

## Abstract

Leonard M. Baynes

*Paradoxes of Racial Stereotypes, Diversity and Past Discrimination in Establishing Affirmative Action in FCC Broadcast Licensing*

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Abstract by Sanford A. Fine

In *Paradoxes of Racial Stereotypes, Diversity and Past Discrimination in Establishing Affirmative Action in FCC Broadcast Licensing*, Leonard M. Baynes discusses how the absence of minority-owned broadcast stations perpetuates racial stereotypes and racial discrimination. Furthermore, Baynes examines the stereotypes in society and the effect of recent Supreme Court decisions with respect to FCC licensing. The author argues that increasing the diversity of ownership has the benefit of combating negative stereotypes by displaying more and varied speech by minority license owners.

First, Baynes analyzes the disparity in depictions of blacks and white criminal suspects in the news. The author notes that these images only reinforce existing stereotypes or perpetuates the prevailing stereotype to those viewers who are as yet unaware of them. Second, the author examines recent affirmative action decisions by the Supreme Court in *Metro Broadcasting*, *Adarand*, *Wittmer*, and *Lutheran Church-Missouri Synod*. Next, Baynes identifies a “process defect” in Supreme Court decisionmaking, stating that the Court has focused on past discrimination and thus set up a system whereby minorities will never be afforded future relief.

The author concludes by arguing that the current Supreme Court stance on affirmative action is merely perpetuating stereotypes and stigmatization, not ending them. In the context of FCC licensing, the author claims that the courts have set in motion a process that forces those minorities that have been subject to discrimination to turn back to the discriminating party for relief, as opposed to obtaining relief from the courts.