



National Association of Latino Independent Producers

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7 June 2010

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TO: House Committee on the Judiciary
RE: The Proposed Combination of Comcast and NBC-Universal
FROM: Kathryn F. Galan, Executive Director NALIP

Thank you, Chairman Conyers, Representative Waters and other members of the House Judiciary Committee. I appreciate your time and attention to this significant proposal: the greater concentration of power, influence, and outreach into a single media entity that would result from the merger of Comcast, and NBC-Universal.

I am the Executive Director of the National Association of Latino Independent Producers, a national arts non-profit organization that represents the community of Latino media professionals. For ten years, NALIP has worked to promote the advancement, development and funding of Latino/Latina film and media arts in all genres.

Our constituency is quite broad: it includes the Latino and Latina producers, directors, writers, and crew that create media content. Our community of professionals work in film, in public and commercial television, and in new media. They make feature films, television series, and documentaries, they fill executive positions in media companies, and they advocate for more representation of Latinos everywhere you see media.

A further conglomeration of power in the media industry concerns my constituency on two fronts. The first concern arises from history: when the decision-making and economic power of our business is more concentrated, the decrease in competition directly impacts content creators. It has led to fewer opportunities for Latino production companies, distributors, media entrepreneurs, station and channel owners, and suppliers, as well as content producers and media artists. The past 15 years have been marked by a series of acquisitions, mergers, and partnerships that have greatly decreased the number of independent 'buyers' or 'employers' for creative content. This has also centralized the nexuses of opinion and information, putting greater power in the hands of few.

The second concern, however, arises not from history, but from the reality of the present. I am here today primarily to provide you with the information that is most troubling to the Latino media community: the lack of representation of Latinos across the broad spectrum of the media landscape. I would like to bring these facts to your attention because we believe, at NALIP and throughout our constituency, that change will only come around these issues of diversity and representation in film, on television, and at the decision-making levels of a media corporation like the proposed Comcast-Universal-NBC, if specific,

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concrete, generous, even aggressive commitments are made to hire and promote Latinos and other executives of color, to develop and produce the material of Latino producers, writers and directors, and to invest in the next generation of minority managers and artists so that we can't sit here, five or 10 years from now, providing this committee with the same disturbing statistics.

I do not need to remind the committee of the impact and influence of media. We look to creative content to educate and entertain, to acculturate and to serve as our ambassador to the world. The media industry is a very lucrative one that employs a significant workforce, and one that generates considerable profits not just in the year when product is produced, but as digital assets for many many years in the future. A benchmark of a rich and thriving democracy is diverse and representative media.

The 2009 Hispanic Heritage month report from the U.S. Census Bureau cites that Latinos represent 15% of the national population. However, when considered in terms of age demographics, Latinos represent 24% of all Americans under the age of 30, with a median age of 27.7 — the most sought-after and valuable demographic to advertisers, as well as the most avid movie-goers. So today, nearly one out of every four Americans is a Latino in the most desirable age demographic for media companies. Yet the status of Latinos in the entertainment industry lags far behind that of other ethnic minority groups such as African-Americans, women, Asian-Americans, gay/lesbians and other protected classes.

At this time, there is only one Latino senior executive — that is to say, President, Senior Vice President, VP, Director or Manager - in any of the major or mini-major theatrical motion picture companies like Universal or Universal Focus, in the departments of development or production, marketing, publicity or acquisitions. There is stronger representation in the television industry, including CBS president Nina Tassler and newly appointed NBC VP of Drama Development Lourdes Diaz, but the programming of Latino-themed or Latino-created films and television is scant.

In the past decade, all four major broadcast networks have made important strides in increasing diversity. More actors of color are on-air, particularly as ensemble players. Progress has been slower in areas that arguably could have the greatest impact: writing and producing. White males have always dominated the entertainment industry and that continues to be largely the case. The Director's Guild's report, and other analyses of independent production estimate that only 2-3% of directors in film and television are Latino; only 3-5% of writers and 5-7% of roles and characters are Latino. NALIP has advocated for more images by and about Latinos for 11 years, and gathered metrics along with the guilds, unions, and other advocacy organizations. There are small relative improvements, but the Writers Guild of America, for example, notes in their 2009 Hollywood Writers Report that minority writing and earning percentages have been "frozen" since 1999.

Entertainment Weekly summarized that the only minority "lead" in a new show on a major network for the 2008-09 TV season was Cleveland Brown, an African-American animated character voiced by a white person. We read these things and think, A little funny — a little sad. But facts like this have consequences.



A few months ago, the *Los Angeles Times* wrote, "If trophies were handed out for "promoting diversity in nationally televised award programs, CBS' telecast of the Primetime Emmy Awards would not stand much of a chance to win. On a night dedicated to spotlighting the television industry's best and brightest, it was difficult to see many people of color onstage during the three-hour ceremony."

"Few minorities were represented as nominees in <the 2009> telecast. Only one individual nominee of color received an award. ..The lack of diversity was just as evident in the presenter ranks. Out of 39 presenters, three were minorities, all African Americans -- Chandra Wilson of "Grey's Anatomy," Tracy Morgan of NBC's "30 Rock" and LL Cool J of the new CBS program "NCIS: Los Angeles."

Last December, the National Association for the Advancement of Colored People issued a 40-page report titled "Out of Focus -- Out of Sync" that accused the networks of perpetuating a segregated view of America, and failing to diversify behind the camera as well. "Where are the [former NBC entertainment heads] Brandon Tartikoffs and the Warren Littlefields, who are looking for the next "Cosby Show" or for people of color that will appeal to all Americans?" asked NAACP Executive Director Bulluck. "If the people working at the networks now are writing and creating what they know, then we need new people in there." And NALIP would add, where are the visionaries like former Nickelodeon President Herb Scannell, who created "Dora the Explorer" and "The Brothers Garcia," and made diversity at his network a top priority for Latinos like himself.

Where progress is found, it is still small in comparison to the overwhelming white hegemony found in network television programs. For example, it is still the case that shows such as ABC's "Private Practice" and NBC's "30 Rock," which are set in cities with high Asian American populations like Los Angeles and New York, have no Asian American representation. And, it is still extremely rare to see more than one minority regular in a show.

The hit show "Ugly Betty" can be singled out for its positive portrayal of Latino families and working women; like many series, however, it has run its commercial course and the number of Latinos projected to appear in next season's network lineup has dropped precipitously, as a consequence. Fox Broadcasting cast 21 Latino actors in the drama "Prison Break"; shows like "Dexter" and "American Family" add to the visibility of Latino roles and performers, but often don't also employ minority writers, directors and producers. 2009 Emmy honors went to the Disney Channel program "TheWizards of Waverly Place," both the original movie and the series -- these productions arose from the talents of Latino producer Peter Murrieta, but very few other shows has Latino leadership, either last year or next. And in 2009, although NBC maintained its previous ten roles for Latino actors in scripted shows, the network did not feature any Latino actors in its reality TV programming which is taking up more and more hours on cable and broadcast schedules.

Lower income consumers of media over index as viewers of *public* and free broadcast media. A portion of our Latino community is directly impacted by this statistic. Unfortunately, in recent years, fewer hours by producer/directors of color have made it to broadcast. There have also been fewer resources available in the sectors that support non-fiction programming, which include documentaries that reflect the communities and concerns of the Latino population, and this had made it more difficult for



independent Latino and Native producers to develop and deliver new work. According to a 2009 report on women and minorities by the Corporation for Public Broadcasting (where the vast majority of U.S. documentaries receive funding and broadcast), under 19% of their programs feature minorities, any minorities, down from 25% ten years ago, and less than 7% of minority programming is seen in prime time.

Public television, where diversity filmmaker support was once a priority, no longer represents itself as having sufficient diversity initiatives. After a 15-year period of professional development support to Latino and other minority media makers (1978 – mid-1990's), a decline in both public and commercial diversity initiatives for documentary and non-fiction media makers in this past decade has eroded the ability for the content creators to find mentors, training, project development support, funding, and broadcast/distribution.

Further compounding the problem, to an increasing extent contemporary non-fiction filmmaking is pursued by graduates of degree-granting film programs (a population among whom people of color are also clearly under-represented) and by artists with the resources to withstand the financial instability in our field of media arts. Latino filmmakers are not developed in the academy, so are in greater need of intensive professional mentoring or skills development. Artist development programs like Sundance that have been supported by major media companies like Universal, along with the independent showcases like Independent Lens and A-level film festivals do not invite, nurture, mentor or advance many, if any, Latino/a filmmakers or programs.

Latino filmmakers with promising non-fiction projects also do not receive a commensurate share of documentary funding – not at ITVS or the Sundance Documentary Fund, etc., -- so our filmmakers need real assistance to become competitive in the funding market. Because it is so difficult to gather the skills and resources for first and second documentary projects, Latinos and Native Americans now often see their stories told by others, or not at all. In 5 years of the Independent Lens series, only 5 of the 14 “Latino-themed” programs were directed by Latinos. In 20+ years of “American Experience,” our board member Bernardo Ruiz’s *Roberto Clemente* was only the third by AND about a Latino! Representation in top festivals (Sundance, Tribeca, SWSW, etc.) and other broadcast venues like HBO and Showtime is equally slim.

The remarkable lack of Latino/a characters and stories in Ken Burns’ “The War” pointed up the lack of Latino/a executives within the public television system; where there are no voices at the table, inclusion is rarely a priority. A 2009 study corroborated this fact: it found the underemployment of Latinos in the nation’s public broadcasting institutions; the absence of Latino voices where decisions are made about the present and future of public broadcasting; and the dearth of programming in English or in Spanish produced by Latinos or with a Latino focus in many of the nation’s major markets, including some with high concentrations of Latino residents.

Commercial ventures like the proposed Comcast-NBC-Universal entity have strong business divisions that focus on reality, non-fiction and news programming. The analysis is the same as for the future of public broadcasting: the nation’s Latino population is diverse, burgeoning and youthful. Broadcasters cannot succeed in any sort of public service mission if they fail to include Latino voices and perspectives, and this will compromise their commercial prospects, as well. Latino participation is



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essential to the legitimacy and success of the conversations about issues and policy that broadcasters aim to foster on the local, regional and national levels.

As Comcast, NBC and Universal ask to take an even greater share of the media real estate, we ask that they play an even stronger role in the diversity efforts of the entertainment industry. The long term struggle for accurate portrayals and economic inclusion of people of color is an initiative with far-reaching social and cultural consequences. Given the significant deficiencies in the representation of racial minorities in their employment ranks including their content creators and suppliers, we ask that Comcast, NBC and Universal articulate a plan to address this problem before they receive the community's support in moving forward.

Thank you.