



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

Media Analysis of Fisher v. University of Texas

Key Findings

The newspaper media's reporting of affirmative action as it relates to the case *Fisher v. University of Texas* has been framed against affirmative action. In this small sample of 24 articles we noticed that the newspaper media in their framing, do not like the idea of "race-based" or "race-conscious" programs. Those against affirmative action overwhelmingly get the first word and have the opportunity to present their argument first. Proponents' quotes are usually sterile or make no true position. Furthermore, don't refute opponents' arguments. This is either bad reporting or purposefully intended.

There are many communications opportunities that can benefit the amicus brief messaging and the continual messaging for affirmative action.

In this analysis, the methodology and the reasoning behind the IMPACT media measurement tool is explained. I will highlight the major talking points, themes, and the framing of affirmative action in the articles.

In this analysis, the objectives are to:

1. discover and understand how the case is being reported in the news media.
2. learn about reporters' and columnists' opinion about affirmative action in higher education.
3. illustrate the dominant arguments for or against affirmative action as it relates to the Fisher case.
4. Analyze key messages that create a narrative.

Opportunities

Further media analysis of the *Fisher v. University of Texas* – This study grabbed only as small sample. A deeper analysis could examine broadcast and the plethora of online media.

Create position-making talking points – Opponents make strong and firm positions and explain why. Proponents don't unless it is a commentary article. Proponents are framed in the news articles as weary to discuss affirmative action with a reporter. However

Using media relations as a way to hold media accountable for their reporting – Reporters seem to have access to diverse opponents, but when it comes to proponents its NAACP or University of Texas. This shows reporters lack of research and investigation to find diverse speakers who



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

are an authority in the study and the advocacy of affirmative action. Commentators on both sides convolute statistics and make many incomparable comparisons.

Proponents' strongest articles are usually in low-circulated specialty magazines like *The Chronicle of Higher Education* and *Education Week*. However, Lee C. Bollinger, president of the Washington Post Company was able to publish his op-ed in the *Washington Post*.

Preparing BMI members, Sharon Davies and other affirmative action experts for media interviews – experts must be prepared for erroneous statistics and red herring statements that have dominated the narrative. Many of these red herrings that were produced or quoted pit marginalized groups against each other. Opponents are quoted assuming affirmative action is for blacks only—connoting it's not for women, the poor, military, disabled, and other marginalized groups.

Create factsheets and position papers and statements –Reporters assumed that readers have adequate affirmative action means and its history. For such a divisive and important topic, reporters should have been more responsible and proponents should've been more active in creating talking points that quickly explain affirmative action, its origin, its purpose, and importance.

METHODOLOGY

Criteria

A sample of 24 different articles specifically about the *Fisher v. University of Texas* were read and analyzed. The newspaper articles primarily came from the Lexis-Nexus database and were written between December 2011 and March 2012.

Special attention went to *American-Statesman* daily newspaper in Austin, Texas. The purpose was to discover how Austin's daily covered its own community.

Also included were national newspaper publications: *The New York Times*, *Washington Post*, and *USA Today*.

Because of their prominence in field of education in the United States, *Education Week* and *Chronicle of Higher Education* was also included in the search.

These 24 articles were searched through the Lexis-Nexus database using tags, "Fisher v University of Texas;" "Abigail Fisher;" "Fisher v UT;" and "Affirmative Action." Thirty-four articles



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

were revealed in the search, however, 10 were duplicates because they were syndicated articles from McClatchy-Tribune.

Measurement Tool

The measurement tool used for judgment is called **IMPACT**. It was created by renown media analyst Katie Delahaye Paine, CEO, KDPaine & Partners; Publisher of *The Measurement Standard*:

Influence or tone
Message communicated
Prominence
Audience reached
Consultant/spokesperson quoted
Type of article

In order of importance, the letters could be reorganized as M (Message communicated), A (Audience reached), T (Type of article), C (Consultant/spokesman quoted), I (Influence or Tone) and P (Prominence). The most questionable of factors is Prominence. The way we scan and retain information is not linear. So it follows that we do not necessarily retain the information offered by the largest article on a prominent page or the first report in a broadcast news program. Indeed, some of the best-read sections of print media are 'fillers' and diary pages that have terse, compressed information.

Because of time, how effective these articles were in their *persuasion* was not analyzed and studied. In addition, major online publications such as: *The Huffington Post*, *Politico*, *Crooks and Liars*, *Slate*, *The Salon*, *Truthdig*, and *Think Progress* were not included in this analysis. Broadcast media was also not included. In a more detailed analysis, if significant time was available, communications/persuasion could also be analyzed and evaluated in six-steps:

Presentation	Did message reach target?
Attention	Did target pay attention?
Comprehension	Did the target process the message (doesn't mean they understood it)
Acceptance	Target understands message and cognitive/affective state is changed as a result.
Retention	Did target retain message?
Action	Did target act in the way desired by communicator?



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

Even though strong in depth media analysis was not possible due to time, there are still noteworthy discoveries in this analysis.

DISCOVERIES

Types of articles

3 Newspaper Editorials – in order of prominence – *The Houston Chronicle*, *American-Statesman*, *Lubbock Avalanche-Journal*

11 Hard News Articles – *The Washington Post* (2), *The New York Times* (2), *USA Today*, *American-Statesman* (4), *McClatchy News Service*, *The Christian Science Monitor*

9 Opinion Articles – *The New York Times*, *Washington Post*, *American-Statesman*, *Chronicle of Higher Education* (3), *Buffalo News*, *Charleston Gazette*, *Providence Journal*

Messages communicated

Race-based vs race-conscious – in many of the articles against affirmative action in higher education admissions the term “race-based” is used as opposed to “race-conscious.”

Race-based connotes race being the main ingredient or the fundamental part.

Race-conscious used by proponents and the University of Texas connotes being aware of race or intentional that race matters.

Entitlement – opponents of affirmative action in higher education referred to it as an entitlement. It is used in its government noun form to mean a program providing benefits to a specific group. Proponents don't speak of affirmative action as an entitlement.

No link between race and socioeconomic status – no one, proponents or opponents explicitly expressed any link to race and socioeconomic status; with the exception of Kevin Carey of *The Chronicle of Higher Education*.

One author in the *American-Statesman*, Austin, said, “...If prospective students are going to get some kind of extra credit, it should be because they overcame a significant hardship, such as coming from a low socioeconomic home or having gone through a serious illness. Being a minority is not proof of hardship.”

Opponents get the first word – in the framing of 80 percent of the articles, the opponents'



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on Fisher v. University of Texas

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

argument is presented first and the opponent spokespersons are quoted first. This could be interpreted as the opponents to affirmative action deserve priority and proponents have to prove opponents wrong.

Racial preference and preferred – this is said in opponents' quotes arguing that race-conscious admissions policy leads to preferring a race over another.

Race vs Race vs Class – Opponents of affirmative action pitting two areas of marginalization against each other. Again, as if race and class are not linked. The preference to class is so that "skin color" is not used as a criterion in college admissions. Proponents do not address this directly.

Brains and Race – Opponent arguments talk about only brains and race, meaning race should have nothing to do with admittance to college, only intelligence. However, the measuring of intelligence is rarely defined, but it is usually linked with grade point average or testing. Opponent arguments assume that all K-12 schools have equal opportunity and resources to achieve equally and collectively at the same pace. Their argument also assumes that there is no link between race and socioeconomics.

How dare you: in many of the articles, opponent positions say you cannot end discrimination with discrimination; meaning affirmative action discriminates against white people and favors other marginalized groups. The tone of the position reads as—nothing is more absurd than to discriminate against white people. No opponent shows any empathy or sympathy for the discrimination of marginalized people only shock that someone would ever discriminate against white people (*that is my interpretation only).

Alternatives to affirmative action – Those who disagreed with the process of affirmative action and the idea of racial preferences introduced alternatives. They wanted to remove racial preference for social class preference.

Universities should be a unified social institution: Only Lee C. Bollinger (proponent) introduced this point.

Spokespeople quoted

Major organizations and people interviewed (opponents) **bold** is who receive the first word in their respective articles.

News stories are written in an inverted pyramid; meaning the most important information is written at the top and the least important is at the end. It was almost automatic that opponents



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on Fisher v. University of Texas

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

of affirmative action received the first word.

Having the first word can exhibit either the first argument is truth and the following arguments after must prove them wrong or the first word is bizarre and the following arguments after are informing the reader of the truth.

However, all opponents are quoted and introduced as credible sources of interest, not bizarre uninformed people. They all were quoted with their talking points and positions intact.

- (1) **Bill Schuette**, Michigan Attorney General – Washington Post
- (2) **Bert W. Rein**, represents Abigail Fisher – Washington Post
- (3) Jennifer Gratz, American Civil Rights Institute (goal to remove racial preferences) – Washington Post
- (4) **Roger Clegg**, president of the Center for Equal Opportunity (opposes racial and ethnic preferences) – American-Statesman; Education Week
- (5) **Edith Jones**, chief judge of the 5th Circuit Court Texas; Christian Science Monitor
- (6) **Edward Blum**, director of the Project on Fair Representation (oppose the use of race in policy) – American-Statesman, Education Week, Washington Post, New York Times
- (7) **Esther Cepeda**, syndicated columnist – Lubbock Avalanche-Journal, Texas
- (8) **Joshua P. Thompson**, lawyer with Pacific Legal Foundation (opposes affirmative action) – McClatchy-Tribune News Wire
- (9) **Rich Hasen**, law expert complementary to Edward Blum - New York Times

Major organizations and people interviewed (proponents) Almost none of the proponents received the first word. None received the first word in “hard news” stories. Ada Meloy received the first word in a commentary (opinion article) where only proponents were interviewed.

Many proponent quotes had no position-making talking points. Most were filler quotes; meaning the writer paraphrase their position or talking points and then quoted a meaningless statement.

Therefore, the reporter who gave the first word to the opposition, quoted the opposition’s position-making talking points and also paraphrased proponent’s quote and used them as filler quotes means either proponents weren’t properly prepared for the interview with position-making talking points, the reporter didn’t ask the right questions to get at the position, or the reporter/editor cut out the proponent’s position because of space limitations. Remember, news stories are written in an inverted pyramid so they cut from the bottom.

- (1) Joshua Civin, lawyer for the NAACP Legal Defense and Educational Fund – *American-Statesman*
- (2) **Ada Meloy**, general counsel American Council on Education - *The New York Times*



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

- (3) John A. Payton, president NAACP Legal Defense and Education Fund – *Washington Post*
- (4) Mark G. Yudof, president of the University of California system – *New York Times*
- (5) Richard Sander, UCLA law professor – *New York Times*
- (6) William Powers Jr., president of University of Texas – *American-Statesman*
- (7) Maree F. Sneed, Washington lawyer working to desegregate schools – *Education Week*
- (8) Damon Hewitt, director of the education practice group of the NAACP – *Education Week*

Influence or Tone

Proponents' editorial space vs Opponents editorial space – Proponents' editorial space was primarily in magazines and letters to the editor. Opponents' editorial space was in the daily newspapers.

Daily newspapers have higher readership and shape public opinion more than magazines. However, Lee C. Bollinger of *Grutter v. Bollinger* and *Gratz v. Bollinger*, did have an editorial in the *Washington Post*. Keep in mind, he is the president of The Washington Post Company.

Newspaper Editorials Positions

Lubbock Avalanche-Journal Texas

"If all students were offered adequate education and equal access to college, it would not be necessary to artificially pursue diversity."

"Minority students admitted to college due to race rather than skills are more likely to fail."

The Houston Chronicle

"The supreme court should not remove overnight the tools that universities use to create the diverse campuses that not only benefit their students, but aim to improve the nation as a whole"

American-Statesman, Austin Texas

"...There is no perfect college admissions policy. To reject one factor from consideration is to favor another."

Red herrings:

"Defenders of affirmative action are most likely to see any new system as unfair to black and Hispanic students, while critics will still see it as unfair to whites and Asian-Americans." -- Richard Perez-Pena, *The New York Times*



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on *Fisher v. University of Texas*

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

“But it’s nuts for a college to give more importance to the race of a rich black student than to the hardscrabble background of a poor student (of whatever race).” – Ashley Sanchez, *American-Statesman*, Austin Texas

“It’s absurd to conclude that banning racial discrimination somehow perpetuates racial discrimination.” – Michigan Attorney General Bill Schuette (R) quoted by Robert Barnes, *The Washington Post*

“Minority students admitted to college due to race rather than skills are more likely to fail.” – Editorial, *Lubbock Avalanche-Journal*, Texas

“America’s churning demographics have seen a flourishing black middle class and Latinos overtaking both whites and blacks in population growth.” – Froma Harrop, *Providence Journal; Buffalo News; Charleston Gazette*

“So we are left with the prospect of a world where colleges are free to offer preferences to legacies – the last vestige of inheritable aristocratic privilege in modern society—and the children of generous donors, but not to members of underrepresented racial and ethnic groups. In other words, affirmative action for rich white people will be legal, while affirmative action for low-income minority students will not. This is Justice?” – Kevin Carey, *The Chronicle of Higher Education*

Conclusion

In this small sample we notice that the newspaper media-at-large, in their article framing, do not like the idea of “race-based” or “race-conscious” programs. Those against affirmative action overwhelmingly get the first word and have the opportunity to present their argument first. Proponents’ quotes are usually sterile or make no true position. Furthermore, don’t refute opponents’ arguments. This is either bad reporting or purposefully intended.

Opponents make strong and firm positions and explain why. Proponents don’t unless it is an commentary article. Proponents are framed in the news articles as weary to discuss affirmative action with a reporter. However, reporters seem to have access to diverse opponents, but when it comes to proponents its NAACP or University of Texas. This shows reporters lack of research and investigation to find diverse speakers who are an authority in the study and the advocacy of affirmative action.

Proponents’ strongest articles are usually in low-circulated specialty magazines like *The Chronicle of Higher Education* and *Education Week*. However, Lee C. Bollinger, president of the Washington Post Company was able to publish his op-ed in the *Washington Post*.



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu



BLACK MALE INITIATIVE CONVENING

on Fisher v. University of Texas

Hosted by The Kirwan Institute for the Study of Race and Ethnicity &
Todd Anthony Bell National Resource Center on the African American Male

At The Ohio State University
September 17, 2012

No articles present a historical context asking the simple question why was affirmative action started. There was no attempt to prove to the readers that the reporter has knowledge of the purpose and meaning of affirmative action and why it was created.

Moreover, reporters assumed that readers have adequate affirmative action means and its history. For such a divisive and important topic, reporters should have been more responsible and proponents should've been more active in creating talking points that quickly explain affirmative action, its origin, its purpose, and importance.

Also many of these articles produce or quote red herrings that pit marginalized groups against each other. Opponents are quoted assuming affirmative action is for blacks only—connoting it's not for women, the poor, military, disabled, and other marginalized groups.

Commentators on both sides convolute statistics and make many incomparable comparisons.

Bottom-line: Proponents of affirmative action are not sought-out by reporters; collectively use strong position-making talking points; and generally only express themselves in low-circulation specialty publications.

Opponents reduce college admissions to “race-based” programs as opposed to holistic programs that takes an applicants full story, experience, and needs of the university into account.

Reporters haven't been balanced nor haven't taken the initiative to find proponents who can discuss the issue. It's obvious that they believe affirmative action is an act that aids only black people because they typically choose NAACP as their proponent expert interview source.

No articles present a historical context asking the simple question why was affirmative action started. There was no attempt to prove to the readers that the reporter has knowledge of the purpose and meaning of affirmative action and why it was created.



Kirwan Institute

Celebrating 10 years at The Ohio State University

kirwaninstitute.osu.edu