



The **Opportunity** Agenda

SHIFTING THE NARRATIVE

Six Case Studies

INTRODUCTION

Both research and our lived experience consistently show that the language we use and the stories we tell play a significant role in shaping our views of the world and, ultimately, the policies we support. As the concept of “narrative” has grown in prominence within the advocacy space, more stakeholders are recognizing the centrality of storytelling to systemic change. But how do we define narrative and the elements that contribute to a successful narrative change strategy? Is change inevitable or the product of coordinated efforts that are possible to replicate?

At The Opportunity Agenda, we define narrative as: *a Big Story, rooted in shared values and common themes, that influences how audiences process information and make decisions.* Narratives are conveyed not only in political and policy discourse, but also in news media, in popular culture, on social media, and at dinner tables across communities.

To lay the groundwork for a sustained 21st century narrative change effort promoting mobility from poverty, criminal justice reform, and opportunity for all, The Opportunity Agenda embarked on a six-part narrative research study, with the aim of **identifying the essential and replicable elements of past successful efforts, gleaning the insights captured in academic literature, consulting with diverse leaders from practice, and sharing our analysis and recommendations broadly with the field.**

To this end, we chose a range of narrative-shift examples to study. Some were long-term narrative-shift efforts that resulted in shifts to both cultural thinking and policy; others were shorter-term, single-issue-focused campaigns with a particular policy goal that required a shift in narrative to achieve.

FULL STUDIES INCLUDED:

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Across efforts, it is clear that narrative change does not happen on its own, particularly around contested social justice issues. It typically results from a sophisticated combination of collaboration, strategic communications tactics, and cultural engagement, all attuned to key audiences and societal trends. It requires both discipline and investment. The involvement of people whose lives are directly impacted by the narrative change being attempted is critical in the development and deployment of strategy. The process is a feedback loop because shifting narratives over time requires listening and learning from what is and is not working and incorporating that back into movement goals, more refined research, and narrative evolution.

External circumstances change, moreover, requiring recalibration and, sometimes, reformulation. A human rights narrative that worked before the events of Sept. 11, 2001, for example, would have to evolve in the years immediately after those events. Conversely, a more populist and transformative economic justice narrative became possible after the economic crisis and rising inequality of the past decade. Ignoring those seismic changes risks clinging to a narrative that has become out of date.

Among these very divergent and diverse case studies, there are consistent tactics, trends, and revelations that we found throughout. We believe that the recommendations below, as determined through our analysis, can provide social justice advocates, policymakers, activists, and media commentators with insight into the elements of successful narrative shift efforts, as well as recommendations about what to consider when undertaking such campaigns.

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RECOMMENDATIONS

- **Design a long-term strategy that is rooted in values.** By clearly communicating what was at stake in the form of core values, many of the actors in these campaigns were able to speak to their audiences' value systems and emotions. Doing so enabled them to organize their messaging around a constant theme over the long term and use that framework to identify the stories and statistics they needed, depending on the circumstances or messaging opportunity.

In the case of the death penalty and racial profiling, the central values were fairness and equal treatment under the law. Instead of filling their messages with only statistics that showed unequal treatment, advocates consistently tied their arguments back to the systemic racial biases that were causing the statistically bad outcomes. That basic threat to values meant that arguing for small changes to systems that inherently perpetrate unequal treatment was less acceptable to core audiences.

- **Know and analyze the counternarrative.** While this may seem obvious—we are all too familiar with the narratives that work against our strategies—it's important to take a moment to assess what is really resonating with audiences about the counternarrative.

For instance, in the strategy to “end welfare as we know it” advocates tapped into the stated desire to help those experiencing poverty and fashioned their opposition to anti-poverty programs as concern for their effects on recipients, particularly Black communities. They pointed to purported phenomena like the culture of dependency and the breakdown of the African American family. Doing so allowed them to shift quickly into more racially-charged props such as the welfare queen trope.

- **Identify and dismantle the assumptions the counternarrative relies on.** Anti-death penalty advocates keyed into their opponents' reliance on what was "working" in the criminal justice system. By focusing on that pragmatism, they were able to flip the script to point out the ways that the death penalty was actually an amplified result of so many things that weren't working in the system, particularly when it came to racial bias. By throwing into question the assumption that the system was fair, they were able to undermine confidence in execution as a penalty and successfully argue, in many cases, for its abolition. The anti-rape movement began by taking these assumptions head-on and working to dismantle the various "rape myths" that pervaded society. By finding ways to consistently counter these dominant ideas about sexual violence, advocates were able to change the conversation, to some extent, in court rooms, pop culture and everyday conversations.
- **Establish your own frame and tell an affirmative story.** While counternarratives and external factors beyond the direct control of advocates appear to play a significant role in shaping narratives, these studies also indicate that the advocates best positioned to respond to unpredictable external variables—or the activity of the opposition—all gained ground following the adoption of offensive communications strategies.

In the case of both the anti-death penalty and anti-gun movements, going on the offensive changed the game. Armed with an effective communications strategy, advocates can reset the terms of the debate and make considerable headway in challenging the efficacy of the death penalty and the imagined dominance of the National Rifle Association. While the anti-rape movement began very much in reaction to rampant myths and the resulting harmful policies and behavior, advocates were able to reframe the debate into a narrative of empowerment and justice. While still being *against* something—sexual violence and harassment—the narrative started to become more about being *for* equal treatment and accountability.

- **Center the voices of those who are most affected and connect them to systemic solutions.** In the cases of the #MeToo, racial profiling, and anti-gun violence movements, the strategy of spotlighting survivors' stories was a crucial part of developing the narrative. Equally important, from a strategic viewpoint, was linking those stories to systemic solutions to avoid asking audiences only for sympathy for the individuals involved. Instead, advocates were able to present systemic solutions that would require policy-level change. Also strategic is bringing in new, unexpected messengers, as anti-death penalty advocates did when forming alliances with families of murder victims who oppose the death penalty.
- **Broaden the implications of the problem and the benefits of the solution.** While it is important from both a narrative and ethical standpoint to center the voices of the people who are most affected, it is also important to compel audiences to see how these issues affect us all. Living in a society that does not tolerate racial bias in the criminal justice system, sexual violence and harassment, the gun violence epidemic to continue to cost so many lives, the inhumane treatment of animals, or people living in extreme poverty in our wealthy nation is better for us all if we want to consider ourselves a nation of conscience.
- **Make a clear plan, but be ready to be nimble.** One of the clearest takeaways from our analysis has been the significant variation in the tools and tactics adopted between cases, in large part due to the significant role of external/unpredictable factors. For instance, in the case of the death penalty, overarching discourse shifted significantly due to crime rates and scientific developments (specifically, DNA analysis). Advocates adopted and shifted tactics as a result of these external tipping points with varying degrees of success. Animal rights activists had long protested whale captivity, as well as other use of animals in captivity for entertainment purposes. By leveraging *Blackfish*, they were able to take what started as a successful documentary and quickly create an entire campaign. The question remains if they could have taken it further by pushing a larger narrative about captivity that may have then become useful with the somewhat unexpected success of the 2020 series *Tiger King*.

“Living in a society that does not tolerate racial bias in the criminal justice system, sexual violence and harassment, the gun violence epidemic to continue to cost so many lives, the inhumane treatment of animals, or people living in extreme poverty in our wealthy nation is better for us all if we want to consider ourselves a nation of conscience.”

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METHODOLOGY

Authors used a mix of interviews and literature reviews, which are detailed in each case study, to describe the timeline, strategy, turning points, and the like for each campaign. In addition, social media analysis was incorporated into each study using the following methodology.

SOCIAL MEDIA ANALYSIS

Existing research has pointed to the usefulness of keywords tracking, sentiment analysis, and social media volume in examining how particular topics come in and out of public interests and the news cycle. However, as noted by James P. Houghton and colleagues in their journal article exploring approaches to social media discourse analysis, these traditional methods present important limitations, specifically the inability to connect volume trends, positive or negative sentiment, and topic clusters with the embedded meaning and values that members of the public may prescribe to any given event.¹ As such,



...To interpret events, individuals must make connections between an event and historical parallels or concepts in the public discourse. It is thus the expressed connections between ideas, not merely the ideas themselves, which must be tracked, categorized, and interpreted as samples from an underlying semantic structure” (Houghton JP, Siegel M, Madnick S, et al., 2017, p. 4).

The authors propose a new approach that makes use of “semantic networks” as a strategy for revealing the “distinct clusters of connected ideas.” They argue that as these distinct clusters grow and evolve, they have the potential to influence society’s interpretation and response to events. What this study and other proposed approaches to social media analysis highlight is the centrality of historical context, interpretation, and existing sociological methods to any examination of social media data.

Using our existing understanding of the dominant narratives and themes that have governed the narratives examined in this research, we made use of Brandwatch, a platform that aggregates social media content, to take a closer look at how online discourse has mirrored, and ultimately reshaped, wider public attitudes.

¹ Houghton JP, Siegel M, Madnick S, et al. Beyond Keywords: Tracking the evolution of conversational clusters in social media. Massachusetts Institute of Technology, Working Paper CISL, 2017.

ABOUT THE OPPORTUNITY AGENDA



The Opportunity Agenda was founded in 2006 with the mission of building the national will to expand opportunity in America. Focused on moving hearts, minds, and policy over time, the organization works with social justice groups, leaders, and movements to advance narratives that promote solutions that expand opportunity for everyone. Through active partnerships, The Opportunity Agenda uses communications and media to understand and influence public opinion and identifies and supports policies that improve people's lives.

To learn more about The Opportunity Agenda, visit www.opportunityagenda.org.

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CASE STUDY 1

NARRATIVE SHIFT AND THE DEATH PENALTY

In this case study, *The Opportunity Agenda* explores a narrative shift that transpired over a period of almost 50 years—from 1972, a time when the death penalty was widely supported by the American public, to the present, a time of growing concern about its application and a significant drop in support. It tells the story of how a small, under-resourced group of death penalty abolitionists came together and developed a communications strategy designed to raise doubts in people’s minds about the system’s fairness that would cause them to reconsider their views.

In its early days, the abolition movement was composed of civil liberties and civil rights organizations, death penalty litigators, academics, and religious groups and individuals. Later, new and influential voices joined who were directly impacted by the death penalty, including family members of murder victims and death row exonerees. Key players used a combination of tactics, including coalition building—which brought together litigators and grassroots organizers—protests and conferences, data collection, storage, and dissemination, original research followed by strategic media placements, and original public opinion research.

This case study highlights the importance of several factors necessary in bringing about narrative shift. Key findings include:

1. **It can be a long haul.** In the case of issues like the death penalty, with its heavy symbolic and racialized associations, change happens incrementally, and patience and persistence on the part of advocates are critical.
2. **Research matters.** Although limited to a few focus groups, the public opinion research undertaken in 1997 was critical in terms of both informing the communications strategy going forward and building unity among stakeholders.
3. **Going on the offensive can change the game.** Armed with an effective communications strategy, advocates can reset the terms of the debate and make considerable headway.
4. **Bring in diverse voices.** New messengers, especially “strange bedfellows”—in this case, families of murder victims who oppose the death penalty—can have a big impact.

METHODOLOGY

Our research methodology included in-depth interviews with key stakeholders, a document review, and a scan and analysis of traditional and social media.

INTERVIEWEES:

- **Richard Dieter**, founding director of the Death Penalty Information Center (DPIC)
- **Robert Dunham**, current director of DPIC
- **Sister Helen Prejean**, longtime abolition activist and author of *Dead Man Walking*
- **Diann Rust-Tierney**, director of the National Coalition to Abolish the Death Penalty (NCADP)
- **Bryan Stevenson**, founding director of the Equal Justice Initiative and author of *Just Mercy*

We analyzed both public opinion data and traditional and social media content to corroborate and validate our interviewees' observations. Leading research organizations such as Roper, Gallup, and Pew have been measuring changes in public opinion on the death penalty for many years, making it possible to see trends clearly. We also had access to proprietary qualitative research conducted by the ACLU. To identify media trends, we developed a series of search terms and used the LexisNexis database. For social media trends we utilized the Crimson Hexagon online data library. Our interviews with key stakeholders and our review of public opinion and media/social media trends reveal a dynamic relationship that continues to reshape the public narrative about the death penalty in America.

Based on a series of historical benchmarks, we identified five time periods and their external (i.e., events beyond the control of the advocates) and field-wide tipping points that comprised the stages of narrative shift:

EARLY YEARS: 1972–1980

EXTERNAL TIPPING POINTS

- A 4-year moratorium begins following the 1972 Supreme Court decision in *Furman v. Georgia*. The death penalty statutes in 40 states are voided as arbitrary, cruel, and unusual in violation of the Eighth Amendment.
- Surveys show public support for the death penalty for those convicted of murder is less than 50 percent.
- States undertake reforms and the Supreme Court reinstates the death penalty in 1976 in *Gregg v. Georgia*.
- The execution by firing squad of Gary Gilmore, the first person to be executed post-*Gregg*, has intense media coverage
- An uptick in crime reported and sensationalized by media occurs.

FIELD-WIDE TIPPING POINTS

- The National Coalition Against the Death Penalty is established.
- Strategies other than litigation are explored and implemented.

THE 1980s

EXTERNAL TIPPING POINTS

- Fear of crime increases. “If it bleeds, it leads” media coverage (i.e., fear-based media coverage focusing on murder and mayhem because it increases sales) intensifies it.
- Law and order and racist dog-whistle political rhetoric increases, and Ronald Reagan is elected.
- As new death sentences increase, appeals and procedural delays come under attack.
- Support for the death penalty climbs; politicians take note.
- The Supreme Court rejects racial bias argument in *McCleskey v. Kemp*.
- Bush/Dukakis campaign, the “Willie Horton ad,” and Dukakis’s anti-death penalty stance are shown to be a political liability.

FIELD-WIDE TIPPING POINTS

- None: Abolition movement on the defensive.

THE 1990s

EXTERNAL TIPPING POINTS

- Candidate Clinton presides over the Arkansas execution of a mentally disabled man.
- In reaction to the Oklahoma City bombing, the Anti-Terrorism and Effective Death Penalty Act was enacted.
- New death sentences and executions reach an all-time high.
- Eighty percent of the public favors the death penalty for persons convicted of murder.

FIELD-WIDE TIPPING POINTS

- The Death Penalty Information Center (DPIC) is established.
- The Innocence Project and the Equal Justice Initiative (EJI) are founded.
- *60 Minutes* airs a feature story about EJI's efforts to free Walter McMillian from Alabama's death row.
- *Dead Man Walking* and *The Green Mile* films are released.
- Kirk Bloodsworth becomes the first death row inmate to be exonerated through DNA testing.
- The American Bar Association passes a resolution calling for a moratorium on executions.
- The Northwestern School of Law holds a conference with 29 "death row refugees."
- ACLU commissions focus groups; researchers recommend focusing on systemic unfairness.
- A 3-day gathering at the Musgrove Conference Center of leaders from around the country is held to hammer out a new communications strategy to move hearts and minds.

THE 2000s

EXTERNAL TIPPING POINTS

- Illinois Governor George Ryan declares first moratorium on executions.
- Executions and new death sentences begin to decline.
- The U.S. Supreme Court ends execution of people who have mental disabilities and people who committed crime as juveniles.
- Exonerations receive increasing media attention; Congress passes the Innocence Protection Act.
- The public supports life sentence without parole over death penalty.
- Botched lethal injection controversy grows.
- Pope Francis says the death penalty is "an attack on the inviolability and dignity of the person."
- Public support drops to a four-decade low.
- Gov. Newsom orders moratorium on executions in California, the state with the largest death row.

FIELD-WIDE TIPPING POINTS

- The National Coalition to Abolish the Death Penalty grows to more than 100 affiliates and adopts a state-by-state strategy.
- The DPIC website becomes a one-stop shop for journalists covering the issue; media coverage focuses on systemic flaws.
- Murder Victims Families for Human Rights is founded.

2007–2020

EXTERNAL TIPPING POINTS

- New Jersey is the first state to abolish capital punishment legislatively; nine more states follow suit.
- Governors in four states—California, Colorado, Oregon, and Pennsylvania—declare moratoriums on executions.
- Editorial support for abolition grows.
- Public support for death penalty falls to lowest point since the 1970s.

FIELD-WIDE TIPPING POINTS

- Conservatives Concerned About the Death Penalty is founded.
- *Just Mercy* by Bryan Stevenson is published and sells more than 1 million copies; a major film based on the book is released.
- The campaign to save Rodney Reed, a Texas death row inmate convicted by an all-white jury, wins indefinite stay of execution.

BACKGROUND

On March 23, 2020 Colorado became the twenty-second state to abolish the death penalty and the tenth to do so since 2007. Once assumed to be a permanent fixture in the nation's criminal justice system, with a few notable exceptions the death penalty has been in retreat since the early '00s as one state after another has either repealed their death penalty statute or imposed a moratorium on executions. As of 2020, for the first time in U.S. history the death penalty is in perfect equipoise: 25 states retain it, and 25 states reject it, either through repeal (22) or moratorium (3). Once considered a third rail in politics, opposition to the death penalty has become sufficiently mainstream for elected leaders to openly embrace it.

These recent policy reforms would not have been possible were it not for the erosion of public support for the death penalty. In the peak year of 1995, 80 percent of Americans supported the death penalty and only 16 percent opposed it for people convicted of murder. Today support for the death penalty is the lowest it has been in the past 40 years, with 56 percent in favor and 42 percent opposed. The decline in public support, in turn, is reflected in the imposition of fewer death sentences by juries. In 2018, 42 new death sentences were imposed as compared to 315 in 1996.

80%
SUPPORTED THE DEATH PENALTY

ARE YOU IN FAVOR OF THE DEATH PENALTY FOR A PERSON CONVICTED OF MURDER?

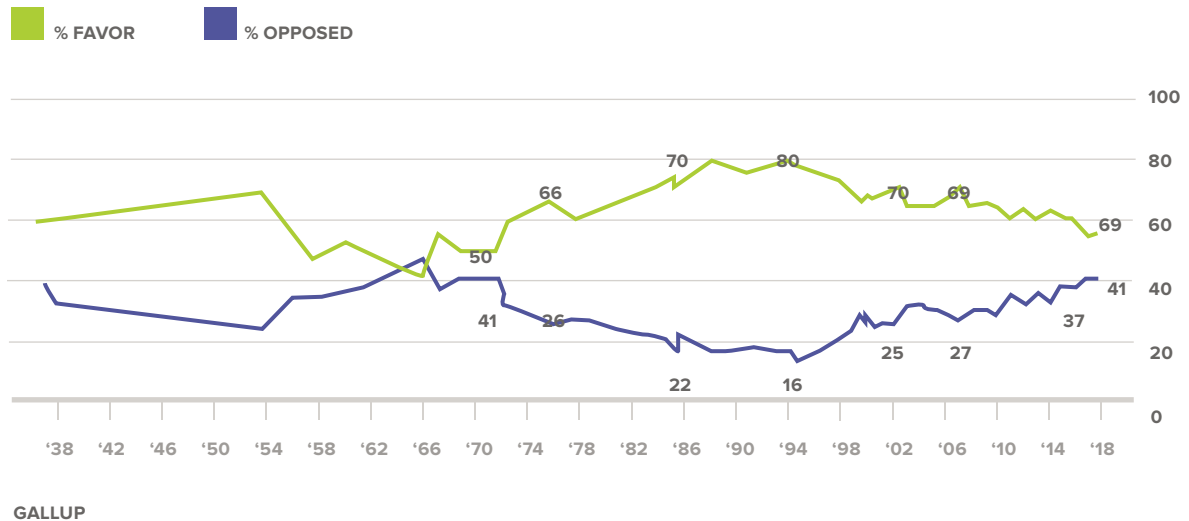


FIGURE 1: Percentage of Americans Who Favor or Oppose the Death Penalty

This case study describes the role that public narrative, as expressed through media coverage, popular culture, and the opinions of influential voices, has played in causing Americans to reconsider their position on what had, for decades, been a hot button issue. We look at how a relatively small movement of death penalty litigators and abolitionist advocates and activists representing arguably the most stigmatized constituency in America—people on death row—used the tools at their disposal to change the story.

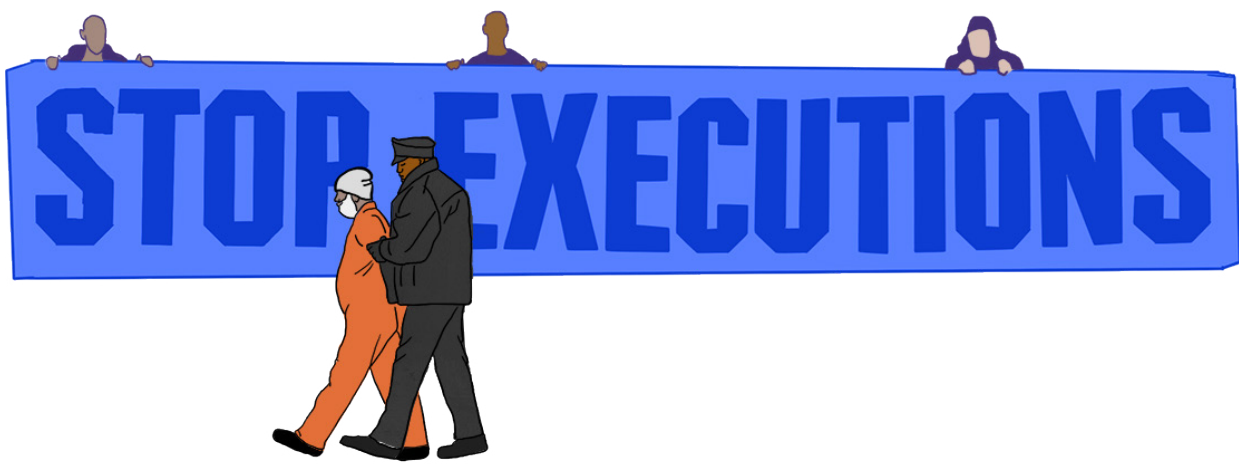
THE DEATH PENALTY NARRATIVE, THEN AND NOW

THEN: We need the death penalty to punish those who break society's rules and bring order to a criminal justice system that does not protect the public's safety. The finality of the death penalty brings order to chaos and brings closure for the victims' families.

NOW: The death penalty as it's applied in this country is flawed, is infected with racial bias, and can't be fixed. There are other ways to protect the public's safety that are less costly, are just as effective, and don't run the risk of executing innocent people.

Executions were rare in this country prior to the mid-1980s. In 1965 there were seven executions nationwide, four of them in Kansas. In 1966 there was one, and in 1967 there were two. Because of how rarely it was carried out, the death penalty was relatively uncontroversial. That changed in 1972, when the U.S. Supreme Court rendered its decision in *Furman v. Georgia*, holding that the death penalty statute in question violated the Eighth Amendment prohibition against cruel and unusual punishments because it was applied "arbitrarily and capriciously." The 5-4 decision had the effect of abrogating every death penalty statute in the country. All pending death sentences were reduced to life imprisonment, and states understood that they had to go back to the drawing board if they wanted their statute to pass constitutional muster.¹

¹ *Furman v. Georgia* was brought by the NAACP Legal Defense and Education Fund.



The *Furman* decision was the result of a litigation strategy. Diann Rust-Tierney explains:

“ The same tools that were available to address civil rights violations were applied here by the NAACP Legal Defense and Education Fund. When you have a primarily legal argument it makes you think about issues a certain way, and it makes you think about your audience a certain way. The way that the LDF and others prosecuted these cases was to amass a great deal of information and facts and data and arguments and put them before the Court, and the Court makes a ruling. At the time there was the expectation that once a case was won the issue was settled. But states went right back to the drawing board. We learned that litigation strategies have to be accompanied by the work of changing public opinion.”

In the aftermath of *Furman*, 37 states enacted new death penalty laws, and in 1976, in the case of *Gregg v. Georgia*, the Supreme Court ended the de facto moratorium when it reviewed five new statutes (Georgia, Louisiana, Texas, Florida, and North Carolina) and found them to be constitutional. The number of new death sentences climbed rapidly, from just under 50 in 1973 to 300 in 1975, and that number would remain relatively constant until 2001. The number of executions grew slowly at first and then rose rapidly beginning in the mid-1990s. Ninety-eight executions were carried out in the peak year of 1998. The fact that 81 percent of those executions were carried out by southern states was not insignificant. Bryan Stevenson argues that “the death penalty is lynching’s stepchild”:

“ The race of the victim is the greatest predictor of who gets the death penalty in America. We moved lynchings from outside to inside in the 1940s and ’50s when the political pressure on these communities that tolerated this spectacle of violence got so great that they no longer felt they could do it with impunity. I think that connection is directly linked to what we tolerated during the era of lynching. And we use this lethal threat of violence from an electric chair to replace the threat that was created through hanging. I don’t think it’s an accident that the states with the highest lynching rates are the states with the highest execution rates. Nor do I think it’s an accident that communities in those states feel deeply burdened by our continuing willingness to kill people in this racialized way.”²

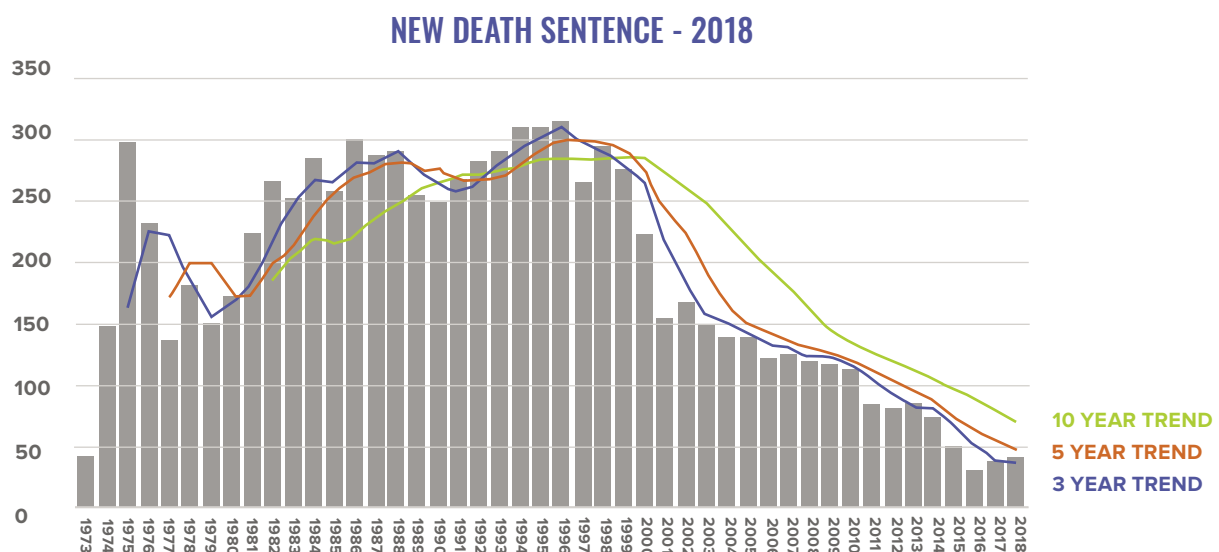


FIGURE 2: Number of New Death Sentences 1973–2018

² https://www.youtube.com/watch?v=_vAKvIsKXHs

The reinstatement of the death penalty arrived as law and order rhetoric came to dominate the public discourse. The Reagan Administration loudly attacked constitutional “technicalities” like the Exclusionary Rule and the Miranda warnings, claiming they “tied the hands of the police.” The war on drugs was declared, and politicians, concerned with being labeled “soft on crime,” enacted a raft of harsh anti-crime laws at the state and federal levels. “If it bleeds, it leads” came to dominate local media coverage, and fear of crime intensified. Underlying the growing support for the death penalty was the extent to which crime in America was racialized (i.e., experienced by whites, and others, in racial terms). According to public opinion surveys, white Americans overestimated (and still overestimate) the proportion of crime committed by people of color and the proportion of people of color who committed crime. And social science research shows that attributing crime to people of color limits empathy toward the accused and encourages retribution as the primary

response to crime.³ The death penalty, of course, is the ultimate form of retribution. The narrative promoted by “tough on crime” pundits that judges were too lenient and prisons were like country clubs also gained ground. In this environment, the death penalty was viewed as all that stood between the public and the most heinous crimes.

Prior to the Supreme Court’s 1976 decision reinstating the death penalty, there was minimal organizing and advocacy against it and abolitionists relied almost exclusively on litigation to press their case. A small group of legal organizations, most notably the NAACP Legal Defense and Educational Fund and the ACLU, and a handful of attorneys and academics worked together to coordinate court challenges to various aspects of the death penalty. Days after the *Gregg* decision, Henry Schwarzschild, the head of the ACLU’s Capital Punishment Project, sent out a tersely worded mailgram to leaders of the small abolition movement:



In light of the Supreme Court decision on death sentences, we are convening a working meeting on *non-litigation strategy* to prevent executions and abolish capital punishment. Your attendance is urgently invited. Please advise.”

The meeting, held just a few days later, led to the founding of the National Coalition to Abolish the Death Penalty (NCADP) and the earliest efforts to mobilize a grassroots movement.⁴ As the organization’s name makes clear, the goal was, and still is, the complete eradication of the death penalty in the United States. Within its first year, 40 state affiliates had joined the co-

alition, representing faith, civil rights, and civil liberties organizations. Eventually growing to more than 100 affiliated organizations, the NCADP spread its message of abolition, grounded in opposition to all “state-sponsored killing,” through public speaking engagements, publications including Execution Alerts that reported impending executions, and vigils.

THE 1980s: “Endless Appeals and Procedural Delays”

During the decade of the 1980s the death penalty became a potent symbol of toughness on crime, and its favorability rating among the public climbed steadily. Between 1980 and 1985, media coverage of the death penalty more than tripled. By the end of 1985, the death row population exceeded 1,500 people but executions were still relatively rare, and procedural delays in carrying out executions became a contentious issue. Headlines about legally thwarted executions such as the following were common:

- **Gray Execution Blocked Again** (*The Washington Post*, July 7, 1983)
- **Convicted Murderer Gets a Stay in Louisiana** (*Christian Science Monitor*, February 12, 1981)
- **Execution of Child-Killer Stayed by U.S. Court** (*The New York Times*, March 1, 1982)
- **Killer Wins Reprieve** (*Miami Herald*, October 22, 1982)
- **State High Court Overturns 2 More Death Sentences** (*Los Angeles Times*, October 24, 1986)

³ The Opportunity Agenda, “A New Sensibility: An Analysis of Public Opinion Research on Attitudes Towards Crime and Criminal Justice,” pp. 40–41. This publication can be found at www.opportunityagenda.org/explore/resources-publications/new-sensibility.

⁴ According to the NCADP’s publication, “A 30th Anniversary History,” 26 organizations comprised the new coalition at its birth. In addition to the ACLU, they included, most notably, the Southern Poverty Law Center, American Friends Service Committee, NAACP LDF, U.S. Jesuit Conference, United Presbyterian Church, and National Conference of Black Lawyers.

The Washington Legal Foundation, Criminal Justice Legal Foundation, and other pro-death penalty organizations aggressively lobbied for limiting the appeals process and shortening the length of time between sentencing and execution. In 1989, a special committee of federal judges, set up at the request of Chief Justice William H. Rehnquist to study the judicial system's handling of death penalty cases, recommended strict new limits on the multiple appeals filed by death row inmates. Pressure built for Congress to enact legislation curtailing the rights of people on death row.

As the 1980s came to an end, death penalty opponents were in an acutely defensive position. In 1987 the movement suffered a major legal defeat when the Supreme Court issued its ruling in *McCleskey v. Kemp*, rejecting the argument based on powerful statistical evidence that the application of the death penalty was racially biased.⁵ In 1988, the presidential race between George H. W. Bush and Massachusetts Governor Michael Dukakis reinforced the message that the death penalty was needed to protect public safety and that opposition to it was a definite political liability. First, the Bush campaign aired the “Willie Horton” TV attack ad.



Considered one of the most racially divisive ads in modern political history, it depicted an African American man who had been convicted of murder, who raped a white woman and stabbed her partner while furloughed from prison under a Massachusetts program in place when Dukakis, the Democratic nominee, was governor. In a voiceover, the narrator says: “Dukakis not only opposes the death penalty, he allowed first-degree murderers to have weekend passes from prison.” Between 1988 when the ad first launched and 1990, more than 1,600 articles were published in mainstream media outlets making reference to Willie Horton.

Then, during a televised debate between the candidates, Gov. Dukakis was asked whether he would support the death penalty if his wife were raped and murdered. He responded, “No, I don’t... I think you know

that I’ve opposed the death penalty during all of my life. I don’t see any evidence that it’s a deterrent and I think there are better and more effective ways to deal with violent crime.” Labeled “Dukakis’ Deadly Response” by *Time* magazine, pundits attributed his election defeat to his answer to this question.

In spite of the opposition’s efforts to sway the public through protest, argument, and litigation, by the end of the decade the dominant narrative about the death penalty was deeply embedded in the public discourse: *The death sentence was needed as a deterrent to crime and an expression of the American public’s desire to punish wrongdoers, and the delays in executions brought about by defense lawyers and liberal judges violated the public’s trust.* Politicians opposed it at their peril. Abolition leaders knew that a course correction was imperative.

“*In the 1980s, most of us were trying to just survive the tough on crime rhetoric and we were on the defensive. In the 1990s, some of us started to talk about what we needed to do to be proactive, and that’s what gave rise to the effort around creating concerns about the death penalty as applied, rather than in the abstract.*”

BRYAN STEVENSON

⁵ The NAACP Legal Defense and Education Fund (LDF) represented an African American man sentenced to death in Georgia for killing a white police officer during a robbery. On appeal, LDF presented the Court with statistical evidence showing that racial bias played a role in the state’s capital punishment system: African Americans were more likely to receive a death sentence, and African American defendants who killed white victims were the most likely to be sentenced to death. In a 5-4 decision, the Court held that the “racially disproportionate impact” shown by the statistics was not enough to overturn the guilty verdict without showing a “racially discriminatory purpose.”

THE 1990s: The Beginning of a Contest Over Narrative

In early 1990, a small group of leading abolitionists met in New York City to come up with a plan to break through what they viewed as a stalemate. They feared that the debate had been reduced to confrontations outside prisons on the eve of executions, with one side praying and the other side calling for death. Convened by journalist and philanthropist John “Rick” MacArthur, those present expressed their frustration with the limits of what they believed had been a mostly “philosophical” argument about the morality of capital punishment. They agreed with what Justice Thurgood Marshall had written in his opinion in *Furman v. Georgia*: If Americans knew all the facts, they would be against the death penalty. How, then, to bring all the facts to the attention of the public?

The result of that meeting was the birth of the Death Penalty Information Center (DPIC), whose mission was to “serve the media and the public with analysis and information on issues concerning capital punishment.” DPIC, with a full-time staff of one, was initially housed in the offices of Fenton Communications, a public relations agency founded by David Fenton to further the goals of the movements for the environment, public health, and human rights. DPIC engaged in intensive media relations, identifying and working with journalists to tell a different story about the death penalty. It began to publish special reports focusing on the systemic flaws in its implementation, including racial bias, prosecutorial misconduct, inadequate defense, and so on.

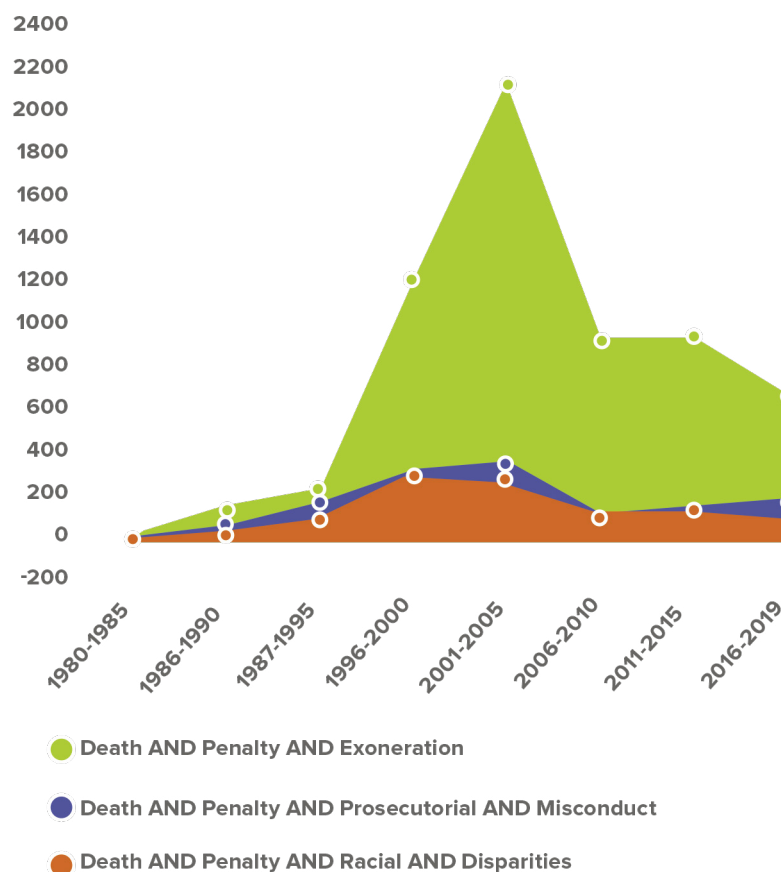


FIGURE 3: Mainstream News Media References to Death Penalty and Related Topics: 1980–2019

At first there was some resentment within the abolition movement about the funding of DPIC. At a time when the death penalty defense bar had so few resources, some felt the money would be better spent on providing more and better legal services to the condemned. But several early breakthroughs that demonstrated the power and potential of favorable media coverage began to win those detractors over, including:

- In May 1992 *Time* magazine published a [cover story](#) about Roger Keith Coleman, on Virginia's death row for the murder of his sister-in-law. The cover headline, superimposed over a photograph of Coleman, read "THIS MAN MIGHT BE INNOCENT; THIS MAN IS DUE TO DIE."

"THIS MAN MIGHT BE
INNOCENT; THIS MAN
IS DUE TO DIE."

TIME MAGAZINE
MAY 1992



- In the fall of 1992 CBS' [60 Minutes](#) aired a feature story about Bryan Stevenson's efforts to free Walter McMillian from Alabama's death row, illuminating the role of racism in the railroading of an innocent black man in the Deep South.
- In June 1993, the exoneration of Kirk Bloodsworth, the first person on death row to be released as a result of DNA evidence, was covered in close to 200 stories in major U.S. newspapers and featured on television news programs nationwide.

These "earned media" stories were the results of hard work by advocates armed with a proactive communications strategy. They, and others like them during the early 1990s, were at the forefront of what would become a steady stream of stories that complicated, and gradually undermined, the widespread belief that the death penalty was fair and that miscarriages of justice were rare. In 1992 two professors at Cardozo Law School, Peter Neufeld and Barry Scheck, founded the Innocence Project, putting the spotlight on the risk of miscarriages of justice by using DNA evidence to reopen cases, and the number of death row exonerations began to grow.⁶ The Innocence Project, which eventually expanded into a large network of projects throughout the country, has been hugely influential in the narrative shift process. Since its founding, it has been featured in close to 7,000 news media articles. In April 2020 Netflix released a nine-part documentary series, *The Innocence Files*, which features the work of the Innocence Project.

Other events during this decade also contributed to growing unease about the death penalty. Two award-winning films based on best-selling books were released. In 1996, *Dead Man Walking*, based on a book by Sister Helen Prejean of the same title, came out to wide critical acclaim. The film introduced a mass audience not only to Sister Prejean, played by Susan Sarandon, and her moral crusade against the death penalty, but also to the character of Earl Delacroix, the father of one of the victims, who opposed the execution of his son's murderer. The film's portrayal of a grieving father who disputed the claim that the execution would help him find "closure" presented viewers with a counternarrative to the one they had been given. In 1999, *The Green Mile*, a fantasy crime drama starring Tom Hanks and based on a book by Stephen King, told the story of the execution of an innocent black man and the emotional toll it took on the prison official supervising the execution. Speaking of the impact murder victims' families and corrections officials would have in voicing this counternarrative, Sister Helen Prejean explains:

⁶ By the end of the 1990s, eight people on death row had been exonerated and released as a result of DNA testing.

“ When the New Jersey legislature was having hearings about the death penalty, sixty-two murder victims’ families testified saying ‘don’t kill for us.’ More and more victims’ families are saying the death penalty re-victimizes us. It puts your grief in the public spotlight. Every time there’s a change in the status of the case the media is at your door. You can’t grieve. You’re in trauma. It doesn’t help. Then there are the voices of wardens who have to carry out executions, and guards that are part of the execution squad. One warden in Florida has said publicly that he will be in therapy for the rest of his life: ‘I participated in the killing of someone who had been rendered defenseless.’”

Events in Illinois were unfolding that would have an impact on public opinion nationwide. A spate of death row exonerations, some of them brought about through the investigatory efforts of journalism students at Northwestern University, put a spotlight on police and prosecutorial corruption and misconduct. By 1998, the Illinois death penalty score stood at 11 executed (since the reinstatement of the penalty in 1977) and nine exonerated. In November, the Northwestern School of Law held a conference that brought together on one stage 29 “death row refugees,” eight from Illinois and the rest from other states. An AP photo of the exonerees along with Professor Anthony Amsterdam, a well-known abolitionist attorney, was a jolting image of how serious the risk of executing the innocent really was.



Two months after the conference, the Chicago Tribune published a five-part series by two investigative reporters entitled, [“Trial & Error. How Prosecutors Sacrifice Justice to Win.”](#) A month after this hard-hitting series was published, in early 1999, another Illinois death row prisoner, Anthony Porter, was exonerated within 48 hours of his scheduled execution when an investigator hired by the Northwestern project obtained a video-recorded confession from the man who actually committed the murder. The Porter exoneration was swiftly followed by three more—Steven Smith, Ronald Jones, and Steven Manning—setting the stage for the new governor, George Ryan, to declare the country’s first moratorium on executions in January 2000. It was clear that the risk of executing the innocent was a key component of a new narrative about the death penalty. As Richard Dieter put it:

“ We had to reach a critical mass in the amount of information people heard about innocence. They had to hear it again and again. Innocence opened the door and you started to hear political leaders saying the reason they were stopping executions or voting to abolish the death penalty was the risk of an innocent person being put to death. Innocence was the breakthrough that was needed to deflate the pro-death penalty argument.”

The progress in shifting the narrative did not lead to policy change right away. In fact, the abolition cause suffered a setback after the Oklahoma City bombing of the Alfred P. Murrah Federal Building in April 1995. President Bill Clinton, who had demonstrated his death penalty bona fides in 1992 when he interrupted his campaign for president to preside over the Arkansas execution of Ricky Ray Rector, a mentally disabled man, signed the Anti-Terrorism and Effective Death Penalty Act of 1996 into law. The bipartisan act greatly limited the ability of federal courts to grant writs of habeas corpus, often the only legal relief available to those on death row.⁷ The number of executions was climbing steadily at this juncture, and abolition advocates felt a new sense of urgency.

⁷ A writ of habeas corpus allows a defendant (now called the petitioner) to raise many issues that cannot be raised in an appeal because a writ is not limited to re-arguing points that were raised and lost below.

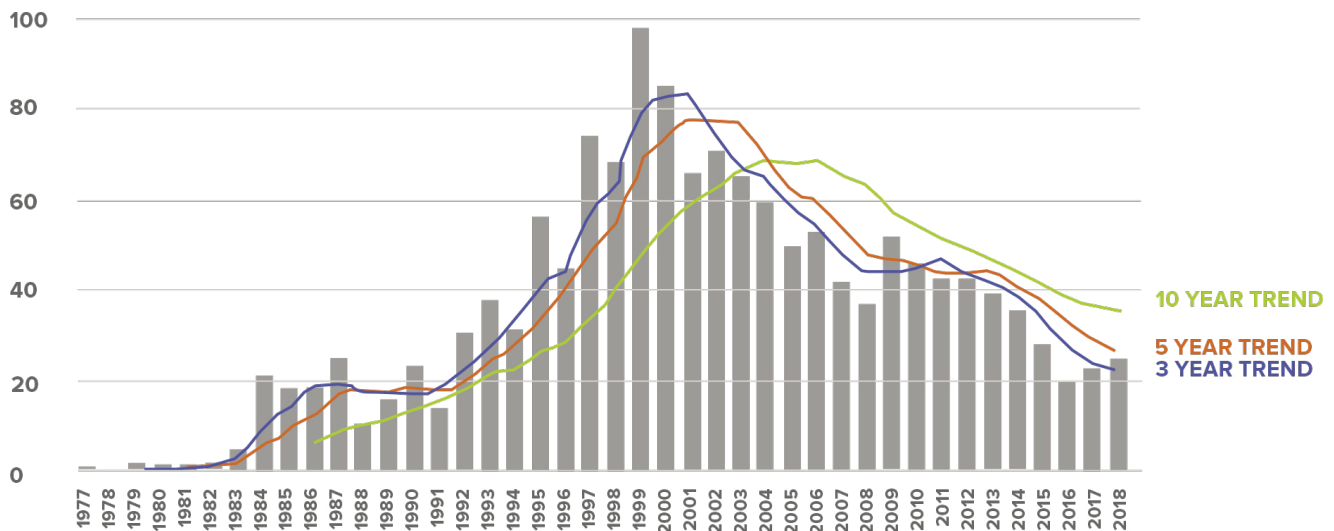


FIGURE 4: Number of Executions Per Year: 1977–2018

In 1997, the ACLU commissioned a series of focus groups to inform the organization and its allies about the general public's attitudes toward the death penalty. Participants were either somewhat supportive of the death penalty or had no opinion on the issue. At the time the focus groups were held, public opinion surveys showed that three-quarters of Americans supported the death penalty. In a report titled, "Making the Case for Abolishing the Death Penalty," the research firm of Belden Russonello & Stewart advised that "overall, the groups uncovered deeply-held support for the death penalty among these participants, but the discussions also identified some possible ways to begin to erode this support through long-term education."

The report and its recommendations were shared and discussed widely with the abolition community.

The views expressed by the focus group participants demonstrated that calling for abolition had little chance of success in the near term. According to the researchers' analysis, the overarching theme that emerged from the focus groups was "don't get rid of the death penalty, but use it wisely." Participants believed that the death penalty was at times administered unfairly, but they did not see the problems as serious enough to warrant ending its use. In response to a story about an innocent person who had been sentenced to death, for example, a focus group participant said:

“ I just don't think that's a good reason to not kill the people that are guilty for fear that you might make a mistake and kill someone who's innocent. You have to hope that the judicial system is fair and is structured properly so that it catches those mistakes.”

The direction for changing the dominant narrative became clear: The anti-death penalty movement had to expose the many ways that the judicial system was riddled with errors and unfairness and use all the tools at its disposal to communicate those problems to the American public. In other words, follow Justice Thurgood Marshall's admonition to "shock the conscience" of the "average American."

In 1998 the ACLU received a grant to underwrite a convening of movement leaders to build unity around a new narrative—one based on exposing and challenging systemic flaws in the administration of the death penalty, state by state. For some organizations and in-

dividuals, this approach was problematic and smacked of "greasing the rope"—fixing the death penalty system so that it worked better. Bringing everyone on board would require the time and space for in-depth discussion and debate. The convening took place over several days at the Musgrove Retreat and Conference Center on St. Simons Island, Georgia. It included a presentation by the public opinion research firm that had conducted the ACLU's focus groups. By the end of the convening, agreement had been reached on a new narrative and the state-based strategy. According to Richard Dieter, who participated in the Musgrove convening:

“ The narrative shifted from a theoretical, philosophical debate to a more pragmatic approach. And that brought in a broader group of people who questioned the death penalty but didn't necessarily oppose it on principle. The broader approach, the 'bigger tent,' has been effective on this issue.”

FROM 2000–2006: A New Narrative Takes Hold

By the turn of the new millennium, support for the death penalty in cases of murder had begun its downward trajectory.⁸ On January 27, 1999, Pope John Paul II condemned it as “both cruel and unnecessary” during his Papal Mass in St. Louis, reinforcing the moral imperative for a moratorium. The abolition movement had reached a critical mass in terms of influencing the debate through public appearances, media outreach, and other forms of communication. As Robert Dunham points out, the movement had also grown increasingly diverse:

“There are many organizations that have made a tremendous impact. The Southern Center for Human Rights, the Equal Justice Initiative, Witness to Innocence, and the Catholic Mobilizing Network. Celebrities like Oprah Winfrey, Sister Helen Prejean and Susan Sarandon, because of her role in *Dead Man Walking*, attracted media attention. The National Coalition to Abolish the Death Penalty, the American Bar Association, Amnesty International, the Innocence Project, and the NAACP Legal Defense and Education Fund. Some of the most important people are the institutional capital defenders, because without them you would not see the stories of all the miscarriages of justice. They all play a vital role.”

With the arrival of the internet, the Death Penalty Information Center became an even more efficient “one stop shop” for news and analysis. Between 1990 and December 31, 2019, 3,869 news articles were published in the mainstream U.S. news media referencing DPIC. In terms of overall share of media coverage, DPIC significantly outpaced its major opposition, the Washington Legal Foundation, a pro-death penalty organization.

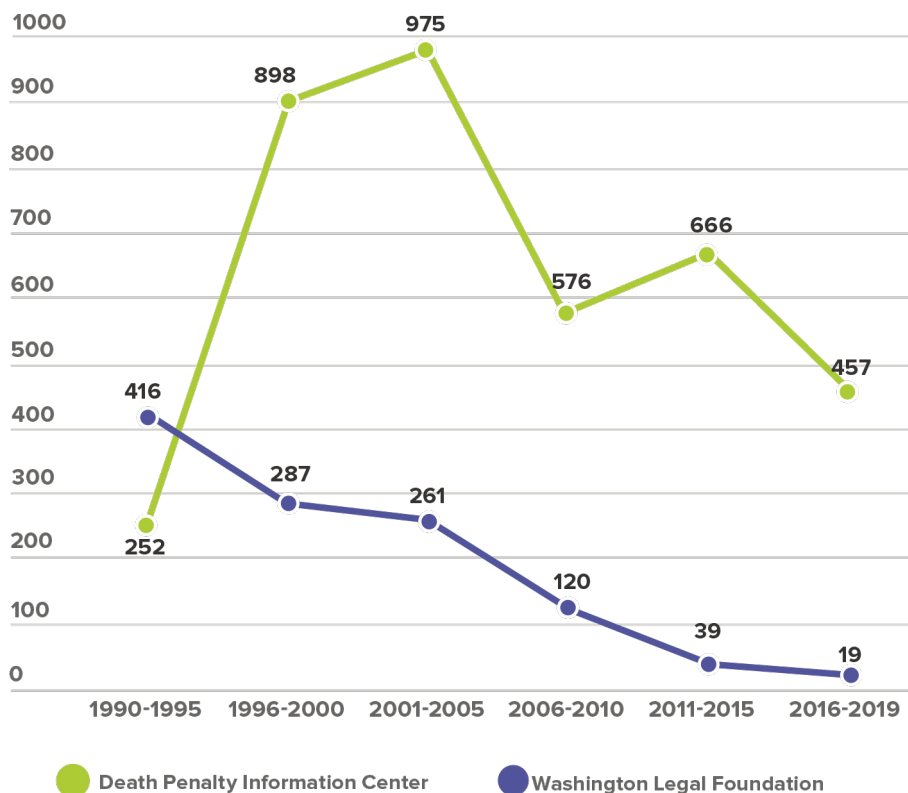


FIGURE 5: Media References to DPIC and Washington Legal Foundation: 1990–2019

⁸ There was a brief uptick in support following 9/11.



New voices entered the debate, most significantly family members of murder victims who opposed the death penalty, and Murder Victims' Families for Human Rights was founded. Affiliates of the National Coalition to Abolish the Death Penalty ramped up their efforts to expose the flaws in their states' systems, issuing public reports and engaging in legislative advocacy and local media outreach. According to Diann Rust-Tierney:



The focus on changing the law at the state level—that was huge. Before, all of us thought our job was to just keep talking to people and if we convinced them to oppose the death penalty, something would happen. It was when we linked the communications strategy to actual state policy reforms that we began to see a light at the end of the tunnel.”

A survey of coverage in major U.S. newspapers during this period reveals the shifting narrative in real time. More and more, journalists focused on issues that the abolition movement was pressing: the role of race and poverty; the problems of prosecutorial misconduct and inadequate counsel that led to miscarriages of justice and exonerations; the cruelty of “botched” executions. These stories reinforced the public’s growing unease and also revealed the systemic fault lines that the movement had been trying to expose. In particular, the availability of post-conviction DNA testing revealed how high the risk of executing an innocent person really was.

News coverage of death row exonerations began to increase in 2001 and spiked in 2003. That year there were more than 500 stories published in major U.S. newspapers highlighting the rising number of exonerations. Hundreds of stories reported on Gov. George Ryan’s moratorium on executions and his decision to grant blanket commutations during his last days in office for all 156 people still on Illinois’s death row. His statement that “Our capital system is haunted by the demon of error: error in determining guilt and error in determining who among the guilty deserves to die” received wide coverage in the print and broadcast media. Other stories reported on individual cases of exoneration around the country, some occasioned by new DNA evidence and others by evidence of prosecutorial misconduct or racial bias among jurors. Between 2003 and 2006, there were 1,495 news reports and opinion pieces nationwide focusing on exonerations, and anti-death penalty op-eds, columns, and editorials far outweighed the pro side. Other flaws in the system, including prosecutorial misconduct, incompetent defense, and racial disparities also received increasing media attention during this period.

NEWS MEDIA VOLUME TRENDS: 1980–2019:

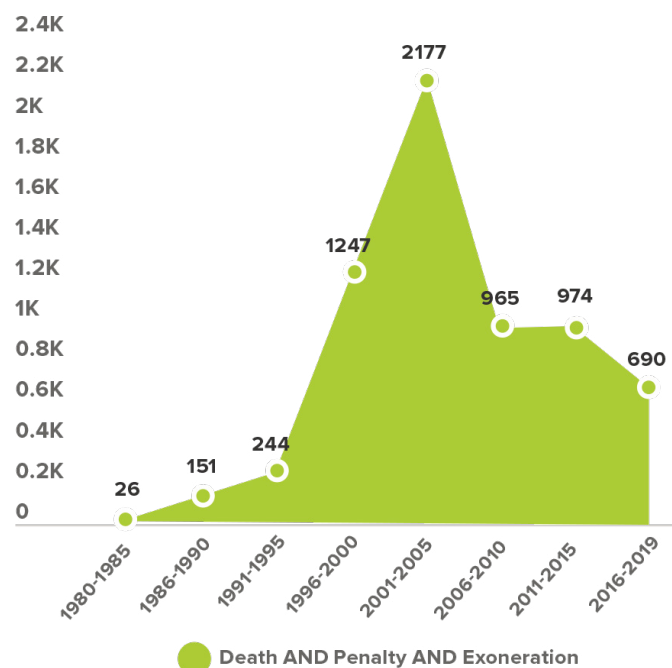


FIGURE 6: Mainstream News Media Coverage: Death Penalty and Exoneration: 1980–2019

NEWS MEDIA VOLUME TRENDS: 1980–2019:

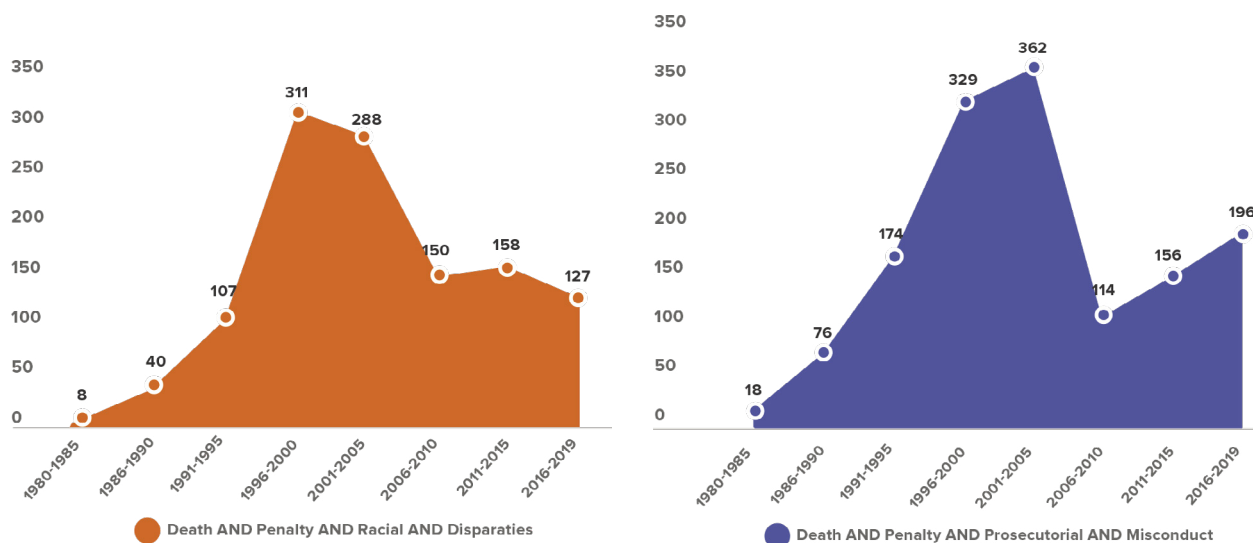


FIGURE 7: Mainstream News Media Coverage: Death Penalty and Racial Disparities: 1982–2019

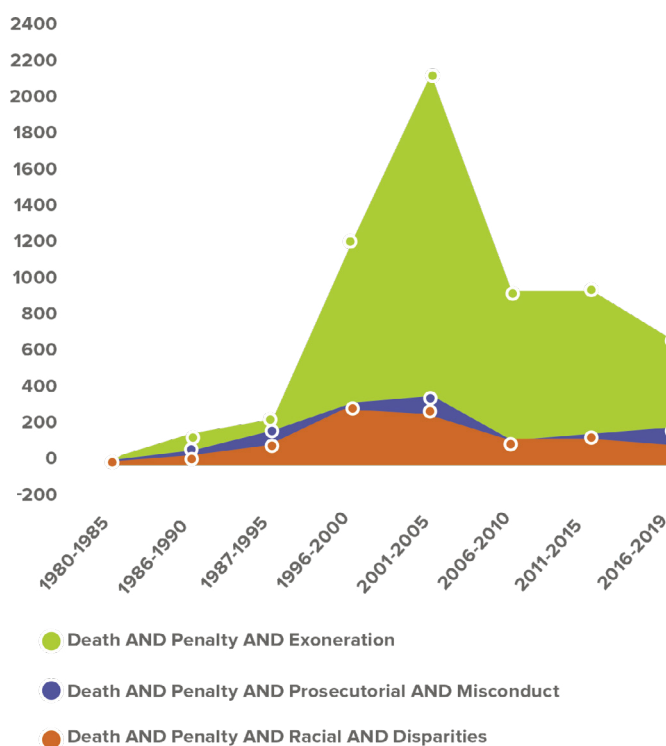


FIGURE 8: Mainstream News Media Coverage: Death Penalty and Prosecutorial Misconduct: 1980–2019

1,495

NEWS REPORTS AND OPINION PIECES NATIONWIDE FOCUSING ON EXONERATIONS, AND ANTI-DEATH PENALTY OP-EDS, COLUMNS, AND EDITORIALS FAR OUTWEIGHED THE PRO SIDE.

FROM 2007–2020: An Era Drawing to a Close

This period saw a marked increase in the number of police shootings of unarmed black men and an uptick in media coverage of these incidents. The frequency and number of police killings gave birth to the Black Lives Matter movement and a marked shift in the public’s consciousness about racial bias in the criminal justice system overall. In 1995, a majority of Americans believed the criminal justice system gave black people “fair treatment.” By 2007, the percentage that thought the system was “biased against Blacks” was on the rise, and between 1995 and 2015 it increased by almost 30 points.⁹ This growing acceptance of the reality of systemic racial bias added to people’s disquiet over the death penalty.

IN GENERAL, DO YOU THINK THE CRIMINAL JUSTICE SYSTEM IN THE U.S. IS BIASED IN FAVOR OF BLACKS, OR IS IT BIASED AGAINST BLACKS, OR DOES IT GENERALLY GIVE BLACKS FAIR TREATMENT?

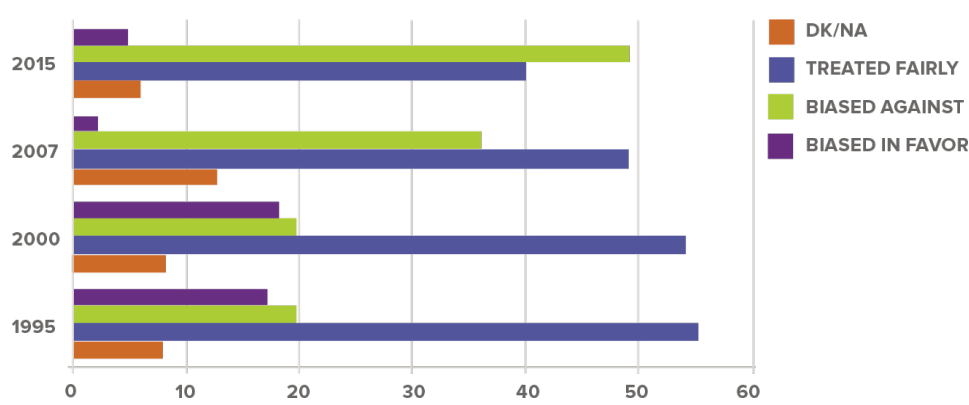


FIGURE 9

By 2007, the efforts to shift the death penalty narrative began to bear fruit in the policymaking context. In December of that year, New Jersey became the first state to abolish capital punishment legislatively. (New York’s statute had been declared unconstitutional by the state’s high court in 2004.) New Jersey was followed by New Mexico (2009), Illinois (2011), Connecticut (2012), Maryland (2013), Nebraska (2015), Delaware (2016), Washington (2018), New Hampshire (2019), and Colorado (2020). In 2019 moratoriums were declared by the governors of four states: Pennsylvania, California, Oregon, and Colorado. The statements made by the governors explaining their reasons for suspending executions reflected the new narrative:

“Our death penalty system has been, by all measures, a failure. It has discriminated against defendants who are mentally ill, black and brown, or can’t afford expensive legal representation. It has provided no public safety benefit or value as a deterrent. It has wasted billions of taxpayer dollars. But most of all, the death penalty is absolute. It’s irreversible and irreparable in the event of human error.”

GOV. GAVIN NEWSOME, CA

“This moratorium is in no way an expression of sympathy for the guilty on death row, all of whom have been convicted of committing heinous crimes. This decision is based on a flawed system that has been proven to be an endless cycle of court proceedings as well as ineffective, unjust, and expensive. Since the reinstatement of the death penalty, 150 people have been exonerated from death row nationwide, including six men in Pennsylvania.”

GOV. TOM WOLF, PA

⁹ New York Times/CBS News Poll on Race Relations in the U.S., July 23, 2015, <https://www.nytimes.com/interactive/2015/07/23/us/document-new-york-times-cbs-news-poll-on-race-relations-in-the-us.html>. A 2019 poll of North Carolina voters showed that a majority (57 percent) believed it was likely that racial bias affected whether or not a person received a death sentence.



If the State of Colorado is going to undertake the responsibility of executing a human being, the system must operate flawlessly. Colorado's system for capital punishment is not flawless."

GOV. JOHN HICKENLOOPER, CO



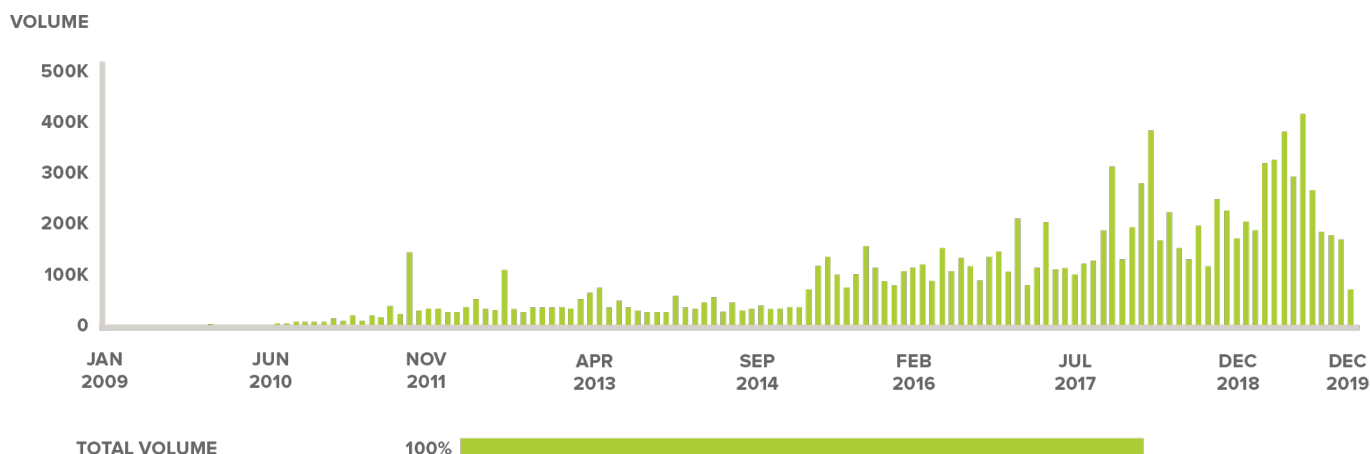
The death penalty as practiced in Oregon is neither fair nor just; and it is not swift or certain. It is not applied equally to all."

GOV. JOHN KITZHABER, OR

Important new voices joined the chorus. Former prison wardens who had overseen executions, including Ron McAndrew of the Florida State Prison at Starke, Ohio Corrections Director Reggie Wilkinson, and San Quentin Warden Jeannie Woodford, publicly express their opposition. Newspapers in death penalty states published powerful editorials. In 2008, the *Dallas Morning News* called upon Texas, with its hyperactive death chamber, to stop the executions: "It's the view of this newspaper that the justice system will never be foolproof and, therefore, use of the death penalty is never justified." That same year, the *Richmond Times-Dispatch*, which had long supported the death penalty, changed its position stating, "The government ought to limit itself to protecting the public—and ought to refrain from playing God." In 2013, a group of conservative thinkers and publishers formed Conservatives Concerned About the Death Penalty under the banner,

"We are questioning a system marked by inefficiency, inequity, and inaccuracy."

Social media came to play a significant role in the narrative shift process, and the available data show a growing public engagement with the issue. Between January 2009 and December 2019, more than 11.6 million social media posts were generated making reference to the death penalty, capital punishment, and related terms, averaging roughly 88,000 posts per month. The first significant spike occurred in September 2011 preceding and following the execution of Troy Davis in Georgia.¹⁰ Overall online engagement with the death penalty began a steady and sustained increase beginning in March 2015, reaching a peak in July 2019 when the Trump Department of Justice announced its plan to resume executions after an almost two decade de facto moratorium.



DEATH PENALTY

DATE RANGE: JAN 1ST, 2009 TO DEC 15TH, 2019



FIGURE 10: Social Media Volume: Death Penalty: Jan. 2009–Dec. 2019

There were significant developments in the cultural field as well, most notably the publication of Bryan Stevenson's book *Just Mercy*, recounting the racist railroading and eventual release from Alabama's death row of his client, Fred McMillian. The book remained on *The New York Times* best seller list for more than a year, selling more than a million copies. A film based on the book, starring Michael B. Jordan and Jamie Foxx, was released in December 2019 to critical acclaim.

¹⁰ The execution of Troy Davis, who maintained his innocence, received massive media coverage and was highly controversial. World figures, including Pope Benedict XVI and former U.S. President Jimmy Carter, human rights groups, and commentators urged the execution to be halted.

The murder of George Floyd by a white Minneapolis police officer on May 25, 2020—in the midst of the coronavirus pandemic—produced a giant leap in Americans’ consciousness about the depth and breadth of systemic racism. Spontaneous mass protests against the police erupted throughout the country and, unlike previous protests, many mostly young white people participated. The Black Lives Matter slogan was embraced by people of all backgrounds, and the pressure for change was so sustained and intense that elected leaders were forced to enact reforms that advocates and activists had been demanding for years. According to a survey conducted May 28th through June 3rd by the Democracy Fund + UCLA Nationscape Project, 62 percent of the electorate agree that Black people face “a lot” or “a great deal of discrimination.” The results marked an increase of 7 percentage points from the results found only a week earlier.¹⁰ Approval for the Black Lives Matter movement also markedly increased. According to data from Civiqs, an online survey research firm, by a 28-point margin a majority of Americans support the movement, up from a 17-point margin before the most recent wave of protests began.¹¹ This growing acceptance of the reality of systemic racial bias will continue to add to people’s disquiet over the death penalty.

DEATH PENALTY

BEFORE	AFTER
The death is necessary to protect public safety from the most heinous crimes	There are other ways to protect public safety, such as life without possibility of parole
The death penalty gives victims’ families closure	The death penalty process can retraumatize victims’ families
The death penalty is applied fairly	The death penalty is infected with racial bias
Miscarriages of justice are rare	Police and prosecutorial misconduct, inadequate counsel, faulty witness identification and other problems all cause miscarriages of justice regularly

CONCLUSION

Slow but steady progress characterizes the narrative shift when it comes to the death penalty. Armed with a proactive communications strategy based on fundamental American values (in this case, fairness) this case study shows that advocates can change the story even when the dominant narrative is firmly embedded in the public consciousness.

The power of the new narrative was on display in the nationwide campaign to win a stay of execution for Rodney Reed, an African American man sentenced to death by an all white jury in Texas in 1998. Reed, who has always maintained his innocence, was scheduled to be executed on November 20, 2019, but an outpouring of public support won him an indefinite stay of execution so that he could introduce new evidence of prosecutorial misconduct. In the weeks leading up to the execution, nearly 3 million people signed a petition to stop it, and celebrities including Kim Kardashian, Beyonce, QuestLove, and Oprah Winfrey spoke out. Supporters protested outside Gov. Abbott’s mansion, and the governor received pleas from the Catholic Bishop of Austin, the European Union, and the American Bar Association. On November 8, 26 bipartisan members of the Texas House of Representative sent a letter to the governor seeking a reprieve to allow for DNA testing, followed by a similar call by a bipartisan group of 16 Texas state senators. On November 10, the *Houston Chronicle* published an editorial that opened with the simple declarative: “Don’t kill, wait.”



DEMONSTRATORS AT THE RALLY FOR MR. REED.
CREDIT: TAMIR KALIFA FOR *THE NEW YORK TIMES*

On November 15, just days before the scheduled execution, the Texas Court of Criminal Appeals, in what the press called a “stunning decision” and a “dramatic turn of events” issued an indefinite stay, directing the Bastrop County district court to review Reed’s claims that prosecutors suppressed exculpatory evidence and presented false testimony and that he is actually innocent. The campaign to spare Rodney Reed from the busiest death chamber in the country has amplified the narrative that the death penalty is fatally flawed.

In his 1972 concurring opinion in *Furman v. Georgia*, Justice Thurgood Marshall wrote, “Assuming knowledge of all the facts presently available regarding capital punishment, the average citizen would, in my opinion, find it shocking to his conscience and sense of justice.” Thirty years ago, the abolition movement set itself the task of educating the “average citizen” about the many flaws in the application of the death penalty, but the ultimate goal was always to “shock the conscience” to the point where the average citizen would find it *morally unacceptable*. Since 2001, the Gallup’s annual Values and Beliefs Survey has been asking the following question: “Do you believe that in general the death penalty is morally acceptable or morally wrong?” In 2019 60 percent said they still believed it was morally acceptable. Although still a majority belief, the percentage has dropped 10 points since 2005.

“DON’T KILL, WAIT.”

CASE STUDY 2

NARRATIVE SHIFT FROM THE WAR ON POVERTY TO “ENDING WELFARE AS WE KNOW IT”

The conversation about the War on Poverty, welfare, and other public assistance programs has reflected a series of narrative shifts. This case study describes how this conversation evolved over a period of three decades, from 1964 to 1996—from a time when the federal government’s intervention in the economic life of the country to create more opportunity for those on the bottom rung was seen as a positive good, to a time when such a role for government was seen as counterproductive and even harmful. It tells the story of how a relatively small conservative movement was able to harness the power and resources of major corporations to fund think tanks and foundations that would produce the intellectual capital to attack the liberal War on Poverty and Great Society of the Johnson years, how the mass media would carry this new conservative narrative, and how the dog-whistle rhetoric of Ronald Reagan would reinforce and reify it.

METHODOLOGY

Our research methodology included in-depth interviews with key stakeholders, a comprehensive literature review, and traditional and social media research.

INTERVIEWEES:

- **Frances Fox Piven**, PhD, Distinguished Professor Emeritus at the Graduate Center of the City University of New York and author of *Poor People’s Movements: Why They Succeed, How They Fail*, Vintage Books, 1979
- **Martin Gilens**, PhD, Professor of Public Policy, UCLA, and author of *Why Americans Hate Welfare*, University of Chicago Press, 2009
- **Rebecca Vallas**, Senior Fellow, Center for American Progress
- **Lee Cokorinos**, Director of Democracy Strategies and author of *Upsizing Democracy: Confronting the Right Wing Assault on Government*, 2007

OTHER SOURCES CONSULTED:

- **Marisa Chappell**, *The War on Welfare: Family, Poverty, and Politics in Modern America*. University of Pennsylvania Press, 2010.
- **Martin Gilens**, *Why Americans Hate Welfare: Race, Media, and the Politics of Anti-Poverty Studies*. University of Chicago Press, 1999.
- **Michael B. Katz**, *The Undeserving Poor: America’s Enduring Confrontation With Poverty*. Oxford University Press, 2013.
- **Charles Murray**, *Losing Ground: American Social Policy, 1950–1980*. Basic Books, 1984.
- **Annelise Orleck and Lisa Gayle Hazirjian**, Eds., *The War on Poverty: A New Grassroots History, 1964–1980*. University of Georgia Press, 2011.
- **Jean Stefancic and Richard Delgado**, *No Mercy: How Conservative Think Tanks and Foundations Changed America’s Social Agenda*. Temple University Press, 1996.
- **George Gilder**, *Wealth and Poverty*. Basic Books, 1981.
- **Lawrence Mead**, *Beyond Entitlement: The Social Obligations of Citizenship*. Free Press, 1986.

Based on a series of historical benchmarks, we identified three time periods and their external (i.e., events beyond the control of the advocates) and field-wide (or internal) tipping points that comprised the stages of narrative shift:

EARLY YEARS: THE GREAT SOCIETY, 1964–1970

EXTERNAL TIPPING POINTS

- President Johnson declares a War on Poverty and makes his “Great Society” speech.
- The Civil Rights Act and Voting Rights Act are passed and signed into law.
- The Equal Opportunity Act and Community Action Program are passed and signed into law.
- The Supreme Court upholds the rights of welfare recipients.

INTERNAL TIPPING POINTS

- The National Welfare Rights Organization is founded.
- Martin Luther King, Jr. launches the Poor People’s Campaign.
- Rights of welfare recipients begin to be established through litigation.
- The concept of “community control” takes root.

MIDDLE YEARS: THE RISE OF THE CONSERVATIVE NARRATIVE, 1970–1990

EXTERNAL TIPPING POINTS

- Economic recession and cutbacks take place.
- Urban uprisings begin to occur.
- Increasingly negative media coverage of welfare fraud, “dysfunctional black family,” and crime is seen.
- Ronald Reagan is elected, and the Omnibus Budget Reconciliation Act is passed.

INTERNAL TIPPING POINTS

- The Heritage Foundation, Cato Institute, and Americans for Tax Reform are founded.
- *Losing Ground* by Charles Murray and *Beyond Entitlement* by Lawrence Mead are published.
- The terms “the underclass,” “culture of poverty,” and “black family dysfunction” emerge.
- Reagan launches his attacks on “welfare queens,” “welfare chiselers,” and “poverty pimps.”

LATER YEARS: “ENDING WELFARE AS WE KNOW IT,” 1990–1996

EXTERNAL TIPPING POINTS

- Clinton makes the campaign promise to “end welfare as we know it.”
- Republicans sweep Congress in 1994 midterm elections.
- The Personal Responsibility and Work Opportunity Reconciliation Act passes.

INTERNAL TIPPING POINTS

- Gingrich’s *Contract with America* introduces the Personal Responsibility Act.
- Religious right’s influence grows with “family values.”

THE WAR ON POVERTY

On January 8, 1964, in his first State of the Union Address following his landslide victory over Barry Goldwater, Lyndon Johnson declared an “unconditional war on poverty in America.” Describing his declaration as a continuation of the Kennedy legacy, he told the nation, “The program I shall propose will emphasize this cooperative approach [between federal, state, and local efforts] to help that one-fifth of all American families with incomes too small to even meet their basic needs.... Our aim is not only to relieve the symptoms of poverty, but to cure it, and above all, to prevent it.” Several months later, Johnson gave his “Great Society” speech at the University of Michigan’s commencement exercises in which he called upon the graduating students to “join the battle to give every citizen the full equality which God enjoins and the law requires, whatever his belief, or race, or the color of his skin” and to “join the battle to give every citizen an escape from the crushing weight of poverty.”

The “War on Poverty” was both a set of social policies and at the very core a narrative about the role of government in alleviating the effects of severe economic inequality. The Economic Opportunity Act (EOA), passed by Congress in August 1964, poured \$947 million into anti-poverty programs. The four main policies enacted under the banner of the “war” were breathtaking in scope:

- The Social Security Amendments of 1965, which created Medicare and Medicaid and also expanded Social Security benefits for retirees, widows, people with disabilities, and college-aged students.
- The Food Stamp Act of 1964.
- The Economic Opportunity Act of 1964, which established the Job Corps, the VISTA program, and the federal work-study program. It also established the Office of Economic Opportunity (OEO), the arm of the White House responsible for implementing the war on poverty and that created the Head Start and Legal Services for the Poor programs in the process.
- The Elementary and Secondary Education Act of 1965, which subsidized school districts with a large share of impoverished students.

It’s important to note that the cash assistance program, otherwise known as “welfare,” had already been established in 1935 as the Aid to Families with Dependent Children (AFDC) program as one of the signature achievements of the New Deal.

Along with the Civil Rights Act of 1964 and later the Voting Rights Act of 1965, the War on Poverty manifested the positive role the federal government could, and should, play in addressing injustice and inequality. The aspirational narrative that propelled the War on Poverty was contained in the introduction to the Equal Opportunity Act:



It is the policy of the United States to eliminate the paradox of poverty in midst of plenty in this nation by opening, to everyone, the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.”

Its soaring rhetoric emphasized the values of compassion, empowerment, and entitlement. It helped that in 1962 a book was published that had a profound impact on how the American public viewed poverty. This was *The Other America* by Michael Harrington, in which he revealed that 25 percent of the nation was destitute and “for reasons beyond their control, cannot help themselves.” The book was a publishing phenomenon; *Time* magazine named it one of the 10 most influential books of the twentieth century and it sold millions of copies. That such hidden suffering existed in the midst of the country’s post-war prosperity stirred the conscience of America. The successes of the New Deal, especially Social Security, were still fresh in voters’ minds, and a proactive role for the federal government in ameliorating social and economic problems was relatively uncontroversial.

The War on Poverty unleashed a wave of grassroots organizing and activism.¹ The OEO itself called for “maximum feasible participation” by the poor, and the Community Action Program (CAP) was adopted by Congress to funnel resources into local anti-poverty programs nationwide. In submitting the bill to Congress, President Johnson stated:



[THE CAP] asks men and women throughout the country to prepare long-range plans for the attack on poverty in their own local communities.... [T]hese plans will be local plans calling upon all the resources available to the community—Federal and State, local and private, human and material.”

¹ In the introduction to *The War on Poverty: A New Grassroots History, 1964–1980* (Eds. Annelise Orleck and Lisa Gayle Hazirjian) the editors capture the energy of the early War on Poverty: “In decaying, inner-city neighborhoods, Rust Belt towns, backwoods hollows, and Indian reservations, grassroots activists, elected officials, and social welfare professionals feverishly conceived and submitted proposals to the OEO for ‘community action’ projects. Channeling federal stipends and grants, poor men and women rehabilitated abandoned buildings and opened clinics, preschools, and community centers. Residents cleaned up neighborhood parks, planted community gardens, and renovated and reopened public swimming pools. They published community newspapers, chased drug dealers out of neighborhoods, and kept them away with resident-run anticrime patrols.”

“Community control” became a watchword, and men and women living on the margins of society began to assert their rights. Women in particular were galvanized and advocated for better food, schools, and healthcare for their children. In 1966 the National Welfare Rights Organization (NWRO) brought more than 50 local welfare rights groups under one umbrella; at its peak the NWRO had 25,000 mostly African American poor women as members. It engaged in legislative lobbying and public protest. In 1970 the welfare rights movement scored a major victory when the U.S. Supreme Court ruled in the case of *Goldberg v. Kelly* that welfare benefits were “entitlements” in which recipients had a

“property interest” that could not be abrogated without a hearing and other due process rights. In his majority opinion, Justice William Brennan echoed the fundamental premise and narrative of the War on Poverty:

“From its founding the Nation’s basic commitment has been to foster the dignity and well-being of all persons within its borders. We have come to recognize that forces not within the control of the poor contribute to their poverty. This perception, against the background of our traditions, has significantly influenced the development of the contemporary public assistance system.”

“*The War on Poverty gave a language and courage to poor people to begin to assert demands. And many of the demands that they asserted reflected policies that already existed but were minimal and weren’t reaching all who needed assistance. One of those programs was welfare or AFDC. AFDC was a poorly administered program that intimidated and humiliated people who applied for assistance. But in the kind of context of the rhetoric and politics of the War on Poverty, it became possible for welfare recipients to find the courage and dignity to demand a welfare program that honored their rights.*”

—FRANCES FOX PIVEN,
PHD, DISTINGUISHED PROFESSOR EMERITUS AT THE GRADUATE CENTER OF THE CITY
UNIVERSITY OF NEW YORK AND AUTHOR OF *POOR PEOPLE’S MOVEMENTS* (PANTHEON BOOKS, 1977)

Many of the War on Poverty’s early programs are still functioning today and are considered fixtures of the nation’s social safety net. They include Medicaid and Medicare; Legal Services for the Poor; Head Start; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and Job Corps. Nevertheless, in today’s public discourse, the War on Drugs is considered a failure, or, as President Ronald Reagan put it, “The federal government declared war on poverty, and poverty won.” This case study describes, in broad strokes, the narrative shift that took place between President Johnson’s declaration of war and President Clinton’s promise to “end welfare as we know it.”

A TUMULTUOUS DECADE

The War on Poverty was launched on the eve of a tumultuous decade. At the same time the massive federal poverty program was being developed and implemented, the country was entering a period of sustained economic decline. It is also important to note that the coinciding war in Vietnam contributed to the shaping of perceptions and policies around the War on Poverty, particularly how returning soldiers were treated and the ongoing movements for civil rights and justice. For the millions of African Americans who migrated out of the Jim Crow South and moved into poor urban neighborhoods in the north and west of the country, the collapse of manufacturing and heavy industry in those areas meant living lives of extreme poverty. Frustration with police misconduct, joblessness, and the slow pace of change sparked urban uprisings in poor black communities across the country. According to the Kerner Commission report issued in February 1968,² there were more than 150 “urban riots” between 1964 and 1968.

² The Kerner Commission, officially named the National Advisory Commission on Civil Disorders, was appointed by President Johnson and chaired by Otto Kerner, governor of Illinois. It held public hearings throughout the country and released its comprehensive report in 1968.

Media coverage of conflagrations in Newark, Detroit, Watts (neighborhood of Los Angeles), and other cities carried images of African Americans looting stores and burning buildings in their own “ghetto” neighborhoods.³ While the nonviolent Civil Rights Movement in the South garnered support from a majority of Americans—a Gallup poll taken in 1964 showed that the public approved of the Civil Rights Act by nearly two-to-one—many, if not most white Americans viewed the “ghetto riots” with fear and disapproval. Poverty became more and more associated not with widows and orphans or Appalachia, but with black city dwellers. This association was reinforced by the mass media all through the late-1960s and '70s.

Martin Gilens, a political scientist at Princeton University, studied decades of media coverage for his book *Why Americans Hate Welfare*.⁴ He found that up until the end of 1964, accounts of the War on Poverty were generally positive and were mostly illustrated with images of poor white people. He explains:

“

Starting around 1965, the discourse about the War on Poverty became much more negative, and that was for a few reasons, one of them being that programs that the administration had been promoting were now out in the field, and people, especially conservatives, were starting to take aim at them. And the media started to portray those programs much more negatively as being abused by people who didn’t really need them, as being inefficient and so on. And it’s really right at that time—and it’s a very dramatic shift in the media portrayal—that the imagery shifts from poor white people, positively portrayed, to poor black people, negatively portrayed.”



PRESIDENT LYNDON JOHNSON’S VISIT TO TOM FLETCHER’S HOME IN KENTUCKY WAS PART OF HIS TOUR OF POVERTY-STRICKEN AREAS IN THE UNITED STATES.

(PHOTO BY WALTER BENNETT/TIME & LIFE PICTURES/GETTY IMAGES).

The “black ghetto” became a metaphor for criminality, idle youth, teenage pregnancy, out-of-wedlock babies, and welfare.

³ For a historical description of how the term “ghetto” was first appropriated by African Americans to describe segregated housing and then became a pejorative racial term see Daniel B. Schwartz, “How America’s Ugly History of Segregation Changed the Meaning of the Word ‘Ghetto’” at <https://time.com/5684505/ghetto-word-history/>

⁴ Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*, University of Chicago Press, 2009.

The Case of the Missing Father

By WILLIAM V. SHANNON

The story goes that a British correspondent was interviewing youngsters in a Negro slum in Chicago.

He asked one ten-year-old girl: "What do you want to do when you grow up?"

"Draw," she replied.

The correspondent was delighted to find this artistic talent flowering in such unfavorable surroundings.

"What kind of pictures do you like to draw?" he inquired.

Confusion ensued until the girl made clear that she meant "drawing welfare like my mother does."

The pattern of chronic dependency in which children grow up on welfare, become parents and go on living on welfare has become an alarming and somewhat mysterious feature of the present urban scene.

Aid to Dependent Children (A.D.C.) was started in 1935 as a minor part of the Social Security program. It was intended to tide over widows and children under 18 when the breadwinner died before accumulating enough credits under Social Security to provide his survivors with an adequate monthly pension. Families in which the father had deserted were included under the program.

At first, the law worked as

intended. But in the past fifteen years it has slowly changed into a Negro welfare program on a large scale. As mechanization on the farms has disrupted rural life in the South and millions of Negroes have streamed into cities in the North and West, A.D.C. rolls have steadily climbed despite general prosperity.

In 1940, of every one thousand children under 18, there were 22 receiving A.D.C. help. Last year, that had risen to 48. That was for the nation as a whole. Significantly, last year's figures for California were 73, Mississippi 71 and New York 70.

A Picture of Heartbreak

These figures paint a heartbreaking story of family disorganization. A Negro man struggling to support a wife and three children on \$70 a week gets little or no help from society in holding his family together. He loses his job or gets sick or additional children are born. At some point, it occurs to him that his family would be better off financially without him. Some desert their families in despair; others by design, and maintain furtive contact.

Some taxpayers grumble and some irate Congressmen complain, but the statistics do not suggest that welfare expenses are really burdensome. A.D.C.

and all other public assistance programs consistently run at about 1 per cent of the national income. They have risen in cost but so has the gross national product.

What is wrong with welfare is not the financial burden but the hidden costs in human morale and social unity. For the human beings who are on welfare, it is a deadening system and creates or reinforces attitudes of dependency. For society, it is a divisive force, breeding unhealthy racial antagonisms. This is because welfare is increasingly regarded by most people as a dole for Negroes. The laborers and lower middle-class workers who are just making ends meet do not see why they should pay higher taxes to subsidize illegitimate Negro children and shiftless men who will not work and support their own wives and children.

The Special Hardships

This viewpoint is unjust because it does not take into account the special hardships that uprooted, uneducated, ill-prepared Negroes encounter in the cities. Rather than deplore these attitudes, however, it is much more useful to try to devise constructive programs. Two suggest themselves.

The first is to guarantee

every able-bodied man a job. Unemployment among Negro men is shockingly high. In this connection, it is encouraging that the latest Louis Harris Poll reports that two-thirds of all white persons favor Federal work projects to give jobs to all the unemployed.

Family Allowances

The second is to establish a family allowance system for every family with children under eighteen, providing, say, \$12 a month for each child. For millions of families, such an allowance would help greatly in meeting the food and clothing bills during the child-rearing years. For Negro families in trouble, it might often make the difference in keeping a hard-pressed father on the scene. Politically, it would bind the community together rather than divide it as welfare now does because it would do as much for the white taxi driver and stevedore as for the Negro laborer.

A family allowance is not a panacea. It would not mean an immediate end to the A.D.C. program, but it might mean a tapering-off of the present fantastic rise. The case of the missing Negro father will not be solved until all Negro men get jobs and get help in fulfilling their family responsibilities.

The New York Times

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THE NEW YORK TIMES, AUGUST 16, 1967

THE "UNDERCLASS," THE "CULTURE OF POVERTY," AND "BLACK FAMILY DYSFUNCTION"

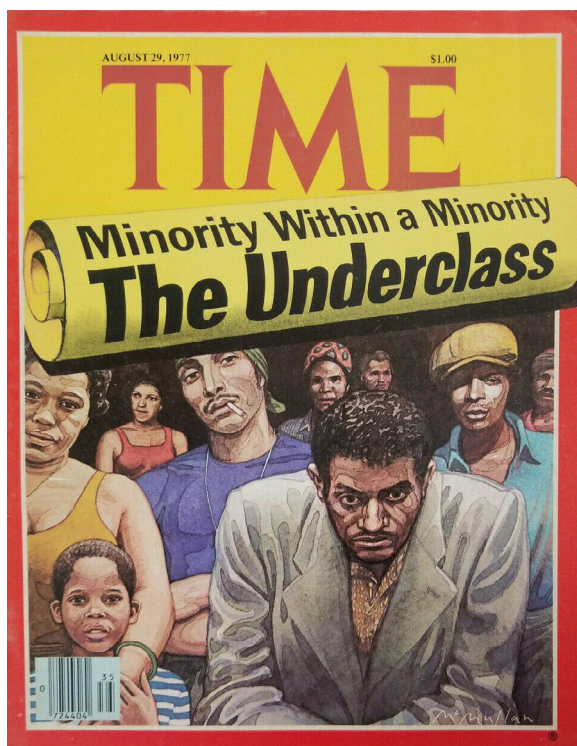
Beginning in the mid-1970s journalists, academics, and other influential voices introduced and popularized concepts that became the received wisdom when it came to the causes of poverty in the United States. Each of them set poor African American urban dwellers apart from the rest of society. In August 1977, *Time* published a cover story entitled, "Minority Within a Minority: The Underclass." It began:



Behind the [ghetto's] crumbling walls lives a large group of people who are more intractable, more socially alien and more hostile than almost anyone had imagined. They are the unreachables; the American underclass."

From this underclass, the article went on to say, came “a highly disproportionate number of the nation’s juvenile delinquents, school dropouts, drug addicts and *welfare mothers*, and much of the adult crime, family disruption, urban decay, and *demand for social expenditures*.” (Emphases added) *Time*’s formulation rapidly morphed into “permanent underclass” and “black underclass” and remained a staple in the mass media throughout the 1980s and 1990s. A 1986 *U.S. News and World Report* cover story, “A Nation Apart,” portrayed poor people of color in America’s inner cities as “a second nation...outside the economic mainstream—a separate culture of have-nots drifting further apart

from the basic values of the haves.” That same year journalism professor Nicholas Lemann authored two widely read articles in *The Atlantic* in which he posited that the rise in out-of-wedlock births was “by far the greatest contributor to the perpetuation of the misery of ghetto life.” A year later, a prominent article in *Fortune* defined “underclass communities” as “urban knots that threaten to become enclaves of permanent poverty and vice.” Their “behavior—their chronic lawlessness, drug use, out-of-wedlock birth, non-work, welfare dependence, and school failure” defined the “underclass” which was “*at least as much a cultural as an economic condition*.”⁵ (Emphasis added)



The idea that there was a “culture of poverty” gained currency during this period. This was not a new concept. Anthropologist Oscar Lewis introduced it in his 1961 award-winning book, *The Children of Sanchez*, a field study that was heralded as a “watershed achievement in the study of poverty.” He followed up that book with another, *La Vida: A Puerto Rican Family in the Culture of Poverty*, and an influential article in *Scientific American* entitled simply, “The Culture of Poverty.” According to Lewis, this culture was characterized by “the lack of effective participation and integration of the poor in the major institutions of the larger society,” a distinctive family life characterized by early initiation into sexual activity and a high incidence of abandonment of wives and children, and feelings of “marginality or helplessness, of dependence, and of inferiority.” Lewis has always maintained that his intention was not to perpetuate stereotypes or justify prejudices, but rather to shed light on intractable poverty so that conditions could be improved. Nevertheless, by the 1970s the “culture of poverty” had become a conservative concept used to further conservative social welfare policies.

Out of the urban underclass and the culture of poverty came an additional racist trope: the dysfunctional black family. In 1965 Daniel Patrick Moynihan was an assistant secretary of labor in the Johnson Administration and a supporter of the War on Poverty. Drawing on the work of black sociologists E. Franklin Frazier and Kenneth Clark, his confidential report, “The Negro Family: The Case for National Action,” also known as the “Moynihan Report,” described a “cycle of poverty” and a “tangle of pathology,” which were fundamentally problems of family structure. Most troubling was the fact that “almost one-fourth of Negro families are headed by females, forcing Negro families into a ‘matriarchal structure’” and, as a consequence, a “startling increase in welfare dependency.” Based on the available evidence, he wrote, “[T]he Negro family in the urban ghettos is crumbling.... So long as this situation persists, the cycle of poverty and disadvantage will continue to repeat itself.”

⁵ These articles are cited in *The Undeserving Poor* by Michael B. Katz, who also describes the debate over the term “the underclass” between social scientists on the left and the right.

The Moynihan Report was intended “For Official Use Only,” but it was leaked to the media and picked up by the widely syndicated conservative newspaper columnists Rowland Evans and Robert Novak, who wrote that Moynihan’s document had exposed “the breakdown of the Negro family,” with its high rates of “broken homes, illegitimacy, and female-oriented homes.” *The Wall Street Journal* and *National Review* also embraced the report. Ignoring Moynihan’s call for massive federal intervention in the labor market, they highlighted his sections on the “dysfunctional black family” to support their narrative’s emphasis on personal responsibility over government intervention.⁶ The report became a string to the conservative movement’s bow.

THE RISE OF THE CONSERVATIVE NARRATIVE

During the 1960s the American conservative movement was in disarray. The stunning defeat of Barry Goldwater and his vision of small government and laissez-faire economics was a major setback for the movement. Days after the election, a small group of conservative intellectuals, including William F. Buckley, Jr., met and decided to form the American Conservative Union. One of their chief objectives was to discredit the War on Poverty. The conservative movement viewed the War on Poverty as a threat to its social philosophy based on personal responsibility; individualism; and a laissez-faire, free market economy. According to its adherents, programs for the poor might be a necessary evil at times, but they should be kept as small as possible. To challenge the War on Poverty and the values it stood for, they needed to construct a narrative that both discredited the social and economic policies enacted under its mantle and stigmatized the recipients of its programs. The tumultuous events of the late-1960s and '70s set the stage for narrative shift.



This narrative began to be built toward racializing public assistance, and that was the key point of the transition. It was part of the tumultuous 1960s and it was fought really intensely by not just the think tanks, but by the corporations who were beginning to think that they were losing the battle big time, especially when the social programs of the Great Society came in. That’s when the alliance or fusion between the corporations and the think tanks and the conservative movement and funders, the four billionaires—John Olin, Richard Mellon Scaife, and the Koch brothers—took place.”

—LEE COKORINOS

The conservative narrative received a considerable lift from the state of the American economy during the mid-1970s. The fiscal crisis that drove New York City to the brink of bankruptcy was characterized by low economic growth, high unemployment, inflation, and a dramatic increase in AFDC rolls nationwide. All these factors lent support to the conservative narrative that blamed federal programs for concentrated urban poverty and economic decline. Their argument that the “welfare state” was bankrupting the country gained traction with the public.

The conservative movement was able to catalyze a backlash against the War on Poverty by tapping into this growing antipathy and anxiety and emphasizing a distinction between the “deserving” and “undeserving” poor. A consistent majority of Americans over time have believed that it is the responsibility of the govern-

ment “to take care of people who can’t take care of themselves,” the “truly needy.” But the same sentiment does not extend to those viewed as “lazy” and capable but unwilling to work and seeking “hand-outs.” For more than 40 years, public opinion researchers have been asking the following question: “In your opinion, which is generally more often to blame if a person is poor—lack of effort on their own part or circumstances beyond their control?” The results expose the continuing tug of war between the belief in personal responsibility and the awareness of structural barriers to opportunity, and different policy preferences flow depending on which explanation is in ascendance at any given time. The following two figures show a correlation between responses to the question and the unemployment rate: When the unemployment rate is high, more people choose “circumstances beyond their control” as the reason a person is poor.

⁶ The report quickly generated tremendous controversy. At the time it was criticized by civil rights leaders and supporters for blaming the victim and painting an overly negative picture of black culture. Criticism by black public figures was not universal. Sociologists Kenneth Clark and William Julius Wilson, for example, praised the report.

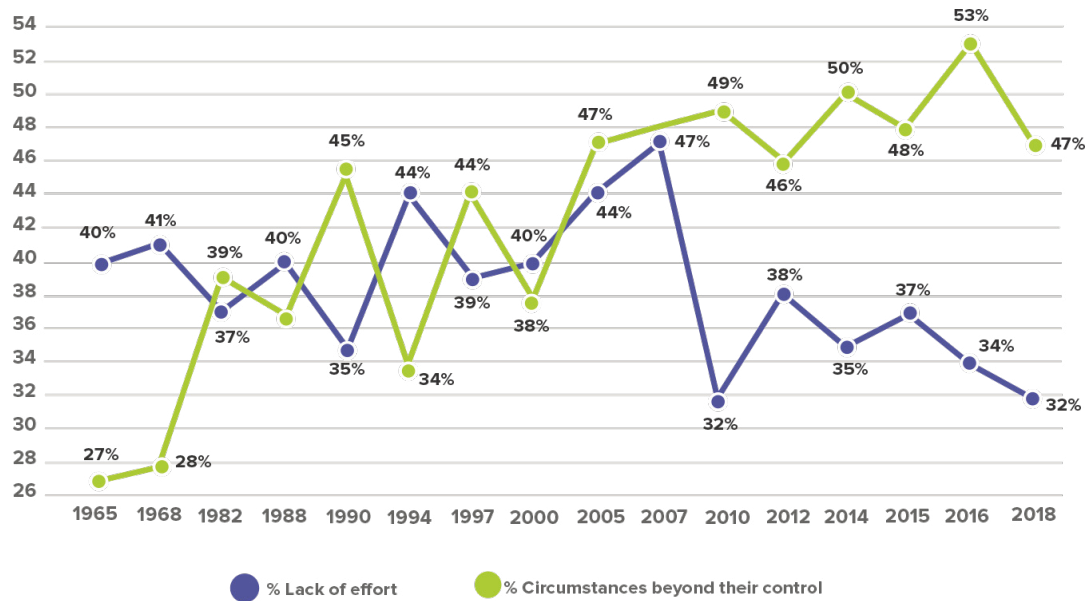


FIGURE 1: Public Opinion Trend: “In Your Opinion, Which Is Generally More Often to Blame If a Person Is Poor—Lack of Effort on Their Own Part OR Circumstances Beyond Their Control?”



FIGURE 2: U.S. Unemployment Rate (%): 1960–2019

Conservatives put serious resources into their narrative shift project. In his authoritative book, *The Undeserving Poor*, historian Michael B. Katz describes how the movement created a network of think tanks, including the American Enterprise Institute, The Heritage Foundation, and the Manhattan Institute, “designed to counter liberalism, disseminate conservative ideas, and promote conservative public policy.” Within a year of its founding in 1973, for example, The Heritage Foundation received grants from 87 corporations and several major foundations. Heritage and other conservative grantees published a steady stream of books and articles criticizing federal anti-poverty programs, and they invested in the aggressive marketing of their ideas. A 1997 report from The National Committee for Responsive Philanthropy titled, “Moving a Public Policy Agenda: The Strategic Philanthropy of Conservative Foundations,” observed that one of the factors accounting for the think tanks’ effectiveness in influencing public opinion was as follows:



The foundations have invested heavily in institutions and projects geared toward the marketing of conservative policy ideas. Through the provision of both general operating and project-specific support, these funders have enabled policy institutions to develop aggressive marketing campaigns, media outreach efforts, and new communications tools with which to build their constituency base, mobilize public opinion and network with other organizations around a common reform agenda.”

Government social welfare spending was in the crosshairs from the start. In 1984 the Manhattan Institute sponsored two books that argued for the elimination of federal anti-poverty programs: *Wealth and Poverty* by businessman and author George Gilder and *Losing Ground: American Social Policy, 1950–1980* by Charles Murray, a political scientist. Gilder’s book contended that poverty was the twin result of the lack of personal responsibility and government programs that rewarded and encouraged it. Murray’s most provocative argument was that the anti-poverty programs launched by the War on Poverty were themselves responsible for continuing poverty because they discouraged work effort and promoted idleness. He called for “scrapping the entire federal welfare and income-support structure for working-aged persons, including Aid to Families with Dependent Children, Medicaid, Food Stamps, Unemployment Insurance, Worker’s Compensation, subsidized housing, disability insurance and the rest.” With copious graphs and charts, Murray argued that the condition of black families in particular worsened during the 1960s; while poverty rates declined, illegiti-

macy, welfare dependency, and youth unemployment increased, leaving the “black underclass” behind.

The Manhattan Institute sent 700 free copies of Murray’s book to influential politicians, academics, and journalists and paid for a public relations specialist to manage the “Murray Campaign.” The Institute held a seminar featuring Murray and paid participants honoraria to attend. The book was a media sensation and it set off a public debate between defenders and detractors of the War on Poverty. *Losing Ground* was followed by another very influential book, *Beyond Entitlement: The Social Obligations of Citizenship* by Lawrence Mead, a conservative political scientist. Published in 1986, Mead’s book picked up Murray’s argument and promoted the idea that welfare recipients be required to work. These books, along with a flood of materials published and distributed by conservative and libertarian think tanks, created the intellectual framework for an attack on federal anti-poverty programs in particular and “big government” in general.

700

FREE COPIES OF MURRAY’S BOOK SENT TO INFLUENTIAL POLITICIANS, ACADEMICS, AND JOURNALISTS

Conservative think tanks featured heavily in news media coverage of poverty, with The Heritage Foundation, American Enterprise Institute, and Manhattan Institute quoted in more than 11,000 mainstream news media articles since the late 1970s. At the core of the conservative narrative was the idea that poverty was the lot of people whose culture and behavior kept them at the bottom of society and that the “perverse incentives” of the welfare system only encouraged and deepened their misery. Conservative opinionmakers wrote and talked about “disturbing symptoms of social pathology such as crime and broken homes.” Typical of this underclass discourse was a column by neoconservative Irving Kristol that appeared in the *Wall Street Journal*. In this piece, entitled “The Poverty of Equality,” he wrote:



In New York we have tried to abolish poverty through a generous welfare program, and while statistically lifted out of poverty, the city's poor have simultaneously sunk to various depths of social pathology. Welfare has produced a largely demoralized population, with higher rates of crime, juvenile delinquency, drug addiction, teenage pregnancy, alcoholism, and other disastrous behaviors.”

These were the “undeserving poor.”

RONALD REAGAN POPULARIZES THE CONSERVATIVE NARRATIVE

Among the many conservative leaders who embraced the theses of Murray, Mead, and others was Ronald Reagan. Reagan's opposition to social spending in general, and welfare in particular, was well known. In his 1970 California gubernatorial campaign Reagan called welfare a “costly and tragic failure” that was “destroying people, our most precious resource, by creating a permanent and growing poverty class.” During his 1976 failed candidacy for president, Reagan introduced audiences to the “welfare queen” at every campaign stop:



There's a woman in Chicago. She has 80 names, 30 addresses, 12 Social Security cards and is collecting veterans' benefits on four non-existing deceased husbands. And she's collecting Social Security on her cards. She's got Medicaid, getting food stamps and she is collecting welfare under each of her names. Her tax-free cash income alone is over \$150,000.”

Attacking “welfare chiselers” was also an integral part of Reagan's stump speech, and it resonated with voters.

As a politician, Ronald Reagan was known for his anecdotal style of speech-making and none was stickier than his story about the welfare queen.⁷ As Mark Shields put it in his post-election column in the *Washington Post* on November 27, 1981:



More than any other modern American politician, Ronald Reagan has employed the graphic anecdote as a devastating campaign weapon. A listener could almost see the notorious Welfare Queen in her designer jeans and Mercedes Benz as candidate Reagan described her collecting nearly as much in AFDC payments as Mobil was willing to pay for Marathon Oil.... The anecdotes were basic to the challenger's basic speech, and the challenger won.”

Hundreds of references to the “welfare queen” appeared in media reports about welfare fraud during the early 1980s, and the belief that “welfare cheats” and “deadbeat dads” were robbing the taxpayers gained ground. Again, this established a dynamic of racism and assumption around the profile of the “welfare queen” and the “deadbeat dad,” a set of stereotypes that have endured into modern times through cultural memes and other dominant frames.

Reagan also popularized the notion that welfare was responsible for “intergenerational poverty” and the “breakdown of the family.” In a weekly radio address in 1986 he noted that the number of illegitimate births had doubled since 1960 and that many of the mothers were teenagers. “In inner cities today,” he said, “families as we've thought of them are not even being formed.... [I]n some instances, you have to go back three generations before you can find an intact family... Government programs have ruptured the bonds that held families together.” This was powerful rhetoric. Reagan is justly credited with popularizing the conservative narrative that undermined support for the War on Poverty and social spending on the poor in general.

⁷ In his 2019 book, *The Queen*, Josh Levin shows that the “queen,” Linda Taylor, was in fact a con artist and in no way representative of AFDC recipients of that era.

The choice of language and terminology is key in the framing and promotion of a narrative. The field of cognitive linguistics tells us that people form their views about issues based more on their values than on the facts alone. Using language that evoked the shared American value of “personal responsibility” combined with implicit appeals to racism made Reagan’s messages extremely potent. The effectiveness of Reagan’s vilification—and implied criminalization—of people who received welfare is revealed in news media data. The term “welfare queen” began to emerge in mainstream media coverage in the early 1970s. As a result of Reagan’s stump speech during the 1976 presidential campaign, references to “welfare queen” in news media began to climb, almost doubling between 1980 and 1981 when Reagan took office.⁸

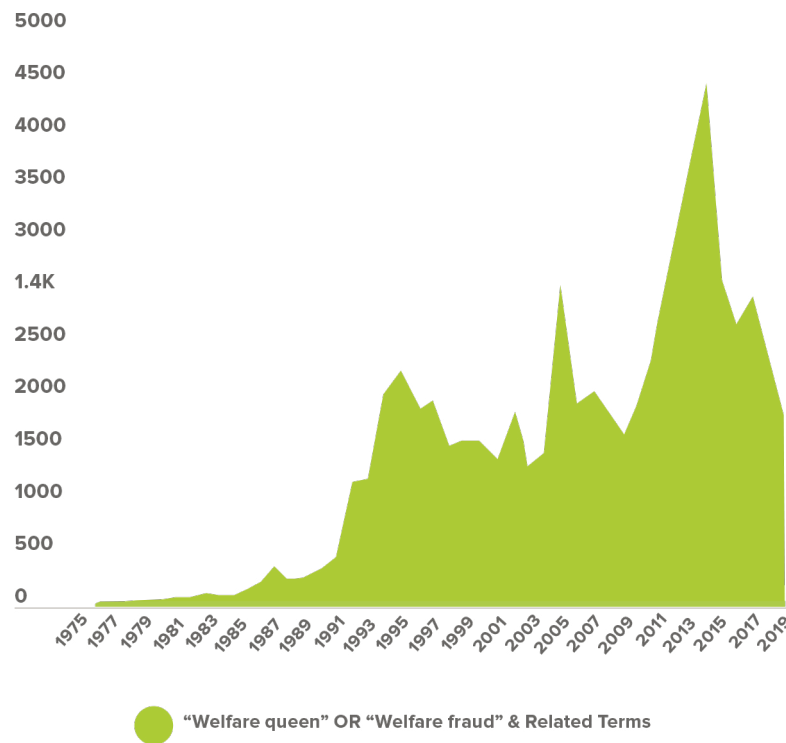


FIGURE 3: Mainstream News Media References to “Welfare Queen,” “Welfare Fraud,” & Related Terms: 1975–2019

Upon his election, President Reagan moved quickly to curb welfare spending. The Omnibus Budget Reconciliation Act of 1981 cut the welfare rolls by 400,000 individuals and reduced benefits for hundreds of thousands more. Federal spending on food stamps was also reduced. In his 1985 State of the Union address at the beginning of his second term, Reagan echoed the conservative narrative when he said, “Policies that increase dependency, break up families and destroy self-responsibility are not progressive...” By the late 1980s, the idea that poor people were too dependent on welfare had gone way beyond its conservative origins and had become mainstream. By 1992, 79 percent of the American public agreed with the statement, “Poor people have become too dependent on government assistance programs,” and “personal responsibility” was the catchphrase of the day.



When Reagan came into office The Heritage Foundation published something called Mandate for Leadership. Mandate for Leadership took every independent agency and federal department and proposed a right-wing agenda for them. It was a 1,000-page document. Heritage provided the blueprint and they provided the transition and the leadership. They parachuted in ideological activists at the beginning of the Administration—kind of like Sherpa teams or like Special Forces teams—to transform the agencies from within and undermine the Great Society programs.”

—LEE COKORINOS

⁸ References to “welfare queen” and other negative terms began to spike dramatically in the early 1990s and again beginning in the mid-2000s. It remains a trope referenced in media coverage of poverty, with just under 12,000 articles published between 2015 and 2019 making reference to the term or the concept of welfare fraud and dependence.



“WELFARE REFORM”

Talk of reforming welfare had been abuzz well before Bill Clinton made it a centerpiece of his 1992 presidential campaign. All through the 1970s and 1980s, support grew for “workfare”—the requirement that able-bodied recipients “work off” their welfare checks. As far back as 1967 the federal government had instituted the Work Incentive Program (WIN), but in its first 20 months, only 10 percent of the cases referred for work were considered employable. This was also the experience of the bipartisan Family Support Act of 1988, which directed all the states to phase in comprehensive welfare-to-work programs by 1990. The initiative was unsuccessful, however, because states lacked the money needed for matching funds to implement education, job training, and job placement programs.

By the time of the 1992 general election campaign there was all but universal agreement that the AFDC program was broken, and Gov. Clinton’s promise to “end welfare as we know it” and the companion phrase “Two years and you’re off” had great popular appeal. As president, Clinton’s first reform proposal would have required younger welfare recipients to go to work after 2 years, but in return it guaranteed low-paid public sector or government-subsidized jobs. It also provided that those who “played by the rules” but couldn’t find work could continue to receive benefits within the same needs-based framework that had existed since 1935. But the Republican sweep of Congress in the 1994 midterm elections killed any possibility that the Clinton reform bill would pass. That year, the conservative narrative achieved its goal to devalue a narrative of compassion, empowerment, and entitlement and replace it with one celebrating and emphasizing personal and individual responsibility. Henceforth that narrative would dominate the debate and would lead to a more radical reform than Clinton had originally contemplated.

Six weeks before the midterm elections, the House Republicans, then in the minority, released their 10-point “Contract with America,” which identified their legislative priorities for the first 100 days of the 104th Congress. Third on the list was the “Personal Responsibility Act”:

“Discourage illegitimacy and teen pregnancy by prohibiting welfare to minor mothers and denying increased AFDC for additional children while on welfare, cut spending for welfare programs, and enact a tough two-years-and-out provision with work requirements to promote individual responsibility.”

The Republicans were banking on the electorate’s overwhelming dislike of welfare and its acceptance of the conservative narrative. By 1994, 72 percent of the public said the system of public assistance did not work well, and 73 percent believed it discouraged people from working. Seventy-one percent believed the welfare system did more harm than good “because it encourages the breakup of the family and discourages the work ethic.”

Congressional Democrats lambasted the Personal Responsibility Act, warning that it would send more than 1 million children into poverty. Sen. Edward Kennedy of Massachusetts called it “legislative child abuse,” and President Clinton vetoed two versions passed by Congress. As the 1996 presidential election loomed, Clinton’s promise to “end welfare as we know it” was still unfulfilled, and he signaled that he would sign a Senate bill that was less draconian than the House version.

Beltway pressure was building to do something, and on August 12, *The New Republic* published its notorious cover story urging Clinton to sign the welfare bill. It featured a picture of a black woman cradling an infant while smoking a cigarette with the words “Day of Reckoning” splashed above. The editorial inside labeled welfare “America’s gravest problem” and tapped into the racial resentment that drove much of the debate. On August 22, just months before the November election, Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act. The new legislation replaced AFDC with TANF (Temporary Assistance for Needy Families) and provided block grants to the states. Lifetime benefits were limited to a maximum of 5 years, although states could set lower limits. Families had to make “verifiable efforts to leave welfare for work” and to “avoid births outside marriage.” A poll taken at the time showed that 82 percent of the public approved of the Act.



WAR ON POVERTY

BEFORE	AFTER
People are poor because of circumstances beyond their control, including the vagaries of the free enterprise system.	People are poor because of immoral behavior, bad choices, and Black family dysfunction, i.e. the “culture of poverty.”
It is the government’s responsibility to help those in need and “to foster the dignity and well-being of all persons within its borders.”	Government welfare programs are corrupt and wasteful; the private sector does a better job of creating opportunity.
Poor people are entitled to public assistance if they cannot make ends meet.	For these undeserving poor, government aid creates welfare dependency. Entitlements hurt more than they help.
White and rural poverty are visible and cause for concern.	Communities of color, specifically Black communities, receive more attention and are stereotyped in media coverage and conservative rhetoric. The narrative shifts from concern to disdain.

CONCLUSION

The fiftieth anniversary of the War on Poverty in 2014 brought forth a spate of articles and reports, some celebrating its accomplishments and others condemning its failures. President Obama said the programs it created “lived up to our best hopes as a people who value the dignity and potential of every human being.” The Heritage Foundation called it “Fifty Years of Failure.” But there is little doubt that the conservative movement was successful in popularizing a narrative that is still resonant with many Americans and that continues to pose a major obstacle to the passage of progressive social welfare policies. As Rebecca Vallas, head of the Poverty to Prosperity Program of the Center for American Progress, explains:



I think that generally when you use the word poverty most people’s minds are still going to the image shaped by the Reagan-era welfare queen. I think it’s still infused with race; I think it’s still likely to be a person of color that someone imagines. I think it’s still likely to be someone who is experiencing homelessness. And so I think that the dominant narrative about poverty continues to be that somebody who is not working and is facing some level of visible destitution. I do think that because of the success of the Fight for \$15 movement and the debate over minimum wage that we are moving in a direction where the binary between the ‘deserving’ and the ‘undeserving’ is starting to break down and people are starting to appreciate that poverty is the result of an economy that isn’t working for everyone. But we have a lot more work to do to truly get to a place where someone’s brain immediately goes to poverty being a matter of policy choices rather than a matter of a person’s individual ‘bad choices.’”

It is also the case that a powerful counternarrative is gradually taking hold in America that emphasizes the extreme economic inequality that defines the nation today. Beginning with the Occupy Wall Street movement following the 2008 economic crisis and evident in the strength and breadth of Bernie Sanders’s campaigns for president during which he popularized social democratic values, more Americans, especially younger Americans, are hewing to a structural explanation for poverty and a belief in a positive role of government. A Pew Research Center survey of members of Generation Z (born between 1997 and 2012) found that they are more likely than older generations to look to government, rather than businesses and individuals, to solve problems. Fully seven-in-10 Gen Zers say the government should do more to solve problems.⁹ The COVID-19 pandemic and its economic aftermath are sure to sharpen this fundamental debate.

⁹ <https://www.pewsocialtrends.org/essay/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far/>

CASE STUDY 3

DOCUMENTARY FILM
AND THE “BLACKFISH EFFECT”

“Films can have a huge effect on human culture. I call them weapons of mass construction. You drop a bomb and people get killed. You make a film and you create allies. And that’s the goal. That film is made to create a tipping point.”

—LOUIE PSIHOYOS, DOCUMENTARY FILMMAKER

The art of documentary film has a long and distinguished track record of stirring the conscience and spurring people to action. Sundance Board of Trustees member Jacki Zehner explains, “Documentary films can educate, raise awareness, and inspire change like few other forms of media. In a world where visual media dominates and social media is the channel through which we communicate, there is no better tool for changing hearts and minds than the feature-length documentary film.” Not all documentaries are meant to have a social impact, but a well-made social impact film’s potential for challenging stories that have been in place and widely accepted for generations is well known, and examples are legion. Think *Harlan County, USA*, the films of Frederick Wiseman, Michael Moore’s exposés, *An Inconvenient Truth*, and *Super Size Me*, each of which created **new narratives** for the public to consider and act upon.

Narrative shift often takes years, even decades, to happen, but a broadly distributed, hard-hitting documentary film that delivers a strong emotional punch can change the story in a relatively short period. This case study shows how, under certain circumstances, even a very modestly financed documentary film can have a long-lasting, huge, long-term narrative impact. Before 2013, only the most committed animal rights activists gave much thought to the plight of oceanic mammals kept in captivity by SeaWorld, one of the country’s largest entertainment companies. After 2013 and the airing of the documentary *Blackfish* on CNN, a new and compelling narrative took hold that challenged SeaWorld’s claim that the animals were treated humanely, and the public’s response forced the company to change its practices. This shift was so dramatic that reporters covering business affairs gave it a name: the “*Blackfish* effect.”

“The ‘*Blackfish* effect’ has become common parlance—used to describe the disastrous impact of a revelatory piece of popular culture on a stalwart business—and has been studied in a number of fields, from the entertainment industry to psychology.”¹

¹ James Cromwell, “Park’s violent response can’t be justified,” *San Diego Union Tribune*, September 28, 2017.

METHODOLOGY

INTERVIEWS:

- **Louie Psihoyos**, Academy Award-winning documentary filmmaker and executive director of the Oceanic Preservation Society

OTHER SOURCES CONSULTED:

- Doc Society, *Winner: Blackfish*, an Impact Field Guide
- Stefani Duhon, Kelli Ellison, and Matthew W. Ragas. (2016). A whale of a problem: A strategic communication analysis of SeaWorld Entertainment's multi-year Blackfish crisis. *Case Studies in Strategic Communication*, 5, article 2.
- Caty Borum Chattoo and Lauren Feldman (2020). *A Comedian and An Activist Walk Into A Bar: The Serious Role of Comedy in Social Justice*. Oakland, CA: University of California Press; and Caty Borum Chattoo (2020). *Story Movements: How Documentaries Empower People and Inspire Social Change*. New York, NY: Oxford University Press.

BACKGROUND

In his “Dear Shareholder” letter in SeaWorld Entertainment’s 2013 Annual Report, CEO Jim Atchison wrote, “It has been a remarkable year.” He cited the success of the corporation’s Initial Public Offering in April of that year and reported that 2013 had ended with “record revenue of \$1.46 billion, a 3 percent year-over-year increase.” He also projected that in 2014 revenue would grow still more and in signing off wrote, “I hope you are as gratified by our inaugural year performance as a public company as I am.” Yet that same year, a very different, parallel story was unfolding about SeaWorld that would dramatically undermine Atchison’s rosy predictions and would, in fact, lead some to believe that SeaWorld, long one of the most popular theme parks in the United States, might not survive.

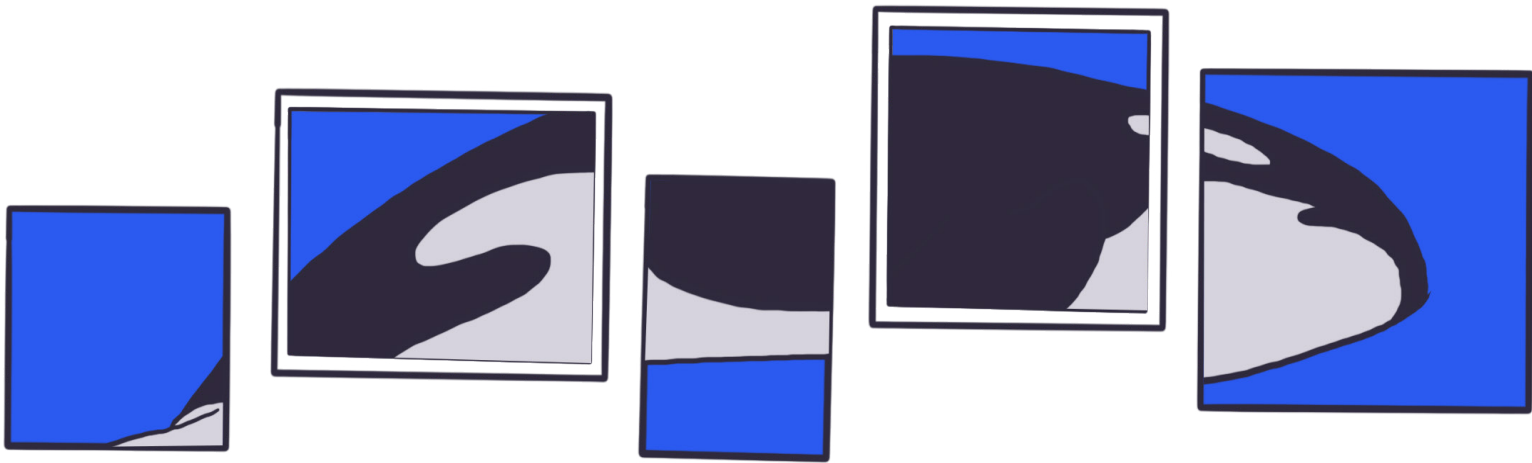
SeaWorld Entertainment is a multi-billion dollar public corporation that operates three SeaWorld parks in California, Texas, and Florida.² Over the more than 50 years since its founding, the company has striven to brand itself not only as a place for families to enjoy rides, shows, and animal habitats, but also as “a global leader in animal welfare, training, husbandry and veterinary care.” In the words of SeaWorld, “Through our theme parks’ up-close animal encounters, educational exhibits and innovative entertainment, we strive to inspire each guest who visits one of our parks to care for and conserve the natural world.”

For decades, one of SeaWorld’s most popular shows, if not *the* most popular show, was “Shamu,” featuring the performance of an orca (killer whale) with an animal trainer. To the delight of the multi-generational viewers seated stadium-style around a huge tank, the trainer would jump into the water and join the whale in a series of choreographed movements. SeaWorld maintained that although kept in captivity, the orcas were treated humanely and the trainers who interacted with them were safe.

For years, animal welfare activist groups such as People for the Ethical Treatment of Animals (PETA) had been critical of SeaWorld for its treatment of the highly intelligent orcas, arguing that their captivity adversely affected their well-being and health. In 2011 PETA filed a suit in federal court seeking to apply the Thirteenth Amendment to “nonhuman animals.” The lawsuit claimed that five wild-captured orcas had been taken from their natural habitats and forced to perform at SeaWorld as “slaves.” The suit was dismissed in 2012 on the grounds the Thirteenth Amendment applied only to persons, not non-persons, and, although it generated some publicity, it didn’t have a noticeable effect on the SeaWorld brand. In early 2013, SeaWorld’s positive public sentiment, as measured by its “impression” rating, was still high.³ The theme park was widely viewed as a family-friendly entertainment venue that treated both its employees and the animals under its care well.

² SeaWorld Entertainment is comprised of 11 theme parks including three SeaWorlds. Other parks are Busch Gardens, Aquatica, Discovery Cove, Adventure Island, Water Country USA, and Sesame Place.

³ “Impression” scores measure brand image: Which of the following brands do you have a generally POSITIVE/NEGATIVE feeling about?



ENTER *BLACKFISH*—THE FILM

In 2010, documentary filmmaker Gabriela Cowperthwaite came across an article on Outsideonline.com that piqued her curiosity. In a 9,000-word piece entitled “The Killer in the Pool,”⁴ correspondent Tim Zimmermann described in great detail the recent death of SeaWorld trainer Dawn Brancheau, who was killed during a Shamu show by Tilikum, a 12,000 pound orca. After describing the gruesome event, Zimmermann reviewed the history of orca captivity in the United States, earlier orca attacks on other SeaWorld trainers, and the research findings of marine biologists. The director of British Columbia’s OrcaLab, which studies killer whales in the wild, said, “If you pen killer whales in a small steel tank, you are imposing an extreme level of sensory deprivation on them. Humans who are subjected to those same conditions become mentally disturbed.”

Cowperthwaite, who had made documentaries for television for 12 years, says she was haunted by the death of Brancheau, a 40-year-old, very experienced trainer. “I couldn’t understand why an intelligent, sentient animal would bite the hand that feeds it. This was a strange story, and I couldn’t shake it.” She found some funding, recruited producers and cinematographers, and spent the next 2 years making the film, which she titled *Blackfish*, the Inuit name for the orca.

The film challenged the SeaWorld narrative on multiple levels. Former trainers spoke on camera about the lack of training and the fact that they had been kept ignorant of previous incidents of trainer injuries and deaths. They also spoke of SeaWorld’s practice of separating young calves from their mothers and the obvious and extreme anguish this caused to both. Scientists described the complex social relationships among orcas in the wild and the fact that they are highly intelligent and use language to communicate within their families and with other pods. The film made a strong case against keeping these highly social animals in captivity, demonstrating that putting them in confined environments and altering their family structures is harmful to the orcas and can lead to aggressive and even deadly behavior.

**The film
challenged the
SeaWorld narrative
on multiple levels**

On January 19, 2013, *Blackfish* premiered at the Sundance Film Festival and in July it was released in theaters. Variety described it as a “mesmerizing psychological thriller with a bruised and battered killer whale at its center.... Righteous, captivating and entirely successful.” If that had been the extent of its distribution, in all likelihood the film would not have caused much of a stir in spite of its rave review. But the Sundance premiere had created enough of a buzz for CNN to secure rights to air it, and on October 24, 2013, it premiered on CNN and was seen by more than 24 million viewers in the United States and Europe. Two weeks later, CNN aired an encore broadcast, and soon thereafter the film was released on Blu-Ray and DVD. The public response was extraordinary; the film had struck a chord:

⁴ <https://www.outsideonline.com/1924946/killer-pool>

- It was ranked number 1 in the 25–54 demographic in cable news.
- The online trailer had 1,065,019 views.
- The day after the first CNN broadcast, Google searches for the term “blackfish” soared.
- Twitter said it was the most talked about show on CNN in October 2013 with 67,673 tweets seen by 7.3 million people.
- It was shown at close to 30 national and international film festivals.
- It was shortlisted for the Best Documentary Feature at the 2014 Academy Awards.
- It began streaming on Netflix in December 2013 and 2 years later it was still one of the 10 highest rated science and nature documentaries among U.S. Netflix users.

SEAWORLD INDEX

After the premiere of the *Blackfish* documentary, Seaworld's impression score, which measures brand image, declined precipitously.



FIGURE 1: Forbes/YOUGOV

THE IMPACT CAMPAIGN

Cowperthwaite and her partners had not set out to launch a campaign with their film. Their more modest goal was to elevate an issue that up until then had been unrecognized by the broader public. But the CNN broadcasts created an enormous buzz, and celebrities, corporations, and the public at large took action. The social media response to *Blackfish* was extraordinary, and that generated traditional media coverage as well. According to a strategic communications analysis by scholars at DePaul University, once CNN secured broadcast rights it began to brainstorm ways to leverage the growth of the conversation on Twitter as the show's premiere approached. CNN invited users to join in on the conversation using #*Blackfish*.

According to Twitter, there were 67,673 tweets about *Blackfish* seen by 7.3 million people the night the film aired, making it the most talked about show on CNN that month. Anderson Cooper hosted a live post-show debate that expanded the conversation on traditional and social media, and additional celebrities including Ariana Grande, Zach Braff, Michelle Rodriguez, and Stephen Fry chimed in and encouraged their followers to watch the documentary and think twice before visiting a SeaWorld park. In December, eight out of 10 scheduled musical acts pulled out of SeaWorld Orlando’s Bands, Brew and BBQ concert series citing *Blackfish* as the reason. One of the performers was Willie Nelson, who was responding to a petition launched by Change.org, which garnered close to 10,000 signatures. That same month Joan Jett asked SeaWorld to stop using her song “I Love Rock ‘n’ Roll” during the Shamu Rocks opening number.

HOW BLACKFISH DOMINATED:
Mentions of either *Blackfish* (and related terms) or @CNN per day, ET

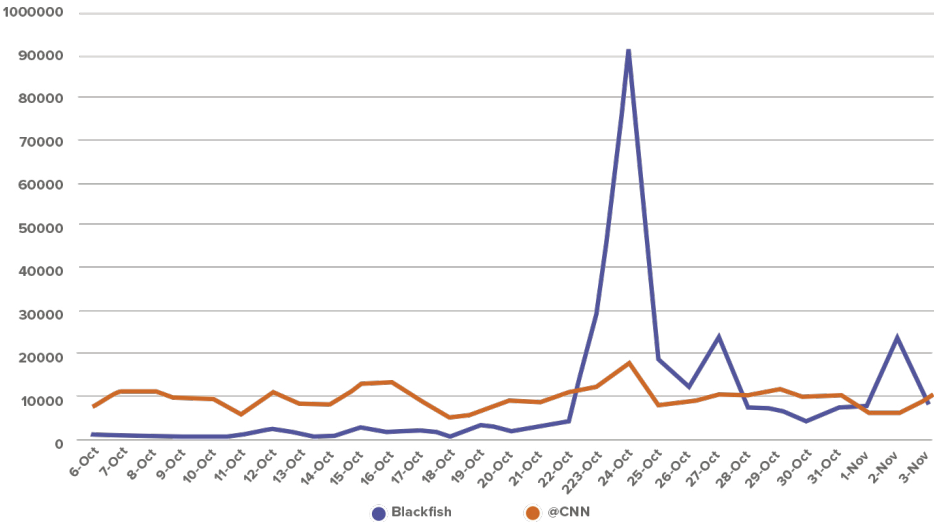


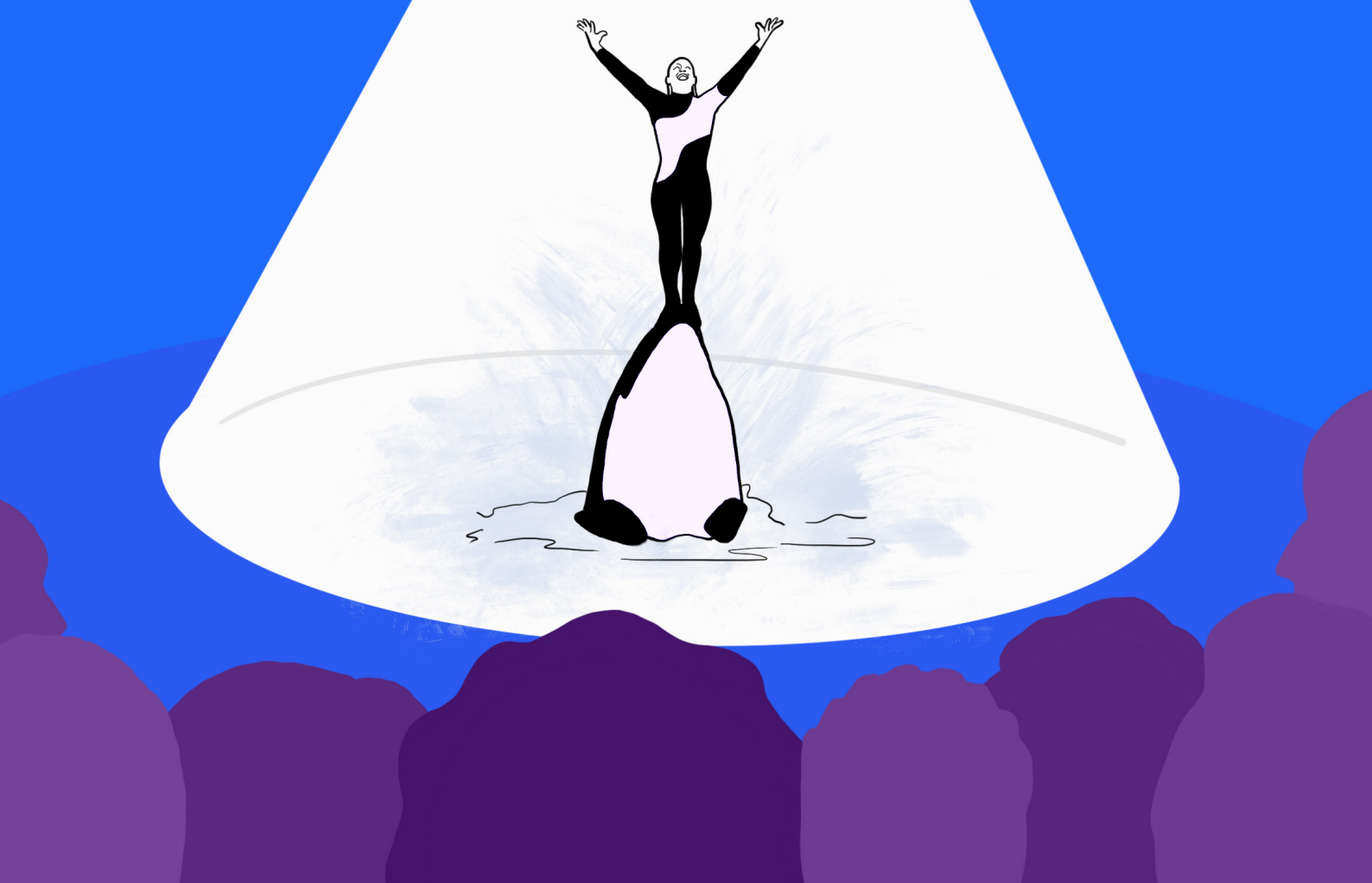
FIGURE 2: Mentions of “Blackfish” v. @CNN on Twitter in October 2013 (Source: [Twitter Blog](#)).

Throughout the distribution of the film, advocacy organizations including PETA, the Humane Society, Born Free Foundation, Voice of the Orcas, and Oceanic Preservation Society used the film for their own campaigns, helping to promote *Blackfish*. PETA members jumped in front of SeaWorld’s float in protest at the 2014 Rose Parade—a scene broadcast by CNN and other national news outlets. The group also installed a large poster at San Diego International Airport in 2015, urging the 130,000 people attending the annual ComicCon gathering in San Diego to boycott SeaWorld. When Macy’s annual Thanksgiving Day Parade announced that SeaWorld would be sponsoring a float, “A Sea of Surprises,” PETA called for the float to be banned, publicly protesting outside the department store in New York and launching an email campaign that generated 78,000 messages to Macy’s CEO. The float went ahead, and protestors shouted “Boycott SeaWorld” and handed out leaflets.

SeaWorld’s response to the campaign was defensive. It posted a detailed critique of the documentary on its website soon after the Sundance premiere in which it charged that the film was misleading and the trainers interviewed were not credible. Prior to the CNN broadcast the company released a statement claim-

ing that “the film paints a distorted picture that withholds from viewers key facts about SeaWorld and fails to mention SeaWorld’s commitment to the safety of its team members and guests and to the care and welfare of its animals.” In December 2013, as the furor grew, SeaWorld published an open letter in major newspapers defending its treatment of killer whales. But this PR effort only succeeded in generating more media coverage and creating more, not less, controversy. In a *New York Times* article, entertainment correspondent Michael Cieply wrote: “The exchange is now promising to test just how far business can, or should, go in trying to disrupt the powerful negative imagery that comes with the rollout of documentary exposés.” On March 23, 2014 *USA Today* first described the “*Blackfish* effect.” The business community took note.

Corporations associated with SeaWorld began to feel the heat and some took action. In May 2014 Taco Bell came under fire by PETA for offering discounted tickets to SeaWorld and ended up cutting its ties with the company. In July of that year, Southwest Airlines and SeaWorld announced the end of a promotional marketing relationship that had dated back to 1988. In October 2014 Virgin America ended its association with SeaWorld, dropping it from its airline reward program.



THE NUMBERS

By the end of 2014 it was clear that the *Blackfish* effect had had a significant impact on SeaWorld's profitability. Headlines in early 2015 emphasized its losses, and all the articles attributed those losses to the impact of the documentary. A sampling includes:

- "SeaWorld sees major drop in attendance at US theme parks," *San Antonio Business Journal*, Feb 26, 2015
- "SeaWorld posts wider 4Q loss as theme park attendance falls," The Associated Press State & Local Wire Feb 26, 2015
- "The *Blackfish* effect: SeaWorld loses \$25.4 million after documentary criticizing treatment of killer whales cuts park attendance," Associated Press, Feb. 27, 2015
- "SeaWorld attendance, revenue, net income sink in 2014," *Orlando Business Journal*, Feb 26, 2015

SEAWORLD
LOSES

\$25.4 MILLION
AFTER DOCUMENTARY

One million fewer people visited SeaWorld theme parks in 2014 than in 2013, and the drop in attendance lowered annual revenues by more than \$82 million. That year the company's stock price underperformed, its shares declining 38 percent. Business journalist W. Scott Bailey wrote: "The declines come as SeaWorld continues to deal with a public backlash stemming from the 2013 release of *Blackfish*, a documentary capturing the death of one of its trainers." In January 2014 Jim Atcheson, the theme park's CEO and president since 2009, resigned.

In the face of such enormous financial losses—SeaWorld’s revenue dropped by \$82 million because of the drop in attendance—the company was forced to act. On March 17, 2016 SeaWorld Entertainment announced that it would begin to phase out its orca shows and halt its breeding program, essentially making the living whales in its care its last. In a prepared statement, CEO Joel Manby explained:

“As society’s understanding of orcas continues to change, SeaWorld is changing with it. By making this the last generation of orcas in our care and re-imagining how guests will encounter these beautiful animals, we are fulfilling our mission of providing visitors to our parks with experiences that matter.”

BLACKFISH

BEFORE	AFTER
Sea World is “a global leader in animal welfare, training, husbandry and veterinary care.”	Sea World’s treatment of its captive Orcas (Blackfish) is inhumane.
Sea World centers animal and human safety while providing an entertaining and educational experience for visitors.	Sea World values revenue and profits over animal and human safety and visitors are complicit when spending money there.

CONCLUSION

The *Blackfish* experience is a blueprint for how even a very modestly financed documentary film can have a huge narrative impact. Caty Borum Chattoo, executive director of the Center for Media & Social Impact at the American University School of Communication and author of two books about the role of media and narrative in social change, writes⁵ in her new book, *Story Movements: How Documentaries Empower People and Inspire Social Change*, that the impact of *Blackfish* can be attributed to five elements:

- 1. Narrative Persuasion and the Role of Emotion.** Narrative persuasion is a well-developed body of research with insights about how stories impact audiences. According to the theory of narrative transportation, when audiences are deeply immersed in the story they can be absorbed into the story world, even forgetting their surroundings. *Blackfish* was a devastatingly emotional story that focused on a lead subject, Tilikum, who was brought to life almost as a human character, sparking public fury amplified by news media narratives and a vocal group of activists.
- 2. Amplified Community: Online and Offline Grassroots Activism.** The film was not released into a cultural vacuum. It fell into a prime spot with social change infrastructure ready to leverage a strategic distribution strategy and well-produced documentary story. With audiences fired up and ready to act, professional animal rights groups captured the momentum and provided the public with ways to take action, raise their voices, and directly pressure SeaWorld.
- 3. Cultivated Media Narrative.** Media coverage over the course of the three core *Blackfish* effect years was distinct. It evolved away from traditional film reviews and much deeper into the drama-filled story and ensuing activism and SeaWorld’s response, which generated enticing angles with new news value.

⁵ Caty Borum Chattoo, *Story Movements: How Documentaries Empower People and Inspire Social Change*, 2020.

4. **Strategic Layered Distribution.** Layered distribution across platforms over a period of time is essential for social change fueled by documentaries. Each distribution tier for *Blackfish* stoked public and media interest, and each display outlet, from the Sundance Film Festival to theatrical screenings to the CNN premiere to Netflix streaming, was meaningful.
5. **Public Call to Action Embedded in the Story.** *Blackfish* did not simply raise awareness about captive orcas; it incited the public to take some form of action, like calling for a SeaWorld boycott, live tweeting during the CNN broadcast, and engaging in physical protest even though the filmmakers themselves did not explicitly call for it. The audience understood SeaWorld's role, and the film's narrative about orcas in captivity issued a clarion call. The public was moved and motivated to make noise and call for change, and it did, over and over.

On March 17, 2016 the *Los Angeles Times* published an op-ed by Joel Manby, president and CEO of SeaWorld Parks and Entertainment. In "The last SeaWorld orcas," Manby announced the end of all orca breeding programs and the phasing out of its Shamu shows. He also rededicated the company to the preservation of marine wildlife. It is telling that the piece begins with this sentence: "Americans' attitudes about orcas have changed dramatically." The documentary film *Blackfish* can take credit for bringing about the narrative shift that "inspired the changing attitudes that, in turn, inspired our company's changing policies."

CASE STUDY 4

SEXUAL VIOLENCE, THE #METOO MOVEMENT, AND NARRATIVE SHIFT

“**#MeToo has become an equalizer through a shared platform; it does not insist on the same status or experience but welcomes all in a collective narrative for change. In telling similar stories across public and private spheres, #MeToo drains the symbolic meaning of elitism and elevates the commonality of sexual harassment, abuse, assault, and exploitation. This enables a return to the mass mobilization of grassroots force.**”¹

The prevalence of sexual assault in the United States, defined broadly to include not only acts of violence, but also sexual harassment and intimidation, has been the subject of media coverage and on the public policy agenda in fits and starts for more than forty years. In the past, scandals have erupted in the military, on campuses, within the priesthood, or involving a very public figure and generated media attention. Sometimes prosecutions or incremental policy reforms follow, and then the problem drops from public view until the next flare-up occurs. In late 2017, the #MeToo Movement suddenly burst onto the national stage and dominated the news cycle for weeks on end. Millions of survivors of sexual violence, not only in the United States but around the globe, took to social media and spoke out, disclosing the harms and trauma they had experienced, and within a short time, hundreds of abusers, most of them men, were toppled from positions of power. Nothing like this had ever happened before.

Today, a new movement under the leadership of survivor advocates and activists is growing in size and influence. This increased awareness and activism suggests that this time, the issue may not simply recede into the hidden corners of society where it has traditionally lurked, out of sight and out of mind for people without a direct reference point or experience. This time, a shift in the overarching narrative about sexual violence in America, driven by the survivors themselves, has the potential to bring about real institutional and behavioral change. This case study explores how the #MeToo Movement is shifting long-dominant narratives that have contributed to the societal acceptance of high levels of sexual violence in this country.

METHODOLOGY

INTERVIEWEES:

- **Denise Beek**, Chief Communications Officer, “me too”
- **Maira O’Neil**, PhD, Vice President of Research and Interpretation, FrameWorks Institute

¹ Carly Gieseler, *The Voices of #MeToo: From Grassroots Activism to a Viral Roar*, (Lanham, MD: Rowman and Littlefield, 2019, 170.

- **Kenyora Parham**, Executive Director, End Rape on Campus
- **Nancy Parrish**, Founder and CEO, Protect Our Defenders
- **Juhu Thukral**, Vice President of Programs, International Women's Health Coalition
- **Brooke Foucault Welles**, PhD, Associate Professor in the Department of Communication Studies, Northeastern University
- **Fatima Goss Graves**, President and CEO of the National Women's Law Center

OTHER SOURCES CONSULTED:

- **Maria Bevacqua**, *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault*. Northeastern University Press, 2000
- **Ryan J. Gallagher, Elizabeth Stowell, Andrea G. Parker, and Brooke F. Welles**. **Reclaiming Stigmatized Narratives: The Networked Disclosure Landscape of #metoo**. SocArXiv. May 24, 2019
- **Carly Gieseler**, *The Voices of #MeToo: From Grassroots Activism to a Viral Roar*. Bowman & Littlefield, 2019
- **Kate Harding**, *Asking For It: The Alarming Rise of Rape Culture—and What We Can Do About It*. Perseus Books Group, 2015
- **Sarah J. Jackson, Moya Bailey, and Brooke Foucault Welles**, *#Hashtag Activism: Networks of Race and Gender Justice*. The MIT Press, 2020
- **Moira O'Neil and Pamela Morgan**, *American Perceptions of Sexual Violence*. FrameWorks Institute, 2010
- **Katie Thomson**, "Social Media Activism and the #MeToo Movement," *Medium*, June 12, 2018

MEDIA AND SOCIAL MEDIA RESEARCH

To identify media trends, we developed a series of search terms and used the LexisNexis database, which provides access to more than 40,000 sources, including up-to-date and archived news. For social media trends, we utilized the social listening tool Brandwatch, a leading social media analytics software that aggregates publicly available social media data.

THE SIZE OF THE PROBLEM

The fact that the prevalence of sexual assault in the United States is high is not open to controversy. According to the FBI's Uniform Crime Reporting (UCR) Program, the rate of rape increased by 15 percent between 2014 and 2018.² Since rape is a crime that is greatly underreported, the actual numbers are likely much higher.

The numbers from institutions that are required by law to collect such data are also sobering. In the military, 6.2 percent of active-duty women reported a violent sexual assault in 2018, and 24.2 percent reported an experience of sexual harassment. Again, the actual numbers are much higher. The military estimates that only one out of every three servicewomen who experience sexual assault files a report.³ On college campuses, a 2019 survey of more than 181,000 students found that one in four undergraduate women from 33 large universities had experienced sexual assault while they were students.⁴ Compounding the problem is the fact that so few individuals are held accountable for their actions. According to World Population Review, only 9 percent of rapists in the United States get prosecuted and only 3 percent of rapists will spend a day in prison. Of rapists in the United States, 97 percent walk free.⁵

² <https://www.bjs.gov/content/pub/pdf/sffucr.pdf>

³ https://www.sapr.mil/sites/default/files/FY17_AR_Report_Statistical_Highlights_Info_Graphic_FINAL.jpg

⁴ <https://www.motherjones.com/crime-justice/2019/10/campus-sexual-assault-survey/>

⁵ World Population Review is a website dedicated to global population data and trends.

Sexual harassment in the workplace is also extremely common in the United States. Surveys show that approximately 30 percent of women have experienced such harassment.⁶ In an ABC News/*Washington Post* survey conducted Oct. 12–15, 2017, after the Weinstein revelations became public but before #MeToo, 54 percent of women said they had received unwanted sexual advances from a man that they felt were inappropriate whether or not those advances were work-related; 30 percent said this had happened to them at work.⁷ In an NPR/PBS NewsHour/Marist poll conducted Nov. 13–15, 2017, 35 percent of women said they have personally experienced sexual harassment or abuse from someone in the workplace.⁸

BACKGROUND: THE ANTI-RAPE MOVEMENT OF THE 1970S

The rise of the women's movement in the mid-1960s put sexual violence on the public policy agenda for the first time. Until feminists proclaimed that “the personal is political,” any public discussion of rape and other forms of sexual assault was considered taboo, hidden behind a veil of secrecy, shame, and myth. Susan Brownmiller, whose groundbreaking 1975 book *Against Our Will* would articulate a feminist analysis of rape, admitted that like many other women of that era, she had perceived it as “a sex crime, a product of a diseased, deranged mind” or as a false charge made by a white woman against a Black man. She wrote that she once believed women in the movement “had nothing in common with rape victims.”

That view began to change with the proliferation of consciousness-raising groups throughout the country. In these intimate and safe settings, women began to reveal experiences from their own lives that they had long kept hidden because of fear and shame. Through this process they discovered that problems they thought were individual actually reflected common conditions faced by all women—including unwanted sexual contact. In January 1971, the New York Radical Feminists held the first public event in the United States at which women spoke about their experiences of being raped. The speak-out was held in a small church in midtown Manhattan. With more than 300 women in attendance, forty spoke about their assault both at the hands of the rapist and then again at the hands of the justice system. The result of this event was the birth of the anti-rape movement and a challenge to the “rape myths” that were embedded in American culture.

ANTI-RAPE IDEALOGY

Throughout the decade of the 1970s feminists developed an analysis that would challenge the most common myths about rape, which they defined as any unwanted sexual contact. They organized more speak-outs across the country to demonstrate that rape was not an isolated or uncommon event. They published hugely influential books and articles such as Kate Millett's *Sexual Politics*, Susan Griffin's *Rape—The All American Crime*, Barbara Mehrhof and Pamela Kearon's *Rape: An Act of Terror*, and Shulamith Firestone's *The Dialectic of Sex*. At its core, anti-rape ideology insisted that rape was about violence, not sex, providing feminists with a new framework that removed all blame from victims whose claims were viewed as fully credible. The threat of sexual violence perpetuated male dominance and patriarchy, and eliminating rape would require transforming the gendered social arrangements that pervaded American culture. These ideas were then disseminated through the growing network of journals and newspapers, both mainstream and underground. By 1973 more than 560 feminist periodicals were being published in the United States, such as *Everywoman* (Los Angeles), *Second Wave* (Cambridge), *Off Our Back* (Washington, D.C.), *Rat* (New York), and *Big Mama Rag* (Denver).

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IN THE UNITED STATES

⁶ <https://www.forbes.com/sites/bowmanmarsico/2018/01/16/sexual-harassment-what-do-the-polls-say/#6ddf09a35ac0>

⁷ https://www.washingtonpost.com/lifestyle/style/a-majority-of-americans-now-say-that-sexual-harassment-is-a-serious-problem/2017/10/16/707e6b74-b290-11e7-9e58-e6288544af98_story.html

⁸ <https://www.pbs.org/newshour/nation/poll-a-third-of-women-say-theyve-been-sexually-harassed-or-abused-at-work>

ANTI-RAPE ORGANIZING

Armed with a shared consciousness and set of political goals, feminists created an array of organizations to agitate for policy reform and provide services to victims. They took many forms. Self-defense groups trained women in martial arts and other skills to combat violence against them and instill a sense of self-reliance. The first rape crisis center, designed to provide direct services to sexual assault victims, was founded in 1972 in Washington, D.C. Rape crisis centers cropped up throughout the country, aided by the Washington, D.C., center's widely distributed pamphlet, "How to Start a Rape Crisis Center." At its 1973 national conference, the National Organization of Women, the nation's largest women's rights organization, adopted Resolution 148, creating the organization's National Rape Task Force. And in mid-1974 the Feminist Alliance Against Rape (FAAR) was founded to serve as "an autonomous organization of community-based and feminist-controlled anti-rape projects." In 1975, "Take back the night" became a rallying cry when the first march calling for an end to sexual violence took place in Philadelphia. The year 1978 saw the founding of the National Coalition Against Sexual Assault (NCASA), whose main goal was "to end sexual violence and rape in our society."

By the mid-1970s the anti-rape movement had achieved some significant policy victories. A major focus was law reform. The humiliation and dismissiveness faced by victims brave enough to report their assaults to the police and to press for criminal prosecution and accountability were characterized as simply another rape. Rape laws themselves were seen as biased toward the defendant because they required standards of proof that were almost impossible to meet.⁹ In some states, for example, the law required "corroborative evidence" of non-consent before a prosecutor would bring a case; the victim's testimony, no matter how compelling, was never enough. In New York the Anti-Rape Squad organized an "Assault on the State Legislature to Repeal the Corroboration Requirement," and a coalition of feminist groups campaigned for its full repeal with legislative testimony, press conferences, and rallies. In 1974, the campaign succeeded, demonstrating the movement's ability to change entrenched law and policy. Other reforms followed.

"TAKE BACK THE NIGHT"

THE MOVEMENT'S LIMITATIONS

RAPE AND RACE:

The feminist movement of the 1970s and beyond has long been criticized for being predominantly white and middle-class and for not addressing the needs and concerns of poor women, Black women, and other women of color. Although there were Black women who participated in and led the anti-rape movement, critics argued that the movement did not adequately analyze or act upon the complex intersection of rape and race in this country. Obviously, Black men accused of raping white women, especially in the South, did not enjoy the deference the legal system paid to white male defendants. And the movement's assertion that all women were equally subject to rape and its aftermath was rejected by Black women and other women of color who never expected fair treatment from the criminal justice system. Scholar and activist bell hooks explained the racial hierarchy that applied in how rape was treated in her 1981 book, *Ain't I a Woman: Black Women and Feminism*:

“As far back as slavery, white people established a social hierarchy based on race and sex that ranked white men first, white women second, though sometimes equal to black men, who are ranked third, and black women last. What this means in terms of the sexual politics of rape is that if one white woman is raped by a black man, it is seen as more important, more significant than if thousands of black women are raped by one white man. Most Americans, and that includes black people, acknowledge and accept this hierarchy; they have internalized it either consciously or unconsciously. And for this reason, all through American history, black male rape of white women has attracted much more attention and is seen as much more significant than rape of black women by either white or black men.”

⁹ This criticism, of course, did not apply when Black men were accused of sexually assaulting white women.

RAPE AND GENDER:

The exclusive focus on cisgender women led the anti-rape movement to ignore other groups of people who were preyed upon sexually. A survey of close to 30,000 transgender people in the United States conducted in 2015 by the National Center for Transgender Equality showed that nearly half (47%) of respondents were sexually assaulted at some point in their lifetime and one in ten (10%) were sexually assaulted in the past year. In communities of color, these numbers are higher: 53% of Black respondents were sexually assaulted in their lifetime and 13% were sexually assaulted in the past year.¹⁰ Although such data were not collected in the 1970s before the advent of a transgender rights movement, there is every reason to believe that the statistics were equally disturbing. Sexual violence against men and boys was also unexamined and discounted as an issue by the early anti-rape movement.

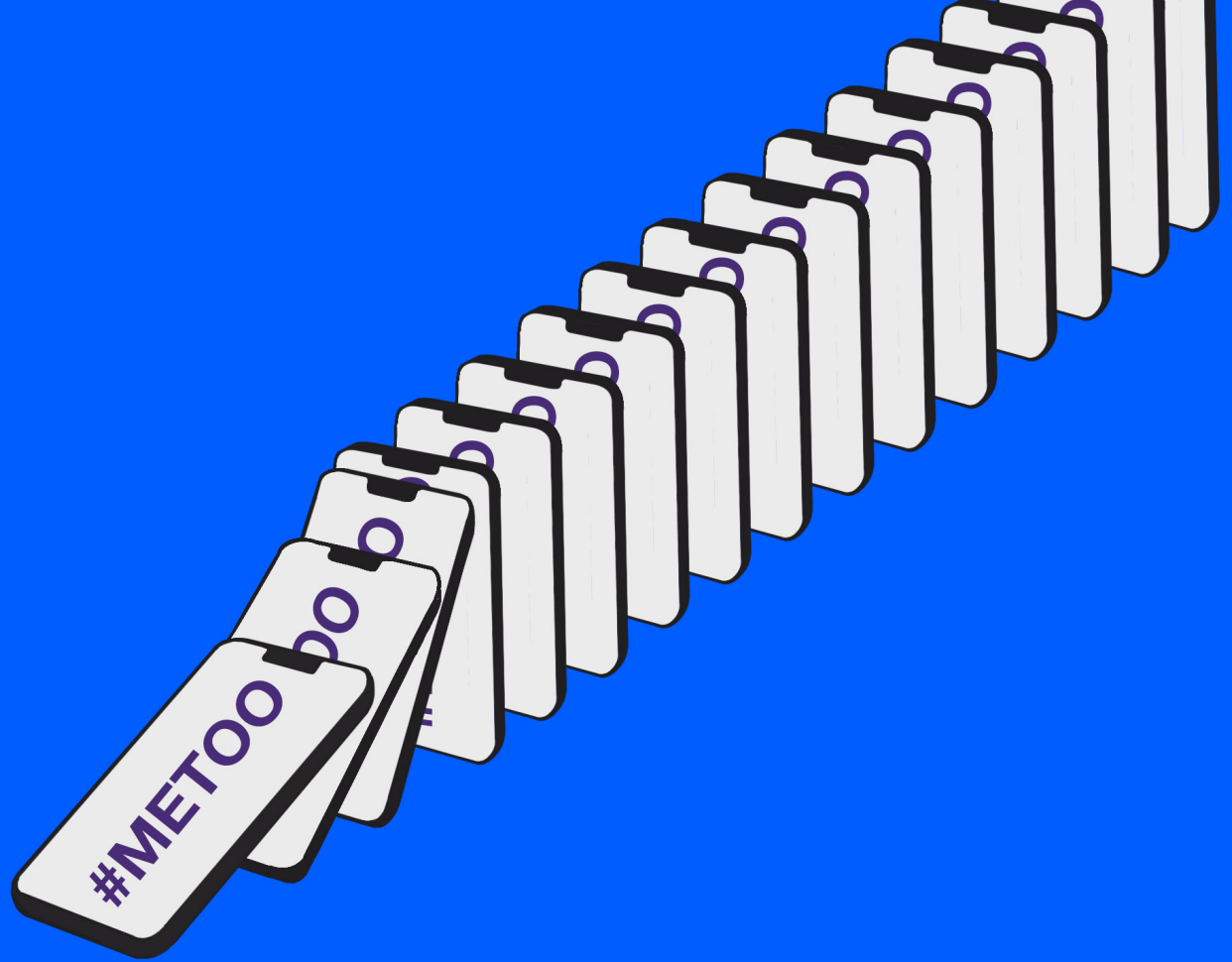
RAPE CULTURE:

In spite of its many achievements, the anti-rape movement did not dislodge what came to be called the country's "rape culture," a term first coined by the New York Radical Feminist Collective in 1974 in *Rape: The First Sourcebook for Women*. It is a term in much use today in discussions about the continuing prevalence of sexual assaults. In the words of feminist journalist Amanda Taub, rape culture is: "A culture in which sexual violence is treated as the norm and victims are blamed for their own assaults. It's not just about sexual violence itself, but about cultural norms and institutions that protect rapists, promote impunity, shame victims, and demand that women make unreasonable sacrifices to avoid sexual assault" ("Rape Culture Isn't a Myth," Vox, Dec. 15, 2014). It leads to victim-blaming ("slut-shaming"), stigmatization of the victim, and the perpetuation of sexist attitudes and leniency for the perpetrator. This in turn discourages survivors from speaking out and so, until recently, created a culture of silence.

According to Women's Studies Professor Maria Bevacqua, who authored *Rape on the Public Agenda* (Northeastern University Press, 2000), by the time of Ronald Reagan's ascendance to the presidency in 1981 the anti-rape movement had "reached the stage of abeyance. Organizations were operating in a 'holding pattern,' devoting energy to maintaining hard-won gains rather than undertaking new challenges to the established order." Rape was no longer the hot issue it had been in the 1970s. In many ways, the existing narratives were left intact.

Rape culture is: "A culture in which sexual violence is treated as the norm and victims are blamed for their own assaults. It's not just about sexual violence itself, but about cultural norms and institutions that protect rapists, promote impunity, shame victims, and demand that women make unreasonable sacrifices to avoid sexual assault"

¹⁰ <https://vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-against-trans-and>



THE SEXUAL ASSAULT NARRATIVES BEFORE #METOO

In 2010 FrameWorks Institute, a progressive communications think tank, published a study commissioned by the National Sexual Violence Resource Center (NSVRC). Titled, “American Perceptions of Sexual Violence,” it reported findings based on a series of interviews with both experts and “average Americans.” The experts, who were identified by the NSVRC, were practitioners working in the field of sexual violence and its prevention. The average Americans were recruited in Los Angeles and Philadelphia by a professional marketing firm to “represent variation along the domains of ethnicity, gender, age, educational background and political ideology.”

FrameWorks found that there were substantial gaps in understanding between the two groups. The experts emphasized that sexual violence impacts all parts of society and that it happens more frequently than most members of the public realize. They explained that perpetrators are “everyday people” who are known and even loved by their victims. According to the experts, one of the primary causes of sexual violence is a culture of unequal power relationships seen to “give people permission” to dehumanize others. In contrast, the nonexperts regarded sexual predators as mentally disturbed or immoral individuals who were molded by “bad upbringing” by their parents. They fell back on the assumption that people are responsible for ensuring their own safety and talked about girls and women needing to “think about” and “choose” the kinds of clothes they wear, the places they go, behaviors such as walking alone, and the company they keep. In these responses are the telltale signs of the acceptance of “rape myths.”

AMERICAN RAPE MYTHS

- ✓ She asked for it.
- ✓ It wasn't really rape.
- ✓ He didn't mean to.
- ✓ She wanted it.
- ✓ She lied.
- ✓ Rape is a trivial event.
- ✓ Rape is a deviant event.

Payne DL, Lonsway KA, and Fitzgerald LF, "Rape Myth Acceptance," *Journal of Research and Personality*, 1999:33, 27–68.

In 1980, psychologist Martha M. Burt published her groundbreaking research on the prevalence of rape myths and their influence on interpersonal violence. She defined rape myths as "prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists." Her hypothesis was that the acceptance of rape myths predisposed individuals to perpetrate sexual assaults. Based on the administration of a Rape Myth Acceptance Scale (RMAS) of her own devising to 600 randomly selected adults, she found that many Americans believed in rape myths. For example, more than half of the individuals agreed that "a woman who goes to the home or apartment of a man" on the first date "implies she is willing to have sex" and that in the majority of rapes "the victim was promiscuous or had a bad reputation." More than half of Burt's respondents agreed that 50 percent or more of reported rapes were reported "only because the woman was trying to get back at a man" or "trying to cover up an illegitimate pregnancy." Burt posited that rape myth acceptance was the link to the prevalence of rape and sexual assault in the United States. Her RMAS is still used today by researchers.

Since that time, a body of interdisciplinary social science research has documented that rape myth acceptance is still pervasive in American society. In a leading journal article surveying the field, the authors conclude:

- "Rape myths, which include elements of victim blame, perpetrator absolution, and minimization or rationalization of sexual violence, perpetuate sexual violence against women. Indeed, research has documented that men's engagement in sexual violence is predicted by rape myth acceptance...rape myths, despite their falsehood, are endorsed by a substantial segment of the population and permeate legal, media, and religious institutions."¹¹
- Recent examples of rape myths in action are legion, but here are just a few:
 - The dismissal of then-candidate Trump's boast about his own sexually assaultive behavior in the *Access Hollywood* recording as "just locker room talk."
 - Rep. Todd Akin's (R-MO) claim in 2012 in a debate over abortion rights that "[i]f it's a legitimate rape, the female body has a way of shutting that whole thing down."
 - A 2014 Forbes.com article by columnist Bill Frezza titled, "Drunk Female Guests Are the Gravest Threat to Fraternities."
 - Fraternity pledges at Yale chanting "No means yes, yes means anal."
 - A judge lectures the victim of a sexual groping incident: "If you wouldn't have been there that night, none of this would have happened to you.... When you blame others you give up your power to change."¹²

¹¹ Edwards KM, Turchik JT, Dardis T, Reynolds N, and Gidycz CA, Rape myths: History, individual and institutional-level presence, and implications for change. *Sex Roles*, 2011:65, 761–773.

¹² <http://archive.azcentral.com/arizonarepublic/news/articles/20120907roberts0908-unbelievable-judge-lectures-abuse-victim.html>

Popular culture transmits and reinforces rape myths through song lyrics, television shows, movies, and, of course, pornography, especially when it depicts violence. Rick Ross raps: “Put molly all in her champagne, she ain’t even know it, I took her home and I enjoyed that, she ain’t even know it.” The role of popular media in reinforcing rape myths has been the subject of research. One study of the effects of certain video games concluded that “a video game depicting sexual objectifica-

tion of women and violence against women resulted in statistically significant increased rape myths acceptance (rape-supportive attitudes) for male study participants but not for female participants.”¹³ A study of the content of popular comic books found that they reinforced rape myths: “Rape myths that were supported included a number of rape survivor, rape perpetrator, and victim blaming myths.”¹⁴

A LITANY OF SCANDALS, 1991–2017

The recurring sex scandals that have rocked the nation over the past 30 years are compelling evidence of the persistent influence of rape myths and rape culture—scandals that have been vigorously reported in the media, to be followed by some reforms, and then pushed into the background. This is the backdrop for what was to become the #MeToo Movement.

SEPTEMBER 1991: The Tailhook Scandal

The Tailhook Association, a fraternal organization for members of the military, held its annual convention at the Las Vegas Hilton. One night, a “gauntlet” of male military officers groped, molested, or committed other sexual or physical assaults and harassment on women who walked through the hotel’s third floor hallway. Ultimately, more than one hundred U.S. Navy and U.S. Marine Corps aviation officers were accused of sexually assaulting eighty-three women and seven men. An investigation by the Department of Defense Inspector General’s Office led to approximately forty naval and Marine officers receiving nonjudicial punishment for “conduct unbecoming an officer.” Three officers were taken to courts-martial, but their cases were dismissed. No officers were disciplined for the alleged sexual assaults.

OCTOBER 1991: The Anita Hill Hearings

In 3 days of televised hearings before the U.S. Senate, law professor Anita Hill described the crude and relentless sexual harassment she had experienced during the time she worked under the supervision of Clarence Thomas, who had been nominated to serve on the Supreme Court. The all-male, all-white Senate Judiciary Committee’s dismissive and offensive treatment of Ms. Hill became legendary. Thomas was elevated to the Supreme Court.

NOVEMBER 1996: The Aberdeen Sex Scandal

The Army opened an investigation into multiple sexual assaults at the Army Ordnance Center and Schools on Aberdeen Proving Ground, Maryland after a female recruit reported an assault. Referred to as “the Army’s Tailhook” and “the Aberdeen rape ring,” twelve drill instructors were charged with sex crimes, including one instructor who was eventually convicted of raping six female trainees. Ultimately, four were sentenced to prison, while eight others were discharged or received nonjudicial punishment.

JANUARY 1998: The Bill Clinton Sex Scandal

The legal and political fallout from the President’s affair with his 24-year-old intern, Monica Lewinsky, would dominate the news for much of the year. Although portrayed as a consensual relationship, Clinton’s behavior and his repeated claims that he “had not had sexual relations with that woman” were emblematic of the unequal power relationships that exist in the workplace and how powerful men can prey upon their subordinates with relative impunity.

JANUARY 2002:

The Boston Globe broke the story about sexual abuse of boys committed by priest John J. Geoghan and the cover-up by the Catholic diocese. This revelation was followed by the public exposure of numerous priests in the United States and around the world who had molested children under their care and supervision.

¹³ Beck, et al., “Violence Against Women in Video Games: A Prequel or Sequel to Rape Myth Acceptance?” *Journal of Interpersonal Violence*, 2012.

¹⁴ Garland et al., “Blurring the Lines: Reinforcing Rape Myths in Comic Books” (*Feminist Criminology*, 2015).

JANUARY 2003: The Colorado Springs Air Force Academy Scandal

An anonymous e-mail to the Air Force chief of staff, members of Congress, and the media alleging that there was a serious sexual assault problem at the Academy that was being ignored by the institution's leadership ignited an investigation by the Air Force's inspector general. The investigation revealed that 12 percent of the women who graduated from the Academy in 2003 reported that they were victims of rape or attempted rape. A survey of 579 women at the academy (out of a total enrollment of 659) found that 70 percent had been the victims of sexual harassment, of which 22 percent said they experienced "pressure for sexual favors."

70% HAD BEEN THE VICTIMS
OF SEXUAL HARASSMENT

NOVEMBER 2011: Pennsylvania State University Scandal

The Penn State scandal broke when Jerry Sandusky, an assistant coach for the university's football team, was charged with 52 counts of child molestation over a period of 15 years. Three Penn State officials were charged with perjury, obstruction of justice, and failure to report suspected child abuse. Sandusky was ultimately convicted on forty-five counts of child sexual abuse and was sentenced to a minimum of 30 years and a maximum of 60 years in prison.

MAY 2011: Delta Kappa Epsilon Suspension

The Yale University chapter of the DKE fraternity was suspended for 5 years after pledges marched through the freshman residential quadrangle chanting "No means yes, yes means anal," "Fucking sluts!" and "I fuck dead women and fill them with my semen" and for carrying a sign that read "We love Yale sluts."

FEBRUARY 2014: University of Michigan Cover-Up

In 2009 a student accused an up-and-coming football kicker, Brendan Gibbons, of rape. She reported the incident to the resident advisor of her dorm, a university housing security officer, campus police, and Ann Arbor police, but nothing was done. Four years later it was revealed that the university had engaged in a cover-up so that Gibbons could continue to play for the school team.

APRIL 2014: Complaints Against Columbia University

Twenty-three Columbia University students filed complaints with the federal Department of Education's Office of Civil Rights charging systematic mishandling of sexual assault claims and mistreatment of victims by the university. They contended that campus counseling services pressured them not to report sexual assault or harassment and that perpetrators were rarely expelled. One of the survivors, Emma Sulkowicz, generated media attention by carrying around a mattress on campus in protest.

JULY 2014: University of Connecticut Settles Case

It was announced that the University of Connecticut would pay \$1.28 million to settle a lawsuit filed by five students who charged that the university had treated their claims of sexual assault and harassment with indifference. The university denied any wrongdoing. None of the men accused in the complaint faced criminal charges. One accused rapist was expelled, but his expulsion was appealed and he was permitted back on campus.

NOVEMBER 2014: Bill Cosby Survivors Speak Out

After stand-up comedian Hannibal Buress called out Cosby as a rapist during a Philadelphia performance, numerous women describe being drugged and raped by him. Eventually, nearly sixty women accused him of sexual assault over a period of 30 years. The criminal investigation, trials, and conviction in Pennsylvania generated enormous press coverage.

OCTOBER 2016: Access Hollywood Tape

On October 7, during the run-up to the presidential election, *The Washington Post* published a video and accompanying article about candidate Donald Trump's comments to *Access Hollywood* TV show host Billy Bush in 2005. In the video, Trump described his attempt to seduce a married woman and indicated he might start kissing a woman that he and Bush were about to meet. He added, "I don't even wait. And when you're a star, they let you do it. You can do anything.... Grab them by the pussy. You can do anything."

APRIL 1, 2017: Bill O'Reilly Settlements

The New York Times broke the story that Fox News had reached settlements with six women who had worked for him or appeared on his show totaling \$45 million and dating to 2002. The news came out in spite of the nondisclosure agreements each woman was compelled to sign. O'Reilly was ousted from Fox News.

OCTOBER 5, 2017: The Outing of Harvey Weinstein

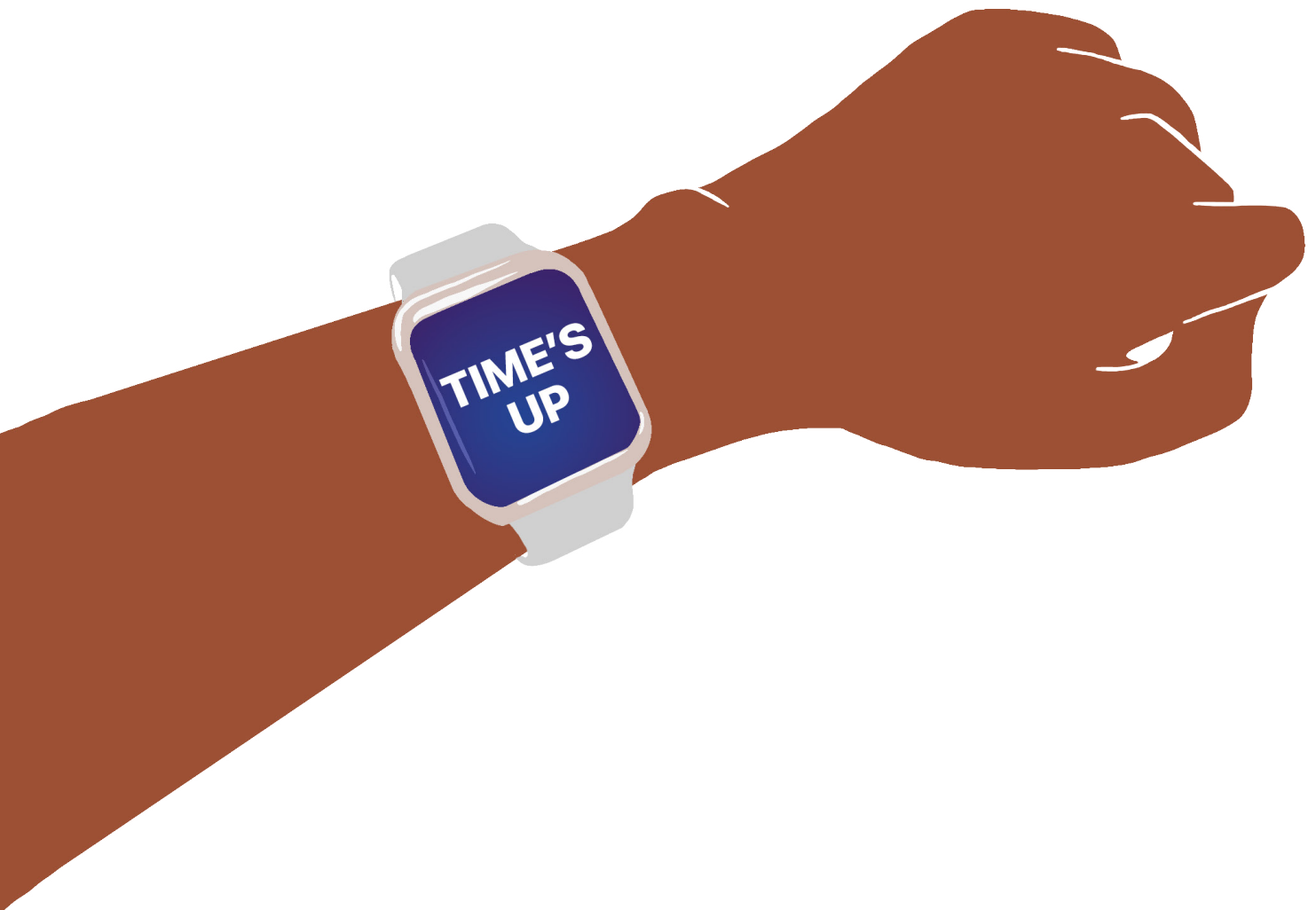
The *New York Times* ran the story investigated by reporters Jodi Kantor and Megan Twohey, "Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades." It included quotes from several of his victims, including actress Ashley Judd, and described how his misconduct had been tolerated and kept hidden by his company's inner circle. Two days later he was fired by his own company.

OCTOBER 10, 2017: The Weinstein Scandal Deepens

The *New Yorker* published Ronan Farrow's investigative report, "From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories." Based on interviews with thirteen women who Weinstein had harassed or assaulted, the article described how Weinstein and his associates used nondisclosure agreements, payoffs, and legal threats to suppress their accounts.

OCTOBER 15, 2017: #MeToo

In a tweet titled Me Too, actress Alyssa Milano wrote: Suggested by a friend: "If all the women who have been sexually harassed or assaulted wrote 'Me too.' as a status, we might give people a sense of the magnitude of the problem." By 3:21 p.m. that day, 90,400 people were "talking about this."



THE ORIGINS OF ME TOO

The scandals that erupted during the 1990s, 2000s, and 2010s in hotspots like the military and college campuses or that involved well-known perpetrators received extensive media coverage and led to some ameliorative policies and actions. In 1994 the Violence Against Women Act was signed into law by President Bill Clinton, providing federal funding for investigation and prosecution of crimes against women. In 2004 the Congressional Women's Caucus held a hearing on the military's handling of sexual assault cases, which led to the introduction of the Military Justice Improvement Act. And in 2014, President Obama formed the White House Task Force to Protect Students from Sexual Assault. But still hidden from view and unaddressed was another scandal: the large number of sexual assaults against women and girls of color in low-wealth communities and the desperate lack of resources and services for the survivors of those assaults. Enter Tarana Burke.

Tarana Burke is an activist from the Bronx, New York who is herself a survivor of sexual violence. In 2003 she began working with an afterschool program for Black girls aged 12 to 18 in Philadelphia and was struck by how many of them were traumatized by sexual assaults they had experienced. In her own words, she "set out to bring healing to the Black and Brown girls in my community while raising awareness about the trauma they faced, and the lack of protections made available to them." In 2006 she founded a nonprofit organization called Me Too. Burke's goal was to center survivors in their own healing journeys, to create community, and work "to interrupt sexual violence in a real way."

On the day of the Milano tweet Burke began receiving phone calls and e-mails from friends telling her that the MeToo hashtag was all over social media. "I didn't really tweet; I wasn't a tweeter." Burke said. In an interview with *Teen Vogue* she described her initial reaction:

"I really did feel protective at first. Are people going to take my stuff and they are not going to give it back? I thought if this goes out into the world, nobody's going to believe a 44-year-old Black woman from the Bronx started this or was using this language.... but Alyssa got word pretty quickly and she reached out to me the next day. She sent me a message, 'What can I do to amplify your work?'"

This fortuitous confluence of a celebrity-driven social media campaign with an existing social justice-oriented, Black-led movement would be the catalyst for shifting the narrative about sexual violence in America.

#METOO

The Milano tweet opened the floodgates and demonstrated, for the first time, the force and power social media was able to inject into the framing of sexual violence. The phrase "Me too" was used more than 200,000 times by the end of the first day and had been tweeted more than 500,000 times by the next day, October 16. On Facebook, the hashtag was used by more than 4.7 million people in 12 million posts during the first 24 hours. By October 17 it had become headline news all over the country:

- #MeToo Floods Social Media With Stories of Harassment and Assault, *New York Times*
- Mich. women call out sexual harassment, *Detroit Free Press*
- #MeToo Campaign Empowers Women in Pittsburgh to Join Movement, *Pittsburgh Post-Gazette*
- 'Me too' campaign gains ground as safe space for stories of harassment, *The San Francisco Chronicle*
- Oklahomans say #MeToo, *The Oklahoman*

By the end of the first week, 1,595,453 tweets were posted, and the numbers continued to soar. The hashtag went global, with tweets from 85 countries posted by October 27. As noted in a 2018 report produced by *The Opportunity Agenda*, between October 2017 and September 30, 2018, more than 27 million online posts with specific references to “Me-Too,” “me too,” “me too movement,” and other variants were generated (The Opportunity Agenda, 2018). The vast majority of content in this first year of widespread online engagement focused on Harvey Weinstein, and sexual violence within the entertainment industry more broadly. An exploration of key phrases generated between October 2017 and September 2018 shows a strong association between revelations of sexual harassment experienced by high-profile women within the entertainment industry and overall discourse related to #MeToo (Figure 1).

NAME	TOTAL	TOP PEAK	PERCENT OF TOTAL
Women	1,035,240	141,716	17%
MeToo Movement	726,138	180,343	12%
Sexual Assault	558,450	97,959	9%
Trump	483,879	136,567	8%
MeToo and TimesUp	431,990	190,931	7%
Saying MeToo	376,304	87,087	6%
MeToo Stories	352,652	83,244	6%
Sexual Harassment	337,008	69,918	6%
Hollywood	273,552	170,817	5%
Men and Women	209,191	52,265	4%
Trump’s Sexual Assault	160,106	63,614	3%
Person of the Year	138,570	97,757	2%
Harvey Weinstein	126,498	44,420	2%
MeToo in 2017	124,017	39,051	2%
Sexual Abuse	114,117	20,082	2%

FIGURE 1: Key Word Trends: October 2017–September 2018

Despite this early focus on the culture of sexual violence within Hollywood, data from a variety of sources have revealed a strong correlation between the initial viral proliferation of #MeToo and wider narrative and cultural change. For instance, traffic to the U.S. Equal Employment Opportunity Commission’s page about sexual harassment saw a significant spike beginning in October 2017, when a total of 66,625 unique visitors came to the website, more than double the number of visitors from the previous month.¹⁵



SOURCE: The U.S. Equal Employment Opportunity Commission | Graphic: Jiachuan Wu / NBC News

FIGURE 2: Traffic to the U.S. Equal Employment Opportunity Commission

¹⁵ Chiwaya, Nigel, “New data on #MeToo’s first year shows ‘undeniable’ impact,” NBC News, October 2018, https://www.nbcnews.com/news/us-news/new-data-metoo-s-first-year-shows-undeniable-impact-n918821?cid=sm_npd_nn_tw_ma

A similar pattern is observed in the national and local news media, with a clear correlation between increased discussion of #MeToo and a dramatic increase in news media coverage of sexual assault, harassment, and related topics. While overall coverage related to sexual violence had begun to increase in 2013, between 2016 and 2017, news media coverage of sexual violence saw a 65 percent increase as a direct result of #MeToo (see *Figures 3 and 4*).

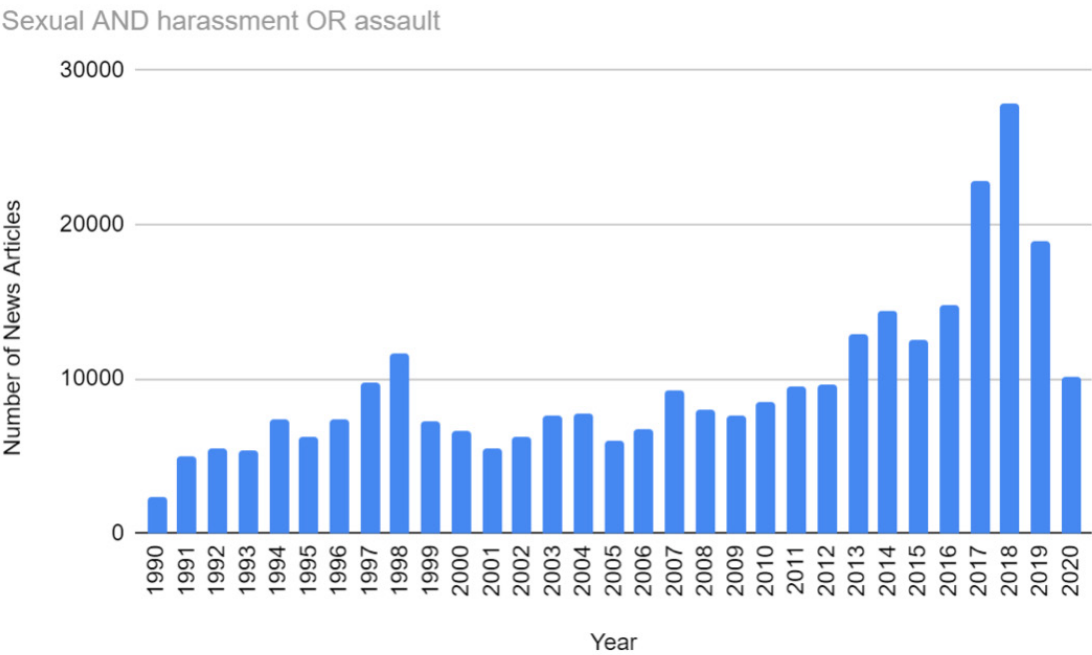


FIGURE 3: National & Local News Media Coverage: Sexual Harassment and Assault: 1990–2020

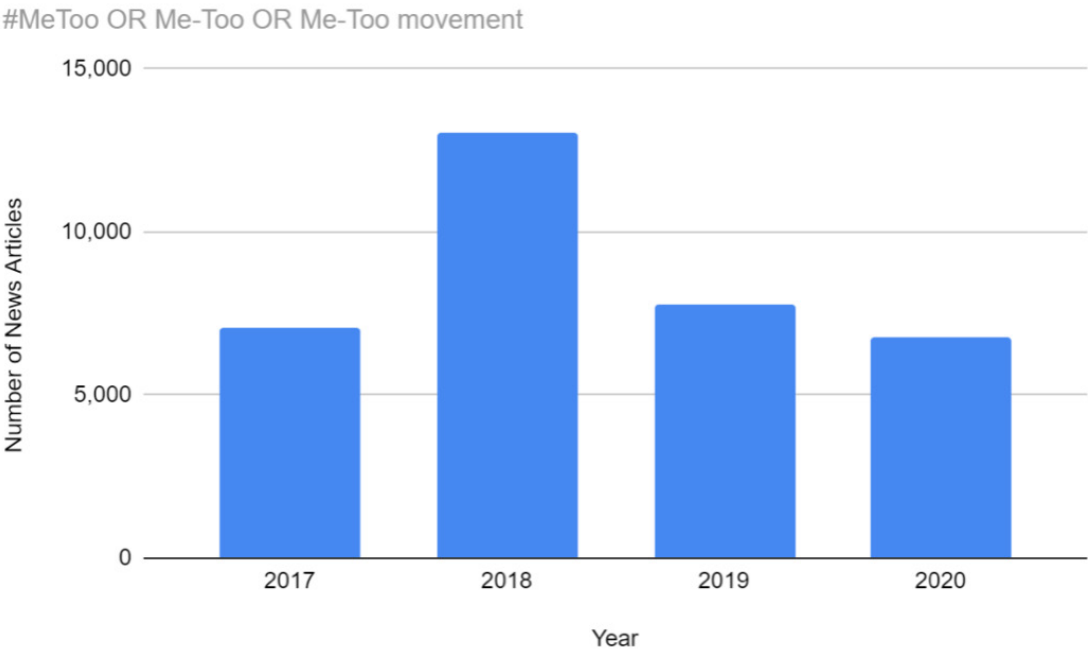


FIGURE 4: National & Local News Media Coverage: #MeToo Movement: 2017–2020

Far from being restricted to the high-profile women, the culture of silence that had shrouded sexual violence in secrecy was ended as millions of women (and men) shared their long-buried experiences. This, in itself, was a momentous narrative shift. In Alyssa Milano’s words, the response gave people “a sense of the magnitude of the problem,” and the ground shifted.

#MeToo allowed survivors of sexual assault to reclaim their formerly “stigmatized narrative.” Past surveys have shown that up to 40 percent of women never disclosed to anyone, and of those who did, most confided only in a close friend. Scholars explain that:



Stigmatization depends on an implicit collective enforcement of the boundaries between public and private. Pregnancy loss, sexual assault, domestic violence, and other issues experienced by women have a long history of being excluded from the public sphere by being deemed private matters. Women who do choose to disclose publicly risk reactions of disbelief or worse, blame. Blaming survivors of sexual violence discourages further disclosures, effectively chilling the collective narrative of those who have been sexually harassed and assaulted. The totality and consequences of social stigma against disclosures of sexual violence paint a bleak picture of a culture where sexual violence against women is not recognized as the pervasive public health issue which it is.”¹⁶

Through survivors’ access to social media, this previously hidden “collective narrative” was able to break through the “chill.” As one scholar put it, “Digital spaces create perpetual conversations, especially for marginalized folk who use social media as an access point they are often denied in live communication.”¹⁷ Once those “perpetual conversations” reach a size and level of intensity that cannot be ignored by the mainstream media, they pose a counternarrative that has the capacity to capture the general public’s attention.

The term “hashtag activism” first appeared in news coverage in 2011 to describe the creation and proliferation of online activism stamped with a hashtag. It has been critiqued as “slacktivism” because it enables participants to feel that they have done something good when all they have done is make the minimal effort of clicking “like” to show support. Because of “slacktivism,” critics assert that social media movements rarely manifest in the physical world as actual protest movements. But in certain circumstances, social media in general, and Twitter in particular, can lead to a firestorm of political action and activity.

In their book *#Hashtag Activism: Networks of Race and Gender Justice*, communication scholars Sarah Jackson, Moya Bailey, and Brooke Foucault Welles argue for:



the importance of the digital labor of raced and gendered counter-publics. Ordinary African Americans, women, transgender people, and others aligned with racial justice and feminist causes have long been excluded from the elite media spaces yet have repurposed Twitter in particular to make identity-based cultural and political demands, and in doing so have forever changed national consciousness. From #BlackLivesMatter to #MeToo, hashtags have been the lingua franca of this phenomenon.”

It is fair to say that #MeToo has been one of the most, if not the most, successful example of hashtag activism to date. The early participation of celebrities with their huge numbers of Twitter followers was a major factor, but so too was the fact that the pump had been primed by earlier online efforts to bring attention to the issue of sexual violence:



The #MeToo boon was made possible by its predecessors and by the digital labor, consciousness raising, and alternative storytelling done by #YesAllWomen, #SurvivorPrivilege, #WhyIStayed, #TheEmptyChair, and many other hashtags and conversations about gendered violence that were pushed into visibility by women and their allies on Twitter.”¹⁸



From #BlackLivesMatter to #MeToo, hashtags have been the lingua franca of this phenomenon.”

¹⁶ Ryan Gallagher, Elizabeth Stowell, Andrea G. Parker, and Brooke Foucault Welles. “Reclaiming stigmatized narratives: The networked disclosure landscape of #MeToo.” *Proceedings of the ACM on Human-Computer Interaction*. November 2019:96. <https://doi.org/10.1145/3359198>

¹⁷ Carly Gieseler, *The Voices of #MeToo: From Grassroots Activism to a Viral Roar* (Lanham, MD: Rowman & Littlefield, 2019).

¹⁸ Sarah J. Jackson, Moya Bailey, Brooke Foucault Welles, *#Hashtag Activism: Networks of Race and Gender Justice* (Cambridge, MA: The MIT Press, 2020).



In the ensuing days, weeks, and months survivors' stories continued to reverberate in both traditional and social media. Three days after the Milano tweet, gymnast McKayla Maroney tweeted about her sexual assault at the hands of Larry Nassar, USA Gymnastics national team doctor at Michigan State University. After that, more than 150 others came forward and shocked the nation with their stories of abuse by Nassar when they were young gymnasts. The issue was kept alive by a steady stream—some might say cascade—of accusations against men, many of them celebrities, politicians, or titans of industry, who then resigned, were fired, or were replaced. An incomplete list for the last quarter of 2017 includes:

OCTOBER

Chris Savino, creator of Nickelodeon's *The Loud House*; Mark Halperin, political journalist; Cliff Hite, Ohio state senator; Kevin Spacey and Andy Dick, actors; Michael Oreskes, head of news at NPR; Roy Price, head of Amazon Studios.

NOVEMBER

Don Shooter, Arizona state representative; Dan Schoen, Minnesota state senator; Louis C.K., comedian and producer; Tony Mendoza, California state senator; Andrew Kreisberg, executive producer of superhero dramas; Steve Lebsock, Colorado state representative; Jeff Kruse, Oregon state senator; Senator Al Franken (D-MI); David Sweeney, chief news editor at NPR; Charlie Rose, television host; Matt Lauer, television news anchor.

DECEMBER

James Levine, conductor at the Metropolitan Opera; Peter Martins, ballet master in chief, New York City Ballet; Lorin Stein, editor of *The Paris Review*; Matt Manweller, Washington State representative; Leonard Lopate, host on New York Public Radio; Jerry Richardson, owner of the Carolina Panthers NFL team; Trent Franks, U.S. Representative for Arizona; John Moore, Mississippi state representative.

Time Magazine named “the Silence Breakers,” the men and women who spoke about their experiences with sexual misconduct, as Person of the Year in 2017. On January 1, 2018 the Time's Up initiative was announced. Spearheaded by 300 women working in entertainment, its mission statement says:



By helping change culture, companies, and laws, TIME'S UP Now aims to create a society free of gender-based discrimination in the workplace and beyond. We want every person—across race, ethnicity, religion, sexuality, gender identity, and income level—to be safe on the job and have equal opportunity for economic success and security.”

On January 7, actors and actresses participated in a red carpet “blackout” by wearing black gowns and Time’s Up pins at the Golden Globe awards and Tarna Burke was introduced to the world. On January 20, millions participated in the second annual Women’s March. On March 4, #MeToo and Time’s Up came to the Oscars and Annabella Sciorra, Ashley Judd, and Salma Hayek, three of Weinstein’s many accusers, spoke of the movements and the changes they hoped to see take place in Hollywood and beyond. On April 16, Jodi Cantor and Megan Twohey of the *New York Times* and Ronan Farrow of the *New Yorker* won the Pulitzer Prize for public service for their investigation of Harvey Weinstein and company.

The ferocity of the movement and the speed with which powerful (and not so powerful) men were being toppled from their positions led to a backlash from both the left and the right. In a piece entitled, “It’s Time to Resist the Excesses of #MeToo,” conservative commentator Andrew Sullivan dismissed it as a “moral panic” that would “at some point exhaust itself.” “Po-

litically Incorrect” Bill Maher worried that “fragile” millennials were “going to bleed what is so great out of life” by being oversensitive. Contrarian feminist Katie Roiphe published “The Other Whisper Network” in *Harper’s Magazine* in which she accused “the feminist moment” of #MeToo of “great, unmanageable anger... that can lead to an alarming lack of proportion.” Many other articles of similar ilk were published in the early months of the movement, along with responses from equally passionate defenders. But these controversies did not alter the narrative shift’s inexorable advance, at least among women. According to a Vox-commissioned survey conducted in March 2018, 71 percent of women under the age of 35 and 68 percent of women age 35-plus said they supported #MeToo.

Feminist legal scholar Catharine MacKinnon, who was the architect of interpreting sexual harassment in the workplace as a form of sex discrimination prohibited by federal law, has described #MeToo as “a cataclysmic transformation” that is “shifting gender hierarchy’s tectonic plates.” Because of #MeToo:



Sexual abuse was finally being reported in the established media as pervasive and endemic rather than sensational and exceptional.... Sexual abuse is being unearthed in every corner of society—sports as well as entertainment, food as well as finance, tech and transportation as well as employment and education, children as well as adults. As staggering as the revelations have been to many who failed to face the long-known real numbers, the structural place of this dynamic has only begun to be exposed”¹⁹

Because of #MeToo, the conversation began to change.

#METOO IN THE NOW: ONLINE DISCOURSE 2018–2020

While Harvey Weinstein and the entertainment industry played a central role in propelling #MeToo into a global movement, an analysis of more recent data highlights the longer-term impact of the initial hashtag, specifically the tensions that have emerged as discourse has become increasingly politicized across party lines.

Between September 2018 and October 2020, a further 5 million unique social media posts were generated referring to “me too” or the “me too movement” in the United States, highlighting the continued momentum of the movement and hashtag. As seen in Figure 5, the significant spike in engagement driven by the Brett Kavanaugh confirmation hearing in October 2018 was a pivotal point in terms of the volume of online discourse, with commentary around the hearing generating 867,000 posts from nearly 300,000 unique authors.

¹⁹ Where #MeToo Came From, and Where It’s Going, *The Atlantic*, March 24, 2019.

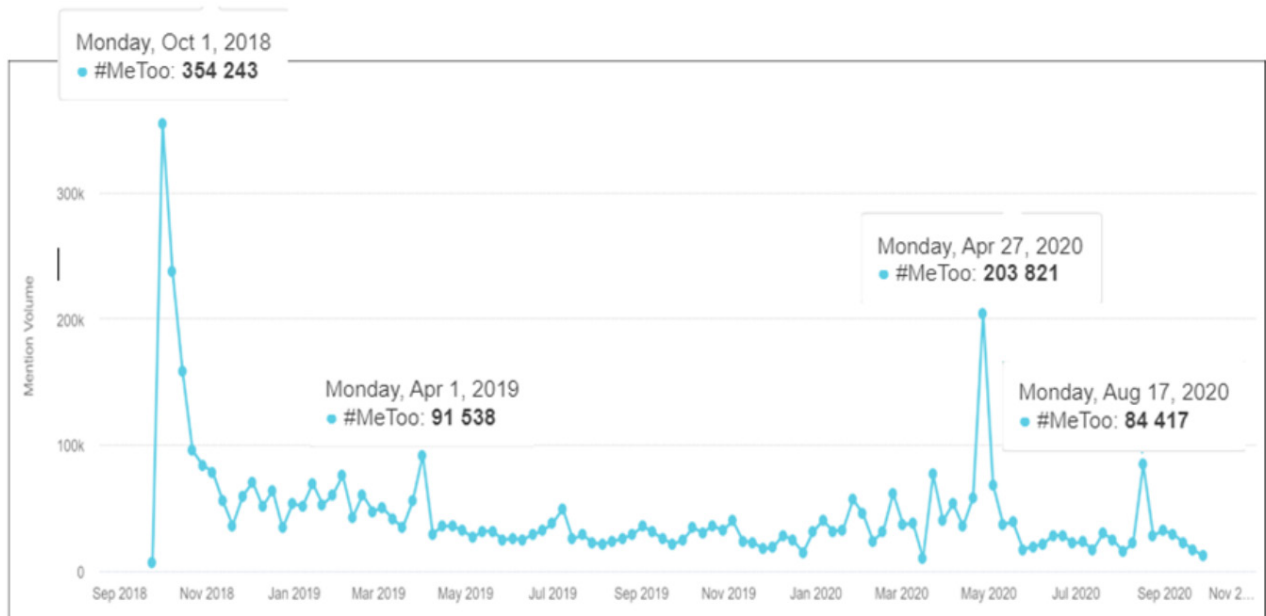


FIGURE 5: #MeToo Volume Trends: Sept. 2018–Oct.2020

Alongside generating a significant volume of social media content, online commentary around Brett Kavanaugh singled an important turning point in focus of online discourse related to #MeToo. Since the end of October 2018, #MeToo experienced three additional spikes in online engagement:

- **April 1, 2019:** Following widespread media coverage of Lucy Flores’s and Amy Lappos’s accusations of sexual harassment against Joe Biden
- **April 27, 2020:** Widespread media coverage of Tara Reade’s allegations of sexual harassment against Joe Biden
- **August 17, 2020:** Controversy following Bill Clinton’s presence at the Democratic National Convention

All three spikes in engagement were linked by a central theme—that is, the growing partisanship with which discussions of sexual violence and belief of survivors appears to be governed. The visualization of the top topics/phrases to dominate social media discourse between September 2018 and October 2020 (Figure 6) highlights how political figures accused of sexual assault and harassment have become a prominent feature of online discourse. In addition to Kavanaugh, “Trump,” “President,” “Senate,” and “Biden” appear as some of the most prominent topics of focus in overall online discourse related to #MeToo within the same timeframe.

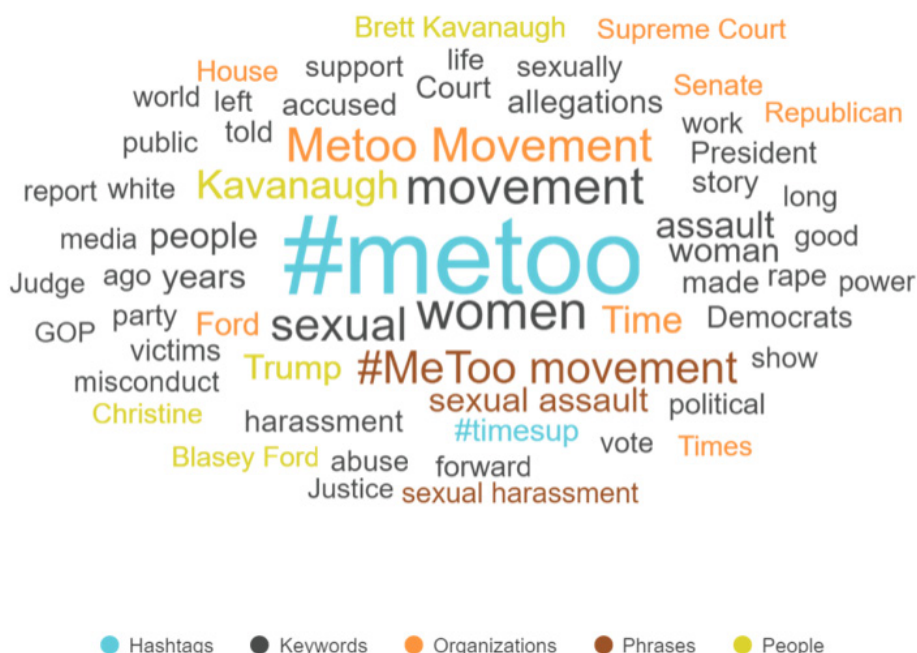


FIGURE 6: Top Online Topics and Phrases Related to Me Too: September 2018–October 2020

The more prominent focus on high-profile political figures is just one example of how #MeToo discourse online has become increasingly muddled by those seeking to discredit political opponents. It also points to the tension between the heightened calls to “believe survivors” and the continued concessions made for powerful men, particularly when the belief or disbelief in a survivor intersects with political affiliation. This tension is clearly seen in the discussions of accusations facing now President Joe Biden. While opinion of #MeToo has always been split across party lines (in a May 2018 poll by Morning Consulting, 81% of Democrats said they backed the movement, compared with 54 percent of Republicans),²⁰ the commentary surrounding Tara Reade has been largely shadowed by partisanship.

While these attempts to co-opt the movement for political purposes have become a prominent feature of online discourse since 2018, online data also indicate that a large portion of women continue to engage with #MeToo as an avenue to challenge the culture of sexual violence. *Figure 7* visualizes the phrases commonly found within mentions according to association with male or female authors.²¹ Between 2018 and 2020, identifiable female authors were significantly more likely than their male counterparts to mention “times up,” “sexual violence,” and “sexual harassment” in relation to #MeToo. At the same time, identifiable male authors were more likely to mention “Bernie,” “Biden,” and “Democratic Party” in relation to #MeToo than their female counterparts, reflecting the differing priorities, and more partisan motivations, of many male authors.



FIGURE 7: Key Phrases Used by Female or Male Authors: Sept. 2018–Nov. 2020

Key Word	% of Content Using Key Word Attributed to Female Authors	% of Total Content Using Key Word Attributed to Male Authors
Sexual violence	65	35
timesup	62	39
Sexual harassment	56	45
Blasey Ford	54	47
Bill Clinton	54	47
Kavanaugh	53	48
Bernie	47	54
Biden	45	56
Democratic Party	44	57
Tara Reade	42	59

TABLE 1: Key Phrases Used by Female or Male Authors: Sept. 2018–Nov. 2020

²⁰ <https://fivethirtyeight.com/features/are-americans-more-divided-on-metoo-issues/>

²¹ It is important to note significant limitations of these data. First, the data do not account for non-gender binary individuals. Also, gender identification is based on self-identification and is likely to be skewed by bots, dummy accounts, and misidentification.

While the longer-term impact of this global movement is yet to be realized, because of #MeToo, the conversation began to change.

BEFORE #METOO

Sexual assault is rare, is usually between strangers, and happens in back alleys

Only violent acts constitute sexual assault

Perpetrators are deviant, immoral, exceptional

Victims bring it upon themselves; women ask for it

Women/victims lie

Get over it; it's in the past; not worth ruining a man's life over

Sexual violence is a problem of individuals

AFTER #METOO

Sexual assault is common, is usually between people who know each other, and happens in workplaces, on campuses, and in homes

Sexual assault can be verbal, emotional, even casual (i.e., workplace harassment)

Perpetrators are ordinary people who live among us and include prominent and well-respected people and people in positions of authority

Perpetrators wrongly believe they are entitled to ignore nonconsent

Survivors tell the truth

It matters; life-long trauma; take note!

Sexual violence is a social, cultural problem; institutions breed a "rape culture"

Because of #MeToo, new organizations were birthed and the donor community stepped up to provide the resources needed to create, propagate, and reify a new narrative about sexual violence in America.

THE SURVIVORS' AGENDA

On June 25, 2020, in the midst of both the coronavirus pandemic and the Black Lives Matter protests over the police murder of George Floyd, an online panel discussion was held to announce the launch of [Survivors' Agenda](#), whose mission statement reads:



In October 2017, the world shifted as millions of people raised their hand to say 'me too.' This shift has impacted the personal lives of millions, and entered the cultural zeitgeist in an unpredictable and unprecedented way. Two years later, we are still experiencing the ripple effects of the moment, and shifting into how a movement is born from its wake. The Survivors' Agenda Initiative is about building power **and changing the conversation**—especially for those most marginalized and kept down by the structural oppressions of our society.”²²

With more than 700 participants in virtual attendance, six leaders representing organizations that represent women of color spoke.²³ Emphasizing the need for an intersectional approach that recognizes the various forms of “interlocking oppression” people of color and other marginalized people face, their remarks embrace the components of a bold new narrative about sexual violence in America from which four main pillars emerge.

²² Emphasis added.

²³ They were Nikita Mitchell, Rising Majority; Ai-jen Poo, National Domestic Workers Alliance; Monica Ramirez, Justice for Migrant Women; Tarana Burke, 'me too'; Michelle Grier, Girls for Gender Equity; and Fatima Goss Graves, National Women's Law Center.

THE FOUR PILLARS OF A NEW NARRATIVE

Listen to and believe survivors.



So many survivors have been speaking out and organizing, and we're still struggling to have our voices heard. And the dominant narrative still blames us and shames us at worst, or, at best defines us as victims without power, without agency and without leadership capacity. And so that means that when these solutions get developed, if they get defined, it's too often without us. And so the only thing that really shifts that dynamic is us organizing as survivors together, building our power together. And that's what this is all about."

AI-JEN POO

Survivors come from diverse backgrounds; the most marginalized voices must be included and amplified.



People of color, Black people and other marginalized groups feel unseen; not in the mainstream. We don't see ourselves in the media or on the news unless it's to benefit the media.... We are prioritizing the most marginalized. This work is being led by folks who represent those groups. And it's in our principles to uplift and amplify those voices. It's not just survivors that don't get heard, but as you add the intersections of who we are as survivors: disabled, queer, veteran, I mean you can go down the list of people whose voices get pushed to the side."

TARANA BURKE

Surviving sexual violence can lead to a lifetime of trauma; it is a public health crisis and survivors need and deserve respect and help.



Violence is not just between white men in uniforms and folks on street corners. Violence also looks like intimate partner violence, domestic violence, and sexual abuse. It also looks like the intimate ways that it lives in our home, in our communities. We understand that sexual abuse is a public health crisis. Too long it has been told that it is a personal issue. But we are here saying that it is a public health crisis.... What do we need to feel safe, loved and cared for by our communities and by lawmakers?"

NIKITA MITCHELL

The culture must change; institutions must be held accountable; new systems must be created.



When we consider the kinds of systems that have to exist to eradicate sexual violence, it's an exercise in thinking about what are the changes that have to be made within the systems, and also re-imagining what justice and safety look like.... What is a system that promotes healing? What are the systems that promote prevention? And what are the kinds of teachings that we're offering to people so that we can create a new world that is free of violence? When it comes to the eradication of violence, we have to acknowledge the fact that there are power imbalances that have allowed people to perpetuate violence without any accountability.... So, when we think about gender inequality and the ways in which we have sexual violence happening in the workplace, it's because people think they can wield power over survivors. That exists because of systems of discrimination and inequality."

MONICA RAMIREZ

CONCLUSION



The stories that we are trying to undo are longstanding and extraordinarily deeply embedded and it's going to take a while to uproot them. I'm optimistic because we're in the middle of tightening and weaving together a new story and it's through activism and engagement that we will open people's minds to something different. But it would be wrong to suggest that we are not still grappling with old tropes like survivors lie and this being an individual, not a societal, problem. We are grappling with these old tropes every day across the nation."

FATIMA GOSS GRAVES,

President and CEO of the National Women's Law Center

Two significant events in the midst of #MeToo showed the continuing power of rape myths on the one hand and the public's changing consciousness about the realities of sexual violence on the other. In September 2018 a woman named Christine Blasey Ford accused Supreme Court nominee Brett Kavanaugh of a sexual assault committed when they were teenagers. In a tumultuous televised Senate hearing, Blasey Ford was interrogated by a seasoned female sex crimes prosecutor hired by the all-male Republicans on the Senate Judiciary Committee "as an appropriate reflection of the seriousness" of the hearing. Democrats on the committee complained that having a prosecutor rather than a committee member doing the questioning gave the impression Blasey Ford was on trial, and indeed the questions posed were geared toward undermining her credibility.²⁴ Kavanaugh's testimony was described by one reporter as "a combination of anger and pathos" during which he lashed out at Democrats and what he called a "grotesque and co-ordinated character assassination," warning darkly, "what goes around comes around."²⁵ The Senate's very partisan vote to elevate this man to the highest court could be described as a classic case of rape myth acceptance.

In contrast, the jury's conviction of Harvey Weinstein in February 2020 showed that people are ready, willing, and able to reject longstanding rape myths. Weinstein's defense made much of the fact that some of the women who testified against him had maintained a relationship with him after the assault occurred, arguing that would never have happened if there had really been nonconsensual sex. But the prosecutors called veteran forensic psychiatrist Dr. Barbara Ziv, who had testified at Bill Cosby's criminal trial the year before. Through her expert testimony she exposed and undermined a number of rape myths and explained to the jury that the failure to report a rape and the maintenance of contact with the perpetrator after the assault did not support Weinstein's claims that the acts of which he was accused were consensual. She testified that it was very rare for a woman who has been sexually assaulted by someone she knew—which is the case in 85 percent of rapes—to tell others about it. It is rarer still for her to report the crime to the police. And she testified that victims typically do continue contact with their perpetrator, including texting, calling, and even having a relationship with their rapist. On February 24, the jury found Weinstein guilty, and a month later he was sentenced to 23 years in prison. Headlines emphasized the historical significance of the conviction:

- Harvey Weinstein sentenced to 23 years in prison in landmark #MeToo case, NBC News
- Harvey Weinstein's sexual assault and rape convictions marked a major #MeToo moment, CNN
- Weinstein faces sentencing, prison in landmark #MeToo case, AP

Will this new movement against sexual violence succeed where its precursors have not? Much will depend on its efforts to bring about narrative shift, and in this regard, there is reason to be hopeful. Narrative shift is an explicit goal of #MeToo: "We are about strategizing action to disrupt rape culture, and shifting the narrative to bring these conversations into the powerful spaces where change happens."²⁶ With its focus on how different forms of oppression intersect because of oppressive systems, this movement has the potential to bring about the fundamental change necessary to minimize the public health threat that is sexual violence in America.



We are about strategizing action to disrupt rape culture, and shifting the narrative to bring these conversations into the powerful spaces where change happens."

²⁴ <https://www.cnbc.com/2018/09/25/republicans-hire-female-sex-prosecutor-to-grill-kavanaugh-and-accuser-ford.html>

²⁵ <https://www.bbc.com/news/world-us-canada-45660297>

²⁶ me too. *Impact Report 2019*, p. 8

CASE STUDY 5

GUN POLITICS AND NARRATIVE SHIFT

Gun violence in America claims 38,000 lives every year—an average of 100 per day—and the proliferation of firearms is astronomical. It is estimated that there are 393 million guns in circulation in the United States.¹ Americans are twenty-five times more likely to be killed in a gun homicide than people in other high-income countries. For decades, the National Rifle Association (NRA) has successfully obstructed the passage of laws restricting gun ownership in any way. So successful have its efforts been that for years the NRA has been dubbed by the media as “the most powerful lobby in America,” a mantle the organization has worn with pride. Its “scorecard,” in which the NRA grades politicians from A to F depending on their responses to a candidate questionnaire, alongside the millions of dollars it spends on federal and state election campaigns, have, until recently, effectively muzzled lawmakers. This is in spite of the fact that a majority of Americans favor stricter gun laws.² One resulting dominant narrative has been that any politician who crosses the NRA will lose their bid for election or reelection.

The power of this narrative was on display in 2013 after the Sandy Hook tragedy in which twenty young children and six adults were murdered in their elementary school. Public support for a federal law to require universal background checks for all gun sales stood at 90 percent, but a modest bipartisan bill to that effect introduced by Senators Manchin (D-WV) and Toomey (R-PA) failed to pass after the NRA announced its opposition and sent an e-mail to all senators warning them the organization would “score” their vote; a vote in favor of the bill would negatively affect their NRA rating and lead to retaliation in their next election from an influential and united segment of their constituency: NRA members and supporters.

2013 was also a year in which there were stirrings of a new grassroots gun safety movement that would begin to challenge and disrupt the expectations around the NRA’s power and consequently the old narrative. This case study describes the ongoing shift that is taking place around one of the most controversial issues facing the country.

METHODOLOGY

INTERVIEWEES:

- **Clark Neily**, libertarian attorney behind the Heller lawsuit, Vice President for Criminal Justice, Cato Institute
- **Robyn Thomas**, Executive Director, Giffords Law Center
- **Lori Haas**, Senior Director of Advocacy, National Coalition to Stop Gun Violence
- **Josh Horwitz**, Executive Director, National Coalition to Stop Gun Violence

OTHER SOURCES CONSULTED:

- **Chris Murphy**, *The Violence Inside Us: A Brief History of an Ongoing American Tragedy*. Random House, 2020.
- **Michael Waldman**, *The Second Amendment: A Biography*. Simon & Schuster, 2014.
- **Shannon Watts**, *Fight Like a Mother: How a Grassroots Movement Took on the Gun Lobby and Why Women Will Change the World*. Harper One, 2019.
- **Adam Winkler**, *Gun Fight: The Battle Over the Right to Bear Arms in America*. W.W. Norton & Company, 2013.

¹ Gun sales hit a record high during the pandemic and Black Lives Matter protests. Three million more guns than usual had been sold as of July 2020, and first-time buyers were driving the increase. <https://www.npr.org/2020/07/16/891608244/protests-and-pandemic-spark-record-gun-sales>

² According to the Gallup Poll, 57 percent of Americans favored stricter gun laws in 2020. Note that this figure tends to rise and fall with news of mass shootings. For example, in 2018, the year that saw the killing of seventeen students and faculty members at Marjory Stoneman Douglas High School in Parkland, FL and the public outcry that followed, 67 percent favored stricter gun laws. <https://news.gallup.com/poll/1645/guns.aspx>

MEDIA AND SOCIAL MEDIA RESEARCH

To identify media trends, we developed a series of search terms and used the LexisNexis database, which provides access to more than 40,000 sources, including up-to-date and archived news. For social media trends we utilized the social listening tool Brandwatch, a leading social media analytics software that aggregates publicly available social media data.

BACKGROUND

The national debate over gun policy did not really begin until the 1970s. Before that, the National Rifle Association, which was founded in 1871 to promote gun safety and marksmanship among gun owners, did not actively oppose government regulation. The slogan prominently posted in 1958 on its then new headquarters in Washington, D.C., stated the organization's mission succinctly: FIREARMS SAFETY EDUCATION, MARKSMANSHIP TRAINING, SHOOTING FOR RECREATION. But elements within the NRA began to press for a more political role after Congress passed the Gun Control Act of 1968, the first federal gun control law in 30 years. The law was passed in the wake of the assassinations of Robert F. Kennedy and Martin Luther King, Jr., and the wave of civil disturbances that then swept the country. It banned gun shipments across state lines to anyone other than federally licensed dealers, banned gun sales to "prohibited persons" (felons, the mentally ill, substance abusers, and juveniles), and expanded the federal licensing system.

When the Gun Control Act was adopted, Franklin Orth, the executive vice president of the NRA, stood behind it. According to Orth, while certain features of the law "appear unduly restrictive and unjustified in their application to law-abiding citizens, the measure as a whole appears to be one that the sportsmen of America can live with."³ But some rank and file members rankled not only at the new law, but also at the very idea of gun control. Adam Winkler explains their growing opposition and hostility to the organization's leadership:

“ In a time of rising crime rates, easy access to drugs, and the breakdown of the inner city, the NRA should be fighting to secure Americans the ability to defend themselves against criminals. The NRA, they thought, ‘needed to spend less time and energy on paper targets and ducks and more time blasting away at gun control legislation.’”⁴

THE NRA ASCENDANT

With its new, militant leadership, the NRA's membership tripled, its fundraising reached new heights, and its political influence increased. The organization became a prominent member of the burgeoning New Right with its contempt for "big government" in general and any gun regulation in particular. The 1972 Republican platform had supported gun control, pledging to "prevent criminal access to all weapons...with such federal law as necessary to enable the states to meet their responsibilities." But by the time of Ronald Reagan's presidential campaign in 1980, the platform stated, "We believe the right of citizens to keep and bear arms must be preserved. Accordingly, we oppose federal registration of firearms." That year the NRA gave Reagan its first-ever presidential endorsement. A year later, President Reagan narrowly avoided an assassination attempt that grievously wounded his press secretary, James Brady. The shooter, John Hinckley, Jr., suffered from mental illness. He had purchased a .22-caliber revolver for \$29 from a pawn shop in Texas.

"We believe the right of citizens to keep and bear arms must be preserved. Accordingly, we oppose federal registration of firearms."

³ Adam Winkler, *Gun Fight*, p. 253.

⁴ Adam Winkler, *Gun Fight*, p. 254.

The eventual passage of the Brady Bill, which President Bill Clinton signed in 1993,⁵ represented a rare federal legislative defeat for the NRA, but its fortunes soon improved. In the 1994 midterms, Democrats suffered defeats in congressional races, and Bill Clinton declared it was the gun issue, more than any other, that was to blame.⁶ After Republicans took control of Congress, Newt Gingrich announced, “As long as I am Speaker of this House, no gun control legislation is going to move.” From that point on, the “gun lobby,” dubbed “the most powerful lobby in D.C.,” exerted outsized control over Congress by making support of virtually any form of gun regulation a political third rail.



PRESIDENT RONALD REAGAN ADDRESSES MEMBERS OF THE NATIONAL RIFLE ASSOCIATION AT THE CIVIC CENTER IN PHOENIX ON MAY 6, 1983. *NEWSWEEK*

On April 20, 1999 Eric Harris and Dylan Klebold, two 17 year olds, shot and killed twelve students and one teacher at Columbine High School in Littleton, Colorado before turning the guns on themselves. It was the second-worst gun massacre at a school in U.S. history and it shocked the nation. The shooters were able to buy their weapons because of a loophole in the Brady Bill that allowed “private sales” at gun shows to go forward without background checks. The NRA’s response was to go ahead with its annual meeting in nearby Denver in spite of calls for it to be relocated or postponed. On the day of the meeting, the Knight Ridder headline read, “Still-grieving Colorado turns out to protest NRA meeting; Gun group remains defiant as 8,000 oppose presence in light of Columbine tragedy.” Charlton Heston, president of the NRA at the time, reassured his supporters, saying, “Each horrible act can’t become an ax for opportunists to cleave the very Bill of Rights that binds us.” The GUNS DON’T KILL PEOPLE; PEOPLE KILL PEOPLE bumper sticker made its appearance, and the NRA continued to oppose legislation to close the private sale loophole.

During the post-Columbine period, the NRA’s power and influence continued to grow, not wane. President Clinton, who was in the throes of his own impeachment

proceedings, pushed to close the Brady Bill loophole by requiring universal background checks, but the NRA’s congressional allies killed the bill. The organization was bigger and richer than ever. Flush with membership contributions and large donations from the firearms industry, with active and vocal chapters in all 50 states and with a solid core of single-issue voters, the narrative promoted by the NRA that it was “the nation’s most powerful lobby” was carried by the media and reinforced each time a candidate with a poor NRA rating lost an election.

By the year 2000, the NRA’s political influence was undeniable, and it turned its sights to defeating Al Gore, the Democratic candidate for president. The organization spent millions on behalf of George W. Bush and Republican candidates in Senate races. In a leaked video circulated during the campaign, a high-ranking NRA official claimed, “If we win, we’ll have a president where we work out of their office—unbelievably friendly relations.” At the NRA’s 2000 annual meeting, Charlton Heston, who was to become its president, gave a legendary speech whose soaring rhetoric summed up the gun lobby’s philosophy:

⁵ The Brady Bill, named for James Brady and spearheaded by his wife, Sarah, mandated a 5-day waiting period for handgun purchases so that law enforcement could undertake a background check.

⁶ Alec MacGillis, “This is How the NRA Ends,” *The New Republic*, May 28, 2013.

“ Sacred stuff resides in that wooden stock and blue steel, something that gives the most common man the most uncommon of freedoms...when ordinary hands can possess such an extraordinary instrument that symbolizes the full measure of human dignity and liberty. As we set out this year to defeat the divisive forces that would take freedom away, I want to say those fighting words for everyone within the sound of my voice to hear and to heed—and especially for you, Mr. Gore.”

He then held up a replica of a colonial rifle and exclaimed, “From my cold, dead hands!”



The NRA's political power was solidified during the first decade of the new millennium. Early in his first administration George W. Bush signed a law providing broad immunity from lawsuits for gun manufacturers and sellers, and the NRA's coffers increased with funding from the industry. Republican candidates came to rely more and more on gun lobby contributions; in the year 2000, the NRA contributed close to \$3 million to Republican campaigns, representing 92 percent of its total contributions.⁷ In 2004, the assault weapons ban, originally passed in 1994, was allowed to expire. At the state level, the NRA successfully blocked the passage of gun control measures and campaigned for and won state constitutional protections for gun owners. By the mid-2000s, all but six states guaranteed a right to bear arms as a matter of state constitutional law, and nearly all of those explicitly protected an individual right. The stage was now set for a reckoning on the meaning of the Second Amendment.

THE SECOND AMENDMENT: A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

For 200 years the Second Amendment of the Constitution was virtually invisible. It had come to be known as the “lost amendment” because it was almost never written about or cited by scholars and legal practitioners. Although for decades the NRA had invoked the *individual* right to bear arms, that concept was not supported by constitutional scholars or by the courts. Rather, the prevailing view was that the Amendment protected the “collective right” of the states to maintain their own militia, like the National Guard.

⁷ <https://www.opensecrets.org/orgs/totals?id=d000000082>

In the early 1990s the NRA funded a new group, Academics for the Second Amendment, and launched an annual “Stand Up for the Second Amendment” essay contest with a \$25,000 cash prize. These efforts bore fruit. During the 1990s, eighty-seven law review articles were published and a majority of fifty-eight adopted the individual-rights position. The dial was moving; the NRA’s interpretation of the amendment was gaining ground in academic circles. In 2001, the U.S. Court of Appeals for the Fifth Circuit (in Louisiana) became the first federal appeals court to adopt the individual-rights view.⁸ By the mid-2000s two lawyers from the libertarian Institute for Justice⁹ decided that the time was right to challenge the most restrictive gun law in the country on Second Amendment grounds.

The Firearms Control Regulations Act of 1975 was passed by the District of Columbia City Council in 1976. The law banned residents from owning handguns, automatic firearms, or high-capacity semi-automatic firearms and prohibited possession of unregistered firearms. The law also required firearms kept in the home to be “unloaded, disassembled, or bound by a trigger lock or similar device,” essentially a prohibition on the use of firearms for self-defense in the home. A challenge to the law, orchestrated by Institute for Justice lawyers

Clark Neily and Steve Simpson, began to wend its way through the courts and was accepted for review by the Supreme Court in its 2008 term.¹⁰ On June 26, 2008, the Court announced its ruling in *District of Columbia v. Heller*. In a 5-4 majority opinion authored by Justice Scalia, the Court held that the Second Amendment protects an individual’s right to keep and bear arms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and that the D.C. law was therefore unconstitutional.

Although the Court’s opinion acknowledged that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited” and warned that “[n]othing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms,” the gun lobby and its supporters in Congress declared total victory, further strengthening the narrative that the NRA was in control of the gun debate. Over and over again, they invoked “freedom” as the core value protected by the decision:

“...further strengthening the narrative that the NRA was in control of the gun debate”

“This is a great moment in American history. It vindicates individual Americans all over this country who have always known that this is their **freedom** worth protecting.”

WAYNE LAPIERRE, NRA

“The Court made the right decision today because federal, state and local governments should not be able to arbitrarily take away **freedoms** that are reserved for the people by our Constitution.”

SEN RICHARD BURR (R-NC)

“Today the Supreme Court ruled in favor of **freedom** and democracy by overturning this unlawful ban.”

REP. GEOFF DAVIS (R-KY)

“As we in Congress consider new legislation, we could take a lesson from the Supreme Court today by ensuring that the **freedoms** granted in the Constitution are a guiding light to the formation of our nation’s legislation.”

REP. TOM FEENEY (R-FL)

Following the Columbine massacre, mass shootings occurred in the United States at a steady pace. The year 2007 was an especially deadly year, with four separate incidents including the Virginia Tech mass shooting that left thirty-two people dead.¹¹ Nevertheless, the NRA’s influence did not wane. In April 2009, a year after the Supreme Court’s Second Amendment decision and one year into the first Obama Administration, in an article entitled “The Public Takes Conservative Turn on Gun Control,” the Pew Research Center reported that:

⁸ *United States v. Emerson*, 270 F.3d 203, cert. denied, 536 U.S. 907, is a decision by the United States Court of Appeals for the Fifth Circuit holding that the Second Amendment to the United States Constitution guarantees individuals the right to bear arms.⁶ Alec MacGillis, “This is How the NRA Ends,” *The New Republic*, May 28, 2013.

⁹ Based in Arlington, VA, the Institute for Justice describes itself as a “libertarian public interest law firm...that litigates to promote property rights, economic liberty, free speech, and school choice.”

¹⁰ Initially, the NRA did not support this litigation. At the time, it was not clear that a majority of Justices would endorse the individual right interpretation of the Second Amendment and the organization was afraid that a ruling would be unfavorable. The organization eventually came to support the effort and filed a friend-of-the-court brief.

¹¹ The other mass shootings in 2007 were Trolley Square Mall, Salt Lake City, five dead; post-homecoming party at an apartment, Crandon, WI, six dead; Westroads Mall, Omaha, eight dead.

“ For the first time in a Pew Research survey, nearly as many people believe it is more important to protect the right of Americans to own guns (45%) than to control gun ownership (49%). As recently as a year ago, 58% said it was more important to control gun ownership while 37% said it was more important to protect the right to own guns.”¹²

By the end of the first decade of the twenty-first century, a total of 166 men, women, and children had perished in mass shootings. But while those incidents received the most media coverage, they represented and still represent a tiny fraction of the incidents of gun violence in the country. In 2010, for example, there were 31,672 deaths in the United States from firearm injuries, mainly through suicide (19,392) and homicide (11,078), according to Centers for Disease Control compilation of data from death certificates. The remaining firearm deaths were attributed to accidents, shootings by police, and unknown causes

BLACK MEN MAKE UP

52%

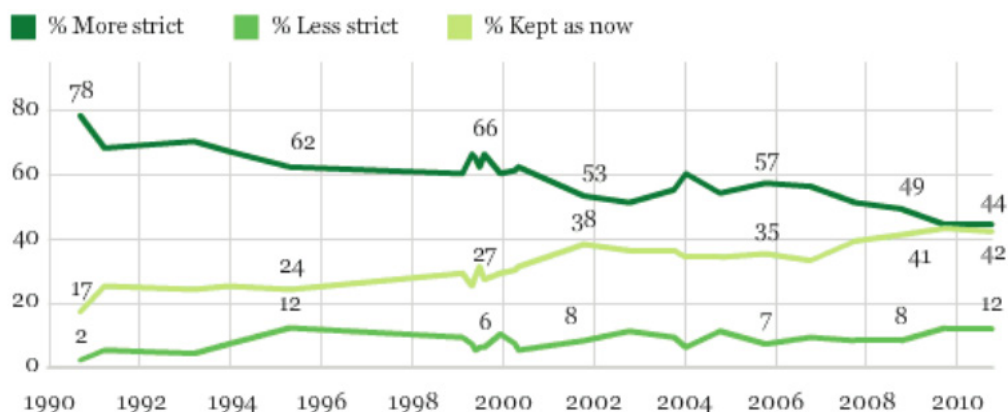
OF ALL GUN HOMICIDE VICTIMS IN THE UNITED STATES, DESPITE COMPRISING LESS THAN 7% OF THE POPULATION

Guns were, and still are, by far the most common means of suicide, and the majority of intimate partner homicides are with guns. The number of firearm deaths has increased every year since 2000 and is especially dire in low wealth communities of color. Black Americans are disproportionately impacted by gun violence. They experience nearly 10 times the gun homicides, 15 times the gun assaults, and 3 times the fatal police shootings as white Americans. Black men make up 52% of all gun homicide victims in the United States, despite comprising less than 7% of the population.

But in spite of these damning statistics, as 2008 rolled into 2009 the NRA was at the pinnacle of its power, and the public's support for stricter gun laws was at its lowest ebb in 20 years. According to the Gallup Poll, in 1991, 78 percent of the public felt that “the laws covering the sale of firearms should be made more strict.” By 2009 support for stricter laws had dropped to 49 percent and dropped another five points by 2010. At the same time,

the NRA was receiving millions of dollars from arms manufacturers including Smith & Wesson, the Beretta Group, and Browning.¹³ During his 2008 presidential campaign, Barack Obama released an approving statement when the Supreme Court announced its Second Amendment decision, and he did not campaign on the gun control issue. During his first term in office, Obama did not push for any gun control measures despite the continuing carnage: mass shooting at Fort Hood, Texas (thirteen dead); a mass shooting at an Aurora, Colorado movie theater (twelve dead); and the Tucson, Arizona shooting that left six dead and grievously injured Congresswoman Gabby Giffords. During the run up to the 2010 midterm elections, Republican and Democratic candidates alike sought donations and approval ratings from the NRA and openly opposed gun control measures. When the Republicans won back the House, the writing was on the wall: no restrictions on gun ownership were going to pass on their watch.

In general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are now?



GALLUP

FIGURE 1: American's Views on the Strictness of Laws Covering the Sale of Firearms: 1990–2011

¹² The change was driven by a thirteen-point increase in the percentage of white men who prioritized the right to own guns over gun control, from 51 percent in 2008 to 64 percent in 2009.

¹³ In 2011, the Violence Policy Center calculated that the NRA had received between \$14.7 million and \$38.9 million from gun industry “corporate partners.” Blood Money: How the Gun Industry Bankrolls the NRA, at https://www.youtube.com/watch?v=T4pl_9R2Dmg.

SANDY HOOK AND THE STIRRINGS OF A GRASSROOTS GUN SAFETY MOVEMENT

On December 14, 2012 20-year-old Adam Lanza shot his way into the Sandy Hook Elementary School in Fairfield County, Connecticut armed with a Bushmaster XM15-E2S rifle and ten magazines with thirty rounds each. He forced his way into two first grade classrooms and methodically killed twenty children between the ages of 6 and 7 and six adult staff members. Earlier that day he had shot and killed his mother, and after the school massacre, he shot and killed himself. The nation reacted in horror, and the tragedy ushered in a period of soul searching during which the “thoughts and prayers” traditionally offered up by political leaders were soundly rejected as inadequate by a grieving community.

President Barack Obama gave a televised address on the day of the shootings and said, “We’re going to have to come together and **take meaningful action** to prevent more tragedies like this, **regardless of the politics**” (emphasis added). The NRA stayed silent for a week; then, on December 21, Executive Vice President Wayne LaPierre issued a statement calling on Congress “to act immediately to appropriate whatever is necessary to put armed police officers in every single school in this nation,” claiming that gun-free school zones attracted killers and that another gun ban would not protect Americans.

METHODICALLY
KILLED

20

CHILDREN BETWEEN THE AGES OF 6 AND 7
AND SIX ADULT STAFF MEMBERS

The Sandy Hook tragedy proved to be a watershed moment. In the words of Senator Chris Murphy (D-CT), a passionate advocate for gun safety, “there was reason to believe that Sandy Hook, by itself, had fundamentally changed the politics of gun violence.”¹⁴ On the morning of the shooting, in Zionsville, Indiana, Shannon Watts, a mother of five with a background in public relations, stood before her TV “transfixed by the live footage of children being marched out of their school into the woods for safety.” In her 2019 book, *Fight Like a Mother*, Watts expresses what millions of Americans were feeling that day:

“ I actually said out loud, ‘Why does this keep happening?’.... In my head, I heard only one word in response to my question, and that word was Enough. Enough waiting for legislators to pass better gun laws. Enough hoping that things would somehow get better. Enough swallowing my frustration when politicians offered their thoughts and prayers but no action. Enough listening to the talking heads on the news channels calling for more guns and fewer laws. Enough complacency. Enough standing on the sidelines.”

That night, Watts created a new Facebook page called One Million Moms for Gun Control and the “likes” began pouring in.¹⁵ “Women everywhere were asking how they could join my organization, and I didn’t even realize I’d started one,” she writes. Soon renamed Moms Demand Action for Gun Sense in America, its message spread rapidly on social media, and a reinvigorated grassroots movement began to take hold.

Sandy Hook also birthed another organization that was to become a major force in the gun safety movement. Congresswoman Gabby Giffords, still undergoing rehabilitation 2 years after she was shot in the head outside a Tucson supermarket, and her husband, NASA astronaut Captain Mark Kelly, now a U.S. senator, were moved to action. In 2013 they founded the organization now known as Giffords. Its mission statement boldly and explicitly took on the powerful gun lobby:

¹³ Chris Murphy, *The Violence Inside Us: A Brief History of an Ongoing American Tragedy*, p. 161.

¹⁵ Shannon Watts admits that she didn’t realize that in 2000 there had been a Million Mom March on the National Mall calling for gun reform after the Columbine shooting. That march had been organized by a group of volunteers to fall on Mother’s Day, and it attracted some three-quarters of a million people with satellite events happening in more than 70 cities around the country. Million Mom March chapters formed and soon merged with one of the country’s oldest gun violence prevention organizations, the Brady Campaign to Prevent Gun Violence. But the energy generated by the march dissipated in the face of such an inhospitable political environment (Waldman, p. 151).

“Giffords is fighting to end the gun lobby’s stranglehold on our political system. We’re daring to dream what a future free from gun violence looks like. We’re going to end this crisis, and we’re going to do it together.”

Giffords and Moms Demand Action joined the established gun control organizations—including Brady¹⁶, the National Coalition to Stop Gun Violence¹⁷, and Mayors Against Illegal Guns¹⁸—to breathe new life into the movement. And they understood that above all, they had to challenge the narrative that for years had been a barrier to the passage of any gun safety laws: **The NRA is the most powerful lobby in the nation, and any politician crossing it or not doing its bidding will be punished.**

In the immediate aftermath of Sandy Hook, public support for stricter laws covering the sale of firearms shot up to 58 percent, and nine out of ten Americans supported universal background checks. But in spite of public opinion and the demands of the bereaved parents that something had to be done, the effort to close the Brady loophole, a relatively modest goal that would require background checks for gun show and internet sales, still could not command a majority of votes in Congress. As mentioned earlier, a bipartisan bill introduced by Sen. Joe Manchin (D-WV) and Pat Toomey (R-PA) failed to pass in April 2013 after the NRA announced its opposition and sent an e-mail to all senators warning them the organization would “score” their vote, meaning it would factor into the NRA’s election-year grading system.

The bill failed by only six votes, but gun safety activists realized they needed a new strategy. “After that tough loss, we turned our focus to making challenges at the state level,” said Shannon Watts. Given the federal government’s inaction, several states had already begun to pass significant reforms to rein in gun violence. That year the governors of Connecticut, Delaware, and Maryland signed new gun safety laws, and two out of three of them were re-elected (the third, Martin O’Malley of Maryland, was term-limited).

Americans' Preferences for Laws on the Sale of Firearms -- Trend Since 2000

In general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are now?

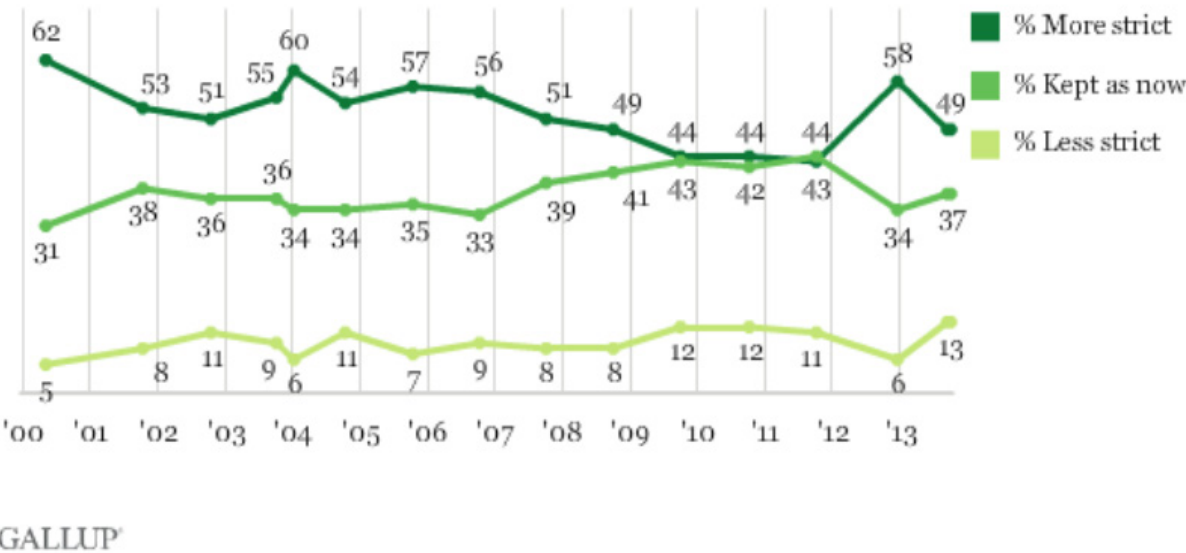


FIGURE 2: Americans’ Preferences for Laws on the Sale of Firearms: 2000–2014

¹⁶ Formerly known as Handgun Control, Inc. and founded in 1980.
¹⁷ Founded in 1974.
¹⁸ Founded by Mayor Michael Bloomberg of New York City and Mayor Thomas Menino of Boston in 2006.

GUN POLITICS IN TRANSITION

The Manchin-Toomey debacle may have seemed like an NRA victory, but it actually signaled the beginning of a historic realignment in gun politics. The gun rights movement's political influence had long been attributed to the "intensity gap." The NRA's members were not that numerous—it had about 5 million dues-paying members—but what the organization lacked in numbers it made up for in intensity. Its members were highly motivated single-issue voters who could be mobilized rapidly to respond to calls to action. According to Robyn Thomas of the Giffords Law Center:

“I’ve been showing up at hearings for a long, long time. For many years it was me and the gun rights activists. They show up in droves to every hearing, big or small. I could testify at a small city council or at a federal congressional hearing and in both cases, it was rooms filled with gun rights activists and no one on our side.”

The fate of Manchin-Toomey demonstrated how damaging the intensity gap was to any meaningful policy change. Ladd Everitt, then Communications Director for the National Coalition to Stop Gun Violence, lamented:

“We’ve always been too polite, by appealing to politicians to do the right thing...appealing to their conscience and hoping they’d come around even when the evidence suggested they wouldn’t. We went too far into the realm of educating the public and ceded the field of politics to the NRA.”

While plenty of people support stricter gun laws, few advocated for them or were motivated enough by them to change their voting behavior unless they were personally affected. In the face of overwhelming but passive public support for universal background checks—90 percent favored universal background checks as did 75 percent of NRA members—the gun lobby prevailed. But the status quo was about to be disrupted. Josh Horwitz, Executive Director of the Coalition to Stop Gun Violence, describes the intense public response to Congress’s failure to act:

“It wasn’t just the Sandy Hook shooting itself. It was the absolute horror when the Senate did nothing about it. But what happened was people were so appalled that they joined and donated to the movement. They became involved, and our movement became so much bigger and so much stronger as a result.”

Moms Demand Action scored some early victories that demonstrated the savvy and potential power of a grassroots movement that united women (and men) from all over the country—north, south, east and west, rural, suburban, and urban. Social media was key to the movement’s success. Within months of its first appearance on Facebook it had attracted tens of thousands of supporters. “Stroller jams” became a popular tactic. Moms would show up for legislative hearings with their babies and toddlers in strollers and, “as a result, lawmakers didn’t have any room to maneuver past us; they had to stop and talk to us.”¹⁹ Activists targeted companies that allowed open carry on their premises.²⁰ Their campaign “Skip Starbucks Saturday” went viral and forced Starbucks to change its policy and ban all guns from its stores. The organization became adept at using social media to encourage corporate responsibility. Using the hashtag #EndFacebookGunShows, it generated enough support to compel Facebook to announce a series of new policies around gun sales, including deleting posts offering guns for sale without a background check. Its #OffTarget petition garnered nearly 400,000 signatures and soon Target announced:

“Starting today we will respectfully request that guests not bring firearms to Target—even in communities where it is permitted by law.... This is a complicated issue, but it boils down to a simple belief: Bringing firearms to Target creates an environment that is at odds with the family-friendly shopping and work experience we strive to create.”

#EndFacebookGunShows

¹⁹ Shannon Watts, *Fight Like a Mother: How a Grassroots Movement Took on the Gun Lobby and Why Women Will Change the World*, p. 29..

²⁰ Open carry refers to the practice of “openly carrying a firearm in public,” as distinguished from concealed carry, where firearms cannot be seen by the casual observer. Thirty-one states allow open carrying of a handgun without a license or permit; fifteen states allow it with some form of license or permit.

These examples of corporate responsibility generated a buzz in both traditional and online media. There were instances of counter-demonstrations by open carry activists who showed up en masse at stores and restaurants carrying guns and rifles. These incidents brought more media attention to the open carry debate and more opportunities for gun safety activists to broadcast their message. Shannon Watts describes how Moms Demand Action exploited these incidents to bring in new members and force companies to change their policies:

“ The first such event happened at a Jack in the Box in the Dallas-Ft. Worth area when members of a gun extremist group called Open Carry Texas walked into the restaurant carrying long guns. The employees were so scared that they locked themselves inside a walk-in freezer. We issued a press release, launched an online petition, and tweeted photos, with the hashtag #JackedUp, of our members eating at other fast-food restaurants that had safer gun policies. Within days the company announced it would begin enforcing its policy of no guns inside its restaurants. After that, there were similar incidents at Chipotle, Chili’s and Sonic-Drive-In.”²¹



TWITTER

On April 16, 2014 the outgoing mayor of New York City and media mogul Michael Bloomberg announced what *The New York Times* dubbed “A \$50 million Challenge to the N.R.A.” —the founding of a new organization called Everytown for Gun Safety. It would bring the two groups Bloomberg already funded, Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America, under one umbrella. Bloomberg’s rhetoric made it clear the gloves were off:

“ They say, ‘We don’t care. We’re going to go after you. If you don’t vote with us we’re going to go after your kids and your grandkids and your great-grandkids. And we’re never going to stop.’ **We’ve got to make them afraid of us.**” (NEW YORK TIMES)

Everytown’s message was simple and straightforward: common-sense gun policies supported by a huge majority of Americans can save lives. Everytown’s goal was to be the NRA’s counterweight. It would back candidates who supported gun safety laws and oppose those who did not. It would mobilize its members to gather en masse at legislative hearings and when votes were taken. It would mount campaigns to compel corporations to exercise responsibility when it came to gun safety. In the words of one journalist, “A bigger, richer, meaner gun-control movement has arrived.”²² And with its achievements, it would shift the narrative that had impeded progress for so many years and show that the **NRA was no longer the most powerful lobby, the voters want action, and voting for “gun sense” laws was a win-win—lives would be saved and backers would win elections.**

“We’ve got to make them afraid of us”

²¹ Shannon Watts, *Fight Like a Mother: How a Grassroots Movement Took on the Gun Lobby and Why Women Will Change the World*, p. 107

²² Alec MacGillis, “This is How the NRA Ends,” *The New Republic*, May 28, 2013.



MOMSDEMANDACTION.ORG

In its first year, Everytown for Gun Safety was instrumental in passing laws in eight states to keep guns out of the hands of domestic abusers—laws that in the past had been vigorously resisted by the NRA.²³

As the gun safety movement continued to grow, the country continued to experience the terrible carnage of mass shootings and the death tolls would reach new heights. In June 2015, Dylann Roof, a white supremacist, would murder nine African American worshippers in Charleston, South Carolina. One year later, forty-nine people were killed in the Pulse Nightclub massacre, a gay bar and performance space in Orlando, Florida, in a homophobic attack. In October 2017 in the deadliest mass shooting by a lone shooter in U.S. history, fifty-eight people died at a Las Vegas country music festival. And then came Parkland. On February 14, 2018, Nikolas Cruz, a former student, opened fire with a semi-automatic rifle at Marjory Stoneman Douglas High School in Parkland, Florida, killing seventeen people and injuring seventeen others.

The reaction to the Parkland shooting was intense and global. Surviving students took to social media and within hours created a cascade of demands for lawmakers to act. Three days after the shooting, a 17-year-old senior named Emma Gonzalez electrified the world with her speech at a gun control rally in Fort Lauderdale:

“ The people in the government who were voted into power are lying to us. And us kids seem to be the only ones who notice and our parents to call BS. Companies trying to make caricatures of the teenagers these days, saying that all we are self-involved and trend-obsessed and they hush us into submission when our message doesn’t reach the ears of the nation, we are prepared to call BS. Politicians who sit in their gilded House and Senate seats funded by the NRA telling us nothing could have been done to prevent this, we call BS. They say tougher gun laws do not decrease gun violence. We call BS. They say a good guy with a gun stops a bad guy with a gun. We call BS. They say guns are just tools like knives and are as dangerous as cars. We call BS. They say no laws could have prevented the hundreds of senseless tragedies that have occurred. We call BS. That us kids don’t know what we’re talking about, that we’re too young to understand how the government works. We call BS. If you agree, register to vote. Contact your local congresspeople. Give them a piece of your mind!”

9

CHARLESTON, SC

49

ORLANDO, FL

58

LAS VEGAS, NV

17

PARKLAND, FL

²³ Minnesota, Indiana, Louisiana, Massachusetts, New Hampshire, Vermont, Wisconsin, and Washington.



Days later, Everytown for Gun Safety launched a new campaign called Students Demand Action—End Gun Violence in America, to be led by student activists. Weeks later, Governor Rick Scott (R-FL) signed into law restrictions on firearm purchases and the possession of “bump stocks” in what was reported as “the most aggressive action on gun control taken in the state in decades and the first time Mr. Scott, who had an A-plus rating from the National Rifle Association, had broken so significantly from the group.” On March 24, the organization formed by Gonzalez and other Marjory Stoneman Douglas survivors, Never Again MSD, held The March for Our Lives, a massive protest in Washington, D.C. attended by more than half a million people. Close to 900 sibling events were held across the United States and around the world. A national survey taken 4 days after the shooting showed virtually universal support for background checks (97 percent in favor) and strong majority support for a ban on assault weapons and a mandatory waiting period for all gun purchases.

The March for Our Lives was the largest student-led demonstration since the Vietnam War, and it included many thousands of youth of color from cities beset by gun violence. The student leaders’ commitment to diversity in their organizing work is a long overdue correction to what has been the country’s past racialized attention to the gun violence epidemic. Until recently, movements to end gun violence of long standing in communities of color have been ignored while mass shootings of mostly white people have garnered enormous public attention.



WGBH

Soon after the Parkland shooting, the Peace Warriors, a group of Black high school students from Chicago who have been fighting gun violence for years without receiving much attention from the outside world, flew to Florida to meet with the Marjory Stoneman Douglas activists. Over the course of several days, young people from one of the safest cities met and got to know young people from a city beset by gun violence and learned from one another. “We found our voice in Parkland,” said Arieyanna Williams, a 17-year-old Peace Warriors member. “We felt like we weren’t alone in this situation and we finally can use our voices on a bigger scale.” Marjory Stoneman Douglas student Sarah Chadwick said, “White privilege does exist and a lot of us have it. If we could use our white privilege to amplify the voices of minorities, then we’re going to use it. The more we ignore it, the worse it gets.”²⁴

The NRA waited a week before making any pronouncements on the Parkland shooting. But in his address before the Conservative Political Action Conference, Wayne LaPierre repeated his post-Sandy Hook talking point that “the only thing that stops a bad guy with a gun is a good guy with a gun” and echoed President Trump’s tweet calling for arming the teachers. But the NRA was on the defensive. A *Business Insider* article titled, “Something historic is happening with how Americans see the NRA” reported that polls following Parkland showed that “[f]or the first time in nearly two decades, Americans have turned against the National Rifle Association” and that “significantly more Americans express a negative opinion of the National Rifle Association than a positive one.”

“...significantly more Americans express a negative opinion of the National Rifle Association than a positive one.”

The mid-term elections of 2018 showed the impact of the new narrative—going against the NRA did not mean certain defeat at the polls. With support from both the Giffords PAC and Everytown for Gun Safety,²⁵ gun control advocates picked up at least seventeen seats in the House by defeating incumbents backed by the NRA. Many of the victors were women. One of them was Lucy McBath, an African American leader of Moms Demand Action whose 17-year-old son was fatally shot in 2012 and who made gun violence the centerpiece of her campaign to represent a Georgia district once held by Newt Gingrich. In a tweet celebrating her victory, McBath wrote, “Absolutely nothing—no politician & no special interest—is more powerful than a mother on a mission.” Another winner was Arizona’s Ann Kirkpatrick, who had been a staunch NRA defender and boasted an A rating from the organization, but in 2018 she won the Democratic primary on the promise to ban assault weapons and enact universal background checks. “I’ve changed my mind,” she explained.

By spring 2019, another shift in the narrative was taking place as an attempted coup erupted at the NRA’s annual meeting in Indianapolis. In an article titled, “Insurgents Seek to Oust Wayne LaPierre in N.R.A. Power Struggle,” *The New York Times* reported:

“Turmoil racking the National Rifle Association is threatening to turn the group’s annual convention into outright civil war, as insurgents maneuver to oust Wayne LaPierre, the foremost voice of the American gun rights movement. The confrontation pits Mr. LaPierre, the organization’s long-time chief executive, against its recently installed president, Oliver L. North, the central figure in the Reagan-era Iran-contra affair, who remains a hero to many on the right.”

La Pierre eventually beat back the attack and North and his supporters were forced to resign, but media coverage from that point on dwelled on the severe problems the NRA was facing, from a serious decline in revenue to the launch of an investigation by the New York State Attorney General, Leticia James, into its finances and tax-exempt status. Headlines described an organization riven by scandal and division.

- **“Major donors fire back against NRA; Turmoil has some keeping their cash while others sue,”** *Chicago Tribune*, November 22, 2019
- **“Could turmoil at NRA be a game changer?”** *USA Today*, August 9, 2019
- **“Turmoil persists as NRA sidelines its top lobbyist,”** *The Washington Post*, June 21, 2019
- **“NRA beset by infighting over whether it has strayed too far,”** *St. Louis Post-Dispatch*, April 25, 2019

On September 12, 2019 presidential hopeful Beto O’Rourke stole the show during that evening’s Democratic presidential primary debate when, in response to a direct question from the moderator about his gun control plan, he said, “Hell yeah, we’re going to take your AR-15! If it’s a weapon that was designed to kill people on the battlefield, we’re going to buy it back.” This was only one month after forty-six people were gunned down at a Walmart in his hometown of El Paso. Twenty-three died and twenty-three were injured. Most of the Democratic contenders had already announced their support for more gun restrictions by that point in the primary process, leading a Senior Politics writer from USNews.com to observe, “Democrats Are No Longer Gun Shy.”

²⁵ The Giffords PAC spent close to \$5 million backing gun sense candidates, and Everytown spent more than \$30 million.

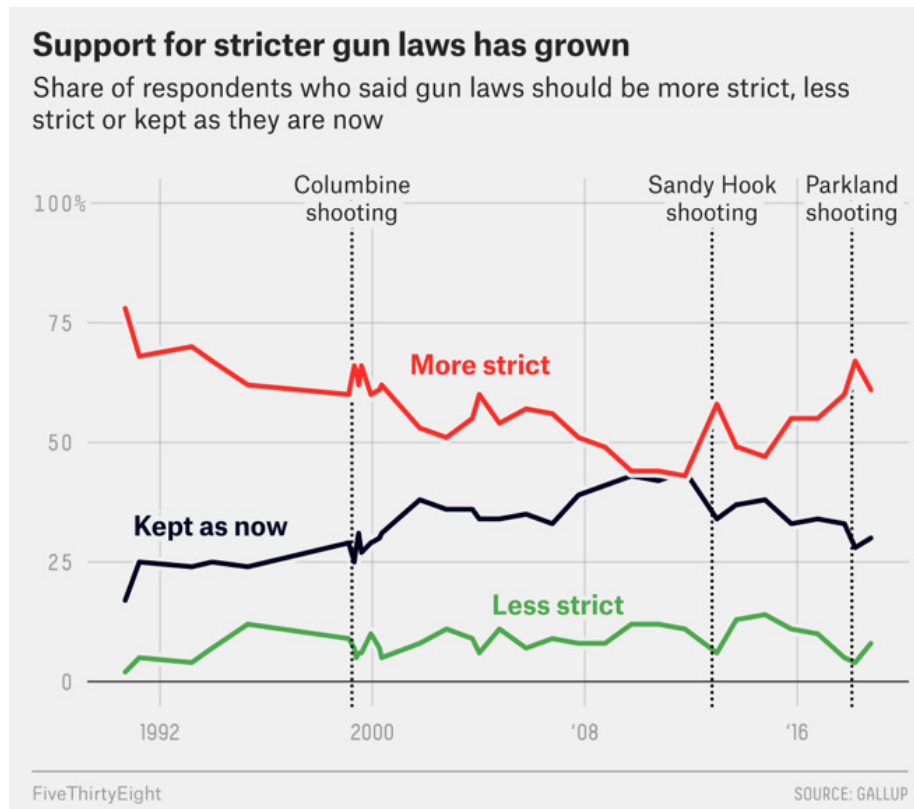


FIGURE 3: Americans' Support or Opposition to Stricter Gun Laws: 1990–2018

SPOTLIGHT ON VIRGINIA

Virginia has long been considered a “gun friendly” state and a fitting home for the NRA’s national headquarters. But over the past decade, gun politics in the Commonwealth has undergone a 180-degree turn, and narrative shift, propelled by an expanding gun safety movement, has played a dominant role. As a result, Virginia went from being a state with virtually no restrictions on gun ownership to being the harbinger of a new gun safety sensibility in America. In April 2020, Governor Ralph Northam signed a package of five gun control measures into law—all of them priorities of the gun violence prevention movement:

- Universal background checks for all gun sales in Virginia;
- A one-per-month limit on the purchase of handguns;
- A requirement for the loss or theft of a firearm to be reported within 48 hours (with a civil penalty of up to \$250 for failure to report);
- An increase in penalties for reckless storage of loaded and unsecured firearms in a way that endangers children younger than 14 years of age;
- A “red flag” bill, which provides for a procedure for the temporary removal of guns from people at high risk of self-harm or harm to others.²⁶

Governor Northam’s quote in the official press release acknowledged the role played by the advocacy community and echoed its message: “We lose too many Virginians to gun violence, and it is past time we took bold, meaningful action to make our communities safer. I was proud to work with legislators and advocates on these measures, and I am proud to sign them into law. These commonsense laws will save lives.”

²⁶ Two additional gun-control bills were signed that year after Northam proposed amendments to them. One of those bills requires evidence that anyone subject to a protective order has surrendered their firearms within 24 hours and was amended so that those who fail to comply would be found in contempt of court. The other bill allows for municipal regulations of firearms in public buildings, parks, and recreation centers and during public events.

This outcome was more than a decade in the making and was largely the result of organizing spearheaded by families impacted by the 2007 Virginia Tech mass shooting in which thirty-two students, professors, and administrators were killed and seventeen others were wounded. Lori Haas of Richmond, whose daughter Emily is a Virginia Tech survivor, recalls that “after coming out of the fog” of the disaster, she and others started trying to figure out “what went wrong. We started asking questions and speaking up, and then we got it: We don’t have any laws! The shooter didn’t have to have a background check. Nobody’s watching. Nobody’s paying attention.” Haas became a volunteer with the Virginia Center for Public Safety²⁷ and in 2009 became the Senior Director of Advocacy for the Coalition to Stop Gun Violence. Her first several years as a gun violence prevention (GVP) advocate in Virginia were frustrating. The Republican Party controlled the Senate, the House of Delegates, and the governorship, and the gun lobby held sway. Not only were GVP advocates unable to get a meaningful hearing of their proposals, but also the gun lobby succeeded in passing a bill allowing concealed carry permit holders to carry their weapons into restaurants and bars. But the mood among voters was changing. Haas explains:

“ We began to be joined in our testimony by others who are affected by gun violence. People were willing to step up and talk about the awful shootings that occur throughout the Commonwealth in too many places. During that time our numbers were growing. We were going out across the Commonwealth speaking at every place we could: faith groups, book clubs, city councils, to ordinary everyday citizens. People would raise their hands and say, ‘will you come and talk to us in Charlottesville or in Roanoke or in Hampton Roads or Northern Virginia?’ The interest was growing by leaps and bounds and people kept asking, ‘Why can’t we get it done? Background checks are so simple. It’s such a low bar.’ And we would respond, ‘Let your voices be heard. And if you can’t change your representatives’ minds, you have to change their seats.’”

The turning point came in 2013. By then polls were running in favor of more restrictions. A survey conducted by Lake Research Partners in two districts in southwestern Virginia, considered the most pro-gun districts in the state, showed that an overwhelming 94 percent of gun owners favored universal background checks and more than 70 percent of voters opposed guns on campuses.²⁸ All three Democrats running for statewide office that year made gun safety a prominent issue in their campaigns. In their gubernatorial debate, candidate Ken Cuccinelli (R) declared, “I’m running against the only F-rated candidate from the NRA,” to which candidate Terry McAuliffe (D) responded:

“ Now whatever rating I may get from the NRA, I’m gonna stand here and tell you today that as governor, I want to make sure that every one of our citizens in the Commonwealth of Virginia are safe. Every one of our children, when they go into a classroom, should know that they are safe. When any one of our loved ones goes into work.... We need to eliminate guns from the folks who should not own guns.”

This turning point is seen in a dramatic increase in media coverage of gun violence in 2013. Between 1994 and 2020, roughly 85,600 news media articles were published in mainstream outlets in the United States referring to “gun control,” while another 15,300 articles were published with specific reference to “gun safety.” As seen in *Figures 4* and *5*, 1999–2000 saw a significant increase in media engagement with the topics of gun control and safety. This was followed by a decline in engagement, which remained stable until another major spike in coverage in 2013. Between 2012 and 2013, references to “gun control” nearly tripled (increasing from roughly 2,700 articles in 2012 to more than 7,500 articles in 2013), while references to “gun safety” more than quadrupled in sampled articles (increasing from 248 articles in 2012 to more than 1,060 articles in 2013).

BETWEEN 1994 AND 2020
ROUGHLY

85,600

NEWS MEDIA ARTICLES WERE PUBLISHED
IN MAINSTREAM OUTLETS IN THE UNITED
STATES REFERRING TO “GUN CONTROL”

²⁷ The Virginia Center for Public Safety is a small nonprofit founded in 1992 dedicated to reducing gun violence in the state.

²⁸ https://www.washingtonpost.com/opinions/responsible-gun-laws-in-virginia-yes-it-could-happen/2012/03/30/gIQAyNAyS_story.html

Gun AND Safety

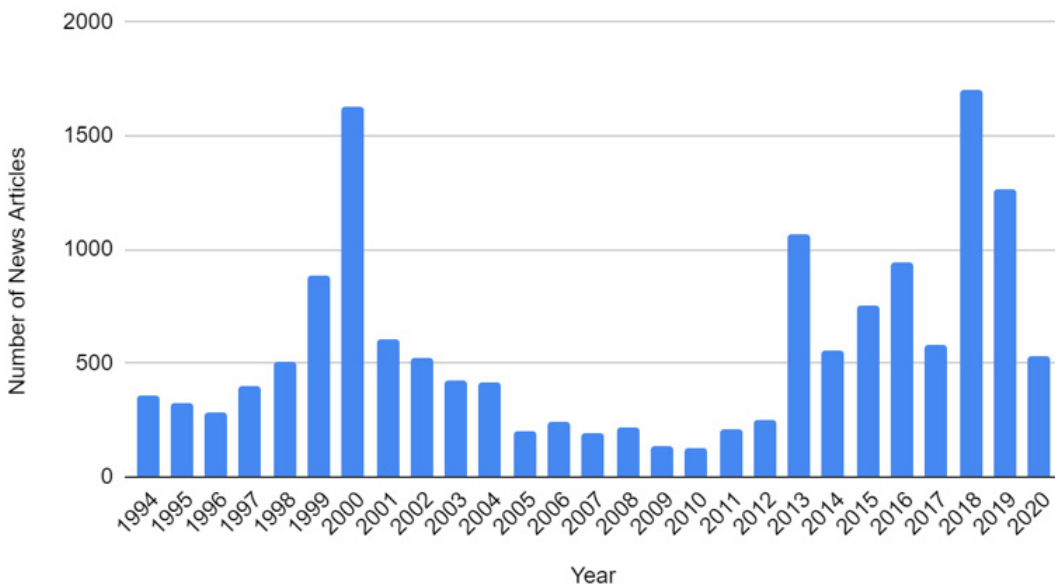


FIGURE 4: Mainstream Media Coverage of Gun Safety: 1994–2020

Gun AND Control

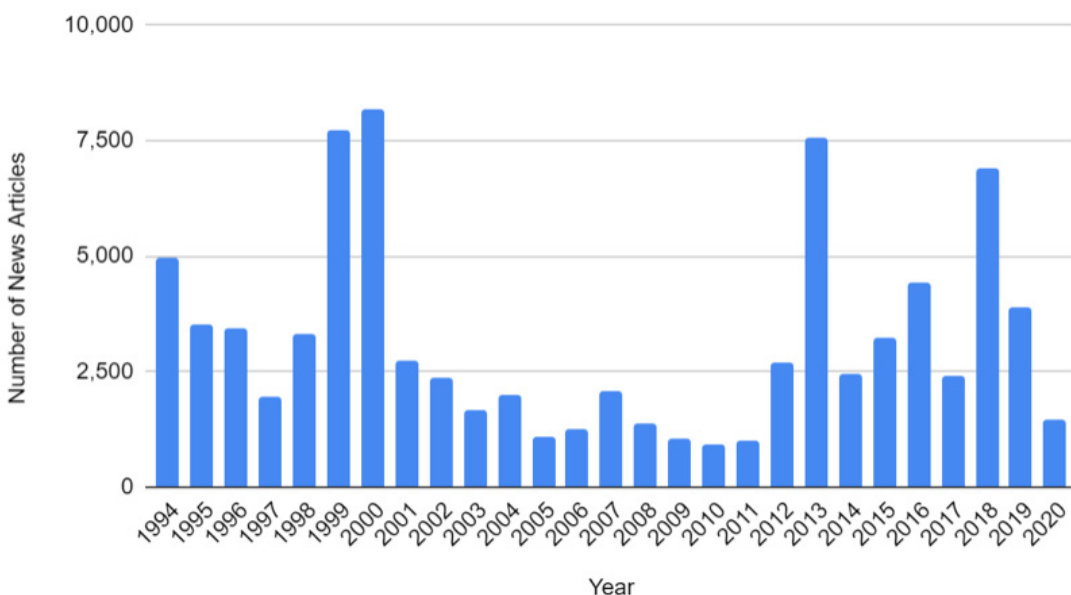


FIGURE 5: Mainstream Media Coverage of Gun Control: 1994–2020

Alongside the increase in mainstream news media focus, a growing number of politicians became willing to speak out against the status quo. Ralph Northam, who was running for lieutenant governor at the time, was outspoken about his opposition to the gun lobby, and Mark Herring’s first political ad after winning the nomination for attorney general highlighted the responsibility of leaders “to protect our families from gun violence.” All three won their elections.

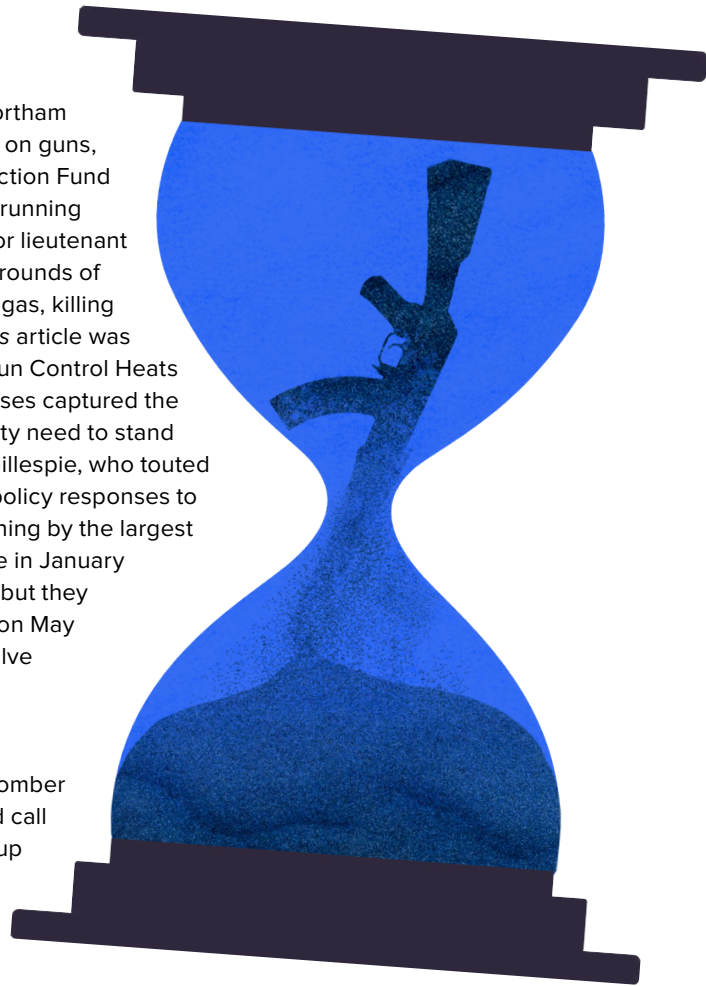
Despite the success that gun violence prevention groups enjoyed in the 2013 elections, however, efforts to strengthen gun laws in the state legislature remained stalled. The Virginia legislature even failed to act on legislation to keep guns out of the hands of domestic abusers—a law that passed with broad bipartisan support in a number of other states—despite its successful passage in the state Senate in 2014 after a 29-6 vote. Sen. Adam P. Ebbin (D-Alexandria) put forward a measure to make allowing a child 4 years old or younger to use a firearm a misdemeanor, saying, “I hope we can all agree that toddlers should not be allowed to play with a gun.” But the NRA lobbyist countered that the bill “would impose an arbitrary minimum age at which a person would be allowed to receive firearms training,” and the bill failed.²⁹

²⁹ Rachel Weiner, “Gov. McAuliffe’s gun control efforts for Virginia die in Senate Committee,” *Washington Post*, January 26, 2015.

The 2017 gubernatorial election between Democrat Ralph Northam and Republican Ed Gillespie amounted to a state referendum on guns, with Michael Bloomberg and the Everytown for Gun Safety Action Fund contributing close to \$2 million to elect Northam and his two running mates, Mark Herring for attorney general and Justin Fairfax for lieutenant governor. In the midst of the campaign, a shooter fired 1,000 rounds of ammunition on the crowd attending a music festival in Las Vegas, killing sixty people and wounding more than 400. A *New York Times* article was published several days later with the headline, “In Virginia, Gun Control Heats Up the Governor’s Race,” and the candidate’s dueling responses captured the partisan divide on the issue. Northam argued, “We as a society need to stand up and say it is time to take action. It’s time to stop talking.” Gillespie, who touted his “A” rating from the NRA, said it was “too early to discuss policy responses to gun violence.” In November Northam defeated Gillespie, winning by the largest margin for a Democrat in more than 30 years. On taking office in January 2018 Gov. Northam introduced several gun safety measures, but they failed in the Republican-controlled General Assembly. Then, on May 31, the Virginia Beach mass shooting happened, in which twelve people were killed at the city’s municipal center by a heavily armed lone gunman.

Days after the shooting, the Northam Administration held a somber press conference at which the governor announced he would call for a special session of the General Assembly in July to take up gun safety measures. At the special session, however, the Republican majority adjourned the session after only 90 minutes without debating any bills. As voters contemplated the November 2019 midterm legislative elections, a

Washington Post–George Mason University poll found gun safety to be their top issue, and the gun safety movement went into high gear. Democratic candidates embraced the issue. John Bell, running for a previously red Loudoun County Senate seat, aired a prime-time television ad that showed him striding across a school athletic field to pick up a bullet casing as he promised he was “not afraid of the NRA.” Dan Helmer, an army veteran, ran on the slogan, “You shouldn’t need the body armor I wore in Iraq and Afghanistan to go shopping. This country has a gun violence crisis. We need action now.” On November 12, 2019 Virginia Democrats won both the House of Delegates and the State Senate and Democrats took full control of state government for the first time since 1994.



GUN POLITICS ONLINE

The declining influence of the NRA is visible in online discourse that reveals the growing prominence of pro-gun safety messaging and the heightened ability of pro-safety advocates to challenge well-established NRA talking points and dog whistles. Since October 2018, more than 10 million posts were generated making specific reference to “gun control,” “gun laws,” “gun safety,” and “gun politics” from roughly 2 million unique authors. In the same timeframe, Virginia, which emerged as a key battleground state in the transformation of the gun violence narrative, saw nearly 200,000 distinct social media messages referring to “gun control,” “gun safety,” and related terms, with roughly 32,000 unique users participating in this statewide discussion. In a reflection of the dominant role the NRA has played and continues to play in national discourse related to gun violence, specific reference to the “National Rifle Association” or “NRA” generated 12 million mentions, from roughly a million unique users. However, a closer look at this content reveals the changing dynamic of the organization’s online interactions, as the tone and focus on online discourse has shifted in the past few years and the NRA has found itself on the defensive.

An exploration of volume trends, the number of unique posts generated over time, tells a complex story of how the gun control narrative has ebbed and flowed in recent years and the role of state-level advocacy in shaping the wider national discourse. Figure 6, 7, and 8 depict the various peaks and declines in online engagement. Letters A–F show the largest clusters of engagement when there was a significant increase in the number of unique social media posts generated about a given topic and a corresponding increase in the number of authors engaging in discussions about this topic.

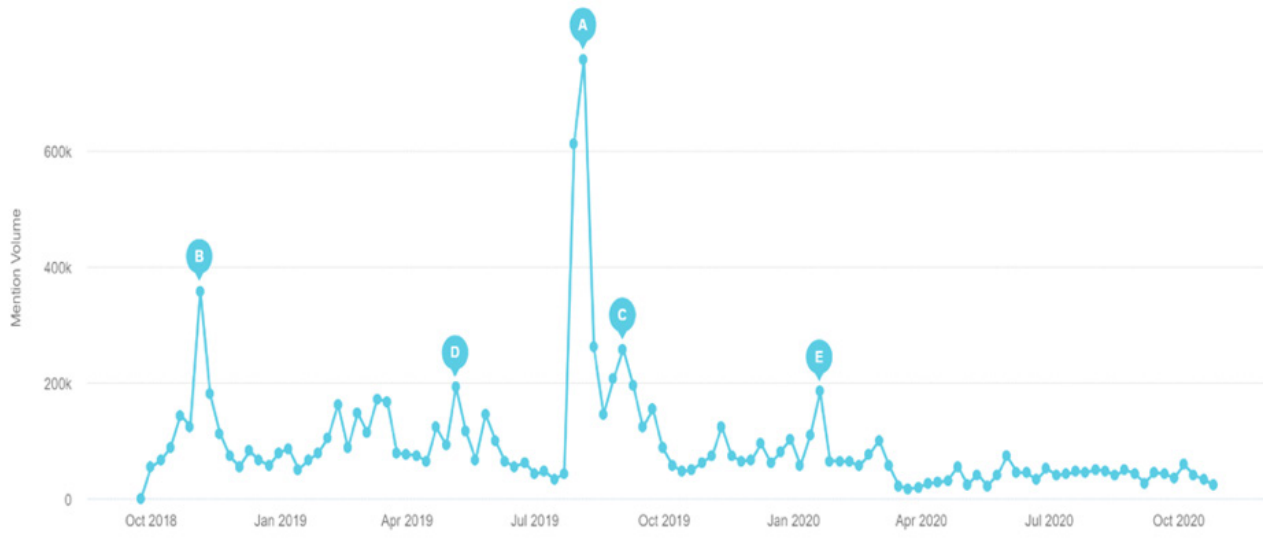


FIGURE 6: Gun Safety Volume Trend: National Level Discourse: Oct 2018–Oct 2020

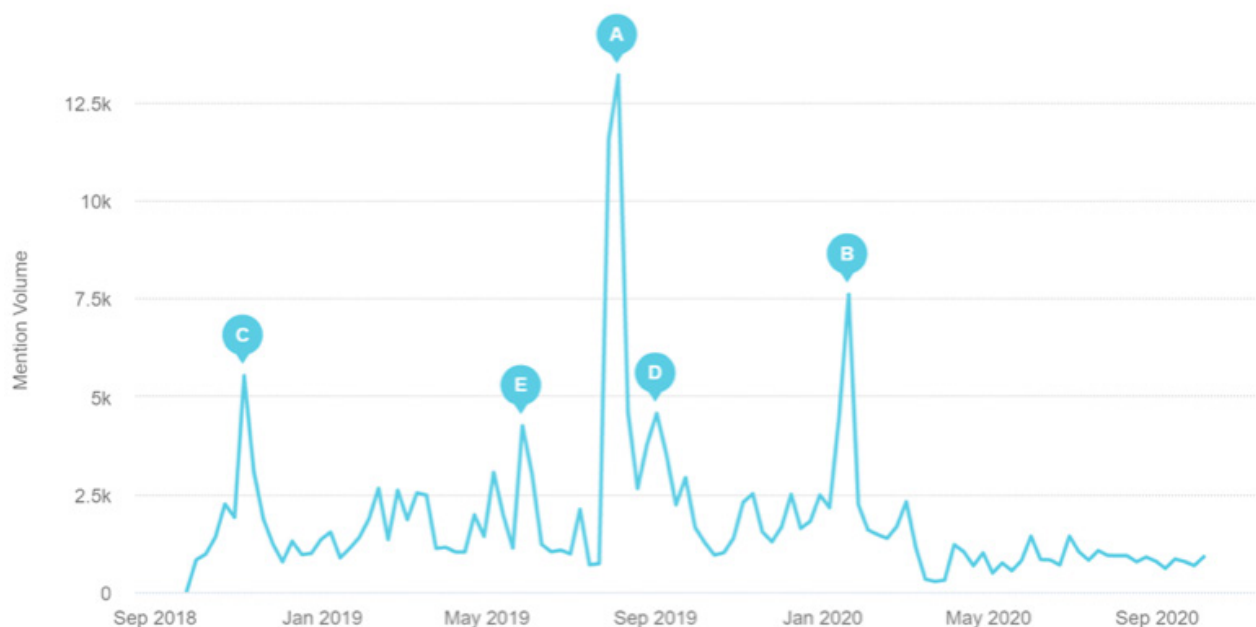


FIGURE 7: Gun Safety Volume Trend: Virginia, USA: Sept 2018–Sept 2020

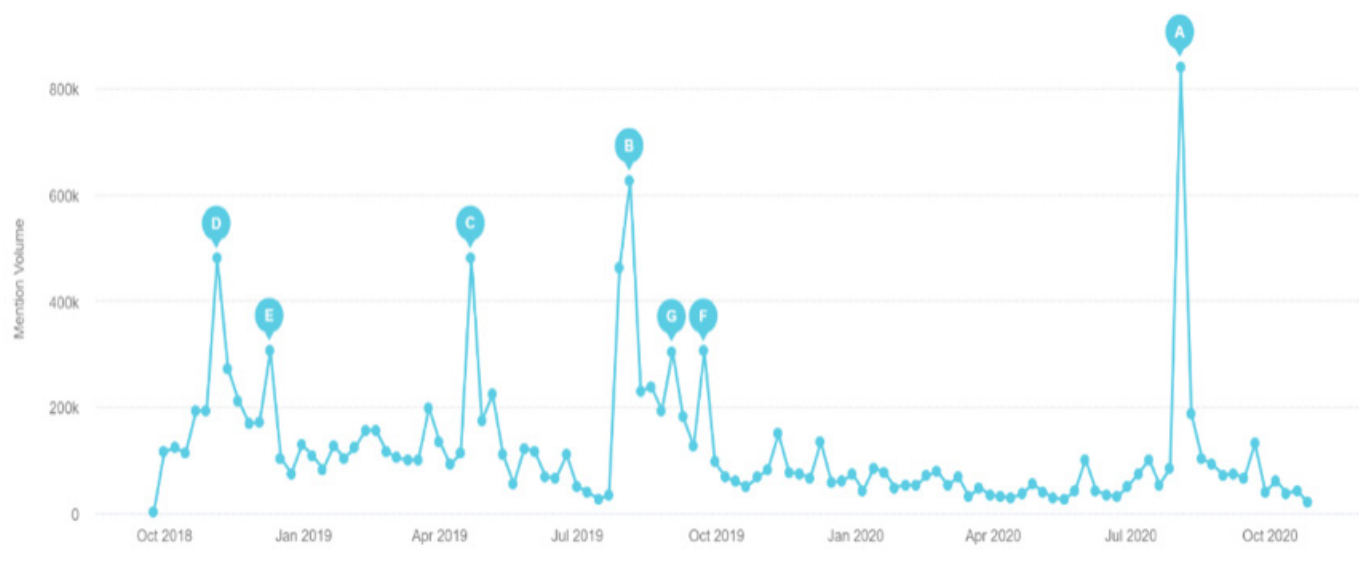


FIGURE 8: NRA Volume Trend: Virginia, USA: Oct 2018–Oct 2020

In the past 2 years, there has been much overlap in the timeframes that have seen significant increases in engagement in Virginia and at the national-level discourse, with all but one increase in Virginia also seen at the national level. The majority of spikes were a direct result of widespread media coverage and public reactions following mass shootings events. As shown in *Table 1*, these pivotal dates include August 5, which saw two mass shootings in a 13-hour window in El Paso and Dayton, Ohio, and November 5, 2018, the day of the mid-term elections, in which candidates' support or opposition to gun control legislation took center stage. A variety of announcements and events sparked the increased that peaked on September 2, 2019, including a mass shooting in the West Texas cities of Midland and Odessa on August 31, 2019 and Walmart's announcement of its plans to reduce its gun and ammunition sales.

Volume Clusters	Virginia	National	NRA
Cluster A	August 5, 2019 (13,043 posts)	August 5, 2019 (769,821 posts)	August 3, 2020 (812,211 posts)
Cluster B	January 20, 2020 (7,557 posts)	November 5, 2018 (362,806 posts)	August 5, 2019 (615,265 posts)
Cluster C	November 5, 2018 (5,506 posts)	September 2, 2019 (261,527 posts)	November 15, 2018 (472,808 posts)
Cluster D	September 2, 2019 (4,509 posts)	May 6, 2019 (195,085 posts)	April 22, 2019 (472,153 posts)
Cluster E	May 27, 2019 (4,223 posts)	January 20, 2020 (188,085 posts)	December 10, 2018 (302,168 posts)

TABLE 1: Volume Clusters

Within this timeframe, then Democratic presidential hopeful Beto O'Rourke featured heavily in online content for his outspoken condemnation of the NRA and staunch support for stricter gun laws. One of the most widely circulated tweets on September 2, 2020 came from self-proclaimed "Snarky Lawyer," who explicitly called out the connection between guns and white supremacist violence and expressed support for Beto O'Rourke:



Sample Tweet: National-Level Discourse: September 2, 2019

The volume clusters also indicate that Virginia took the lead in shaping national-level discourse on several occasions in the past few years. January 20, 2020 is the clearest example of the impact of Virginia and state-level advocacy on wider online discourse. The significant increase seen in **cluster B** is a direct result of the gathering in Richmond, Virginia of thousands of gun safety opponents (many of them armed), who came to protest Gov. Northam's promise to pass a host of control measures. These events in Virginia were mirrored in national online discourse related to gun safety, as #GunSenseMajority, #VAleg, and @MomsDemand became trending topics. In the same 2-year period, volume trends related to the NRA remained largely distinct from national-level discourse related to gun control, gun safety, and related topics, reflecting the NRA's strategy of deflecting or minimizing the issue of gun violence following mass shootings.



Sample Tweet: January 20, 2020

Alongside an examination of the volume of online content, the key phrases and terms that have tended to be included in posts reveal how language and terminology have shifted over time. *Figures 9, 10, and 11* visualize the key phrases that have been used in association with gun safety between October 2018 and November 2020. The phrases on the right-hand side and shaded in darker orange have seen an increase in use, while the phrases on the left and shaded in lighter orange have seen a gradual decline.

At the national level, there has been a shift in the language used to discuss gun safety measures, with a 34 percent decline in use of "gun ownership" and a 33 percent decrease in use of "gun control laws" between 2018 and 2020. At the same time, references to "#istandwithvirginia" (and other phrases related to Virginia) and "Mike Bloomberg" have seen a dramatic increase. (During this time, Bloomberg also launched a bid for the Democratic presidential nomination, which could account for many of these references.) Kenosha, Wisconsin has also seen a 100 percent increase in mentions related to gun violence as a direct result of the killing of two protesters by 17-year-old Kyle Rittenhouse during a protest against police brutality.

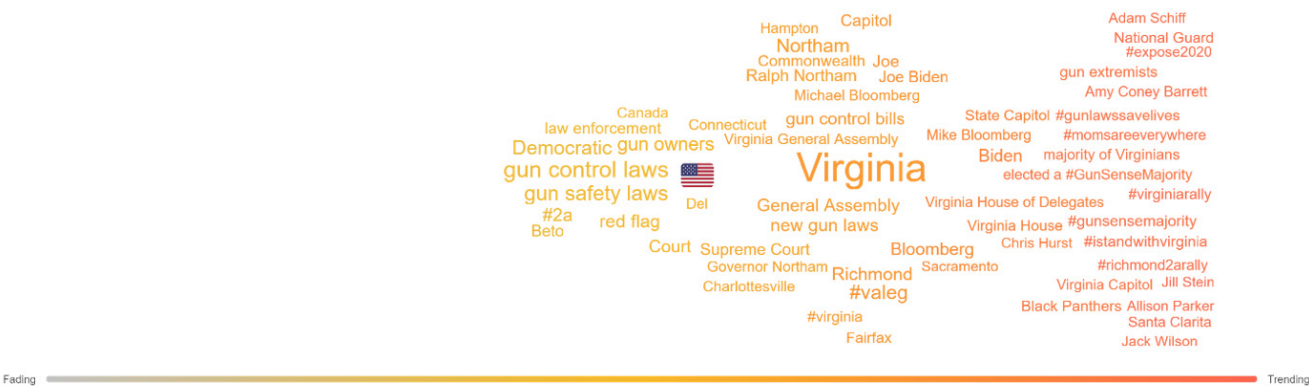


Figure 10: Key Word Trends, Virginia: September 2018–November 2020

In decline (between 2018 and 2020)	% of Decline	On the rise (between 2018 and 2020)	% of Increase
#2a	16%	#momsareeverywhere	100%
Gun control laws	11%	#gunsensemajORITY	85%
Gun safety laws	9%	Gun extremists	81%

Table 3: Sample of Key Word Trends, Virginia: September 2018–November 2020

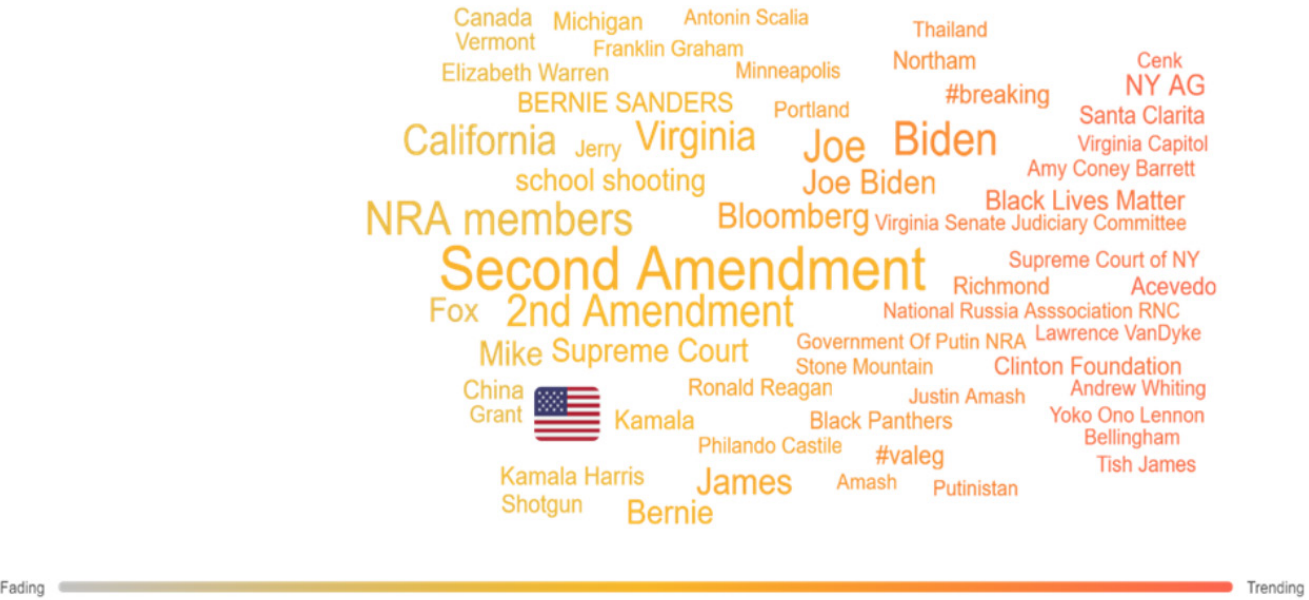


Figure 11: Key Word Trends, NRA: September 2018–November 2020

In decline (between 2018 and 2020)	% of Decline	On the rise (between 2018 and 2020)	% of Increase
California	30%	Virginia Capital	96%
Vermont	24%	Black Lives Matter	91%
NRA Members	24%	Justin Amash	54%
Kamala Harris	16%	Biden	52%
School Shooting	8%	Philando Castile	20%
Bernie	6%	Virginia	6%

TABLE 4: Sample of Key Word Trends, NRA: September 2018–November 2020



David Hogg
@davidhogg111

Why is it so easy for the NRA to immediately stand up and defend white domestic terrorists like the one in Kenosha- but there's always some kind of excuse the use to not defend Black gun owners like **Philando Castile**? The NRA supports white supremacy- not gun rights.

Twitter • 25 Sep • Reach 1M



Andrew Weinstein
@Weinsteinlaw

Philando Castile had a permit to carry. Why didn't the @NRA fight for his rights?

Twitter • 21 Jan • Reach 319K



David Hogg
@davidhogg111

Who the NRA defends -The white man the murdered Travon Martin -The white domestic terrorist that killed 2 people in Kenosha -White men storming state capitals with assault weapons Who the they won't -**Philando Castile** -Breonna Taylor's boyfriend -Black Panthers I wonder why...

Twitter • 25 Sep • Reach 310K



GUN SAFETY

BEFORE	AFTER
The NRA is the most powerful lobby in America.	The NRA has been weakened by internecine conflict and charges of corruption.
Any politician crossing the NRA or not doing its bidding will lose re-election.	Politicians can win election and re-election after supporting gun safety laws and policies.
The intensity of the NRA's members and followers are not matched by supporters of gun control.	The grassroots gun safety activists have built a powerful movement driven by the direct experience of survivors and families.

CONCLUSION

“Gun politics has shifted. There’s an entirely different environment where people know that gun safety is a public health issue.”

—JOHN FEINBLATT, PRESIDENT, EVERYTOWN³⁰

On December 10, 2020 Everytown for Gun Safety released its “roadmap” for how the new Biden Administration can “tackle gun safety through executive action in the first hundred days and beyond.” The roadmap lists four actions that are prioritized by the gun safety movement.³¹ At the same time, the organization released the findings of a new poll demonstrating that a large majority of voters support the movement’s goals. According to the survey of more than 15,000 voters, an unusually large sample, 70 percent, agree that gun violence “is an urgent issue that the federal government needs to address quickly next year, alongside the economy & COVID-19” and 68 percent agree that “our nation’s gun laws should be stronger than they are now.”³²

As the country enters a new era of gun politics with a new administration that supports stricter gun laws, the new narrative will be put to the test. Gun safety proposals that have been languishing in Congress will advance and generate intense debate. If the past is any guide, we know that the gun lobby and its supporters will mount strong opposition to any tightening of the rules. But today a new three-point narrative is taking hold:

1. The NRA is no longer the most powerful lobby.
2. The voters want action.
3. Voting for “gun sense” laws is a win-win—lives will be saved and backers will win elections.

Will this shift embolden a majority of members of Congress to vote for new federal gun safety regulations?

³⁰ Reid J. Epstein, “Bloomberg’s gun control group calls for a raft of executive actions from Biden,” *The New York Times*, December 10, 2020.

³¹ 1. Keep guns out of the hands of people who shouldn’t have them by strengthening the background check system. 2. Prioritize solutions to the city gun violence devastating communities every day. 3. Heal a traumatized country by making schools safe, confronting armed hate and extremism, preventing suicide, and centering and supporting survivors of gun violence. 4. Launch a major firearm data project and protect the public with modern gun technology.

³² <https://everytown.org/documents/2020/12/everytown-mc-analysis.pdf/>

CASE STUDY 6

NARRATIVE SHIFT

AND THE CAMPAIGN TO END RACIAL PROFILING

Racial profiling: The use of race or ethnicity as grounds for suspecting someone of having committed an offense.

OXFORD LANGUAGES

Driving While Black (DWB) is the name given to the non-existent “crime” of being a black driver, and is generally a racial profiling employed by many police forces. It is a parody of the real crime driving while intoxicated. It refers to the idea that a motorist can be pulled over by a police officer simply because he or she is black, and then charged with a trivial or perhaps non-existent offense.

URBAN DICTIONARY

The term “racial profile” first entered the American lexicon in January 1998 when an AP story titled “Veteran Cop Goes on Trial; Race an Issue in Traffic Stop” was published in several regional newspapers. The article described the trial of Aaron Campbell, a Black man who happened to be a police officer, who was pulled over by sheriff’s deputies in Orange County, Florida and then pepper sprayed, wrestled to the ground, and arrested when he objected to the stop:

“Campbell is scheduled to go on trial today on charges of felony assault and resisting arrest with violence. His lawyer said the stop was illegal, and the only thing Campbell was guilty of was DWB, driving while black, and fitting a profile that Orange County deputies use to identify motorists to be stopped and searched for contraband.... The Orange County sheriff’s office says stops aren’t based on a **racial profile**.” (AP, January 12, 1998)

“Racial profiling” was mentioned in a smattering of newspaper articles over the course of 1998, but by 1999 it had vaulted to the top of the nation’s public policy agenda. It was the subject not only of thousands of articles, editorials, and television and radio broadcasts, but also of Congressional and state legislative hearings and proposals. In 2000, both presidential candidates, Al Gore and George W. Bush, deplored it during their campaigns, and both vowed to issue executive orders banning it if elected. By 2001, more than a dozen state legislatures had passed new laws requiring their law enforcement agencies to collect race and ethnicity data for all traffic stops. By the end of 1999, a majority of Americans, both Black and white, believed that racial profiling was both widespread and unfair.¹

¹ A Gallup poll released on December 9, 1999 showed that 59 percent of the public believed racial profiling was widespread, and an overwhelming 81 percent disapproved of its use by police.

This case study describes the narrative shift that occurred in just 3 years, between 1999 and 2001, and how advocates made it happen. It also describes the gradual weakening of resolve to end racial profiling in the aftermath of 9/11 and the reemergence of the anti-racial profiling narrative in the years since the murder of Trayvon Martin in 2012 and the rise of the Black Lives Matter movement.

METHODOLOGY

INTERVIEWEES:

- **John Crew**, Founding Director of the ACLU's Campaign Against Racial Profiling
- **Ira Glasser**, former Executive Director of the ACLU
- **David A. Harris**, author of *Profiles in Injustice*
- **Wade Henderson**, former President and CEO of The Leadership Conference on Civil and Human Rights
- **Laura W. Murphy**, former Director of the ACLU Washington Legislative Office
- **Reggie Shuford**, Executive Director of the ACLU of Pennsylvania and former lead racial profiling litigator for the ACLU

OTHER SOURCES CONSULTED:

- **Michelle Alexander**, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press, 2010.
- **Frank R. Baumgartner, Derek A Epp, and Kelsey Shoub**, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*. Cambridge University Press, 2018.
- **David Cole**, *No Equal Justice: Race and Class in the American Criminal Justice System*. The New Press, 1999.
- **David A. Harris**, *Profiles in Injustice*. The New Press, 2002.
- **Khalil Gibran Muhammad**, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. First Harvard University Press, 2019.
- **Craig Reinerman and Harry G. Levine** (Eds.), *Crack In America: Demon Drugs and Social Justice*. University of California Press, 1997.

MEDIA AND SOCIAL MEDIA RESEARCH

To identify media trends, we developed a series of search terms and used the LexisNexis database, which provides access to more than 40,000 sources, including up-to-date and archived news. For social media trends we utilized the social listening tool Brandwatch, a leading social media analytics software that aggregates publicly available social media data.

BACKGROUND

The dangers of “driving while Black” were well known to Black people long before the late-1990s, as Ric Burns’s [recent film](#) of the same name documents so effectively. Efforts to control African Americans’ mobility date back to the arrival of the first enslaved Africans in the New World in 1619. The Fugitive Slave Act of 1783 authorized local governments to seize and return escapees to their owners and empowered any white person to question any Black person they saw. But the “war on drugs,” declared by President Reagan in 1982, introduced a new tool to impede the free movement of motorists of color. In 1986, in the midst of the crack cocaine “epidemic,” which was depicted as a Black, inner-city problem, the Drug Enforcement Agency launched “Operation Pipeline.” This drug interdiction program ultimately trained 27,000 law enforcement officers in 48 states to use pretext stops (e.g., going slightly over the speed limit or failing to signal) in order to search for drugs. The training encouraged the police to use a race-based “drug courier profile” to pull over motorists; consequently, civil rights organizations saw an uptick of complaints of unfair treatment on the nation’s highways. By the early-1990s, the uptick had become a flood. Disturbing stories like the following examples began to appear in the media, often in the context of civil rights lawsuits brought by racial profiling victims:

“ An elderly African-American couple sued the Maryland State Police yesterday, alleging that a search of their vehicle and possessions along Interstate 95 by troopers was an unlawful act of racial discrimination and false imprisonment. The suit, stemming from a July 12, 1994, traffic stop in Cecil County, was filed in Baltimore County Circuit Court by the American Civil Liberties Union on behalf of Charles Carter, 66, and Etta Carter, 65. The Carters of Mount Airy, Pa., allege that they were traveling home on their 40th anniversary after visiting a daughter in Florida when they were stopped and detained for several hours while police “methodically examined the contents of virtually every item” in their rented minivan, scattering items on the roadside.

SOURCE: BALTIMORE SUN

“ Officials in Eagle County, Colorado paid \$800,000 in damages in 1995 to Black and Latino motorists stopped on Interstate 70 solely because they fit a drug courier profile. The payment settled a class-action lawsuit filed by the ACLU on behalf of 402 people stopped between August 1988 and August 1990 on I-70 between Eagle and Glenwood Springs, none of whom were ticketed or arrested for drugs.

SOURCE: ROCKY MOUNTAIN NEWS

“ In California, San Diego Chargers football player Shawn Lee was pulled over, and he and his girlfriend were handcuffed and detained by police for half an hour on the side of Interstate 15. The officer said that Lee was stopped because he was driving a vehicle that fit the description of one stolen earlier that evening. However, Lee was driving a Jeep Cherokee, a sport utility vehicle, and the reportedly stolen vehicle was a Honda sedan.

SOURCE: SAN DIEGO UNION TRIBUNE

70%

OF THOSE STOPPED AND SEARCHED
WERE BLACK

In addition to compelling stories of innocent Black people being stopped, searched, and humiliated on interstate highways, the lawsuits led to the collection of hard data to prove the plaintiffs' contention that racial profiling was real. Dr. John Lamberth, a Temple University Professor of Psychology with expertise in statistics, was retained by plaintiffs to carry out a series of studies. He designed a research methodology to determine first, the rate at which Black people were being stopped, ticketed, and/or arrested on a section of a given highway, and second, the percentage of Black people among drivers on that same stretch of road. He also measured the population of violators of traffic laws, broken down by race to see whether disproportionate stops of drivers of color were due to their driving behavior, rather than racial profiling. These studies were carried out in New Jersey, Maryland, Illinois, and Ohio, and they all came to the same conclusion: state troopers were singling out motorists of color for discriminatory treatment. In Maryland, although only 17 percent of the drivers on the relevant roadway were Black, well over 70 percent of those stopped and searched were Black. In New Jersey, the race of the driver was the only factor that predicted which cars police stopped. Professor David A. Harris, who has written widely on the subject, observed:

“ These findings and those in other studies—performed in different places, at different times, with different data, and involving different police departments—all point in the same direction: The disproportionate use of traffic stops against minorities is not just a bunch of stories, or a chain of anecdotes strung together into the latest social trend. On the contrary, it is a real, measurable phenomenon.”²

Racial AND Profiling

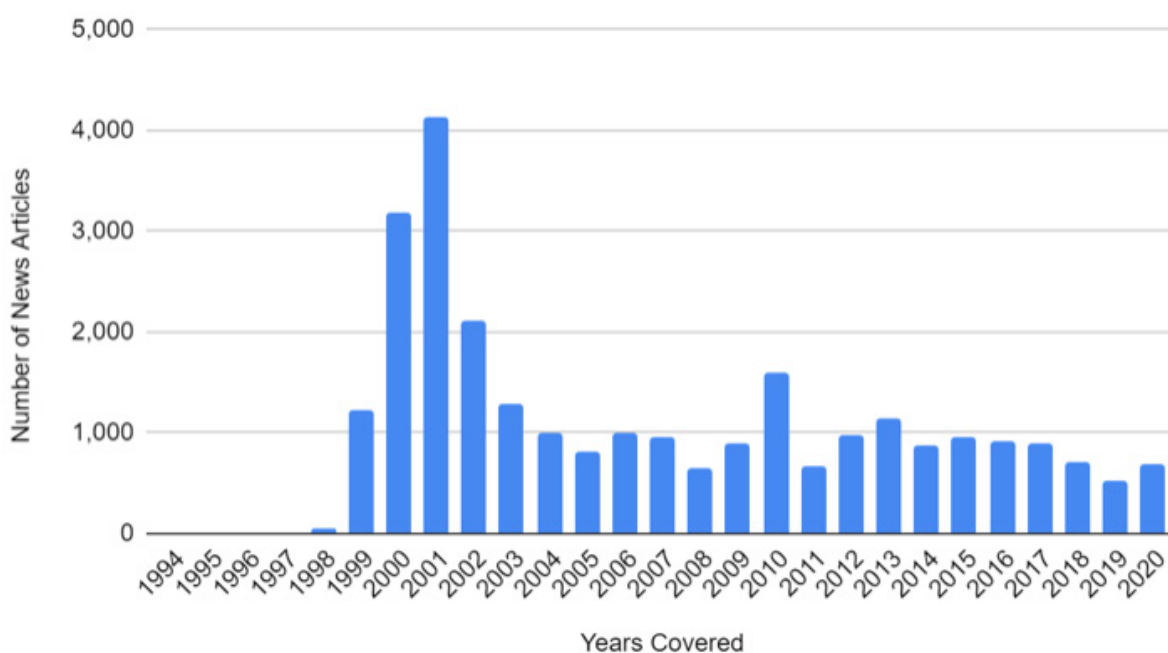


FIGURE 1: Mainstream News Media Coverage: Racial Profiling: 1994–2020

The release of these statistics generated more media coverage. The number of stories about racial profiling published in U.S. newspapers increased tenfold between 1998 and 1999. Calls for action were coming from civil rights and civil liberties organizations and African American elected leaders as complaints from their constituents poured in. At community meetings and legislative hearings around the country, racial profiling victims were testifying, oftentimes in tears, about their experiences. The New Jersey Legislative Black and Latino Caucus, for example, held three regional public hearings in April 1999 and concluded:

² David A. Harris, “When Success Breeds Attack: The Coming Backlash Against Racial Profiling Studies,” *Michigan Journal of Race and Law*, V. 6, 2001:237.

“ The testimony and other evidence adduced at the Caucus hearings confirmed what minority motorists have known for years—racial profiling has long been the ‘unofficial’ modus operandi of the State Police. The State Police hierarchy has unofficially encouraged, condoned and rewarded the practice. Reverend Reginald Jackson, Executive Director of the Black Ministers Council of New Jersey explained the situation in stark terms: ‘Racial profiling was the worst kept secret in New Jersey.’”

The New Jersey hearings were closely followed by the media, and headlines served to frame the issue:

- “Hearing probes trooper racism,” *Asbury Park Press*, April 14, 1999
- “In Hearing, Blacks Tell of Stops by Troopers; Legislators Examine Profiling Complaints,” *The Record* (Bergen County), April 14, 1999
- “Minorities describe humiliation by State Police,” *The Star-Ledger* (Newark, New Jersey), April 14, 1999

At the federal level, Rep. John Conyers, Jr. (D-MI) introduced the Traffic Stops Statistics Act, which would have required that police departments collect demographic data on each traffic stop and that the U.S. Attorney General then conduct a study based on the data. It passed the House in 1998 without a single dissenting vote, *but it died in the Senate*.³

In the meantime, pushback from the police establishment was increasing. In a much-quoted statement, the superintendent of the New Jersey State Police, then under scrutiny by the courts and the state legislature, opined, “The drug problem is mostly cocaine and marijuana. It is most likely a minority group that’s involved with that.” In the fall of 1998, Attorney General Janet Reno held a national summit on the problem of race and traffic stops. In addition to local, state, and federal law enforcement representatives and U.S. attorneys from around the country, several advocacy organizations, including the National Urban League and the ACLU, were in attendance. Those from law enforcement struck a defensive tone according to one of the participants, claiming: “There is no such thing as racial profiling. It doesn’t exist. Collection of data on traffic stops that tracked race would be unnecessary and dangerous and an insult to every person who wore a badge. Merely raising the issue was a slap in the face to the brave officers who risked their lives to keep the peace.”⁴

All the lawsuits, hearings, and media coverage were still not producing the kind of policy changes that were needed. Every hour of every day, motorists of color were still being stopped; searched; and, in some cases, traumatized on the nation’s roads and highways. More had to be done. As frustration mounted, the ACLU decided to escalate its campaign.

THE ACLU’S CAMPAIGN AGAINST RACIAL PROFILING

The ACLU’s first challenge to racial profiling had been in the form of a class-action lawsuit against the Maryland State Police (MSP) on behalf of Robert L. Wilkins, an African American attorney who was stopped, detained, and searched in 1992 while driving to Washington, D.C., from Chicago. When he refused to consent to a search, the police told him, “You’re gonna have to wait here for the dog.” Wilkins and the other members of his family who were passengers were forced to get out of the car and stand in the dark and the rain by the side of the highway until the canine patrol arrived and confirmed there were no drugs in the car. The case was settled in 1993 and the settlement decree included a requirement that the state monitor highway searches for any pattern of discrimination. Three years later, the data showed that the MSP was still engaging in racial profiling. In his report to the court, statistician John Lamberth concluded:

³ In August 2001, the End Racial Profiling Act was introduced in both houses but did not pass. The Act has been reintroduced virtually every year since.

⁴ Harris, p. 108

⁵ Wilkins is now a federal judge serving on the U.S. Court of Appeals for the District of Columbia.

“While no one can know the motivations of each individual trooper in conducting a traffic stop, the statistics presented herein, representing a broad and detailed sample of highly appropriate data, show without question a racially discriminatory impact on blacks and other minority motorists from state police behavior along I-95.”

Other lawsuits followed, and as the cases mounted, the ACLU’s National Legal Department assigned one of its staff attorneys to work with the organization’s fifty-plus state affiliates to generate more cases.

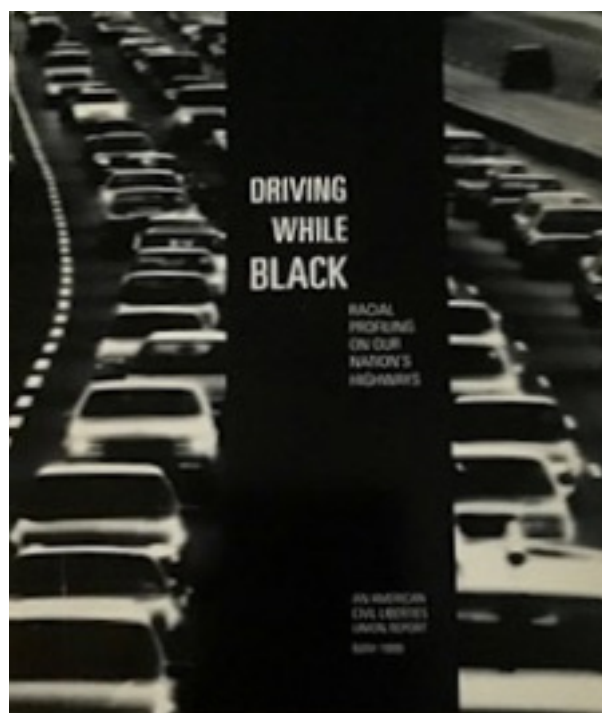
In February 1999 the ACLU of Northern California launched its Driving While Black or Brown campaign. Under the direction of staff attorney Michelle Alexander and communications director Elaine Elinson, it “aimed to inspire a shift in public consciousness on race and criminal justice.” The campaign established a “DWB Hotline” and aggressively publicized the stories it received. It held press conferences so that people who had called the hotline could speak directly to the media. It put up fifty billboards in African American and Latino neighborhoods advertising the campaign and the hotline and it produced several radio ads that dramatized the experience of being unfairly pulled over by the police. All this activity succeeded in growing a coalition that included civil rights and civic and faith organizations. According to Alexander and Elinson:

“In many respects, the campaign was a greater success than we ever hoped or imagined. When the campaign began, the terms ‘racial profiling’ or ‘DWB’ were not widely used, and the problems associated with those practices were not part of the political discourse. At the peak of the campaign, those terms, and the problems they represented, permeated the political discourse in communities of all color in California and nationwide. Thousands of people participated in grassroots organizing efforts. Personal stories of racial profiling filled the airwaves.”⁶

The national ACLU decided to adopt the Northern California affiliate’s model. On June 2, 1999 the organization held a press conference at its headquarters in New York City to announce the launch of a new national campaign. “We are here today to demand an end to racial profiling. The ACLU is using all of its available legal resources as well as advertising, public service announcements, statistical reports and yes, the media, to get our message out. Racial profiling of minority motorists is restoring Jim Crow justice in America,” said Executive Director Ira Glasser. The press conference was the occasion for the release of a 43-page report, “Driving While Black: Racial Profiling on Our Nation’s Highways.” Authored by David A. Harris, then a Professor of Law at the University of Toledo College of Law, the report linked the increase in racial profiling to the war on drugs and articulated the narrative that the ACLU was committed to “getting out”:

“From the outset, the war on drugs has in fact been a war on people and their constitutional rights, with African Americans, Latinos and other minorities bearing the brunt of the damage. It is a war that has, among other depredations, spawned racist profiles of supposed drug couriers. On our nation’s highways today, police ostensibly looking for drug criminals routinely stop drivers based on the color of their skin. This practice is so common that the minority community has given it the derisive term, ‘driving while black or brown’—a play on the real offense of ‘driving while intoxicated.’”

The announcement and the report received widespread media coverage, with articles referring specifically to “driving while Black” increasing from just 72 articles in 1998 to more than 300 in 1999.



⁶ Alexander and Elinson, unpublished manuscript.

Some of the headlines that clearly named the problem included:

- “Racial Profiling is Rising Nationwide, an ACLU Study Reports the ‘War on Drugs’ Targets Minorities, it says. Among its Suggestions: That Police Keep Better Data on Traffic Stops,” *The Philadelphia Inquirer*, June 3, 1999
- “ACLU report blasts racial profiling,” *The Boston Globe*, June 3, 1999
- “ACLU seeks end to racial profiling,” *The Atlanta Journal-Constitution*, June 2, 1999
- “Racial Profiling in Drug War Like Jim Crow: ACLU,” *New York Daily News*, June 3, 1999

"Driving while Black"

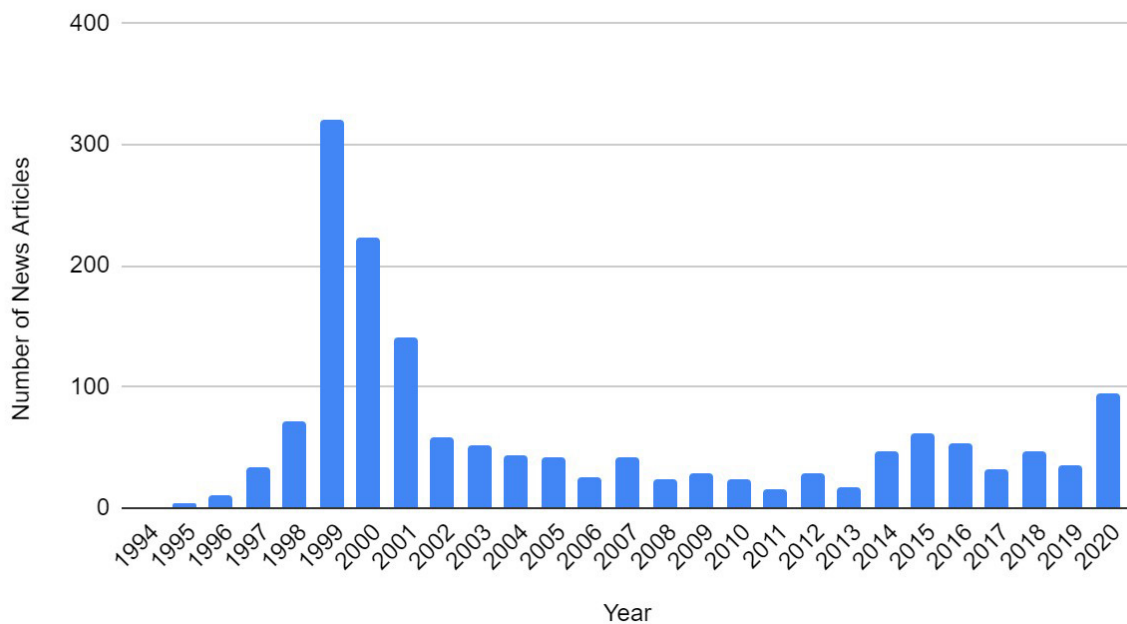


FIGURE 2: Mainstream News Media Coverage: Driving While Black: 1994–2020

The ACLU’s strategy was based on the adage that “sunlight is the best disinfectant.”⁷ People would oppose injustice if only they knew about it. Glasser explains:


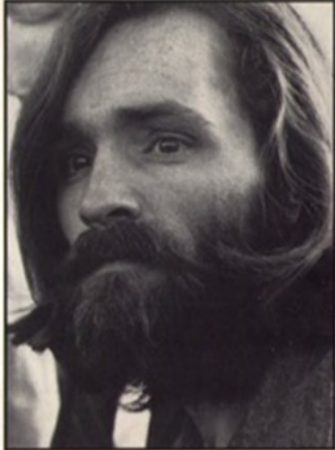
“Racial profiling on our highways had long been a secret kept from most Americans and virtually from all white Americans. But it was never a secret to its victims.... And so it became important to us at the ACLU to spread this news around. It became our mission and our agenda to gather the information as systematically as we could and to make it as widely known as we could.”

“Driving While Black or Brown”

⁷ Justice Louis Brandeis.

A nationwide toll-free hotline was established (1-877-6-PROFILE) for victims to call, and a complaint form was featured on the ACLU's website. A full-page ad was placed in *Emerge*, then a popular magazine for Black audiences, and a public service announcement publicizing the hotline aired on Black radio stations nationwide. A "Driving While Black or Brown" kit composed of a sample letter to members of Congress in support of the Traffic Stops Statistics Act, stickers with the hotline number, and the ACLU's so-called "bust card" explaining what to do if stopped by the police, was distributed in the tens of thousands. The organization's Public Education Department kept up a steady stream of press releases and backgrounders for reporters and placed speakers, including victims of racial profiling, at conferences and on TV and radio broadcasts. Its Washington Legislative Office provided testimony and worked with the Congressional Black Caucus to drum up support for federal legislation. Its state affiliates worked with their allies, including the NAACP, the Urban League, and Black police organizations to generate support for state legislation and to pressure law enforcement agencies to collect data on a voluntary basis. It was all hands on deck.

**THE MAN ON THE LEFT
IS 75 TIMES MORE LIKELY TO BE STOPPED
BY THE POLICE WHILE DRIVING THAN
THE MAN ON THE RIGHT.**

It happens every day on America's highways. Police stop drivers based on their skin color rather than for the way they are driving. For example, in Florida 80% of those stopped and searched were black and Hispanic, while they constituted only 5% of all drivers. These humiliating and illegal searches are violations of the Constitution and must be fought. Help us defend your rights. Support the ACLU.

american civil liberties union
125 Broad Street, 18th Floor, NY, NY 10004 www.aclu.org

AD PLACED IN *THE NEW YORKER* AND *THE NEW YORK TIMES MAGAZINE*

Because the ACLU had offices in every state, the organization was able to generate activity on multiple fronts. Community speak-outs with journalists in attendance were held to give voice to victims of racial profiling. Advocates representing state and local civil rights coalitions engaged in public speaking and appeared in radio and television broadcasts and called for concrete action. The first step was to enact laws requiring the collection of data to establish that racial profiling was taking place. Once established, advocates would then lobby for legislation to ban it. The first state to pass legislation requiring data collection was North Carolina, with the ACLU of North Carolina working closely with the state legislature's Black Caucus. Other states followed suit with substantial editorial support from all regions of the country:

- “An end to profiling,” *The Courier-Journal* (Louisville, Kentucky), April 23, 2000
- “State must do what it can to stop racial profiling,” *The Milwaukee Journal Sentinel*, October 18, 1999
- “Racial profiling real and should cease,” *San Antonio Express News*, June 20, 1999
- “Stop Racial Profiling,” *St. Petersburg Times* (Florida), December 23, 2000
- “Act Now on Racial Profiling,” *The San Francisco Chronicle*, January 19, 2000

By any measure, the campaign was impactful. A week after the initial press conference and release of the Harris report in June 1999, President Bill Clinton declared that racial profiling was “morally indefensible” and ordered federal law-enforcement agencies to compile data on the race and ethnicity of people they question, search, or arrest to determine whether suspects were being stopped because of the color of their skin. A Gallup poll released in December 1999 revealed that 59 percent of the public believed that racial profiling was widespread, and 81 percent disapproved of its use by police. In 1999 alone, fifteen states considered legislation mandating the collection of traffic-stop information and, ultimately, twenty-nine of the forty-nine state police agencies with patrol duties would require the collection of race and ethnicity data.⁸ Media coverage increased dramatically over the course of the campaign, from 2,741 stories in 1999 to close to 9,000 stories in 2001. In his February 27, 2001 address to a Joint Session of Congress, newly elected President George W. Bush declared that “racial profiling is wrong and we will end it in America.”

But the campaign's most profound impact was its disruption of a deeply entrenched American narrative—what Ta-Nehisi Coates calls “the enduring myth of Black criminality.”

THE MYTH OF BLACK CRIMINALITY

Negative stereotypes about Black people abound in America, and one of the oldest is the stereotype that they are violent and predisposed to crime. In his 2015 lengthy essay “The Black Family in the Age of Mass Incarceration” (published in *The Atlantic* magazine) Ta-Nehisi Coates avers that “Black people are the preeminent outlaws of the American imagination”:

“Black criminality is literally written into the American Constitution—the Fugitive Slave Clause, in Article IV of that document...the crime of absconding was thought to be linked to other criminal inclinations.... Nearly a century and a half before the infamy of Willy Horton, a portrait emerged of Blacks as highly prone to criminality, and generally beyond the scope of rehabilitation.”

“Black people are the preeminent outlaws of the American imagination”

⁸ Bureau of Justice Statistics Fact Sheet: “Traffic Stop Data Collection Policies for State Police, 2004.”

Like other negative racial stereotypes, Black criminality has proven to be a long-lived feature of American culture. One scholar, writing in the *Journal of Contemporary Criminal Justice*, observes:

“ In American society, a prevalent representation of crime is that it is overwhelmingly committed by young Black men. Subsequently, the familiarity many Americans have with the image of a young Black male as a violent and menacing street thug is fueled and perpetuated by typifications everywhere. In fact, perceptions about the presumed racial identity of criminals may be so ingrained in public consciousness that race does not even need to be specifically mentioned for a connection to be made between the two because it seems that talking about crime is talking about race.”⁹

The myth and stereotype of Black criminality was reinforced and magnified during the 1980s and '90s when crack cocaine became a national obsession. The media depicted crack as a Black, inner-city phenomenon. Local and national news shows were rife with footage of police breaking down the doors of “crack houses” and of Black and Brown men and women being carted off in handcuffs. *Time* and *Newsweek* each devoted five cover stories to crack and the drug crisis in 1986 alone, and CBS aired *48 Hours on Crack Street*, featuring Black drug dealers. In *The New Jim Crow*, Michelle Alexander writes:

“ Thousands of stories about the crack crisis flooded the airwaves and newsstands, and the stories had a clear racial subtext. The articles typically featured black ‘crack whores,’ ‘crack babies,’ and ‘gangbangers,’ reinforcing already prevalent racial stereotypes of black women as irresponsible, selfish ‘welfare queens,’ and black men as ‘predators’—part of an inferior and criminal subculture.”¹⁰

IN 1994 THE PRISON
POPULATION TOPPED

1 MILLION

Intensified street-level enforcement of the drug laws in low-income communities of color filled the jails and prisons with Black and brown people, further reifying the myth of Black criminality. Politicians, eager to prove their anti-crime bona fides, introduced and passed a raft of new drug laws, lengthening sentences and eliminating parole. By 1994, more Americans named crime as “the most important problem facing this country today” than any other problem, and 85 percent of the public thought courts were not harsh enough. That year a bipartisan Congress would pass and President Clinton would sign the Violent Crime Control and Law Enforcement Act, which incentivized states to enact mandatory sentencing laws and pumped close to \$10 billion into new prison construction. That same year, the U.S. Justice Department announced that the prison population topped 1 million for the first time in U.S. history. What has come to be known as “mass incarceration” was well underway.

Then, in 1995, the myth received another boost. In November of that year, Princeton political scientist John DiLuio published an essay that would receive enormous media attention. Titled “The Coming of the Super-Predator” and appearing in *The Weekly Standard*, a then new conservative magazine, DiLuio darkly warned that like a contagion, Black criminality would spread beyond the ghetto and into “even the rural heartland”:

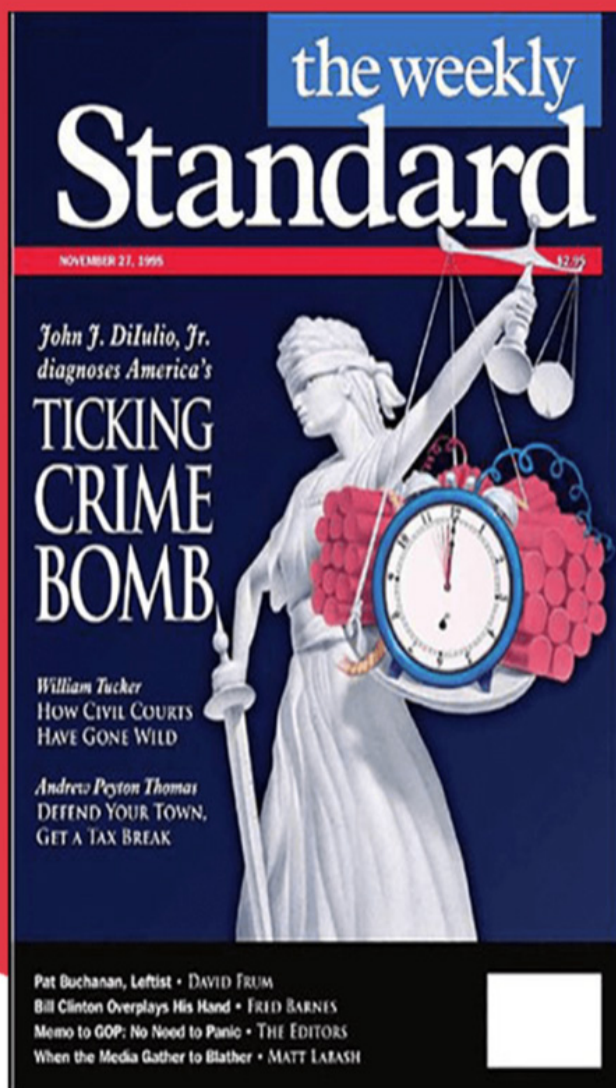
“ We’re not just talking about teenagers. We’re talking about boys whose voices have yet to change. We’re talking about elementary school youngsters who pack guns instead of lunches. We’re talking about kids who have absolutely no respect for human life and no sense of the future. In short, we’re talking big trouble that hasn’t yet begun to crest. And make no mistake. While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland.”

⁹ Kelly Welch, “Black Criminal Stereotypes and Racial Profiling,” *Journal of Contemporary Criminal Justice*, Vol. 23, August 2007.

¹⁰ P. 52

The term was quickly adopted by the media; researchers found nearly 300 uses of the word “super-predator” in forty leading newspapers and magazines from 1995 to 2000.¹¹ Those researchers point out that just a few years before, the news media had introduced the terms “wilding” and “wolf pack” to the national vocabulary, to describe five teenagers—four Black and one Latino—who were convicted and later exonerated of the rape of a woman in New York’s Central Park. This incident incited sensationalist coverage that declared the teenagers guilty before trial and led then hotel mogul Donald Trump to call for their execution. Kim Taylor-Thompson, a law professor at New York University, noted: “This kind of animal imagery was already in the conversation. The super-predator language began a process of allowing us to suspend our feelings of empathy towards young people of color.”

This was the political and cultural environment in which the ACLU and its allies sought to build public opposition to racial profiling. Racial profiling and the myth of black criminality were, and are, inextricably intertwined. By focusing on how a system preyed upon the innocent, the campaign to end racial profiling disrupted the myth and complicated things, allowing a new narrative about race and criminal justice to emerge. The mistreatment of Black people by law enforcement was not a matter of a few bad apples among the police; it was a matter of policy decisions that were made by those in authority. In spite of a deluge of dog whistles and overtly racialized media coverage linking criminality with Black people, a very substantial majority of Americans—81 percent according to the Gallup poll—did not want the police to target people based on skin color. Racial profiling was wrong.



THE COMING OF THE SUPER-PREDATORS

By John J. DiIulio, Jr.

Lynne Abraham doesn't scare easily. Abraham is the no-nonsense Democratic district attorney of Philadelphia. The city's late tough-cop mayor, Frank Rizzo, baptized her "one tough cookie." The label stuck, and rightly so. Abraham has sent more mafiosi to prison than Martin Scorsese, stood up (all 5'2" of her) to violent drug kingpins, won bipartisan support in this Congress for wresting control of the city's jail system from an ACLU-brand federal judge, and, most recently, publicly shamed the know-nothing liberals who want to free convicted cop-killer Mumia Abu-Jamal. Today various of her colleagues at the non-partisan National District Attorneys Association describe her as "quite smart and street smart," "a genuine law-and-order liberal," and "probably the best big-city D.A. in the country."

All true. So pay attention, because Lynne Abraham is scared.

In a recent interview, Abraham used such phrases as "totally out of control" and "never seen anything like it" to describe the rash of youth crime and violence that has begun to sweep over the City of Brotherly Love and other big cities. We're not just talking about teenagers, she stressed. We're talking about boys whose voices have yet to change. We're talking about

elementary school youngsters who pack guns instead of lunches. We're talking about kids who have absolutely no respect for human life and no sense of the future. In short, we're talking big trouble that hasn't yet begun to crest.

And make no mistake. While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland. To underscore this point, Abraham recounted a recent town-hall meeting in a white working-class section of the city that has fallen on hard times: "They're becoming afraid of their own children. There were some big beefy guys there, too. And they're asking me what am I going to do to control their children."

I interviewed Abraham, just as I have interviewed other justice-system officials and prison inmates, as a reality check on the incredibly frightening picture that emerges from recent academic research on youth crime and violence.

All of the research indicates that Americans are sitting atop a demographic crime bomb. And all of those who are closest to the problem hear the bomb ticking.

To cite just a few examples, following my May 1995 address to the district attorneys association, big-city prosecutors inundated me with war stories about the ever-growing numbers of hardened, remorseless juveniles who were showing up in the system. "They kill or maim on impulse, without any intelligible motive," said one. Likewise, a veteran beat policeman confided:



Princeton's Professor John J. DiIulio, Jr. is director of the Brookings Institution's Center for Public Management and Adjunct Fellow at the Manhattan Institute. He is author of recent research for the Foundation for the American Family, chaired by former Pennsylvania Governor Robert P. Casey.

NOVEMBER 27, 1995

THE WEEKLY STANDARD / 23

¹¹ Carroll Bogert and Lynnell Hancock, "Superpredator: The Media Myth that Demonized a Generation of Black Youth," The Marshall Project, November 20, 2020.

CAMPAIGN INTERRUPTED

In August 2001 hearings were held before the Senate Committee on the Judiciary concerning the End Racial Profiling Act of 2001. The Act, which was sponsored by Sen. Russ Feingold (D-WI) and Rep. Conyers and had bipartisan sponsors from both chambers, had been hammered out with input from civil rights and civil liberties advocates as well as law enforcement experts and practitioners. It would have required federal, state, and local law enforcement agencies to take steps to cease and prevent the practice, including implementing effective complaint procedures and disciplinary procedures for officers who engaged in the practice.¹² In his welcoming remarks, Sen. Feingold said, “Racial profiling is a shame on our society that must be stopped. It is unjust. It is un-American.” He noted that, “There is an emerging consensus in America that racial profiling is wrong and should be brought to an end” and emphasized the profound harms it caused to African Americans:

“ I have also heard from African American parents that they feel they must do something that would not even cross the minds of white parents: instruct their children from a very early age about the prospect and even likelihood of being stopped by the police when they haven’t done anything wrong. That to me is a chilling fact. Racial profiling leads to our children being taught from an early age, as a matter of self-protection, that they will not be fairly treated by law enforcement based on the content of their character, but instead will be seen as suspicious based on the color of their skin.”¹³

By September 10 headlines indicated that the Act and various efforts around the country to bring racial profiling under control were underway and still had considerable media traction:

- “NJ kicks off two-day summit on racial profiling,” The Associated Press, September 10, 2001
- “Racial Profiling New Police Policy is a Good Step Toward Ending Abusive Practice,” Editorial, *The Post-Standard* (Syracuse, NY), September 10, 2001
- “Justice Dept. to begin nationwide study of racial profiling with voluntary participation by police,” The Associated Press September 10, 2001
- “Forum on Racial Profiling Aims to Ask Questions,” *The Virginian-Pilot* (Norfolk, VA), September 10, 2001
- “Officials answer racial profiling questions at NAACP event,” *The Kansas City Star*, September 10, 2001

Then 9/11 happened.

The events of 9/11 and its aftermath stymied the campaign to end racial profiling. The new narrative—that racial profiling was systemic, wrong, unconstitutional, and un-American—was not yet strong enough or capacious enough to resist the calls for the widespread ethnic profiling that was a key feature of the domestic “war on terror.” In a white paper published by The Leadership Conference on Civil and Human Rights, the country’s largest and most diverse civil rights coalition deplored the breakdown of a “national consensus against racial profiling”:

“ In the months preceding September 11, 2001, a national consensus had developed on the need to end racial profiling. The enactment of a comprehensive federal statute banning the practice seemed imminent. However, on 9/11, everything changed. In the aftermath of the terrorist attacks, the federal government focused massive investigatory resources on Arabs and Muslims, singling them out for questioning, detention, and other law enforcement activities. Many of these counter-terrorism initiatives involved racial profiling.”¹⁴

¹² The bill also conditioned certain federal funds to state and local law enforcement agencies on their compliance with these requirements and authorized the attorney general to provide incentive grants to assist agencies with their compliance with this Act. Finally, the bill would have required the attorney general to report to Congress 2 years after enactment of the Act and each year thereafter on racial profiling in the United States.

¹³ BANNING RACIAL PROFILING, Federal Document Clearing House Congressional Testimony, August 1, 2001, Wednesday.

¹⁴ “Restoring a National Consensus: The Need to End Racial Profiling in America,” The Leadership Conference, March 2011.

Ethnic profiling, by both law enforcement and the general public, would go on for years, and although it was challenged in numerous lawsuits and criticized by a broad coalition that included leaders representing the gamut of religious faiths, most Americans accepted it as a necessary tool to prevent new acts of terrorism. On the 1-year anniversary of the attack, the Pew Research Center conducted a survey and found that two-thirds of Americans favored allowing airport personnel to do extra checks on passengers “who appear to be of Middle-Eastern descent.”¹⁵

The national debate over immigration, which reached a crescendo in the spring of 2007 when the U.S. Senate was considering the Comprehensive Immigration Reform Act, further weakened the nation’s commitment to end racial and ethnic profiling. The Act, which had the support of President Bush during his final year in office, would have provided legal status and a path to citizenship for the approximately 12 million undocumented immigrants. In spite of the fact that public opinion surveys

showed substantial support for comprehensive reform, the anti-immigrant movement led by media personalities such as Rush Limbaugh and Bill O’Reilly mobilized followers to inundate the Senate with anti-reform mail and the Act was shelved.

In this increasingly hostile political environment, the ethnic profiling of suspected “illegal aliens” reached new heights in 2010 with Arizona’s passage of the Support Our Law Enforcement and Safe Neighborhoods Act (SB 1070). The law sanctioned profiling by requiring state law enforcement officers to determine an individual’s immigration status during a “lawful stop, detention or arrest” when there was “reasonable suspicion that the individual is an illegal immigrant.” The law was immediately denounced by immigrants’ rights organizations and their allies and several lawsuits were quickly filed, including one by the U.S. Department of Justice, challenging the law’s constitutionality. But polls taken during the controversy showed that a majority of Americans supported the law, including 70 percent of Arizona voters.

2/3

OF AMERICANS FAVORED ALLOWING AIRPORT PERSONNEL TO DO EXTRA CHECKS ON PASSENGERS “WHO APPEAR TO BE OF MIDDLE EASTERN DESCENT”

It is fair to say that during the first decade of the twenty-first century, the nation’s commitment to ending racial profiling was in retreat. The issue did not disappear, and flare-ups such as the arrest of Henry Louis Gates as he entered his own home and the subsequent “beer summit” held by President Obama continued to draw headlines. But the narrative that had propelled so much discussion, protest, and policy advocacy during the period leading up to 9/11 had lost its urgency as the public discourse shifted its focus to national security, immigration, and other hot button issues.

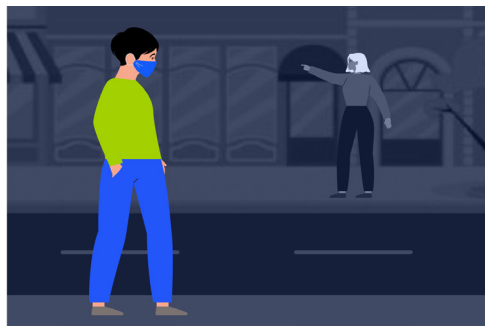
Most of the laws passed by states mandating the collection of data stayed in effect for just 2 or 3 years as their purpose was to determine whether law enforcement

was engaging in racial profiling. In most instances, the data were never even analyzed, and when they were, few meaningful steps were taken to address the racial disparities that were found.¹⁶ North Carolina, which was the very first state to enact a data collection law, had accumulated data on 20 million traffic stops before an analysis was finally undertaken by three academics in 2015.¹⁷ Although it was reintroduced year after year by Rep. Conyers, the End Racial and Religious Profiling Act was never passed. By 2011, when The Leadership Conference issued its white paper urging the restoration of a “national consensus” to end racial profiling and the passage of The End Racial Profiling Act (of 2010), the campaign was sputtering.

¹⁵ <https://www.pewresearch.org/politics/2002/09/05/ii-the-nation-and-911-fading-consensus-on-progress-policy/>

¹⁶ David A. Harris, “Racial Profiling: Past, Present, and Future?” American Bar Association, January 21, 2020.

¹⁷ Frank R. Baumgartner, Derek A Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*, Cambridge University Press, 2018. The study’s conclusion: “When we look across all police agencies in the entire state, and no matter if we base our estimates of the population on census data or more refined estimates of who is driving, we see strong, consistent, and powerful evidence that black and white drivers face dramatically different odds of being pulled over.” P. 77.



CAMPAIGN REENERGIZED

In early 2012, a tragedy rekindled the campaign to end racial profiling. On the night of February 26, Trayvon Martin, an unarmed 17-year-old African American high school student, was followed, shot, and killed by self-styled neighborhood watchman George Zimmerman in Sanford, Florida. Protests erupted nationwide as the police initially declined to arrest Zimmerman. From the start, Martin was said to be a victim of racial profiling—a young Black man wearing a hoodie and walking alone in a gated community. The myth of Black criminality was never far from the surface in such scenarios. At a demonstration at the state capitol in Tallahassee 3 weeks after the killing protesters called for a task force to be formed to address racial profiling: “Trayvon Martin is dead because of racial profiling,” one of the organizers said. “We all deal with it every single day and we want the governor to pay attention to that.”¹⁸ Finally, after weeks of nationwide “Justice for Trayvon” demonstrations and an announcement by the U.S. Justice Department of plans to investigate the killing, Zimmerman was charged with second-degree murder.

The case went to trial in June 2013 and received massive coverage in the media, and the issues of race and racial profiling were front and center. “Zimmerman and profiling go on trial,” read one headline in *USA Today*. A CNN reporter described it as the case that “sparked a protest and passionate debate about race and racial profiling.” So potent was the term “racial profiling” that the trial judge granted the defense’s request that it not be allowed and ruled that only the word “profiling” could be used by the prosecution. On July 13, 2013 the jury acquitted Zimmerman of all charges, provoking a nationwide outcry. Protests were held in more than 100 cities. In her statement following the verdict, Roslyn Brock, chairman of the NAACP said, “This case has re-energized the movement to end racial profiling in the United States.” And on July 14, Patrisse Cullors, an artist, author, and educator, reposted a message about the acquittal originally posted on Facebook by activist Alicia Garcia and used the hashtag #blacklivesmatter for the first time.



THE BOSTON GLOBE

#blacklivesmatter

¹⁸ Tallahassee Democrat.

In the years since #blacklivesmatter went viral, the myth of Black criminality has been under siege and the narrative communicated by the original campaign against racial profiling—that it was systemic and based on anti-Black animus—has made enormous headway in the public discourse. A public opinion survey carried out by the *Washington Post* in June 2020 asked: “Do you think the killing of George Floyd was an isolated incident or is a sign of broader problems in treatment of black Americans by police?” 69 percent chose the latter explanation.¹⁹ Another poll taken during the same period found that 76 percent of Americans considered racism and discrimination a “big problem,” up from 51 percent in 2015.²⁰ Brittany Packnett Cunningham, co-founder of Campaign Zero,²¹ explains:



Six years ago, people were not using the phrase systemic racism beyond activist circles and academic circles. And now we are in a place where it is readily on people’s lips, where folks from CEOs to grandmothers up the street are talking about it, reading about it, researching on it, listening to conversations about it.”²²

Since its birth in 2014, the Black Lives Matter movement has, in essence, accomplished what the original ACLU campaign sought to accomplish: to expose a “secret kept from most Americans and virtually from all white Americans” and to “spread this news around”—but today with the benefit of the smartphone, police body cameras, and social media.

The ability to capture not only police interactions, but also ordinary or “casual” acts of profiling and discrimination carried out by white members of the public—for example, “shopping while Black,” “jogging while Black,” and “bird-watching while Black”—and then to share the videos via different social media platforms has accelerated the narrative shift in ways that would have seemed inconceivable in 1999. In September 2020 the Center for Technology Innovation at the Brookings Institution hosted a webinar on the role of technology in support of the Black Lives Matter Movement. Dr. Rashawn Ray, a sociologist and fellow at the Brookings Institution explained that he and a group of researchers have been “collecting and curating data on social media and the Black Lives Matter movement”:



We have a large digital archive of Tweets, starting in 2014 when Michael Brown was killed, and we’ve just continued to curate those data, millions and millions of Tweets.... The way that the movement for Black lives has been able to use social media is unprecedented. Let’s go back to five or six years ago. For Michael Brown, Freddie Gray, Sandra Bland, and so many others who weren’t so fortunate as to have a hashtag, the level of public support at that time was significantly lower. People were trying to figure out Black Lives Matter. But support for the Black Lives Matter movement has significantly increased in a short period of time because people affiliated with the movement have figured out how to use social media. They’ve particularly figured out how to use social media algorithms. So, part of what happened more recently with George Floyd, Ahmaud Arbery, and Breonna Taylor is that whether people are using hashtags on Twitter, Instagram, SnapChat, or TikTok, the algorithm loads up additional videos for people to see to show that what happened to George Floyd is not isolated. That instead, it’s part of a broader pattern of systemic racism and police brutality. Not only that—the videos also show white people behaving in similar ways, but getting treated significantly differently than Black people. And I think that’s one of the biggest things. And it’s led to this racial awakening.”

76%

OF AMERICANS CONSIDERED RACISM AND DISCRIMINATION A “BIG PROBLEM,” UP FROM 51% IN 2015.

¹⁹ https://www.washingtonpost.com/context/june-2-7-2020-washington-post-schar-poll/6b811cdf-8f99-4e28-b8f1-c76df335c16a/?itid=ik_inline_manual_2&itid=ik_inline_manual_5

²⁰ https://www.monmouth.edu/polling-institute/reports/monmouthpoll_us_060220/

²¹ <https://www.joincampaignzero.org/#campaign>

²² Adam Serwer, “The New Reconstruction,” *The Atlantic*, October 2020 issue..

PLAY LOUD MUSIC
BBQ IN THE PARK
SHOPPING
JOGGING
BIRDWATCHING
SLEEPING
SELL CDS
WALK HOME
LAWFULLY CARRY A GUN
ASK FOR HELP
GO TO THE STORE

GOLFING TOO SLOWLY
WAITING FOR A FRIEND
AT STARBUCKS
WORKING OUT AT A GYM
MOVING INTO AN APARTMENT
MOWING THE WRONG LAWN
SHOPPING FOR PROM CLOTHES
NAPPING IN A UNIVERSITY
COMMON ROOM

REDEEMING A COUPON
SELLING BOTTLED WATER
ON A SIDEWALK
BABYSITTING
WHITE CHIPS

PERMIT PATTYS, BBQ BECKY, AND KARENS: The Evolution of Racial Profiling Discourse Online

As the Black Lives Matter movement propelled the issue of systemic racism into global public discourse, a smaller subsection of social media content has focused specifically on the everyday profiling of people of color. The so-named “Karen” video has become a regular trending topic on popular social media channels in recent years and points to an important shift in public understanding of the issue. The proliferation of smartphones has enabled people of color to capture not only instances of racial profiling carried out by the police and other government authorities, but also everyday instances of racism perpetrated by members of the general public.

While the exact origin of the term “Karen” (and the male equivalent “Ken”) remains a topic of debate, it is generally used to describe white women who behave in an entitled, rude, or authoritative way, usually toward people of color and other traditionally marginalized groups. Beginning as a pejorative, “Karen” has evolved into a catchall to describe a broader range of entitled behaviors (and even a hairstyle), with “mask Karen” (white women caught on camera refusing to wear masks in public in the midst of the COVID-19 pandemic) being the latest example of the evolution of the term. As noted by journalist Helen Lewis in her piece on the development of the term and its link to a longer history of racism and sexism in America:

“ One phrase above all has come to encapsulate the essence of a Karen: She is the kind of woman who asks to speak to the manager. In doing so, Karen is causing trouble for others. It is taken as read that her complaint is bogus, or at least disproportionate to the vigor with which she pursues it. The target of Karen’s entitled anger is typically presumed to be a racial minority or a working-class person, and so she is executing a covert maneuver: using her white femininity to present herself as a victim, when she is really the aggressor.”²³

²³ Helen Lewis, “The Mythology of Karen: The meme is so powerful because of the awkward status of white women,” *The Atlantic*, August 2020.

The genesis of the “Karen” video and its connection to wider narratives about racial profiling are visible in social media and traditional news media. References to “Permit Patty” and “BBQ Becky” first emerged in news media coverage in 2018 as a result of several viral videos depicting Black people being confronted by white women for engaging in everyday activities. One of most widely shared videos was uploaded in April 2018 and captured Jennifer Schulte, later dubbed “BBQ Becky,” calling the police on two Black men for the offense of using a charcoal grill in a designated grilling area in Lake Merritt Park in Oakland, California. The video of the encounter, which shows Schulte being questioned by a bystander for her decision to call the police, went viral and gave way to a surge of articles and “BBQ Becky” memes (often depicting Schulte calling the police on historical Black figures). Nearly 200 articles were published in mainstream news media in 2018 alone about Jennifer Schulte and other individuals caught on video calling the police on Black people.

“Permit Patty” and “BBQ Becky” have been joined by dozens of other viral videos depicting Black people being questioned and threatened in public parks; swimming pools; or, at times, in their own apartment buildings. Between 2018 and 2020, nearly 500,000 unique social media posts were generated referring to “Karens,” “BBQ Becky,” and other popular variants. At the same time, just over 3,700 news media articles have been published on the phenomena, with some of the headlines including:



SCREENSHOT FROM SOCIAL MEDIA POST SHOWING JENNIFER SCHULTE CALLING THE POLICE ON MLK DURING HIS FAMOUS “I HAVE A DREAM” SPEECH AT THE MARCH ON WASHINGTON IN 1963.

- **“BBQ Becky, White Woman Who Called Cops on Black BBQ, 911 Audio Released: ‘I’m Really Scared! Come Quick!’”** *Newsweek*, September 4, 2018
- **“What exactly is a ‘Karen’ and where did the meme come from?”** BBC News, July 30, 2020
- **“A Brief History of Karen,”** *New York Times*, July 31, 2020
- **“The Mythology of Karen: The meme is so powerful because of the awkward status of white women,”** *The Atlantic*, August 24, 2020

The most recent video to go viral featured Amy Cooper in Central Park calling the police on birdwatcher Christian Cooper after he requested that she put her dog on a leash. Amy Cooper was subsequently charged with filing a false police report following widespread media coverage of the encounter. Her case was dismissed after she completed therapeutic and educational programs on racial justice.

Beyond providing a space for Black and brown Americans to document their experiences and uplift the casual and, at times, absurd manifestations of racism, “Karen” videos have resulted in several municipalities across the country passing or proposing ordinances to tackle the issues of discriminatory 911 calls. The CAREN Act (Caution Against Racially Exploitative Non-Emergencies) introduced by Shamann Walton, a member of the San Francisco Board of Supervisors, is just one example of such measures. While online discussion of racial profiling remains overwhelmingly focused on law enforcement, an exploration of trending topics associated with racial profiling since 2018 reveals an important shift in the framing of the issue and a 98 percent increase in references to the “consequences” of racial profiling. Other notable shifts include the following:

RACIAL PROFILING

BEFORE	AFTER
Police and others in law enforcement routinely engage in racial profiling.	Members of the public routinely engage in racial profiling.
Calling the police is something so-called “concerned citizens” do.	Calling 911 can have serious consequences for Black and brown people and is sometimes weaponized by white people for that reason.
Racial profiling is rooted in the myth of Black criminality—a stereotype that links Black and brown people to violence and lawlessness.	Acceptance of this stereotype leads white people to engage in racial profiling in order to remove people of color from public spaces.

CONCLUSION

In her book *Caste: The Origins of Our Discontents*, Isabel Wilkerson shows how America, now and throughout its history, has been shaped by a **hidden** caste system in which Black people occupy the lowest rung. She compares America to an old house in which signs of deterioration may not be visible. You may not want to investigate “what is behind this discolored patch of brick,” but “choose not to look at your own peril.” She writes, “You cannot fix a problem until and unless you can see it.” Profiling is, and has always been, one of the many tools used to maintain systemic discrimination in our country and to keep Black people “in their place.”

Racial progress in this country has been a maddeningly slow process punctuated by periods of upheaval. Decades can pass without real change, causing conditions to worsen, and then events occur that bring the festering problem into the light. Such was the televised spectacle of fire hoses and dogs being turned on nonviolent protesters in the South in the 1960s, the vicious beating of Rodney King by Los Angeles police officers in 1991, and the murder of George Floyd in 2020. The Black Lives Matter movement is carrying the campaign to end racial profiling forward by exposing its ubiquity and its dire consequences. Surveys taken in June 2020 during the massive protests following George Floyd’s murder showed that a majority of white adults supported the movement.²⁴ And the participation of tens of thousands of white people in protests throughout the nation was unprecedented. Along with exposure comes narrative shift. Racial profiling is real, it is wrong, and it must end.

“*Profiling is, and has always been, one of the many tools used to maintain systemic discrimination in our country and to keep Black people ‘in their place’*”

²⁴ A Pew Research Center survey conducted in June 2020 showed that 60 percent of white adults supported the Black Lives Matter movement. <https://www.pewresearch.org/fact-tank/2020/09/16/support-for-black-lives-matter-has-decreased-since-june-but-remains-strong-among-black-americans/>