

**DIVERSITY IN AMERICA: THE REPRESENTATION  
OF PEOPLE OF COLOR IN THE MEDIA**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON THE JUDICIARY**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED SIXTEENTH CONGRESS  
SECOND SESSION

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SEPTEMBER 24, 2020  
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# **DIVERSITY IN AMERICA: THE REPRESENTATION OF PEOPLE OF COLOR IN THE MEDIA**

**THURSDAY, SEPTEMBER 24, 2020**

HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE JUDICIARY  
*Washington, DC.*

The committee met, pursuant to call, at 2:34 p.m., in Room 2141, Rayburn Office Building, Hon. Jerrold Nadler [chairman of the committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Jeffries, Cicilline, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Stanton, Dean, Murcarsel-Powell, Escobar, Jordan, Biggs, Lesko, Cline, and Armstrong.

Also Present: Representative Castro.

Staff present: David Greengrass, Senior Counsel; John Doty, Senior Advisor; Madeline Strasser, Chief Clerk; Moh Sharma, Member Services and Outreach Advisor; Jordan Dashow, professional Staff Member; Anthony Valdez, Staff Assistant; John Williams, Parliamentarian; James Park, Chief Counsel, Constitution, Civil Rights, and Civil Liberties Subcommittee; Will Emmons, Professional Staff Member, Constitution, Civil Rights, and Civil Liberties Subcommittee; Chris Hixon, Minority Staff Director; David Brewer, Minority Deputy Staff Director, Betsy Ferguson, Minority Senior Counsel; Caroline Nabity, Minority Counsel; and Kiley Bidelman, Minority Clerk.

Chairman NADLER [presiding]. The House Committee on the Judiciary will come to order.

Without objection, the chair is authorized to declare recesses of the committee at any time.

We welcome everyone to this afternoon's hearing on Diversity in America: The Representation of People of Color in the Media.

Before we begin, I would like to remind members that we have established an email address and distribution list dedicated to circulating exhibits, motions, or other written materials that members might want to offer as part of our hearing today. If you would like to submit materials, please send them to the email address that has been previously distributed to your offices, and we will circulate the materials to members and staff as quickly as we can.

I would also remind all members that guidance from the Office of Attending Physician states that face coverings are required at all meetings and in closed spaces, such as committee meetings. Everybody attending this hearing is required to follow this guidance except while speaking, and I will not recognize members to speak

who are not in compliance with these rules. If you do not wish to put on a mask, you have the option to participate in this hearing remotely.

Finally, I would ask all members, both those in person and those appearing remotely, to mute your microphones when you are not speaking. This will help prevent feedback and other technical issues. You may unmute yourself any time you seek recognition.

I will now recognize myself for an opening statement.

In recent months, our country has engaged in a much-needed reflection on the role that race and ethnicity play in our society. This reckoning is echoing in the halls of Congress, in our streets, and in board rooms. As with so many industries across the country, it has also generated self-reflection in the entertainment industry. Today the committee continues its examination of race in America with a focus on the representation of people of color in the media.

I am fortunate to represent a district that touches nearly every aspect of the entertainment industry in some way. I have seen firsthand many economic and cultural benefits that the performing arts deliver to communities across the country, and I hope that today's discussion will help further our shared goal of fully representing the rich diversity of American society both on screen and behind the camera.

The media plays a particularly important role in our society. Movies, television, and, increasingly, content available through streaming services are the mediums by which Americans are inspired and entertained. Motion pictures and television programs are also the means by which Americans are exposed to representations of life different from their own. When the entertainment industry has diverse faces in front of the camera, the viewing public sees stories that resonate with their lives and understand that these stories and experiences are valued and appreciated.

It is important, however, that we are also mindful of the power that visual media has to reinforce negative images of racial and ethnic minorities when there is inadequate representation. To be clear, it would be wrong to draw a direct connection between what is portrayed on screen and the racial divide that is reflected in society. After 250 years of slavery, 100 more years of Jim Crow, and 50 more years and counting of structural racism in our country, there is plenty of blame to go around, plenty of work to be done in all levels of government, in the board rooms, in our schools, and in our criminal justice system. And there is no doubt that the divisive rhetoric and fearmongering that emanates from the White House every day is making things worse, not better. But without accurate representation of racial and ethnic minorities in the media, negative stereotypes and tropes may be perpetuated in society, which could ultimately lead to dehumanization and demonization.

Unfortunately, studies that have reviewed diversity in the media highlight the challenges we face. In 2019, people of color accounted for only 27 percent of actors in lead roles in nearly 150 major films. While this number has almost tripled from 10-and-a-half percent in 2011, representing a significant improvement on the part of the industry, it does not match the 40 percent that minorities represent in the U.S. populations overall, which should be seen as a floor, not

a ceiling. The entertainment industry can and should do better. Talent has no race or gender. Creativity is a gift that, when matched with hard work, can lead to enormous economic and social impacts. It is incumbent on the entertainment industry to ensure that opportunities are afforded to all who wish to pursue their talents.

Studies show that the best way to improve representation in front of the camera is to have diversity behind the camera, but sufficient diversity is lacking off screen as well. Ultimately, it is the directors, writers, producers, and executive who determine what stories are told and who is featured in these stories. A lack of adequate minority representation is an industry-wide phenomenon, and there should be a collective effort to make improvements.

I appreciate that the industry is aware of the problem and now it is focused on fixing it. A number of industry leaders and groups are working together to address basic pipeline problems, and they are also focused on further diversifying the industry. For example, just earlier in this month in a positive development, the Academy of Motion Picture Arts and Sciences announced new criteria that will require, beginning in 2024, that films hoping to qualify for the Best Picture Oscars category meet specific diversity standards in front of and behind the camera. Hopefully these actions by the Academy will help set a standard going forward for all films to prioritize diversity throughout all aspects of a production.

I recognize that our discussion today comes at a time when the entertainment industry is facing an existential threat, COVID-19, which is challenging and threatening every element of its business. This disease has had a devastating economic impact across the Nation, not to mention the human toll of hundreds of thousands of lives lost. Within the entertainment industry, they have shut down theater productions in my district indefinitely, and it has dramatically curtailed film productions throughout the country. It is impacting all those who work in the motion picture industry. Particularly of concern, the pandemic is having a disproportionate impact on people of color who work in the industry and who do not have jobs that can be easily transposed to a laptop. Moreover, the pandemic is particularly impacting people of color who are women, LGBTQ, and/or disabled. Their already limited participation in jobs in the film industry has been hampered now even more.

As I have made clear throughout this crisis, I am committed to working in partnership with the entertainment industry to ensure that its economic revival is stronger than ever. As productions return to work, however, I hope the industry will take the opportunity to renew its commitment to diversity, on screen and off. I want to thank the Congressional Tri-Caucus—the Hispanic Caucus, the Black Caucus, and the Asian Pacific American Caucus—for their leadership in bringing attention to this important issue and for spurring action to address it. I look forward to hearing from our witnesses about their personal experiences and about how we can best move forward together.

I now recognize the ranking member of the Judiciary Committee, the gentleman from Ohio, Mr. Jordan, for his opening statement.

Mr. JORDAN. Thank you, Mr. Chairman. Even the media is not woke enough for the Democrats. Hollywood is not woke enough for

the Democrats. Ninety-six percent of media, their political contributions in 2016 went to Democrats, almost all of Hollywood. We will hear from a witness today who will talk about this. Almost all of Hollywood supports the Democrats, but that is not good enough. This hearing proves no one is safe from the cancel culture. No one is safe from the mob. They will come after you.

Look no further than Bari Weiss, former editor at the New York Times. Had to resign because she was engaged, as she said in her piece when she resigned, in wrongthink. Bari Weiss said this. She said this in that resignation letter: "You say something the mob doesn't like, get ready for 'the digital thunderdome.'" I don't know anyone who could say it better than that. That is what happens. You disagree with the mob, they come after you. They will come after you, and their goal is silence.

Recent survey: 62 percent of Americans say they are afraid to freely express themselves. This is the Judiciary Committee. We should remember this. You don't have a First Amendment when people are afraid to speak. You don't have free speech when only one side is allowed to talk. Think about the sports world, a subject one of our witnesses knows a little bit about. Drew Brees said stand for the Anthem. Oh my goodness, did he get attacked. James Harden wears a mask that says "Back the Blue," appropriate thing to do. Frankly, something that should have been mentioned at the outset of this hearing. Last night, two officers were shot. This is the second full hearing we have had following a tragedy where police officers are attacked, and the chairman says nothing. We should be thinking and praying for those families.

James Harden wears a "Back the Blue" mask, he gets attacked. My favorite, this is how crazy the mob gets. Mike Gundy, football coach at Oklahoma State, 15-year coach, played at Oklahoma State, goes fishing with his kids, fishing with his family, and wears the wrong tee shirt according to the mob. Wears a tee shirt that has a conservative news outlet on the front, the name of one. Oh my goodness, how dare he do that? For all we know he picked the top tee shirt on the pile that day. He has gone fishing with his family. He almost lost his job for fishing in the wrong tee shirt. That is what the mob will do. The mob never stops, political correctness has no end, and now the Democrats are pursuing this so much, they are even going after their best friends in the world, the media and Hollywood.

2019. This gets bigger. Speaking of Hollywood. 2019. China pressured the film industry to remove images of the Japanese and Taiwanese flags from a trailer for the Top Gun sequel. MGM, involved with the remake of the film, Red Dawn, altered the identities of the invading military. I am so old, I remember the first one where it was the Soviet Union. And they did this post-production, said no, no, no, can't be invading military from China. It has got to be North Korea.

The Attorney General has pointed out that many scripts likely never see the light of day because writers and producers know that they can't even test the limits. They are going to be attacked again by the mob, and today, obviously, by the Democrats, but this isn't the worst. This isn't the worst of it. Silence is not enough for the mob. This is the scariest part. It is not enough that you be quiet.

It is not enough that you can't exercise your free speech rights, your First Amendment liberties. That is not enough. They want you to agree with them. They want to force you to agree with them. You don't believe me? Go watch the videotape. Come into a restaurant. Harass you if you don't raise your fist. Harass you if you don't bend your knee. This is scary, and the idea this committee is having a hearing to foster more of it instead of to speak out against it is even more scary.

I look forward to hearing from our witnesses today. I hope the Judiciary Committee, as I have said so many times, with a storied history of protecting the Constitution, the rule of law, and the Bill of Rights will say this has got to stop. This has got to stop. And, frankly, you all had a chance. A few weeks ago, 8 weeks ago, when the Attorney General was here, he asked the chairman and the Democrats on this committee why won't you speak out against the violence, why won't you speak out against the mob, and guess what he got? Total silence. Let's speak out now. Let's speak out now. Let's say the First Amendment is sacrosanct. What is going on is wrong, plain wrong, and I think, well, certainly 62 percent of Americans understand it. It is wrong, and we shouldn't be promoting it. I yield back.

Chairman NADLER. The gentleman yields back. Without objection, all other opening statements will be included in the record.

I will now introduce today's witnesses. Erika Alexander is an actress, writer, director, producer, and entrepreneur. She is also the co-founder of Color Farm Media, an entertainment innovation and social impact company. Edward James Olmos is an Emmy Award-winning actor, producer, and director, who has appeared in a number of films and television shows throughout his distinguished career. Daniel Dae Kim is an actor, producer, and director. He is also founder and CEO of 3AD Media, a production company. Joy Villa is a songwriter, recording artist, actress, and author, who has toured the world extensively performing music. Jason Whitlock is a sportswriter, TV personality, radio host, and podcaster, currently working at OutKick Sports and Culture website. He previously worked at the Kansas City Star and Fox Sports, and founded ESPN's website, The Undefeated.

Dr. Stacy Smith is an associate professor of communications and the founder and director of the Annenberg Inclusion Initiative at the Annenberg School for Communication and Journalism at the University of Southern California. She received her Ph.D. from the University of California, Santa Barbara. Karyn Temple is senior executive vice president and global general counsel at the Motion Picture Association. Prior to joining MPA, she served more than 8 years in the U.S. Copyright Office, most recently as the register of copyrights. She received her B.A. from the University of Michigan and her J.D. from Columbia University School of Law, a wonderful School in my district.

We welcome all of our distinguished witnesses, and we thank them for their participation. Now, if you would please rise, I will begin by swearing you in.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

[A chorus of ayes.]

Chairman NADLER. Let the record show the witnesses answered in the affirmative. Thank you and please be seated.

Please note that each of your written statements will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in 5 minutes. To help you stay within that time, there is a timing light on the witness table. When the light switches from green to yellow, you have 1 minute to conclude your testimony. When the light turns red, it signals your 5 minutes have expired. For our witnesses appearing virtually, there is a timer on your screen to help you keep track of time.

I want to note that we are joined in the room by Representative Castro, the chair of the Congressional Hispanic Caucus, who has been a leader on the issues we are discussing today. Ms. Alexander, you may begin.

**TESTIMONIES OF ERIKA ALEXANDER, ACTOR/DIRECTOR/PRODUCER AND CO FOUNDER AND CHIEF EXECUTIVE OFFICER, COLOR FARM MEDIA; EDWARD JAMES OLMOS, ACTOR AND PRODUCER; DANIEL DAE KIM, ACTOR AND PRODUCER; JOY VILLA, RECORDING ARTIST, ACTOR, AND AUTHOR; JASON WHITLOCK, SPORTS JOURNALIST; STACY L. SMITH, PH.D., ASSOCIATE PROFESSOR OF COMMUNICATION AND FOUNDER AND DIRECTOR, ANNENBERG INCLUSION INITIATIVE, ANNENBERG SCHOOL OF COMMUNICATION AND JOURNALISM, UNIVERSITY OF SOUTHERN CALIFORNIA; AND KARYN A. TEMPLE, SENIOR EXECUTIVE VICE PRESIDENT AND GLOBAL GENERAL COUNSEL, MOTION PICTURE ASSOCIATION, INC.**

#### **TESTIMONY OF ERIKA ALEXANDER**

Ms. ALEXANDER. Thank you. I have been a card-carrying union member and a professional in show business for 37 years, so I'm uniquely qualified to have this discussion. I'll talk about the core tenet that guides my life and progress, that representation matters and how one's character can impact the lives and psychology of today's viewers. I'll address the big picture, and like Deep Throat, I'll tell you to follow the money.

Now, I'm a girl from Flagstaff, Arizona. My mother was a teacher. My father was an itinerant preacher. They were both orphans. They had six kids. We lived in the Twilight Hotel, a two-bedroom shack off of Route 66. Perhaps some of you know me for my television and film work on The Cosby Show, Living Single, and Get Out. I am a 2-time NAACP Best Actress winner, and I've done six plays at the Public Theater in New York City. You may know me as the producer of the recent John Lewis documentary, Good Trouble. I'm proud to be a working actor, proud to have made my living in entertainment, but I'm one of the lucky ones. For too long, people of color, women, LGBTQ people, people with disabilities were not represented in mainstream media, and if they were, it was through harmful stereotypes.

Media images have power, power to shape opinion and lives for good or ill. I know firsthand that representation matters because of what I call the Maxine Shaw effect. The character of Maxine

Shaw, the lawyer that I portrayed on the hit television series, *Living Single*, has inspired thousands of people to pursue education and careers in law and politics. The character even inspired Stacey Abrams and your esteemed colleague, Congresswoman Ayanna Pressley. Maxine Shaw, a groundbreaking fictional black character, inspired trailblazing, real-life black achievers. And when we say representation matters, we don't just mean on screen, but behind the camera, in the trades, in the departments, and most importantly, in the room where it happens, where decisions are made.

Let's talk about the big picture for a second. I've seen and experienced structural racism and discrimination that is part of the unwritten fabric of Hollywood when a television show can have only so many black characters before it becomes a black show and is relegated to the cultural ghetto. That's structural racism. When executives' presumed prejudices lead to the casting of only white or light-skinned black actresses in shows or films that need to make part of their profits overseas, that's structural racism, even though we live in an increasingly diverse world.

Here's my experience as a dark-skinned black actress. Certain doors would never be open to me, no matter my accomplishments. When I was young, I would never be cast as an ingenue like my white age peers when I starred for 5 years on the hit network comedy, *Living Single*. My pay and that of my co-stars was only a small fraction of what our white counterparts were making on *Friends* from the same studio. My friend, Viola Davis, put it well in a 2008 interview with *Porter Magazine*: "If Caucasian women are getting 50 percent of what men are being paid, we're not even getting a quarter of what white women are getting paid."

Frustrated with the opportunities available, I expanded my skill set and taught myself how to write and to create my own entertainment properties, but here, too, I encountered structural racism. I created a science fiction film and pitched it around town. I was dismayed and disheartened when a white male studio head told me I was wasting my time, that black people don't like science fiction because they don't see themselves in the future. He's saying this to me, a daughter of the people who created jazz, rock and roll, and hip-hop. We are the original futurists in American culture, but this well-paid white gatekeeper was telling me he knew better.

And I meet those same people in talent agencies and management companies that set the tone for the town and set the value and the price of my work. If you want to see what and who Hollywood values, follow the money. Yes, there's been some change. Yes, *Black Panther*, *Hamilton*, and *Crazy Rich Asians* made a lot of money. Talk about one of the lucky ones. But for every extraordinary exception like that, there are hundreds more mediocre films with white casts that get greenlit, filmed, marketed, and awarded each year. The lack of diversity in the executive suite leads to this ongoing pandemic of exclusion on the cultural stage.

Well, the one super villain *Black Panther* would not defeat is the racist infrastructure of this industry, so the hero we need is us, we the people, and to address this complex issue, it will take more than a village. It will take a Nation. The government should incentivize companies to support and fund marginalized content creators, though artists and entertainers have been vilified as ev-

everything from radicals to spoiled babies. What we really are small businesspeople who make America's number one export and key soft power in the world, entertainment. I say support minority small businesses.

What we've done, I created Color Farm Media, a company dedicated to finding new voices. We call ourselves the Motown of film, television, and tech. Our goal is to rebrand blackness. It's why we made the John Lewis documentary, *Good Trouble*, why I'm making a film about the legendary Boys Choir of Harlem, and why I'm directing a documentary about reparations. The seeds of the future are planted in the stories of today where only certain stories are told, only certain lives matter. Going forward, diversity and true representation in our stories, in our entertainment will ensure that black lives matter, too. Thank you very much.

[The statement of Ms. Alexander follows:]



Erika Alexander's Official Testimony for House Committee on the Judiciary  
Chairman Jerrold Nadler  
Hearing: Diversity in America: The Representation of People of Color in the Media

Thursday, September 24, 2020

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Thank you for the opportunity to address this committee about one of the most important discussions in America today, **"diversity in the entertainment industry and the ways people inside and outside the industry can and have worked to address this issue."**

- I've been a card carrying union member and a professional in show business for 37 years, so I'm uniquely qualified to have this discussion.
- I'll also talk about the core tenet that guides my life and progress: that "Representation Matters" and that the **impact that one character can have** on the lives and psychology of today's viewers is tremendous.
- I'll address the "big picture."
- And, like Deep Throat, I'll tell you to follow the money.

Now, I'm a girl from Flagstaff, Arizona. My mother was a teacher. My father was an itinerant preacher. They were both orphans. They had six kids. We lived in the Starlite hotel's two-bedroom shack, off Route 66. So of course, I expected to testify before congress. ;)

But seriously folks, perhaps some of you know me from my television work on *The Cosby Show* as Cousin Pam or as Maxine Shaw on *Living Single*. Maybe you know me from Oscar-winning film *Get Out*, or *Wutang: An American Saga*. I am a two-time, NAACP Best Actress winner. I've traveled with The Royal Shakespeare Company and done six plays at the Public Theater in New York City. You may even know me as the Producer of the recent John Lewis documentary, *Good Trouble*. I'm proud to be a working actor, proud to have made my living in entertainment, but I'm one of the lucky ones.

For too long, people of color, women, LGBTQ people, people with disabilities were not represented in mainstream media, or if they were, it was through harmful stereotypes. Media images have power, power to shape opinion and lives, for good or for ill.

**That's why Representation Matters.** We know this qualitatively and also through quantitative research from the Geena Davis Institute on Gender in Media.

**I know first-hand that representation matters** because of what I call the "[Maxine Shaw Effect](#)." The character of Maxine Shaw, the lawyer that I portrayed on the hit television series *Living Single* has inspired thousands of people to pursue education and careers in law and politics. The character even inspired Stacey Abrams and your esteemed colleague, Congresswoman Ayanna Pressley. These phenomenal women, and countless everyday people, have told me that the character of Maxine Shaw inspired them to pursue the law. They tell me that the only Black female attorney they saw growing up, that resonated with them, was Maxine Shaw. A ground-breaking fictional Black character inspired trail-blazing, real-life Black achievers.

And when we say **representation matters**, we don't just mean on-screen, but behind the camera, in the trades, in the departments, and most importantly in "the room where it happens," where decisions are made.

Let's talk about the Big Picture for a second. I have seen and experienced the structural racism and discrimination that is part of the unwritten fabric of Hollywood. When a television show can only have so many Black characters before it becomes a "Black show," and is relegated to the cultural ghetto, that's structural racism. When a certain foreign country's (China's) presumed prejudices lead to the casting of only light-skinned Black actresses in shows or films that need to make part of their profit there, that's structural racism. Most crucially, since we know that representation matters, when the faces and body types we see represented in film and television are selected and cast by a largely white executive cadre, the baked-in biases of yesterday persist, though we live in an increasingly diverse world.

Here's my experience: As a dark-skinned, Black actress, certain doors would never be open to me, no matter my accomplishments. When I was young I would never be cast as an ingenue like my white age peers. When I starred, for five years, on a hit network comedy, *Living Single*, my pay and that of my costars was only a small fraction of what our white counterparts were making on *Friends*, from the same studio.

I mentioned that I was "one of the lucky ones." Here I was, a "success" by some lights, and yet I was having a hard time making a living.

My friend, Viola Davis put it well in a 2018 [interview with Porter](#) magazine: "If Caucasian women are getting 50 percent of what men are getting paid, we're not even getting a quarter of what white women are getting paid."

Frustrated with the opportunities available, I had to expand my skill set and I taught myself how to write, to create *my own* entertainment properties, but here too, I encountered structural racism. I created a science fiction film and pitched it around town. I was dismayed and disheartened when a white male studio head told me I was wasting my time, that "Black people

don't like science fiction," because they "don't see themselves in the future." He's saying this to me, a daughter of the people who created jazz, rock and roll, hip hop. We *are* the original futurists in American culture, but this well-paid white gatekeeper was telling me he knew better, and I meet those same people in the talent agencies and management companies that set the tone for the town, and set the value and the price of my work.

That's the last thing I want to address: If you want to see what and who Hollywood values, follow the money. Yes, there has been some change, yes, *Black Panther*, *Hamilton* and *Crazy Rich Asians* made a lot of money, talk about "one of the lucky ones," but for every extraordinary exception like that, there are hundreds of mediocre films with white casts that get greenlit, filmed, marketed and awarded each year. The lack of diversity in the executive suite leads to this ongoing pandemic of exclusion on the cultural stage.

What would I suggest to remedy this state of affairs?

Well, the one super villain black panther would not defeat is the racist infrastructure of this industry. So the hero we need is us. We the people. And to address this complex issue it will take more than a village, it will take a nation.

The government should incentivize companies to support and fund marginalized content creators. Though artists and entertainers have been vilified as everything from radicals to spoiled babies, what we really are is small business people who make America's number one export and key to our soft power in the world, entertainment. I say, support minority small businesses.

Here's what I've done: I created Color Farm Media, a company dedicated to finding new voices. We call ourselves the "Motown of film, television and tech." Our goal is to rebrand Blackness. It's why we made the John Lewis documentary *Good Trouble*, why I'm making a film about the legendary Boys Choir of Harlem, and why I'm directing a documentary about reparations.

**The seeds of the future are planted in the stories of today.** If only certain stories are told, only certain lives matter. Going forward, diversity and true representation in our stories, in our entertainment will ensure that Black Lives Matter, too.

Thank you very much.

Erika Alexander  
Co-Founder & Chief Creative Officer  
Color Farm Media

**Supplemental Materials**

- USC Annenberg Inclusion Initiative: <https://annenberg.usc.edu/research/aii>
  - Report: Inequality in 1,200 Popular Films
- UCLA Hollywood Diversity Report 2020:  
<https://socialsciences.ucla.edu/hollywood-diversity-report-2020/>
  - Report: Diversity Report 2020
- CAA Diversity Study:  
<https://www.latimes.com/entertainment/movies/la-et-mn-caa-diversity-study-exclusive-20170622-story.html>
- Two in Three Black Americans Don't Feel Properly Represented in Media (Study):  
<https://variety.com/2020/tv/news/representation-matters-study-nrg-black-americans-media-1234772025/>

Chairman NADLER. Thank you. Mr. Olmos.

[No response.]

Chairman NADLER. Mr. Olmos, you may want to unmute.

Mr. OLMOS. I am on mute. I am waiting for the video.

Chairman NADLER. You got it. You are okay now.

Mr. OLMOS. Yes. Can you please play the video?

Chairman NADLER. Oh.

#### TESTIMONY OF EDWARD JAMES OLMOS

[Video shown.]

Mr. OLMOS. Self-esteem, self-respect, and self-worth is what we're talking about here today. I think Ernesto said it best: it's not the answer that illuminates, it's the question. The question is diversity in America, the representation of people of color in the media. It still does not exist. You got to remember, we're talking about the single most important art form that humans have ever created. Nothing attacks the subconscious mind more. You sit down in front of a theater screen with a dark room and you sit with stereo sound around you with no peripheral vision, everything goes into the subconscious, everything, and it stays there. And I'll tell you right now, if you don't think it affects you, try going out after seeing Jaws and jump in the water on the beach.

Now, the situation is this. I played this because collaboration, communication, critical thinking, and creativity is what makes us who we are and builds self-esteem and self-respect. So do the images that we see. Now, the problem with the United States film industry and the industry in general is that it has a habit of not allowing certain stories to be told because they don't make enough money they say. But really, in essence, they are trying to do things that are actually stifling the diversity in this country.

For instance, I ask anybody in this room, especially you congressmen here, listen. Name me one American of Mexican descent, Medal of Honor winner that you have ever seen portrayed on the screen in the United States of America on a film. You can't. Why? Because there's never been one. The closest we ever got really was a Silver Star recipient, Guy Gabaldon. All I can tell you is this: Guy, what he did, he was called the pied piper of Saipan. Now, what he did, he brought in 1,500 Japanese to surrender during the attack on Saipan. He brought them in by himself without any weapons. He talked them in and brought him in. He got a Silver Star. Now, the funny thing is, Sergeant Alvin York in World War I did 10 times less than what he did in bringing in a surrendering enemy, and he got a Medal of Honor. You start to see what I'm talking about.

But guess what? A Guy Gabaldon movie was made in 1960, and the person who played him was Jeffrey Hunter. We got hit again just most recently with Argo when one of our great, great heroes, CIA agent Tony Mendez, was portrayed. And guess what? No one even knew that he was Latino because the actor/director, great actor, great director, decided that I guess he could get more money to make the movie if he used himself as the actor, even though I think the director and the fact that he was using one of the great, great script writers, ended up saying to him flat out. I mean, they ended up making this movie, and what ended up happening is they

had the best film of the year. But why couldn't he have put in someone like Michael Pena, Andy Garcia, Jimmy Smits, Benjamin Bratt, one of the many, many great artists that we have, in the leading role and allowed that situation to happen?

I got to say right now, we have a future, and the future is understanding that diversity is the key, and we're not doing it.

[The statement of Mr. Olmos follows.]

**Statement for the House Judiciary Committee Hearing  
Hearing on Diversity in America:  
The Representation of People of Color in the Media  
September 24, 2020  
EDWARD JAMES OLMOS**

Good afternoon. My name is Edward James Olmos; I am an American film, television, and theatrical actor of Mexican descent. I am a producer, screenwriter, and director of film and television. Blade Runner, Selena, Battlestar Galactica, and Miami Vice are just a few examples of my work in film and television productions. Still, my overall body of work consists of over one hundred and twenty-one films, over three hundred television shows, and the iconic role of El Pachuco in the theatrical and film production of Zoot Suit – for which I received a Tony Award nomination. I have an estimated 29 awards as an actor and some 27 nominations.

With that said, I want to tell you that I am also a storyteller – a truth-teller. Here is my truth:

In 1981, I produced and starred in a film entitled The Ballad of Gregorio Cortez, lauded as a landmark of Chicano cinema. This film depicts a Mexican American farm worker who speaks no English and is falsely accused of stealing a Texas Ranger's horse. A heated misunderstanding leads to the death of a lawman. Cortez is forced to run from the Texas Rangers. This film peels away layers of prejudice and myth surrounding Cortez, uncovering an ordinary hard-working man persecuted by the law and put on trial for murder. I drove from city-to-city in my beat-up car, promoting and screening this film free of charge to anyone who would have it (and me). I made this film because I wanted to make sure that the truth was told.

In 1979, I starred in Zoot Suit, a play written by Luis Valdez. Zoot Suit is based on the Sleepy Lagoon murder trial and the Zoot Suit Riots in Los Angeles during World War II. After a run-in with a neighboring gang, a fight ensues at a party, where a young man is murdered. Discriminated against for their zoot suit-wearing Chicano identity, twenty-two members of the 38th Street Gang, twenty-one of which were underage, are placed on trial for the murder, found guilty, and sentenced to life in San Quentin prison. Meanwhile, in Los Angeles, through the efforts of persistent lawyers and an activist-reporter, the boys win their court appeal and are set free two years after being incarcerated.

I starred in this powerful play because I felt it was a role that I could not pass up. This story needed to be told, and I thought I could add texture to the overall plot, and I wanted to make sure that the truth was told.

I am the first Mexican American to ever receive an Academy Award nomination for Best Actor for my portrayal of Jaime Escalante in *Stand and Deliver*. Escalante was a Bolivian American educator known for teaching Chicano students calculus from 1974 – 1991 at Garfield High School in East Los Angeles, California. *Stand and Deliver*, depicts how Chicano students overcame immense obstacles to pass AP Calculus tests during their senior year. The film received several Independent Spirit Awards, including for Best Male Lead, which I won., No one wanted to give us a penny to tell the story of a Bolivian man helping Chicano kids take a math test. After watching my performance, I realized what Escalante gave us, it was like catching lightning in a bottle, and we did it. We made a film about a Chicano here. *Si Se Puede! Si Se Pudo! Yes, We Can!* I helped make this film because I wanted to make sure that the truth was told.

In 1964, while in college, I took my first acting class. The discipline I learned playing baseball, and my passion for singing naturally led me to consider acting. As a young actor, I was always auditioning, but I was always rejected. So, I kept at it and studied acting under the greats.

I speak to students throughout the country to help promote the notion of taking responsibility for one's actions and one's happiness in life. I use my own "disadvantaged background" as an example of the childhood I had growing up in East Los Angeles, infamous for its gang problems. I tell the kids, "If I can do it, so can you". And I try to point them in a positive direction.

I state to you here, The Congress of the United States of America, that the entertainment industry, also known as Hollywood, does not understand diversity. I am an outspoken person. Just because there are several successful Latino actors does not mean that Latinos are making it in Hollywood. I can tell you for a fact that those same actors are not testifying before you today because they are afraid. They are afraid of being blacklisted and punished for speaking truth to power. I am not afraid. I have the truth on my side. *La pura verdad*. The word. The Constitution of the United States guarantees freedom of speech - freedom of expression, but for Latinos and other people of color in the entertainment industry, the likelihood of being retaliated against or blacklisted is a reality.

I was an outspoken person when I was a poor actor trying to find work in Hollywood, and I am still outspoken as a successful actor today. I will always be outspoken.

The bottom line is that Hollywood does not want to give us any real opportunities. They throw us a bone here and maybe one over there, but there is no real concerted effort to do anything because they do not have to, and that is also the truth.

In 1964, when I started out in the entertainment business, Latinos were less than 2 percent of all the content in television and film. Today, with 22 percent of the population, we are still less than 4 percent of all content created. We are in a worse place now.

The entertainment industry feels that if they hire one Black actor, one Latino, and one Asian American actor as extras that they have done their job. With that, they feel that they have met their diversity quotas. I say, "Shame on you. Shame on you for being lazy." The industry will argue that they are doing a better job with the overall diversity numbers, but the real facts and the statistics prove otherwise. The truth is that the lack of Latinos in Hollywood is worse than it has ever been. The actual numbers are deplorable. Look them up, and you will see for yourself.

My colleagues, Alma Martinez, and Pepe Serna are veteran actors like myself whose body of work has garnered them entry into the Academy of Motion Pictures of Arts and Sciences (AMPAS). They are voting members. They will be submitting written statements, and it is my hope that you will read their powerful words that share their personal experiences as dig deeper. We are all directed by a true storyteller, Luis Valdez, who created a troupe of actors known as El Teatro Campesino / The Theater of the Farmworker, who followed the migrant workers and Cesar Chavez. El Teatro Campesino's origins began with performances on flatbed trucks to educate farm workers on the dangers related to agricultural fieldwork.

The truth is that Latinos are not given the opportunity to tell their own stories. We recently saw the mega-success of the film "Black Panther." Where is the superhero who represents the Latino community? Where is our superhero? I tell you where our superhero is. They are working in the agricultural fields of America, making sure that America has plenty of inexpensive food to eat. That is where they are!

The film and television studios do not want to give us the opportunity to create a superhero because they are content with their belief that Latinos must be feared and kept in their place. So, they continue writing us into the stereotypical roles of pimps, prostitutes, drug addicts, drug dealers, gang bangers, bank robbers, and serial killers.

I am here to tell you that they are lazy writers, producers, and directors. They are not writing from a place of truth. They would rather write from what they know and not what they discover. They know that writing us into these stereotypical roles is a formula for success that makes money for the studios. That is what they know.

Throughout my years in the entertainment industry, I have been trying to make a movie about the life of a Mexican American real-life superhero, Roy P. Benavidez, Recipient of the Medal of Honor. In 1968, Mr. Benavidez, a staff sergeant with the Army's Special Forces, the Green Berets, heard someone yell "get us out of here" over his unit's radio while at his base in Loc Ninh, South Vietnam.

Sergeant Benavidez jumped aboard an evacuation helicopter carrying only a knife, and flew to the scene. After jumping off the helicopter, Sergeant Benavidez was hit by shrapnel from two hand-grenades and shot in the right leg, but he continued towards his fellow troops finding four dead and the others wounded.

He pulled survivors onto the helicopter, but its pilot was killed by enemy fire taking off, and the helicopter crashed and burned. Sergeant Benavidez got the troops off the burning helicopter, and over the next six hours, he organized return fire, called in airstrikes, administered morphine, and recovered classified documents. In the process, he was shot seven times, among those in the stomach and thighs, and hit by more grenade fragments. He was also bayoneted by a North Vietnamese soldier, whom he killed with his knife. At the end of the ordeal, he shot two enemy soldiers as he dragged the survivors aboard another evacuation helicopter.

Can you believe that Roy P. Benavidez, a former Green Beret sergeant who received the Medal of Honor from President Ronald Reagan for heroism while wounded in the Vietnam War, had to also fight to keep the Government from cutting off his disability benefits?

You see, Hollywood does not want to make a movie about the life of a real-life superhero who happens to be Mexican American. They want to make movies like Wonder Woman, Batman, and Avengers. These blockbuster films never include a Latino.

I'm very grateful that I've been able to do the movies I've been able to do in my lifetime, but I will say it's been a really difficult time to understand or accept why more Latino-led stories have not been produced.

Still, I say to all my brothers and sisters in Hollywood to never give up pursuing your dream of making it in Hollywood. Tell your stories and have the courage to use your voice.

White Hollywood does not want to tell the real stories of Latinos. Our stories of success do not stand up to the reality of the myth and the preconceived notions that they have of us. So, it is up to us to tell our own stories. And we will.

I am here to stress the importance of quality education and arts in education. I encourage you all to champion funding that helps students become our future storytellers.

I have served as an ambassador for UNICEF, and I have received numerous citations for my work as an activist. Yes, I am an actor, but I would rather be known as an activist, and here is why: The children are our future.

I devote much of my time to causes, particularly those focusing on the needs and rights of children. I make, on average, some 150 personal appearances each year to places where I can reach kids at risk: juvenile halls, detention centers, boys/girls clubs, schools. Anywhere I can get across my message that "we all have a choice" about where life takes us.

I am particularly proud of my work in The Youth Cinema Project (YCP), which helps to teach young students resilience and to become real-world problem-solvers. YCP bridges the achievement and opportunity gaps by creating lifelong learners and the entertainment industry's multicultural future.

Our curriculum is aligned with English and VAPA Standard to help close the Achievement Gap. Every student, no matter his or her academic background, writes from experience, learns the value of their voice, and promotes their ideas, verbally and in writing. Our young filmmakers learn graduate-level concepts and

decide how to apply them to their films while collaborating and problem-solving with their peers. YCP is not a classroom exercise in which students pretend to be filmmakers. Every Youth Cinema Project student is a filmmaker. Banking on students is one of the solutions.

I still find it incredible that we still use the word race as a cultural determinant, out of our need to differentiate one another. It is also incredible that film and television studios and theatrical companies strongly resist telling the story of the American Latino.

In the sci-fi television program, *Battlestar Galactica*, I played the role of Admiral William Adama. The Admiral was known for proclaiming, "So say we all!! I ask you, "Whatever happened to the human race? Are we not all part of the human race?" So say we all - We are all part of the human race. So say we all.

Chairman NADLER. Thank you very much. We will now hear from Daniel Dae Kim.

**TESTIMONY OF DANIEL DAE KIM**

Mr. KIM. Thank you, Mr. Chairman, Ranking Member Jordan, and members of the Judiciary Committee. It is a pleasure to be here with you today, but to be honest, when I was approached to be a part of this hearing, I initially declined. I thought, why do we need to have a hearing about the importance of diversity in media? It seems self-evident that from its creation, America as we know it has been built on the principles of freedom: freedom of religion, freedom from tyranny, freedom of speech.

In fact, the very words inscribed at the base of the Statue of Liberty echo the resounding power of these ideas: “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me. I lift my lamp beside the golden door.” Now, these words signify freedom and safe harbor to all who have suffered, regardless of from where they came. Nowhere does it specify that these ideals only apply to those who are white, or male, or Catholic, or heterosexual.

Almost by definition, they are an invitation to diversity: diversity of thought and diversity of people. So I thought, why would Congress need to hear from me on this subject? And then I remembered House Resolution 908, passed just this past Friday. I’m sure you all recall it. It was a bill that simply asked you to condemn and denounce anti-Asian sentiment, racism, discrimination, and religious intolerance related to COVID-19. To me, that was a no-brainer. Who wouldn’t support condemning racism in 2020, a full 50 years after the Civil Rights Movement? But as I looked at the roll call, I saw that 164 representatives in the House voted against it. That’s more than a third of the members of Congress, and more than 80 percent of the Republican members of the House, including some of you watching right now, that could not simply say that anti-Asian sentiment is wrong and should be condemned.

Now, you may ask yourself, what does anti-Asian sentiment have to do with representation and diversity in media? Well, as one of my favorite artists, Jenny Holzer says, “All things are delicately interconnected.” The media has always been a reflection of our values and culture. From the early days of television and the popularity of shows like Dick Van Dyke, The Ed Sullivan Show, and Leave it to Beaver, we got a glimpse into what it meant to be American in the 50s. They were clean-cut times when the biggest problem for our hero was being the only boy invited to a girl’s birthday party. Now, that’s an actual storyline, by the way. Now, one look at how different programming is today is a simple reminder of how much our society has changed. A show like Breaking Bad or Atlanta or Ramy would hardly make sense in the context of America in the 50s.

Now, another way that our storytelling has changed is the perspective from which our stories are told. In the 60s, all we had to say was, “Look, up in the sky, it’s a bird, it’s a plane,” to know that our hero was coming to save the day, a hero that was inevitably white. In fact, he was so white that even though he was actually

an alien from a planet 27 light years away, he was able to fool everyone into thinking he was actually from Kansas. But things are changing, and now one of the growing number of exceptions to that rule also happens to be America's highest-grossing superhero film of all time, *Black Panther*, a film with African-American leads, African-American heroes.

Rethinking the paradigm to encourage diversity is one of the primary reasons I created my own production company. I believe that we as creators and producers must work to create fully-realized characters from all places and backgrounds, and showcase them in stories where they can lead, be heroes, be complex or, in some cases, just be simple slice-of-life folks, like the *Cleavers*. It's my belief that the diversity that has made this country great can and should be reflected in our entertainment in front of and behind the camera.

I do have a confession to make, though. Like Ranking Member Jordan, I can't wait for the day that we no longer have to have hearings like this about diversity. I can't wait for the day that people can say, can you believe there was a time where people thought all Latino-Americans were illegal immigrants, or that all Muslims are terrorists, or that black lives didn't matter; to have so many different portrayals of races that as Martin Luther King so eloquently put it, "People can be judged by the content of their character and not the color of their skin." I would also add to that, not who they love, not which God they worship, or what disability may have. Perhaps then when a bill like 908 comes up, our elected representatives can unanimously show empathy and support for Asian-Americans, who, according to a recent report, had been victims of more than 2,800 acts of discrimination just since March.

I look forward to the future when hate crimes and racism become nothing more than a relic from a shameful past. Proper representation in the media is one of the most powerful ways we can make that future a reality. Thank you.

[The statement of Mr. Kim follows:]

To be honest, when I was approached to be a part of this hearing, I initially declined. I thought “Why do we need to have a hearing on the importance of diversity? It seems self evident that from its creation, America as we know it has been built on the principles of freedom. Freedom of religion, freedom from tyranny and freedom of speech. In fact the very words inscribed at the at the base of the Statue of Liberty echo with the resounding power of these ideas:

*Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!*

These words signify freedom and safe harbor to all who have suffered, regardless of from where they came. Nowhere does it specify that these ideas only apply to those who are white, or male, or Catholic, or heterosexual. Almost by definition, they are an invitation to diversity – diversity of thought and diversity of people.

So I thought, there’s no need for me to express my thoughts on the subject.

Then I thought of House Resolution 908, passed just this past Friday. I’m sure you all recall it. It was a bill that simply asked to condemn and denounce anti-Asian sentiment, racism, discrimination, and religious intolerance related to COVID-19. To me, it was a no-brainer. Who wouldn’t support condemning racism in 2020, a full 50 years after the Civil Rights Movement?

But as I looked at the roll call, I saw that 164 representatives in the House voted against it. That’s more than a third of the members of Congress, and more than 80% of the Republican members of the House, - including many of you watching me right now - that could not simply say that Anti-Asian sentiment is wrong and should be condemned.

That was all the reason I needed to rethink my decision, and it’s why I am here before you today.

Now you may ask yourself, what does Anti-Asian sentiment have to do with representation and diversity in media? The short answer is that the two are inextricably intertwined.

The media has always been a reflection of our values and culture. From the early days of television and the popularity of shows like “Dick Van Dyke,” “Ed Sullivan Show,” and “Leave it to Beaver” we got a glimpse into what it meant to be American in the 50’s. Clean cut times when the biggest problem for our hero was being the only boy invited to a girls birthday party (an actual storyline, btw). One look at how different programming is today is a simple reminder of how much our society has changed. A show like “Breaking Bad” or “Atlanta” would hardly make sense in the context of America in the 50’s.

Another way that our storytelling has changed from those times is in those who are telling the stories. Where in the 50's all we had to say was "Look! Up in the sky! It's a bird, it's a plane!" and you know the rest... we would expect to see our hero, who was white, as were most of our heroes, the and now. In fact he was so white that though he was an alien from a planet 27 light years away, he was able to convince everyone that he actually grew up in Kansas! But today one of the exception to that rule also happens to be America's highest grossing Superhero film of all time: Black Panther. A film set in a fictitious country in Africa with African American leads.

Which leads me to my next point. Not only does representation in media reflect the culture of its times, but it also helps shape its values. In the same way that cigarettes are essentially a nicotine delivery system, so is our media a Value delivery system. And that is a responsibility. One that I believe all of us who are producers and creators must take seriously. As a delivery system for values, it is essential that we foster the principles upon which America is built; one of which is that all men are created equal.

Our programming must reflect this. Rather than reinforcing and let's face it, CREATING stereotypes – let's think about that for a minute: how many times have you, esteemed members of Congress, remember something you saw on film or television, maybe as a kid, and asked "Are people like that in real life?" Perhaps watched a Bruce Lee movie and asked yourself if all Asian people know Kung Fu? Or watched Annie Hall and asked do all Californians eat alfalfa sprouts and plates of mashed yeast? Maybe not as a grownup, but it's very possible that it happened when you were a kid and entertainment was your primary passport to the world.

I know that when I was a kid, who I saw on screen shaped my perceptions, and I also know I was, and still am, a victim, of stereotyping, based on the way media has portrayed people of color.

Counteracting those misperceptions is one of the primary reasons I created my own production company. I believe that we must work to create fully realized characters from all places and backgrounds, and showcase them in stories where they can lead, be heroes, be complex, or in some cases, just be simple slice-of-life folks like the Cleavers. Because after all, if you believe that there good people everywhere around the world, then it is important that our media reflect them and that notion.

To be clear, I can't wait for the day that we no longer have to have hearings like this about diversity. I can't wait to for people to say "Can you believe there was a time when people thought all Latino-Americans were illegal immigrants, or that all Muslims were terrorists?" That is the goal, to have so many different portrayals of all races and religions that, as Martin Luther King so eloquently put it, people be judged by "the content of their character," not "the color of their skin."

But we're not there yet. No doubt that you about to be bombarded by statistics that will all reinforce my point, but beyond just the numbers is the stark reality that if you believe that in America, "All men -and women- are created equal, we must continue to do our very best send that message through our media – both entertainment and news – and also acknowledge that diversity is what continues to make America, like Lady Liberty herself, a beacon for the world.

Perhaps then when a bill like 908 comes up, every one of our elected representatives can unanimously show empathy for those who are being mistreated, instead of an embarrassingly high number choosing to see Asian Americans as invisible and ignoring an issue that, like so many others in our society today, occurs on a daily basis and yet, is willfully ignored.

Better yet, what I ultimately hope for is the day when there really isn't a need for a resolution like this at all because hate crimes become nothing more than a relic from a shameful past. Proper representation in the media is one of the most powerful ways we can make that future a reality.

Thank you.

Chairman NADLER. Thank you. Ms. Villa.

**TESTIMONY OF JOY VILLA**

Ms. VILLA. Mr. Chairman, ranking members, and members of this committee, thank you for inviting me to speak. My name is Joy Villa. I'm a number-one Billboard artist, actress, and conservative actress. I've lived with and dealt with this topic for my entire life. I've never taken a day off from being a woman of color. I'm the author of *Kickass Conservative*. I produced it and starred in a new film. I've toured over 35 countries, and I proudly support President Donald J. Trump and the sovereignty of the American people. I'm mixed race. I'm black, Choctaw Native-American on my mother's side, and I'm Italian and Argentinian on my father's side. I'm extremely proud of my diverse background. I strongly believe in and have fought for diversity. Many of my peers in Hollywood and media proudly promote diversity of race, background, heritage, sexuality, religion, and culture, as they should.

The Academy of Motion Picture Arts and Sciences wants to mandate diversity in the Oscars nomination process. This is wrong. I would like to be hired for the role because I'm the best person for the job, not because my color or gender checks a mandated box. That's tokenism. Until I came out as a Trump supporter by wearing a fabulous Make America Great Again dress to the Grammys 4 years ago, I'd never been blacklisted. Back in 2015, talk show host, Jimmy Kimmel, talked favorably with Kelly Osbourne about one of my red carpet gowns. This was before I was a conservative. In 2018, Ava DuVernay, the celebrated black filmmaker who said she wants to use more black actresses in her films and have more diversity, blocked me on Twitter. I was blacklisted from industry events. I was not welcome on talk shows. I was not included in pop culture magazines or publications unless as the butt of a joke.

Rolling Stone magazine told my publicist they would not write about me because of my politics. One casting director called me "that Trump bitch." I've been called a race traitor and Uncle Tom, Aunt Jemima, house nigger, slave, been told to go back to Africa, told to straighten my nappy hair, called a puta Negra—that is "black bitch"—that I should be deported. And even worse, I've had threats against my life and my family's lives. These remarks come only from the so-called tolerant left, who preach that they want diversity. To be clear, this did not happen because I'm black, or because I'm Latina, or because I'm a woman. It happened because I'm openly conservative.

Hollywood is a monopoly right now. There are six major studios, and none to my knowledge are committed to diversity of thought. The big six are comprised of motion picture conglomerates 20th Century Fox, Paramount Pictures, Warner Brothers, Universal Pictures, Columbia Pictures, and Walt Disney Studios, and they account for over 83 percent of the North American market share, bringing in billions of dollars of revenue each year. What happened to me is discrimination. They don't like pro-Trumpers, pro-America, pro-life, or pro-God. They want to shut down, keep out, and crush any type of diversity because it makes them uncomfortable. They're taking that discomfort and actively, openly discriminating against people in the workplace.

This hearing is meaningless and benign if it doesn't also address the active canceling of diverse voices going on right now. Yes, we need racial and ethnic diversity, and representation matters, but diversity is not only about color, gender, or how able bodied someone is or isn't. We need to stop the discrimination against political affiliation. It's dangerous, it's destructive, and it's grounded in emotion and fear, not facts. Just as we have protected classes in our country under Federal law for race, color, national origin, religion, sex, age, sexuality, and disability, it's time to include political affiliations.

Congress has an opportunity to be a watchdog and to set the tone. I'm an American first and foremost. I'm proud of our country, and I want to see it thrive. I want to see it protected for future generations as well. I implore Congress to act now by expanding the Civil Rights Act of 1964 to include political affiliation as a protected class. Media companies that agree in writing not to discriminate based on political leanings could be offered certain advantages such as tax breaks. This is about protecting all Americans, no matter who they are, where they live, or what kind of work they do, and no matter how loud or quiet their voices are.

The First Amendment gives us the freedom of association. I strongly believe that that includes the right to freely associate with the political party of one's choosing. Political bigotry is silencing the voices of Americans. Thank you.

[The statement of Ms. Villa follows:]

JOY VILLA

STATEMENT TO HOUSE JUDICIARY COMMITTEE  
RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.  
SEPTEMBER 24, 2020

Mr. Chairman, Ranking Member, and Members of This Committee: Thank you for inviting me to speak on **“diversity and the representation of people of color in the media.”**

I’ve lived with and dealt with this topic for my entire life — I’ve never taken a day off from being a woman of color. I’m glad to be able to share my unique perspectives with you.

**My name is Joy Villa. I’m a #1 Billboard artist, actress, and conservative activist.** I’m the author of “Kickass Conservative!” which recently became an Amazon bestseller. I’ve spoken at hundreds of venues across our country, I’ve toured over 35 countries and I support President Donald J. Trump and the sovereignty of the American people.

I’m mixed race. I’m Black and Choctaw Native-American on my mother’s side. I’m Italian and Argentinian on my father’s side.

I’m extremely proud of my diverse background — I believe in diversity. Our diversity is one of the great strengths of America. Many people in Hollywood and in the media proudly promote diversity of race, background, heritage, sexuality, religion and culture, as they should. Our differences make us stronger overall.

But the Academy of Motion Picture Arts and Sciences wants to **MANDATE** diversity in the Oscars nomination process — which is wrong. That’s **forcing** nationality and background into hiring decisions **OVER** someone’s ability and talent for the job at hand.

**Until I came out as a Trump supporter by wearing a fabulous Make America Great Again dress to the Grammys 4 years ago, I had never been blacklisted—**

Yet as soon as I began sharing my conservative beliefs and my support for President Trump, I noticed a social chill.

Back in 2015, talk show host Jimmy Kimmel talked favorably with Kelly Osbourne about one of my red-carpet gowns. This was **before** I was conservative.

Ava DuVernay, the celebrated black filmmaker who said she wants to use more black actresses in her films and have more diversity, blocked me on Twitter.

I was **disinvited** to casting round tables. I was blacklisted from industry events. I was not welcome on most talk shows. I was not included in pop-culture magazines or publications — unless as the butt of jokes. Rolling Stone Magazine told my publicist that they would not write about me **because of my politics.**

One casting director called me “that Trump bitch”. I’ve been called a race traitor, an Uncle Tom, Aunt Jemima, house nigger, slave, been told to go back to Africa, told to straighten my nappy hair, puta negra, that I should be deported, and even worse I’ve had threats against my life and my family’s lives.

These remarks come only from the so-called “tolerant left” who preach that they want diversity.

Yes, I was “cancelled.”

To be clear, this didn’t happen because I’m Black. Or because I’m Latina. Or because I’m a woman.

**It happened because I’m openly POLITICALLY CONSERVATIVE.**

I’m going to be blunt: what happened to me is **discrimination against my political beliefs**. They don’t like pro-Trumpers. “pro-America.” “pro-life.” or “pro-God.” And many people in Hollywood and the media want to **shut down, keep out — and crush** this type of diversity because it makes them uncomfortable.

They’re taking that discomfort and actively, openly **discriminating against people in the workplace**.

I would like to be hired for a role because I’m the best person for the job. **NOT** because my color or gender checks a mandated box. **NO**. That’s tokenism. **I and other professionals in entertainment and media should be hired for our abilities, not our melanin.**

**We want to feed our families. We want to pay our bills and thrive in the profession we love. We want equal protection.**

Yes, we need racial and ethnic diversity and representation matters. But “diversity” is **not only** about color, gender, or how able-bodied someone is or isn’t. That reduces people to their physicality, to the bodies they were born into — **something they didn’t have a choice about. But each of us is exquisitely more than that.**

There’s **an active cancelling** of diverse voices going on right now. It’s dangerous. It’s destructive.

It’s grounded in emotion and in fear — not facts.

**So what can Congress do about “cancel culture” in the entertainment and media worlds** — and the backlash against those who lean a certain way politically?

**We need to stop the discrimination against political affiliation. Just as we have protected classes in our country under federal law — for race, color, national origin, religion, sex, age, and disability — It's time to include political affiliations.**

Congress has an opportunity to be a watchdog and to set the tone. Employers in Hollywood and the larger entertainment field should not discriminate based on political leanings.

We need fair and equal hiring practices, just as we do with other protected classes. A person's political beliefs have ***nothing to do with*** how they're going to be able to sing, or act, or perform.

I'm an American, first and foremost. I'm proud of our country, and I want to see it thrive. I want to protect it for future generations as well.

Our speech is protected by the First Amendment. ***It should be protected from discrimination in hiring practices, too.***

Let me add that Hollywood is basically a monopoly right now. There are six major studios — and ***none, to my knowledge, are committed to diversity of thought in terms of welcoming conservatives with open arms.*** "The Big Six" are comprised of motion picture conglomerates 20th Century Fox, Paramount Pictures, Warner Bros., Universal Pictures, Columbia Pictures, and Walt Disney Studios — and they account for over 83 percent of the North American market share, bringing in billions of dollars in revenue each year, according to Statista.

They all are the setting the tone, and that tone doesn't sing the song of diversity.

I implore congress to act now by expanding the civil rights act of 1964 to include Political Affiliation as a protected class.

Media companies that ***agree in writing not to discriminate based on political leanings could be offered certain advantages, such as tax breaks.***

This is about protecting not just Conservatives — ***it's about protecting all Americans***, no matter who they are, where they live, or what kind of work they do. ***And no matter how loud, or quiet, their voices are.***

***We are one country with many voices.***

***And each of us deserves a fighting chance to succeed!***

The 1st amendment gives us the freedom of association. I strongly believe that that includes the right to freely associate with the political party of one's choosing.

Political bigotry is silencing the voices of Americans.

Chairman NADLER. Thank you. Mr. Whitlock.

### TESTIMONY OF JASON WHITLOCK

Mr. WHITLOCK. Good afternoon. I'd like to begin by thanking Representative Jim Jordan and his staff for the opportunity to speak today on a topic central to my life's work and mission: diversity in the media. My name is Jason Whitlock. I'm a partner and content creator at OutKick.com, a media platform with the mission of creating a fearless culture in support of sports, masculinity, and free speech.

Before taking an ownership stake in OutKick, I was a well-known sports columnist for the Kansas City Star and a personality and host at ESPN and Fox Sports. My written work has also been published at Playboy magazine, the Huffington Post, The Wall Street Journal, The New York Times, and at Fox News. In the last decade, I was involved in a journalism project, ESPN's The Undefeated, and a television project, Fox Sports talk show, Speak for Yourself, designed to elevate, develop, and support black content creators. Today's topic is not an issue I've paid lip service to. I've lived it. I'm humbled and honored to have a voice worthy of being heard before this audience at this time in American history.

Thomas Jefferson rightly argued that he would rather have newspapers without government than government without newspapers. Jefferson made clear in our Declaration of Independence that he believed in the power of self-evident truth, and he knew that journalism was a primary tool to make truth self-evident. A journalistic search for truth forced America to deal with the founding principle Jefferson spelled out: "All men are created equal and endowed by their Creator with certain unalienable rights." Today, across this country, we hear protesters, rioters, and anarchists in our streets chanting, "No justice, no peace." They say they are doing this on behalf of black lives. They have aligned justice with the threat of violence. Justice's true ally is truth, not war. Truth precedes justice. No truth, no justice.

The racial justice so many people say they're clamoring for cannot be one absent of truth. The healthy diversity that so many people say they want reflected in the media cannot be built on false narratives and outright lies. We are here today to discuss diversity and its ability to make our Union more perfect. We can't get there without first discussing our abandonment of truth. No truth, no justice. What is standing in the way of truth and, therefore, standing in the way of holistic diversity? Big Tech and Silicon Valley's hijacking of journalism. Google, Facebook, Twitter, Instagram, and YouTube made race clickbait the gold standard of American journalism. They are the stewards of fake news.

When I graduated from Ball State University in 1990, the journalism industry catered to New York liberalism. Thirty years later, the industry caters to Northern California radicalism and groupthink. Producing work that triggers algorithms that lead to likes, retweets, and follows is the mandate enforced by media executives. Social media has transformed the mainstream media, turning seekers of truth into seekers of influence. It's had the same impact on athletes. They are no longer role models. They're influence peddlers. LeBron James, a basketball prodigy with more than

80 million social media followers, has more influence over news coverage than any single journalist. He is our Walter Cronkite. Colin Kaepernick and athletes across professional sports have forced the NFL and NBA to promote the false narrative that there is a pandemic of police brutality sweeping America's black communities. Facts do not support this narrative.

I say that having lost a cousin that I helped raise to what me and my family believed was an abuse of force by law enforcement in 2012. The outrage and pain that so many claim they feel over Breonna Taylor's tragic death in Louisville, I know firsthand. A picture of my cousin sits in my living room. Every day I look at Anton Butler's face. Indianapolis sheriffs tasered him to death in the rain. There will be no justice for my cousin or anyone until the American media refocuses on a search for truth, and the truth is, as it relates to the mainstream media, the diversity we're lacking right now isn't racial. We lack the resolve to follow the truth, wherever it leads.

Big Tech eliminated the search for truth. Big Tech installed athletes, celebrities, and rigged algorithms as journalists. The media has always leaned left. It's the disregard for truth that is killing America, though. Slapping black faces on Silicon Valley lies won't improve America. No truth, no justice.

[The statement of Mr. Whitlock follows:]

Good afternoon. I'd like to begin by thanking Representative Jim Jordan and his staff for the opportunity to speak today on a topic central to my life work and mission. Diversity and the media.

My name is Jason Whitlock. I'm a sports journalist-turned-media entrepreneur. I'm a partner and content creator at [Outkick.com](https://www.outkick.com), a media platform with the mission of creating a fearless culture in support of sports, masculinity and free speech.

Before taking an ownership stake at Outkick in June, I was a well-known sports columnist at the Kansas City Star, and a personality and host at ESPN and Fox Sports. My written work has also been published at Playboy Magazine, the Huffington Post, the Wall Street Journal, the New York Times and at [FoxNews.com](https://www.foxnews.com).

In the last decade, I was involved in a journalism project, ESPN's The Undefeated, and a television project, Fox Sports' talk show Speak For Yourself, designed to elevate, develop and support black content creators.

Today's topic is not an issue I've paid lip service to. I've lived it -- as a journalist and as someone charged with ensuring its success. My point of view is diverse, objective and fearless.

I'm humbled and honored to have a voice worthy of being heard before this audience at this time in American history.

Thomas Jefferson rightly argued in 1787 that he would rather have newspapers without government than government without newspapers. Jefferson made clear in our Declaration of Independence that he believed in the power of self-evident truth, and he knew that journalism was a primary tool to make truth self-evident.

A journalistic search for truth forced America to deal with the founding principle Jefferson spelled out in the Declaration of Independence. All men are created equal and endowed by their Creator with unalienable rights.

Today across this country we hear protestors, rioters and anarchists in our streets chanting No Justice No Peace. They say they are doing this on behalf of black lives. They have aligned justice with the threat of violence.

Justice's true ally is truth, not war. Truth precedes Justice. No Truth No Justice. The racial justice that so many people say they're clamoring for

cannot be won absent of truth. The healthy, strengthening diversity that so many people say they want reflected in the media cannot be built on false narratives and outright lies.

We are here today to discuss diversity and its ability to make our union more perfect.

We can't get there without first discussing our abandonment of truth. No Truth No Justice.

What is standing in the way of truth and therefore standing in the way of healing and holistic diversity?

Big Tech and Silicon Valley's hijacking of journalism. Google, Facebook, Twitter, Instagram and YouTube made race-clickbait the gold standard of American journalism. They are the stewards of Fake News.

When I graduated from Ball State University in 1990, the journalism industry catered to New York liberalism. Thirty years later the industry caters to Northern California radicalism and groupthink.

Going viral is the goal of journalism today. Producing work that triggers algorithms that lead to likes, retweets and follows is the mandate enforced by media executives.

Social media has transformed the mainstream media, turning seekers of truth into seekers of influence. It's had the same impact on athletes. They are no longer role models. They're influence peddlers.

Lebron James, a basketball prodigy with more than 80 million social media followers, has more influence over news coverage than any single journalist. He is our Walter Cronkite.

Colin Kaepernick and athletes across professional sports have forced the NFL and NBA to promote the false narrative that there is a pandemic of police brutality sweeping America's black communities.

Facts do not support this narrative.

I say that having lost a cousin that I helped raise to what me and my family believe was an abuse of force by law enforcement in 2012. The outrage and pain that so many claim they feel over Breonna Taylor's tragic death in Louisville and George Floyd's death in Minneapolis I know firsthand.

The picture on this button is my cousin Anton Butler. Indianapolis sheriffs tasered him to death in the rain. There will be no justice for my cousin or anyone until the American media refocuses on a search for truth.

And the truth is, as it relates to the mainstream media, the diversity we're lacking right now isn't racial.

We lack the resolve to follow the truth wherever it leads. Big Tech eliminated the search for truth. Big Tech installed athletes, celebrities and rigged algorithms as journalists.

The media has always leaned left. It's the disregard for truth that is killing America.

No truth no justice.

Chairman NADLER. Thank you, Mr. Whitlock. I want to note that we are in the middle of a long series of votes on the floor. We wanted to start the hearing on time to respect the time of our witnesses, but I and the other members will be filtering in and out so that we can vote. Please do not take any offense if you see some of our members leaving the room.

And we will call on Dr. Smith now.

**TESTIMONY OF STACY L. SMITH, PH.D.**

Ms. SMITH. Mr. Chairman and members of the House Judiciary Committee, since 2005, I've conducted more than 50 studies on diversity and inclusion on screen and behind the camera in entertainment. Much of my work has focused on identity groups that have been historically marginalized in the industry. Using this body of research, I will illuminate here the exclusion of the BIPOC community in fictional films whereas my written remarks include TV and streaming content.

Three major claims can be made about the BIPOC community in film. First, progress has been paltry for BIPOC characters in feature films. Across 1,300 top films from 2007 to 2019, only 17 percent of all leads and co-leads were from underrepresented racial ethnic groups. To illuminate the disconnect between Hollywood films and reality, only two movies depicted a Hispanic or Latino lead in 2019, despite the fact that 18.5 percent of the U.S. population is Hispanic/Latino, as are 21 percent of moviegoers. Moving from speaking characters, only 34 percent of all speaking characters across the 100 top movies of 2019 were from an underrepresented racial ethnic group. However, no meaningful change, no meaningful change, has been observed in the percentage of black, Latino, or Asian characters on screen since 2007.

The epidemic of invisibility on screen, particularly for women of color, is problematic. Across 100 movies last year, a full 33 erased black girls and women, 55 deleted Asian females, 71 movies were devoid of Hispanic Latinas, 92 excised Middle Eastern and North African girls and women. Indigenous females were virtually missing in every top movie. And to illustrate the breadth of exclusionary casting practices, 598 of the top 600 movies across the last 6 years did not show a single transgender woman of color on screen. Besides invisibility, far too many roles played by black, Latino, Asian, or Mina actors still focus on crime and violence. This can perpetuate stereotyping, particularly among those who have little direct experience with individuals from these groups.

The reason for these trends becomes apparent once you look behind the camera. The second major claim is that few BIPOC directors own top films. Across 1,300 movies, people of color filled only 14 percent of all directing jobs, and the vast majority of these jobs were held by BIPOC men. Only 13 women of color have worked as directors across 1,300 films. This translates into a ratio of 92 white male directors to every one woman of color. Why is inclusion behind the camera so important? Because BIPOC directors are more likely than their white counterparts to tell stories that feature underrepresented actors on screen, and BIPOC crew are hired below the line.

The third claim is that mythologizing drives hiring practices. My qualitative work has shown that industry decisionmakers perceive that BIPOC talent and stories are not a box office draw. However, this myth is so far from reality. When a variety of production distribution and exhibition factors were statistically controlled across 1,200 movies, the underrepresented status of leads and co-leads was positively associated with box office revenue in the U.S. What does this mean? BIPOC leads sell. Internationally, the underrepresented status of leads was not associated with box office performance, suggesting that international audiences are drawn to good stories with white or BIPOC protagonists.

There are real consequences to this industry mythologizing. Production budgets and marketing resources for film starring BIPOC leads are lower than those for white leads. Films starring women of color are particularly disadvantaged in terms of resource allocation. These results, along with the reality that underrepresented audiences buy 46 percent of the tickets at the box office, demonstrate that biases detrimentally impact the lives and careers of BIPOC creators.

So given these claims, what can be done? Entertainment companies must create and adopt inclusion policies immediately, setting target inclusion goals, using objective and quantifiable criteria to eliminate bias hiring, and enacting these policies throughout their entire supply chain. These policies must be transparent so that consumers and stakeholders can hold them publicly accountable. Government intervention in the form of tax incentives that reward inclusion, not just quotas, are one way to improve participation of BIPOC communities in the production process. Last, providing increased governmental funding for storytelling is a crucial way to change the status quo. These and other solutions will ensure that qualified and talented individuals from all backgrounds receive opportunities and access throughout the entire entertainment industry. Thank you.

[The statement of Ms. Smith follows:]

**Exclusionary Hiring Practices On Screen & Behind the Camera  
for People of Color in Entertainment**

Dr. Stacy L. Smith

Annenberg Inclusion Initiative  
University of Southern California

Prepared Written Testimony for the House Committee for the Judiciary

September 24, 2020

Since 2005, I have been conducting research on diversity and inclusion on screen and behind the camera in entertainment. In 2008, I founded the Annenberg Inclusion Initiative at the University of Southern California to not only document patterns of exclusion in media but also to offer research-driven solutions for change.<sup>1</sup> Much of our work has focused on identity groups which are historically marginalized (i.e., gender, age, race/ethnicity, LGBTQ, people with disabilities, mental health conditions) by the entertainment industry in general and the film business in particular. Our team has also examined barriers facing content creators behind the camera in film as well as factors related to box office performance.

Using this body of work, my written remarks are framed below for the House Committee for the Judiciary hearing on “Diversity in America: The Representation of People of Color in the Media.” This prepared statement seeks to answer four central questions about the exclusion of the BIPOC (Black, Indigenous, People of Color) community in film: 1) what is the inclusion profile of BIPOC characters on screen in popular film?, 2) who calls the shots behind the camera in popular films?, 3) what are the barriers facing people of color as directors of feature fictional films?, and 4) what are concrete solutions for creating career sustainability for the BIPOC community in Hollywood and viable change?

A few caveats are important to note before addressing these queries. My remarks focus on film, as motion pictures are often the most exclusionary when examining cross media comparisons (e.g., TV, streaming). Given that this hearing is about media, footnotes address patterns of inclusion in television content (broadcast, basic and premium cable) and digital scripted series. In this way, this document provides a holistic overview of exclusionary hiring practices across different delivery mechanisms (i.e., film, tv, streaming). Additionally, it is important to understand trends in storytelling from an intersectional perspective. Racial/ethnic characters, in combination with other identity factors (e.g., gender, sexual orientation, disability, age), tend to be erased on screen. As such, this document tries to highlight the unique challenges facing women of color in film and incorporates other identity factors when data was available.

This document also begins with the assumption that media exposure can contribute to negative and positive effects in society. Studies show that media can be both an independent and interactive factor that contributes to the socio-emotional, cognitive, and/or behavioral development of youth.<sup>2</sup> Media messages can also impact adults. These assumptions are a given based on over 50 years of empirical research and theorizing and thus effect studies are not reviewed in this document. Rather, we focus on employment patterns and labor issues facing on screen and behind the camera talent in storytelling. Given the focus on fictional narratives, we do not address inclusion in more realistic forms of media content (e.g., documentaries, news) or the impact of exposure to stories framed as news, reality series or current events.

### On Screen Patterns

This section seeks to answer the following central question, *what is the inclusion profile for BIPOC characters on screen in popular film?* To answer this query, we have conducted a longitudinal content analysis of the 100 top-grossing movies from 2007 to 2019.<sup>3</sup> Put differently, this study has assessed 1,300 of the most popular films in the U.S. and more than 55,000 speaking characters over time. While we look at multiple indicators of representation, two are particularly relevant to this report. The first pertains to leading or co leading characters that drive the action or carry the plot. We also capture every named or discernable speaking character on screen. Speaking characters only need to utter one word independently to be counted in this study. This is a very low bar!

Focusing first on leads/co leads, only 17% were from underrepresented racial/ethnic groups across the sample of 1,300 movies.<sup>4</sup> As shown in Table 1, 2019 was an all-time high with 32 films depicting an underrepresented lead/co lead. Not only was 2019 higher than 2007 but also was meaningfully different than 2018.

Disaggregating the 2019 findings is important, as the 32 movies had 37 leads/co leads of which 20 were Black, 4 Asian, 2 Hispanic/Latino, 1 Middle Eastern/North African (MENA), and 10 Multiracial/Multiethnic. It is important to note that Hispanic/Latinos are the largest minority group in the U.S. (18.5% of population) and the largest group of ticket buyers at the box office (21%), and were relegated to only 2 leads/co leads across the 100 top movies of 2019.<sup>5</sup>

**Table 1**  
**Percentage of Underrepresented Leads/Co Leads Across 1,300 Films: 2007-2019**

Year	% of UR Leads/ Co Leads	% of UR Female Leads/Co Leads
2007	13%	1%
2008	13%	4%
2009	17%	4%
2010	12%	5%
2011	9%	5%
2012	12%	2%
2013	16%	3%
2014	18%	4%
2015	13%	3%
2016	14%	3%
2017	21%	4%
2018	27%	11%
2019	32%	17%
<b>Total</b>	<b>16.7%</b>	<b>5.1%</b>

*Note:* Each year we assess the 100 top films. Thus, for each year indicators represent the total number of leads / co leads from the designated group.

The results for all independent speaking or named characters are presented in Table 2. Most characters across the 100 top-grossing films of 2019 were White (65.7%), 15.7% Black, 4.9% Hispanic/Latino, 7.2%

Asian, 1.6% Middle Eastern/North African, <1% American Indian/Alaskan Native, <1% Native Hawaiian/Pacific Islander, and 4.4% Multiracial/Multiethnic.<sup>6</sup> In total, 34.3% of all speaking or named characters were from underrepresented racial/ethnic groups which is notably below U.S. Census (39.9%).<sup>7</sup>

**Table 2**  
**Prevalence of Character Race/Ethnicity On Screen by Year: 2007-2019**

Year	White	Black	Latino	Asian	AI/AN	NH/PI	MENA	Multiracial
2007	77.6%	13.0%	3.3%	3.4%	.1%	.1%	2.3%	<.01%
2008	71.2%	13.2%	4.9%	7.1%	.2%	.4%	2.8%	.1%
2009	76.2%	14.7%	2.8%	4.7%	.2%	.1%	1.2%	<.01%
2010	77.6%	10.3%	3.9%	5.0%	.4%	.1%	2.6%	.2%
2011	77.1%	9.1%	5.9%	4.1%	.4%	.4%	.7%	2.4%
2012	76.3%	10.8%	4.2%	5.0%	.2%	<.01%	3.3%	.1%
2013	74.1%	14.1%	4.9%	4.4%	.3%	0	1.1%	1.2%
2014	73.1%	12.5%	4.9%	5.3%	.1%	<.01%	2.9%	1.2%
2015	73.7%	12.2%	5.3%	3.9%	.3%	.3%	.7%	3.6%
2016	70.8%	13.5%	3.1%	5.6%	.1%	.7%	3.4%	2.7%
2017	70.7%	12.1%	6.2%	4.8%	.5%	.1%	1.7%	3.9%
2018	63.7%	16.9%	5.3%	8.2%	<.01%	.4%	1.5%	4.0%
2019	65.7%	15.7%	4.9%	7.2%	.4%	.2%	1.6%	4.4%

Note: Latino refers to Hispanic/Latino, AI/AN refers to American Indian/Alaskan Native, NH/PI refers to Native Hawaiian/Pacific Islander, and MENA refers to Middle Eastern/North African. Across 104 indicators, 33 cells (32%) represent a group's prevalence under 1% within a given year and 67 (64%) represent a proportion under 5%.

These findings have moved little over time. Though we have seen *decreases* in the percentage of White characters from 2007, Black, Hispanic/Latino, Asian, and characters from other racial/ethnic groups have not meaningfully increased (5 percentage points) in 13 years. Matter of fact, the percentage of speaking characters from the largest racial/ethnic minority groups (i.e., Black, Hispanic/Latino, Asian) were lower in 2019 than they were in 2018.

Presenting findings across all movies per year may mask important deviation (i.e., highs, lows) within the sample. As a result, the following analyses looked at how many films erased characters from underrepresented racial/ethnic groups on screen altogether. The analysis focused on women and girls, as research has continuously demonstrated that men and boys are more likely to be depicted on screen.<sup>8</sup>

As shown in Table 3, an epidemic of invisibility faces all non-white girls and women on screen in storytelling. In 2019, 33 of 100 top films erased Black girls and women from appearing on screen, 55 deleted Asian and Asian American females, 71 movies were devoid of Hispanic/Latinas, and 92 excised Middle Eastern/North African (MENA) women and girls. Females identifying as Indigenous were virtually obliterated from all on screen portrayals.

**Table 3**  
**Epidemic of Invisibility On Screen by Race/Ethnicity**  
**across the 100 Top-Grossing Films of 2019**

Racial/Ethnic Group	All Speaking Characters	Female Speaking Characters
White	4	7
Hispanic/Latino	44	71
Black	15	33
Asian	36	55
American Indian/Alaskan Native	94	97
Native Hawaiian/Pacific Islander	96	99
Middle Eastern/North African	80	92
Multiracial/Multiethnic	33	45

If we intersect women and girls of color with our measures of LGBTQ or characters with disabilities, the numbers become even more dire.<sup>9</sup> Almost all films (96) rendered underrepresented women from the LGBTQ community invisible. Similar erasure occurred for underrepresented girls and women with a disability who were missing from 92 out of 100 movies. Even more alarming, 498 movies erased transgender women of color across the 500 top U.S. films from 2014-2019. Clearly, the movie business is not motivated to ensure that the world we see on screen reflects the world we live in.

The above analyses focus on mere prevalence on screen. But stereotyping is also alive and well in storytelling.<sup>10</sup> Research in this vein typically looks at the nature or context of roles involving different races/ethnicities. To illuminate these tired tropes, one must look no further than our analysis of Hispanic/Latinos across the 200 top films of 2017 and 2018 (see Table 4).

**Table 4**  
**Attributes of Hispanic/Latino Characters across 200 Popular Films: 2017-2018**

Attribute	All Speaking Characters	Top Billed Characters
Criminal	24%	28%
Low Income	13%	17%
Immigrant	3%	5%
Religious	21%	26%
Isolated	36%	60%
Temperamental/Angry	12%	21%
Total	262	72

*Note:* Each column refers to Hispanic/Latino characters among the group. The first 5 actors listed on Studio System were designated as those receiving top billing.

Just under a quarter (24%) of all of Hispanic/Latino speaking characters and 28% of top billed talent within this group were depicted as law breakers across a range of violent and non-violent crimes. Over

half (61.9%) of all characters engaged in illegal activity were depicted as gang members or drug dealers. Thirty-eight percent of criminals were shown committing fraud, thievery, or murder or were portrayed as previously incarcerated. One-sixth (17%) of all top billed Hispanic/Latino talent and one-eighth (13%) of all speaking characters were shown poor or impoverished on screen. Apparently, the bias in film is to write and cast Hispanic/Latinos characters in poor, isolated, and criminal roles which may have harmful in group and out group effects on the audience.<sup>11</sup>

Scholars have found similar patterns when investigating tropes surrounding Hispanic/Latinos as well as other racial/ethnic groups.<sup>12</sup> In her research article, Mok<sup>13</sup> overviews antiquated stereotypes of the Asian and Asian American community in Hollywood (e.g., *Dragon Lady*, *Fu Manchu*, *Noble Sufferer*, *Charlie Chan*, *Geisha*) and Shaheen<sup>14</sup> delineates the portrayal of Arab characters (e.g., *Villains*, *Sheikhs*, *Maidens*, and geographically specific stereotypes of Egyptians and Palestinians), while the MENA Arts Advisory Council<sup>15</sup> examined tropes in prime-time and streaming television (e.g., *Tokens*, *Threats*, *Foreigners*). These are similar to the stereotypes captured by the Pop Culture Collaborative and Pillars Foundation<sup>16</sup> in film (e.g., *Terrorist/Hijacker*, *Sheikh*, *Killer Kids*, *Siren or Silent*, *Haters*, *Redeemers*, *Good Muslims*, *Bad Muslims*). In terms of Black and African American characters, Bogle has outlined the negative and demeaning stereotypes found in the early days of Hollywood that are still being perpetuated today.<sup>17</sup>

Summing up, the movie business knows how to marginalize and perpetuate inequality in storytelling. Whether we look at leading/co leading protagonists or those that only speak one word on screen, the erasure and stereotyping of underrepresented racial/ethnic groups persists over time. To understand what factors might be contributing to these on-screen trends, one only must look behind the camera. This is the focus of the next section of this brief.

#### Behind the Camera Employment Patterns

This section answers the question, *who calls the shots behind the camera in popular film?* Across 1,300 of the top-grossing films in the U.S., we examined the number and percentage of directors from underrepresented racial/ethnic groups. Of course, directors are not only the top leadership position on a film but set the agenda for casting and crewing up production teams. Focusing first on 2019, out of 112 directors, a full 80.4% were White and 19.6% ( $n=22$ ) were from underrepresented racial/ethnic groups.<sup>18</sup> Nine of the 22 helmers were Multiracial/Multiethnic (8%), 7 were Black (6.3%), 4 were Asian (3.6%), and 2 were Hispanic/Latino (1.8%).

Looking across the 13-year sample (see Table 5), we zeroed in on the three largest racial/ethnic groups (i.e., Black, Hispanic/Latino, Asian) in the director's chair. Only 6% ( $n=88$ ) of all directors were Black alone or in combination with another racial/ethnic group. The number of Black directed films across 2019 (9) decreased from a 13-year high in 2018 (15). 2019 movies were not different from those in 2007 (8 movies), in terms of hiring Black directors. The majority ( $n=80$ ; 90.9%) of these helmers across the 13-year sample were men while only 7 different directors were Black women: Gina Prince-Bythewood, Kasi Lemmons, Melina Matsoukas, Sanaa Hamri, Stella Meghie, Tina Gordon, and Ava Duvernay, who directed two movies over the sample time frame.

**Table 5**  
**Number of Black, Hispanic/Latino, and Asian Directors by Gender & Year: 2007-2019**

Year	Black Men	Black Women	H/L Men	H/L Women	Asian Men	Asian Women	Total
2007	8	0	3	0	3	0	112
2008	5	2	2	0	2	1	112
2009	7	0	7	0	1	0	111
2010	5	0	2	0	4	0	109
2011	2	0	3	0	3	1	108
2012	6	0	2	0	2	0	121
2013	7	0	5	0	6	0	107
2014	4	1	8	0	0	0	107
2015	4	0	3	0	6	0	107
2016	7	0	2	1	4	1	120
2017	5	1	8	0	4	0	109
2018	14	1	3	0	4	0	112
2019	6	3	2	2	6	0	112
<b>Total</b>	<b>5%</b> <b>(n=80)</b>	<b>&lt;1%</b> <b>(n=8)</b>	<b>3%</b> <b>(n=50)</b>	<b>&lt;1%</b> <b>(n=3)</b>	<b>3%</b> <b>(n=45)</b>	<b>&lt;1%</b> <b>(n=3)</b>	<b>1,447</b>

The presence of Black directors behind the camera has been associated with on screen portrayals. Black directors were more likely than non-Black directors in 2019 to have Black leads/co leads (100%, 14.3%, respectively) and Black speaking or named characters on screen (53.1%, 12.1% respectively). The prevalence of Black women and girls also increased on screen with Black helmers (vs. non-Black; 21.9% vs. 4.4% respectively).

The numbers and percentages for Asian and Hispanic/Latino directors also have been abysmal. Using our 1,300-film sample, only 3% of helmers were Asian or Asian American. 2019 was not different than 2018 or 2007 in hiring patterns for Asian directors. In 13 years, only three Asian women have helmed one of these large budget films. However, this number reduces to two individual women as one female director worked twice (i.e., Jennifer Yuh Nelson). The other Asian woman director had her credit contested on *Slumdog Millionaire*.<sup>19</sup> Similar to Black directors, Asian helmers were more likely to have Asian characters on screen than non-Asian directors (27.3% vs. 5.9%). Our 2019 findings replicate what we have found in earlier research across 500 movies.<sup>20</sup>

Hispanic/Latinos only accounted for 4% (n=53) of directors across 1,300 movies. No changes have been observed over time; 2019 did not deviate meaningfully from 2018 or 2007. It is important to note that of the 53 Hispanic/Latino helmers, only three were women.<sup>21</sup> If we were to report on the percentage of Latinx or U.S. born Latino or Afro-Latino directors, these numbers fall precipitously.<sup>22</sup> Matter of fact, only 18 of the 53 directors across these 1,300 films were born in the U.S. and only 2 were Afro-Latino.

Overall, inclusion in the director's chair has been associated with onscreen visibility and representation. But, we also have evidence that underrepresented directors are associated with below the line hiring patterns.<sup>23</sup> Our research shows that across 300 top films from 2016-2018, few underrepresented artists were hired in key production jobs.<sup>24</sup> Only 10.3% of producers were underrepresented (men=90, women=12), 15.4% of cinematographers and/or directors of photography (men=41, women=0), 5.7% of

editors (men=15, women=6), 9.5% of composers (men=28, women=1), 5.9% of production designers (men=12, women=4), 13.2% costume designers (men=7, women=29), and 12.7% of casting directors (men=5, women=43).

The proportion of underrepresented crew across these six positions was significantly different when an underrepresented director was attached to a film versus a white helmer. Across films with an underrepresented director, 23.5% of the crew belonged to an underrepresented racial/ethnic group compared to 7.1% when the director was white.

One possible explanation for the lack of inclusion in the director's chair is the profile of executive management teams across Hollywood studios. Based on research<sup>25</sup> released in early 2020 and examining leadership positions across 11 "major and mid-major studios," 91% of Chairs/CEOs were White, 93% of "senior executives," and 86% of "unit heads" (as defined in the report as "casting, marketing, legal and other core studio functions") were from underrepresented racial/ethnic groups. Without inclusion in the executive ranks, it will be very difficult for these companies to create diversity and belonging across their movie slates and production teams for top feature films.

#### **Barriers Facing Underrepresented Directors**

Besides the composition of the executive ranks, our work has also explored the reasons or explanations for the lack of inclusion in the director's chair.<sup>26</sup> More specifically, we have asked *what barriers or impediments face underrepresented directors of narrative films?* To answer this question, we draw on our qualitative work completed with the Sundance Institute and funded by the Research: Art Works Programs at the National Endowment for the Arts. For this project, we interviewed 20 emerging and seasoned narrative directors about the barriers they experienced navigating fictional film careers. While the sample size was small, the findings mirror those from our other qualitative studies asking women helmers and decision makers (e.g., executives, agents) about the impediments female film directors face in the narrative space.<sup>27</sup> The findings illuminate not only the experiences of underrepresented directors but how industry biases and beliefs impact career paths and result in an industry with skewed employment patterns on screen and behind the camera.

The barriers are displayed in Table 6. Ninety percent of the underrepresented directors indicated they faced a financial impediment working in film. As we stated in this report, "the barrier reflects low or intermittent pay for work, the time filmmakers spend developing projects, and the difficulty obtaining financing" (2014, p. 18). As noted in the press, on panels and in discussions about barriers to entry in the film business, financial resources are a common impediment for those who do not hail from generational wealth. It should be noted that a lack of inherited or familial wealth due to class and/or race/ethnicity was also spontaneously mentioned specifically by 25% of participants in the study.<sup>28</sup> A similar general financial impediment was noted by female filmmakers in other research,<sup>29</sup> though the percentage of women reporting this barrier was substantially lower (37.2%) than what we found with underrepresented directors.

**Table 6**  
**Response Categories for Spontaneously Identified Barriers**

Barrier	% Reporting
General Finance	90%
Politicized Market Forces	65%
Abilities Doubted	40%
Class & Wealth	25%
Perceived Community Incongruity	25%
Gendered Barriers	25%

Besides paying their bills, a second and perhaps more insidious barrier was reported by underrepresented directors. Nearly two-thirds of those surveyed (65%) expressed that *perceptions* of decision makers about the market or audience limited their ability to secure work/obtain financing. We labeled this impediment *politicized market forces*. The (*mis*) perception of decision-makers manifested itself in three different ways: 1) lack of market value for stories featuring underrepresented racial/ethnic protagonists, 2) limited bankability of BIPOC talent, and/or 3) lack of audiences for these stories (see page 18). Each theme provides industry leaders with a justification for not hiring underrepresented directors—even if it is not based in evidence. Examples from the interviews include:

*“People have straight up told me, ‘Nah, you can’t really have these characters all be Black or you can’t have this one character be Black.’ And ‘Cause, you know, people won’t go see it, or people won’t like it, or people won’t finance it, or you know you can’t get distribution in this country or that country.’ I mean people with the power to distribute film and with the power to finance films have told me that to my face...”*

*“I am very aware that film is a commodity and they’re trying to figure out how to sell it, and there’s nothing very sexy or marketable about Asian-American stuff, maybe Asian stuff, but not Asian-American, you know?”*

*“...there’s a very short list of movie stars, the people that are considered movie stars that are Latin.”*

Market-based exclusion can be countered with empirical research, however. In early 2020, with Reframe, we released an economic analysis of what sells in films by race/ethnicity and gender of leading/co leading characters. After controlling for a variety of production, distribution and exhibition factors, the underrepresented status of leads/co leads (white vs. not white) was *positively* associated with box office revenue in the U.S., suggesting that BIPOC protagonists do in fact sell in this country.

Internationally, movies with underrepresented leads/co leads and primarily underrepresented casts (.80-1.0) were among the highest earners across the sample of films, whereas those with White leads/co leads with primarily underrepresented casts were among the lowest earners. These findings were revealed in an exploratory interaction between leads and casts and thus need further scrutiny with additional data. Also, the number of movies in these two categories reflect a much smaller subset of the 1,200 films, therefore this result should be interpreted cautiously and warrants replication once the box office stabilizes post COVID-19.

The same data set examined the impact of A-listers or star power on box office performance. Controlling for a variety of factors, our path models showed that star power<sup>30</sup> was *not* a significant predictor of box office performance in the U.S. or abroad. These findings suggest a fundamental disconnect between executives' perceptions of what sells and the types of stories and protagonists that make money. This is true for leads/co leads from the BIPOC community as well as those that are Caucasian. Hence, the myths that decision makers use to finance or green light projects are inconsistent with what we know empirically about stories and audiences.

One reason for this disconnect is that the audience of films is increasingly diverse. According to the most recent MPA (2020) study, a full 46% of those buying movie tickets in 2019 were from underrepresented racial/ethnic groups. Twenty five percent of ticket buyers were Hispanic/Latino, 11% Black/African American, 7% were Asian, and 3% were from other racial/ethnic groups. Thus, the concern over "audience receptivity" seems to be unfounded given that underrepresented consumers comprise nearly half of ticket buyers. It is important to note that girls and women make up 51% of the audience, a stable finding for quite some time, and yet the film business has marginalized their stories for decades.<sup>31</sup>

Simply put, a viable marketplace exists for underrepresented directors and their stories. Yet, the industry does not prioritize their artistic talents as they do white male directors. In fact, a full 40% of those directors we interviewed stated that their abilities were doubted, questioned, or challenged in some way (p. 20). Of those listing this barrier, 62.5% indicated specifically that their race/ethnicity or a personal attribute was the basis of the impediment whereas 50% referenced their age. Examples of this barrier include:

*"There was definitely the sense when I would shadow on shows like I was a Make-A-Wish foundation kid, like this is a treat for the person of color to get to see how TV shows are made as opposed to actually taking me seriously as contender."*

*"I feel like on set sometimes... people don't take you seriously. Especially being...if you look young and if you are, maybe just you're not White."*

For those executives concerned with an underrepresented director's point of view or artistic talent, our research suggests that they shouldn't be. Across 1,300 top films from 2007 to 2019, the storytelling prowess of directors does not vary by underrepresented status (white vs. not white). Examining Metacritic scores,<sup>32</sup> the average rating for films with white directors (Mean=54.2) was not meaningfully different than the average rating for films with underrepresented directors (Mean=54.9). This bias is another means of justifying decisions not to hire underrepresented directors rather than a judgment based in evidence from outside evaluators.

Having your abilities and perspective doubted can have at least two negative consequences. First, the support underrepresented directors receive is lower than what is provided to their white counterparts. In fact, our economic analysis shows that films with white leads, in comparison to those with underrepresented leads/co leads, have higher median production budgets (\$50,735,000 vs. \$35,481,000), domestic print and advertising costs (\$42,525,000 vs. \$37,746,000), and were released in more U.S. theaters (3,201 vs. 3,016.5).<sup>33</sup> When the point of view and abilities of an underrepresented director are not valued or trusted, there may be a direct loss of real dollar support for the stories they want to tell and how they (and the underrepresented protagonists and cast of the film) are compensated.

Second, underrepresented filmmakers may also experience negative psychological outcomes. Forty percent of the underrepresented directors interviewed stated that they developed coping strategies to navigate the emotional turmoil they experienced from stigma or discrimination. In fact, 25% of the directors interviewed in the NEA study mentioned spontaneously that the entertainment industry was racist or discriminatory in nature, even though these terms were not explicitly mentioned by the interviewer. While such strategies may be helpful, they shift mental effort and affective resources away from the task at hand and can have a detrimental impact on performance – a situation not likely to face white male directors.

The final two barriers were mentioned by 25% of the respondents: *perceived community incongruity* and the *intersection of gender and race/ethnicity*. Perceived incongruity or lack of fit between their identity and a broader community was expressed by statements such as: *“I realized that would’ve been nice to be, to be part of one of the groups that control or they are in the system...being Latino is not enough....Latinos, they are not necessarily all united. It depends if you’re coming from Mexico, if you’re coming from Cuba, if you’re coming from Colombia, you know it’s difficult.”* Another example from the interviewees included, *“I think being mixed-race...because it’s like everything in the world you kinda fall through the cracks, and you’re not part of any sort of African-American community and you’re not really part of a White community either, you’re kind of somewhere in the middle.”* A lack of fit is particularly important given the film financing and distribution networks that may result within communities. For filmmakers who feel that they do not fit within one community, this may limit access to the funding sources and information that they need to accelerate their careers.

Finally, 25% of those interviewed—all but one of the women included in the study—stated that as women of color they faced barriers related to both their gender and race/ethnicity. This was exemplified by statements such as: *“You’re just not taken as seriously, people think you can only direct certain types of films, and not necessarily action films or dramatic films or something that’s more generally directed by men.”* Women directors from all backgrounds face career obstructions, a finding substantiated across multiple studies conducted by the Annenberg Inclusion Initiative.<sup>34</sup> Yet, across the entertainment industry, women of color face exclusion on nearly every metric.

The lack of girls and women of color as speaking characters in popular film has already been reviewed, along with the marginalization of women of color working as directors and in other creative positions. In addition, 17% of leading/co leading roles across the 100 top films of 2019 went to girls and women of color. This is a notable increase from 2007, when the percentage was 1%. However, across 817 live-action top-grossing movies from 2007 to 2018, only 34 were centered solely on a girl or woman of color. This translates to 4% of those 817 films or a ratio of 14.85 films starring white men to every 1 film starring a woman of color.<sup>35</sup>

Movies with girls and women of color in leading roles receive the lowest support when it comes to production, marketing, and distribution. Production budgets for movies with underrepresented female leads were lower (\$19.2M) compared to those with white male (\$52M), underrepresented male (\$38.5M), or white female (\$31.3M) leads. The same trend was observed for domestic marketing budgets, where the difference between the median figure awarded to white male-led films and underrepresented female-driven movies was roughly \$13.8 million. For international marketing, the median difference between films with white male leads and women of color leads was approximately \$9.7 million.

The lack of support extends to other factors, including film genre, sequel status, and the number of international territories in which films starring women of color are distributed.<sup>36</sup> Across the sample, 2 action movies starred women of color, compared to 128 with white male leads, 27 with underrepresented male leads, and 10 with white female leads. Only one movie in the sample with a solo woman of color in a leading role was a sequel. In terms of international distribution, only 3 movies starring women of color were exhibited in China. However, 174 movies with white male leads, 48 with white female leads, and 24 with underrepresented leads were shown in this large film market. Each of these factors may impact the long-term career sustainability of film stars and filmmakers. Biases regarding the economic profitability of movies starring women of color have resulted in few being made—but these biases are predicated on providing fewer resources to these films.

The dearth of underrepresented women in entertainment extends to film critics as well. Across the 300 top movies from 2015 to 2017, underrepresented women critics wrote a mere 4% of movie reviews.<sup>37</sup> Nearly half (48.3%) of the 300 top movies did not have even one woman of color as a top critic composing a review. This was also true of 45.4% of the 108 female-driven movies and 35.1% of the films with underrepresented leads. These figures show that women of color working as film reviewers were not only shut out of a large share of popular movies, but of those that align with their own identity.

Despite this, when women of color reviewed films starring underrepresented girls and women, they rated those films higher than white male critics did. The lack of women of color as film critics means that the perspectives, voices, and talent of these reviewers is missing from the ecosystem. In the case of the few films that star women of color, this may also perpetuate biases held across the wider industry about the quality and story strength of these movies.

Taken together, the aim of this section was to review barriers facing underrepresented film directors. Hiring BIPOC helmers was not only associated with inclusion on screen but also below the line. Thus, the key to creating more inclusive storylines and production teams involves hiring and curating more underrepresented directors from a variety of different backgrounds. To achieve these goals, a series of solutions are presented in the final section of this brief.

### **Solutions for Change**

Given the representational gaps noted above, a variety of solutions are needed to create systemic change. The solutions must be specific to be successful and evaluated for their efficacy over time. Further, the solutions must apply to different inclusion gaps on screen or behind the camera. Toward this goal, we overview five actionable steps that the film industry, festivals, state and federal governments, colleges and universities and other creative organizations can take in the short- and long-term to foster inclusion and belonging in entertainment over the next 2 to 5 years.

#### ***Company-Wide Inclusion Policies and Actions***

Entertainment companies can take steps create change. The first way to do so is by developing a comprehensive company policy for change at the studio or production company level. This includes setting target inclusion goals. Target inclusion goals are not quotas, but aspirational benchmarks regarding inclusion. By setting these goals, companies can ensure that future employment does not reflect the status quo.

Goals should be constructed while considering current percentages of both employment as well as pipeline figures. For example, the percentage of underrepresented directors at the Sundance Film Festival in 2018 and 2019 (42%) is higher than the percentage of underrepresented directors working in episodic television (27%), which is in turn greater than the percentage of top-grossing film directors who were underrepresented (19.6%).<sup>38</sup> With these and similar guideposts to gauge the size of the talent pool, companies can critically examine the progress they want to make in employment patterns on screen and behind the camera not to mention their own executive ranks.

A second aspect of company policies must be to outline their approach to increasing inclusion. This policy must include transparent approaches to interviewing and hiring practices. These must be applicable to the highest positions within the company, where the demographic profile rarely matches the audience. Additionally, the use of objective and quantifiable criteria in hiring is essential to counteract biases that continue to limit the employment of those from underrepresented racial/ethnic groups. This is also important for processes related to film financing, marketing, and distribution. By accurately calibrating resource allocation without basing decisions upon the race/ethnicity of the lead character or director, companies can ensure they are providing equivalent levels of support to movies and their helmers. Countering biases that arise in decision-making with criteria or evidence is necessary if the industry wants to move beyond the myths that have resulted in the status quo.

The third aspect of organizational goal setting is to consider the entire supply chain, from above-the-line talent to the vendors and individuals who provide ancillary services for film. Moreover, organizations across the entertainment ecosystem can take steps to be more inclusive. This applies to unions, guilds, film and journalism schools, press outlets, film festivals, publicists, and other groups affiliated with the film and television industries. With collective action, the industry can seek to course correct from its history of exclusion and create a more equitable and inclusive future.

One solution studios and production companies can enact immediately is to commit to eradicating the epidemic of invisibility on screen, particularly for women and girls of color. Beginning with the greenlighting process, executives can charge casting directors with the task of inclusive auditioning and casting, along with adding roles when targets are not met. Setting flexible casting targets prior to production may be imperative, as many casting directors have been White women who have had little impact on increasing on screen inclusion across the 1,300 top films from 2007 to 2019.<sup>39</sup>

Here, we will illustrate just how easy it would be to eradicate invisibility on screen for different racial/ethnic groups using our principle ***Just Add Five*** on Hispanic/Latino characters in film. Only 7 movies across the top 500 films from 2015-2019 had proportional representation of Hispanic/Latino characters. ***Adding 5 Hispanic/Latino characters to each of the 100 top films would increase the overall percentage from 4.9% in 2019 to 15.7% in just one year.*** After setting a new norm, enacting the same procedure across 100 films from a subsequent year would increase the overall percentage of Hispanic/Latino characters to 24.3%. This figure is above current population proportions in the U.S. In two years, the invisibility of this ethnic group would vanish in film.

Apart from the ease of enacting this solution, it is also cost-effective. Wages for a small speaking role in a feature film are not expensive. This process does not take jobs or parts away from other actors and builds and reinforces the pipeline to larger roles on screen. For small roles in particular, the need for skilled, talented, or "name" actors should be low or nonexistent. Casting actors with little experience provides a point of entry for people from underrepresented racial/ethnic groups who want to work as actors, especially when filming occurs outside of large cities such as Miami, Los Angeles, or New York.

For example, more than three-quarters (77%) of U.S. states have a population of Hispanic/Latino individuals greater than the percentage of Hispanic/Latino characters in film.<sup>40</sup> The *Just Add Five* solution aims to increase the overall percentage of characters from a specific underrepresented racial/ethnic group through a simple, inexpensive, and effective means.

#### ***Tax Incentives***

To increase participation of people from underrepresented racial/ethnic groups, another place to focus is on tax incentives at the state and federal level. Tax incentives have been used to encourage productions in locations across the country, with states offering incentives for resident labor and other expenses.<sup>41</sup> These strategies to reward productions that take place in a specific location are government-backed and often require legislative approval. As such, there is a key opportunity to tie inclusion metrics to tax incentives to ensure that productions are representative of the constituents in that location both on-screen and behind-the-camera.

One example is recent film tax credit provisions created by California. Productions are required to report diversity statistics, supply evidence of policies that ban harassment and retaliation. There is also a provision for large studios to report programs related to diversity.<sup>42</sup> Other state and federal tax incentives could not only mirror this strategy but extend the stipulations to encourage achieving on-camera or behind-the-scenes inclusion metrics, particularly when filming occurs in locations that have resident populations from underrepresented groups that exceed overall population figures. ***Tax incentives already reward hiring resident labor; extending this to include resident labor from historically marginalized groups would provide reasons for productions to cast and hire crew members for local productions while serving to increase inclusion on sets.***

#### ***Film Funds to Support Underrepresented Filmmakers***

The U.S. offers little in the way of governmental support for film and television projects. While Arts funding via the National Endowment for the Arts and National Endowment for the Humanities may encompass film, the ability of filmmakers creating fictional stories to access these resources may be limited. Instead, philanthropists and independent funders fill the gaps for many productions. The process of seeking funding may force filmmakers from underrepresented racial/ethnic groups to encounter the biases outlined above related to the economic value of stories about protagonists of color. ***A funding source that does not rely upon biases, is accessible to filmmakers from all backgrounds, and awards resources to projects that reflect diversity and inclusion is one way to ensure that more stories from underrepresented filmmakers are brought to market.***

It is not necessary to invent such an opportunity wholesale. Countries across the globe provide direct project support through national film funds. Some countries, including the U.K. (via the British Film Institute) and Sweden (via the Swedish Film Institute), have criteria that ensures funding is awarded with an eye toward achieving diversity in production. For example, the BFI Diversity Standards<sup>43</sup> are applied to funding requests for films and television, as well as movie distribution, festivals, awards eligibility, and other activities. They incorporate on-screen metrics, behind-the-camera staff, access to industry opportunities, and audience engagement. Federal and state funding sources could adopt similar principles, going beyond tax incentives to actively support filmmakers from all backgrounds whose access and opportunity have been limited by the current structure of film financing.

#### ***Build a Bridge from Film School to Industry Careers***

Arts education is accessible to many young Americans. However, it is not educational opportunities that filmmakers and other individuals interested in working in entertainment need. Instead, a bridge from academic or training programs (including colleges and universities) into various aspects of the entertainment industry would facilitate career progress for talented and qualified individuals from underrepresented groups. Specifically, there is a need to strengthen existing programs and create new opportunities that provide pathways into leadership roles for underrepresented individuals.

Effective programs provide mentorship alongside tangible opportunities to move into paid positions that have the potential to result in ongoing work or promotion. This allows individuals from underrepresented backgrounds to forge the network connections so essential to the entertainment industry as well as the chance to demonstrate proficiency. Additionally, removing impediments that stem from decision-making biases, union and guild policies, and financing structures must be tackled. At this level, programs will not be sufficient. Companies and industry organizations must take steps to ensure that they have addressed the barriers within organizations that restrict hiring, promotion, and/or membership. Moreover, other areas within entertainment must also take steps to make it possible for underrepresented individuals to move from entry-level or freelance positions to full-time and secure employment. This includes agencies, management teams, and publicists who work with creative talent. It also applies to journalism programs, publication outlets, and other entities that are necessary for the infusion of underrepresented voices into the fields of criticism and reporting. By tackling the problem both within organizations and through support offered to future industry professionals, the future of entertainment can be one in which the employment of individuals from underrepresented groups is not a goal but a reality.

#### ***Invest in the Pipeline of Underrepresented Filmmakers***

A final way to improve the number and percentage of individuals from underrepresented groups in the film industry is to strengthen the talent pipeline. Data on submissions to the Sundance Film Festival<sup>44</sup> reveal that individuals from underrepresented racial/ethnic groups both desire to and are pursuing careers in filmmaking. Yet, the pipeline into top directing jobs must be bolstered. Programs that nurture and support talent, provide access to capital, and track directors from short films into larger job opportunities currently exist. These entities need ongoing funding, and for talent that emerges from these programs to have a pathway to larger jobs. Moreover, additional resources must be available in order to expand program offerings that address needs and gaps that affect specific communities.

A stronger pipeline for creators across all media platforms should bring about more authentic storytelling. As the number of directors, writers, and producers from these communities enter the industry, this should provide opportunities on screen for actors and access below the line for crew from underrepresented racial/ethnic groups. Supporting pipeline programs that lead to careers in all aspects of entertainment are a crucial way to expand representation and inclusion overall. One example of this is the Group Effort Initiative,<sup>45</sup> launched by Ryan Reynolds and Blake Lively, which aims to provide training and access to underrepresented groups in below-the-line roles. Programs like this can ameliorate the divide noted earlier between white directors and underrepresented directors when it comes to the inclusion of underrepresented individuals in on-set crew positions.

In summary, this section reviewed five potential solutions to address the exclusion people of color face across the entertainment industry. These remedies span on-screen casting, behind-the-camera hiring, and ways to support the current and next generation of storytellers. What is most important across

these solutions is the need for collective action. As entities across the industry, including in government, philanthropy, and education take an active role in fostering more inclusive environments, providing resources, and supporting creative and executive talent, percentages that have historically been resistant to change should move. Only by working together and addressing the biases and barriers that continue to restrict access and opportunity can there be true improvement and inclusion.

## Endnotes

1. This testimony was prepared with the assistance of Dr. Katherine Peiper and Marc Choueiti. These two individuals, along with Dr. Stacy L. Smith, oversee the Annenberg Inclusion Initiative at USC and have published over 50 articles on inclusion in media. See Annenberg Inclusion Initiative (2020) research: <http://annenberg.usc.edu/research/aii>. Prior to 2017, the Annenberg Inclusion Initiative was known as the Media, Diversity, and Social Change Initiative and published research under that moniker.
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4. Recent research on television (Hunt et al.) reveals that despite making gains in the past four to six years, leads from underrepresented racial/ethnic groups were consistently below the norm in the U.S. population. Across the 2016-17 broadcast, cable, and digital scripted TV series landscape, underrepresented actors accounted for just over a fifth of all leads (21.5%, 21.3%, and 21.3% respectively). According to data presented over time all three formats demonstrated increases, specifically from 2011-12 for broadcast and cable scripted series and from 2013-14 for digital scripted shows when the authors began examining online content. Comparisons between Smith et al. (2020) and the *Hollywood Diversity Report 2019* should be interpreted with caution. For *Inequality in 1,300 Popular Films*, leads and co leads are based on narrative and plot structure, whereas Hunt et al. (2019) define 'lead' as "the first credited actor/performer for a given project's list of cast members" (page 66).
- Hunt, D., Ramon, A., & Tran, M. (2019). *Hollywood Diversity Report 2019*. University of California, Los Angeles. <https://socialsciences.ucla.edu/wp-content/uploads/2019/02/UCLA-Hollywood-Diversity-Report-2019-2-21-2019.pdf>
5. MPA (2020). *2019 THEME Report*. Retrieved from <https://www.motionpictures.org/wp-content/uploads/2020/03/MPA-THEME-2019.pdf>
6. Across television (Hunt et al., 2019) underrepresented actors overall approached proportional representation in broadcast scripted series (36.7%) in the 2016-17 season. Meanwhile, less than a third of cable scripted (28.2%) and digital scripted series casts (29.7%) featured actors from underrepresented racial/ethnic groups. Authors noted that across all three platforms, the share of white actors decreased from the previous season (2015-16).
7. U.S. Census Bureau (2020). *Quick Facts*. <https://www.census.gov/quickfacts/fact/table/US/LFE046218>
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Apart from directors, TV show creators and writers from underrepresented racial/ethnic groups are far from reaching proportional representation (Hunt et al., 2019). According to the *Hollywood Diversity Report 2019* underrepresented men and women accounted for 9.4% of creators across 2016-17 broadcast scripted series and 11.2% across cable TV shows. The authors note that over time underrepresented creators increased greater than double between 2011-12 (4.2%) and 2016-17 in broadcast. For cable series, there was a slight increase from the previous season (2015-16, 7.3%) but otherwise gains and losses ranged under 5 percentage points over the six-year period examined for underrepresented creators. Though somewhat greater in proportion, just 16.5% of digital scripted series creators were from underrepresented racial/ethnic groups – a gain of over 10 percentage points from the 2013-14 season (6.2%).

Recent data from the Writers Guild of America, West (2020) showed near proportional representation and upticks over time for writers of color. During the 2019-20 television season, 35% of writers hired across broadcast, cable, and streaming were from underrepresented racial ethnic groups. Increases occurred over a 10-year time span from 17% in 2009-10 to 35% in 2019-20. Differences by gender revealed that women writers of color outpaced underrepresented male writers by 3%. By examining racial/ethnic groups, Latinx writers were more underrepresented than other groups contrasting their share in the population (18.3%) with the percentage across TV writing jobs (8.7%). Analyses of the 'writer's room' or the hierarchy within writing credits on television series demonstrated that writers of color congregated at lower levels (executive story editor, story editor) and were less prevalent in the highest levels of TV writing (showrunner, executive producer).

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21. The three Hispanic/Latina directors across the 1,300-film sample were Patricia Rigger, Melina Matsoukas, & Roxann Dawson.
22. Smith et al. (2020b). *Latinos in Film*. Unpublished raw data.
23. Positions that are 'below the line' refer to film crew outside of the director, writer, producer, and principal cast. The term references the physical line drawn on a film's budget during development, related to positions set prior to and after the beginning of principal photography. See page 228 of Squire, J. E. (2017). *The Movie Business Book*. (4<sup>th</sup> edition). United States: Taylor & Francis.
24. Smith, S. L., Choueiti, M., Choi, A., & Pieper, K. (2019b). *Inclusion in the Director's Chair: Gender, Race, & Age of Directors Across 1,200 Top Films from 2007 to 2018*. Annenberg Inclusion Initiative. <http://assets.uscannenberg.org/docs/inclusion-in-the-directors-chair-2019.pdf>. Data presented in text are slightly different (less than 2 percentage points) than statistics listed in the January, 2019 report. The updated information includes unpublished raw data and reflects the final sample of the 100 top-grossing films released in 2018 once box office receipts were settled well into 2019.
25. Hunt, D., & Ramon, A. (2020). *Hollywood Diversity Report 2020: A Tale of Two Hollywoods*. University of California, Los Angeles. <https://socialsciences.ucla.edu/wp-content/uploads/2020/02/UCLA-Hollywood-Diversity-Report-2020-Film-2-6-2020.pdf>
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28. The *class and wealth* barrier was mentioned specifically by 25% of participants in Pieper et al. (2014) and was exemplified by statements such as, "I don't come from a family that has money that can support me if I'm not doing that great...I have friends who don't have a full-time job and they can dedicate their whole time to making their film and that's definitely, they have an advantage because they don't have to worry about the stresses of everyday life..."
29. Smith et al. (2014). *Exploring the Barriers and Opportunities for Independent Women Filmmakers Phase I and II*.
30. Smith, S. L., Weber, R., Choueiti, M., Pieper, K., Case, A., Yao, K., & Lee, C. (2020c). *The Ticket to Inclusion: Gender and Race/Ethnicity of Leads and Financial Performance Across 1,200 Popular Films*. ReFrame & USC Annenberg Inclusion Initiative. <http://assets.uscannenberg.org/docs/aii-2020-02-05-ticket-to-inclusion.pdf>

'Star power' was measured per film based on the lead or co-lead actor(s) having led or co-lead one to three or more of the 15 top movies at the box office each year within the previous three years.

31. Smith, S.L. & Cook, C.A. (2008). *Gender Stereotypes: An Analysis of Popular Films and TV*. Los Angeles, CA: Annenberg School for Communication & The Geena Davis Institute on Gender in Media. [https://annenberg.usc.edu/sites/default/files/MDSCI\\_Gender\\_Stereotypes\\_in\\_Popular\\_Films\\_and\\_TV.pdf](https://annenberg.usc.edu/sites/default/files/MDSCI_Gender_Stereotypes_in_Popular_Films_and_TV.pdf)

32. Smith, S.L., Choueiti, M., Yao, K., Clark, H., & Pieper, K. (2020d). *Inclusion in the Director's Chair: Analysis of Director Gender & Race/Ethnicity Across 1,300 Top Films from 2007 to 2019*. Annenberg Inclusion Initiative. <http://assets.uscannenberg.org/docs/aii-inclusion-directors-chair-20200102.pdf>

As a measure of story quality from low to high, Metacritic scores were collected for films in Smith et al. (2020d). Metacritic.com describes the construction of the score as "... carefully curate a large group of the world's most respected critics, assign scores to their reviews, and apply a weighted average to summarize the range of their opinions." *How We Create the Metascore Magic*. Retrieved from: <https://www.metacritic.com/about-metascores>

33. Smith et al. (2020c). *The Ticket to Inclusion*.

34. See studies listed in Footnote 27.

35. Smith et al. (2020c). *The Ticket to Inclusion*.

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37. Choueiti, M., Smith, S.L., Pieper, K., & Case, A. (2018). *Critic's Choice 2: Gender and Race/Ethnicity of Film Reviewers Across 300 Top Films from 2015-2017*. Annenberg Inclusion Initiative. <http://assets.uscannenberg.org/docs/critics-choice-2.pdf>

38. The USC Annenberg Inclusion Initiative (2020). *Inclusion at Film Festivals: Examining the Gender and Race/Ethnicity of Narrative Directors from 2017-2019*. Annenberg Inclusion Initiative. <http://assets.uscannenberg.org/docs/aii-inclusion-film-festivals-20200127.pdf>. Director's Guild of America (2019). *DGA Reports New Inclusion Records in the 2018-19 TV Season*. Smith et al. (2020a). *Inequality in 1,300 Popular Films*.

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41. Sandberg, B.E. (2016, April 21). Film and TV Tax Incentives: A State-by-State Guide. *The Hollywood Reporter*. <https://www.hollywoodreporter.com/news/film-tv-tax-incentives-a-885699>

42. Bollag, S. (2018, June 19). California lawmakers push diversity through film tax credit. *Associated Press* <https://apnews.com/c458d7e41d07414f9be769f0df2117e6/California-lawmakers-push-diversity-through-film-tax-credit>

43. BFI Diversity Standards. See <https://www.bfi.org.uk/inclusion-film-industry/bfi-diversity-standards>

44. Smith, S.L., Choueiti, M., Clark, H., & Pieper, K. (2019c). *Sundance Institute: Artist Demographics in Submissions & Acceptances*. Annenberg Inclusion Initiative & Sundance Institute. <http://assets.uscannenberg.org/docs/aii-study-sundance-institute-jan2019.pdf>

45. Group Effort Initiative. <https://www.groupeffortinitiative.com/>

Ms. SCANLON [presiding]. Thank you very much. And now we will hear from Karyn Temple.

**TESTIMONY OF KARYN A. TEMPLE, ESQUIRE**

Ms. TEMPLE. Thank you, Chairman Nadler, Ranking Member Jordan, and members of the committee. Thank you for the opportunity to appear before you today to testify on behalf of the Motion Picture Association and our member studios on the important issue of diversity, equity, and inclusion in the motion picture and television industry. Although I just recently joined the MPA as global general counsel, I have worked in and with the entertainment industry for most of my legal career. So the issue before the committee is not just an abstract position for me. It is one that I care about deeply and personally as an African-American woman, mother, American citizen, and a human being.

I grew up at a time when there were no movie fairytale princesses who looked like me, no leading franchise superheroes, no kids TV series that reflected my reality, so I'm not here to sugar-coat things for you today. While our industry has made some significant progress and I will highlight many of those initiatives for you, let me be clear: the entertainment industry still has a long way to go before we reflect the true diversity of this country, both in front of and behind the camera. From the top executives and A-list actors, to writers and producers on down to below the line crew, our industry and the stories we tell often do not represent the full spectrum of society. That must change.

The first step to actually solving any problem is to acknowledge and own it, so I readily concede that there is a problem of diversity and inclusion in Hollywood, but today I'd like to focus on how we and our member studios have mobilized to fix it. We at the MPA are committed to great storytelling that reflects the viewpoints and experiences of all creators and audiences, which is why we are working hard with our member studios to collectively address diversity, gender parity, authentic cultural representation, and pipeline recruitment opportunities from underrepresented communities in our industry. By establishing programs that promote a diverse talent pipeline, creating new partnerships, and sharing what we learn, we are leading by example.

Eight years ago, we established our own Diversity, Equity, and Inclusion Program because our members proactively supported the MPA playing a constructive role in making sure our industry is open and welcoming to people of all backgrounds. We're proud of our track record since. Through our DE&I Program, we have supported increasingly robust efforts by the industry to enhance the diversity of the creative pipeline, including via outreach to film schools and groups representing African-American, Latinx, Asian-American and Pacific Islander, Native-American women, and LGBTQ creators. We're grateful for the opportunity to partner with many such organizations, including the entertainment industry, college outreach programs, the Georgia Latino Film Alliance, and the Ghetto Film School, a nonprofit whose groundbreaking Roster Program trains 4,000 aspiring young creators annually for careers in creative industries, the vast majority of which are from underrepresented groups. And, most recently, MPA was proud to an-

nounce a partnership with the Native-American Media Alliance, focused on promoting Native-American writers in the entertainment industry.

We also collaborate with many of the leading multicultural creative organizations and film festivals, including the American Black Film Festival, the Georgia Latino Film Festival, and the New York Latino Film Festival. Beginning in January of 2019, we also proactively reached out to the Tri-Caucus to educate members about MPA's and our member studios' efforts, and to foster opportunities for Congress to hear directly from multicultural creator organizations working on the front lines of fostering change. Indeed, we've initiated many such important dialogue schools in Los Angeles and Washington, D.C., and continue to do so despite COVID-19.

But, of course, what matters most is what our member studios are doing in this area. I am gratified that today there are movie fairytale princesses that look like girls in my community, television shows that feature dynamic, strong black, Asian, and Hispanic girls, and movies with black superheroes that touch the world. We're proud that each studio in the MPA has its own robust corporate policies, senior-level diversity and inclusion-focused personnel, and other programs. Our members have established a large number of mentorship and other programs specifically designed to give members of underrepresented groups the necessary training and relationship building necessary to gain a foothold in the industry.

I'll refer you to my written test of testimony for most of the details, but I did want to just mention two examples. Sony Pictures' Diverse Directors Program, which is now in its 7th year, has enabled the studio to identify emerging women and directors of color, and has resulted in numerous program alums actively directing for Sony Pictures and throughout the industry. The Walt Disney Company has many programs and policies to address these issues, including the U.S. Hispanic Initiative, a company-wide effort focused on growing relevancy to and engagement with U.S. Hispanics, and a longstanding Creative Talent Development Program to diversify the creative pipeline that has helped launch the careers of many industry professionals, including Peter Murrieta and Zetna Fuentes.

I want to thank the committee for the opportunity to be part of the discussion on these important issues, and we remain committed to working with you until our shared goals of a fully-diverse, equitable, and inclusive motion picture and television industry becomes a reality. I welcome your questions. Thank you.

[The statement of Ms. Temple follows:]



**MOTION PICTURE ASSOCIATION**

**Statement of Karyn A. Temple  
Senior Executive Vice President and Global General Counsel  
Motion Picture Association, Inc.**

**before the  
U.S. House of Representatives Committee on the Judiciary**

**Hearing on  
“Diversity in America: The Representation of People of Color in the Media”  
September 24, 2020**

**I. INTRODUCTION**

Chairman Nadler, Ranking Member Jordan, and members of the Committee, thank you for the opportunity to appear before you today to testify on behalf of the Motion Picture Association, Inc. (“MPA”) and our member studios<sup>1</sup> on the issue of diversity, equity, and inclusion in the motion picture and television industry. Although I just recently joined the MPA as Global General Counsel, I have worked in and with the entertainment industry for most of my legal career. So the issue before the Committee today is not just an abstract policy issue to me – it is one that I care about deeply and personally, as an African-American woman, mother, American citizen, and a human being. I grew up at a time when there were no movie fairy tale princesses who looked like me, no leading franchise superhero, no kids’ TV series that reflected my reality.

Therefore, I’m not here to sugarcoat things for you today. While our industry has made some significant progress – and I will highlight many of those initiatives for you – let me be clear: The entertainment industry still has a long way to go before we reflect the true diversity of this country, both in front of and behind the camera. From the top executives and A-list actors, to writers and producers, to “below the line” crew, our industry (and the stories we tell) often do not represent the full spectrum of American society.

That must change.

The first step to actually solving any problem is to acknowledge and own it. So, I readily concede that there is a problem of diversity and inclusion in Hollywood. But today I’d like to focus on how we and our member studios have mobilized to help fix it.

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<sup>1</sup> Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros. Entertainment Inc.

But before I dive into the details, I do need to provide some important context for this discussion that the Committee should keep in mind. While we may have a higher profile than some other sectors of the economy, the entertainment industry is reflective of our society at large. As recent events have so forcefully and dramatically shown, this country has not always lived up to its promise of equality and justice for all, and the industry that we at the MPA represent is no different. But, unfortunately, that is also true for just about every other industry in this country, whether it's finance, technology, medicine, or law. Those industries, especially at the senior levels, all tend to be a lot less diverse than society at large. That of course doesn't absolve us – or anyone else – of our responsibility to do everything we can to provide equal opportunity for all citizens. Indeed, MPA's headquarters sits right on Black Lives Matter Plaza here in Washington – a powerful and inspiring reminder to us and our members of the central role social justice must play in our work. But seeking to address diversity and inclusion in the business community and society as a whole requires a comprehensive look and approach, not one just focused narrowly on one industry.

## II. TELLING STORIES ABOUT A DIVERSE AMERICA

If there's one thing our industry excels at, it's telling stories. And although those stories have not always reflected the true diversity of America, I take pride in working on behalf of an industry that does have a history of often using its formidable storytelling skills to raise awareness of the need for social change – including telling stories of discrimination against racial, religious, and sexual minorities, and of their struggle to overcome it. *Imitation of Life* (1959) depicted a young woman's decision to reject her Black mother and "pass" as white to achieve a better life in a society that would otherwise reject her. In 1967, *Guess Who's Coming to Dinner* (1967) addressed interracial marriage when it was still illegal in 17 states. *Philadelphia* (1993) addressed homophobia at the height of the HIV/AIDS epidemic. *Stand and Deliver* (1988) showed the world how high school math teacher Jaime Escalante helped his class of mostly Hispanic math students overcome societal challenges and bias in the education system. And more recently, films like Ava Duvernay's *13th* (2016), *The Hate U Give* (2018), and *Just Mercy* (2019) powerfully addressed the very issues of racial justice that are now in the headlines.

These are just a few of the countless movies and TV shows that played a very significant role in reminding America of its sometimes painful history, and introducing majority white, straight Americans to characters they likely wouldn't encounter in everyday life – all while entertaining and inspiring audiences along the way. I am gratified that today there are movie fairy tale princesses that look like girls in my community, television shows that feature dynamic, strong Black, Asian, and Hispanic girls, and movies with Black superheroes that touch the world.

That's not to say that we can't do more. We must, we are, and we will. But telling stories about diverse characters is nothing new to our industry, and I can say to you today that I know our members have gotten the message that they have a lot of work to do in this arena, and that they are actively working to do better.

One other thing I do want to mention about the content of our studios' movies and TV shows before moving on. It's fair for anyone – including members of Congress – to comment on or criticize these works, or those who make them. And that includes arguments that our industry doesn't make enough movies or TV shows that feature certain themes or categories of actors. But comment and criticism is one thing; regulation or legislation is another. Movies and TV shows are fully protected by the First Amendment,<sup>2</sup> which bars the government from mandating the kinds of stories filmmakers must tell, or who should tell them. The MPA has a nearly century-long commitment to protecting the freedom of creators to tell their stories in the manner they prefer.

Everyone here shares the goal of promoting storytelling that reflects the diverse tapestry of the American experience. And together, I'm confident we can continue to make significant progress to reflect the very best of American society. But that cooperative progress should not come at the expense of First Amendment protections that empower creators to dream big, make bold decisions, and tell stories that sometimes may make us reflective and even uncomfortable.

### **III. MOTION PICTURE ASSOCIATION AND STUDIO EFFORTS TO BOOST DIVERSITY, EQUITY, AND INCLUSION**

#### **A. What the Motion Picture Association is Doing**

As great as many of the movie and TV shows that I mentioned are, and despite the powerful messages that they convey, we recognize that that is not enough. Like America itself, while we often have the right ideals and good intentions, we don't always live up to them. The statistics – and even photos – showing the lack of diversity in our studios' C-suites are stark and unforgiving. But, it is not the only part of our story, and I would like to take this opportunity to highlight what we are doing now to make things better.

The Motion Picture Association is committed to great storytelling that reflects the viewpoints and experiences of all creators and audiences – which is why we are working hard with our member studios to collectively address diversity, gender parity, authentic cultural representation, and pipeline recruitment opportunities from underrepresented communities in our industry. By establishing programs that promote a diverse talent pipeline, creating new partnerships, and sharing what we learn, we are leading by example.

One important role we have played is helping ensure the industry has demographic data to demonstrate the importance of diverse audiences to the economics of the industry. Part of our work on this important issue is the THEME Report – our annual analysis and survey of the theatrical and home entertainment market environment. One notable takeaway from recent reports is that Hispanic audiences are among the nation's biggest movie fans, accounting for an outsized share of box office revenue relative to their portion of the population. Over the last few years, we have expanded the THEME Report's demographic data to include home entertainment

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<sup>2</sup> *Joseph Burstyn, Inc. v. Wilson*, 343 US 495 (1952) (movies protected by First Amendment); *Zacchini v. Scripps-Howard Broad. Co.* 433 U.S. 562, 578 (1977) (“There is no doubt that entertainment, as well as news, enjoys First Amendment protection.”).

and online viewing so that our members can better quantify the important role that diverse audiences play in the health and future of the creative economy.

This data helps cement the business case for stronger diversity efforts – and recent years have seen significant commercial success from movies such as *Black Panther*, *Coco*, *Crazy Rich Asians*, and the *Fast and Furious* franchise, not to mention this year’s Best Picture winner *Parasite*, further validating the data.

Also at the MPA, eight years ago we established our own Diversity, Equity and Inclusion program (three years before #oscarssowwhite and five years before #metoo and Time’s Up!), because our members proactively supported the MPA playing a constructive role: 1) forging relationships with multicultural organizations that work to diversify the creative pipeline; 2) ensuring important constituencies – studios, policymakers, and multicultural creator organizations – can communicate and collaborate on our shared goals; and 3) helping our companies keep stakeholders informed about these efforts.

We’re proud of our track record since. Through our program, MPA, under the leadership of our CEO Charlie Rivkin and John Gibson, Vice President, External and Multicultural Affairs, supports increasingly robust efforts by the industry to enhance the diversity of the creative pipeline, including via outreach to film schools and groups representing African-American, Latinx, Asian-American and Pacific Islander, Native American, women, and LGBTQ+ creators.

We’re grateful for the opportunity to partner with many such organizations, including the Entertainment Industry College Outreach Program, which, thanks to the overwhelming success of its marquee program, “HBCUs in LA” has quickly become one of the premiere industry pipeline programs geared towards students from Historically Black Colleges and Universities. In 2017, we also joined our partner, the Georgia Latino Film Alliance, in launching its Creative Studio Academy, which provides professional and technical training in the Greater Atlanta area to Latinx high school students ages 16-18 in the areas of acting, writing and production.

Another highlight is our partnership with the Ghetto Film School, a non-profit whose groundbreaking Roster Program trains 4,000 aspiring young creators annually for careers in creative industries, 55% of whom are Latinx, 35% African-American, and 10% other underrepresented groups. And most recently, MPA was proud to announce a partnership with the Native American Media Alliance focused on promoting Native American writers in the entertainment industry.

A key component of our DE&I program is these collaborations with many of the leading multicultural creative organizations and film festivals, including the American Black Film Festival, Georgia Latino Film Festival, New York Latino Film Festival, Newark International Film Festival, Women in Film and ReFrame, Florida Film House, the National Association of Latino Independent Producers, Native American Media Alliance, and Center for Asian American Media – all of which create new opportunities for creators from underrepresented communities to share their stories and find their audiences.

Turning to our role serving as a bridge between the industry and Congress to educate Members about our collective efforts: Beginning in January 2019, we proactively reached out to the Tri-Caucus to educate members about MPA’s and our member studios’ efforts – and to foster opportunities for Congress to hear directly from multicultural creator organizations working on the front lines of fostering change and our members. Indeed, we’ve initiated many such important dialogues – both in Los Angeles and Washington – and continue to do so despite COVID-19.

I encourage you all to visit the page on MPA’s website<sup>3</sup> highlighting our diversity, equity & inclusion efforts, where you can find a rich and growing catalogue of content, including our “Film School Friday” series, which highlights diverse creators and their experiences, challenges and successes in the industry. And our most recent event, held last week in partnership with the New York Latino Film Festival, included leaders from all six MPA member companies discussing their company’s commitments and programs to continually improve.

### **B. What the MPA’s Member Studios are Doing**

But of course what matters even more is what our member studios are doing in this area. We’re proud that each studio in the MPA has its own robust corporate policies, senior-level diversity and inclusion-focused personnel, and other programs. Below are examples of some of the initiatives our members are undertaking:

- ViacomCBS has a robust set of diversity and inclusion initiatives across all its platforms, including Paramount Studios, CBS Studios and News, BET Studios, and Nickelodeon. These include the following programs meant to more accurately reflect diversity both on-screen and behind-the-camera:
  - CBS Studios announced that in its development and writer’s room by the 2021-2022 season, 25% of the script development budget will be allocated to diverse creators and 40% of the writers will be diverse;
  - The Viewfinder Emerging Directors Program, the ViacomCBS Directing initiative, the Nick Writing Program, and the Nickelodeon Artist Program all seek to provide directors, writers, and artists with underrepresented voices an opportunity to enhance their skill set and grow their network;
  - Paramount Television’s upcoming slate includes a remarkably diverse and representative group of shows and talent, including *Briarpatch*, starring Rosario Dawson and directed by Ana Lily Amirpour; *First Wives Club* with executive producers Tracy Oliver and Tony Hernandez and starring Ryan Michelle Bathe, Jill Scott, and Michelle Buteau; and *One Day at a Time* featuring a multi-generational Cuban-American family on CBS prime-time;
  - In the coming year, Paramount has several productions featuring diverse filmmakers and talent, including: *Infinite*, directed by Antoine Fuqua; *Without Remorse*, starring Michael B. Jordan; and *Snake Eyes*, starring Henry Golding, Andrew Koji, Iko Uwais, and Haruka Abe; upcoming animated features will draw from traditions spanning Chinese-American experiences, Native American

<sup>3</sup> <https://www.motionpictures.org/what-we-do/advancing-diversity-equity-inclusion/>

culture, and Australian aboriginal folklore – Nickelodeon, for example, will premiere *Santiago of the Seas* in October 2020, featuring Latinx talent and creators.

- Netflix works with a wide range of creators—including in the U.S. with Ava DuVernay, Ryan O’Connell, Shonda Rhimes, Mindy Kaling, Alan Yang, America Ferrera, Ali Wong, Tyler Perry, and Janet Mock—to help increase the diversity of its storytelling, and representation on-screen and behind the camera.

More people should see their lives represented on screen, so Netflix is creating opportunities for creators from underrepresented communities to enter the entertainment industry. Just this month, Netflix announced it will partner with the Los Angeles Latino International Film Festival (LALIFF) to sponsor their inaugural inclusion fellowship series - which is focused on short films by five Afro-Latino directors. Netflix is also partnering with NALIP and the Latino Film Institute on several initiatives to help foster Latino writing talent. Earlier this year, Netflix made significant investments to lower the barrier to entry into the film, TV, and documentary industry for Black creators. Ghetto Film School, Film Independent Project Involve, Firelight Media, and Black Public Media received funds to create pipeline programs for Black creators. For the last few years, Netflix has also partnered with the International Documentary Association and Chicken & Egg productions to create development programs and opportunities for emerging female documentarians.

In 2018, Netflix created an Inclusion Strategy team of inclusion experts who integrate inclusion and equity into all aspects of Netflix’s operations worldwide, as well as increasing representation of historically excluded groups in the entertainment and technology industries.

- For almost a decade, Sony Pictures Entertainment (“SPE”) has undertaken a multi-pronged approach to diversity and inclusion in every area of its business by leveraging different perspectives from its filmmakers to its content, vendors, and employees. Most notably, SPE’s Diverse Directors Program (now in its seventh year) has enabled the studio to identify emerging directors from historically marginalized populations, including women and people from diverse ethnic backgrounds, and has resulted in numerous program graduates actively directing for Sony Pictures and throughout the industry.

Last year, SPE announced its inaugural Diverse Writers Program, to develop pilot scripts featuring the diverse voices of emerging writers. Other initiatives include Unconscious Bias training for both corporate employees as well as production staff.

SPE is also proud to maintain strategic partnerships with over twenty different organizations in order to amplify the studio’s commitment to surfacing and celebrating new and talented voices. SPE sponsored a panel series presented by the African American Film Festival and NALIP exploring Afro-Latinx Representation in Film and TV. And in partnership with NALIP, the studio is now in its second year of the Cine

Sony Voces Nuevos Short Film Competition designed to uncover and empower emerging Latinx content creators. The top three films from last year's competition aired on Sony Pictures Television's CineSony channel as a special programming event.

- WarnerMedia recently announced an industry-leading diversity and inclusion policy pledging to use its "best efforts to ensure that diverse actors and crew members are considered for film, television and other projects, and to work with directors and producers who also seek to promote greater diversity and inclusion in our industry." And last year WarnerMedia announced the hiring of a Chief Enterprise Inclusion Officer – a newly created senior position.
- NBCUniversal has launched a broad range of diverse talent pipeline programs to identify and engage creative talent from a wide array of backgrounds. Universal Filmed Entertainment Group's Global Talent Development & Inclusion Team, for example, develops up and coming talent through programs such as the Universal Writers Program, Universal Animation Writers Program, Universal Directors Initiative, and Universal Composers Initiative. Separately, NBCUniversal's Female Forward initiative gives female directors an entry into scripted television by giving participants the opportunity to shadow current directors of an NBC series, culminating with an in-season commitment to direct at least one episode of the show being shadowed. Program alumni Kim Nguyen and SJ Main Muñoz directed episodes of *Brooklyn Nine-Nine* and *Chicago Med*, respectively, that aired last season.

NBCUniversal is also proud to have launched the Alternative Directors Program, the television industry's first pipeline program for directors of unscripted TV shows, to give experienced female and ethnically diverse directors the opportunity to expand their repertoire, with the ultimate goal of hiring them as show directors on an NBC or Universal Television program. Program alumni of NBCUniversal's various pipeline and talent infusion programs are celebrated producers, writers, directors and actors in the entertainment industry who have gone on to win Emmys, Golden Globes and SAG Awards, and include Diverse Staff Writer's Initiative alums Donald Glover, Mindy Kaling, and Alan Yang.

- Finally, The Walt Disney Company ("TWDC") has many programs and policies to address these issues, including the U.S. Hispanic Initiative, a companywide effort focused on growing relevancy to and engagement with U.S. Hispanics; longstanding Creative Talent Development programs to diversify the creative pipeline that have helped launch the careers of many industry professionals, including writer/producer Peter Murrieta and director Zetna Fuentes; and the new Launchpad program providing opportunities for underrepresented directors to create content for their Disney+ streaming service.

TWDC has also proudly worked with NALIP and Ghetto Film School for several years supporting their talent pipeline programs. Walt Disney Television launched a Production Assistant program last summer, which places up to 50 participants from local city colleges and organizations across their shows. In addition, The Walt Disney Studios is

committed to the Academy Gold program, having placed a high percentage of alumni in full-time roles (including several Latino participants). Disney's content also speaks to their commitment having launched several of the highest grossing films featuring culturally specific stories including *Coco*, *Black Panther*, and *Aladdin*.

**IV. CONCLUSION**

We thank the Committee for the opportunity to be part of the discussion on these important issues and remain committed to working with you until our shared goals of a fully diverse, equitable, and inclusive motion picture and television industry becomes a reality. I welcome your questions.

Ms. SCANLON. Thank you to all of our witnesses. We will now proceed under the 5-minute rule with questions, and I will recognize Ms. Lofgren for 5 minutes.

Ms. LOFGREN. Thank you very much, and thanks to each and every one of our witnesses. You know, Hispanic Heritage Month is an appropriate time to be discussing underrepresentation in media, especially when the traditional home of the industry, California, my home, is almost 40 percent Hispanic, and even higher in Los Angeles, about half Hispanic, and yet that only accounts for 3 percent of directors and 4 percent of producers. You know, like all for-profit businesses, movie and TV studios and other media companies are ultimately driven by their financial bottom line and [inaudible] short sighted to reflect biases. But, in the end, including racial and ethnic representation should be good business given the audience, and we have had some examples mentioned here by our witnesses today.

So I am struggling to understand why this economic imperative has not been successful in moving Hollywood into more into more diversity. And I am wondering—it was so wonderful to listen to you, Mr. Olmos—about why this matters, sitting in the movie theater, having these things go directly into your consciousness. It matters who is represented and how people understand our society, and movies play such a role in that. Talk to me about why the bottom line hasn't moved us to where we need to be, Mr. Olmos.

Mr. OLMOS. The bottom line comes from the understanding that they don't have to. If they put out a movie with a person that is "Latino" in a secondary role or third role, we go to the theaters, and we make up 32 to 37 percent of all the box office on opening weekend. We always put a lot of money into the situation. I think what is happening and why I presented the video, is that we have to turn around and understand that we have a responsibility for ourselves. The only way it is going to change is if we change.

We need to have the writers. We need to have in front of camera and behind the camera people organized and ready to go. That is why the Youth Cinema Project is way beyond anybody's imagination. Over the last 6 years, we have actually put together over 1,400 children in 13 different school districts that take this program twice a week for 90 minutes with mentors in the classroom. We are creating over 130 feature films or films by these students from 4th grade through high school, all the way through high school, every year. We produce more film than anyone.

Now, I will tell you this. It will take another 10 or 15 years, but it is going to change. Scorsese, Coppola, all of the great directors that we have ever known did not have in the 4th grade someone mentoring them to become filmmakers and understand themselves. And we are not trying to make filmmakers, by the way. We are trying to make lifelong learners.

Ms. LOFGREN. It was wonderful to see the film of what you are doing, and I thank you for that. It is a wonderful contribution to American society. Dr. Smith, I am wondering if you might also jump in on the question of why the profit incentive hasn't actually moved to Hollywood to where we would hope they would be.

Ms. SMITH. Well, I think there are a few things that are operating, and I addressed some of them in my remarks. There is a lot

of mythologizing about decision making. If you look in my written remarks, we surveyed or conducted in-depth interviews with over 20 underrepresented directors and asked them about the impediments that they face, and market forces that are politicized seems to be one of the major factors. Individuals in greenlighting positions have perceptions about what sells and what doesn't sell, and resource allocation is very problematic, particularly for women of color. They are given lower production costs, lower marketing budgets, their films are released in fewer theaters, and so they have less support for their films to do as well as their counterparts. Some of this is true with films led by men of color as well.

So that adage of you have to work twice as hard to get half as far is actually quite true. Yet our economic reality of the data and the analysis that we did on 1,200 films suggest that there is a viable market for BIPOC leads and co-leads. So the executive ranks feature very few people of color. There are few directors of color to ensure that their stories are being told, and without a change in how the industry hires and crews up, this inequality will keep perpetuating over time.

Ms. LOFGREN. Well, that is why I was focusing on directors and producers. Obviously, there is an issue throughout the industry. My time has expired. Before I yield back, I had questions for Karyn Temple, but I do want to just thank her for her service to our country when she was in the Copyright Office. You have moved on to, you know, bigger fields, but we do appreciate the work that you did there, and thank you so much for your service. And I yield back, Madam Chair.

Ms. SCANLON. Thank you. The chair now recognizes Mr. Biggs for 5 minutes.

Mr. BIGGS. Thank you, Madam Chair. Ms. Villa, it is good to see you again. Thanks for being here today. Thanks to all the witnesses for being here today. Ms. Villa, I really want to pay tribute to you. Thank you for your advocacy for the unborn.

Ms. VILLA. Thank you.

Mr. BIGGS. Talk to us about the negative backlash that you have received from Hollywood for supporting President Trump, his pro-life policies, and defunding organizations like Planned Parenthood, please.

Ms. VILLA. Absolutely. Thank you so much. Being a proud pro-life woman, having given a child up for adoption, and having experienced the pressure of the nurse who gave me a pregnancy test to abort my child when I was 20 years old, was incredibly traumatic. There is a pressurization for women, especially women of color, to get an abortion no matter what. There is nothing talked about saying, you know, you are strong, you are proud, you are Latina, you are black, you can raise the baby or you can choose adoption, and I would rather our tax dollars go to adoption than abortion. But as far as my attacks, there have been rape threats and death threats on my life simply for being pro-life, and in Hollywood, it is something that is the unspoken secret that you cannot celebrate life. You cannot celebrate God. You cannot say "I'm a proud pro-life Christian" in Hollywood and achieve the same success that many A-listers do.

In fact, many actresses brag about on the way up to their golden statuettes that they gave their children up so that they could achieve their dreams. And as someone who hopes to become a mother one day, I implore all mothers and fathers do not co-sign this narrative. It's incredibly dangerous to young girls to tell them you can do anything you want except have a career and also be a mother.

Abortion is not the option. Choosing life is the most important fight, and I'm proud that our President approves of this and is defunding Planned Parenthood. And Hollywood needs to open up and stop discrimination against pro-life women and men. Because if we are truly going to talk about diversity and supporting women, we need to talk about the unborn, the most vulnerable.

Mr. BIGGS. Thank you for your testimony. Thank you for speaking out.

Mr. Whitlock, you have written extensively about Black Lives Matter and how they have corrupted the minds of many young athletes, and you recently wrote that boycotting sports leagues for supporting BLM would be ineffective in causing change. You go on to state that your "alternative to boycotting major league sports is a holistic approach of educating the athletes on what they are actually supporting. BLM is Marxist, anti-religion, anti-nuclear family, and racially divisive."

Big sports media companies tend to drive home the deal in narrative on behalf of athletes. Can you elaborate on how you are going about educating athletes on BLM, please?

Mr. WHITLOCK. Yeah. I'm just trying to write about it on Outkick and talk about it on our YouTube page because I believe many of the athletes—I know many athletes. They have Christian values. They were raised in Christian homes. And I don't think they truly understand Marxism. I don't think they know that the women who founded Black Lives Matter are trained Marxists. I don't think they realize that if you went to Black Lives Matter's own Web page, the "what we believe" section of their Web page was just an expression of Marxist theory.

And so—and they've scrubbed some of that "what we believe" because there has been a lot of pushback. Athletes over in Europe, the European soccer leagues, they're backing away from Black Lives Matter because they realize how divisive it is, how anti-Western civilization it is.

And so, you know, I don't—I used to be—I was a college athlete. That's how I made it from poverty to a good life was a football scholarship. I don't want to demean athletes in any way. But a lot of times when you're a great athlete, you work on developing your body because it's a smart thing to do. There's a big payday if you do it. And there are some things that you kind of skip over.

And I can say that when I was in my 20s, there were a lot of things I didn't understand. And I think a lot of these athletes, when you say the word "Marxism," I don't think they understand the threat of Karl Marx and his political theory. The threat it poses to Christian values. The threat it poses to people that believe in a nuclear family.

And so I'm just trying to point these things out to athletes, trying to educate them on, you know, what Black Lives Matter's real

agenda is, and I legitimately think that Black Lives Matter is one of the most racist organizations we've ever seen in the history of America. Bigots love Marxism.

And Marxism—it's a great marketing scheme, Black Lives Matter. It's a great slogan. But if you look at the truth of what it truly represents and the agenda it's working toward, it will lead to the destruction not just of America, but in particular black America. The things that allowed us to overcome slavery and make it to where we had a President elected twice in Barack Obama, the things that allowed us this incredible journey, our faith, is under attack through BLM.

As I listen to Joy Villa talk about Hollywood, I lived in Los Angeles for a decade. It is hostile towards Christian values. We've just gone way too secular, and this thing is driven by Silicon Valley and their social media apps. Twitter has got to be the most secular place on Earth. If you express any type of religious faith, you're ostracized and criticized.

So I just want to take a long-term approach and just try to engage athletes in a positive way and explain to them what the organization truly represents and hope that some of them wake up.

Ms. SCANLON. Thank you. The gentleman's time has expired.

Mr. BIGGS. Thank you. Thank you, Mr. Whitlock.

Ms. SCANLON. Next, the chair will recognize a longstanding leader in diversity issues, the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Chair, thank you so very much.

And let me thank Mr. Nadler and Mr. Jordan for providing us with such a rich diversity of thought. That is clearly, I think, an important element of this, and I am delighted that the witnesses, who are of varying opinions, have had their opportunity to raise their voices.

I do want to take just a moment and say that the young people that I have worked with in my own constituency, Black Lives Matter are true young Americans. They are college students. They are empowered young athletes, brilliant. They are thoughtful. They love this country, and they just want to see a life led by young people maybe less fortunate than themselves that would be in a nation that re-imagines policing and has a just response to justice for all.

I have had the privilege of working with them since the tragedy of the killing of Trayvon Martin. I know his mother to be a patriot, and the mothers of the movement, from Eric Garner to Tamir Rice to the mother of Michael Brown, and now as we watch the tragedies that have occurred just recently of Breonna Taylor and, of course, George Floyd and Jacob Blake.

I also think it is important to note that yesterday a coalition of players—athletes, pro ball—of various leagues endorsed H.R. 40, the Commission to Study and Develop Reparation Proposals. Young men, recognizing the history of not only their people, but their neighborhoods, thoughtful young men.

So let me indicate, first of all, to Erika Alexander and then to Mr. Kim, if I can quickly, and speak to how hurtful the decades have been because you are not decades, but you are a historian, when people of color were blackballed for several reasons—their looks, their hair, but also the studios were not interested because they didn't make money.

Can you answer that question? I have a question for Mr. Kim, and I am going to try to get in these outstanding, all of you outstanding actors, but this great historian and actor Edward Olmos.

Ms. Alexander.

Ms. ALEXANDER. Yes, ma'am. Thank you—

Ms. JACKSON LEE. Did you hear the—

Ms. ALEXANDER. Could you please say that question again?

Ms. JACKSON LEE. How has the question of race—your looks, your hair, and studios' lack of interest because of money, meaning these are not profitable films—impacted black artists.

Ms. ALEXANDER. It's impacted them greatly. It's limited their—not only their earning power, but the potential for progress.

You know, when we talk about diversity, we really should be saying "racial justice" because that's exactly what it is. Inside of all these issues, inside of saying people who I may not even agree with, we're talking about expanding the human experience. But when you stop any one person for the way they look, for the way they present, you're stopping not only the human story, you're stopping the American story, which is one of greatness and power because of *e pluribus unum*, "from many, one."

So once we start telling the story, the people who are most marginalized, we expand the vision of ourselves, and more importantly, we innovate inside of it. And since our best and most powerful export is creativity and culture, we can't—we will know that when we're doing that, we limit the power of the United States. And that's how important it is.

And the years that they've done that has stopped the United States from being its most powerful self.

Ms. JACKSON LEE. Mr. Olmos—thank you so very much. Mr. Olmos and Mr. Kim, I am going to ask you this. So, hopefully, you will get in your comments.

Mr. Olmos, culture reflects the Nation. The Nation reflects culture. What someone says, politics is intertwined. Public service, public leaders' words mean something. What does it mean when you have the leading officer in the Nation, the President, describe Latinx people as drug dealers?

Mr. Kim, what does it mean when COVID-19 that has hit minorities harder than any other population is described as the "China virus" for culture, for people understanding, which is what art is all about, making sure people understand difference or tell stories differently, whether it is fiction or not.

Mr. Olmos, your comments, please.

Mr. OLMOS. It's devastating to my children, to myself, to people of Latino descent. It only can be said that anyone that speaks like this about another culture has the right to do that in this country, but they don't have the right to tell lies, and that's what's happening.

Not every single person—they encompass so much. I'm not going to say that we don't have people that are doing things that are against the law, but so are all the cultures. What makes me sad is that we haven't gotten to the point of where we understand who we are as people.

What we've got to understand is that there's only one race, the human race. That's it. There's no African or indigenous or Asian

or Latino or Caucasian race. There's only one race, the human race. And inside of that, there are cultures.

But you cannot tell me that English, the English looked like or act or feel like the Irish—go ahead.

Ms. SCANLON. I am sorry, Mr. Olmos. The gentlewoman's time has expired.

Ms. JACKSON LEE. Thank you.

Ms. SCANLON. Mr. Kim, could you answer very, very briefly?

Ms. JACKSON LEE. Thank you so much, Madam Chair. Mr. Kim.

Mr. KIM. Sure. I will say—I will say that when the leader of our country refers to a virus as—as coming from a particular country, he may have his own reasons for doing that that are political and a statement against maybe the leadership of that country. But the virus does have a scientific name, and that is COVID-19.

And when the ramifications of the words he uses not only affects Chinese people, but Chinese Americans and all Asian Americans to the tune of 2,800 hate crimes or acts of violence against them in several months, that's something that needs to get examined because words do matter. And so, and our leadership sets the tone.

Ms. JACKSON LEE. Thank you. That means diversity is crucial in the arts.

Thank you so very much, Madam Chair, for your courtesy. I yield back.

Ms. SCANLON. Thank you. The gentlewoman from Arizona is recognized for 5 minutes.

Mrs. LESKO. Thank you, Madam Chairman.

And I want to thank all of the people that are testifying, and I appreciate your success and applaud you for your successes.

First of all, I want to say that I agree. All people should be treated equally, and they should not be discriminated against. And so I call on my Democratic colleagues and some of the testifiers to stand up for people that have diversity in thought as well. As we have heard from Joy Villa today that she has been discriminated against because of her beliefs, because she is pro-life, because she supports Donald Trump.

And I hope that you will realize and think about it that if the discrimination that you have witnessed and you have experienced because of your race or sex that you have told us about, I hope you realize the same thing is happening about people's beliefs. For instance, I am a pro-life woman, and I stood up against Government funding of abortions. And national Planned Parenthood put my phone number, my home phone number out for the whole world to see.

And I got the most vile calls. People telling me I should stick things in different places that you don't want to know. This is not right.

So I agree with you. We should not discriminate. But please, tell your coworkers, tell your coproducers, tell your other people you should not discriminate based on what people believe.

There is too much cancel culture going on right now. People are afraid. Workers are afraid to speak up for fear they are going to get fired. This is happening in all different sectors.

So I do not have questions today, but I want you to think about this. When you have seen discrimination because of race, because

of sex, or you have experienced it, please know that people right now are being discriminated against because of what they believe.

There is an instance right in Arizona State University—I am from Arizona. There is a young woman who is a student employee, who was the manager of a student radio station. All she did was retweet out something. It wasn't even bad. And all of a sudden, she is fired. This is outrageous.

And so I hope that you will understand that no one should be discriminated against, not only because of—not just because of their race, not just because of their sex, but also because of what we believe. Because our country was founded on people having different opinions, and if we squelch the opinions of one side just because we don't agree with them, the future of our Nation is at risk.

And Mr. Kim, the reason that people voted against the resolution that you are talking about was because inserted in that was a political attack specifically designed against the President of the United States. I have a large Asian-American community in my district, and I totally appreciate them. And I try to respect all people, no matter what their race, no matter what their sex, and certainly, no matter what they believe.

So thank you all for testifying. Please take my words to heart. And with that, I yield back.

Ms. SCANLON. Thank you. The chair recognizes Mr. Deutch for 5 minutes.

Mr. DEUTCH. Thank you, Madam Chairman.

Madam Chairman, there are certain fundamentals that underlie everything that we do here in Congress. We have a shared faith in our institutions, even when we examine and challenge them. We have a shared tradition of defending the right to vote, even when we disagree on how best to accomplish that. And we have a shared trust that there will be a peaceful transition of power, regardless of whether we like the outcome of an election.

President Trump's comments yesterday, his inability to acknowledge that there will be a peaceful transition of power, undercut these shared truths. We cannot just continue going about this committee's business or allow any person to undermine the bedrock of our democracy that free and fair elections determine our Government and our leaders.

So I would ask this committee, I would ask my colleagues that we join together to protect our democracy, protect our citizens and their right to vote, and to protect America.

Now yesterday, we learned that no one will be charged in the death of Breonna Taylor. No charges for an officer blindly firing into Breonna Taylor's apartment, killing her. And that is because that is how the system that we have works. The racism that denies Breonna Taylor justice is baked in. That is how Kimberle Crenshaw, executive director of the African American Policy Forum, put it yesterday.

I quote her. "If we thought the problem and the solution to the tragedy of Breonna Taylor was simply prosecuting these cops, then we are not understanding the broader systemic conditions that allow for the kind of policing that disproportionately imperils black Americans," which is to say we have got a lot of work to do. This committee has a lot of work to do.

Our Government, law enforcement agencies, courts, schools, workplaces, and yes, our entertainment and media, too, have a lot of work to do to address those systemic conditions that deny Breonna Taylor justice and that deny us all justice as a result.

Madam Chairman, I would like to enter into the record this Washington Post article entitled "Allegations of Racism Have Marked Trump's Presidency and Become Key Issue as Election Nears."

Ms. SCANLON. Without objection.  
[The information follows:]

**MR. DEUTCH FOR THE OFFICIAL RECORD**

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**The Washington Post**  
*Democracy Dies in Darkness*

## Allegations of racism have marked Trump's presidency and become key issue as election nears

'The 45th President': One in a series looking back at the Trump presidency

By **Greg Miller**

September 23, 2020 at 10:29 a.m. EDT

In unguarded moments with senior aides, President Trump has maintained that Black Americans have mainly themselves to blame in their struggle for equality, hindered more by lack of initiative than societal impediments, according to current and former U.S. officials.

After phone calls with Jewish lawmakers, Trump has muttered that Jews "are only in it for themselves" and "stick together" in an ethnic allegiance that exceeds other loyalties, officials said.

Trump's private musings about Hispanics match the vitriol he has displayed in public, and his antipathy to Africa is so ingrained that when first lady Melania Trump planned a 2018 trip to that continent he railed that he "could never understand why she would want to go there."

When challenged on these views by subordinates, Trump has invariably responded with indignation. "He would say, 'No one loves Black people more than me,'" a former senior White House official said. The protests rang hollow because if the president were truly guided by such sentiments he "wouldn't need to say it," the official said. "You let your actions speak."

In Trump's case, there is now a substantial record of his actions as president that have compounded the perceptions of racism created by his words.

Over 3½ years in office, he has presided over a sweeping U.S. government retreat from the front lines of civil rights, endangering decades of progress against voter suppression, housing discrimination and police misconduct.

His immigration policies hark back to quota systems of the 1920s that were influenced by the junk science of eugenics, and have involved enforcement practices — including the separation of small children from their families — that seemed designed to maximize trauma on Hispanic migrants.

With the election looming, the signaling behind even second-tier policy initiatives has been unambiguous.

After rolling back regulations designed to encourage affordable housing for minorities, Trump declared himself the champion of the "Suburban Lifestyle Dream." He ordered aides to revamp racial sensitivity training at federal agencies so that it no longer refers to "White privilege." In a speech at the National Archives on Thursday, Trump vowed to overhaul what children are taught in the nation's schools — something only states have the power to do — while falsely claiming that students are being "fed lies about America being a wicked nation plagued by racism."

The America envisioned by these policies and pronouncements is one dedicated to preserving a racial hierarchy that can be seen in Trump's own Cabinet and White House, both overwhelmingly white and among the least diverse in recent U.S. history.

Scholars describe Trump's record on race in historically harsh terms. Carol Anderson, a professor of African American Studies at Emory University, compared Trump to Andrew Johnson, who succeeded Abraham Lincoln as president and helped Southern Whites reestablish much of the racial hegemony they had seemingly lost in the Civil War.

"Johnson made it clear that he was really the president of a few people, not the American people," Anderson said. "And Trump has done the same."

A second White House official who worked closely with Trump quibbled with the comparison, but only because later Oval Office occupants also had intolerant views.

"Woodrow Wilson was outwardly a white supremacist," the former official said. "I don't think Trump is as bad as Wilson. But he might be."

White House officials vigorously dispute such characterizations.

"Donald Trump's record as a private citizen and as president has been one of fighting for inclusion and advocating for the equal treatment of all," said Sarah Matthews, a White House spokeswoman. "Anyone who suggests otherwise is only seeking to sow division."

No senior U.S. official interviewed could recall Trump uttering a racial or ethnic slur while in office. Nor did any consider him an adherent of white supremacy or white nationalism, extreme ideologies that generally sanction violence to protect White interests or establish a racially pure ethno-state.

White House officials also pointed to achievements that have benefited minorities, including job growth and prison-sentence reform.

But even those points fade under scrutiny. Black unemployment has surged disproportionately during the coronavirus pandemic, and officials said Trump regretted reducing prison sentences when it didn't produce a spike in Black voter support.

And there are indications that even Trump's allies are worried about his record on race. The Republican Party devoted much of its convention in August to persuading voters that Trump is not a racist, with far more Black speakers at the four-day event than have held top White House positions over the past four years.

This story is based on interviews with more than two dozen current and former officials, including some who have had daily interactions with the president, as well as experts on race and members of white supremacist groups. Many spoke on the condition of anonymity, citing a desire to provide candid accounts of events and conversations they witnessed without fear of retribution.

## Coded racial terms

Most attributed Trump's views on race and conduct to a combination of the prevailing attitudes of his privileged

upbringing in the 1950s in what was then a predominantly White borough of New York, as well as a cynical awareness that coded racial terms and gestures can animate substantial portions of his political base.

The perspectives of those closest to the president are shaped by their own biases and self-interests. They have reason to resist the idea that they served a racist president. And they are, with few exceptions, themselves White males.

Others have offered less charitable assessments.

Omarosa Manigault Newman, one of the few Black women to have worked at the White House, said in her 2018 memoir that she was enlisted by White House aides to track down a rumored recording from “The Apprentice” — the reality show on which she was a contestant — in which Trump allegedly used the n-word. A former official said that others involved in the effort included Trump adviser Hope Hicks and former White House spokeswoman Sarah Sanders.

The tape, if it exists, was never recovered. But Manigault Newman, who was forced out after clashing with other White House staff, portrayed the effort to secure the tape as evidence that aides saw Trump capable of such conduct. In the book, she described Trump as “a racist, misogynist and bigot.”

Mary L. Trump, the president’s niece, has said that casual racism was prevalent in the Trump family. In interviews to promote her recently published book, she has said that she witnessed her uncle using both anti-Semitic slurs as well as the n-word, though she offered few details and no evidence.

Michael Cohen, the president’s former lawyer, has made similar allegations and calls Trump “a racist, a predator, a con man” in a newly published book. Cohen accuses Trump of routinely disparaging people of color, including former president Barack Obama. “Tell me one country run by a Black person that isn’t a s---hole,” Trump said, according to Cohen.

These authors did not provide direct evidence of Trump’s racist outbursts, but the animus they describe aligns with the prejudice Trump so frequently displays in public.

In recent months, Trump has condemned Black Lives Matter as a “symbol of hate” while defending armed White militants who entered the Michigan Capitol, right-wing activists who waved weapons from pickup trucks in Portland and a White teen who shot and killed two protesters in Wisconsin.

Trump has vowed to safeguard the legacies of Confederate generals while skipping the funeral of the late congressman John Lewis (D-Ga.), a civil rights icon, and retweeted — then deleted — video of a supporter shouting “White power” while questioning the electoral eligibility of Sen. Kamala D. Harris (D-Calif.), the nation’s first Black and Asian American candidate for vice president from a major party. In so doing, Trump reanimated a version of the false “birther” claim he had used to suggest that Obama may not have been born in the United States.

These add to an already voluminous record of incendiary statements, including his tweet that minority congresswomen should “go back” to their “crime infested” countries despite being U.S.-born or U.S. citizens, and his claim that there

were “very fine people on both sides” after torch-carrying white nationalists staged a violent protest in Charlottesville.

In a measure of Trump’s standing with such organizations, the Stormfront website — the oldest and largest neo-Nazi platform on the Internet — recently issued a call to its followers to mobilize.

“If Trump doesn’t win this election, the police will be abolished and Blacks will come to your house and kill you and your family,” the site warned. “This isn’t about politics anymore, it is about basic survival.”

As the election approaches, Trump has also employed apocalyptic language. He recently claimed that if Democratic nominee Joe Biden is elected, police departments will be dismantled, the American way of life will be “abolished” and “no one will be SAFE.”

Given the country’s anguished history, it is hard to isolate Trump’s impact on the racial climate in the United States. But his first term has coincided with the most intense period of racial upheaval in a generation. And the country is now in the final stretch of a presidential campaign that is more explicitly focused on race — including whether the sitting president is a racist — than any election in modern American history.

Biden has seized on the issue from the outset. In a video declaring his candidacy, he used images from the clashes in Charlottesville, and said he felt compelled to run because of Trump’s response. He has called Trump the nation’s first racist president and pledged to use his presidency to heal divisions that are a legacy of the country’s “original sin” of slavery.

## Exploiting societal divisions

Trump has confronted allegations of racism in nearly every decade of his adult life. In the 1970s, the Trump family real estate empire was forced to settle a Justice Department lawsuit alleging systemic discrimination against Black apartment applicants. In the 1980s, he took out full-page ads calling for the death penalty against Black teens wrongly accused of a rape in Central Park. In the 2000s, Trump parlayed his baseless “birther” claim about Obama into a fervent far-right following.

As president, he has cast his record on race in grandiose terms. “I’ve done more for Black Americans than anybody with the possible exception of Abraham Lincoln,” Trump said July 22, a refrain he has repeated at least five times in recent months.

None of the administration officials interviewed for this story agreed with Trump’s self-appraisals. But several sought to rationalize his behavior.

Some argued that Trump only exploits societal divisions when he believes it is to his political advantage. They pointed to his denunciations of kneeling NFL players and paeans to the Confederate flag, claiming these symbols matter little to him beyond their ability to rouse supporters.

“I don’t think Donald Trump is in any way a white supremacist, a neo-Nazi or anything of the sort,” a third former senior administration official said. “But I think he has a general awareness that one component of his base includes factions that trend in that direction.”

Studies of the 2016 election have shown that racial resentment was a far bigger factor in propelling Trump to victory than economic grievance. Political scientists at Tufts University and the University of Massachusetts, for example, examined the election results and found that voters who scored highly on indexes of racism voted overwhelmingly for Trump, a dynamic particularly strong among non-college-educated Whites.

Several current and former administration officials, somewhat paradoxically, cited Trump's nonracial biases and perceived limitations as exculpatory.

Several officials said that Trump is not a disciplined enough thinker to grasp the full dimensions of the white nationalist agenda, let alone embrace it. Others pointed out that they have observed him making far more offensive comments about women, insisting that his scorn is all-encompassing and therefore shouldn't be construed as racist.

"This is a guy who abuses people in his cabinet, abuses four-star generals, abuses people who gave their life for this country, abuses civil servants," the first former senior White House official said. "It's not like he doesn't abuse people that are White as well."

Nearly all said that Trump places far greater value on others' wealth, fame or loyalty to him than he does on race or ethnicity. In so doing, many raised a version of the "some of my best friends are Black" defense on behalf of the president.

When faced with allegations of racism in the 2016 campaign, Trump touted his friendship with boxing promoter Don King to argue otherwise. Administration officials similarly pointed to the president's connection to Black people who have praised him, worked for him or benefited from his help.

They cited Trump's admiration for Tiger Woods and other Black athletes, the political support he has received from Sen. Tim Scott (R-S.C.) and other Black lawmakers, the president's fondness for Ja'Ron Smith, who as assistant to the president for domestic policy is the highest-ranking Black staffer at the White House, and his pardon of Black criminal-justice-reform advocate Alice Marie Johnson, expunging her 1996 conviction for cocaine trafficking.

In his speech at the Republican National Convention, Scott used his personal story of bootstrap success to emphasize the ways that Republican policies on taxes, school choice and other issues create opportunities for minorities.

Trump "has fought alongside me" on such issues, Scott said, urging voters "not to look simply at what the candidates say, but to look back at what they've done."

For all the prominence that Scott and other Black Trump supporters were given at the convention, there has been no corresponding representation within the Trump administration.

The official photo stream of Trump's presidency is a slide show of a commander in chief surrounded by White faces, whether meeting with Cabinet members or posing with the latest intern crop.

From the outset, his leadership team has been overwhelmingly White. A Washington Post tally identified 59 people who have held Cabinet positions or served in top White House jobs including chief of staff, press secretary and national security adviser since Trump took office.

Only seven have been people of color, including Defense Secretary Mark T. Esper and Health and Human Services Secretary Alex Azar, who are of Lebanese heritage. Only one — Ben Carson, the Secretary of Housing and Urban Development — is Black.

Under Trump, the nation's federal courts have also become increasingly White. Of the 248 judges confirmed or nominated since Trump took office, only eight were Black and eight were Hispanic, according to records compiled by NPR News.

## Retreating from civil rights

Trump can point to policy initiatives that have benefited Black or other minority groups, including criminal justice reforms that reduced prison sentences for thousands of Black men convicted of nonviolent, drug-related crimes.

About 4,700 inmates have been released or had their sentences reduced under the First Step Act, an attempt to reverse the lopsided legacy of the drug wars of the 1980s and 1990s, which disproportionately targeted African Americans. But this policy was championed primarily by Jared Kushner, Trump's son-in-law, and former officials said that Trump only agreed to support the measure when told it might boost his low poll numbers with Black voters.

Months later, when that failed to materialize, Trump "went s---house crazy," one former official said, yelling at aides, "Why the hell did I do that?"

Manigault Newman was similarly excoriated when her efforts to boost funding for historically Black colleges failed to deliver better polling numbers for the president, officials said. "You've been at this for four months, Omarosa," Trump said, according to one adviser, "but the numbers haven't budged." Manigault Newman did not respond to a request for comment.

White House officials cited other initiatives aimed at helping people of color, including loan programs targeting minority businesses and the creation of "opportunity zones" in economically distressed communities.

Trump has pointed most emphatically to historically low Black unemployment rates during his first term, arguing that data show they have fared better under his administration than under Obama or any other president.

But unemployment statistics are largely driven by broader economic trends, and the early gains of Black workers have been wiped out by the pandemic. Blacks have lost jobs at higher rates than other groups since the economy began to shut down. The jobless rate for Blacks in August was 13 percent, compared with 7.3 percent for Whites — the highest racial disparity in nearly six years.

Neither prison reform nor minority jobs programs were priorities of Trump's first term. His administration has devoted far more energy and political capital to erecting barriers to non-White immigrants, dismantling the health-care policies of Obama and pulling federal agencies back from civil rights battlegrounds.

Under Trump, the Justice Department has cut funding in its Civil Rights Division, scaled back prosecutions of hate crimes, all but abandoned efforts to combat systemic discrimination by police departments and backed state measures that deprived minorities of the right to vote.

Weeks after Trump took office, the department announced it was abandoning its six-year involvement in a legal battle with Texas over a 2011 voter ID law that a federal court had ruled unfairly targeted minorities.

Later, the department went from opposing, under Obama, an Ohio law that allowed the state to purge tens of thousands of voters from its rolls to defending the measure before the Supreme Court.

The law was upheld by the court's conservative majority. In a dissenting opinion, Supreme Court Justice Sonia Sotomayor noted that voter rolls in African American neighborhoods shrank by 10 percent, compared with 4 percent in majority-White suburbs.

The Justice Department's shift when faced with allegations of systemic racism by police departments has been even more stark.

After the Rodney King beating in Los Angeles in 1991, Congress gave the department new power to investigate law enforcement agencies suspected of engaging in a "pattern or practice" of systemic — including racist — misconduct. The probes frequently led to settlements that required sweeping reforms.

The authority was put to repeated use by three consecutive presidents: 25 times under Bill Clinton, 21 under George W. Bush and 25 under Obama. Under Trump, there has been only one.

The collapse has coincided with a surge in police killings captured on video, the largest civil rights protests in decades and polling data that suggests a profound turn in public opinion in support of the Black Lives Matter cause — though that support has waned in recent weeks as protests became violent in some cities.

A Justice Department spokesman pointed to nearly a dozen cases over the past three years in which the department has prosecuted hate crimes or launched racial discrimination lawsuits. In perhaps the most notable case, James Fields Jr., who was convicted of murder for driving his car into a crowd of protesters in Charlottesville, also pleaded guilty to federal hate crime charges.

"The Civil Rights Division of the United States Department of Justice is vigorously fighting race discrimination throughout the United States. Any assertion to the contrary is completely false," said Assistant Attorney General Eric Dreiband. "Since 2017, we have prosecuted criminal and civil race discrimination cases in all parts of the United States, and we will continue to do so."

But the department has not launched a pattern or practice probe into any of the police departments involved in the killings that ignited this summer's protests, including the May 25 death in Minneapolis of George Floyd, who asphyxiated after a White policeman kept him pinned to the ground for nearly eight minutes with a knee to his neck.

The department has opened a more narrow investigation of the officers directly involved in Floyd's death. Attorney General William P. Barr called Floyd's killing "shocking," but in congressional testimony argued there was no reason to commit to a broader probe of Minneapolis or any other police force.

"I don't believe there is systemic racism in police departments," Barr said.

## Deport, deny and discourage

Days after the 2016 election, David Duke, a longtime leader of the Ku Klux Klan, tweeted that Trump's win was "great for our people." Richard Spencer, another prominent white nationalist figure, was captured on video leading a "Hail Trump" salute at an alt-right conference in Washington.

People with far-right views or white nationalist sympathies gravitated to the administration.

Michael Anton, who published a 2016 essay comparing the country's course under Obama to that of an aircraft controlled by Islamist terrorists and called for an end to "the ceaseless importation of Third World foreigners," became deputy national security adviser for strategic communication.

Ian Smith served as an immigration policy analyst at the Department of Homeland Security until email records showed connections with Spencer and other white supremacists. Darren Beattie worked as a White House speechwriter before leaving abruptly when CNN reported his involvement in a conference frequented by white nationalists.

Stephen K. Bannon, who for years used Breitbart News to advance an alt-right, anti-immigrant agenda, was named White House chief strategist, only to be banished eight months later after clashing with other administration officials.

Stephen Miller, by contrast, has survived a series of White House purges and used his position as senior adviser to the president to push hard-line policies that aim to deport, deny and discourage non-European immigrants.

While working for the Trump campaign in 2016, Miller sent a steady stream of story ideas to Breitbart drawn from white nationalist websites, according to email records obtained by the Southern Poverty Law Center. In one exchange, Miller urged a Breitbart reporter to read "Camp of the Saints," a French novel that depicts the destruction of Western civilization by rampant immigration. The book has become a touchpoint for white supremacist groups.

Miller was the principal architect of, and driving force behind, the so-called Muslim Ban issued in the early days of Trump's presidency and the separation of migrant children from their parents along the border with Mexico. He has also worked behind the scenes to turn public opinion against immigrants and outmaneuver bureaucratic adversaries, officials said.

To blunt allegations of racism and xenophobia in the administration's policies, Miller has sought to portray them as advantageous to people of color. In several instances, Miller directed subordinates to "look for Latinos or Blacks who have been victims of a crime by an immigrant," then pressured officials at the Department of Homeland Security to tout these cases to the press, one official said. Families of some victims appeared as prominent guests of the president at the State of the Union address.

In 2018, as Miller sought to slash the number of refugees admitted to the United States, Pentagon officials argued that the existing policy was crucial to their ability to relocate interpreters and other foreign nationals who risked their lives to work with U.S. forces in Iraq and Afghanistan.

"What do you want? Iraqi communities across the United States?" Miller erupted during one meeting of National Security Council deputies, according to witnesses. The refugee limit has plunged since Trump took office, from 85,000 in 2016 to 18,000 this year.

In response to a request for comment from Miller, Matthews, the White House spokeswoman, said that "this attempt to vilify Stephen Miller with egregious and unfounded allegations from anonymous sources is shameful and completely unethical."

As a descendant of Jewish immigrants, Miller is regarded warily by white supremacist organizations even as they applaud some of his actions.

"Our side doesn't consider him one of us — for obvious reasons," said Don Black, the founder of the Stormfront website, in an interview. "He's kind of an odd choice to be the white nationalist in the White House."

## The moral character of his presidency

Trump's presidency has corresponded with a surge in activity by white nationalist groups, as well as concern about the growing danger they pose.

Recent assessments by the Department of Homeland Security describe white supremacists as the country's gravest domestic threat, exceeding that of the Islamic State and other terror groups, according to documents obtained by the Lawfare national security website and reported by Politico.

The FBI has expanded resources to tracking hate groups and crimes. FBI Director Christopher A. Wray testified Thursday that "racially motivated violent extremism" accounts for the bulk of the bureau's domestic terrorism cases, and that most of those are driven by white supremacist ideology.

Major rallies staged by white nationalist organizations, which were already on the upswing just before the 2016 election, increased in size and frequency after Trump took office, according to Brian Levin, an expert on hate groups at California State University at San Bernardino.

The largest, and most ominous, was the "Unite the Right" rally in Charlottesville.

On Aug. 11, 2017, hundreds of white supremacists, neo-fascists and Confederate sympathizers descended on the city. Purportedly there to protest the planned removal of a Robert E. Lee statue, they carried torches and chanted slogans including "blood and soil" and "you will not replace us" laden with Klan and Nazi symbolism.

The event erupted in violence the next day, Saturday, when Fields, a self-proclaimed white supremacist, drove his car into a crowd of counterprotesters, tossing bodies into the air. Heather Heyer, a 32-year-old Virginia native and peace activist, was killed.

Trump's vacillating response in the ensuing days came to mark one of the defining sequences of his presidency.

Speaking from his golf resort in Bedminster, N.J., Trump at first stuck to a calibrated script: "We condemn in the strongest possible terms this egregious display of hatred, bigotry and violence." Then, improvising, he added: "on many sides, on many sides."

In six words, Trump had drawn a moral equivalency between the racist ideology of those responsible for the Klan-like spectacle and the competing beliefs that compelled Heyer and others to confront hate.

Trump's comments set off what some in the White House came to regard as a behind-the-scenes struggle for the moral character of his presidency.

John F. Kelly, a retired Marine Corps general who was just weeks into his job as White House chief of staff, confronted Trump in the corridors of the Bedminster club. "You have to fix this," Kelly said, according to officials familiar with the exchange. "You were supporting white supremacists. You have to go back out and correct this."

Gary Cohn, the White House economic adviser at the time, threatened to resign and argued that there were no "good people" among the ranks of those wearing swastikas and chanting "Jews will not replace us." In a heated exchange, Cohn criticized Trump for his "many sides" comment, and was flummoxed when Trump denied that was what he had

said.

“Not only did you say it, you continued to double down on it,” Cohn shot back, according to officials familiar with the exchange. “And if you want, I’ll get the transcripts.”

Trump relented that Monday and delivered the ringing condemnation of racism that Kelly, Cohn and others had urged. “Racism is evil,” he said, “and those who cause violence in its name are criminals and thugs, including the KKK, neo-Nazis, white supremacists, and other hate groups”

Aides were briefly elated. But Trump grew agitated by news coverage depicting his speech as an attempt to correct his initial blunder.

The next day, during an event at Trump Tower that was supposed to highlight infrastructure initiatives, Trump launched into a fiery monologue.

“You had a group on one side that was bad,” he said. “You had a group on the other side that was also very violent. Nobody wants to say that. I’ll say it right now.” By the end, the president appeared to be sanctioning racial divisions far beyond Charlottesville, saying “there are two sides to the country.”

For all their consternation, none of Trump’s top aides resigned over Charlottesville. Kelly remained in his job through 2018. Cohn stayed until March 2018 after being asked to lead the administration’s tax-reform initiative and reassured that he could share his own views about Charlottesville in public without retaliation from the president.

Kelly and Cohn declined to comment.

The most senior former administration official to comment publicly on Trump’s conduct on issues of race is former defense secretary Jim Mattis. After Trump responded to Black Lives Matter protests in Washington this summer with paramilitary force, Mattis responded with a blistering statement.

“Donald Trump is the first president in my lifetime who does not try to unite the American people — does not even pretend to try,” Mattis said. “Instead, he tries to divide us.”

In some ways, Charlottesville represented a high-water mark for white nationalism in Trump’s presidency. Civil rights groups were able to use footage of the mayhem in Virginia to identify members of hate groups and expose them to their employers, universities and families.

“Charlottesville backfired,” Levin said. Many of those who took part, especially the alt-right leadership, “were doxed, sued and beaten back,” he said, using a term for using documents available from public records to expose individuals.

“When the door to the big political tent closed on these overtly white nationalist groups, many collapsed, leaving a decentralized constituency of loose radicals now reorganizing under new banners,” Levin said.

Some white nationalist leaders have begun to express disenchantment with Trump because he has failed to deliver on campaign promises they hoped would bring immigration to a standstill or perhaps even ignite a race war.

“A lot of our people were expecting him to actually secure the borders, build the wall and make Mexico pay for it,” Black said.

“Some in my circles want to see him defeated,” Black said, because they believe a Biden presidency would call less attention to the white nationalist movement than Trump has, while fostering discontent among White people.

But Black sees those views as dangerously shortsighted, failing to appreciate the extraordinary advantages of having a president who so regularly aligns himself with aspects of the movement's agenda.

"Symbolically, he's still very important," Black said of Trump. "I don't think he considers himself a white supremacist or a white nationalist. But I think he may be a racial realist. He knows there are racial differences."

*Julie Tate, Matt Zapposky, Josh Dawsey, Dalton Bennett and Josh Partlow contributed to this report.*

Mr. DEUTCH. Thank you.

I want to thank all of the witnesses for taking the time to share their experiences with us. Diversity and representation in media matters. The stories that we tell and the people we see telling them are connected to how we see people in our daily lives.

Ms. Temple, I appreciate your sharing your own experiences and your proactive agreement, but more needs to be done by your industry in this regard. And I know that MPA and others in the industry have begun the process of developing a more diverse pool of talent in front of and behind the camera. The problem is by no means limited to the media world. We see a shocking lack of women and people of color in boardrooms across all sectors.

But why we are here focusing specifically on media is the out-sized power that film and television have in shaping our culture and, even more fundamentally, our views about what doctors look like, what lawyers look like, what a fairytale princess or a superhero looks like. And yes, what criminals look like.

Mr. Olmos, I can't help but feel that you have been sounding the alarm on criminal justice reform, and especially the intersection of criminal justice reform and minority representation, for decades, and it is finally getting the attention that it deserves. And as a long-time activist on criminal justice reform issues and building off your work, what are some of the societal changes that are leading to the disproportionate numbers of minorities in our criminal justice system, our jails and our prisons?

Mr. OLMOS. Education. Education and understanding of our communities as to what causes this action to happen. Now, basically, we are all able to understand that there are a lot of people in jail, but why is it so disproportionate? Why is that happening? That's always been said, and it is not the answer that illuminates. It's the question.

And the question always is, is that people have a really difficult time with people of color. They won't do the things that they will do for non-people of color. They won't educate them.

They won't allow them the right to vote even. We have the right to vote, and yet we're getting slammed right now in the minority areas, the whole situation with the President of the United States' standing of using mail-in ballots.

We have a difficulty in criminal law. We have a difficulty in the way that they use criminal law. The way we use criminal law is different for the colored people versus the white people. And I got to tell you right now, it's a disaster.

Mr. DEUTCH. Thank you, Mr. Olmos.

Thanks to our witnesses, and thank you, Madam Chairman. I yield back.

Ms. SCANLON. The chair recognizes Mr. Jordan for 5 minutes.

Mr. JORDAN. Thank you, Madam Chair.

Mr. Whitlock, do we have a functioning First Amendment when 62 percent of Americans feel like they can't express themselves freely?

Mr. WHITLOCK. Absolutely not. And I appreciate you not asking me to make a negative comment about President Trump, who's not a part of the media. You guys called a meeting to discuss the media, and somehow—you should have just asked us to prerecord

negative comments about President Trump, and then we could actually talk about the topic you've asked our time to speak about, the media.

I'm sorry, Mr. Jordan. Go ahead.

Mr. JORDAN. No, no, no. Well said.

Do you have free speech rights when only one side is allowed to talk, which is exactly what the cancel culture mob is doing today?

Mr. WHITLOCK. Absolutely not. I'm going to go on another rant.

I would wish we could talk about big tech's takeover of free speech.

Mr. JORDAN. Yep.

Mr. WHITLOCK. Silicon Valley is in control of America. It's in control of the American media. There's only one strain of thought allowed. If you do not agree with Silicon Valley and Northern California's radical point of view, they will cancel you and silence you on their social media apps and in any other way possible try to smear your character.

I've been through the whole cancel culture thing driven by Silicon Valley and the political activists on the left. This whole thing, I got to be honest with you, Mr. Jordan, I'm glad you invited me. But it's frustrating.

My parents have always been mad at me because, to be quite honest, I refuse to vote. I don't like politicians. I just—and this experience I'm witnessing here today, people grandstanding and trying to make comments about Trump and whatever, when we're here to talk about the media, it pisses me off. It's a clown's—what is my tax dollars going for?

Are we here to conduct business and get at real issues, or are we here to just put out a commercial about—an anti-Trump commercial? I don't want any part. I don't participate in any of this presidential politics. I didn't have anything negative to say about Barack Obama. I don't got anything negative to say about President Trump.

Let's talk about the media, and too many of you guys are on the payroll of big tech.

Mr. JORDAN. Let me ask you this. And you reference it in those comments. Ms. Weiss—and I represented in my opening statement that Bari Weiss in the New York Times talked about the digital thunderdome. If you attempt—so most of Americans are afraid to do it, but if you step out and speak out against “the mob,” you think that is the appropriate term, this term that she used, “digital thunderdome”? And if so, have you ever been in the thunderdome? I think you alluded to that.

Mr. WHITLOCK. I'm in it virtually every day, and Bari Weiss was 1,000 percent correct. She called Twitter the editor for the New York Times. And Twitter is the editor for the American media, and Twitter is a rigged algorithm that imposes a worldview that is anti-American, anti-religion, anti the values that we were founded in, anti the values that got us—that made this country the ideal human experiment that all these people ranting and raving and complaining about America, you couldn't get them to leave America with a stick of dynamite and \$1 million in cash.

They would not leave. They all allege they hate America, and America, well, it's the greatest human experiment we've ever had.

Mr. JORDAN. Yes. Well said.

Mr. WHITLOCK. Is it perfect? Absolutely not. But just—ah, thanks for inviting me.

Mr. JORDAN. Let me ask you this, and I want to ask Ms. Villa this as well. Will the cancel culture mobs just stop with conservatives and Republicans, or will they come after Democrats at some point, too?

Ms. Villa, and then we will go back to Mr. Whitlock if we have time.

Ms. VILLA. Absolutely. And I'd like to say Ronda Kennedy is my counsel here. She's a black woman, mother of six.

And cancel culture is an infection. They're going after everybody. They're going after Democrats. They're going after longstanding celebrities, black, Latino. It doesn't matter. Cancel culture is a virus that is attacking every single facet.

And I've heard a lot of bashing of the President here. I want to, you know, join along with Mr. Whitlock. Why can't we stay on the topic? Why can't we talk about diversity in media rather than insulting the President?

If you can't have one subject where you talk about diversity in media, when you have a black woman and Latina woman right here in front of you and all this diversity behind us, and you still have to talk about the President, it's sad. It's pathetic. It's embarrassing, quite honestly. And I am proud to be here and say that this President has perpetrated more diversity than any other President.

He's been the most pro-black President, the FIRST STEP Act. You want to talk about disproportionate black and brown people, and you want to talk about in criminal justice reform. Not one Democrat has done anything for criminal justice reform.

You want to talk about Joe Biden's character, but I'm not going to bring that up. I'm going to go back to what we're talking about here and representation in media matters, but we must have diversity of thought. Big tech needs to be held accountable. The big studios need to be held accountable, and every single celebrity that wants to talk about only what they're doing is ignoring the fact that Black Lives Matter in the name of diversity is saying black lives only matter, and they're killing police officers every day.

That is not diversity. That's violence.

Mr. JORDAN. Ms. Villa, Mr. Whitlock, there were four Members of Congress shadowbanned by Twitter two summers ago. Any guess as to whether they were four Republicans? Of the same party, you think they were Republicans or Democrats?

Ms. VILLA. Republicans.

Mr. JORDAN. Yes. [Laughter.]

Gaetz, Meadows, Nunes, Jordan. We know, as Mr. Whitlock said, big tech is out to get conservatives. That is why we need to be looking at Section 230, how we fix that, make sure that the platform is, in fact, neutral and not censoring people.

When Twitter can let the Ayatollah of Iran put out a statement, say they will strike a blow against American citizens, and that is fine. But then they will censor the President's tweets, I think it proves Mr. Whitlock's point.

I yield back, and I apologize to our witnesses. I have to run to another vote, and we are back and forth. But I will be back.

Chairman NADLER [presiding]. The gentleman yields back. I will yield myself a chance to ask questions.

First of all, for Mr. Olmos, it is, of course, not universal and strides have surely been made, but it still appears that actors who are either women or people of color are too often given only supporting roles or token roles with few lines and little character development on film and TV. We want to see less of that and more leading roles.

How do you think we can break down the barriers that people of color face so that actors from underrepresented groups can take center stage just as often as white male actors?

Mr. OLMOS. Well, first of all and foremost, the industry has to really want to do stories about minorities. Indigenous people deserve their stories being told, and we should see them, and we'd love them. And they could be commercial.

African Americans are doing a great job. Latinos, who are 20-something percent of the population, were less than 4 percent of the people who we see on screen.

All I can say is it's up to us. That's why we did and why we're doing the educational system. We are doing YCP for a reason. We are really training the future.

Now in 10 or 15 years, you're going to see a huge difference because the quality of the storytellers will be diverse. We're not only doing this for Latino children, these are all the children in California that are in the system right now that are getting this. They're so fortunate to be able to do this because it builds their self-esteem, self-respect, and their self-worth and makes them collaborate, communicate, use their critical thinking and creativity.

And that, to me, is the essence of how one becomes all that they can be. And I say to you and all of us, let the children get educated.

Chairman NADLER. And Ms. Temple, it is good to see you again in your new role. What change can we expect to see from studios in the next 5 years to improve diversity, do you think?

Ms. TEMPLE. Well, I think what you will see is an expansion of the positive gains that we've talked about a little bit in terms of representation both in front of and behind the camera. As I mentioned earlier in my opening remarks, there have been gains. Even the Hollywood Diversity Report noted that there were gains in some of the major areas that they had looked at in terms of, you know, film roles, film directors, and others participating in the industry. So those are all positive steps.

Obviously, as I said earlier, those gains are not enough, and more needs to be done. I think you will see an expansion because, again, I think that this is obviously a long-term process, and there are number of programs and initiatives that I've talked about that really did just get started over the last few years.

So I think as those programs and initiatives at every single one of our companies, our member studios, has those types of programs, as those programs continue to grow and expand, I think that you will see increased numbers of representation both in front of and behind the camera. And we recognize that there have been,

you know, somewhat broader gains in front of the camera than behind the camera, and you need both.

And so I think you will actually see that commitment continue and expanding and really, hopefully, the numbers expanding as well.

Chairman NADLER. Thank you. Now we are currently in the midst of a pandemic and recession that are disproportionately impacting people of color, especially black and Latino people. Economic inequality has long disproportionately impacted people of color. This recession could further exacerbate it.

The pandemic offers television and film production companies an opportunity to reset and reassess what shows or films continue in the development pipeline.

Let me ask you, Mr. Kim, what are concrete steps the industry can take to ensure that the content pipeline includes shows and films that will employ people of color in front of and behind the camera?

Mr. KIM. Thanks for the question. It's a good one.

I think it's a multi-pronged approach. You know, I happen to be the executive producer of a show called "The Good Doctor" on ABC, and I can tell you that one of the things that the network is actually doing is setting an aggressive set of goals for diversity in front of and behind the camera.

Obviously, these kinds of goals are not specifically mandates, and they require time for them to be implemented. But I think it's important. I think it's important that those goals exist from the most powerful places, the distributors. I think it's also important that content creators are very aware of the kinds of projects that we are making, with an eye toward representing the world we'd like to see.

And I also think what's really important is to create a pipeline of writers, actors, and directors the way that Mr. Olmos is doing to foster the next generation of people who will be sitting in those seats of power. So it's a number of different things.

And COVID in some ways has accelerated trends that are already existing in the industry, such as the trend towards streaming and the trend towards different kinds of storytelling. So it's important to listen to what's going on in society as well as trying—

Chairman NADLER. Well, thank you. Ms. Alexander, can you add anything to that as to what concrete steps the industry can take?

Ms. ALEXANDER. Yes, sir. I think that we need to make sure that the power of the purse to make production companies more racially diverse and their teams should be used, and we should definitely work on training programs. Training programs, and also there are very few people who are on these teams that are able to have hiring authority. So to make sure that we can get writers and directors and producers and casting directors that usually have that type of power and empowered.

Thank you.

Chairman NADLER. Thank you. Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman.

I want to first thank my friend and colleague from Florida, Mr. Deutch, for raising a very important issue that I think everyone has a responsibility to speak to directly.

The President yesterday refused to say that he would accept the results of the election if he lost and accept a peaceful transfer of power. And worse than that, he said the problem is ballots. Oh, too many ballots.

Of course, ballots and the right to vote are the cornerstone of our democracy and the most powerful expression of that democracy, and it was a sad day to hear the President say that he would not accept a peaceful transition of power. The problem is people are going to vote and to hear so much silence on the other side of the aisle.

I also want to say that before I get to my first question I think the truth matters. Mr. Whitlock said, oh, Black Lives Matter has on its website it is a Marxist organization. So let me be clear. Black Lives Matter—and I am reading from the website—was founded in 2013 in response to the acquittal of Trayvon Martin’s murderer. It is an organization whose mission is to eradicate white supremacy and build local power to intervene in violence inflicted on black communities.

So it is very clear. That is not Marxist ideology. That, I hope, is American ideology. That is to stand up against white supremacy and to empower communities.

So my first question is, Dr. Smith, you have done an enormous amount of research about the importance of people seeing themselves in characters both on the small and big screen. Why is that important? And your research that I have reviewed in your written testimony shows that disproportionately communities of color, particularly blacks and Latinos, are depicted, the number-one category is criminal. And what is the impact of that?

Ms. SMITH. Well, I think the research is really clear. Particularly when individuals lack direct experience, the media can play a notable role in shaping attitudes, perceptions, and beliefs about different groups. There’s decades of research to show that the mass media can play an independent or interactive role when it comes to media effects, and when it comes identity, it can shape a whole series of different outcomes. And I believe it was Mr. Olmos who referred to self-esteem being one of the key indicators.

I want to take this moment to illustrate that while a lot of the ideas and commentary here are very interesting to listen to, the decision-making capabilities of who to hire in Hollywood has prevented for decades women, people of color, member of the LGBTQ community, and people with disabilities from access and opportunity onscreen and behind the camera.

The pipeline is there. The pipeline is there. We need resources to fund motion pictures and content for people of color behind the camera to tell their stories. Because if they are simply given the opportunity to tell their stories like their white male counterparts, the stories will be there, and people will see themselves reflected in nuanced, authentic, and compelling ways.

But we don’t see that. We know that people are submitting to the Sundance Film Festivals from a whole series of different backgrounds. Please fund the Sundance Institute to make sure that those storytellers, because there’s a relationship between promoting your film at Sundance and having a film that’s a top-grossing 100 motion picture—

Mr. CICILLINE. Thank you. Thank you, Dr. Smith. I want to try to get in one more question, but thank you, Dr. Smith.

Mr. Dae Kim, thank you for changing your mind and agreeing to testify. Your testimony was compelling and important, and I, too, was deeply saddened by the fact that that vote against that resolution was not unanimous. And it just evidences that we have a lot of work to do.

What I would like to ask you to address is what can we do and what can we incentivize within your industry to help ensure that there is better representation in front of the camera and behind the camera for communities of color, women, LGBTQ individuals, indigenous people? Because we understand from the research what the absence of their representation means not just for those communities, but for the entire country and the world.

Mr. KIM. So when you say “we,” thank you, Representative.

Mr. CICILLINE. Congress. Congress and you in the industry.

Mr. KIM. You and me. No, I think it’s a great question because one thing I don’t want to dismiss is this idea of being excellent at your craft. And you know, one of the things about diversity is that no one is asking to give opportunities that are not earned.

And so, you know, we talk about ways that the system can help increase diversity, but what’s also important is the way that we can help ourselves. We must be the best we can be at what we choose to do, whether it’s acting, writing, and directing—anything in the arts.

And I think the way that Congress can help us is, one, through hearings such as this because I think it’s important to hear the perspectives of people like everyone on this panel, you know, both left and right. And I think what—what—I think what they say builds character is thoughts that lead to words that lead to actions that lead to habits that lead to character.

What we’re doing here today is we are planting new thoughts. We’re planting new seeds that we hope will blossom into a new way of thinking and building character. And to bring it back to how it relates to media, media is a way to implant thoughts, just as Mr. Olmos said. When we first saw “Jaws,” you know, we were terrified of sharks. I was afraid to go into my bathtub after I saw “Jaws.”

You know, when we were young playing cowboys and Indians, how many of us thought that the Indians were the bad guys? And that’s because we were taught through all of the cowboy westerns that that was the way it was supposed to be. How many of us thought that when we saw—first saw Bruce Lee that all Asian-American people knew kung fu?

So these are the ways that talking about these things and highlighting these issues affect the way we think. And I think, to answer your question more succinctly, when we talk about pipelines, when we talk about people in positions of power, that’s you. I mean, look at this room. These are—you are the people who effect change in this country as much as anyone else.

And so when we see people like yourself being influenced and understanding the issue in new ways, that is already a way that we can change things. So there are a number of ways that we can—that you and I and—

Chairman NADLER. The time of the—

Mr. KIM [continuing]. All of us in this room can help with progress.

Mr. CICILLINE. Thank you so much.

Chairman NADLER. The time of the gentleman is expired.

Mr. CICILLINE. I thought he was going to make reference to my being a member of the Screen Actors Guild. [Laughter.]

I am. You know, when he was talking about the craft, you know?

Chairman NADLER. Ms. Jayapal.

Ms. JAYAPAL. Thank you, Mr. Chairman, and thank you to our witnesses for being here today.

You know, it must be—it must be very nice to be able to look at the screen or to go to a movie and see yourself reflected in every show, to know that whatever you choose to do, you will get the same opportunity, to know that our stories are reflected when we switch on that TV or go to the movies. I don't understand how a conversation about diversity and appropriate representation in the media has turned into a conversation about the cancel culture.

When I was growing up in India and Indonesia, we only used to get one American television show a day on our TV, and our family would rush to see those shows. And I loved them all, but I noticed something. There was only one of those shows that actually had any actors that were people of color, and it was "Hawaii Five-O," the original one, that is. And it quickly became our favorite show, and I have stayed a fan, Mr. Kim, with this version as well. Watching it sometimes, I will admit, is my guilty pleasure when I am supposed to be doing other things.

Our stories matter because what we see on the screen creates the landscape for our society. They tell young people what is possible for them to have in the same way that having more women and people of color in Congress matters. And they help to shape our views, positive and negative. That is why Ava Duvernay's "When They See Us" or "Pose" or even "Atypical," which tells the story of a teenager with autism, matter.

After the September 11th attacks, I founded and led the largest immigrant rights organization in Washington State, and we initially started our work responding to the backlash, hate crimes, and discrimination against Muslims, Arab Americans, East Africans, and South Asians. The threat of hate violence after 9/11 was paralyzing for our communities, and it did not help that Hollywood too often presented Muslims as terrorists. And frankly, we are still fighting stereotypes against our community, a fight that is made far more difficult when we can't tell our own stories and people can't see us in the media as the beautiful, complex, and full people that we are.

So, Ms. Smith, in the 19 years since the September 11th attacks, we have seen Hollywood start to include Muslims and Sikhs and South Asians in stories, but often as side characters and often as terrorists, not as regular people. And meanwhile, assaults and hate crimes against Muslims have been on the rise since 2001, peaking in 2016 with 127 anti-Muslim assaults.

Is there a connection here between the way a community is portrayed on the screen and how they are seen and treated in their own communities?

Ms. SMITH. I think when you look at the research, definitely there's an impact that the media can play on shaping the attitudes, perceptions, and the beliefs of different groups, particularly in the absence of direct contact with members of that community. And this is why in my written testimony, we do reference the negative stereotypes that are far too often the series of different groups, whether it's based on race/ethnicity, LGBTQ, or faith. When they're conjoined with images of crime and violence, there can be detrimental and harmful effects.

I'm happy to report that we are actually looking into Muslim representation at the Annenberg Inclusion Initiative, and I would like to follow up with you in the future about the results of that investigation and efforts that we're pursuing in that vein.

Ms. JAYAPAL. Wonderful. And just very quickly because I have another question for Mr. Kim, I know that your institute performed an analysis on race, gender, and ethnicity of directors for the top 10 fictional films. And among the 1,300 films, you found only 3 percent of directors were Asian, and that included only 2 Asian women directors. Quickly, why is the director role so crucial to the work to diversify the industry?

Ms. SMITH. More leads behind the—more leads on screen that are from racial/ethnic groups, more speaking characters from racial/ethnic groups, more likely to hire below the line crew that are from diverse backgrounds. And if the audience is over 45 percent people of color, it connects with audiences not only in the United States, but communicates an image globally about the world in which we live.

And so the director identity, as the top leadership position in or on a production team, really matters for all of those hiring positions being associated with increases, particularly for marginalized communities.

Ms. JAYAPAL. Thank you so much.

Mr. Kim, you know I am a fan. You talked about in your testimony that media is a value delivery system. Can you speak to that a little bit more, what it means to be a groundbreaking bilingual Asian actor in an industry where there were very few people who look like you and very few parts that reflect the values and real lives of Asian folks like us?

Mr. KIM. Well, thank you for the question, and I have to say I'm a fan of yours, Representative. You're incredibly articulate, and thank you for participating.

I would say that like cigarettes are a nicotine delivery system, television and film and media is also a value delivery system of sorts. We shape what is acceptable in society by what we see on television and vice versa, you know? What we see on television, in other words, is a reflection of society. So they are intertwined.

And so when we see that it's acceptable to put people of color in secondary roles and constantly have the white leads of every show save the day, we are subconsciously or consciously making a correlation between their abilities and what we see on screen. And so it's incredibly important that we have people of all shapes and sizes doing every different thing.

It's not that—it's not that people of color are asking only to be leads or only to be heroes. I think what people of color are asking

for is a diversity of representation so that when we see someone who looks like you or me, we don't automatically have preconceived notions of what they can or cannot do based solely on our skin color.

So I think that's really an important thing. A lot of the testimony here has focused on the fact—

Chairman NADLER. The time of the—the time of the gentleman has expired.

I now recognize Mrs. Demings, who has been a leader on media diversity for many years.

Ms. JAYAPAL. Thank you, Mr. Kim.

Thank you, Mr. Chairman. I yield back.

Mrs. DEMINGS. Thank you so much, Mr. Chairman.

And thank you to all of our witnesses for joining us today as we have this very important discussion.

Because this discussion has taken so many different forms, I was a little confused at one time about what hearing I was in. For the record, I will just say that I am a black woman. I know everybody can see that. I am a former police chief, a career law enforcement officer, and I am a Christian.

And Ms. Villa, I can tell you, I don't—I don't know about anybody else. I don't care about you being a conservative. But I do care about how black and brown people have been treated in this country for 400 years. I do care about that.

I am a black woman. I know what discrimination feels like. I know what name-calling—the first time I was called the N-word, I was 4 years old. So I can talk about this issue because I have lived it myself.

And we talked about a woman's right to choose here. We have talked about the police. We have gone into some areas that I am not really sure why. And you know, as we talk about diversity in the entertainment field, I know that is why we are here, we also need to get to a discussion where we talk about it in the news media, too.

I know that will be a different hearing, but who tells the story matters because it brings different perspectives to the issue. So when the viewer, the listener walks away, they will have a better opinion.

You know, as we talk about criminal justice, I think the problem is sometimes is that we want to start at the beginning—or at the end. We want to start with the police, as opposed to looking at what has transpired long before the police were ever called in the first place.

We cannot just hold one system accountable in America if we are going to make a difference. We have got to hold all systems accountable that have failed us. We are not here to criticize the entertainment industry, but doggone it, we ought to be here to make it better. So that little girls and little boys like me and from Hispanic and Latino communities can have an equal opportunity to succeed, to be a part of telling that story.

And Dr. Smith, I do want to thank you so much for giving us the statistics because we can argue and debate all day long that we are here to bash the President. That doesn't get anything done. We know that.

We can talk about why we are here. We are here to make the world a better place for the people that we represent, and if that is not your motive, then shame on you. Shame on you.

I don't care what political party you are in that tells the story, I am just saying that more black and brown people and people of diversity should be telling the story. Wow. So, with that, thank you for that moment.

Ms. Temple, and forgive me if you have answered this question because we went in so many different directions that we were so busy trying to represent one person, we forgot the people that we truly represent, the hundreds and thousands in each of our districts. Can you tell me what steps that studios, networks, production companies can take to significantly increase the percentage of people of color with green light authority on their contact team over the next 5 years?

You know, many times I hear—I remember recruiting at the police department and being told that, well, there is just nobody out there that can do the job. I don't believe—we have very talented people of all colors. But we have to come up with creative ways, if we really care about our industry, to make sure that those very creative, very talented people of all color have an opportunity to participate.

So, Ms. Temple, that is my one question. Thank you so much for your answer.

Ms. TEMPLE. Thank you.

And I did want to say before I got into that answer that I really do appreciate hearing from all of the creators who spoke here today. They really did, you know, eloquently talk about their personal experiences in the industry, and I think that that's really important to hear from their perspectives, and that's part of the way that we can actually jointly figure out how to do better in the industry. So definitely want to thank them for participating.

You know, as I mentioned earlier and I alluded to a bit in my oral testimony and had a few more details in my written testimony, it's not going to be a one-stop shop. There's not one easy way to solve some of these issues. I think everybody here has recognized that these issues are longstanding, and so they are going to take a multiple-pronged approach.

But I do think that some of the initiatives that I mentioned earlier that the studios are doing now will make a difference, will increase representation both in front of and behind the camera. For example, WarnerMedia just recently announced a production diversity report where they pledged to use their best efforts to ensure that they have a diverse cast and crew.

CBS Studios has announced that its development and writers rooms by the 2021–2022 season will have 25 percent of the script development budget will be allocated to diverse creators and 40 percent to diverse writers. So each—and you know, I could go on and on.

Each one of the studios has recognized that there is an issue and has committed in very concrete ways to make sure that those issues can be addressed. And again, you know, it's not going to be one program, I don't think, that will solve everything. But a combination of these types of programs and conversations, quite frank-

ly, with the creators that are here today and with you on ways that the industry can work together to move forward I think will go a long way to making things better.

Mrs. DEMINGS. We will reach to you. Thank you so much.

Mr. Chairman, I yield back.

Ms. VILLA. I'd like to respond to Mrs. Demings calling me out.

Chairman NADLER. No, no. The gentlelady—

Ms. VILLA. Am I able to respond?

Mrs. DEMINGS. I would like to recognize—

Ms. VILLA. She did mention my name and call me out. I'd just like to respond.

Chairman NADLER. The gentlelady—the gentlelady has yielded back. Mr. Correa is recognized.

Mr. CORREA. Thank you, Mr. Chairman.

I want to ask for unanimous consent to enter into the record two letters. One by Pepe Serna. It will be published in the Latin Heat Entertainment, a Latino media industry publication. And a letter from the National Hispanic Media Coalition as well.

Chairman NADLER. Without objection.

[The information follows:]

**MR. CORREA FOR THE OFFICIAL RECORD**

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**September 23, 2020**

Hon. Jerrold Nadler  
Chair, House Committee on the Judiciary  
U.S. House of Representatives  
2132 Rayburn HOB  
Washington, D.C. 20515

Hon. Mary Gray Scanlon  
Vice Chair, House Committee on the Judiciary  
U.S. House of Representatives  
1535 Longworth HOB  
Washington, D.C. 20515

Hon. Jim Jordan  
Ranking Member, House Committee on the Judiciary  
U.S. House of Representatives  
2056 Rayburn HOB  
Washington, D.C. 20515

**Statement for the Record**

**By Brenda Victoria Castillo President & CEO, National Hispanic Media Coalition**  
**Hearing: Diversity in America: The Representation of People of Color in the Media**

Dear Chairman Nadler, Vice Chairwoman Scanlon, Ranking Member Jordan, and the honorable members of the House Committee on the Judiciary,

The National Hispanic Media Coalition (NHMC) applauds the Committee for holding a hearing to evaluate the state of diversity and representation of people of color in the media. Shortly after being founded thirty-five years ago, NHMC has dedicated its time and resources to the advancement of Latinx representation in mainstream media, as well as the elevation of authentic stories about the Latinx community and experience. After nearly three decades of this



work, we are still rolling up our sleeves to take on studios, networks, and media conglomerates who refuse to include Latinx programming, talent, stories, and consumers in their decisions.

How people and classes of people are depicted in the media have a direct impact on how the world sees them. Despite being eighteen percent of the overall population of the United States, Latinx represent less than six percent of all television and film characters, news anchors, producers, directors, and writers even after the rise of online streaming and hundreds of cable and satellite channels.<sup>1</sup> From the rise of television, Latinx were depicted as untrustworthy, mischievous, the “other”, and overly-sexualized. It is through this uncharitable and false portrayal of Latinx that limits us in so many ways in our everyday lives, as told in the 2013 documentary film *Latinos Beyond Reel*, “television has historically worked as an ideological tool that limits the representation of Latinos as change agents.”<sup>2</sup> This is something particularly and painfully ironic, as Latinx, specifically Mexican American Women, were the backbone of TV manufacturing along the US-Mexico border for decades.<sup>3</sup> The impact of this fact is tenfold: thousands of Latinas worked tirelessly to build TV sets that would never tell their story and would instead make them a caricature.

According to a study released last year by the University of Southern California, that of the 100 top-grossing films each year from 2007 to 2018, only three percent featured Latino

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<sup>1</sup> Castañeda, Mari, *Television and its Impact on Latinx Communities*, *The Oxford Handbook of Latino Studies* (rel. 2018), <https://doi.org/10.1093/oxfordhb/9780190691202.013.28>.

<sup>2</sup> *Id.* at 5 (citing *Latinos Beyond Reel*, (2013)).

<sup>3</sup> *Id.* at 8.



actors in lead or co-lead roles.<sup>4</sup> However, a majority of those three percent of roles going to Latino actors in lead or co-lead roles went to three top tier Latina actors: Cameron Diaz, Jennifer Lopez, and Jessica Alba.<sup>5</sup> Beyond that, of those three percent of roles with a speaking part, nearly a quarter of Latinx actors were depicted as criminals.<sup>6</sup> Again, the incredible (and painful) irony here is that Latinx are among the highest frequency moviegoer demographics, with one in every four movie tickets being purchased by Latinx.<sup>7</sup>

It's important to reiterate the impact of representation in the media, or the lack thereof. As NHMC continues to advocate, this is not just about the prosperity of Latinx actors, filmmakers, and the like, nor is it just about having more familiar entertainment options for our community. The urgent need for increased Latinx representation in media is a tool to combat hate, overcome stereotypes, and increase acceptance of and improve treatment of Latinx people. The power of storytelling is immense and has long-lasting effects on the psyche and wellbeing of those who are systematically excluded from mainstream narratives or misrepresented and stereotyped. Television studies have found that if a certain demographic is not shown in a certain light in programming, there is an overwhelming sentiment among viewers that limits the achievements and abilities of that demographic, whether or not the depiction is rooted in truth.<sup>8</sup> This boils down to the common saying, "if you can see it, you can be it." If Latinx are rarely

<sup>4</sup> Dr. Stacy L. Smith, et. al, *Latinos in Film: Erasure On Screen & Behind the Camera Across 1,200 Popular Movies*, University of Southern California Annenberg Inclusion Initiative (rel. Aug. 2019), <http://assets.uscannenberg.org/docs/aii-study-latinos-in-film-2019.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Dave McNery, *Latinos Still Have Highest Moviegoing Rate in U.S., but Asians Are Close Behind*, *Variety* (Apr. 4, 2018), <https://variety.com/2018/film/news/latino-asian-moviegoers-mpaa-study-1202743713/>.

<sup>8</sup> Franklin D. Gilliam Jr. and Shanto Iyengar, "Prime Suspects: The Influence of Local Television News on the Viewing Public," *American Journal of Political Science* 44, no. 3 (2000): 560–573



portrayed as successful business people, scholars, politicians, or even middle-class, a heartbreaking story and bias is being told to young audiences, including young Latinx, who will carry that with them throughout their lives.

For far too long Latinx have lived in the shadows both in real life and in media. As our moment gains supporters and momentum, I am increasingly reminded that the media and its systems were not built for us, and will be resistant to change. I am also reminded of the words of the late journalist Ruben Salazar, underscoring the ongoing need to shift public opinion through authentic, hard-to-tell stories:

“The media, having ignored the Mexican Americans for so long, but now willing to report on them, seem impatient about the complexities of the story . . . It’s as if the media, having finally discovered the Mexican American, is not amused that under the serape and sombrero is a complex Chicano...”<sup>9</sup>

Indeed, much like any other people on this planet, Latinx are complex beings with a multitude of unique cultures, languages, and traditions under our umbrella identity. Our complexity is part of our adaptability and resilience, and is part of what has kept us silenced for so long. When our stories are told in real, true, and meaningful ways, we are humanized, and by humanization, the livelihood of safety, livelihood, and prosperity of our community is given a fighting chance in the country which we helped and continue to help build.

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<sup>9</sup> Felix F. Gutierrez, *Latinos and the Media in the United States: An Overview*, Report to the U.S. Department of Health (1980).



Yours in the Movement,

A handwritten signature in black ink, appearing to read 'Brenda Victoria Castillo', written in a cursive style.

**Brenda Victoria Castillo**  
President & CEO  
National Hispanic Media Coalition  
[bcastillo@nhmc.org](mailto:bcastillo@nhmc.org)

**Pepe Serna  
Statement for the Record  
September 24, 2020**

My name is Pepe Serna, I am a Mexican American film, television, and theatrical actor. I am also a visual artist and motivational speaker who believes that art is the essence of who we are as human beings.

My purpose for addressing Congress via this statement is to issue a **CALL TO ACTION to address and resolve the lack of inclusiveness and diversity in the entertainment industry**. I challenge each and every one of you become more familiar and aware of the struggles and challenges that we as Latino Hollywood actors, producers, directors, technicians, and others supporting our trade face in our day-to-day activities. While I'm addressing primarily *Latinos* in this statement, I also speak for our minority populations, who also face pay discrimination and prejudice in this industry. Diversity is not just black and white – like vintage films. Just as movies and television have transitioned to technicolor, so should the entertainment industry transition to represent all people of color and sexual orientation.

Let me set the stage so that you can judge for yourself that I know what I am talking about and that my **Call to Action** has merit.

For the last 50 years, I have worked with Oscar-winning producers, writers, directors, and actors in 100 films and 300 television shows. I have given hundreds upon hundreds of improvisational workshops around the country. My lifelong passion, next to being an actor, has been to teach character education through my "*Pepefied Breakthrough Improv*." These workshops teach students and adults alike how to *Connect, Communicate and Collaborate*. I draw my teachings from my own life and how I was raised in the 1940s, '50s and '60s – to be an altar boy, cub scout, boy scout, dancer, Golden Glove champ, and a Marine. My character was being built from the inside out – no cheating, lying, or stealing.

I was born at the Corpus Christi, Texas, naval base on July 23, 1944. There have been more than a few Mexican American actors and recording artists who are originally from Corpus Christi, including Freddie Fender, Selena, Eva Longoria, and myself.

In our Mexican American society, it is often said that you must work twice as hard to get half as far as our white counterparts. I disagree with that sentiment. I think in Hollywood Latinos must work 30 times harder.

My father was educated both in Monterrey, Mexico, and Laredo, Texas. While serving in the Navy, he became the interpreter for all the Latin American pilots who were training at the Corpus Christi Naval Base during World War II.

My mother, who was a hairdresser, filled our home with her singing every day. Together, they afforded my brothers, sister, and myself with a good life and a good education.

I had a dream of becoming an actor since I was 3 years of age. After a lifetime of my family's support, I continued my education and studies, in New York City, The University of the Americas in Mexico City, and 6 months active duty in the Marine Corp reserves.

Despite having absolutely no connections or contacts, I finally made my way to my dream quest destination of Hollywood at 24 years of age. Despite all the hard knocks of homelessness, hunger, and rejection, I would not be deterred in the pursuit of my lifelong journey of getting to Hollywood.

I was able to keep fortified by the resilience in my convictions and because I was able to live off all the love and compassion I had been fed since my childhood. I recreate this love of family wherever I go.

In the 50 years of being a working actor in the Hollywood entertainment industry, which by the way has not been an easy feat, I have succeeded by acting in over 100 movies and 300 episodes of television. I have worked my way to the top of my industry and worked with a score of the most highly touted and Academy Award-winning directors, producers, writers, and actors in Hollywood.

In fact, I was discovered by legendary Producer Hal B. Wallis, who produced the movie *Casablanca*. In 1970, Hal cast me in two back-to-back films, *Red Sky at Morning* and the western, *Shootout*, starring Gregory Peck, who was fresh off an Oscar win 7 years prior for *To Kill a Mockingbird*. Right off the bat, I was running in fast company.

Some of the critically acclaimed directors I have had the privilege of working with

include Dalton Trumbo, John Schlesinger, Carl Reiner, Brian De Palma, William Friedkin, Mike Nichols, Lawrence Kasdan, Michael Shulz, Clint Eastwood, Greg Nava, and Alexander Payne.

I have shared the screen with award-winning actors, including: Meryl Streep, Al Pacino, Kevin Costner, Steve Martin, Richard Pryor, George Carlin, Johnny Depp, Edward James Olmos, Raul Julia, and Clint Eastwood, just to name a few.

When it comes to equal pay, Mexican American and Latino character actors, in general, are positioned on the lowest rung of the pay scale ladder. We are like the farmworkers of the movie industry, but at least we get shelter, bathrooms, food, and drink. In the eyes of the producers, we have it good.

Mexican American veteran actors sometimes joke around with each other when we get acting work on big budget films. We call ourselves, "*Miss Scale Plus 10*" or "*Mr. Scale Plus 10*." This means that the producers will pay you the lowest amount possible per the Screen Actors Guild (SAG). This is the union that is supposed to protect actors. The 10 percent means that you will receive extra pay, but it goes directly to the actor's agent.

I wish my dear friend, highly touted actress, and activist, Lupe Ontiveros, was here to speak on behalf of all Latina actors. She used to joke around that on her tombstone would be engraved, "*HERE LIES LUPE ONTIVEROS, SCALE PLUS 10*." Lupe Ontiveros had an amazing and accomplished body of work. She received Best Actress by the Board of Review. She received a television Emmy Award nomination for *Desperate Housewives* and was nominated for an Independent Spirit Award for *Chuck and Buck*. But Lupe never was accepted into the Academy of Motion Picture Arts and Sciences (AMPAS), even though she had 71 film credits. Officials in the Latino entertainment industry, including MALDEF, took this as an insult to all the of the work that Latinos have created for the screen, both in front of and behind the camera.

The criteria by which you become a member of the AMPAS was compared to the criteria of a deep south country club membership. When the CEO of AMPAS was challenged in a meeting, her response at the time was that "AMPAS is an elite group of entertainment professionals." When challenged, she did not budge. It was obvious that Latinos were not considered a part of this "*elite group of entertainment professionals*."

Several years ago, Edward James Olmos was finally accepted into AMPAS as a voting member. Since then, he has sponsored many Latino actors who also have become voting members.

While this is a step forward, it is a baby step! Consider these findings from a study released in August 2019 – *The Annenberg Inclusion Initiative* at the University of Southern California:

*“Latinos remain woefully underrepresented both in front of and behind the camera. The Annenberg Inclusion Initiative at the University of Southern California found that of the 100 top-grossing films each year from 2007 to 2018, only 3 percent featured Latino actors in lead or co-lead roles. Producers and casting executives fared badly, too, with Latinos making up only 3 percent. And they were equally rare in the director’s chair, helming four percent of movies studied during the 12-year period. In all, only 4.5 percent of the 47,268 speaking roles studied by researchers went to Latino actors.”*

Another bottom line to consider is that Latinos are 18 percent of the U.S. population and represent 23 percent of the movie-going audience!

Lack of diversity also is grotesquely underrepresented in the area of entertainment recognition – Academy Awards, Oscars, Tony, etc. Hence, the social media hashtag *#OscarSoWhite* was created over 5 years ago to bring to light the severe disparities in front of and behind the camera. In social media, there are two hashtags that Latino actors identify with: *#LatinoActorsLife* and *#LatinosInHollywood*. These also speak to our experience dealing with unaddressed discrimination, microaggressions, blacklisting, sexual assault, harassment, hostility, and the list goes on and on.

Latino men have it bad in the industry when it comes to stereotypes, but women really have it much, much worse. As Latino actors, we are usually relegated to the playing the roles of maids, prostitutes, robbers, thugs, drunks, or drug addicts. These are all human beings dealing with emotional pain and in need of mental health treatment, mentors, education, or rehabilitation. The human angles are not accurately addressed on the big or small screen.

In 1997, a group of Latino actors representing *The National Hispanic Foundation for the Arts* traveled to Washington, D.C. to carry this message. Jimmy Smits, Esai Morales, Sonja Braja, myself and others presented our case to Congress. It is no

surprise that, to date, very little or absolutely nothing has been done toward resolving this problem.

During my acting career, I have played more *cholos* and gangsters and have been killed more times than I care to remember. I came to Hollywood to work in film and television, and I have done it in spades. Fifty years later, Latinos are still being portrayed as these negative stereotypes. Now I am afforded much better character roles, because I like to give a helping hand to young filmmakers who are starting to tell our stories.

Washington is our last resource! Unless you in Congress stand up for us, nothing will change. I testify before you as an actor who has been in Hollywood and experienced the slings and arrows for half a century.

**Again, I boldly challenge you! Make the changes in the entertainment industry that we as Americans need! Do what you must do to ensure that Latinos and all other minority groups get the representation they deserve, both in front of and behind the camera!**

Respectfully,

Pepe Serna  
Film, Television and Theatrical Actor  
Motivational Speaker/Teacher

Mr. CORREA. I just want to confirm, Mr. Chairman, that this is—this hearing is about diversity in the media. Not about the President, not about other issues. This is about diversity in the media.

And if I may start with one statement, which is “one nation under God, with liberty and justice for all.”

I grew up as a kid believing in that. This great country, equality. Then after a while, you realize you are a little bit different than the other kids, where you live, how you live, poverty, and the things kids tell you day in and day out. Then you begin to notice the media that molds, affects attitudes, predisposition on who you are and as a community what your contributions are to this country.

Mr. Olmos said something very interesting, and it reminded me of all those World War II veterans in my district, all of them highly decorated, yet you never read about them anywhere. Jose Angel Garibay, the first casualty of war in the Iraq War, a Dreamer in my district. And every time I quiz kids, people in my district, veterans, “Who is this man?” Nobody knows. And that is because we choose not to focus on these individuals.

I want to come back to the issue of media in our society. Heard some folks talking about the role of Government and that only the best and brightest should get those roles in media. Only the best and brightest should be there.

And yet let me tell you something that, in my opinion, media is not totally about free market, free enterprise. Media is subsidized by the Government. Media is regulated by the Government. And therefore, we, as elected officials, have a role on what media is about in our society.

When I was in the California State legislature, every year Motion Picture Association would come to Sacramento and ask for hundreds of millions of dollars to make sure that there was no runaway production from the State of California. You talk about government, free enterprise, no such distinction.

Yet at the same time, today we are talking about things like “the mob.” This issue is not new. I have been addressing the Latinos in the media since the early '90s. Hispanic, Congressional Hispanic Caucus has been meeting with folks like Jack Valenti for the last 20 years. No change.

So in my limited less than 2 minutes left, I am going to ask Ms. Smith, Ms. Temple, what is it that we have to do to change the outcomes, the people in front and the back of the cameras? What is it that we need to do to change? And I don't see change coming.

Ms. Smith, what do we have to do to address these bottlenecks in the media and the way they portray people of color today in America?

Ms. SMITH. That's a great question. And in my written testimony, I go on at length about solutions for change. Until you change hiring practices, these numbers will not move. A lot of the numbers—

Mr. CORREA. So what do you do to change the hiring practices? We have been—you know, we have been at this for 30 years, 40 years.

Ms. SMITH. Okay. Two things, sir. One is that these companies have to set target inclusion goals. They have to make those publicly

accountable. They have to have a strategy for change, and they have to have objective and quantifiable criteria on who they're going to hire because that reduces bias. But I am not aware—

Mr. CORREA. And Ms. Smith, I look forward to working with you on these issues because those are great words, great objectives, but I want more.

And Mr. Olmos—

Ms. SMITH. Can I say something else, sir?

Mr. CORREA. Mr. Olmos, I would also—I have got 30 seconds left. I will talk to you later on off the screen, so to speak.

Mr. Olmos, I just want to thank you very much for investing in our communities. I represent Santa Ana High School, where you have donated your own private library and resources to create a multimedia center under your name. That is what we need to do to move the ball forward.

And again, Mr. Chairman, I hope we continue to have these kinds of hearings. Not one every 2 or 3 years, but consistently to see how we are moving the ball forward.

With that being said, I yield the remainder of my time. Thank you very much.

Chairman NADLER. The gentleman yields back. Mr. Johnson.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman, for hosting this very important hearing.

And I wanted to ask Mr. Whitlock—and by the way, I want to commend all of the witnesses for your excellent testimony.

Mr. Whitlock, you are a sports journalist, obviously dabbling in right-wing Republican politics, I wanted to ask you, did you have the opportunity to see the Black Panther, the movie?

Mr. WHITLOCK. Of course. Of course I saw the movie, yeah.

Mr. JOHNSON of Georgia. What did you think about it?

Mr. WHITLOCK. I don't dabble in any politics—

Mr. JOHNSON of Georgia. What did you think about it?

Mr. WHITLOCK [continuing]. Participated or voted in any politics or—

Mr. JOHNSON of Georgia. Well, what did you think about the movie?

Mr. WHITLOCK. What did I—

Mr. JOHNSON of Georgia. Yeah.

Mr. WHITLOCK. I thought it was fine.

Mr. JOHNSON of Georgia. Did you—

Mr. WHITLOCK. I thought it was fine. I thought it was a good movie.

Mr. JOHNSON of Georgia. What was it about the movie that made it such a grand success?

Mr. WHITLOCK. Oh, I think they invested a lot of money in it. You get what you pay for, and, you know, having lived out in Los Angeles and Hollywood for a long time, the amount of money invested in a movie a lot of times determines its level of success. They invested a lot of money. It is America.

Mr. JOHNSON of Georgia. Well, I guess it being a black film, though it didn't get as much money invested in it as some of the other films that have been blockbusters, would you agree?

Mr. WHITLOCK. I have no idea. That would be speculation on my part.

Mr. JOHNSON of Georgia. Well, would you be surprised to learn that other films that were less of a blockbuster, but they were majority films directed to a majority audience, lots of money invested, but they weren't as big as the Black Panther?

Mr. WHITLOCK. Mr. Johnson, I am a journalist. I need some facts to work with.

Mr. JOHNSON of Georgia. I am just trying—

Mr. WHITLOCK. I hear you offering some opinion. Did you have—

Mr. JOHNSON of Georgia. Oh, I am trying to find out from you whether or not it was that content of the movie as opposed to the investment that made it the blockbuster. What do you think?

Mr. WHITLOCK. I am not a movie critic. I am a sports journalist primarily.

Mr. JOHNSON of Georgia. Well, you are also dabbling in right-wing politics, too.

Mr. WHITLOCK. I don't think I'm dabbling in right-wing politics.

Mr. JOHNSON of Georgia. I am just asking you about the movie because we are talking about movies and film production today.

Mr. WHITLOCK. Let's say I took your false narrative as fact. Let's say I took your false narrative as fact that I dabble in right-wing politics. How does that qualify me to talk about a movie? I am a sports journalist.

Mr. JOHNSON of Georgia. Well, that is why I am wondering why you are here today—

Mr. WHITLOCK. Because I—

Mr. JOHNSON of Georgia [continuing]. Because you apparently were told that this hearing, the subject was different than the one that you are here to testify about, and I just wanted to find out from you whether or not you got anything positive out of the Black Panther movie or not.

Mr. WHITLOCK. Is this hearing about the Black Panther?

Mr. JOHNSON of Georgia. Let me go to Ms. Villa—

Mr. WHITLOCK. Is this hearing about the Black Panther?

Mr. JOHNSON of Georgia [continuing]. And ask Ms. Villa whether or not she—

Ms. VILLA. Thank you.

Mr. JOHNSON of Georgia. What were your—

Ms. VILLA. Of course I was a fan of that movie, and if you are talking budgets, it shows that you are absolutely not in the entertainment industry. Budgets are not racist. They are allocated towards who is starring in the movie, what production company is behind the movie.

Mr. JOHNSON of Georgia [continuing]. Okay.

Ms. VILLA. The movie was excellent. I am not going to deny that.

Mr. JOHNSON of Georgia. Why was it excellent?

Ms. VILLA. It was excellent because it is a superhero movie.

Mr. JOHNSON of Georgia. Okay.

Ms. VILLA. It stars an incredible superhero who is a nationalist, who wants the best for his nation, just like Donald Trump.

Mr. JOHNSON of Georgia. Was there anything about the fact that it—

Ms. VILLA. Do you want me to say because it is a black man in the movie—

Mr. JOHNSON of Georgia [continuing]. Black superhero that—  
 Ms. VILLA. I loved the movie being about a superhero who was undeniably black and African and running his nation.

Mr. JOHNSON of Georgia. In fact, we haven't seen that many black superhero movies—

Ms. VILLA. We haven't.

Mr. JOHNSON of Georgia [continuing]. In this country.

Ms. VILLA. But making a mandate—

Mr. JOHNSON of Georgia. Isn't it—

Ms. VILLA [continuing]. Making it illegal unless you absolutely have a certain representation is only going to hurt filmmakers.

Mr. JOHNSON of Georgia [continuing]. Well, see—

Ms. VILLA. I would like to show you some of the films that I have seen.

Mr. JOHNSON of Georgia. Now, hold on. Hold on now. I am not going to let you—

Ms. VILLA. Since 2017, Oscar nominations included—

Mr. JOHNSON of Georgia [continuing]. Take over the hearing, ma'am. I am asking a question.

Ms. VILLA. You asked me a question. I am answering the question.

Mr. JOHNSON of Georgia. No, no, no, I am finished.

Ms. VILLA. Moonlight, Hidden Figures, Loving—

Mr. JOHNSON of Georgia. I am ready to move on to—

Ms. VILLA [continuing]. Fences, Lion, Call Me By Your Name, Green Book, Bohemian Rhapsody, Roma.

Chairman NADLER. The gentleman controls—

Ms. VILLA. I am answering the question.

Mr. JOHNSON of Georgia. No, you are not answering the question.

Chairman NADLER. The gentleman controls the time.

Ms. VILLA. These all have people of color.

Chairman NADLER. The gentleman controls the time.

Mr. JORDAN. Mr. Chairman—

Mr. JOHNSON of Georgia. Let me digress—

Ms. VILLA. Is this The View, or is this Congress?

Mr. JOHNSON of Georgia [continuing]. If you will, to Ms. Alexander. And, Ms. Alexander, what was it about the Black Panther movie that—

Ms. VILLA. Unbelievable.

Mr. JOHNSON of Georgia [continuing]. That was so profound, in your view, that made it a blockbuster?

Ms. ALEXANDER. Well, certainly a lot of money was spent to make it, and that can make the difference sometimes. It was the content that mattered. It was the fact that for many years when Jack Kirby and Stan Lee made that movie, it took someone like Christopher Priest to create the characters to jump off this stream [inaudible] matter of color to make it the Panther we saw. And by the way, budgets can be inherently racist. The amount of money you allocate to something shows what you value. So I would like to say that one of the reasons why it was so fantastic is because we hadn't seen that represented before on screen in that way. And everybody went for it, black, brown, and otherwise. It was an outstanding example that storytelling and representation matters.

Mr. JOHNSON of Georgia. Thank you, and with that, I yield back.

Chairman NADLER. The gentleman yields back. Mr. Jeffries.

Mr. JEFFRIES. I thank the distinguished chair for holding this very important hearing and for your leadership. I am proud to represent the 8th Congressional District in Brooklyn and Queens, and I also was proud to be the lead Democratic co-sponsor of the First Step Act, which was a bipartisan success, of course, and exited the House of Representatives as a result of the efforts of many Democrats on our side of the aisle. So I am going to resist the temptation to participate in the charade that some are trying to engage in, and I am going to ask some serious questions because this is a serious issue that we are confronting. Ms. Alexander, you have had an extraordinary career.

Ms. ALEXANDER. Yes, sir.

Mr. JEFFRIES. And you have seen a lot of changes, I would assume, that are positive in nature, and also some issues that remain to be dealt with. And so I would be interested in hearing, you know, from you in terms of what has improved, but what remains in desperate need of improvement to this very moment.

Ms. ALEXANDER. Thank you, sir, for the question. What has improved is that there are more showrunners who are in positions of power to make the types of shows that can be full of diversity, and that matters because we need to train people to be in those positions. That is not a naturally inherent skill set that people have. And I have to give a shout out to people like Yvette Lee Bowser and Katori Hall, Shonda Rhimes. Those are the showrunners we are talking about. We also should look and invest in culture early on. That means funding arts and schools. There is a certain type of discernment to coming to the arts, how you think, who you think.

We certainly are in favor of diversity of thought, so I would like to give a shout out and say to anybody that wants to come into this, that if you have diversity of thought, you should make a show that shows that. If you see that there is a real gap in it, please, put forward a TV show or a film or something to show your point of view, but that is what could help. We need to train people, and we need to make sure that showrunners and the people who are in those positions, including producers, are funded, but not only that, that we support them.

Mr. JEFFRIES. Now, to Mrs. Temple, you have acknowledged that there have been some challenges with the industry, you know, over time. I think that is no surprise because there have been challenges here in America in terms of dealing with the systemic racism, the structural racism, as Ms. Alexander has put it, that, from my vantage point, has obviously been in the soil of this country for 401 years. We have come a long way. We still have a long way to go. But in terms of diversity, it is not just from my standpoint a feel-good thing. Isn't Black Panther evidence of the fact that when you reflect diverse perspectives to capture the gorgeous mosaic of the American people, that you actually are far more likely to have a productive success in terms of the financial bottom line?

Ms. TEMPLE. Yeah, that is exactly right. In fact, the Motion Picture Association is very proud of the fact that, you know, we do an annual theme report every year which, you know, assesses demographics and the theatrical market. And it does show that more di-

versity in front of the camera is actually a positive thing, and that it does actually matter to the bottom line of films. Other studies have shown that less diverse films actually do less well in the box office, so this is not an existential issue, so to speak. It is one where there are real-world benefits to having, you know, films that reflect everyone because audiences are diverse. Our theme report and other statistics show that audiences are diverse, that, you know, Latinos are some of our best consumers of films, and so they want to be represented in film and should be.

And so I think that, yes, you are exactly right that this is an issue that really shows how important it is for us to consider diversity from all perspectives and ensure that our films reflect the society that goes to see our films.

Mr. JEFFRIES. Thank you. Now, lastly, in the time that I have remaining, the death of George Floyd, which he narrated that murder for 8 minutes and 46 seconds and cried out for his mother, seems to have created an inflection point for many in this country in terms of dealing with the challenges of systemic racism. How has Hollywood responded to that particular moment?

Ms. TEMPLE. You know, I am really proud of the way that Hollywood responded to that moment, honestly. All the studios and the Motion Pictures Association stated unequivocally that black lives matter. The Motion Picture Association itself is headquartered on Black Lives Matter Plaza. Our studios have given millions and millions of dollars on racial and social justice issues since the events of this summer. We even supported police reform legislation as well in this very House. So, you know, I think that this is something that really shows how important it is and how responsible the studios feel as well that they are part of making the society as a whole a better place for everyone.

Mr. JEFFRIES. Thank you. My time has expired.

Chairman NADLER. The gentleman yields back. Ms. Garcia.

Ms. GARCIA. Thank you. Thank you, Mr. Chairman, and thank you so very much. And I can tell you that I was part of the Congressional Hispanic Caucus delegation that did the CODEL to Hollywood into the studios last November, and since then, this has been a concern for many of us. And, Mr. Chairman, I really appreciate that you are holding this hearing because it is not just an important topic to the Congressional Hispanic Caucus, but to all our colleagues here in Judiciary and to many Americans across the Nation.

What we see is important. I can personally tell you that growing up, I really did think that everybody dressed in a mariachi outfit, and sang Spanish songs, and had a great time in a hacienda-looking house, because the only access I had was a drive-in movie theater that showed Mexican movies. And I always wondered why I didn't look like them because I am not as dark or have the brown eyes like many of what I saw. So I know that what you see, especially for children, is very important.

The film industry is the main narrative-creating an image-defining institution of American society and a powerful medium for educating or indoctrinating our citizens. The visual basis of film gives it a universal power of communication. This historic hearing comes at a time where studies from major universities have shown us the

lack of diversity in Hollywood, both in front and behind the camera. And I can tell you that, unfortunately, Latinos continue to be depicted in very negative stereotypes by and large, if we are represented at all. We are either the drug dealers, the illegal immigrants, the aliens, the criminals, or, if you happen to be a female, you are probably the maid that comes in to ask if they need anything else in broken English.

So just last year, Latinos made up 4.6 percent of all film roles, while black people made up 15.7 percent, in disproportionate comparison to whites, who made up 67.3 percent of all films, and you all can see that in the chart. And, Mr. Chairman I do have a copy for the record if I can please get that unanimous consent?

Mr. JEFFRIES [presiding]. Without objection.

Ms. GARCIA. Thank you.

**MS. GARCIA FOR THE OFFICIAL RECORD**

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Ms. Garcia for the record, p. 14: <https://irle.ucla.edu/wp-content/uploads/2020/02/UCLA-Hollywood-Diversity-Report-2020-Film-2-6-2020.pdf>

Ms. GARCIA. Further, women made up less than 44 percent of film leads, less than 50 percent of film directors, and less than 17 percent of film writers. This is especially important because how we portray our underrepresented communities really does matter. Just last week, our Nation suffered a great loss with the passing of our esteemed Supreme Court justice, the Honorable Ruth Bader Ginsburg. She said it best when she brilliantly stated, “Women belong in all places where decisions are made. It shouldn’t be that women are the exception.” Women and people of color do belong in every place, and we should not be an exception, not on the screen, not behind a camera, and not in the boardrooms of any of these studios.

We must keep striving for a more perfect Union by not only discussing concrete steps media companies can take to improve representation, but also by taking action to address the stereotypical images long portrayed of people of color. Our children can’t be what they can’t see, and we have a responsibility to ensure that the media helps our youth envision the world and the world of possibilities of what they can be.

With that in mind, I wanted to start with our friend from the studios association and ask a question. When we visited last November, we met with Paramount, Universal, Netflix, Disney, Warner, and Sony, among others. And one of the things that really disturbed me was that although they were addressing the Congressional Hispanic Caucus and they knew we were there for diversity inclusion issues, many of them couldn’t tell us any of the numbers, like the numbers up here. So do you make any attempt as an association to work with your studios to make sure that they keep track of the number of films that they make that address some of our concerns today? How many leads are minority? How many people are in the studio in front of the camera and behind the camera? What efforts does your Association make?

Ms. TEMPLE. Well, I will say that, you know, I mentioned earlier the same report, which is a report that the Motion Picture Association puts out. It is more broadly on demographic information about our theatrical releases, but it does help make a business case about the importance of diversity because it shows that—

Ms. GARCIA. But do you actually track and file a yearly report so that the public can see what you all are doing or not doing?

Ms. TEMPLE. Well, I will say that the studios do participate and support the Annenberg Diversity Initiative, so I don’t want to speak for the other witness. But that does actually provide those—

Ms. GARCIA. No, but my question was what do you do as the association for the studios to monitor and keep track and report?

Mr. JEFFRIES. The gentlelady’s time has expired. The witness may answer the question.

Ms. TEMPLE. As I said, what we do is the theme report which goes into the demographic areas of the theatrical releases, and then we support a number of the initiatives that are independent reports, which I think people actually want, in terms of the way that diversity is represented on film. So for studios, our partners, as I said, with the Annenberg Diversity Initiative, three executives of our member studios are on Initiative’s advisory board. So this is,

you know, something that we might not do ourselves, but we do support others, making sure that they have that information to be able to independently review these issues and provide that information to the public.

Ms. GARCIA. Thank you. Mr. Chairman I know my time is up, but I do have another unanimous consent request on a statement from Alma Martinez, who is an accomplished American film, television, and theatrical actor. She is a voting member of the Academy of Motion Picture of Arts and longtime mentor to up-and-coming actors. This is a statement about Latinas in Hollywood. I ask for unanimous consent.

Mr. JEFFRIES. Without objection.  
[The information follows:]

**MS. GARCIA FOR THE OFFICIAL RECORD**

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**Dr. Alma Martinez**

***Diversity in America: The Representation of People of Color in the Media***

**STATEMENT**

I am Dr. Alma Martinez. I am an American film, television and stage actor and, as well, a university professor and published author. I hold a PhD in Drama from Stanford University, a MFA in Acting from the University of Southern California, and am a Dartmouth College Cesar Chavez Dissertation Fellow alum, a Fulbright Scholar, and a member of the Academy of Motion Picture Arts and Sciences, Actors Branch (AMPAS).

My induction into AMPAS reflects my extensive body of work in the films *Zoot Suit*, *Under Fire*, *Barbarosa*, *Born in East LA*, *Cake*, *Transpecos*, *Crossing Over*, *Ms. Purple*, *Clemency* and in TV programs such as *Gentefied*, *Undone*, *Queen Sugar*, *The Bridge*, *American Crime Story: People vs OJ*, *Elena of Avalor*, *The Terror Infamy*, *Corridos Tales of Passion and Revolution* among others. I have acted on Broadway, Off-Broadway, in regional theatres across the country and on Mexican and European stages. These combined projects have garnered: Sundance Film Festival *Grand Jury Awards*, Oscar, Golden Globe and Emmy awards/nominations, Tony Award, and Los Angeles Drama Critics and New York Drama Desk awards.

In my decades of working in the entertainment industry, I have shared the screen and stage with distinguished acting colleagues Gene Hackman, Edward James Olmos, Alfre Woodard, Lupe Ontiveros, Ed Harris, Jean Louis Trintignant, George Takei, Liev Schreiber, Diane Weist, Danny Trejo, Nick Nolte, Jennifer Aniston, Cheech Marin, Frances Conroy and worked with directors like Zack Snyder, America Ferrera, Ryan Murphy, Ava DuVernay, Luis Valdez, Chinonye Chukwa, Roger Spottiswoode, Peter Medak, Jill Soloway, Fred Schepsi, and Daniel Barnez among others.

In my acting and professorial career I continually work to move our Latino community and our country, closer to becoming a true Democracy that affords the same opportunities to all. Prior to coming to Hollywood, I was a member of El Teatro Campesino, one of the most important political theatre companies of the 1960's and 70's. Founded by Luis Valdez as an organizing tool for the burgeoning Farmworkers Union led by Cesar Chavez and Dolores Huerta, the company went on to win an Obie and for Luis Valdez, countless awards. For four months we did a bus and truck tour across Europe playing in large Roman and small amphitheatres, in town squares, under tents and at international theatre festivals. In the U.S. our bus and truck tour crossed the Southwest for 6 months. We played at union meetings, church halls, schools, school cafeterias, outdoor squares, and occasionally, a real theatre. Our play, *La Gran Carpa de los Rasquachis* (*The Grand Tent of the Underdogs*) with its message, demanding human and labor rights for farm workers, rallied audiences and standing ovations in the U.S. and Europe. Up until that point, I had never experienced the power of theatre to change mind, hearts and lives. As a young actor in Hollywood, I joined NOSTROS the Latino Professional Actors organization founded by Ricardo Montalban to support and guide actors in Hollywood. As a member of SAG, I ran for office on a platform with other Latino actors, the first such effort in the union's history. I have given presentations on "The Evolution of Latino Images in Film" at over 100 universities, colleges, high schools, and conferences across the country. As a member of AMPAS I have reached out to other professionals of color to encourage and guide them through the nomination

process which, up until ten years ago, had been a process closely guarded by existing members, the majority of whom were white men. To date, I have helped 10 entertainment professionals of color become members.

As a director of theatre I select plays that I feel speak to our place in time. Over the past three years I've directed: *Facing Our Truth: Plays on Trayvon Race and Privilege* (multiple playwrights), Luis Valdez's *Los Vendidos*, *Vietnam Campesino*, *Los Militants* and I am currently directing Anna Deavere Smith's play *Twilight: Los Angeles, 1992*.

I received my first union card (Actors Equity Association) in 1978 when I performed in the play *Zoot Suit* written and directed by Luis Valdez. The play was the first entirely Chicano/Mexican American production, including the playwright, cast, and director, ever produced at Mark Taper Forum in Los Angeles. *Zoot Suit* broke all existing box office records and then moved to the Aquarius Theatre for an extended 10 month run. For the first time in the history of Los Angeles professional mainstream theatre, Chicano and Latino audiences flocked to the Music Center and filled the 750 seat Mark Taper Forum and 1,200 seat Aquarius Theatre to capacity. They sat enraptured by a play that depicted one of the darkest untold stories in Los Angeles history, the Zoot Suit Riots and the Sleepy Lagoon Murder Trial (circa 1945-47). What had for decades been a silenced and pained memory became a celebration and vindication in the hands of master playwright Luis Valdez. In Valdez's telling, Latinos, aka Zoot Suiters, were not the perpetrators of violence but rather victims of a judicial system that had historically failed to protect its most vulnerable citizens of color.

The story of Henry Reyna and the 38th Street gang was story telling in its highest form. Each night, Chicano-Latino audiences were enraptured by Mr. Valdez's mastery of the written word. The magnetic draw and almost breathless attention as audiences saw for the first time empowered, arrogant, defiant, sensual, and proud American of Mexican descent, the Pachuco, played by Mr. Olmos, completely control the stage and the theatre. For one magical night, audiences heard the little-known history of *El Pueblo La Reina de Los Angeles de Porciuncula*, the original name of the City of Los Angeles, told from a perspective that they were fully familiar with and was completely their own.

When the *Zoot Suit* run finally ended I was on cloud 9, hopeful and excited for what lay ahead for me. At 27, and after the unprecedented success of *Zoot Suit*, I believed with all my heart that Hollywood was finally ready to represent the real America, in all its diversity, and to accept Chicana actors like myself. Time Magazine even heralded this change of tides and dubbed the 1980's the "Decade of the Hispanic". Time covers made pronouncements of, "Yo Decido. Why Latinos Will Pick the Next President", "Magnifico! Hispanic Culture Breaks Out of the Barrio", "Immigrants. The Changing Face of America", "Hispanics Americans. Soon: The Biggest Minority" that heralded a new era in Hollywood's representations of Latinos.

Very soon after *Zoot Suit*, I booked my first feature film. A western. We shot in Brackettville Texas for 1 week and 2 weeks in Big Bend National Park also in Texas. The location was so remote, we flew in by private plane. The location was beautiful. High arid mountains that gleamed in the hot sun. Dry, arid, and cacti dotted landscapes. And constantly, the flowing waters of the Rio Grande River reminded me that I was only yards away from where I was born.

I thought to myself, "this film will be another great story about Latinos. Another Zoot Suit?" Once the film moved to the isolated location of Big Bend, everything came crashing down.

The producer and leading actor in the film started to make unwelcomed sexual advances toward me. I became anxious as these persisted. I deflected as much as possible but at one point, he used the guise of "rehearsing" to come to his cabin, 2 miles from basecamp. I asked that we rehearse during the day, but as the producer, he made me feel I had no choice. His driver picked me up at basecamp at about 8pm. I felt worried, not knowing what to expect. We arrived at his cabin and there were 3 crew members there playing music and drinking. I immediately felt a sense of relief, "I was safe." The producer then entered the room and said, "let's rehearse in here (the bedroom)." With that the crew members that I got to know well, stood and left without saying a word. My anxiety level rose even higher and I thought, "what did they think was going to happen?"

There were two beds in the room. He sat on one and I on the other and we faced each other. I immediately got my script and found the scene pages. He pulled out a guitar. He went on and on about how he had fallen in love with a Latina actress on location and how he loved Latinas. This went on and on as I kept trying to urge him to rehearse. Finally, I had reached my limit and told him angrily, "I don't know what you want, but I came here to rehearse." To which he responded just as angrily, "You Mexican women are all the same." With that he stood up from the bed and started to walk out to the living room. I had never in my life been pushed to do what I then did and today, knowing what I know, I would never again allow anyone to put me in that position. His remark, which I took as highly disparaging, since the producer was a white male and I personally grown up hearing remarks like that in films and television programs that portrayed Latinas stereotypically, as saints or prostitutes.

As he got up and walked to the door, I stood up grabbed him by the shoulder, turned him around and slammed his body against the wall. To add some levity to this dark story of sexual harassment, I have to add I am 5'2", the producer was 6' and double my weight at that time. I proceeded to throw every profanity I was raised to "never say" as I held him against the wall. Once I depleted my barrage, I stormed out of the cabin and started to hurriedly walk back to base camp. The driver that had brought me to the cabin, of course, was not to be seen. I walked, almost running, to get as far from there as I could but slowly, I began to realize that base camp was 2 miles away. There was no paved road, no streetlights, only the moon and large looming black silhouettes of the mountains that had days before had been gleaming like gold in the sunlight. I had a choice that night to return to the cabin or to walk to camp. After what I had gone through, I was not going back.

It took me ten years to tell my partner, then husband, what had happened. I kept it to myself for decades. Afraid, my husband would retaliate in some way or my agents would file a complaint and hinder my and his careers. When I finally did speak out, I made a joke of my experience. I was the first to laugh when I retold my response to situation, hurling this tall man against the wall. A very funny image. Very funny. And everyone laughed. Then the #MeToo movement happened and it all began to sink in. In 1980, this was my first film, I was 27, and I was sexually harassed. So why was I laughing? On reflection, this was the only way I knew to live with the trauma, the humiliation and the explosive response, my loss of control. Today, in this

Congressional Statement, I want to for the committee to realize that our young actors of color, who continue to face harassment and discrimination to this day and remain quiet, feel disempowered on the set because they feel disempowered in their lives.

I am a brown skinned woman born in Mexico. I identify as both a native of the Americas and a *mestiza* (Indian/European/African descent). Like our Black brothers and sisters, our history as an enslaved and colonized people set in motion U.S. laws that, to this day, continue to keep large factions of our community in poverty. As late as 1935, a state law prohibited a person of half Indian blood (a Mexican American) and half Spanish blood from becoming citizens or owning land. Legal precedents like this and others like the Dawes Act, the Indian Removal Act, and the Treaty of Guadalupe Hidalgo have systemically deprived generations of Latinos from full economic, social, and judicial parity and from accruing legacy wealth. One has only to look at the Tulsa Massacre of 1921.

As a University Professor, I am in a position to attest to how Latino students, living as a people of color in our society are struggling to make it through college. Latinos enroll in high numbers, but the completion rate is proportionally dismal. Many holds 1, 2, even 3 jobs, live at home and oftentimes have to help financially support their families. Many are first generation college students and come from poor working class and/or blue-collar families. Our educational system has propagated the "myth" that a college education is the key to a solid financial future. The truth is that because of the burden of student loans, we are creating a new class hierarchy: the poor debt-burdened college graduate. Given the disproportionate lack of wealth legacy among Latinos, many will carry this debt burden for most of their adult lives. We must make a college education an attainable "American Dream". To do this we must eliminate student loan debt.

You cannot talk about inequities in higher education without discussing the disproportionately low rate of Latinos with PhD's and the even lower percentage of Latino Professors with PhD's that are denied tenure. The few Professors that make it to the highest levels of education are denied entry in numbers that warrant further examination.

My own education did not come easy. I was born in Mexico and immigrated with my family to the U.S. when I was only months old. My father was a mechanic and my mother eventually studied and became a beautician. I have 4 other siblings and I am the only one that went to college and completed a degree.

My father only completed 6th grade and my mother 8th grade. Coming from poor families they were expected to complete elementary school, learn a vocation and go to work so their expectation for my siblings and I was simply to finish high school without getting arrested - my brothers - and without getting pregnant - my sister and me. All of us finished high school to my parent's relief. I personally always liked school and learning. It was a refuge from a homelife that still embraced old world Mexican values and that I found was at odds to where my education was leading me. I was always at the top of my class, so I received scholarships throughout my years of study at Whittier College, USC and Stanford. But college life was not easy. I found it very hard to adapt academically and culturally. I received a full scholarship to USC after high school but dropped out my second semester. My tuition was paid for, but I was not told that I needed to pay for books. My family did not have the money, so I looked for classes that had the

least amount and cheapest books. When I was invited to go to a movie or dinner with classmates, I had to decline because I never had more than a few dollars in my purse. Neither my family or I knew that I would need more "pocket money". I was also used to being an A-B student so when my grades dropped to B-C, and I continued to find myself isolated because I had no money, I began to question if I belonged. In the middle of my second semester, my closet friend on campus overdosed on LSD. I called a doctor and left USC that same day. I lost my scholarship. In the ensuing 4 years, I made my way to the University of Guadalajara Theatre Dept. and then the National University in Mexico City Acting Conservatory. When I returned to the U.S. I reapplied and was awarded a full scholarship and I enrolled in Whittier College to where I completed my undergraduate degree. Stubborn by nature, I returned to USC and completed my MFA in Acting in 1995. To this date, all campuses, libraries and lecture halls I visit anywhere around the world always give me a sense of peace and possibility. A world of knowledge is literally waiting for me in the library "stacks". I relish learning and will always be a student.

It's been 40 years since Times Magazine proclaimed the "Decade of the Hispanic" when the impassioned hope of the Latino community and entertainment professionals was at its peak. We thought the class ceiling had cracked, the walls had been breached, and the gate was flung open. It was a new day. We waited and waited and to this day we continue to wait.

On September 23, 2020, the Norman Lear Center at USC Annenberg issued a report entitled "Change the Narrative, Change the World". The report analyzed depictions of 129 immigrant characters in 97 episodes of 59 scripted narrative shows that aired between August 2018 and July 2019. The study found that "half of the immigrant characters on television were judged to be Latinx" and "63% of characters with identifiable statuses overall being undocumented or asylum seekers." The report then stated that, "In reality, only 24% of the U.S. immigrant population is undocumented."

This report is just one example of how the media has inflated and influenced their audience's perceptions by creating shallow representation and perpetuating stereotypes that dehumanize Latinos and reduce empathy. This "overrepresentation in comparison to reality" has had dire and negative consequences for Latinos and the entire country.

Will the entertainment industry continue to be defined by the prejudices of their audiences or by their better selves? Most would say the latter but without the will, we are at a stalemate.

Therefore, we must look to our elected officials to hear the collective voices of our diverse citizenry that yearns and hungers to see themselves represented with dignity and humanity. The power of the media reaches every corner of the world and with that power it can be a medium for global healing and peace.

Ms. GARCIA. Thank you. I yield back.

Mr. JEFFRIES. And I will now yield to the distinguished gentlelady from the great State of Florida, Representative Mucarsel-Powell.

Ms. MUCARSEL-POWELL. Thank you so much, Mr. Chairman, and thank you to all the witnesses for coming and talking about, I think, a very important issue. You know, we all know how much the media and the entertainment industry shape our view of the world. It shapes actually the thoughts of our children and the Americans that they choose to grow up to be. I am a Latina mother here in South Florida. I have two kids. And when I go to a movie theater, when I have them watching shows and they see the Latino community being portrayed, I want them to see a Latino community that they are proud of, that they can relate to, that reflects who they are.

It is the same for all the kids living here in my district. I represent a district that is 70 percent Hispanic, 12 to 13 percent African American, and yet, when they are watching these films, it is very difficult for them to relate. And what happens? They grow up trying to be someone who they are not because they are just always trying to fit in. You know, here in Miami, we also have the largest media companies that serve Latino viewers and listeners in the United States. We have the headquarters for the Univision, Telemundo, Mega TV. Those are all Spanish-serving, you know, media that are broadcasting these shows. And, unfortunately, what we are seeing more than anything is that they are not portraying the reality of our diversity of the Latino community.

Here at Florida International University, our university down here, has the only 100-percent Spanish-language journalism program in the Nation. I don't know why we only have to have one, but I am proud to say that it is here in Miami at Florida International University. The economic and the media production footprint is enormous, and we understand what so often Hollywood doesn't seem to understand. We understand the importance, not just of diversity in the media, but also the fair and the positive portrayals in the media.

The term "Latino" is very broad. It includes a diverse range of people, cultures, values. We look different. We speak with different accents. But too often, we see one singular stereotype that comes across on TV and film, and one study found that Latinos in the media are primarily portrayed as laborers, law enforcement, or criminals. Another study our witness Dr. Smith worked on actually, found that of the top 200 movies in 2017 and 2018, 1 in 4 Latino characters were shown as criminals, 1 in 8 were shown as poor, and over half of the Latinos with jobs had one that did not require a college degree. These are stereotypes that influence a negative perception among the American people, and our media industries must take responsibility and recognize the role that they play in shaping our inclusive landscape.

I know that one group here in Miami is working for the fair portrayal of Cubans. I recently spoke with Eduardo Garcia of the organization, Facts About Cuban Exiles. The group was started in 1982 to defend the image of Cuban exiles and to promote and improve the reputation and image of people of Cuban origin and their de-

scendants in the United States, especially here in Miami. And they began their work after troubling portrayals in mainstream film and in television of that era, so organizations like this are so much needed to raise awareness on these issues.

I wanted to start with Mr. Olmos. I am a big fan of all your work. I am so glad that to see that you are working on educating our children. I think that that is so important. Let me ask you. How do you think we need to combat these stereotypes? What can we do? Where do we start?

Mr. OLMOS. We start by understanding what a stereotype is, and a stereotype is a fact, a truth, but if it is the only thing that you see, then it is completely gone to waste. I mean, it is over for us because, basically, they only see us one way, and my biggest concern is it our children are watching. So, for me, how do we change that? By writing, producing, directing, being behind the camera as well as in front of the camera, taking over. And like Tyler Perry, we have to start our own studios and move forward creating our product.

Ms. GARCIA. Thank you so much, Mr. Olmos. Quick question to Ms. Temple. Ms. Temple, bringing diversity to the industry is a major issue, but how do we act to correct the negative portrayal of Latinos that we see in film all the time?

Ms. TEMPLE. Yes. You know, as I alluded to earlier, we agree that, you know, work needs to be done in this area. I think it is taking a step back and trying to do innovative initiatives to try to address, you know, each one of these issues as we see them. So, for example, Universal Studios recently teamed with the Geena Davis Institute and USC to launch the Spellcheck for Bias, which is a resource that will support Latino representation. They will analyze scripts, manuscripts, and advertising briefs to ensure and check the representation of characters and the percentage of dialogue. So innovative, I think, new and proactive initiatives like that are what we need to think about to try to really address this problem.

Ms. GARCIA. Thank you so much. Mr. Chairman, my time is up. I yield back.

Chairman NADLER [presiding]. The gentlelady yields back. Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chairman. I yield to the ranking member.

Mr. JORDAN. I thank the gentleman for yielding. I just wanted to give our witnesses a chance to respond. It was my understanding when I was at a vote earlier that there were some points made and questions raised, and no ability for Ms. Villa and Mr. Whitlock to respond. That is not unusual for this committee. They did it to the Attorney General. So, Ms. Villa, I will give you an opportunity. If we can, maybe you go a couple minutes, then I will give a couple minutes to Mr. Whitlock to respond anything that was raised earlier that you would like to respond to.

Ms. VILLA. Excellent. Thank you, Mr. Jordan. I want to ask why has nobody brought up China. So media giants, such as Disney, are absolutely taking over human rights abuses by working with China. I mean, they have operated around internment camps in China. Mulan, the movie, was filmed in China with gross violations

against human rights and abuses. Their stance on equality as it pertains to the United States is that they don't care about it. They are bought out by money, and they are owning an American commodity that should be something that American voices can be backed by.

And we talk about diversity, but if we don't have diversity behind the scenes when it comes to making sure American-owned products are American owned, then it is going to go to foreign voices, and that is a problem. That is a big issue. As well as I wanted to respond to Mrs. Demings. We brought up Black Lives Matter, and then said that, oh, I don't know what this whole thing is about, and proceeded to keep talking. I wasn't able to respond, but I am going to respond now. I am going to say that it is important for representation of thought.

Mrs. DEMINGS. For the record, I did not bring up Black Lives Matter. We were all over the place in our discussions as—

Ms. VILLA. But your side, the Democrats have been all over the place.

Mrs. DEMINGS. I can only speak for myself.

Ms. VILLA. I spoke about diversity in media.

Mrs. DEMINGS. I can only speak for myself.

Ms. VILLA. And Democrats have brought up this President—

Mr. JORDAN. Madam Chair.

Ms. VILLA [continuing]. And then shut me down when I attempted to respond.

Ms. ESCOBAR. Mr. Armstrong controls the time.

Mr. JORDAN. Madam Chair, it is my time. I would like an additional 20 seconds added, and Ms. Villa can answer a question that was posed to her earlier.

Ms. ESCOBAR. Just proceed.

Ms. VILLA. Thank you.

Mr. JORDAN. And I would like a couple minutes for Mr. Whitlock.

Ms. VILLA. Thank you. So Mrs. Demings, since 2017, Oscar nominations have included Moonlight, Hidden Figures, Loving, Fences, Lion, Call Me By Your Name, Green Book, Bohemian Rhapsody, Roma, If Bill Street Could Talk, Black Panther. In 2017, a black actor was nominated in every acting category. Hollywood is disproportionately run by Democrats. This a Democrat-run council here. This event was put on by Democrats. So why can't you guys get it right with diversity? It is because you don't have Republican representation there.

Mrs. DEMINGS. God bless you, Ms. Villa.

Ms. VILLA. It is because you don't talk about diversity of thought.

Mrs. DEMINGS. God bless you. God bless you.

Ms. VILLA. It is because you just want to put people who are black and brown under, oh, they are black, so I am going to agree with them, rather than what products are they bringing to the table. Diversity of thought is the biggest issue here.

Mr. JORDAN. Mr. Whitlock, let me just pose a question to you. There was a New York Times piece from July of this year, and the headline read, "Are Protests Dangerous?" This is relative to the COVID-19 concern or pandemic. "Are Protests Dangerous," and then the headline reads, "What Experts Say May Depend on Who's Protesting What."

Mr. WHITLOCK. Yeah.

Mr. JORDAN. This is how absurd it gets. This is how politically correct it gets. You can't get COVID if you are protesting certain left-wing-approved causes, but if you are protesting conservative causes, oh my goodness, COVID knows the difference between protesting about not being able to go to church or a loved one's funeral, or protesting about some other issue. I mean, this is amazing to me. You have got the last minute and 20 seconds here, Mr. Whitlock.

Mr. WHITLOCK. Well, I think my overall point is we can talk about skin color of diversity, but if everybody has to say the exact same thing because that is what Silicon Valley and the social media matrix that they built dictates, what difference does it make what color you are? It just doesn't. And so I have sat and listened throughout the day, and we certainly heard from the Latino community about how they are portrayed in movies. Who is in control of this? And for me as a black man, I look at the music industry and how black men are portrayed in the music industry, particularly in hip-hop. Who is in control of the music industry? Who is in control of Hollywood?

It is pretty clear that it is the left, and this is how we are being portrayed in the music and movie industry, and no one wants to speak out against it. That is where my frustration comes with talking about the President or things like that. There are just much bigger issues. And, again, I will just repeat: when it comes to skin color diversity, there is only one thing you are allowed to say by Hollywood, by the cancel culture group.

Ms. ESCOBAR. Mr. Whitlock.

Mr. WHITLOCK. And so it renders color almost irrelevant.

Mr. JORDAN. Thank you.

Ms. ESCOBAR. The gentleman's time has expired. I now yield myself 5 minutes. I would like to first thank Chairman Nadler for having this hearing, and I want to recognize and thank the Congressional Hispanic Caucus chairman, Joaquin Castro, for pushing on our committee to have this hearing, this very important hearing, today. And I also want to thank members of the Tri-Caucus.

There really should be absolutely no question that we have seen an increase in racism in our country. In fact, there has been an increase in hate crimes in our country since 2016. That is the year that then candidate Donald Trump announced that he believed Mexicans are rapists and criminals, described immigrants as an invasion, and he essentially announced to the world that it was okay for the highest leader in the land to be a racist. When the person with the biggest bully pulpit and the loudest voice, who is bolstered by his enablers, portrays black and brown people in the most negative light, it matters. And when the media and film industries perpetuate damaging stereotypes, it matters.

The Congressional Hispanic Caucus has been working to expose the connection between both the lack of representation of Latinos in the industry and the misrepresentation of who we are with the way that we are perceived by society. And I will tell you, I love films, and for many of you who are Zooming in, I have been a big fan for a long time. I love going to the movies. But growing up, I remember watching Latinos portrayed as gangsters, maids, or un-

documented immigrants. I never saw a Latino or Latina portrayed as a member of Congress, which I am so privileged to be today. That portrayal matters.

Now, things have gotten better in the industry, but the pace is absolutely unacceptable. When we look back over more than a decade at the data, looking at Latino leads and co-leads since 2007, Latino representation is still limited. In 2007, Latinos made up 1 percent of leads and co-leads. Eleven years later, in 2018, that number is now a whopping 4 percent. Ms. Temple, based on your testimony today, it seems like you agree that the industry is in part responsible for societal misperceptions of Latinos. Would you agree? Historically.

Ms. TEMPLE. I would definitely agree that the portrayal on screen has not been accurate when it comes to persons of color, including Latinos and African Americans and others, and that is something that the studios are definitely aware of and working against. One of the ways to do that, of course, is to ensure that you have diversity in the writing rooms, which is a focus, and I have talked a lot about some of the initiatives that the studios have to increase diversity in the writers' rooms so that, again, there are people who will be able to accurately reflect, you know, those in front of the cameras.

I also mentioned a little bit earlier the fact that a number of the studios work with consultants and affiliation groups, again, to address the issue of making sure that portrayals are not stereotypical, but that they are instead accurate portrayals—

Ms. ESCOBAR. Thank you, Ms. Temple.

Ms. TEMPLE [continuing]. And they reflect the broadness of the community.

Ms. ESCOBAR. I appreciate that, and you did a good job laying out at the beginning of the hearing in your opening statement the work that the industry is doing. What we have seen, especially over this past summer, and, in fact, for years now, is a reckoning, a real reckoning on race. We have seen people, hundreds of thousands of Americans, marching in the streets demanding change, demanding action. The changes that you outlined, while I am so grateful for them, and while they are long overdue, do you really believe they meet the urgency of this moment? A simple "yes" or "no," please. I am running out of time.

Ms. TEMPLE. I can't answer "yes" or "no," but I can say that we agree that more needs to be done. And so I don't want to just narrowly say has everything we have done—

Ms. ESCOBAR. Ms. Temple, I am going to take my time back. I simply wanted your opinion. I wanted to know if you believe the industry is meeting the urgency of the moment. I personally do not believe it is. Do we have your commitment that in addition to what you have outlined, that you will look at accelerating the work that needs to be done in order to meet the urgency of this moment, yes or no?

Ms. TEMPLE. Yes, you have my commitment, and I am happy to work with all of the studios to continue this dialogue with you directly.

Ms. ESCOBAR. Thank you, Ms. Temple. We will hold you to that commitment.

That concludes today's hearing. We thank all of our witnesses for participating.

Without objection, all members will have 5 legislative days to submit additional written questions for the witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 5:12 p.m., the committee was adjourned.]

## **APPENDIX**

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**DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO**

September 24, 2020



**Joint Statement from the Arts, Entertainment, and Media Unions Affiliated with the Department for Professional Employees, AFL-CIO**



Arts, entertainment, and media unions affiliated with the Department for Professional Employees, AFL-CIO (DPE) thank the House Judiciary Committee for its upcoming hearing, "Diversity in America: The Representation of People of Color in the Media."



We are committed to improving equity, diversity, and inclusion in the industries in which our members work. We will continue to work inside and outside the traditional collective bargaining process to create more and better opportunities for underrepresented groups in our industries. We will continue to work to increase equity, diversity, and inclusion in our own organizations. We will partner with Congress and our employers to find smart policy solutions that promote and create inclusion and build lasting, sustainable change.



Our unions have been fighting for workers and advancing work standards in our industries for decades, turning low-paying jobs into family-sustaining careers. We must continue to fight to ensure those careers are accessible to all.



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 TRANSPORTATION SECURITY

**STAFF NAME:**  
 DEMOCRATIC CAUCUS

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**  
**COMMITTEE ON THE JUDICIARY**

**HEARING ON:**  
**“DIVERSITY IN AMERICA:**  
**“REPRESENTATION OF PEOPLE OF COLOR IN THE MEDIA”**

**2141 RAYBURN**  
**2:30 P.M.**  
**THURSDAY, SEPTEMBER 24, 2020**



- Thank you, Chairman Cohen and Ranking Member Jordan, for convening this important hearing on *Diversity in America: The Representation of People of Color in the Media* to examine the current state of the representation of people of color in the media (both behind and in front of the camera), highlight the importance of media representation and the negative impacts of underrepresentation, and to discuss concrete steps media companies can take to improve representation.
- Let me thank our witnesses for their helpful testimony and assistance:

1. **Erika Alexander**, Actress, Writer, and Producer;
  2. **Edward James Olmos**, Actor, Producer, and Director;
  3. **Daniel Dae Kim**, Actor and Producer;
  4. **Joy Villa**, Recording Artist, Actor, and Author;
  5. **Jason Whitlock**, Sports Journalist;
  6. **Dr. Stacy L. Smith**, Founder and Director, the Annenberg Inclusion Initiative at the Annenberg School for Communication & Journalism at the University of Southern California; and
  7. **Karyn A. Temple**, Senior Executive Vice President and Global General Counsel, Motion Picture Association, Inc.
- This hearing will examine the current state of the representation of people of color in the media, both behind and in front of the camera; highlight the importance of media representation and the potential negative impacts of underrepresentation; and to discuss concrete steps media companies can take to improve representation.
  - Across most industries, racial and ethnic minorities are underrepresented in leadership positions; for example, racial and ethnic minorities hold just 12.5% of positions on corporate boards, despite being 40% of the total population.
  - Such underrepresentation among those in positions of authority may have ripple effects throughout their industries as a result of the decisions they make, about everything from hiring and working conditions to the messages their business convey to the public.
  - People of color accounted for only 27% of leads in nearly 150 major films despite the success of movies with diverse leads and casts, like *Black Panther*, *Coco*, *Crazy Rich Asians*, *Hustlers*, and *Us*.
  - While this number has almost tripled from 10.5% in 2011, it does not match the 40% that minorities represent in the U.S. population.
  - This disparity between film portrayals and demographic reality persists despite trends in viewership and spending that point to higher profitability and return on investment on films that feature large minority casts.

- Movies with 41% to 50% minority characters had the highest global box office receipts of all top films in 2019, and movies with majority-minority casts had the highest median return on investments.
- By contrast, films with the most racially and ethnically homogenous casts grossed the least at the box office.
- Yet, films with a minority lead actor receive, on average, less money than those with a white lead.
- In a potentially positive development, earlier this month, the Academy of Motion Picture Arts and Sciences announced new criteria that will require films hoping to qualify for the best picture Oscars category, beginning in 2024, to meet specific diversity standards in front of and behind the camera.
- In the television industry, shows like *Atlanta*, *Empire*, *Jane the Virgin*, *Ugly Betty*, *Fresh off the Boat*, and *Blackish* are a testament to the diverse opportunities that television offers.
- But, Mr. Chairman, there remains a racial discrepancy between those who watch shows on television and streaming services and those who are cast and whose stories are told.
- The Comprehensive Annenberg Report on Diversity analyzed more than 300 shows released from 2014 to 2015.
- The report found that only 19% of broadcast network shows, 13% of cable shows, and 2% of streaming shows reflected the proportional representation of the U.S. population on the basis of race and ethnicity.
- The report's findings underscored the importance of having minorities behind the camera directing television shows, finding that the percentage of on-screen underrepresented characters increases 17.5% when an underrepresented director is at the helm of a scripted episode or film, from 26.2% of characters from underrepresented groups to 43.7%.

- Over the past 10 years streaming services like Netflix, Hulu, Amazon, and YouTube have become increasingly more popular, complementing or even substituting for traditional television.
- All of these streaming services have the ability to add to the diverse content that exists in the entertainment industry.
- Many see YouTube as a starting place for those both behind the scenes and in front of the camera.
- However, aspiring content creators often face difficulty breaking into a saturated video environment without existing networks of influence and capital.
- As Google points out, 70% of all YouTube views come from YouTube “recommended” videos.
- When looking at the top earners on YouTube, there is limited racial diversity among the talent.
- A 2016 article noted that 65% of the top 100 creators were white and 71% were male and YouTube’s affiliated sister company, Google, has been criticized over the racial differences of its search outcomes.
- Thank you, Mr. Chairman, I yield back my time.

