

**REMARKS OF FCC COMMISSIONER  
GLORIA TRISTANI BEFORE THE  
HISPANIC NATIONAL BAR ASSOCIATION  
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Thank you very much. It's a pleasure to be with you this evening in my beautiful home state of New Mexico.

Since we're in the middle of Hispanic Heritage Month, I thought this might be a good time to take stock of where we are as a community and where we need to go. I wanted to share with you some of the things I've learned as an FCC Commissioner, which I've been for eleven months, and as a Latina, which of course I've been my whole life.

Let me disclose right up front, a lot of news is not good. We're not where we need to be. But I'm not telling you these things just to depress you (although it may have that effect), but hopefully to renew your determination to press on.

In fact, as I look out over the crowd here, I have no doubt about our eventual success. During Hispanic Heritage Month, I've had the pleasure to attend many events like this, and let me tell you, each one warms my heart. To see so many successful Latinos from so many walks of life – from government to the professions to the arts to business – makes me truly *orgullosa*. Soon there won't be any part of American life that we won't be a part of, including, I hope, a seat on the Supreme Court.

Let me start with some of the difficulties facing our community. One area I've been particularly concentrating on lately is minority participation in broadcasting. Television, in particular, is one of the most powerful forces shaping our culture and for communicating who we are as a people.

We in the Hispanic community are very much tuned in. More than 99% of us have TVs in our homes. And over 64% of us watch those TVs more than 4 hours a day, compared with less than 45% who watch that much TV in Anglo households. The impact of that constant barrage of images – especially on our children – is well documented, and I won't go into it here. Suffice to say that TV is not only a reflection of public values, it also is one of the most powerful instruments for shaping and changing public values in our culture.

When it comes to the broadcasting business, one of the keys is who actually owns the station, and therefore ultimately controls the editorial content. The numbers in this area are disturbing. In 1996, minorities owned only 3.1% of the broadcast properties in the U.S. That number has now dropped even lower, to 2.9%. Among Hispanics, the figures are even worse – one half of one percent of the full power TV stations and just over one percent of radio stations are Hispanic-owned. The high prices being paid for stations in today's market means that it's tempting for existing minority broadcasters to sell out, and that it's tough for new minority broadcasters to replace them.

These trends will not be easy to reverse. We need to look at access to capital. We need to look at education and training. And we need to look at advertising, the life-blood of broadcasting, including so-called "minority discounts" under which advertisers pay less to advertise to minority audiences.

The news in broadcasting employment is somewhat better, but is under attack. As some of you may know, last April a three-judge panel of the DC Circuit Court of Appeals found the FCC's Equal Employment Opportunity rules unconstitutional. The Court applied the most stringent test available, strict scrutiny, because it believed – mistakenly, I think – that the EEO rules required stations to make hiring decisions based on race. They did not. They only required that broadcasters make outreach efforts to minorities and women – to ensure that more people were considered for job openings, not that anyone be hired. And those rules helped. In the three decades they were on the books, minority employment increased from 9.1% to 20.2% and 7.9% was Latino.

I'm sorry to report that during the past few weeks the full D.C. Circuit refused our request to rehear the case en banc. I'm looking forward to working with our Chairman to amend our EEO outreach rules to address the Court's concerns.

Why are minority ownership and employment so important? Because it affects what you see on the TV screen and hear on the radio. Not surprising, two-thirds of Latinos in a recent poll said that coverage of their community improves when Latinos work on a newscast.

But the Hispanic community faces two problems. The first is that we're mostly invisible on TV. According to a La Raza study done a few years ago, only 2% of the characters on TV were Latino, even though Latinos then represented 11% of the population. In another study released this year by the Tomas Rivera Institute, 42% of Hispanics reported that there were never Latino characters in the entertainment shows they watched.

Here's what one Latina teen had to say in another recent study: "TV programs are mostly about White families. They don't really show Hispanics or African Americans. And we, in Newark, that's like the whole population, Blacks and Hispanics. So how are we actually going to *relate* to something when they're all White?"

Our second problem is that, when we are visible on TV, much of it is based on harmful stereotypes. A few months ago, Children Now released a study of children's perceptions of race on TV. The study found (not surprisingly) that negative stereotypes of minorities on TV remain widespread. White actors are more often seen as having money, being well-educated and being leaders, while characters of color are often criminals, lazy and "act goofy". Likewise, a La Raza study found that Hispanic characters on TV were four times more likely to commit crimes than African American or White characters.

These stereotypes have an impact, especially on children, who are still trying to figure out how they fit into the larger society. According to the Children Now study, "when asked about how they see their race in the news, young Latino children said 'gangs, accidents, drug dealers, churches; when they go to jail: murderers.'"

Some of the hardest stereotypes to deal with are the ones that are supposed to be funny. Those of you over 30 may remember the Frito Bandito, that little Mexican bandit with the long mustache and huge sombrero who stole people's corn chips. (Incidentally, just the fact that you can still remember that character 25 years later shows you the power of television). More recently, we had the Seinfeld episode that depicted Puerto Ricans as car thieves and criminal mobs during the annual Puerto Rican Day parade. In both cases, when complaints were made that the stereotypes were offensive, the response was the same – it's not meant to be offensive; it's meant to be funny. Can't you people take a joke?

Yes, we can. But when these very same stereotypes are used against us in our daily lives, don't expect us to laugh. Here's what the columnist William Raspberry had to say to those who argued that the Frito Bandito was just a cute and harmless character:

This mistake is too often made that ethnic jokes are essentially innocent because they amount to nothing more than commentaries on ethnic idiosyncrasies . . . When you show that you believe the stereotype to the degree that you make it tough for a man [or a woman, I might add] to get a decent job or home or

education, don't expect him to laugh at your jokes based on the stereotype.

Think about that the next time that cute little Chihuahua comes on you TV selling tacos.

But I don't want to leave you with just a list of the problems confronting us in the Hispanic community. Because while we have to be realistic about our problems, we can't let those problems paralyze us. Let's talk for a few minutes about what we can do to improve the portrayals of Latinos on TV.

First, ownership and employment. As I discussed earlier, we need to make sure that Latinos — and all segments of the community — can participate in the broadcasting business. That means finding creative ways to reverse the slide in minority ownership. That means internships, scholarships and mentorships. That means revising our EEO rules so that they can withstand judicial scrutiny.

I have no doubt that more Latino owners, more Latino writers and more Latino producers will have a major impact on the way the Latino community is portrayed. It's not that only Latinos can write about Latinos, or that only Latino reporters can cover the Latino community. But we have a lifetime of experience as Hispanics to bring to the table. We know the realities and the subtle nuances of our community that other's don't. Which is why, I think, that so much of what is shown about Latinos on TV seems like such a caricature of who we are.

Second, when you see a stereotype on TV, don't just sit there. Turn it off. I'm pleased to report that we're doing pretty well in this regard. Almost half of Latinos report that they turn off a program when confronted with a negative stereotype.

But don't stop there. Pick up the phone. Call your local station. Get out the stationary. Write a letter to the network. Write a letter to the editor of your local paper. Let all of them know you don't appreciate what you just saw. Let them know you don't find stereotypes funny and ask them to stop. We need to make our voices heard.

Now, I know I'm in a room full of lawyers and that at least one of you is concerned about the First Amendment implications of asking broadcasters to stop running offensive material. You're right to be concerned. The First Amendment is one of our most precious freedoms. But I'm not talking about censorship here. Broadcasters are perfectly free under the First Amendment to say whatever they want. And we are perfectly free under the First Amendment to express our disapproval of what they are saying. As a lawyer might say, more speech, not less speech, is the answer. And we have faith that when all sides are heard

from, the right decisions will be made. That is the American way.

Third, we need to support positive role models where we find them. And there are some on TV. The Tomas Rivera study found that about 40% of Latinos thought that Latinos were presented in a positive light on entertainment shows. I'm not sure I'd agree with that, but I'm always on the lookout for shows with good, strong Hispanic characters.

One of my favorite Latinos on TV right now isn't a character at all, at least not on a show. Of course I'm talking about Sammy Sosa! Now, I'm not a huge sports fan, but I was really rooting for Sammy to win that home run race.

Sammy has exploded a lot of stereotypes about Latinos during his magical run. Unfortunately, one of the popular images of Latino ballplayers still comes from Saturday Night Live, which had the Hispanic character who kept saying "bazebol been berry, berry good to me." Sammy has been the perfect antidote to this stereotype, conducting himself with class, humor and joy. As one woman in California put it: "I want the world to know that who they see in the newspapers and the evening news is in fact a good, positive Latino man."

Don't think heroes like Sosa aren't important. It's no fluke that a third of all professional baseball players come from Latin America. Kids in Puerto Rico, where I was born, still dream of growing up to become the next Roberto Clemente. Maybe now they'll want to be the next Sammy Sosa.

But even if they never play baseball, I think that our children can learn from Sosa's determined spirit. Sammy was born to a poor family in the Dominican Republic. His father died when Sammy was seven. Sammy went to work shining shoes in the street and then as a janitor in a shoe factory. When he was asked about the pressure of the home run race, Sammy said, "pressure for me . . . when I was a shoeshine boy trying to make it in America." Sammy is, in many ways, the classic American success story.

Sammy has even cast a little sunshine on the horrible devastation that Hurricane Georges inflicted on the Dominican Republic. Even with more than 200 killed and the massive destruction, Dominicans huddled around whatever working radios they could find to cheer Sosa on. As one man put it:

Among all the bad we are going through there is some good, and that good is Sammy Sosa and the game today. He has lifted our spirits, not only in normal times, but in this [hurricane] crisis. For me, Sosa has done something grand. He is a hero. He represents hope, pride and success.

Unfortunately, the picture is not all rosy, even for Sosa. As many people have observed, it wasn't only a home run race, it was also about race. Even when Sosa and McGwire were tied with a few days left in the season, it was clear that Sosa was not going to get the kind of endorsements that McGwire got. Admittedly, some of that difference had to do with the fact that Sammy was the second to break the record, but it would be naïve to say that race didn't also play a part.

One sports agent was quoted as saying that Sosa wouldn't have the marketability of McGwire because he doesn't have the same "all-American image" and I couldn't help but think that what he was saying had nothing to do with the characters of these men, and everything to do with the fact that one is light-skinned with freckles and the other dark-skinned. Someday, you'll know that our society has truly changed if someone is described as having an "all-American image" and you don't know whether they're white, brown or black.

That goal may be some years off. The road ahead may be slow, and it may have its share of potholes, but we are a resilient people. We will get there. We will hold this great country to its promise of racial equality and brotherhood. If a couple of young men named Sosa and McGwire can fulfill that promise playing a game, maybe the rest of us can take a few steps toward that goal in real life.

Thank you for your kind attention.