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ARTICLE: THE RONALD H. BROWN CENTER FOR CIVIL RIGHTS AND ECONOMIC DEVELOPMENT POST-CONFERENCE REPORT: RETHINKING THE DISCOURSE ON RACE: A SYMPOSIUM ON HOW THE LACK OF RACIAL DIVERSITY IN THE MEDIA AFFECTS SOCIAL JUSTICE AND POLICY

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SUMMARY:
  ... This report summarizes proceedings from "Rethinking the Discourse on Race: A Symposium on How the Lack of Diversity in the Media Affects Social Justice and Policy" a conference, held April 28-29, 2006, that was hosted by the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University School of Law. ... "Race, Media, Curricular Solutions, and Journalism Professionalism" focused on how to better educate journalists to achieve balanced, inclusive, and honest reporting. ...   "A Dialogue on Race Between the Media Reform and Media Justice Movements" addressed strategies for uniting scholars, advocates, and grassroots groups, all of whom are working to increase racial and ethnic diversity in commercial, non-commercial, and alternative media. ...   These include the following: how race and representation in the media shape public policy; how a lack of diversity in the newsroom and in entertainment media production influences representations of people of color; how the media frame racial issues in the public sphere; and how the economic and regulatory frameworks shape minority ownership and participation in the media. ...   At the same time, she pointed to the two-photo controversy, noting that many critics felt that coverage was rife with sensationalism, inaccuracies, and racial bias. ...   One of the prevailing assumptions throughout the conference was that diversity in the newsroom and entertainment production will lead to news coverage and popular media that better reflect the complexity of race in America. ...

TEXT:
 [*577]

   Executive Summary

 This report summarizes proceedings from "Rethinking the Discourse on Race: A Symposium on How the Lack of Diversity in the Media Affects Social Justice and Policy" a conference, held April 28-29, 2006, that was hosted by the

Ronald H. Brown Center for Civil Rights and Economic Development n1 at St. John's University School of Law. Here are the conference's principal themes:

Race and Representation: How the Media Shape and Misshape Race in America. Institutional bias continues to shape how reporters perceive, interpret, and frame events. Racial stereotyping--often blatant but typically subtle--pervades both news coverage and entertainment media. Looking at themselves in the media, minority groups often see images that are distorted, or simply absent. Members of minority groups face particular challenges in attempting to change these distortions. In particular, reporters of color who strive to bring more accuracy, complexity, context, and nuance to the news often encounter formidable obstacles, from the structural biases of standard "objective" journalism to a more insidious institutional bias that shades coverage in many newsrooms.

Framing Race: How Media Shape the Discourse at the Nexus of Race and Public Policy. Beyond their role in perpetuating racial stereotypes, the media also exert a profound influence by framing issues at the intersection of race and public policy. In the wake of Hurricane Katrina, for instance, the conservative media's coverage excused the government's failures by suggesting instead that the victims in New Orleans--at least those who were black and too poor to leave--somehow deserved their fate by irrationally "choosing" to stay behind. In most cases, however, the ways in which race corrupts media frames is much more subtle--how, for instance, coverage of President Clinton's Initiative on Race focused on procedure rather than substance. Or how reporting in regional newspapers often frames discrimination as a relic of the past.

Media Production: Diversity in the Newsroom and the Culture of News Production. The issue of news and media content is deeply intertwined with the question of who produces that content. Over the past 30 years, policies and regulations that once supported diversity in media   [*578]   ownership, employment, and content have steadily eroded. For instance, a recent study by the media advocacy organization Free Press found that just 3 percent of TV stations are owned by racial and ethnic minorities. Yet there are no easy solutions to this underrepresentation: Creative legal and regulatory remedies are needed to solve the problem, but their viability is uncertain, given the composition of the courts, Congress, and the FCC. And even if there were robust external levers, the underlying lack of diversity is a thicket of structural, economic, and cultural issues. Still, media organizations are starting to recognize the economic benefits of diversity, but people of color still face formidable hurdles in entering and advancing within media industries.

The Political Economy of the Media: How Economics and Regulatory Policy Shape the Practice of Democracy. Despite the widespread attention generated by recent public debates over media ownership, many of the underlying structural, economic, and regulatory issues have escaped public scrutiny. Yet seemingly arcane policy issues have similarly profound implications for diversity and access. The FCC's deeply flawed method for measuring broadband penetration, for instance, is essentially a deregulatory tool masquerading as data collection, while the government's definition of what constitutes a distinct radio market has allowed incumbent English-language radio stations to squeeze out smaller Spanish-language stations. On the other hand, media reformers need to rethink some of their political assumptions in light of emerging social science research, changing immigration patterns, and shifting market paradigms.

Solutions: Creating New Pathways to Diversity, Media Reform, and Citizen Participation. Though the prospects for reform through conventional legal and regulatory channels are challenging, the conference participants highlighted several current prospects for reform. These included the following:

. Better education of journalists and other media professionals;

. Building citizen participation on media policy issues, including an emphasis on "media justice," a framework that explicitly addresses the intersections of race and media;

. Industry-based solutions; and

. Legal remedies from outside the conventional body of communications law.

Finally, conference attendees outlined an ambitious research and advocacy agenda around two related goals: creating a sound empirical foundation for policymaking, and building the broad-based coalition of scholars, advocates, and citizens needed to move a policy agenda in pursuit of more diverse and democratic media. As part of the grant, the conference created a listserv available for scholars, policy analysts, students, and government   [*579]   officials. The listserv can be joined by visiting http://listserv.stjohns.edu/cgi-bin/wa?SUBED1=media diversity&A=1. Likewise, a 500-abstract searchable database was also created. It can be found at http://www.stjohns.edu/demo/baynes/baynes.sju.

Introduction

 Over the past thirty years, there has been a marked retreat from public policies and regulations that once supported diversity in ownership, employment and content throughout the media industry. Following the Adarand v. Pena Supreme Court decision in 1995, the Federal Communications Commission (FCC) abolished virtually all of its affirmative action polices and programs. The demise of these FCC policies has harmed both minority ownership and media content. "Out of the Picture," a recent study by the advocacy group Free Press, found that just 3 percent of TV stations are owned by racial and ethnic minorities, and that minority station owners are particularly vulnerable to the anticompetitive effects of media consolidation. At the same time, the strength and influence of the advocacy organizations that support media diversity have declined, while the advent of digital technologies--from the Internet to wireless communications--has radically transformed the telecommunications landscape. Against this backdrop, a dire need for new ideas, policies, and action is needed at the nexus of media reform, media justice, and diversity.

On April 28-29, 2006, The Ronald H. Brown Center for Civil Rights and Economic Development ("The Ronald H. Brown Center") held a media diversity conference entitled "Rethinking the Discourse on Race: A Symposium on How the Lack of Diversity in the Media Affects Social Justice and Policy." Organized principally by Professor Leonard M. Baynes, director of the Ronald H. Brown Center, and funded by the Ford Foundation, the conference brought together nearly 100 scholars, legal experts, journalists, and journalism critics for a wide-ranging discussion aimed at laying the groundwork for new thinking about racial diversity in the commercial and noncommercial entertainment and news media. n2

Addressing racial disparities in the media is an essential step towards guaranteeing the full democratic participation of all citizens.

 [*580]   In recent years, scholars have documented many examples of racial disparities in news and entertainment media. But a host of questions remain. How do media images and media policy combine to sustain negative racial perceptions among the public? How do those perceptions shape media policy? How can undergraduate and graduate programs in journalism, media studies, and communications help produce better content? And what public policies might encourage more diverse employment in the media industries?

These are but a handful of the questions the conference sought to address. Discussion was organized around six panels (see Appendix A for panelists):

1. "Race, the News, and Hurricane Katrina" examined how race influenced media coverage of the storm and its aftermath.

2. "Racial Misrepresentations and Gaps in News and Entertainment Media Content and Employment" explored how the lack of diversity in news media and entertainment (both in front of the camera and behind it) influences representations of race.

3. "Race, Media, Curricular Solutions, and Journalism Professionalism" focused on how to better educate journalists to achieve balanced, inclusive, and honest reporting.

4. "Race, Markets, Economics, and the Media" discussed how ostensibly free markets fail to distribute media goods and services--from television news to broadband services--to racially and ethnically distinct markets.

5. "A Dialogue on Race Between the Media Reform and Media Justice Movements" addressed strategies for uniting scholars, advocates, and grassroots groups, all of whom are working to increase racial and ethnic diversity in commercial, non-commercial, and alternative media.

6. "Race, Media, and Re-Conceptualizing Regulation and the First Amendment" explored new legal theories and analyses for addressing racial disparities in the media.

This report, however, is organized around the broader themes that emerged from, and, in many cases, cut across the panels. These include the following: how race and representation in the media shape public policy; how a lack of diversity in the newsroom and in entertainment media production influences representations of people of color; how the media frame racial issues in the public sphere; and how the economic and regulatory frameworks shape minority ownership and participation in the media. Despite the wide range of opinions among panelists, they were united by a common

belief--that addressing racial disparities in the media is an essential step towards guaranteeing the full democratic participation   [*581]   of all citizens.

Race and Representation: How the Media Shape and Misshape Race in America

 In her introduction to the panel on Hurricane Katrina, Linetta Gilbert, senior program officer in the Ford Foundation's Community and Resource Development unit, noted that the storm laid bare the cleavages of race and class that continue to divide the nation. The storm, she argued, "exposed the fact that race does matter." So, too, she continued, does class. "We learned that economics can save lives. It was the difference in who had a bank account or a credit card that determined who got out of that city and where they stayed once they were out." At the same time, the storm pointed to a broader story about "the immediately crumbling social and physical infrastructure of America," a decay that is due not only to the decades-long national retreat from public investments, but also to the historical legacy of slavery and disenfranchisement throughout the Gulf Coast. "The three states in the Deep South that were affected by the storm raised the question of how it is that plantation societies have been allowed to continue with powerful people making decisions for so many others."

Yet all of these questions were mediated through the media, and the flood of images speaks not only to the persistent sway that race holds over the nation's collective consciousness, as well as its public policies. More broadly, the coverage highlighted how the media give shape to public discourse about race. Katrina served a more practical role, creating an entry point for conference discussions and highlighting themes that would be echoed in subsequent panels.

Bias in Perception and Interpretation. On Monday, August 29, 2005, the day Hurricane Katrina made landfall near New Orleans, breeching the 17th Street levee and flooding 20 percent of the city, the wire service Agence France-Presse published a photograph of a young couple carrying bags of food and a case of soda through chest-deep water. The caption described the couple as "finding bread and soda from a local grocery store." The following day, the Associated Press published a nearly identical photo of a lone young man wading through water with provisions in tow; only the caption described the subject "looting a grocery store." Both photos appeared side-by-side for days on the Yahoo! News website. Though nearly identical in composition and tone, there was one salient difference: the subjects in the first photograph appeared to be white, while the young man in the second photo was black.

"[Hurricane Katrina showed] that economics can save lives. It was the difference in who had a bank account or a credit card that determined who got out of that city and where they stayed once they were out."

-Linetta Gilbert

 [*582]   Once they appeared on the Internet, the photos quickly became Exhibit A of what many critics viewed as biased coverage of the storm and its aftermath. True, the photos came from different press agencies with presumably different standards for writing captions; and the photographers were capturing different scenes in different contexts. But even if AP photographer David Martin, had, as he claimed, seen the subject of his photo break into a grocery store and walk out with food, was it really "looting" in the context of the disaster? If the subject had been white would the caption have been the same? It's impossible to say. But the incident does point to the complex, perhaps damning, role race played in the media's coverage of the disaster.

The media's coverage of Hurricane Katrina and its aftermath also provided a framework for the conversations that emerged from the conference. In the opening panel, Marguerite Moritz, director of graduate studies at the University of Colorado's School of Journalism and Mass Communications, observed that criticism of media coverage constituted a "storm after the storm." On one hand, she noted, the news coverage was widely considered to be a highlight of American journalism. The New Orleans Times-Picayune won two Pulitzer Prizes for its work, and Peabody Awards went to CNN, NBC, and to WWL-TV, the local CBS affiliate. Journalists, she continued, found their voice during the coverage of Katrina. They asked tough questions of authorities and refused to accept the official spin emanating from many quarters, including Washington. At the same time, she pointed to the two-photo controversy, noting that many critics felt that coverage was rife with sensationalism, inaccuracies, and racial bias.

The coverage of Hurricane Katrina highlighted how the media give shape to public discourse about race.

Marguerite Moritz and Hemant Shah

[SEE PHOTO IN ORIGINAL]

[*583] Reinforcing Racial Stereotypes. The storm coverage served as a focal point for what many panelists viewed as a more persistent theme: how the media reinforce racial stereotypes. In the weeks following Hurricane Katrina, Moritz went to New Orleans shortly after the city had reopened, and she interviewed journalists of all stripes--national and local journalists; television and print reporters; news managers, editors, and photographers--to examine how race influenced coverage of the storm and its aftermath. She also spoke to local citizens, relief workers, and volunteers. Across the board, she found, respondents felt that the coverage tended to reinforce stereotypes. Whites were depicted as rescuers and blacks as victims. In the chaos that followed the flood, several respondents told her, "the media played up the black crime part of the story"--a view borne out in several subsequent studies. One study of news photos by the New York Times, the Washington Post, USA Today, and the Wall Street Journal, found that among photos that mentioned "looting," African Americans were depicted 83 percent of the time. By contrast, photos that depicted people guarding property featured whites 66 percent of the time.

Oscar Gandy, a professor at the University of Pennsylvania's Annenberg School for Communication, and Chul-Joo Lee, an Annenberg PhD candidate, reached similar conclusions in their analysis of post-storm news photos. Gandy and Lee analyzed the racial coding of photographs that appeared in the New York Times and the Washington Post from August 30 to September 7, 2005, papers they selected not only for their influence on elite opinion, but also because they both had relatively high ratios of minorities in their newsrooms. During this period, the Times ran 91 photos concerning Hurricane Katrina, while the Post ran 185. Both papers depicted African Americans with a frequency proportionate to the city's demographics, yet blacks, they found, were overly represented in "victim" photographs. According to data on storm victims compiled by Knight-Ridder, African Americans outnumbered whites 51-to-44--yet blacks appeared as victims in 78 percent of the photographs. Likewise, of the 35 photographs the Times published depicting rescuers, just two featured African Americans; and only 20 percent of the Post's rescuer photos included African Americans. Previous studies found that 75-95 percent of rescue workers are local, Lee noted, "So it's hard to believe that there were so few African American policemen, firefighters, or soldiers who participated in the rescue effort."

Gandy and Lee found other worrisome patterns. According to their analysis, both papers depicted whites as active agents in their own rescue over 80 percent of the time, while blacks were shown in roughly equal proportion to be passive. "Most African Americans were portrayed as being passive, doing nothing," Lee said. "They just looked incompetent. It's like they lacked some intelligence in responding to their own disaster." Likewise, blacks were more likely to be depicted as engaging in looting, fighting, and stealing from others, but there were no such photographs of [*584] whites. A few weeks after the storm, a New Orleans Times Picayune investigation into the reputed crime and anarchy in the Superdome found that much of the violence never happened.

In coverage of the storm, blacks were more likely to be depicted as engaging in looting, fighting, and stealing from others, but there were no such photographs of whites. A few weeks after the storm, a New Orleans Times Picayune investigation into the reputed crime and anarchy in the Superdome found that much of the violence never happened.

Still, the damage had been done. These depictions, Gandy and Lee argued, had profound political implications, especially to the extent that they contributed to the "othering" of the storm's black victims. "By portraying Katrina victims in a way that is similar to victims of Third World disasters, American newspapers framed Hurricane Katrina as others' disaster rather than our own," Lee said. Furthermore, he added, it seems likely that the influence of these images will far outlast the storm. Pity, Lee noted, is an essential factory in rallying public support for rescue and rebuilding efforts. "But who feels pity towards outlaws and dangerous criminals?"

Ignoring Minorities and Distorting the Images. Yet the Katrina coverage represents just a small corner of the media universe, and the racial stereotypes that often pervaded the coverage represented one example--albeit an especially dramatic one--of how the media often present distorted representations of various minority groups. Sonny Skyhawk, the founding president of American Indians in Film, noted that Native Americans are often simply ignored. He noted how, although American Indians live in New Orleans and suffered from Hurricane Katrina, the media failed to cover their stories. "We are today doctors and lawyers, cab drivers and truck drivers, nurses--you name it," Skyhawk said, assailing the paucity of Native American characters and stories in popular culture. "But when you talk about our representation in mass media, we are totally invisible. When it comes to television, again, very rarely do you see a Native American

judge, or an attorney, or a cab driver for that matter." Television, he noted, communicates more ideas and images to people in a single day than Solomon or Shakespeare did in their entire lives. Yet when Native Americans, especially the young and the old, hear the "loud sound of exclusion" they feel the pain acutely. "They are made to feel as outsiders, not belonging to the society. Our senior folk have accepted that we live in a world where we have no input." He concluded, "As for myself, I do not and cannot accept that."

The media continue to play a leading role in perpetuating what the American-Arab Anti-Discrimination Committee, in a 2003 report on discrimination and hate crimes against Arab Americans, termed a "post-September 11 backlash."

-Karin Wilkins

For Arab Americans, the issue is less a question of their absence from the media than the overwhelming ubiquity of images of Arab violence and terrorism. In her analysis of the mismarketing of Arab Americans in the U.S., Karin Wilkins, associate professor of development communications at the University of Texas, noted the startling disconnect between Arab Americans and the media. There is the well-documented history of pejorative representations of Arabs in the media, where they are typically portrayed as villains. In the news, violence is presented without history or political context. In films, the Middle East is shown as monolithic and idealized--or demonized. And since September 11th, Arabs and Arab   [*585]   Americans tend to be painted with the same terrorism brush.

But how, precisely, do Arab Americans make sense of these images? And how do their interpretations differ from those of others? Wilkins conducted sixteen focus groups--eight with Arab Americans, eight with people from other backgrounds--and asked them to talk about representations of Arabs in action/adventure films. Her findings were stark. Arab Americans tended to advocate complexity and context as an explanation of violence, whereas others ascribed violence to the Middle East setting. When Wilkins asked both sets of subjects about their fears regarding travel, Arab Americans spoke of their fear of traveling and going through airports, while non-Arab Americans tended to view themselves as targets of terrorism. It is not surprising, Wilkins noted, that most Arab Americans were quite concerned with images of Arabs in the media.

Wilkins went on to underscore the irony of these representations. According to advocacy groups and marketing firms, there are between 3.3 million and 5 million Arab Americans in the U.S. Judging by raw demographics they should be an attractive media market. On average, Arab Americans tend to be younger, better educated (40 percent have graduate degrees), and wealthier than other Americans. Yet in failing to present more nuanced portraits of Arab Americans, media markets have come up short. Indeed, the media continue to play a leading role in perpetuating what the American-Arab Anti-Discrimination Committee, in a 2003 report on discrimination and hate crimes against Arab Americans, termed a "post-September 11 backlash." Said Wilkins: "In this case, the invisible hand of the market is more likely to slap than it is to correct."

Irma McClaurin

[SEE PHOTO IN ORIGINAL]

 [*586]

Bad Reception: Asian Americans, Race, and "Authenticity" in the Television Industry

Though Asian Americans constitute nearly five percent of the U.S. population, they have been largely absent from primetime television. In 1999, the four major networks signed a memorandum of understanding with the Multi-Ethnic Coalition, an umbrella organization of ethnic media advocacy groups, in which the networks promised to increase diversity onscreen and behind the camera. For nearly a decade, the coalition has issued report cards analyzing the type, quality, and complexity of Asian Pacific American characters and other characters of color, and of roles offered to actors of color more generally.

The results are not encouraging, says Nancy Wang Yuen, author of a 2005 study commissioned by the Asian Pacific American Media Coalition. Of the 102 primetime network programs, just 14 featured an Asian American actor, and only one featured two or more. "This really speaks to the kind of tokenism of shows," Yuen said. The absence even afflicts shows that are set in cities, like New York and San Francisco, with high Asian American populations. Of the shows set in New York, for example, only "Law and Order: Special Victims Unit" features a regular Asian American

character; the rest have none, including "The King of Queens" which is set in the most diverse county in America yet has an all-white cast. Asian Pacific Islander characters also get less screen time compared to white characters, and they tend to be peripheral to the storyline. Asian Pacific Islander characters were typically the deliverers of information to other characters, cogs in the plot machinery. "They come on the show and say, "Well, your daughter is dying'--and then they leave," Yuen said.

Another aspect of Nancy Wang Yuen's research focused on notions of racial "authenticity," which often limits opportunities for non-white actors. Yuen interviewed about 60 film and television actors--African Americans, Asian Americans, and whites--asking them to talk about their experience with casting and race. As she explained, "There's the authenticity that Hollywood imposes, and then the kind of authenticity that actors prefer to give." Actors are often taught to draw on life experiences and personal emotions, but in many cases, Yuen noted, actors' life experiences contrast sharply with the stereotypical roles they are asked to play. African American actors, a majority of whom are middle-class, are slotted into "ghetto" roles. Asian American actors, many of whom are second-or third-generation immigrants, are asked to put on an accent. In casting for "Friends," Yuen noted, the characters of Chandler and Phoebe were originally slated as any ethnicity, but when it came to actually casting the roles, the roles went to white actors. As the casting director explained to Yuen, it came down to who was right, who fit, and who was funny. "So apparently actors of color are not right, not fit, and not funny," Yuen said dryly.

Coverage of Latinos is similarly distorted by political exigencies and myopia. Federico Subervi, a journalism professor at Texas State University, discussed findings of a recently completed analysis of news [*587] coverage of Latinos from 1995 to 2004. During this ten-year period, the networks aired an estimated 140,000 stories, but just over 1,200--less than one percent--were about Latinos--all during a time when the Latino population in the United States doubled. Of those stories, 36 percent were about immigration, with an emphasis on the related social and economic problems. "So the focus on over one-third of the stories about Latinos, as stated by Felix Gutierrez and others in the past, is "people with problems and people causing problems,'" Subervi said. Virtually "absent are the contributions of labor, of humanity, of health, and of almost everything else."

Federico Subervi and Sonny Skyhawk.

[SEE PHOTO IN ORIGINAL]

Determining What Stories Get Told, How, and By Whom. Beyond the question of race and representation, another central theme was how race influences what stories get told, how they are told, and who speaks as an authority. Ali Mohammed, who teaches journalism at Edinboro University of Pennsylvania, examined how the selection of sources frames policy debates. Mohammed analyzed coverage of five national stories in 15 different newspapers, five each from Gannett, Knight-Ridder, and Scripps-Howard, to see how they used sources. According to Mohammad's analysis, African American sources were frequently cast in a complaining role. African Americans were often cast as critics of the prevailing social order, he noted, "complaining about injustices, focusing on narrow interests." In general interest stores, however, African Americans constituted a small percentage of the sources. "This tends to feed the sense of prejudice and hatred that exists out there," Mohammad concluded.

"[Professional norms] keep the values and the perspectives that are contained in the news in favor of groups from whom the most influential and the most numerous sources come. And a lot of times, as we have seen, those are from powerful people from the majority, the dominant groups in society."

-Ali Mohammed

Mohammed's analysis of how reporters select their sources suggests that [*588] structural racism and narrative bias are deeply intertwined. Reporters face enormous pressure to produce on deadline. "And that compels the reporters to rely on well-placed sources in order to obtain the most suitable information in the quickest time, from the fewest sources," he said. At the same time, the "point-counterpoint" model of reporting that often passes for objective journalism tends to limit the boundaries of political debate. Professional norms, Mohammed argued, work to "keep the values and the perspectives that are contained in the news in favor of groups from whom the most influential and the most numerous sources come. And a lot of times, as we have seen, those are from powerful people from the majority, the dominant groups in society." Finally, he noted, the more similar individuals are in terms of race, class, and education, the shorter the social distance is between them, and the more likely they are to communicate with one another. "Newsmen

or newswomen are going to seek people who are socially proximate to them more than they would go and look at minorities to include as sources."

Structural and institutional bias also constitute formidable hurdles for African American journalists. Pamela Newkirk, who teaches journalism at New York University, pointed to a Freedom Forum survey, conducted in 2000, documenting the ongoing brain drain of journalists of color. According to the survey, the newspaper industry hired an average of 550 journalists of color each year since 1994, yet 400 per year left the industry. In 2000 this exodus reached its nadir: 600 journalists of color were hired but 698 left. Beginning in 1993, when she joined the faculty at NYU, Newkirk has focused on understanding, as she put it, why so many journalists of color are so unhappy. "The answer," she said, "lies in the way in which they are undervalued in the newsroom." Throughout her ten-year career as a reporter for four different newspapers, Newkirk often found herself swimming against the tide. "Many of my ideas were viewed with suspicion or alarm, and I often found myself unable to help fill out the puzzle of race because of a resistance to ideas my editors viewed as alien," she said.

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Framing Race: How Media Shape the Discourse at the Nexus of Race and Public Policy

It is axiomatic in political circles that controlling how political issues are framed in the media is fundamental to winning policy debates. In the weeks and months after Hurricane Katrina, for example, the tragedy assumed layer upon layer of meaning, depending on one's political persuasion. Environmentalists saw a cautionary tale on the perils of global warming. Liberal commentators saw the storm and its bumbling aftermath as a tragic example of the Bush Administration's nepotism and incompetence. Conservative commentators, meanwhile, suggested that the victims stranded in New Orleans deserved their fate since they had refused to heed Mayor Ray Nagin's evacuation order. But how does race influence how stories are framed? Panelists highlighted several examples.

Legitimizing Neglect: Conservative Media's Coverage of Hurricane Katrina. The reporting and commentary that emanated from the conservative media in the aftermath of Hurricane Katrina created a narrative of irrationality to explain why poor black victims of Katrina deserved their fate. Hemant Shah, a journalism professor at the University of Wisconsin, analyzed the conservative media's coverage in the two weeks after Katrina made landfall. Using "textual analysis," a method of close reading, Shah examined the language and images conservatives used to create a "narrative of irrationality" that ignored the Bush Administration's manifest incompetence and justified an array of conservative policy goals. The narrative also confirmed and fed into existing negative stereotypes of African Americans as violent and prone to crime.

In the wake of Hurricane Katrina, the conservative media created a "narrative of irrationality" that ignored the Bush Administration's manifest incompetence and justified an array of conservative policy goals. The narrative also confirmed and fed into existing negative stereotypes of African Americans as violent and prone to crime.

-Hemant Shah

Shah pointed to specific elements of this narrative. First, the conservative media sought to cast poor, black storm victims as distinct from other groups. A writer in the New York Daily News, Shah noted, argued that it was "a very different breed" that was engaging in armed violence, thus making it "impossible to save the city." Jonah Goldberg of the National Review argued that a sizable majority of blacks, including police, had behaved reprehensively in the aftermath, shooting at rescue workers, raping, killing, and looting. Second, conservatives argued that blacks' irrationality led them to make bad decisions. Homeland Security Chief Michael Chertoff noted that "some people chose not to obey the order to evacuate, and that was a mistake on their part." Columnist George Will argued that reason had been effectively bred out of poor African Americans: "80 percent of African American births in inner city New Orleans were to women without husbands. That translates into a large and constantly renewed cohort of lightly parented adolescent males, and that translates into chaos."

[*590] Ignoring the Real Issue: Coverage of President Clinton's Initiative on Race. Though critics might expect to find racial bias among the conservative media, several panelists outlined how the mainstream media tended to obscure issues of race by downplaying the importance of race and by minimizing the effects of discrimination and racism. In a trenchant analysis of the media's coverage of President Clinton's Initiative on Race, for example, Robert Entman, who teaches at the George Washington University School of Media and Public Affairs, underscored how the media

contribute to the "denial of race," a term he used to describe the ways in which white-dominated popular culture and public opinion refuse to acknowledge that "racial discrimination remains a serious problem in the lives, not just of poor African Americans, but the majority of black citizens."

"The media's contribution to [Clinton's Race Initiative] was to undermine it, concentrating on the initiative's alleged procedural defects, neglecting its substantive discourse, and labeling it a failure from the beginning."

-Robert Entman

President Clinton launched the initiative in the summer of 1997, appointing a seven-member advisory board whose responsibility it was to study areas in which racial disparities were significant--education, economic opportunity, housing, health care and the administration of justice--and to identify policy remedies. Supporters of the initiative saw it as a genuine national effort to deal openly and honestly with racial differences. Detractors viewed it as a gambit to curry favor with racial minorities. But it was the media's treatment of the initiative, Entman argued, that truly doomed it. Rather than cover substantive issues of race, Entman said, "the media's contribution to this effort was to undermine it, concentrating on the initiative's alleged procedural defects, neglecting its substantive discourse, and labeling it a failure from the beginning."

Entman and Carole Bell, a Ph.D. student at the University of North Carolina (Chapel Hill), analyzed the leading newspapers' coverage of the initiative, disaggregating coverage into "thematic assertions." Only five percent of the coverage conveyed a substantive fact about race, race relations, or discrimination; 95 percent of the coverage was about the ostensible shortcomings of the process. By a two-to-one margin, Entman added, the process assertions were negative. "The initiative is a disappointment and a failure. It's a one-sided monologue, not a dialogue. It's just empty rhetoric, just talk, that's not enough. It's a missed opportunity. And on and on," Entman said, summarizing the coverage.

Entman attributed much of the negative coverage to opponents' skillful manipulation of the discourse. Early on, the commission's chairman, John Hope Franklin, was quoted as saying that opponents of affirmative action were not invited to the advisory committee because they had nothing to add to the conversation. Conservatives, led by House Speaker Newt Gingrich, leapt on the gaffe, tarring the entire effort as a "monologue." Thereafter, the word "monologue" appeared in 40 percent of the articles.

 [*591]   Yet Entman cautioned against interpreting the discrepancy solely as an example of media manipulation. "That's a partial explanation," he said, and one that is, in his view, indisputable. But, he added, "The initiatives' leaders failed to present their messages in a way that fit journalistic incentives, even as the opponents carved out a simple resonant plan of attack built on media logic." Meanwhile, Entman found a precipitous drop in substantive coverage of racial issues outside of the initiative. Coverage dropped 44 percent from the six months before the initiative was launched compared to the six months after the launch. It was as if the initiative had sucked all the air out of the room. The upshot, Entman said, was that the media "wound up reinforcing whites' ignorance and denial. Not by direct statement, but by vastly emphasizing process over substance and undermining the legitimacy of the very notion that we should be talking about race and racial discrimination and racial misunderstanding."

Underplaying Race: Newspaper Reporting on Discrimination. Elena O. Lingas, a research scientist with the Berkeley Media Studies Group, outlined the results of a study that examined racial discrimination in the news. Unlike many studies that focus on the media coverage surrounding a particular event, such as Hurricane Katrina, Lingas's research group analyzed reporting by local and regional newspapers in 10 swing states in 2003, providing an assessment of daily reporting of discrimination in the U.S. The year 2003, coincidentally, was the year the Supreme Court ruled on a pair of lawsuits challenging the University of Michigan's affirmative action policies. Using "discrimination" as a search term, the team found over 2,000 news and opinion pieces, which they then filtered according to how the stories treated the issue of discrimination. Roughly 1,100 articles dealt with racial discrimination, predominantly against African Americans. The remainder addressed discrimination related to gender, sexual orientation, age, disabilities, religion, and employment.

"They [civil rights activists] were conveyed as heroes, people who had participated in the movement for justice. They achieved things, and it's over."

-Elena O. Lingas

 As they drilled down into the stories about racial discrimination, several themes emerged. First, she noted, "Discrimination is not front page news." Only a quarter of the articles appeared on the front page of any section. While three-quarters of the articles were reported by the newspapers' own staff members--as opposed to being wire service stories--it was clear from the number of different reporters writing on the subject that discrimination was not a "beat" at the newspapers in the sample. Furthermore, the majority of pieces were event-oriented news stories; "The reporting rarely pulled back," she continued. Only a quarter of the pieces were in-depth thematic stories that put discrimination into a wider societal or institutional context. In the obituaries for civil rights activists--one of the principal topics--racism was placed firmly in the past. "They [civil rights activists] were conveyed as heroes, people who had participated in the movement for justice," Lingas said. "They [*592] achieved things, and it's over." Bereft of history, articles rarely discussed how to deal with future discrimination. "There was absolutely no discussion of the future, so even if we acknowledge racism existed way back in the past, and we're not sure about the present, there is no future. There's no discussion, there's no talking points going forward."

Media Production: Diversity in the Newsroom and the Culture of News Production

 One of the prevailing assumptions throughout the conference was that diversity in the newsroom and entertainment production will lead to news coverage and popular media that better reflect the complexity of race in America. But how does diversity, or lack thereof, influence news coverage? What remedies are available to boost diversity? And how can we guarantee that racial diversity--in the newsroom, at television networks and media production companies, and in the corporate board room--will lead to diversity of viewpoints, opinion, and perspective? Several themes emerged.

The Lack of Diversity Is Rooted in a Tangle of Structural, Economic, and Cultural Issues. Several presenters underscored how the cultural politics and intellectual constraints of mainstream news organizations, networks, and entertainment media production teams have led to a lack of diversity among gatekeepers and creative personnel, and brain drain of journalists of color. Under the aegis of the TeleVisions Research Project, which was led by Dr. John Downing, Mary Beltran and Sharon Ross were part of a research team that charted the influence that minority-and ethnic-oriented advocacy groups had on employment and representations of people of color in entertainment television from 1992 through 2002, a period in which networks were under increasing pressure to increase diversity in programming and hiring.

Writers and producers report feeling boxed in, Professor Sharon Ross continued. Black writers write for black shows, Latinos for Latino shows. The lack of diversity among writers of non-minority-centered television shows may preclude cultural themes from being woven into the fabric of those shows.

 Noting that the dialogue between the various parties has "not been unproductive," Ross and Beltran underscored the resilience of structural barriers to diversity. They found for instance that while the number of non-white actors on entertainment television programs has increased, minorities are still excluded from the ranks of producers and executives. "The people who are really making decisions and really creating the story lines in which characters of color might appear are still not diversifying that much yet, Beltran said. " A recent study by The Ralph Bunche Center for African American Studies at UCLA found that less than 10 percent of television writers are members of racially diverse groups. Ross added that, for many writers, there is a "cultural climate of fear and frustration" that pervades the industry. When these shows are cancelled, employment opportunities often disappear. Writers and producers report feeling boxed in, she continued. Black writers write for black shows, Latinos for Latino [*593] shows. The lack of diversity among writers of non-minority-centered television shows may preclude cultural themes from being woven into the fabric of those shows. These confines, Ross said, "stifle creativity and stifle the ability of writers and producers to tell stories in important ways."

Pamela Newkirk saw similar barriers in the newsrooms of the mainstream press, adding that most efforts at increasing diversity have focused on bringing more journalists of color into the mainstream media rather than seeking to transform the culture of the media itself. The real issue, Newkirk observed, is about who makes story decisions and how much leeway journalists of color have to tell stories outside conventional frames. "As worthwhile and necessary as these efforts are, they will not bear fruit until industry leaders begin to look at the undernurtured and undervalued talent already in their newsroom," Newkirk said. Instead of investing in studies, job fairs and conferences, diversity advocates

should encourage news organizations to reflect on the ways in which their newsroom cultures create a "game of musical chairs." "Only then might they begin to value the diversity already in their midst, and more fairly reflect our nation and our world," she said.

Given the Composition of the Courts, the Congress, and the FCC, the Legal Remedies Available to Achieve Greater Diversity Are More Complicated and Uncertain. But what legal remedies are available to challenge structural racism in the media? Angela Campbell, director of the Citizens Communications Project at the Georgetown University Law Center, outlined the history of equal employment opportunity law at the FCC. In the late 1960s, the FCC established nondiscrimination guidelines for broadcasting companies, arguing that noniscrimination was central to the media's public interest obligations. Henceforth, news broadcasters were required to report on the number of employees according to job category, gender and race--African Americans, Hispanics, Asian Americans, and Native Americans.

"The data we have about the effects [of the FCC's new diversity rules] is incomplete, but they suggest that the goals of non-discrimination and diversity are not being met, and improvements in the short term are unlikely given the composition of the FCC, Congress, and the courts."

-Angela Campbell

In 1998, however, the DC Circuit Court declared the FCC's rules unconstitutional, holding that diversity was not a compelling interest. The court further held that there was an insufficient link between employment and programming, and that the rules were not narrowly tailored because they included all job categories, not just those related to programming. "So the FCC went back to the drawing board yet again," Campbell said. The new rules retain the outreach obligations but lightened many of the specific requirements governing how companies met those obligations.

Campbell acknowledged that most stations were complying with the new rules but argued that compliance may be beside the point. "The more important question is whether complying with the rules in fact results in the intended goals of preventing discrimination and promoting diversity in   [*594]   programming." Following the court ruling, the FCC lifted rules requiring companies to report on minority staffing, making it difficult to get the data sets needed to measure progress. But data from other sources suggest that progress on employment and content diversity has ceased its steady progress. "The data we have about the effects is incomplete, but they suggest that the goals of non-discrimination and diversity are not being met, and improvements in the short term are unlikely given the composition of the FCC, Congress, and the courts."

Although Media Organizations Are Starting to Realize the Economic Benefits of Diversity, People of Color Still Face Formidable Obstacles in Gaining Entry to, and Advancing Within, Media Industries. Despite the difficulty in pursuing legal remedies, several panelists were guardedly optimistic about the prospects for market-based reforms. Economic self-interest, they noted, is often the strongest lever for creating change within the media. As Sharon Ross noted of the television industry, "The color that matters most in the industry is green." Companies are starting to realize the bottom-line benefits of diversity, she said, citing the success of "Lost," "Grey's Anatomy," and the explosive growth of ethnic media. (Ross and Beltran underscored the point that while there have been modest improvements in diversity in front of the camera, the corporate structures behind the camera have been more resistant to change.) Basilio Monteiro urged companies to think of diversity as a strategic asset that would yield long-term returns. "Diversity builds a differentiated reputation and improves the quality of human capital, which, in turn, establishes a competitive edge and creates value," he said.

Keynote: Professor Patricia J. Williams on the Media's Insidious Banality

What happens to a democracy when the mass media fail to serve the public interest? What happens to a media system when Ivy League law students, ostensibly the best and the brightest, are disinclined to reading in-depth reporting? How can the media serve the interests of a pluralistic society when they are arguably the culture's most powerful purveyors of stereotypes?

These are a handful of the questions Professor Patricia J. Williams, the

James L. Dohr Professor of Law at Columbia Law School, addressed in her keynote address. Williams described the changing media landscape in which students get their news, not from newspapers, but from the web, television, and blogs. Arguing that the media's discussion of diversity is often a proliferation of stereotypes, Williams noted that coverage of Representative Cynthia McKinney's arrest for assaulting a police officer focused not on the issue of racial pro-

filing, but on her hair. Likewise, rather than examining the complexities of immigration reform, the media focused on whether the national anthem should be sung in Spanish.

[*595]

The Political Economy of the Media: How Economics and Regulatory Policy Shape the Practice of Democracy

The commercial media comprise a universe of industries--broadcasting, telecommunications, print, television, Internet, film and music--many of which are moderately regulated (though increasingly less so), and all of which are subject to market forces. But how does race play out at the intersection of economics and policy? How do underlying structural issues--ownership, regulatory policy, market economics, etc.--influence democratic participation in the media? According to panelists, the bottom line seems to be that the shortage of relevant content and programming for people of color represents a market failure.

Seemingly Arcane Policy Issues Have Profound Implications for Diversity and Access. In the ongoing public debates over media concentration, diversity, and access, the conversation has focused largely on issues of policy. Yet scant media attention has been paid to the processes through which the government agencies responsible for regulating media collect the data that informs policy. And as two speakers argued, the dearth of information and analysis about data--how it was collected, how the definition of key terms influences findings--should be a cause for concern.

How the government defines a market determines who can compete in the market, and under what terms.

-Catherine Sandoval

Catherine Sandoval, assistant professor of law at the Santa Clara University School of Law, examined the discrepancy between market analyses conducted by the FCC and the Department of Justice in approving the merger between Univision and Hispanic Broadcasting in San Jose, California. At issue was the question of whether Spanish-language and English-language radio and television compete in the same market. The FCC maintained that Spanish-and English-format stations did compete in the same markets, while the Department of Justice--whose view eventually prevailed--held the opposite.

Why does this matter? Because, Sandoval argued, how the government defines a market determines who can compete in the market, and under what terms. At the heart of the Justice Department's case, she noted, was the assumption that no English-language broadcasters would change their formats to Spanish in order to compete with Univision, or any other Spanish broadcaster. But this argument ignores the vast economies of scale English-language broadcasters can bring into Spanish-language markets. At the same time, she continued, the definition makes it harder for Spanish-language broadcasting companies to develop the economies of scale they need to compete. The definition also tends to undervalue Spanish-language companies, making them ripe for acquisition--which is precisely what happened. Within a couple of years, Clear Channel had acquired 26 percent of the overall radio market (31 percent of the Spanish- [*596] language market). "The bottom-line question of this is ultimately who will control the news."

In a similar vein, Allen Hammond, IV, a professor of law at Santa Clara University, discussed the FCC's flawed procedures for collecting data on broadband deployment. By law, broadband service providers are required to monitor and report periodically on the extent of broadband deployment, yet the FCC's process for measuring broadband deployment is deeply flawed, Hammond argued. The FCC uses what Hammond termed the "zip code methodology": Based on the existence of one broadband subscriber per zip code, the FCC concluded that broadband service was available to a large number of others in the same area. "But cable service areas and DSL service areas are not co-terminus with zip codes," Hammond observed. Nor could the FCC actually measure how many others, if any, in a given area were receiving service. The upshot, Hammond continued, is that the FCC "cannot possibly be telling us what the extent or scope of deployment is, or who the beneficiaries actually are." Nevertheless, other public agencies, including the California Public Utilities Commission, are setting policy largely on the basis of the FCC's data. "This FCC is using their methodology basically as a deregulatory tool," he concluded. "You won't miss what you don't measure. You don't miss what you can't measure. And they're not going to regulate, because they can't tell you what's actually going on."

"This FCC is using their methodology basically as a deregulatory tool. You won't miss what you don't measure. You don't miss what you can't measure. And they're not going to regulate, because they can't tell you what's actually going on."

-Allen Hammond, IV

Jerry Kang and Allen Hammond, IV

[SEE PHOTO IN ORIGINAL]

Keynote: FCC Commissioner Jonathan Adelstein Takes Agency to Task for Ignoring Its Own Diversity Committee Recommendations

[*597] In the first of two conference keynote speeches, FCC Commissioner Jonathan Adelstein rebuked the Commission for failing to act on the recommendations of its own Advisory Committee on Diversity. "The diversity committee that Chairman Powell put together issued a series of very palpable recommendations on how to meaningfully improve opportunities for minorities and women to gain ownership of telecommunications and media assets, but the report is just sitting on the shelf gathering dust," he said.

Created in August 2003, at the height of the public controversy over the FCC's proposed new ownership rules, the advisory committee's final report included five specific policy recommendations, including modifying the commission's EEO rules to include separate "menus" for recruiting and for career advancement, creating divestiture remedies that would promote ownership by women and minorities, and issuing a declaratory ruling that would help minority entrepreneurs attract foreign investment for broadcast properties. To date, the FCC has acted on just one recommendation: that it create an online diversity resources directory. Launched in 2005, the directory is anemic, containing links to a handful of trade organizations, government agencies, and the two agency reports on workplace diversity.

Adelstein called on conference attendees to pressure the FCC more aggressively. "The question is, when we ignore the diversity committee, what are we going to do to put diversity and minority ownership front and center. We need to tackle these issues head on, and we really need your input to try and figure that out."

Communications Policy Must Acknowledge and Address the Effects of Immigration. Historically, the black-white divide has overshadowed American discourse on race. But if the central problem of the 20th century was the problem of the "color line," as W.E.B DuBois noted presciently in 1903, the problem of the 21st century will be immigration. In 2003, Hispanics surpassed African Americans as the nation's largest minority group, and the nation is just now starting to grapple with the political, economic, and cultural implications of this change. As a number of panelists observed, media and communications policy need to be central locus of this debate.

Jorge Reina Schement, co-director of the Institute for Information Policy at Pennsylvania State University, noted that communications policy needs to better reflect the complicated reality of contemporary immigration. "There is a big, false assumption that communications policy is of little relevance to immigration," Schement noted. Immigrants, he said, have embraced the Internet, allowing them simultaneously to retain ties to their home countries while also expanding social networks within this country. Contrary to the prevailing myth of immigrants arriving as "strangers on the shore," immigrants have always followed established networks, Schement said. Far from encountering a strange and alien culture, he [*598] continued, immigrants have always "tended to live in communities that span the border on both sides." As these border-spanning communities move online, and as new immigrants move into the workforce and consumer marketplace, immigrants are adopting new cultural patterns and beliefs without completely giving up the old ones--and they are transforming the existing culture on this side of the border. This level of connectivity, he concluded, "will enable and empower immigration in ways that a lot of Americans probably haven't thought of."

[SEE PHOTO IN ORIGINAL]

"There is a big, false assumption that communications policy is of little relevance to immigration."

-Jorge Reina Schement

One such unexpected change has come at the intersection of voting rights and communications policy. Joel Waldfogel, an associate vice dean at the University of Pennsylvania's Wharton School, examined the relationship between Hispanic voter turnout and the presence of local Spanish-language television news. Under classical economic theory, Waldfogel said, everything that needs to get done does get done through markets. Yet media function in what Waldfogel called

"lumpy markets" where the fixed costs are high and preferences among consumers vary widely--which means that media markets often do not serve consumers at the margins. And since the media serve two principal functions--to entertain and to inform--what effect does the media's capacity to provide information to consumers have on civic participation or voting?

Waldfogel surveyed 254 metro areas across the country, examining the relationship between media markets and voting patterns. He found that voter turnout among non-Hispanics hovered around 58 percent in markets that had local Spanish-language news as well as those that did not. But the numbers were dramatically different for Hispanics with voter turnout of 37 percent in areas that did not have local Spanish-language news, and 45 percent for areas that did. "The big effect is that [local Spanish-language news] raises the Hispanic turnout," he said. What economists call a market failure was also a democratic failure--and a potential arena for civil rights litigation. "The disturbing thing is that those disadvantaged as consumers by virtue of small group size find that disadvantage reinforced and are disadvantaged more in their capacity as citizens, this sphere where money wasn't supposed to matter."

Media Reformers Need to Rethink Some of Their Paradigms and Political Assumptions. One of the prevailing assumptions among media diversity activists is that local ownership will yield greater diversity. But Syracuse University Law Professor LaVonda Reed-Huff cautions against accepting this assumption. Her study of the relationship between localism and black ownership in the radio broadcast industry, found quite the opposite. "I don't necessarily believe that greater localism or greater local focus will necessarily translate into greater minority or, in particular, black ownership of radio," she argued. And preserving black radio--radio that has traditionally been owned by blacks, or has been formatted to appeal to   [*599]   the interest of black communities--should be a burning issue given the role it has historically played in providing a forum for black cultural expression, political participation, and discussion of community issues. Localism is not a perfect proxy for minority ownership due to other barriers to entry such as the cost of acquiring licenses, inability to secure advertising dollars, and the FCC's license renewal policies. While localism is a laudable goal, it must not be pursued without a corresponding focus on issues of minority ownership. Additionally, if the FCC does not pull back its ownership limits, minority communities should begin to focus on how a national ownership framework can be used to its collective advantage. Reed-Huff cited examples of how nationally syndicated programming carried on stations owned by national licensees have connected black people who are disconnected by geography and have effectuated social change. With fewer than four percent of the nation's radio stations owned by minorities, Reed-Huff pointed to black-owned Radio One, the nation's seventh largest radio broadcasting company, as an example of how black radio benefits from national ownership. She argues that there is room in the industry for more companies like Radio One.

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-LaVonda Reed-Huff

 UCLA law professor Jerry Kang challenged the shibboleth, common among media reform advocates, that local news is a proxy for the public interest. As Kang noted, the FCC often uses the promise of more local news as a rationale for approving mergers and lifting media cross-ownership rules. And why not? "It's a perfectly sensible metric to adopt. After all, is there an anti-news lobby?" Yet 25 percent of local news is actually crime stories. "If you think about local news and strip away entertainment and weather, you essentially have a reality TV show called "Cops" narrated by slightly better-looking people," Kang said, attributing the quip to a journalist.

While most might dismiss "Cops" as mere trash television, Kang argues that crime stories, whether on "Cops" or the local news, are much more pernicious. Drawing on research from a body of social science called implicit social cognition, Kang makes the case that crime TV leads viewers to adopt a racial schema. "The consequences include how we actually interpret and evaluate people, how we perform through stereotype threat disruptions, how we interact in terms of our non-verbal body language, whether we stutter or cross our arms, lean forward, smile, blink our eyes," Kang said. He went on, "There's now lots of evidence that says watching nonfiction stories about people in your neighborhood who are going to kill you, and then seeing black and brown faces [in the course of everyday life] actually will increase implicit bias against black and brown people, not surprisingly." Local news, he said, is a Trojan horse. People watch local news because they need the information, but it infects neural networks, making people do things they would rather not do, like being   [*600]   involuntarily biased against people of color. (For example, a recent report on the me-

dia's representation of young men of color, published by the Joint Center for Political and Economic Studies, found that the media "encourage whites' tendencies to imagine, exaggerate, and misunderstand group differences" even though many whites profess egalitarian beliefs.) The question then becomes: What do we do about the insidious virus that is the local news?

Solutions: Creating New Pathways to Diversity, Media Reform, and Citizen Participation

Given the obstacles to reform, where might advocates, scholars, and citizens find new solutions and strategies? Panelists outlined four principal arenas for reform. First, there is a dire need for better training for aspiring and working journalists, so that they have the reporting skills and analytical tools needed to cover all communities. As several panelists noted, failing to fairly and accurately report on issues of race is simply bad journalism. Second, panelists called for broader citizen participation around media policy issues, particularly among communities of color. Third, there is a need to strengthen and expand industry-based solutions that emphasize the value diversity brings to the bottom line. Finally, advocates need to consider legal strategies that reach beyond the existing body of law.

Better Education of Journalists and Other Media Professionals. Several panelists underscored the urgent need for better education of journalists and other media professionals. At the University of Missouri, for instance, undergraduate journalism majors are required to take Cross Cultural Journalism, a course taught by Earnest Perry, an associate professor and chair of the Journalism Studies program. "It is by far the most difficult course in the journalism program," Perry said, mainly because the course forces students to examine their own biases. "It's not about being politically correct. It's not trying to be someone who believes in diversity. It's about doing what you say you are doing as journalists--covering your entire audience." Students are required to get outside of their "comfort zones," reporting on people and places they wouldn't normally go. "What we try to get them to understand is that good journalism is diverse. And accurate coverage should be based on knowledge, and they need to acknowledge the stereotypes in their own coverage, before it gets out into the public."

[SEE PHOTO IN ORIGINAL]

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-Earnest Perry

Likewise, Alice Pifer, director of continuing education at the Columbia University Graduate School of Journalism, described how the "Authentic Voice" project, a multimedia project developed and published by Columbia University, seeks to strengthen reporting among working journalists. Based on the "Let's Do It Better" workshop on journalism, [*601] race and ethnicity at the Columbia University Graduate School of Journalism, "Authentic Voice" comprises a book, DVD, and web site, all structured around case studies of 15 news stories--seven television and eight newspaper stories--that have already been published or broadcast. For every case study, every journalist or producer wrote an essay reflecting on his or her work. What were the obstacles they faced, either in the newsroom or out in the public? How did they overcome the obstacles? What are the things they learned? Looking back, what are the things that they would have changed in their stories? Pifer and her colleagues also videotaped interviews with each journalist, probing and critiquing in areas not covered in their essays. The goal, Pifer said, is to get to authenticity in reporting, to increase coverage of people of color in all communities, and to get journalists to reflect diligently on their own biases.

Alice Pifer and Rolando Brown

[SEE PHOTO IN ORIGINAL]

Building Citizen Participation on Policy Issues. Improving education for media professionals is just one piece of the puzzle. Perhaps the most significant challenge facing advocates of media democracy lies in finding a way to make the underlying policy issues accessible to a lay audience. As Chanelle Hardy, then-legislative counsel for Consumers Union, put it: "We are totally outnumbered when we go to the Hill. It's one nonprofit person versus teams and teams of industry lobbyists, and we recognize more than ever the need to have the public engaged in the fight. We have to reach them with what is real to their lives, and that begins with content issues." Two years ago, Consumers Union launched HearUsNow.org, a web portal that aggregates information on media reform issues, helping consumers connect to and shape public policy. Closer to the ground,

[SEE PHOTO IN ORIGINAL]

"We are totally outnumbered when we go to the Hill. It's one nonprofit person versus teams and teams of industry lobbyists, and we recognize more than ever the need to have the public engaged in the fight. We have to reach them with what is real to their lives, and that begins with content issues."

-Chanelle Hardy

[*602]   Consumers Union is working with Industry Ears, a new generation think tank focused on media's impact on children and communities of color, trying to expand the base of the media reform movement. "We want to build capacity among young people and get them engaged in connecting content and policy because the policy discussions are not diverse enough," Hardy said.

On the other hand, several panelists drew a distinction between advocates of "media reform" and "media justice." As Malkia Cyril, director of the Oakland-based Youth Media Council, argued, media reform is a piece, but only a piece, of a broader movement for media justice. "Media justice rests on a historical analysis that centers race, class, and gender as principal forces in the shaping of our media system," Cyril said. Constituents of the media justice movement are largely poor and working-class people of color, while the media reform movement is largely comprised of middle-class, white progressives. And it remains to be seen how these two movements, which share many of the same goals, will deal with the potentially divisive issue of race. As Yolanda Hippensteele, field director for the media reform group Free Press, noted, this conversation is just now unfolding. "I think that we've been engaging in that dialogue and we are really trying to get somewhere."

Malkia Cyril went on to outline how the media justice framework played out in the organizing campaign the Youth Media Council conducted against Clear Channel. In 1999, Clear Channel acquired KMEL, a local hip hop station that was a touchstone for the African American community. The company soon eliminated the community affairs department and fired two of the most popular deejays, replacing local content with syndicated programs, including right wing radio personality Michael Savage. To many young people, Clear Channel's actions were a direct assault on the community. "Local activists and organizers came to the Youth Media Council, enraged about the state of radio in their region," Cyril said. "They wanted to do something about it."

Over the next two years, the Youth Media Council and its allies--young people of color, artists, local musicians, and media reform organizations--launched an aggressive campaign to hold Clear Channel accountable to the community. Last year, after the Youth Media Council filed a petition to revoke Clear Channel's broadcast license, and, with the campaign receiving favorable coverage in the local print media, the company agreed to a series of community accountability meetings.

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[*603]
Aliza Dichter and Malkia Cyril.

[SEE PHOTO IN ORIGINAL]

How does repression begin? What happens when hate speech goes unanswered? These are the two questions driving a new effort by the Minority Media and Telecommunications Council to answer what David Honig, the council's executive director called a "mind-numbing" proliferation of hate speech on talk radio. In the coming year, the council plans to launch a new organization, tentatively called the Minority Anti-Defamation Coalition to focus on challenging hate speech and holding media corporations accountable for promulgating it. The goal, Honig said, was to lay the foundation for a "traditional civil rights advocacy" in the public sphere. Unlike civil rights litigation and consumer boycotts, the two other principal tools for creating corporate accountability, civil rights advocacy is a mass movement with legitimacy, credibility, and sustainability. Advocates have access to good information and they choose their battles wisely.

Finally, he noted, they appeal to people's better natures. "In the tradition of Gandhi and King, the civil rights message generates social change by appealing to the best moral, religious and humanistic instincts of the public." The incipient Coalition convened an exploratory committee and held its first planning meeting this past July.

Industry Solutions. Blake Morant, associate dean for academic affairs of Washington and Lee University School of Law, outlined how professional codes of ethics could be used to address misrepresentations and distortions of people of color in the broadcast media. Nearly every professional news organization has some code of ethics, he noted. And in a market economy, the value of a news organization depends on its credibility. As Morant explained, "If viewers see news organizations as credible, more people will tune in, or will read them, and if more people tune and read, the [*604] higher the profits." In this context, subscribing to codes of conduct becomes one way for a news organization to certify that its reporting is credible. Professional codes also have the advantage of being self-generated, which gives them coherence and weight that external pressure often lacks. "They're self-generated, they're self-authored, they're self-enforced," Morant said. "So they don't really violate any constitutional norms. And they tend to be very efficient because if you have individuals who are tailoring the rules to what they do, those rules tend to be better constructed," leading to what Morant calls a "culture of responsible journalism."

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-Blake Morant

But how could these codes be used to address racial bias? According to Morant, few of the professional codes explicitly address racial bias, though a handful do mention ideological bias. The challenge, he noted, lies in making the codes more explicit while also ensuring that they are not overshadowed by competitive pressures. "Almost every single producer I interviewed for this project talked about trying to trump their competition," Morant said. Yet if adherence to ethical conduct--including accurate, bias-free reporting--is part of the competitive landscape, news organizations would have a self-interest in producing better news about people of color. "The idea is that the media have to keep this at their core basis," Morant insisted. "Advertise it to the public, follow it, have more precise language in order to have an effect, so that they won't make the mistakes that they've made in the past."

Basilio Monteiro argued that the competitive pressures of a globalized media industry may offer market incentives to better serve diverse consumers. Internet-based technologies have undermined the economic and technological advantages old media companies once enjoyed, Monteiro noted, and digital technologies are "ushering in an era of mass participation." In this context, he argued, diversity becomes an important driver of economic value, albeit an intangible one. "Failure to integrate the voices in the margins of the society is detrimental to its economic prosperity. Diversity in the media facilitates consumption, not only of media products, but it creates a fertile environment for conspicuous consumption of all products." It is in media companies' best interests to invest in the human capital (i.e., employees) needed to gain a competitive advantage and produce economic value. Diversity within media companies, he argued, "creates an environment where creativity and innovation thrive. It creates a positive marketing image, which is essential for the success of media commodities in the open marketplace. Investing in the intangibles, and, in this case, in voices on the margin, is good for business."

"Collaborative partnerships throughout can really enrich what we're doing. Strategic research on the part of educators and evaluations of pipeline initiatives and courses in academic departments can really make a difference."

-Mary Beltran

Mary Beltran and Sharon Ross also lauded the handful of nascent partnerships between citizen groups and TV studios. Fox, ABC/Disney, [*605] and MTV are all doing good, if limited, work in creating employment pipelines for minorities, and citizen groups, educators, and researchers should focus on helping to expand them. Fox, Beltran noted, has even launched a collaboration with high schools in the Los Angeles area. "Collaborative partnerships throughout can really enrich what we're doing. Strategic research on the part of educators and evaluations of pipeline initiatives and courses in academic departments can really make a difference."

Legal Remedies.

Given the current composition of the FCC, Congress, and the courts, many of the panelists were skeptical of the prospects for reform through conventional channels. n3 But several speakers spoke optimistically about [*606] pursuing legal strategies outside the conventional body of law governing media policy. Russell Robinson, who teaches law at UCLA, noted for instance that Hollywood casting practices often discriminate against people of color, and that civil rights litigation is a possible avenue for redress. In the course of his research, Robinson found that roughly 30-40 percent of casting announcements specify race. But interviews with casting agents revealed a pervasive assumption that if a casting notice does not specify race, the assumption is that the role is for a white actor. "Title VII of the Civil Rights Act of 1964 forbids employment discrimination," Robinson said. Conceding that there were specific cases in which studios would have to use an actor of a particular race--a biopic about George Washington might be absurd with a black actor in the lead--Robinson maintained that in most cases the First Amendment did not grant production companies a license to discriminate. "In fact, Title VII expressly bans racial and gender preferences in employment advertisements. This means that a corporation can't say that it wants to hire only male lawyers or only female nurses. But in the casting context, we see announcements which are basically saying for whites only or man wanted--signs that we would see in almost no other arena today."

Robinson's colleague at UCLA, Jerry Kang, argued that the pernicious effects of local news likewise demanded recalibrating the balance between the First Amendment and the harm caused by Cops-style news content. "My central point is that the FCC as well as the courts have not been behaviorally realistic about essentially harmful content," Kang said, adding that many abridgements of the First Amendment, such as restrictions on pornography, refer to "community values." And if science can demonstrate harm, why should that speech be protected? "I'm going to push back at all of the liberals who assume that local news is the best we could possibly get, because the local news ultimately is a Trojan horse. It is giving us what we did not want and there are consequences that need an accounting."

[SEE PHOTO IN ORIGINAL]

"Title VII expressly bans racial and gender preferences in employment advertisements. This means that a corporation can't say that it wants to hire only male lawyers or only female nurses. But in the casting context, we see announcements which are basically saying for whites only or man wanted--signs that we would see in almost no other arena today."

-Russell Robinson

Canada offers one example of a liberal democracy that takes a different approach to protecting minority groups from hate speech. As John Miller, a journalism professor at Ryerson University in Canada, noted in his presentation, Canada's constitution, which was ratified in 1982 when the country finally severed all constitutional and legislative ties with Britain, enshrines the right to the preservation and enhancement of Canada's multicultural heritage alongside traditional rights--speech, press, religion, [*607] a fair trial. In 2001, the Canadian Radio-Television, and Telecommunications Commission (CRTC) (the Canadian equivalent of the FCC) instructed the Canadian Association of Broadcasters to form a diversity task force to formulate an action plan for increasing and protecting cultural diversity. Last year, the task force released a report on best practices for increasing diversity. The report won widespread praise, Miller said, adding that broadcasters will now be expected to show they are taking steps to implement the plans and recommendations as part of their license renewal process. "Is it perfect?" Miller asked. "No. But it's a new debate and it's one that we're all entering into with a great deal of hope and self-criticism." In seeking to balance minority rights and free speech, Miller noted, Canada's constitution carves out explicit limits on hate speech. Two years ago, the CRTC rebuked MSNBC for racist commentary that was aired on Imus in the Morning. In the segment, Don Imus and sportscaster Sid Rosenberg had mocked the crowd that had gathered to mourn the death of Yasser Arafat. Rosenberg declared Palestinians to be "brainwashed" and "stinking animals" and went on to suggest that "the bomb" should be dropped on them. Though the CRTC declined to restrict the show, regulators made it clear that they would consider doing so in the future.

By contrast, Nolan Bowie, a senior fellow at Harvard's Kennedy School of Government, took a dimmer view of government regulation of speech, arguing that any regulation of over-the-air broadcasting is an infringement of free speech. The broadcast license regime "allows government in the first instance to pick and choose whose speakers are going to be on this electronic speech platform." By doing away with spectrum scarcity, a new generation of digital technologies, like WiMAX and cognitive radio, obviate the rationale for spectrum licensing. "It's my contention that it is a very inefficient use of the public spectrum, and it is not the best use of radio. It results in government censorship of content, as you can see by the heavy fines against the networks and certain affirmative requirements in control of the

content. It results in the undue concentration of outlets and channels and it is anathema to the notion of the marketplace of ideas."

With the end of the broadcast era at hand, Bowie urged advocates to get ahead of the curve, ensuring that spectrum policy embodies the imperatives of democratic participation. He theorized that we should treat the broadcast industry like a public common carrier, entities that are obliged to carry the content of others. Media reformers and free speech advocates should be pushing for more open spectrum, real estate on the airwaves that would be open to any user. "The solution is to dedicate the spectrum to unlicensed broadband so that all of the United States, using WiMAX or a wire-based technology, can be an Internet hot zone with ubiquitous broadband service." Only then, he concluded, will citizens have truly free speech.

With the end of the broadcast era at hand, Bowie urged advocates to get ahead of the curve, ensuring that spectrum policy embodies the imperatives of democratic participation. Media reformers and free speech advocates should be pushing for more open spectrum, real estate on the airwaves that would be open to any user.

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Conclusion: Building Inclusive and Diverse Media Policies in the 21st Century

 The conference closed on a note of cautious optimism. As Commissioner Adelstein noted in his keynote address, advocates of media diversity were granted a reprieve in 2004 when a federal appeals court overturned the FCC's new ownership rules, citing the FCC's failure to consider the rules' effects on minority ownership as a principal rationale for the decision. After being sent back to the drawing board, the FCC's new rule-making process ends during this fall, with revised rules expected sometime next year. "It's that soon," Adelstein said. "We desperately need your input as soon as possible."

But what should that input look like, and how should advocates best structure their work? Conference attendees outlined two main areas for future work: research and advocacy.

Research. As several panelists noted, there is a dearth of data on issues pertaining to diversity in the media. Future efforts should focus on filling the following gaps:

* Developing empirical data needed by the FCC in media ownership hearings.

* Studying how media content affects public policy.

* Examining how diversity training shapes individual journalists' reporting.

* Developing research in support of more robust EEO regulations at the FCC.

* Studying diversity at public radio and television stations.

* Studying how the evolution of communications technology serves as a gatekeeper, exploring whether it replicates the hierarchy that currently exists for traditional media.

* Studying whether minority-owned broadcasters produce better quality programming.

* Studying whether it is beneficial for advertisers to support more racially diverse programming.

Advocacy. Quality data matters little, however, if there is not a political constituency capable of advancing a policy agenda based on the data. Participants outlined the following specific steps:

* Developing an applied knowledge project that feeds academic work into advocacy efforts.

* Establishing legal clinics to research and advocate for public interest groups.

* Creating a roster of academic experts that can be used in litigation before the FCC.

 [*609]   * Developing market incentives to ensure quality, diverse programming.

* Producing educational videos for Latino, Asian American, American Indian, and African American portrayals in the entertainment and news industry.

* Creating a web site to share academic research.

* Hosting an annual conference on media diversity.

* Broadening the constituency for reform by reaching out to media executives, professional organizations, and the ethnic press.

Despite the optimism surrounding this agenda, the future of media diversity is far from clear. On one hand, nearly everyone acknowledged the reality that public policies and regulations that once supported diversity in media ownership, employment, and content are at a 30-year nadir--but could always get worse. On the other hand, the vigorous public debate generated by the FCC's new ownership rules--and, more recently, regarding "open access" for the Internet--suggests that media ownership, content, access, and diversity are issues that citizens care deeply about. Participants in the media reform and media justice movements are beginning to talk explicitly about issues of race, both in the media and in their own movements. The challenge lies in creating a movement as diverse and democratic as the media it seeks to create.

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Appendix A: Panelists

Honorable Jonathan Adelstein
Commissioner
Federal Communications Commission

Leonard M. Baynes
Professor of Law and Director
The Ronald H. Brown Center for
Civil Rights and Economic Development
St. John's University School of Law

Mary C. Beltran
Assistant Professor
Communication Arts and Chican@ and Latin@ Studies
University of Wisconsin

Nolan Bowie
Senior Fellow and Adjunct Lecturer
Harvard University
John F. Kennedy School of Government

Angela Campbell
Professor and Director
The Citizens Communications Project of the Institute for Public Representation
Georgetown University Law Center

Mark Cooper
Director of Research
Consumer Federation of America

Malkia Amala Cyril
Director
Youth Media Council

Mary C. Daly
Dean & John V. Brennan Professor of Law and Ethics
St. John's University School of Law

Robert Entman
The J.B. & Maurice C. Shapiro Professor
School of Media and Public Affairs
George Washington University

[*611]   Oscar Gandy
Herbert I. Schiller Term Professor
Annenberg School for Communication
University of Pennsylvania

Allen Hammond IV
Professor of Law
Santa Clara University School of Law

Chanelle Hardy
Attorney
Federal Trade Commission

Yolanda Hippensteele
Field Director
Free Press

David Honig
Executive Director
Minority Media and Telecommunications Council

Jerry Kang
Professor of Law
UCLA Law School

Chul-joo Lee
PhD. Candidate
Annenberg School of Communications
University of Pennsylvania

Becky Lentz
Program Officer
Electronic Media Policy
Ford Foundation

Linetta J. Gilbert
Senior Program Officer
Community Resource Development
Ford Foundation

Elena O. Lingas
Research Scientist
Berkeley Media Studies Group

Irma McClaurin

[*612]   Program Officer
Education and Scholarship
Ford Foundation

John Miller
Professor
School of Journalism
Ryerson University

Ali Mohammed
Associate Professor of Journalism and Communications Studies
Edinboro University of Pennsylvania

Basilio Gaspar Monteiro
Assistant Professor
Communications, Journalism and Media Studies

St. John's University

Blake D. Morant
Roy L. Steinheimer, Jr. Professor of Law and
Associate Dean for Academic Affairs
Washington and Lee University School of Law

Marguerite Moritz
Professor and Director of Graduate Studies
School of Journalism and Mass Communication
University of Colorado

Phillip Napoli
Associate Professor and Director
Donald McGannon Communications Research Center
Fordham University

Pamela Newkirk
Associate Professor
Journalism and Mass Communications
New York University

Earnest L. Perry
Associate Professor of Journalism and
Chair of Journalism Studies
University of Missouri School of Journalism

Alice Pifer
Director Continuing Education
Columbia University Graduate School of Journalism

[*613]   LaVonda N. Reed-Huff
Assistant Professor of Law
Syracuse University
College of Law

Russell Robinson
Acting Professor of Law
UCLA Law School

Sharon Ross
Assistant Professor
Television Department
Columbia College Chicago

Catherine J. K. Sandoval
Assistant Professor of Law
Santa Clara University
School of Law

Jorge Reina Schement
Distinguished Professor
Co-Director of the Institute for Information Policy
Department of Telecommunications
College of Communications
School of Information Sciences and Technology
Pennsylvania State University

Hemant Shah
Professor
School of Journalism and Mass Communications

University of Wisconsin-Madison

Sonny Skyhawk
President and Founder
American Indians in Film

Federico Subervi
Professor
School of Journalism and Mass Communication
Texas State University

Joel Waldfogel
Joel S. Ehrenkranz Family Professor
Professor of Business and Public Policy Chairperson, Business and Public Policy Department
Associate Vice Dean, Doctoral Programs

[*614]   Wharton School
University of Pennsylvania

Karin Wilkins
Associate Professor and Graduate Adviser
Department of Radio-TV-Film
University of Texas-Austin

Nancy Wang Yuen
PhD Candidate
UCLA Department of Sociology

Legal Topics:

For related research and practice materials, see the following legal topics:
Constitutional LawBill of RightsFundamental FreedomsFreedom of SpeechFree PressGeneral OverviewImmigration LawImmigrantsDiversity ImmigrantsPublic Health & Welfare LawSocial ServicesEconomic Development

FOOTNOTES:

n1. The Ronald H. Brown Center is named after Secretary of Commerce Ronald H.Brown, a 1970 graduate of St. John's University School of Law. After his untimely death on a trade mission to the Balkans, the School of Law created the Center to recognize Secretary Brown's accomplishments. The Center 's mission is to engage in "legal studies, research and projects focusing on issues that affect the lives of underrepresented people while simultaneously educating law students to be leaders on issues of racial, economic and social justice."

n2. Professor Baynes and the Ford Foundation both have longstanding commitments to these issues. Prior to joining the St. John's faculty in 2002, Baynes served as a scholar-in-residence at the FCC, where he worked exclusively on media diversity issues. He has written several path-breaking law review articles examining these critical issues and proposing innovative and cutting-edge regulations to address underrepresentations in the media. Likewise, the Foundation has supported a number of complementary media diversity projects recently. In 2002, the Foundation supported "The TeleVisions Project," a scholarly inquiry into "the interplay between the entertainment industry, minority-ethnic-oriented advocacy groups, and academic researchers to improve the employment and representation of people of color in the entertainment industry." In 2003, the Foundation sponsored "Media Diversity and Localism: Meaning, Metrics, and the Public Interest," a conference at Fordham University's Donald McGannon Communication Research Center that inaugurated an important debate over methodologies in assessing and measuring media diversity. The Foundation has also supported the development of ethnic media in the U.S.

n3. Professor Baynes has previously suggested that the FCC adopt an "ordinary viewer test" to analyze cases of minority under-representation or stereotype. The ordinary viewer would be the reasonable person. Pursuant

to this test, if no representations were portrayed of a particular racial and ethnic group, the broadcaster would have violated the Communications Act. In addition, if evidence was presented that racial or ethnic groups were disproportionately being portrayed as criminals or villains, then that disparity would be prima facie evidence of a violation. See Leonard M. Baynes, Whiteout: The Absence and Stereotyping of People of Color by the Broadcast Networks in Primetime Entertainment Programming, 45 Ariz. L. Rev. 293 (2003). Professor Baynes also has found that minority broadcast licensees have been systematically discriminated against by the FCC, majority broadcasters, the capital markets, and advertisers necessitating affirmative measures to remedy the discrimination. See Leonard M. Baynes, Making the Case for a Compelling Governmental Interest and Re-Establishing FCC Affirmative Action Programs for Broadcast Licensing, 57 Rutgers L. Rev 235 (2004).