatment.

2016 articles also reinforced this frame. One Massachusetts article noted that “there has been an increase in adult and youth use rates, as well as an increase in marijuana-related traffic fatalities and school suspensions and expulsion [after decriminalization]” while another opinion piece that same year argued that “youth perceptions of the potential harm of marijuana use has been decreasing consistently over the last decade and when access in cities like Denver and Boulder increases, teen use increases.”
Issues on use and abuse. Articles differentiated not detaining people who possessed and used a small amount of marijuana to people addicted to the substance. Several articles claimed that decriminalization of marijuana did not encourage use, especially not abuse of marijuana; however, a small amount of marijuana was not to be considered a serious issue according to authorities who reinforced decriminalization.

An October 2012 article quoted Heidi Heilman, the head of the Massachusetts Prevention Alliance, who argued that:

> The law, as written, could lead to abuses seen in some of the other 17 states where medical marijuana has been legalized, including California and Colorado, where hundreds of marijuana dispensaries have popped up and prompted complaints about increased crime and other social problems.

This position was reiterated by state Sen. Michael O. Moore in a February 2016 article. The article noted that the Senator went on a recent fact-finding trip to Colorado, but that he was not swayed. The article quotes him as saying, “Look at the problems we have with the regulation of alcohol — from substance abuse to job loss.”

State resources. Decriminalization of marijuana also posed benefits to the state, as published in news articles. Media exposed that state and police resources may be used for other pressing issues other than arresting people possessing marijuana.

A December 2012 article reported that the 2008 decriminalization ballot question “passed in part thanks to arguments that arresting and prosecuting people for having a few joints was a waste of taxpayer money and law enforcement resources.” In a letter to the editor in June 2013, a citizen noted that “States like Colorado and Washington have recently legalized marijuana, while
other states permit medical marijuana and countless jurisdictions have decriminalized marijuana and focused law enforcement resources on preventing dangerous and violent crime.”

Even the media who reported unfavorable positions about decriminalization by individuals still presented the argument about resources. An editorial in the *Worcester Telegram & Gazette* read, “While we acknowledge that public resources could be better used than on prosecuting marijuana users, the inevitable and lamentable effect of Massachusetts’ decision to decriminalize possession for personal use has been to create the impression marijuana is legal.” Similarly, a October 2015 article described District Attorney David Sullivan who has “spoken against legalization, but — given widespread support for marijuana in the Valley — has vowed not to waste time and resources pursuing small-time marijuana cases.”

**Legalized medicinal marijuana.**

*Regulated through dispensaries.* Similar to Vermont and other states where medicinal marijuana was legalized, news articles regarding medicinal marijuana in Massachusetts also contained regulated sales through state-owned dispensaries. These stories frequently described the procedures for establishing dispensaries. The stories follow the trajectory of the legislation of medicinal marijuana taking effect. In March 2013, an article noted that “Massachusetts could soon have similar dispensaries throughout the state” and that “the Massachusetts Department of Public Health's draft regulations are expected to be made public by the end of this month and could be in effect as early as May.” Nearly a year later, in February of 2014, the media reported on the progress of establishing dispensaries, noting the specific towns and political officials involved in the process: “So far, one medical marijuana dispensary applicant is on its way to gaining the support of Greenfield town officials. Patriot Care Corp. is the first medical marijuana dispensary hopeful in the second round of applications to meet with Greenfield Mayor William
Martin about locating in town.” Coverage continued as dispensaries opened. In September 2015, a story reported that “Two years after the use of medical marijuana was approved by Massachusetts voters on a ballot question, the city’s designated dispensary - the only one approved in Hampshire County- is finally preparing to open.” Then, in June 2015, an article noted that “nearly three years after voters overwhelmingly approved the drug’s therapeutic use…Patients lined up outside the Alternative Therapies Group’s dispensary in Salem a day after state regulators signed off on its final paperwork.”

This coverage included stories about the denial of licenses; in November 2014, an article reported that “A judge has upheld the Massachusetts Department of Public Health’s decision to deny medical marijuana dispensary licenses to three companies, including one in Western Massachusetts, based on background checks of their employees.” This helped reinforce the authority and credibility of the licensing process.

Moreover, a number of these articles highlighted the success and importance of these dispensaries to a large portion of the Massachusetts population. A September 2015 article noted that “While dispensaries slowly open around the state, there are more than 12,000 registered and active patients, according to DPH.” In the same month, an article reported that the third dispensary to open in Massachusetts drew over 600 people in its first day, emphasizing that the need for these dispensaries was not met by the supply. In October 2015, the media described the celebratory nature of the dispensary opening, emphasizing the excitement of patients and officials:

New England Treatment Access celebrated the grand opening of its Northampton dispensary with Mayor David Narkewicz on Friday after a full week of serving patients...The presence of so many officials demonstrates the relationship between the
dispensary and the city, Narkewicz said. The dispensary served between 100 and 150 people with their medication each day this week.

Helping terminally ill patients. Generally, public opinion was published in news articles regarding the legalization of medicinal marijuana in Massachusetts. Public opinion generally focused on helping ill patients, especially the terminally ill, to ease chronic pain, and address symptoms to which modern medicine had no effect. Being seen as a benefit may have contributed to the voters’ decision in legalizing medicinal marijuana in Massachusetts. In January of 1997, the media noted the position of U.S. Rep. Richard Neal, D-Springfield, who “unlike the president…supports the legal use of marijuana for the terminally ill.” Also in 1997, the Daily Hampshire Gazette highlighted Ellen Millinock, a nurse practitioner who specializes in working with HIV patients. The article quoted her as saying: “I do whatever I can for my patients, and I don't understand why this [marijuana] can't be one more thing in my arsenal of things I can do for people who are suffering.” During the 2000 presidential election, the position of Al Gore was presented in the media on medicinal marijuana in regards to terminally ill patients:

At a televised forum Tuesday night, Gore was asked whether states should be allowed to decide whether marijuana can be prescribed for medical uses. In response, Gore said his sister's doctor had prescribed marijuana for her before her death from cancer in 1984. She refused to take it, but Gore said, "If it had worked for her, then I think she should have had the ability to get her pain relieved that way."

This media frame of support for terminally ill patients continued in August 2001, when a Massachusetts resident wrote a letter to the editor:
The Canadian government has just increased the number of its people who can use marijuana as medicine. As of this month, the terminally ill and those with chronic diseases from cancer to AIDS to MS can turn their back yards into their medicine cabinets... Where does that leave us? U.S. citizens, who routinely cross the border for cheap prescription drugs, won't be allowed access to the Manitoba motherload. But if Canadians can't export their medical marijuana, it's time for us to import their policy.

Another citizen wrote in to a different paper that same year, saying, “The United States still has the best hospitals, the finest doctors and the most modern medicines in the world, but its views on the medicinal use of marijuana are primitive…” The author continues to explain the medicinal value of marijuana:

A terminally ill American who turns to marijuana for relief faces arrest, prosecution and possibly jail. That, as advocates for the terminally ill would say, is reefer madness... Marijuana has been studied as a possible treatment for nearly a dozen conditions since the 1970s, including AIDS, multiple sclerosis, chemotherapy-related nausea and glaucoma. When other treatments have failed to provide relief from pain and suffering, patients should be allowed to use marijuana with the certified approval of a doctor without fear of prosecution. This is a decision that should be made by the patient and his doctor, not by a politician.

A July 2004 editorial from The Republican concurred, arguing that the DEA should approve the application of Lyle E. Craker, director of the Medicinal Plant Program at the University of Massachusetts-Amherst, “so he can proceed with legitimate research projects that will one day mean relief for terminally ill Americans or those with debilitating illnesses.” And in August 2011, yet another nurse, Marina Goldman, was profiled in the media. The story emphasized that
Goldman supports the use of medical marijuana and has witnessed its benefits in her practice, where she has worked with many terminally ill patients: “I really saw (marijuana) helping cancer patients who were dealing with physical symptoms…(Marijuana) really decreased nausea, decreased pain and decreased the wasting that comes at the end of the disease.”

*Issues of misleading words in the ballot question.* Some documents revealed the statements of people opposing the idea of legalization of medicinal marijuana. Since the votes had taken place in ballot questions, some people felt that there may have been misleading words in the question which prompted the decisions of the voters. This led to coverage of lawsuits that were brought against the state, due to this alleged misleading wording. A May 2012 piece described the lawsuit taken to “the state’s highest court” in order “to force Attorney General Martha Coakley to spell out for voters the exact details of the proposed law, which would open dozens of pot dispensaries and allow home-grown marijuana.” The article profiled Heidi Heilman, president and founder of Massachusetts Prevention Alliance, who said the proposal is vague and lacks oversight. The article quoted her as saying, “We believe the language is misleading. We will be educating the voters about the realities of this legislation and how harmful it will be.” An article one month later was still covering this lawsuit, quoting Heilman as saying the question is vague and misinforms voters. While the article notes that the language was changed to “medical marijuana” the reporter quotes Heilman as saying such a term is still “misleading because the drug is federally classified as having no medical value.”

Four years later in 2016, another lawsuit was brought to challenge the recreational marijuana ballot initiative in Massachusetts, this time by Westborough voter Josephine Hensley. Numerous articles describe how Hensley as the lead plaintiff argues that a summary of the ballot initiative was “unfair and misleading.” One article noted that the plaintiff “said the summary told
voters that the petition would legalize marijuana, when in fact it would also legalize hashish and tetrahydrocannabinol (THC) in edible food products, in addition to marijuana.” Another article quoted the attorney for the lawsuit, John Scheft, who “told the justices a summary of the proposed law failed to explain the potency of products that could become legal.”

**Legalized recreational marijuana.**

*Drug-related crime and public safety concerns.* Issues regarding drug-related crime and public safety have been circulating news articles in relation to recreational marijuana in Massachusetts despite the legalization of recreational marijuana in November 2016. Before the legalization of recreational marijuana, in July 2004, an article reported on the vote in the House of Representatives that rejected the supremacy of state laws that legalize marijuana smoking for pain relief and other medicinal purposes. The story quotes Mark Souder, a Republican from Indiana, as saying the amendment sends "the wrong message to our youth ... our law enforcement ... the people in the streets trying to reclaim their often crime-ridden neighborhoods from drug dealers and addicts....” Over six years later, this frame was used by the Massachusetts media. A November 2010 article reported that “several recent high-profile killings have been linked by law enforcement to pot” and included a detailed list of those crimes, including the “fatal shooting of Adam Coveney, 29” which was connected to “the alleged dealer robbery and murder;” the “massacre of four people in Mattapan — among them, a 21-year-old woman and her 2-year-old son — allegedly in a pot-dealing turf dispute;” a fatal shooting in a Harvard University dorm room, “allegedly in a bid to rob him of pot and cash,” and the murder of a 17 year-old in a park, “where prosecutors say he was lured by two men seeking revenge in a fight over marijuana.”
This frame of violence and crime associated with recreational marijuana was echoed in an editorial in December 2010’s *Worcester Telegram & Gazette*:

> We continue to believe, contrary to what its apologists maintain, that marijuana is far from a victimless crime. The evidence in broken lives and body counts simply cannot be ignored. Law enforcement cannot relax its efforts to prosecute those responsible for this form of drug trafficking. And individuals who yearn for a more peaceful society should recognize that their tolerance of recreational marijuana use hurts that cause.

Furthermore, the media frame extended beyond Massachusetts, presenting evidence of recreational marijuana as dangerous in other states. A March 2011 piece argued that the Montana House recently voted to repeal the state’s six-year-old medical marijuana law “amid spiking crime.” In June 2014, a media source quoted a Colorado sheriff who believes “allowing the legalization of marijuana would further open the door to a life of drug abuse and crime.”

Colorado was the example again in a June 2015 piece, which described a problem with “driving under the influence of marijuana” which has become harder to detect; the article also notes that “Colorado has seen an increase in hospitalizations and poison-control calls where marijuana use is reported.” However, it is important to note that the article also included the fact that “there also has been no spike in crime.” And a July 2015 article looked at the crime that sprung from the disparity between federal and state law:

> Ever since Colorado voters approved the legalization of recreational marijuana, conflicting federal and state marijuana laws have required banks to refuse basic financial services to marijuana-related businesses in Colorado…In turn, this has forced the industry to adopt an all-cash business model that fosters violent crime and puts all Coloradans at risk.
*Marijuana as a gateway drug.* Media articles included news on the fear of using marijuana as a gateway drug. Some people believed that the use of marijuana may be the cause of curiosity to try and addiction to stronger substances such as heroin. However, there were also a plethora of media sources that disputed the gateway theory.

Between 1997 and 2016, public officials, police officials, and citizens were all quoted in media pieces as theorizing the marijuana acted as a gateway to harder, more dangerous drugs. Massachusetts’ Governor Weld was quoted in a 1997 article, delicately balancing his view of medicinal versus recreational marijuana: “I do think marijuana is a gateway drug, and I don't want to send mixed messages, but I have no problem with medicinal use….” In October of 2012, an article quoted Dennis police Sgt. Cleve Daniels who said, “From my experience in most of the drug cases I've worked, heroin, cocaine, the busts we do, and the raids we make, there is almost, if not always, marijuana present.”

Worcester County Sheriff Lewis G. Evangelidis echoed this in an article in June 2014: “Being sheriff of an institution that has more than 1,200 inmates today, with 80 percent who are drug-and alcohol-addicted, I’m a firm opponent of legalization myself. Inmates tell me daily that marijuana was a gateway drug for them. I hear that every day.” And while a January 2013 opinion piece did not like the word “gateway,” the concept was still reinforced:

There is controversy about whether marijuana use inevitably leads to the use of "harder" drugs. It may not be "gateway," but in my contact with nearly 100,000 addicted people, 99 percent of them report marijuana use during the development of their addiction.

Marijuana may not meet the scientific criteria as a gateway drug, but its role in real life is well-known. Legalization and a likely resulting drop in price will increase access and create more users.
Another editorial had no caveats, simply stating in November 2013 that, “We agree with Massachusetts Family Institute President Kris Mineau, who told Statehouse News Service that the legalization proposal is ‘a slippery slope of a gateway drug.’” Massachusetts resident Joshua P. Cohen agreed in a March 2014 letter to the editor: “Marijuana is not a terrible drug, but can serve as a gateway to much more deleterious substances. Boston’s drug subculture got a boost from partial decriminalization of marijuana in 2008.” In January of 2016, an article quoted state Sen. John Keenan of Quincy, who affirmed the gateway theory with some caveats: “I don’t know if you use marijuana whether the chances of you developing an addiction and then pursuing heroin are any greater. I do think that if you use marijuana frequently and with higher doses, I do think that will make you more likely to experiment with other drugs.”

However, there were also a multitude of articles that framed recreational marijuana explicitly outside of the concept of the gateway theory. In March 1999 an article noted that a report by the federal Institute of Medicine says that there is “no conclusive evidence that the drug effects of marijuana are causally linked to subsequent abuse of other illicit drugs.” Massachusetts Representative Michael Capuano (MA-07) said to a reporter in 2006 that “the argument that marijuana is a gateway to harder drugs [is] ridiculous.” Residents agreed. Peter G. Whittemore, of Cohasset, wrote a letter to the editor in March 2014, mockingly adding sugar to the gateway theory:

After considerable research as a kid, followed by years of sober reflection, I’ve concluded that it’s not marijuana but sugar that is America’s gateway drug…I can guarantee that 100 percent of Americans were sugar-fed and sugar-dependent before they could even light a match. A Connecticut College study last year found Oreos to be just as addictive as cocaine…And certainly sugar started the ball rolling long before marijuana.
A Boston resident, Andy Gaus, wrote a letter to the editor in April 2015 to voice his opposition against the theory:

A growing body of research suggests marijuana may enhance the pain-killing effects of opiates. This means some patients could use cannabis to reduce their dosage of opiates, lessening the risks. So if marijuana is a “gateway” drug, it’s a gateway to improved public health.

*Easy access to edible marijuana products.* News articles also show how marijuana was sold for recreational purposes. Several of recreational marijuana were sold in the form of edible products, such as cookies. News articles featured public opinion of fear that edible forms of marijuana may be easily accessible to children. Articles also reported arrests of people trying to con minors into purchasing cookies laced with marijuana. These articles, however, are limited to the years 2014-2016, which coincides with the legislative push – and eventual 2016 passage – of recreational marijuana.

In February 2014, an article described the dangers of unsuspecting children:

The popularity of edible marijuana has alarmed parents’ groups, schools and some doctors, who say the highly concentrated snacks are increasingly landing in the hands of teenagers looking for a sweet, discreet high, or of children too young to know the difference between pot brownies and regular ones.

Given this possibility, the article recommends provisions that are in place in Colorado, which “has ordered stores to sell them in child-resistant packages and bars labels designed to appeal to children. It requires manufacturers to list ingredients, serving sizes and expiration dates.” Similar recommendations were described in a variety of different articles. In June 2015, the Colorado “the gummy bear problem” was described, which involves “colorful, marijuana-infused candies.”
which can be consumed by children. The article highlights officials who say the state should follow Colorado’s lead in limiting edibles to 10 milligrams of THC. A January 2016 article also references the problems Colorado has faced with edibles in children. The story notes that edibles “make up 40 percent to 50 percent of the market in Colorado” and “comes in baked goods, such as cookies and brownies, in candy bars and other types of candy, like jelly beans or gummy bears.” The article describes how “children wind up in the hospital after accidentally eating a marijuana-infused treat or an adult who eats too much at once,” leading to “new packaging to keep consumers informed as well keeping the product out of the hands of children.” These regulations are then recommended to the legislators of Massachusetts.

These regulations were reaffirmed in a June 2015 article, which describes the advocacy of a Massachusetts district attorney who was push the prohibition of “marketing of the drug to youth and young adults, prohibiting edible sweets except for medical purposes, implementing labels warning of the drug’s effect on developing brains and disclosing pesticides, additives and THC levels, and regulating the amount of THC allowed in retail marijuana edibles.”

Furthermore, two opinion pieces presented the opposition to edibles. In an August 2016 letter to the editor in the *Daily Hampshire Gazette* the writer argued:

I find it hard to believe we knew we were voting for the sale and distribution of actual candy infused with marijuana. Infused gummy bears, lollipops, brownies and soda are a grave disservice to adult citizens who were genuine in their desire to allow marijuana as medicine... Psychotropic, addictive chocolate chip cookies with no true understanding of safe and consistent dosage, contraindications or side effects that are not even “prescribed” but “recommended” by a “bud-tender” with virtually no pharmacological training or expertise is explicitly inappropriate as science-based medicine.
This disgust was presented again in an August 2016 opinion piece in the *Worcester Telegram & Gazette*:

> When children steal cookies from the cookie jar, they usually suffer little more than a scolding. When those cookies contain cannabis, it’s a different story…. Edibles in particular seem to entice unsuspecting children who think they are sneaking everyday snacks, though secondhand smoke is also a culprit. After accidental marijuana consumption, most children simply become sleepy. In the worst of cases, they can end up with a breathing tube.

**Overall attributed to policy-making.** To address the research question: How does media attention influence state-level marijuana legislation, the findings from each state were consolidated, and overarching themes were identified. The overarching themes were: (1) attention on benefits, (2) attention on regulation, (3) federal laws and politics, and (4) attention on drug-related crime and violence. At this point, it may be noted that Massachusetts, where marijuana was decriminalized and medicinal and recreational marijuana were legalized, had a total of 2,391 relevant documents from 1996 to 2016. Vermont, where medical marijuana was legalized, marijuana was decriminalized, and attempts of legalization of recreational marijuana were being made, had a total of 872 relevant documents from 1996 to 2016, while Kentucky, where marijuana was illegal, had 981 relevant documents from 1996 to 2016. Based on the number of published public records, it may be noted that media attention may have influenced decriminalization and legalization of marijuana in each state. Nonetheless, this sub-section also includes analysis of the content of the majority of the articles to be able to address RQ1a, RQ1b, and RQ1c.
RQ1a. First, can media accounts demonstrate disproportionate attention?

*Attention on benefits.* Regardless of whether marijuana was decriminalized or legalized, news articles in Kentucky, Vermont, and Massachusetts generally contained benefits of decriminalization or legalization. For medicinal marijuana, benefits on easing the pain and reducing the symptoms were often the content. For decriminalization and legalization of recreational marijuana, state benefits were often associated. State benefits were generally focused on saving and utilizing state and police resources into other pressing issues.

*Pain relief benefits*

Media content in all three states framed the medicinal marijuana issue through the lens of pain relief. For instance, in a June 2011 Editorial in Vermont’s *The Caledonian-Record* the board contended that “We think marijuana should be decriminalized across the board but, short of that, the medical value of it as a pain killer is virtually undeniable. It makes sense to offer it to those who demonstrably need it for pain relief.” A 2004 opinion piece in a Kentucky paper agreed:

If the Puritan politicians suspect that some patient might be having a good time, one toke at a time, I offer this rebuttal: It is not fun. How do I know this? Because I have had glaucoma since I was in my teens, and some years ago, after every prescription drug failed and before I resorted to surgery, my doctor let me know obliquely that marijuana could do me good. I dutifully inhaled almost every night. Taking drag after drag under doctor's order was a drag.

A 2014 article in a Kentucky newspaper also framed the issue of medicinal marijuana through pain relief, reporting the viewpoint of Rep. Tom Burch, who gave his support of medicinal marijuana; the article quoted him as saying:
I think this is something that has passed in so many states now that Kentucky has really got to move ahead, do it and take care of people who actually need this particular drug. It does do the job. So I hope that we would look favorably this time on that legislation because I think it's necessary, and I think it'll give a lot of help to people who really need it.

Massachusetts, which already has a medical marijuana law, also had media frames about pain relief. An August 2014 article described the approval of the legislation a function of pain relief: “Massachusetts voters in 2012 permitted medical marijuana facilities by approving a statewide ballot question, 63 percent to 37 percent. Marijuana is prescribed as pain relief for nausea, glaucoma, multiple sclerosis and other conditions.” The article reinforced this concept with a quote from the Ordinance Committee Chairwoman, who said, “It is a medical use. It is a pharmaceutical use. The law says this shouldn’t be any different than for a CVS.”

**Benefits**

Similarly, the frame of state and individual benefits was used in Kentucky, Massachusetts and Vermont. In a 2013 letter to the editor in Massachusetts a citizen opined that “the federal government continues to waste taxpayer money circumventing these local laws by prosecuting and intimidating citizens as part of the failed war on drugs.” An op-ed in the *Lexington Herald-Leader* in 2009 also pointed to the releasing of resources:

Attorney General Eric Holder announced last week that the federal government will no longer prosecute dispensers of medical marijuana if they comply with state law. That should bring relief to people who need marijuana for health reasons and free up law enforcement resources for more important work…Holder deserves credit for recognizing
that going after medical marijuana dispensers is not only bad policy, it is a distraction from work that really matters.

Moreover, a 2008 article in a Massachusetts newspaper offered the viewpoint of the Committee for Sensible Marijuana Policy, who argued that decriminalization would “help unclog the courts, save the state millions and spare thousands of residents the burden of a criminal record…They can move on and get a student loan and get their first apartment and move on with their lives. People recognize that there are a lot better things we could be doing with our police resources.”

Media from all three states also framed the issue of marijuana decriminalization through the lens of economic resources, promulgating the contention that this would aid states’ economies. In a September 2013 Vermont article, the story included statistics that made it clear the state would make huge revenues:

Vermonters are routinely found to smoke more marijuana per capita than residents of almost any other state. Based on usage rates gleaned from federal data, and assuming a state excise tax of $50 per ounce — premium-grade marijuana sells for about $350 an ounce… project[ing] revenues of between $7 million and $11 million annually for Vermont, [which] doesn’t include the $2.2 million to $3.3 million that would derive from the state’s 6 percent sales tax.

Similar math was used in a December 2013 Kentucky article. This story cited DrugScience.org, citing statistics that made decriminalized marijuana economically beneficial to the state:

Americans raised 22.3 million pounds of marijuana in 2006 with a value of $35.8 billion. It says that compared with $23.3 billion for corn, $17.6 billion for soybeans and $7.4 billion for wheat. Kentucky, it says, produced 2.7 billion pounds of (illegal) marijuana that year with a street value of $4.4 billion — ranking it fourth in the nation. We ranked
third in exports, meaning we didn't consume a lot of what we grew. So, here's the thing, Kentucky's total agricultural receipts this year are expected to top $6 billion. The estimate of our illegal marijuana crop seven years ago was $4.4 billion.

A Massachusetts’s article viewed the economic benefits through a host agreement, which looked at how a city who allowed these companies in would reap financial benefits, through “annual donations of $20,000 in 2016 and 2017, $100,000 in 2018 and 3 percent annual increases to donations in years thereafter,” as well as the “establishment of a charitable foundation to support community initiatives and medical marijuana research,” and the “guarantee of yearly real estate tax payments.”

**RQ1b. Can examining the content of state-level legislation and committees demonstrate disproportionate attention?**

**RQ1c. Third, can policy output be attributed to media attention and disproportionate legislative information processing?**

**Attention on regulation.** As marijuana was considered a dangerous drug, and illegal in terms of federal law, news reports especially in Vermont and Massachusetts generally included regulation of marijuana. Since marijuana has been decriminalized and legalized, authorities were trying to assure the general public of their safety through the statements in news articles. Several mentions of the Department of Public Safety, as well as state-owned medical were emphasized.

**Legislation of marijuana.**

Given the attention on regulation, it is important to note the legislation that was already in effect in these three states. In Massachusetts in 2008, voters approved Question 2, which replaced:
the criminal penalties for possession for one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state’s criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of $100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same $100 penalty.

In 2012, Massachusetts voters approved Question 3, the Massachusetts Medical Marijuana Initiative, which eliminated criminal and civil penalties for the possessions and use of up to a 60-day supply of marijuana for patients possessing a state issued registration card. Moreover, the law allows for 35 state-licensed non-profit dispensaries. Most recently in 2016, voters approved Question 4, known as the Massachusetts Marijuana Legalization Initiative, which legalized recreational marijuana, making it regulated in a way similar to alcohol. However, in 2017 the Massachusetts House and Senate passed H. 3818, designed to rewrite parts of Question 4. The bill increased the excise tax on marijuana sales from 3.75 percent to 10.75 percent, and increased the percentage that municipalities are allowed to tax marijuana sales at from 2 percent to 3 percent. Moreover, H. 3818 also increased the number of members on the Cannabis Control Commission from three to five.

In Vermont, SB76 was passed in 2004 without the signature of Gov. James Douglas. The bill legalized medical marijuana, and was expanded in 2007 with SB7, which increased the number of medical conditions allowed under the law. This bill was also passed without the signature of the governor. In 2008, HB200 was passed, which ended criminal penalties for up to an ounce of marijuana, and replaced it with fines; under this law, possession of more than an
ounce of marijuana, as well as the cultivation of marijuana plants, was still illegal. In 2015, Senate Bill 95 and House bill 277 were submitted, proposing a regulated system of legal recreational marijuana sales; however, neither bill passed during the 2015 legislative session. In May 2017, the Vermont House approved a bill to allow personal possession, use, and cultivation of cannabis but not commercial, and the Vermont Senate approved a broader bill allowing cannabis commercial sale. Finally, a joint bill - S.22 - formerly concerning fentanyl, was amended to legalize cannabis, and approved by the entire state legislature. The bill allowed for possession of an ounce of marijuana under title 18 of the Vermont Statues Annotated; however, Gov. Phil Scott vetoed the bill.

Kentucky has had fewer bills surround marijuana. In 2014, Kentucky Gov. Steve Beshear signed into law S.B. 124, which intended to provide individuals suffering from intractable seizure disorders with safe, legal access to cannabidiol (CBD), a non-psychoactive component of marijuana and hemp plants. In 2015, House Bill 3 and Senate Bill 40 both proposed establishing a medical cannabis framework in Kentucky, both failed to pass out of committee. In 2017, Sen. Perry Clark introduced SB 76, a bill that would end marijuana prohibition for adults in the Commonwealth and create a regulated and taxed system. The bill did not receive a hearing or a vote before the legislature adjourned.

*Media coverage of legislation of marijuana.*

In a 2002 Vermont article, the article emphasizes the security of the state’s regulation, with the reporter contending that “the Vermont bill is the most restrictive marijuana measure of the eight states that already have such laws, in part by setting up a database with the state Department of Public Safety so police can confirm the identities of authorized patients and
caregivers.” In addition, in a December 2011 editorial from Vermont reprinted in a Kentucky paper discusses the importance of regulation and the use of a Department of Public Safety:

Recognizing marijuana as a prescription medication also means it must be subject to the same testing and oversight as other medication. In July, a Vermont law went into effect allowing four medical marijuana dispensaries. Since 2004, the state has allowed some patients suffering from specific chronic and debilitating conditions to register with the Department of Public Safety and grow limited quantities of marijuana. ...

An April 2014 article from Massachusetts also described the regulations for the dispensaries established through the medicinal marijuana law: “The law also established a state registry of medical marijuana patients and allowed for creation of up to 35 state-licensed dispensaries…. It would also establish a "Cannabis Control Authority" to tax and regulate the drug.” An article in a Massachusetts newspaper a few months later in June further detailed the structure and progress of the dispensaries:

Eleven medical marijuana dispensaries have been cleared to move forward in Massachusetts while several others that had received initial clearance were rejected after a further review, state public health officials announced Friday.

The process had been on hold for several months while the state worked to verify information provided in the applications of 20 companies that were initially given provisional clearance for licenses in January.

In an April 2015 Kentucky article, the idea of regulation was presented as a societally accepted concept by discussing a poll about medical marijuana. The article highlighted Dakota Daniels, a 21-year-old waiter from Pueblo, Colo., who participated in the poll, who believed Kentucky “will embrace regulation - as opposed to bans - as Colorado did in 2012, because it
allows states to set safety standards and reap tax revenue.” Regulation was the theme of a June 2015 Massachusetts article as well, which discussed the most important lesson about Colorado was that “It turns out you can regulate marijuana like alcohol and you can do it fairly successfully,” by “regulating the drug at all stages of production, prohibiting purchases by people under 21.”

**Federal laws and politics.** Opinions and stances of political figures, and the influence of federal law have also been publicly exposed in new articles. Statements of proponents and contenders of decriminalization and legalization of marijuana have been made available to the public. Results from civilian interviews and surveys have often been reported with their political stance as well. Results included whether the findings were generally opinions of Republicans or Democrats. Federal laws also played a part in articles and legislatures, especially in Kentucky.

A 1996 Kentucky law emphasized the federal law aspect of marijuana, equating the drug with heroin: “Marijuana and heroin are Schedule I substances, and federal law recognizes no legitimate medical use for them. Under the new administration plan, doctors who prescribe marijuana could lose their Drug Enforcement Administration certification, even where state laws permit such prescriptions.” In Vermont, a 2009 article noted the disparity between state and federal law, as well as geographic differences: “Marijuana is illegal under federal law, but guidelines have been loosened on federal prosecution of medical marijuana under the Obama administration. Even so, marijuana reform legislation remains a tough sell in some places. In the South, for example, only Mississippi and North Carolina have decriminalization laws on the books.” Another example is a 2014 Massachusetts article which points to the disparity between state and federal laws, particularly as it has to do with financing marijuana: “The Colorado
purveyor of medical marijuana can't offer customers the option to pay with credit cards, either, because financial services companies won't touch a business that federal law considers illegal.”

Other media sources across the three states stressed the party affiliation associated with marijuana legislation. A Vermont 2001 article described the proposed marijuana bill as “sponsored by 21 members of the House of Representatives, a mostly liberal group with a few Republican. A February 2014 Kentucky article described Eastern Kentucky officials as “very conservative on social issues such as gay marriage or even medical marijuana,” while a May 2014 in a Vermont paper described how political parties at the state level were working on the marijuana issue:

A modern, future-oriented agenda has been advancing on the state level — as progressive governors rush into the vacuum of inaction left by Washington. And its supporters are not just Democrats but also independents and Republicans who respect mainstream science and regard the working poor as something more than cheap labor.

**Attention on drug-related crime and violence.** Media content also included reports on drug-related crime and violence. Crimes before and after decriminalization and legalization were included in the datasets. Also included in the data sets were crimes committed while abusing the legalization laws, such as growing medicinal marijuana to sell in the black market.

A 2010 editorial from the *Worcester Telegram & Gazette* described the link they saw between marijuana and crime:

Worcester has seen a spate of violent crimes associated with marijuana dealing and use this year, including murder, home invasions and assaults. The grim record of criminal activity is testimony to the destructive influence of a drug that is often portrayed by those who use it as a harmless recreation.
Another Massachusetts newspaper in 2011 reported on the crime that had occurred in Colorado after decriminalization, quoting Fort Collins, Colo. police Capt. Jerry Schiager: “We’ve had home invasions, and robberies and rip-offs of the people in the underground-growing business. The problem is it is so profitable, and the criminal element is so anxious to get in here and exploit this market, you have to be very careful.”

A 2012 opinion piece in a newspaper in Vermont also exemplifies this theme: “The escalation of drug-related crime in the state is an abomination. Sheriff Bill Boynak of Orange County told me of going to the medical staff of a local hospital and pointing out to them how their prescriptions often contribute to the problem.” Another Vermont paper narrated a story of violence associated with marijuana in April 2014, describing crime and horrors that come from the drug:

A college student eats more than the recommended dose of a marijuana-laced cookie and jumps to his death from a hotel balcony. A husband with no history of violence is accused of shooting his wife in the head, possibly after eating pot-infused candy. Studies are mixed about whether there is any link between marijuana and violence. Still, pot legalization opponents said the deaths are a sign of future dangers.

On the other hand, an opinion piece in a Massachusetts paper in 2010 saw the link between crime and marijuana as a function of a lack of legalization:

Our marijuana policy is generating hundreds of millions of dollars for criminal enterprises in Massachusetts. It is funding the horrific street violence associated with the black market; it is denying patients the benefits of medical marijuana.

This concept was also echoed by a 2016 speech by Gov. Shumlin from Vermont, which was reprinted in the papers; in it, the governor asserts that:
The black market of drug dealers selling marijuana for recreational use is alive and well, serving over 80,000 Vermonters who reported using marijuana last year. These illegal dealers couldn’t care less how young their customers are or what’s in the product they sell, or what illegal drugs you buy from their stash, much less whether they pay taxes on their earnings.

In this way, Gov. Shulmin advocated for legalization to eliminate that black market.

**Summary**

The data sources were analyzed through in-depth content analysis. Coding was accomplished through the use of NVivo 11. The query feature in NVivo 11 helped the researcher refine the codes, and derive the themes. Findings revealed that media attention on benefits, regulation, federal laws and politics, and drug-related crime and violence have generally contributed to state-level marijuana legislation.

In relation to PET, greater participation from agency officials, an increase in legislative committee and subcommittee hearings, and increased media coverage, three activities that produce a period of turbulence (Baumgartner & Jones, 1993), may be observed in the states involved in this study. The findings of this study reflect both agenda-setting and issue framing as potential influences on policy output and lawmaking outcomes, providing support for core propositions of PET (Baumgartner & Jones, 1993). In terms of exposure, Massachusetts had the most number of relevant documents. In terms of content, documents in Massachusetts generally contained statements from the proponents of legalization of marijuana, as well as public opinion emphasizing helping ill patients, while in Kentucky, published content generally included news of drug-related crime and violence from neighboring states, as well as drug-related violations of the federal law.
CHAPTER 5
DISCUSSION

Previous research has been conducted to examine variables such as how much attention policymakers are giving a particular issue, how concerned citizens are about that issue, and how the media are framing that issue (Baumgartner & Jones, 1993; McCombs, 2004; Wolfe, 2012). However, there is currently little research on the connection between the media agenda and policy output. Media agenda refers to the differential emphasis on and coverage of various political issues by the media, and what this communicates to the public in terms of these various issues’ relative significance (Liebert & Schwartzberg, 1977). Furthermore, researchers who have conducted studies to explore politics and the media commonly fail to integrate the two phenomena successfully (Wolfe, Jones, & Baumgartner, 2013).

Marijuana policy represents an opportune topic through which to investigate the connection between media agenda and policy output, as the popularity of state enacted marijuana policies are growing, despite the fact that marijuana is illegal on the federal level (21 U.S.C. § 811). While there are numerous studies, journal articles, books, and dissertations in print focusing on federal-level marijuana policy (Belenko, 2000; Bonnie & Whitebread, 1979; Pickerill & Chen, 2008; Single, 1989; Zeese, 1999), there is scant research on state-level policy (Kamin, 2012; Khatapoush, 2004; McGuire, 1997), and even less comparative research (Cerda, et al, 2011; Cruz, 2016). To address these gaps, the purpose of this qualitative comparative case study was to explore the ways that media attention has influenced public policy surrounding the marijuana issue in the states of Kentucky, Massachusetts, and Vermont.

This chapter provides a discussion of this study’s findings, which will be followed by a presentation of conclusions in the final chapter. The next section provides an overview of this
study’s findings, and interpretation of these findings against the backdrop of relevant research and the selected theoretical framework. Implications of this study’s findings will be discussed in the next section, which will entail examination of how this study’s findings potential enhancements in areas of research and practice. This chapter will also provide an acknowledgement of the present study’s limitations and how they might affect interpretation of its findings. Finally, this chapter will conclude with a summary of key points discussed.

**Overview of Findings**

As a preface to discussion of this study’s findings, the research questions and propositions will be reviewed. The objective of this study was to analyze news stories for meaning, and to see how these meanings link policy output to the values of news media moguls and/or a collective motivation by the public to change policy. The overarching research question was: How does media attention influence state-level marijuana legislation?

Specifically, and using punctuated equilibrium theory (PET) as a guide, in what ways has media attention influenced public policy on marijuana in the states of Kentucky, Massachusetts, and Vermont? Whether disproportionate attention, changes in policy image, and changes in policy output may have affected marijuana legislation were explored, and if so, whether marijuana policy follows the PET model for disruption and instability of policy preceded by a period of policy stability. Figure 7 shows a visual depiction of the findings, discussed in detail below.
Three sub-questions were also explored:

RQ1a. First, can media accounts demonstrate disproportionate attention?

RQ1b. Second, can examining the content of state-level legislation and committees demonstrate disproportionate attention?

RQ1c. Third, can policy output be attributed to media attention and disproportionate legislative information processing?

In light of these research questions, three propositions were advanced, which were derived from PET:

P1: Media role in policy agenda setting. Media content is more likely to get the attention of policy makers when media outlets are able to achieve saliency surrounding an issue.

P2: Policy activity. An issue being placed on the policy agenda is more likely to occur when the media coverage is in opposition to the policy currently in place.
P3: The link between newspaper articles and policy output. The more disproportionate attention media sources give to a specific policy issue, the more likely a punctuation, or change, in policy will occur on that issue.

These research questions and propositions were explored through in-depth content analysis of legislative documents and media content regarding marijuana policy. The source of data for the study included news articles and legislative documents from 1996 to 2016 in the states of Kentucky, Vermont, and Massachusetts. A total of 4,244 sources were collected for analysis – 981 from Kentucky, 2,391 from Massachusetts, and 872 from Vermont. There were varying levels of legality on marijuana in each state that affected the content of these searches contingent on specific years. Kentucky has not decriminalized nor legalized marijuana, except for utilization of industrial hemp for research purposes. Vermont legalized medicinal marijuana in May 2004 under Senate Bill 76, and decriminalized possession of a small amount of marijuana in June 2013 under House Bill 200. Massachusetts decriminalized possession of a small amount of marijuana in November 2008, legalized medicinal marijuana in November 2012, and legalized recreational marijuana in November 2016 all through ballot questions. Findings related to each of the research questions for each of these three states will be discussed and interpreted in the next sections.

**Kentucky media attention and marijuana policy.** Analysis of 504 sources from Kentucky led to the identification of three themes: (1) media exposure of medical marijuana, (2) legalization of industrial hemp for research purposes, and (3) upholding federal law. These themes will be briefly reviewed below.

**Media exposure of medical marijuana.** Medical marijuana has been a relevant content in the Newsbank articles from 1996 to 2016 in Kentucky. The media content regarding medical
marijuana varied in its presentation of the issue, and spanned from benefits, regulated use, and even abuse. Moreover, other content included news from other states where medical marijuana was legalized, and abused by drug dealers, using medical purposes as an excuse to grow and sell marijuana in the black market. Although Kentucky maintains restrictive laws on marijuana use, the findings under this theme illustrate the shifting nature of marijuana as a publicly debated issue. Specifically, it affirms assertions in the literature that marijuana is no longer a valence issue, or an issue with only one arguable side (Baumgartner & Jones, 1993; Nelson, 1984). Instead, the multiplicity of opinions expressed on marijuana use and legalization indicate that this is becoming a two-sided issue that invites multiple perspectives and brings it back into the political arena for analysis (Cobb & Elder, 1983; Lang & Lang, 1981).

**Legalization of industrial hemp for research purposes.** Media attention on marijuana also included the legalization of industrial hemp for research purposes in Kentucky. Legislations allowing the studies were published in public records. News articles on the legalization of industrial hemp for research purposes also included the accredited institutions and organizations allowed to conduct the studies. Much of the media coverage of this issue discussed both the potential for innovation and revenue associated with industrial hemp, and the barriers created by federal law that continued to prohibit hemp cultivation for any purpose. Media coverage also conveyed concerns that illegal marijuana cultivation might be disguised as industrial hemp cultivation if the latter were legalized.

The volume of news stories on legalization of industrial hemp in Kentucky indicates agenda-setting by the media (Dearing & Rogers, 1996; Weaver, McCombs & Shaw, 2004). The concerns expressed about legalizing hemp for research reflected support for current policy. However, a wealth of discussion in the media reflected the potential for local jobs, benefits to the
local economy, and development of a variety of products (i.e., fuel). These alternative perspectives exemplify Eriksson and Noreen’s (2002) conceptualization of issue framing, which expands a conflict by garnering support from groups previously silent toward a specific problem. Issue framing or reframing is one potential mechanism for those promoting changes to current policy to gain support toward transforming a previously disregarded alternative into one of high importance (Eriksson & Noreen, 2002). Indeed, the positive media coverage preceded passage of a bill to legalize industrial hemp cultivation in Kentucky in 2013. This was followed by the federal farm bill authorizing the practice in 2014, which allowed cultivation of hemp for research purposes in Kentucky to begin without concern for conflict with federal law.

**Upholding federal law.** Several published media reports in Kentucky with regard to marijuana involved upholding the federal law. Medical and recreational marijuana were still considered illegal by federal law, as well as state law. However, news on marijuana-related crime and violence were linked with federal law violations rather than state law violations. Reports in the media explained that in spite of state-level laws that permitted medical marijuana use, individuals were still subject to arrest and prosecution for violation of federal marijuana laws. Media stories conveyed the contrastingly permissive position of the Obama administration on state-level marijuana activities (Egelko, 2009), but affirmed the ultimate power of the federal government to curtail such activities.

**Vermont media attention and marijuana policy.** Analysis of 822 sources from Vermont led to the identification of two themes: (1) medicinal marijuana and (2) decriminalizing and legalization attempts. These themes will be briefly reviewed below.

**Medicinal marijuana.** Documents on medicinal marijuana have been found to be largely related to regulations controlling medicinal marijuana. Three sub-themes emerged as the major
content of media exposure of medicinal marijuana. The first sub-theme, media attention on dispensaries, was reflected in a body of reports on the various regulations associated with dispensaries. The second sub-theme, regulations by the Department of Public Safety, was reflected through articles about regulations intended to ensure that medical use of marijuana did not lead to diversion of the product to youth and other users who might misuse the substance. The third sub-theme, federal law violations, was communicated through media stories of individuals who were compliant with state-level medical marijuana policy but held responsible for violation of federal prohibition of the substance.

Decriminalizing and legalization attempts. In June 2013, possession of a small amount of marijuana was decriminalized, and articles and legislations on decriminalization have been made public. Talks of legalizing recreational marijuana have also been contents of several news articles. The content regarding decriminalizing and legalization attempts of marijuana in Vermont has derived three sub-themes. The first sub-theme, influences of political stances, emerged from articles about the relationships between political party affiliation and marijuana policy stance. The second sub-theme, attempts to legalize recreational marijuana, was reflected in articles with conflicting arguments about the issue.

Although more articles presented positive aspects of decriminalization or legalization (i.e., increased tax revenues), many sources presented opposition based on concern for public safety. Accordingly, a house bill to legalize recreational marijuana passed but was vetoed by the governor in 2017 due to public safety concerns. The third sub-theme, decriminalizing possession of marijuana, primarily revolved around the financial savings associated with decriminalization. Although legalization for recreational use has not been accomplished in Vermont, the volume of discussion of positive and negative aspects of such legislation indicates agenda-setting through
the media. As Stryker (2003) explained, agenda-setting is accomplished through the increase of awareness toward controversial topics like marijuana legalization, which then brings the issue into the forefront and cultivates the perception that it is an important issue.

**Massachusetts media attention and marijuana policy.** Analysis of 2,238 sources from Massachusetts led to the identification of three themes: (1) decriminalized marijuana, (2) legalized medicinal marijuana, and (3) legalized recreational marijuana. These themes will be briefly reviewed below.

**Decriminalized marijuana.** Massachusetts decriminalized possession of a small amount of marijuana in November 2008. Analysis of documents related to decriminalization of marijuana revealed three sub-themes: (1) focus on youth protection, (2) issues on use and abuse, and (3) state resources. The focus on youth protection emerged from several articles in which individuals asserted that recreational use of marijuana had increased among minors since the 2008 decriminalization. Issues on use and abuse referred to articles expressing concerns about potential for addiction, while state resources referred to articles that discussed the freeing up of law enforcement and judicial system resources associated with decriminalization.

**Legalized medicinal marijuana.** Massachusetts legalized medicinal marijuana in November 2012. Analysis of related documents revealed three sub-themes: (1) regulated through dispensaries, (2) helping terminally ill patients, and (3) issues of misleading words in the ballot question. As with coverage of these issues in the Vermont, the media coverage in Massachusetts conveyed concern for the proper regulation of dispensaries. A large amount of concern was expressed regarding the welfare of terminally ill patients who were denied legal access to an effective treatment for pain and nausea. Stories of specific individuals who had suffered without the relief that medical marijuana might provide were presented. Such stories
reflect the approaches discussed by researchers such as Stone (1989), who stated that policy alternatives can be introduced as new definitions of old problems. This is often accomplished by presenting stories that present the problem as important to solve rapidly, attaches social values to the problem, and highlights victims in the problem (Cobb & Ross, 1997; Stone, 1989; 1997).

Finally, opponents to the bill raised concern related to language in the ballot question, and argued that the wording of the question obscured the potential dangers of legalizing medical marijuana. These concerns appeared to reflect objections to issue framing as interpreted through the wording of the ballot question. Stated differently, the opponents to medical marijuana legalization alleged that the ballot question language might mislead voters about the potential risks of legalization. Such concerns reflected an awareness of the power of issue framing to influence voters, as even minor changes in the presentation of information can change the opinions of citizen voters (Druckman, 2001; Hastings & Cann, 2014).

**Legalized recreational marijuana.** Massachusetts legalized recreational marijuana in November 2016. Analysis of related sources revealed three sub-themes. The first, drug-related crime and public safety concerns, was reflected in articles that described the potential for violent crime and property crime associated with marijuana use. However, media coverage also presented views to counter these concerns, such as arguing that the state-federal conflict in policy creates risks for legal users and sellers at the state level. Media coverage also addressed the fact that crime had not actually increased in states where recreational use had been legalized. The gateway drug argument was used by opponents to legalization, but was also strongly refuted by advocates of legalization. Finally, easy access to edible marijuana products was discussed as a potential risk for children, and was also presented as a safety issue that could be addressed through packaging and safe practices.
The media coverage in Massachusetts related to legalization for recreational use included vigorous debate and conflict from proponents and opponents of legalization. Such conflict exemplifies the political controversies that Cobb and Elder (1983) proposed were the defining features of an agenda. Cobb and Elder (1983) further defined these controversies as conflicts between groups over the procedures that ultimately impact the distribution of resources or power. An important point of note is that the contentious nature of such controversies or issues also makes them newsworthy in the public arena. The ongoing examination of this contentious issue in the media also supported Schattschneider’s (1960) proposition that the expansion of a conflict is one way that an outside group can push its policy goals onto the political agenda. In affirmation of Schattschneider’s idea, Cobb, Ross, and Ross (1976) posited that conflict expansion is paramount for outside groups that are interested in shaping the policy agenda.

**Influence of disproportionate attention on marijuana legislation.** A key question guiding inquiry in the present study was whether disproportionate attention might have an influence on marijuana policy. It is notable that the state that made the most legislative changes toward permissiveness regarding marijuana possession and use in the study’s sample, Massachusetts, also had the largest number of marijuana policy relevant sources. To be exact, there were 2,238 documents retrieved for Massachusetts. Accordingly, the state in this study’s sample that resisted legislative change and maintained the most restrictive marijuana policies, Kentucky, had the fewest sources with 504 relevant documents. As did Massachusetts, Vermont also enacted legislative changes that led to a more permissive stance on marijuana, but not to the same degree. In accordance, Vermont’s number of sources on the subject fell into a moderate range between the extremes in this study.
Based on these findings, it is reasonable to propose that disproportionate attention on marijuana policy did exert an influence on actual policy activity in each of these states. These findings are supportive of PET, as increased media coverage has been identified as a source of turbulence, which stimulates punctuation or policy change (Baumgartner & Jones, 1993). Jasperson et al. (1998) posited that increased media attention has the power to shape public perception by affecting the level of importance attributed to an issue and also by developing public understanding of the issue in question. Table 3 below shows the legislative and news data levels in each state according to decriminalization year, or year in which legislation was passed legalizing marijuana for medicinal or recreational use. Table 3 also shows the number of positive, negative, and neutral articles published in each decriminalization or legalization year. Articles receiving a positive code were written in opposition to the legalization of marijuana. Articles receiving a negative code were written in favor of legalization. Articles receiving a neutral code were written neither for nor against the legalization of marijuana.
Table 3

*Level of legislative and news activity in each state corresponding to decriminalization or legalization year*

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<th>Vermont</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decriminalized</strong></td>
<td><strong>Kentucky has neither decriminalized nor legalized marijuana for either medical or recreational purposes. However, between 1996 and 2016, 153 of the 504 articles analyzed were in favor of changing the current prohibitive marijuana policy, and 28 bills were proposed in favor of changing the current prohibitive marijuana policy.</strong></td>
<td>2008 Legislative bills submitted: 1  News sources published: 10</td>
<td>2013 Legislative bills submitted: 8  News sources published: 80</td>
</tr>
<tr>
<td>Article tone - decriminalized</td>
<td>Positive: 1  Negative: 7  Neutral: 2</td>
<td>Positive: 21  Negative: 54  Neutral: 5</td>
<td></td>
</tr>
<tr>
<td><strong>Legalized medicinally</strong></td>
<td>2012 Legislative bills submitted: 3  News sources published: 194</td>
<td></td>
<td>2004 Legislative bills submitted: 1  News sources published: 73</td>
</tr>
</tbody>
</table>
Influence of changes in policy image on marijuana legislation. Another key question guiding inquiry and analysis in the present study was whether the nature of policy image and related changes in such image possibly exerted an influence on actual policy in these three states. Analysis of sources drawn from all three states revealed common themes of (1) attention on benefits, (2) attention on regulation, (3) federal laws and politics, and (4) attention on drug-related crime and violence. It was notable that both positive and negative issue framing occurred in the media in relation to marijuana in all three states, despite the differences in policy change patterns related to marijuana permissiveness at the time of data collection.

As an example of the variety of framing approaches across the three states, news articles from Kentucky, in which marijuana use for all purposes is illegal, presented discussion of the potential benefits of decriminalizing or legalizing marijuana for medicinal and/or recreational purposes. Proponents of medicinal legalization in the media in Kentucky communicated the potential for pain relief, which was a subtheme also found in sources from the other two states, in which medical marijuana is legal. Media stories in Kentucky also presented the suffering of persons with chronic pain and illness, who were cast as victims of restrictive policy that disallowed use of a treatment that might alleviate their suffering. Furthermore, in spite of the slight majority of Kentuckians who were found to favor legalization of medical marijuana, two bills to allow broader medical marijuana use died, including a House bill that was voted out of its Health and Welfare Committee before being sent to the Judiciary Committee where it died.

Proponents of decriminalization in all three states advocated this position through reference to potential financial benefits for their states. However, media articles in all three states also framed the issue of marijuana policy in terms of potentially negative outcomes. For example, concerns about regulation of medical and recreational marijuana were expressed
through the media, centering on potential risks to youth and others who might ingest the drug if it were made increasingly available. Media stories provided stories of violent and suicidal behavior that were linked with the perpetrators’ use of marijuana. The potential for increased crime resulting from diversion of marijuana to the black market was also raised. In an overall assessment of this research question, however, it did appear that media framing of marijuana as an issue had bearing on policy outcomes. It was found that sources from Massachusetts contained many more instances of positive policy framing related to decriminalization and legalization compared with Kentucky.

These findings suggested that the tone of media portrayal of an issue might have an influence on policy outcomes, particularly in combination with more frequent media discussion of the issue. These findings are supportive of a proposition of PET, which is that issue definition will either bring prominent attention to that issue or make it fade away (Kingdon, 1995). Although legislative activity has occurred in Kentucky with regard to legalization of medical marijuana, none has as yet been successful. These failures to reform policy should be considered in relation to the higher frequencies of cautionary or negative media framing of the marijuana issue. In contrast, Massachusetts, with its flurry of supportive media communications on marijuana policy, has advanced successful legislation to legalize marijuana for both medical and recreational uses.

**Influence of policy output on marijuana legislation.** Another key question guiding this study was whether policy output could influence state-level marijuana legislation. Based on this study’s findings, it does appear that policy output overall does have an effect on ultimate legislation related to marijuana policy. For example, the passage of Kentucky’s bill to legalize industrial hemp for research purposes in 2013 was preceded by multiple failed attempts to
advance similar bills from 2001 forward. Similarly, the passage of Vermont’s 2004 bill to legalize medical marijuana was preceded by years of contentious interaction between various involved legislators that was conveyed through the media. These findings were consistent with PET, because greater participation from agency officials is one source of turbulence, which can influence punctuation (Baumgartner & Jones, 1993; Talbert et al., 1995).

**Exploration of three sub-questions.** Three subquestions were also explored through analysis of media and legislative documents from the three states. These subquestions will be considered in this section.

**RQ1a.** First, can media accounts demonstrate disproportionate attention? Based on the sources reviewed for this study, it does appear that media accounts can demonstrate disproportionate attention. One way that media reports might do this is through sheer numbers of articles in which a particular issue is examined. This might influence increased focus on the issue by attracting attention of the public and legislators (Baumgartner & Jones, 1993). For example, the overwhelmingly higher numbers of sources on legalization of marijuana for Massachusetts might have influenced disproportionate attention to the issue in this state’s citizens and legislators. It is reasonable to guess that both legislators and members of the general public might devote a higher amount of attention to topics covered often in the media, as this conveys a sense of current relevance or urgency (Birkland, 1998).

**RQ1b.** Second, can examining the content of state-level legislation and committees demonstrate disproportionate attention? Based on the data sources reviewed in this study, it does appear that examining the content of state-level legislation and committees can demonstrate disproportionate attention. The findings regarding Kentucky provide a useful illustration of this potential. Although Kentucky remains highly restrictive with regard to marijuana policy, the
actions of legislators and relevant committees indicate that questions around marijuana
legalization or decriminalization are receiving increased attention.

Examining the content of media reports on medical marijuana in all states also revealed
the use of focusing events related to the issue, which is relevant to PET. Focusing events are
those that attract enough attention to the arena to make policymakers take notice and to bring the
issue to the public agenda (Baumgartner & Jones, 1993). For example, an example of a focusing
event was the story of a four-year-old child in Kentucky with a severe seizure disorder who was
deprived of medical marijuana and suffered as the result. These events can be especially
important for disadvantaged coalitions seeking policy change, because the events themselves
enable smaller groups to assert messages that larger groups would otherwise stifle (Birkland,
1998).

Analysis of the media reports obtained for this study also suggested that these sources of
information can refer to disproportionate attention of those living in other regions, possibly
influencing attention to the issue locally. For example, media accounts that described a general
shifting of national opinion with regard to marijuana legalization might imply that the issue is
achieving a disproportionate level of attention elsewhere. It is possible that such reporting might
affect the local readers’ own levels of attention directed to the issue in the future. Relevant to
these findings are Gitlin’s (1980) examinations of the effect of mass media on populations. In
the context of Gitlin’s studies, such media framing of issues was significant because of its
emphasis on certain issues and trivialization of others (McDonald, 2004).

**RQ1c.** Third, can policy output be attributed to media attention and disproportionate
legislative information processing? Based on the findings of this study, it is reasonable to
suggest that media attention and disproportionate legislative information processing influenced
actual policy output on marijuana legalization and/or decriminalization. Notably, Kentucky had the fewest articles devoted to issues of marijuana policy between 1996 and 2016, and also engaged in the least activity to reform these laws within a context of national change. It is highly plausible to suggest that the comparative lack of attention to and negative framing of the topic in the media resulted in legislators perceiving this issue as a lesser concern compared with other current issues (Birkland, 1998; McDonald, 2004). Because of the relatively lower level of concern on this issue, it is likely that it failed to spur disproportionate attention, which would be consistent with Wolfe’s (2012) findings regarding the media’s capacity to speed or slow lawmaking processes. Although some activity has been conducted to change marijuana policy with regard to medical use in Kentucky, no such activity has resulted in actual changes to policy in this regard.

By contrast, Vermont had more media attention to the issues of marijuana legalization and decriminalization compared with Kentucky, which featured vigorous debate by multiple stakeholders. In contrast with Kentucky, Vermont also carried out more successful legislative changes leading to a more permissive marijuana policy at the time of this study. Combined with the more frequent discussions and examinations of this issue in the media in Vermont, this state’s media framing of the issue tended to be more positive overall in comparison with Kentucky’s.

This relationship was even more pronounced in Massachusetts, as this state’s laws have been modified to reflect the most permissive stance across all three states sampled, and this state’s media attention has also been more positively and plentiful. Taken together, these findings create a strong suggestion that media attention can have an effect on disproportionate legislative processing, which might in turn have an effect on policy output and resulting legislation. The findings of this study reflect both agenda-setting and issue framing as potential
influences on policy output and lawmakers' outcomes, providing support for core propositions of PET (Baumgartner & Jones, 1993).

**Interpretation of findings in relation to propositions.** The first proposition was that media content is more likely to get the attention of policymakers when media outlets are able to achieve saliency surrounding an issue. McCombs (2004) noted that the first step to formulating public opinion is establishing salience among the public. Salience derives from where the news media place the story, how much space and time they devote to the topic, and how frequently the news outlets publish the story. In this study, salience as established through more frequent coverage of marijuana policy and related issues did seem to get the attention of policymakers. As evidence to support this first proposition, the state that carried out the most legislative change with regard to marijuana over the 1996 through 2016 study period, Massachusetts, also had far more frequent examination of the topic in the media. Kentucky, by contrast, had the legislative activity and the fewest media reports related to marijuana policy. These findings suggest that frequent media coverage of the marijuana issue establishes its salience as a social issue, which then spurs increased legislative activity.

The second proposition was that an issue being placed on the policy agenda is more likely to occur when the media coverage is in opposition to the policy currently in place. The findings of this study provide support for this proposition. Massachusetts was observed to feature more frequent media coverage that supported legalization of marijuana rather than opposed. Accordingly, both medical and recreational use of marijuana were legalized in this state, indicating the power of oppositional content in the media. It was also observed that in Vermont, there were more frequent media reports that were supportive of recreational marijuana legalization compared with oppositional reports. Accordingly, medicinal marijuana was legalized
in this state, along with the decriminalization of marijuana; and a bill to legalize marijuana for recreational purposes is currently before the Vermont legislature.

The third proposition was that the more disproportionate attention media sources give to a specific policy issue, the more likely a punctuation, or change, in policy will occur on that issue. This study’s findings provide support for this proposition, as the abundance of media coverage of the marijuana issue in Massachusetts corresponded with the most legislative change on this issue during the study period. Consistent with the pattern in Massachusetts, Vermont had a moderate level of media attention and also had moderate legislative change during the study period. Finally, Kentucky had the least media attention to the topic and also carried out the least change to marijuana policy from 1996 to 2016. These findings support PET by indicating the influence of disproportionate attention to induce punctuation, or policy change (Baumgartner & Jones, 1993).

Research Implications

The findings of this study have important implications for future research on the nature of the relationship between media coverage and policy output related to state-level marijuana policy. Importantly, this study’s findings provide evidence to support the applicability of the PET model to the understanding of state-level marijuana policy change and the role of the media in this process. The PET model contrasts with the incremental model of legislative change, in which such change is conceptualized as a continuous process involving small modifications over time (Lindbloom, 1959). Additionally, Jones and Baumgartner (2005) note that incrementalism “does not offer much of a guide concerning how decision makers arrive at… adjustments” (p. 326), making it an inappropriate theory for the present study. Under the PET model, however,
legislative stability is the norm for extended periods of time, which are punctuated by legislative changes in ways that are sometimes dramatic (Jones & Baumgartner, 2005).

From 1996 to 2016, all but one piece of marijuana legislation in the three states sampled was unchanged for substantial periods of time. However, in this case the policy expansion does not constitute incremental change because it is neither an update from the previous period’s policy decision nor does it appear to be a random change (Jones & Baumgartner, 2005). In 2014, the Vermont legislature expanded its 2004 piece of medicinal marijuana legislation to allow more individuals access to medical marijuana. The original piece of legislation capped accessibility of medical marijuana to 1,000 people. The expansion lifted the cap. In 2014, out of a total of 80 articles, 51 were written in favor of marijuana for medicinal purposes.

This stability of prohibitive legislation related to marijuana spanning multiple decades contrasts with the sharp increase in legislative activity regarding decriminalization, medicinal legalization, and recreational legalization which occurred to varying degrees in the three states examined during the 20-year study period. This pattern is characteristic of the punctuated equilibrium dynamic, in which extended periods of policy stability are followed by short periods of change (Baumgartner & Jones, 1993; Jones & Baumgartner, 2005; True et. al., 1999).

In addition to the pattern of stability punctuated by periods of rapid change, the effect of turbulence created by media attention and legislator activity to induce punctuation was another finding of this study that support the PET model. A key proposition of PET is that turbulence can induce disproportionate attention to a particular issue, which can then influence policy output and resulting legislative change (John & Jennings, 2010; Jones, 2005; Jones & Baumgartner, 1993; Mortensen, 2009). This study’s findings supported the media as influential both in their agenda-setting and issue framing capacities, as the frequency of coverage and nature of the
content did seem to have bearing on legislative processes leading to change. Overall, the findings of this study provide strong support for use of PET in future examinations of state-level marijuana policy change and the corresponding role of the media in influencing such change. These overall findings support a simple linear model that traces the evolution of policy output relative to marijuana in the states of Massachusetts, Kentucky, and Vermont. This linear model is depicted in Figure 2 below.

Figure 2:

*Simple linear model tracing the evolution of policy output surrounding marijuana in Massachusetts, Kentucky, and Vermont*

**Research Limitations**

As acknowledged in chapter 1, there were certain limitations to this study. One limitation of the study was that the design of the study allowed for attribution of legislative changes to media and legislative activity over an extended period, but the causal relationships between these variables cannot be stated unequivocally. Events reflected in the data unfolded in natural settings, as is appropriate for the case study approach. However, examining events as they occur naturally must be conducted with acknowledgement of the multiple uncontrollable factors that might affect outcome variables in addition to the antecedent variables of interest. In other words, although media activity appeared to influence policy output and legislation, the study design did not allow for control of other possibly influential co-occurring factors.
Another limitation was that the findings were based on the gathering and analysis of archival data by the researcher, and were therefore limited to what could be retrieved by the researcher. Although a substantial number of sources were ultimately retrieved, it is acknowledged that additional sources might have been overlooked through limitations in the search process. As additional unrecovered sources might have provided alternative insights into the research questions, it is recognized that the data collected might present an incomplete portrayal of media and policy output activities during the study period.

Summary

This chapter presented a discussion of this study’s findings, organized by research questions and propositions. Overall this study’s findings indicated that media activity, both in terms of agenda-setting and issue framing, appeared to influence processes of policy output in Massachusetts, Vermont, and Kentucky with regard to marijuana policy. More frequent attention to issues of marijuana decriminalization and legalization was found in Massachusetts, which also carried out the most legislative changes during the period of 1996 through 2016. Kentucky illustrated the opposite pattern to Massachusetts, and Vermont represented a moderate level of media coverage and legislative change. Overall these findings supported PET as a model to explain how media coverage can create disproportionate attention to the marijuana issue, which can then lead to relevant policy change.
CHAPTER 6

CONCLUSIONS

Little research exists to illuminate the relationship between media agenda on current social and political issues and related policy output. In this qualitative comparative case study, marijuana policy was viewed as an ideal topic through which to investigate this phenomenon, because many states have enacted legislation to permit marijuana use and possession under different circumstances. These relatively recent changes have occurred within a context of continued national prohibition of marijuana use and possession for any purpose (21 U.S.C. § 811), making this topic an excellent focus for this study. This study was conducted to address gaps in knowledge related to media agenda and policy output, and also related to comparative state-level legislative practices specifically associated with marijuana decriminalization and/or legalization (Cerda et al., 2011; Cruz, 2016; Kamin, 2012).

To address these gaps in knowledge, the purpose of this qualitative comparative case study was to explore the ways that media attention has influenced public policy surrounding the marijuana issue in the states of Kentucky, Massachusetts, and Vermont. The intended result of this study was a simple, linear model, tracing the evolution of policy output starting with the media, continuing through the agenda-setting phase, and finally making it to the legislative calendar. This exploration could be the foundation on which other state studies may build. Ultimately, the insights gathered from the results of this study may contribute to the change in how matters of public interest are covered in the news.
Primary Contributions of this Study

A significant contribution of this study to knowledge and practice is a simple linear model that traces the evolution of policy output relative to marijuana in the states of Massachusetts, Kentucky, and Vermont. This linear model is consistent with the propositions of PET, in which media processes stimulating disproportionate attention among policy makers are recognized as influential of relevant policy output (Baumgartner & Jones, 1993). This model and the associated findings from this study make a distinct contribution to knowledge and to future research through use of PET to connect media activity and policy output.

As Givel (2010) noted, the public policy studies that have focused on media tone alone typically upheld punctuated equilibrium, where studies focusing solely on policy output have often contradicted Jones and Baumgartner’s theory. Because the present study was focused both on tone and policy output, these results provide a unique and more robust contribution to the overall body of PET literature. Furthermore, support for the linear model was bolstered through the comparison of these processes across three different states (Yin, 2003). Each component of this model will be discussed in this section. This linear model is depicted in Figure 2 below.

Figure 2

*Simple linear model tracing the evolution of policy output surrounding marijuana in Massachusetts, Kentucky, and Vermont.*
Media agenda. The findings of this study indicated that the media agenda might exert influence over the policy output process by stimulating attention and shaping the understanding of issues. Media agenda refers to the differential emphasis on and coverage of various political issues by the media, and what this communicates to the public in terms of these various issues’ relative significance (Liebert & Schwartzberg, 1977). According to McCombs and Shaw’s (1972) agenda setting theory, the media have the power to confer salience upon issues through their selection and presentation of issues on a daily basis. In accordance with this theory, the powerful influence of the media to set agenda was suggested in the findings of this study by the overwhelmingly larger number of sources related to marijuana decriminalization and legalization in Massachusetts compared with Vermont and Kentucky. Considered alongside the comparatively higher level of legislative activity around these issues in Massachusetts compared with Vermont and Kentucky over the study period, it appears that media agenda setting may have influence with legislators as well as the general public.

Given the progressively lower levels of media coverage and marijuana policy activity in Vermont and Kentucky compared with Massachusetts, it is reasonable to suggest that higher levels of media examination of an issue do influence disproportionate attention to the issue for both state citizens and policy makers. Conversely, it is not only the issues the media highlights but also the issues the media covers scantly that constitute agenda setting (Gitlin, 1980; McDonald, 2004). As an illustration, Kentucky’s lower level of media coverage related to marijuana policy issues corresponded with a lower level of legislative activity on the matter. This correlation suggests that media agenda setting can not only communicate which issues are salient, but also that the media’s lack of attention to certain issues might communicate their relative unimportance (Gitlin, 1980; McDonald, 2004).
Legislative (Issue) attention. The findings of this study indicated that legislative attention was a key phenomenon linking media agenda to policy output related to state-level marijuana legislation. As noted by Singh (2003), legislators have the power to decide which social issues to address, and also to develop and propose various solutions to these problems. However, the PET model also accounts for events and circumstances that might attract policy makers’ attention disproportionately to a particular issue, effectively increasing its perceived importance and urgency (Baumgartner & Jones, 2014). Under the PET model, the activity of the media around particular issues is one of the primary sources of turbulence, which is integral to cultivating disproportionate attention of legislators to particular issues (Baumgartner & Jones, 1993). In particular, it has been noted that agenda setting and issue framing are two key ways in which the media stimulates legislative attention to certain social issues (Kindgon, 1995).

This study’s findings indicated that cultivating legislative attention through media turbulence was an important step in producing punctuation, or policy change related to marijuana possession and use. In Massachusetts, for example, legislators devoted more time and attention to marijuana policy compared with the other states, beginning with decriminalization of small amounts of marijuana in 2008, moving to legalization of medical marijuana in 2012, and finally progressing to the more controversial legalization of recreational marijuana in 2016. This level of legislative activity related to marijuana was notably higher in comparison with Kentucky, suggesting that the issue of marijuana decriminalization and legalization was considered more attention-worthy in Massachusetts. The comparatively higher level of media attention to this issue in Massachusetts suggests that the frequency and tone of media coverage quite likely influenced disproportionate legislative attention to this issue in this state.
Policy output. The final component in the proposed linear model is policy output, which is influenced by disproportionate attention among policy makers. The findings of this study did support the proposition that disproportionate attention from legislators influenced their policy output and resulting legislation related to the marijuana issue. The contrast between Kentucky and Massachusetts again illustrates how policy output emerged as a function of legislative attention, which in turn corresponded with media agenda setting related to marijuana decriminalization and legalization. The rapid changes to long-standing prohibitive laws on marijuana reflected a disruption of what Baumgartner and Jones (1993) referred to as the policy monopoly. The increased policy output on marijuana issues, most notably in Massachusetts and Vermont, reflected legislators’ response to a new and powerful counter narrative to those perpetuated by dominant interests on marijuana (Riker, 1988). Media reports presenting multiple perspectives on marijuana decriminalization and legalization appeared to influence the questioning of long-standing dominant views of marijuana as dangerous and lacking in medicinal value.

Importantly, this study’s findings strongly supported a punctuated equilibrium dynamic in marijuana policy activity, as decades of policy stability were somewhat suddenly punctuated by legislative changes that will have dramatic effects (Jones et al., 1999). For example, legalization of medical marijuana in Vermont and Massachusetts creates safe and ready access to a new form of treatment for individuals with a variety of health conditions (Aldrich, 1971; Marshall, 2005). Legalization of recreational marijuana in Massachusetts will provide financial benefits for the state by increasing tax revenues derived from legal marijuana operations and by reducing expenses incurred through law enforcement and judicial system involvement (Blake & Finlaw, 2014; Schneider, 2014). Legalization of marijuana for medical and recreational
purposes also represents a dramatic change for those opposed, who fear that legal access to marijuana will increase addiction, spur criminal activity, and jeopardize the safety of the youth (Danovitch, 2012; Lucas, 2014).

**Implications for practice.** The findings of this study have implications for future research on state-level marijuana policy using the PET model as a framework, as discussed in chapter 5. However, this study’s findings also offer contributions to practice. As anticipated in the first chapter, the insights from this study might contribute to change in how issues of public interest, such as marijuana policy, are covered through the media. Specifically, understanding the role of the media as agents of turbulence within a PET model of policy change might be useful for those in the media.

In contrast to common conceptions of policy change under the incremental model (Lindbloom, 1959), marijuana policy change viewed through the lens of PET is not a continuous process of small modifications that together constitute large-scale change. Instead, long periods of policy stability are the norm under a PET model, but interspersed throughout these periods of stability are episodes of rapid and often dramatic change (Baumgartner & Jones, 1993). An important consideration for the media, derived through the present study, is that the frequency and tone of their coverage of the marijuana issue can influence disproportionate attention to the issue by the general public and policy makers. This disproportionate attention may then impact marijuana policy output and ultimately legislation related to decriminalization and legalization. Recognition of the strength of dominant interests in the marijuana issue to maintain stability of current policy may be informative for media personnel as they decide if and how to frame the issue in their coverage. As the massive amount of media coverage of the marijuana issue and resulting legislative changes in Massachusetts suggested, media activity may be more likely to
influence policy output if it is persistent over extended periods of time and presents contrasting perspectives on marijuana legalization.

**Widening the Scope**

Although this study was focused specifically on the PET model in relation to agenda setting, legislative attention, and marijuana policy output, it might also provide useful insights into the effects of media activity on public policy in a more general sense. Because citizens and policy makers refer to the media as a key source of information about current conditions and events, the media exerts a weighty influence on public perception of the salience of certain social issues (McCombs, 2004). As illustrated through the present study’s findings, the media’s capacity to cultivate perceptions of salience may substantially influence the activity of legislators around certain issues. Such activity may be heightened when the media coverage confers salience upon the issue (i.e., in Massachusetts), or such legislative activity may be lesser when media coverage conveys less urgency or importance associated with the issue (i.e., in Kentucky).

Although it was beyond the scope of the current study, it is important to also consider how media agenda setting might affect policy output through its influence on the general public. Although Singh (2003) highlighted the power of legislators to select certain social issues to address and to decide which to ignore, the citizens of many states also hold a degree of power over the policy agenda in their states. For example, in Massachusetts, citizens may initiate an indirect initiative through the Massachusetts General Court (2016). Once the initiative goes to the legislature, one fourth of the legislature must approve the amendment before it can go to voters. Along with Massachusetts, 24 states have this same system. It is therefore important to consider how media agenda setting might induce disproportionate attention to certain issues among a state’s residents, as their perception of an issue’s salience might also increase the
likelihood of relevant legislative activity. Additionally, media agenda setting and issue framing may also influence the voting patterns of citizens throughout a state (Druckman, 2001; Hastings & Cann, 2014), further strengthening the impact of the media on resulting legislation.

**Suggestions for Future Research**

In the present study, media agenda setting and issue framing were examined in relation to marijuana policy output. Although media issue framing may play a role in stimulating disproportionate attention to the marijuana policy issue, it was associated with mixed findings in this study. Both Massachusetts and Vermont media discussions of marijuana legalization presented more positive arguments than oppositional, but only Massachusetts moved forward to legalize recreational use of marijuana. Given the nature of analysis in the current study, it was not possible to separate the effects of media content or issue framing from the effects of sheer volume of reporting on marijuana issues. These effects might be disentangled in a future study that is specifically designed to control for the confounding effects of co-occurring volume and tone of media reports. An experimental design would be ideal for such purposes, as it would allow for examination of causal relationships between these media variables and disproportionate attention.

Immanuel Kant once noted “Science is organized knowledge. Wisdom [on the other hand] is organized life.” The purpose of the present study was to explore the prospect of an organized science surrounding media output and its contribution to policy output. Expanding the current study to include other variables will only further that purpose. Thus, to aid in disentangling the effects of media reporting, incorporating other mediating variables that might influence policy output would be helpful. For example, including other media sources (beyond news print), elections (the attention brought to specific issues prior to and immediately following
an election), or other highly covered issues such as the opioid epidemic would assist in gauging the true strength of the results presented in this study. Through these future explorations, one might find that the simple linear model could be expanded upon to add a depth of knowledge not only to studying the underlying causes of policy output, but also to the study of PET.

Because punctuated equilibrium dynamics unfold over lengthy periods of time, it is highly likely that the 20-year snapshot of media activity and policy output in Massachusetts, Vermont, and Kentucky captured an as yet untold story. The PET model includes periods of rapid and dramatic change that are contextualized within lengthy stretches of comparative policy stability (Baumgartner & Jones, 1993). Although such rapid change was observed in Massachusetts during the 1996-2016 study period, it is possible that the other states might also continue to undergo marijuana policy change in upcoming years. In particular, Vermont’s potential upcoming passage of a recreational marijuana legalization bill suggests that policy output activity on this issue might continue in the future. Expanding the timeline of this inquiry in a future study might further illuminate the processes of agenda setting and marijuana policy change in states that are slower to adopt legislative change.

Another suggestion for future research is comparison of media agenda and policy output across multiple issues, using the PET framework. Although marijuana policy change in this study did reflect a PET dynamic, this does not necessarily indicate that all social policy change will follow such a dynamic. Examining and comparing processes of agenda setting and policy output related to multiple issues in a single study might illuminate the applicability of PET versus incremental theory to different types of social issues and related change. Furthermore, such research might also clarify the features of different social issues (i.e., dominant interests) in relation to patterns of legislative change in association with media agenda setting.
Summary

The purpose of this qualitative comparative case study was to explore the ways that media attention has influenced public policy surrounding the marijuana issue in the states of Kentucky, Massachusetts, and Vermont. To facilitate this purpose, 4,244 sources were collected for analysis – 981 from Kentucky, 2,391 from Massachusetts, and 872 from Vermont. Content analysis revealed themes in the data within each state, which were then compared across the states to explore commonalities and divergences. Notably, Massachusetts had the most activity in the media in relation to marijuana decriminalization and legalization, and also enacted the most legislative changes to marijuana policy compared with the other states in the sample. Accordingly, Kentucky had the fewest media reports on the issue and carried out the least legislative change.

The findings indicated support for the PET model as a means of understanding and explaining agenda setting in relation to policy output, which was mediated through disproportionate legislative attention. The research question examined whether disproportionate attention, changes in policy image, and changes in policy output may have affected marijuana legislation. The propositions pinpointed the media as a potential driver of the type of policy change highlighted in the research question. From the research question and propositions, emerged several themes connecting media activity directly to policy change. As intended, the result of this study was a simple, linear model, tracing the evolution of policy output starting with the media, continuing through the agenda-setting phase, and finally making it to the legislative calendar. These findings make a unique contribution to the research literature in its examination of the connection between media agenda and policy output (Givel, 2010). This
study’s findings also highlight the applicability of PET to examinations of state-level marijuana policy change, which might be useful for other researchers in this field of study.
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APPENDICES

Appendix A

Word Trees

Kentucky NewsBank database word tree
Kentucky Legislative Activities database word tree
As the pot industry booms, he needs a robust supply chain to help grow, package and market with conditions. But marijuana needs legal federal recognition, allowing states to craft policies that are best for their citizens. For example, recently learned how for years, komt found himself in poppy fields as a little as possible. — Daniel Armstrong, Brightline Nation, running a Costco database for businesses in auration, the federal government, states and their citizens. The data helps inform policy decisions, which in turn can influence the market. Author: Maria Menefee

**Massachusetts Legislative Activities database word tree**

**Vermont NewsBank database word tree**

**Vermont Legislative Activities database word tree**

Running Head: Exploring Marijuana Policy Change

Menefee 206
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
<th>Node Type</th>
<th>Parent Node Name</th>
<th>Number Of Sources Coded</th>
<th>Number Of Coding References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempts to legalize recreational marijuana</td>
<td>pros and cons of legalization, marijuana-related crime</td>
<td>Node</td>
<td>Nodes\Vermont\Decriminalizing and legalization attempts</td>
<td>158</td>
<td>286</td>
</tr>
<tr>
<td>Attention on benefits</td>
<td>benefits such as health, medicinal, and saving state resources were often published along with decriminalization and legalization</td>
<td>Node</td>
<td>Nodes\Overall</td>
<td>596</td>
<td>21,972</td>
</tr>
<tr>
<td>Attention on drug-related crime and violence</td>
<td>in relation to decriminalization and legalization, drug-related crime and violence were reported</td>
<td>Node</td>
<td>Nodes\Overall</td>
<td>365</td>
<td>673</td>
</tr>
<tr>
<td>Attention on regulation and public safety</td>
<td>ways on how to regulate the sales of legalized marijuana, as well as ways to ensure public safety were often published in relation to marijuana</td>
<td>Node</td>
<td>Nodes\Overall</td>
<td>1,005</td>
<td>5,337</td>
</tr>
<tr>
<td>Decriminalize marijuana</td>
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<td>Decriminalizing possession of marijuana</td>
<td>mentions of decriminalization, benefits and issues</td>
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<td>Nodes\Vermont\Decriminalizing and legalization attempts</td>
<td>80</td>
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<tr>
<td>Drug-related crime and public safety concerns</td>
<td>regulations by authorities to ensure public safety; however, concerns were still published, and drug-related crime and violence was also subjected to media exposure</td>
<td>Node</td>
<td>Nodes\Massachusetts\Recreational marijuana</td>
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<td>334</td>
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<tr>
<td>Easy access to edible marijuana products</td>
<td>recreational marijuana included cookies and other edible products, which may be easily accessed by the youth, or that the youth may be tricked into buying and consuming them</td>
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<tr>
<td>Federal law and politics</td>
<td>despite state laws, arrests on behalf of federal laws have been made, and reported in news articles</td>
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<td>1,094</td>
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<tr>
<td>Federal law violation</td>
<td>News on marijuana-users being sanctioned, despite legalization of medicinal marijuana, due to violation of federal laws.</td>
<td>Node</td>
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<td>126</td>
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<tr>
<td>Focus on youth protection through the drug awareness program</td>
<td>Documents emphasized the existence of drug awareness program for children 18 or under who have been caught using or possessing marijuana. Safety of children</td>
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<tr>
<td>Helping terminally ill patients</td>
<td>Benefits of medicinal marijuana to ill patients, especially the terminally ill; easing the pain, addressing symptoms not cured by modern medicine</td>
<td>Node</td>
<td>Nodes\Massachusetts\Legalizing medicinal marijuana</td>
<td>38</td>
<td>56</td>
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<tr>
<td>Influence of political stances</td>
<td>Proponents, opposing parties, campaigns, electoral platforms, Congress and Senate, Democrats and Republicans</td>
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<td>Nodes\Vermont\Decriminalizing and legalization attempts</td>
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<td>587</td>
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<td>Issues of misleading words in the ballot question</td>
<td>How the question was worded may have affected the decision of the voters</td>
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<td>Nodes\Massachusetts\Legalizing medicinal marijuana</td>
<td>32</td>
<td>33</td>
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<tr>
<td>Issues on use and abuse</td>
<td>Using did not equate to addiction, small amount only</td>
<td>Node</td>
<td>Nodes\Massachusetts\Decriminalize marijuana</td>
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<td>Kentucky policy-making in Kentucky</td>
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<tr>
<td>Legalization of industrial hemp for research purposes</td>
<td>Documents on the legalization of industrial hemp used in research. Includes news on where and how the hemp was studied, as well as legislations allowing the study.</td>
<td>Node</td>
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<td>Legalizing medicinal marijuana</td>
<td>Mentions of legalizing medicinal marijuana in Massachusetts datasets</td>
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<td>3,885</td>
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<tr>
<td>Marijuana as a gateway drug</td>
<td>Marijuana might be the cause of addiction to stronger drugs such as heroin</td>
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<td>Nodes\Massachusetts\Recreational marijuana</td>
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<tr>
<td>Media attention on dispensaries</td>
<td>News on permits, application, establishment, issues, number and location of dispensaries</td>
<td>Node</td>
<td>Nodes\Vermont\Medicinal marijuana</td>
<td>179</td>
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Reports\Code Book on Media Attention Influencing State-level Marijuana Legislation
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<th>Parent Node Name</th>
<th>Number Of Sources Coded</th>
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<td>Media exposure of medical marijuana</td>
<td>Content regarding medical marijuana spanned from benefits, regulated use, and abuse.</td>
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<td>Overall</td>
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<td>Regulated through medical marijuana dispensaries</td>
<td>how the state controlled application, and growth and sales of marijuana</td>
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<td>Regulations by the Department of Public Safety</td>
<td>statements from the Department of Public Safety on how marijuana was regulated, and how uses other than for medicinal purposes were dealt with</td>
<td>Node</td>
<td>Nodes\Vermont\Medicinal marijuana</td>
<td>120</td>
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<td>State resources</td>
<td>benefits of decriminalizing through saving resources, or using resources for other more important issues</td>
<td>Node</td>
<td>Nodes\Massachusetts\Decriminalize marijuana</td>
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<td>Upholding federal law</td>
<td>Documents linking marijuana-related crime to federal laws rather than state laws.</td>
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<td>382</td>
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</tbody>
</table>
VITA

Stephanie Savas Joannou Menefee, PhD
2084 Constant Hall, Norfolk, Virginia 23529

EDUCATION

2017 Ph.D. in Public Administration, Old Dominion University, Norfolk, VA
2010 Masters of Public Administration, Conflict Analysis and Resolution Certificate. Old Dominion University, Norfolk, VA
2003 Bachelor of Science in Political Science, Early Childhood Education minor concentration. Old Dominion University, Norfolk, VA

ACADEMIC EXPERIENCE – Instruction and Development

Fall 2017 Public Personnel Administration [Masters] Online
Fall 2017 Foundations of Public Administration [Masters] Online
Spring 2016 Public Service Films [Undergraduate] Online
Fall 2015 Nonprofit Governance [Undergraduate] Online
Spring 2015 Foundations of Public Service [Undergraduate] Online
Spring 2015 Nonprofit Marketing [Masters Level] Online
Spring 2014 Conflict Analysis & Dispute Resolution [Undergraduate] Hybrid
Fall 2014 Foundations of Public Service [Undergraduate] Online
2010-2012 Conflict Resolution [Vocational] Norfolk City Jail

PERTINENT PROFESSIONAL EXPERIENCE

2000 – 2015 Political Campaign Management Portsmouth, Virginia
2006 – 2008 Nonprofit Organizations ForKids and REACH, Inc Norfolk, Virginia
2002 – 2005 Virginia General Assembly Richmond, Virginia

PUBLISHED REFERRED JOURNAL ARTICLES AND BOOK CHAPTERS

