

DUKE CONFERENCE: ROLE OF THE PUBLIC

This panel matches Communications scholar Kim Gross with Scott Bullock with the Institute of Justice and Steve Shapiro of ACLU. Gross talked a lot about framing, particularly the coverage of race and crime. Bullock is talking a lot about working with the media, particularly reaching out to opinion leaders.

Bullock is also talking about putting a client's story up front in their narrative. Clients have to be comfortable speaking to the press—they even do media training. Importance of providing as much of the documents up front.

Institute of Justice does a lot of eminent domain cases (they did Kelo). But since there's such a localized focus on these issues, it's hard to get a national story out of it. Until they could put a national number on it, it didn't really pick up on a national level. A 60 Minutes story appeared just before SCOTUS took Kelo. And when SCOTUS rules against Kelo, it led to a backlash against the practice of takings.

Shapiro emphasizes a point that Bullock made: you can lose in court and win in the court of public opinion. But more importantly, you can win in the court of law but lose in the court of public opinion (cites *Brown v. Board of Education* and *Roe v. Wade*). This suggests that litigation is just one tool among other advocacy tools. Shapiro emphasizes importance of giving lawyers media training—you wouldn't send a lawyer to court without preparing the case, so you shouldn't send a lawyer out without media training.

Shapiro mentions there are certain news outlets that aren't interested in real debate (hmmm, wonder which that could be?), so he won't go on those outlets.

Shapiro describes how the selection of clients connects to the framing of the narrative (that

is, you can pick which client to build a case around, and you can time the first press conference). It's the criminal justice stories the media is not covering at all that are the real concern.

Shapiro describes trying to find the message that worked with the American public to sustain Geneva Convention for Gitmo detainees. The reciprocity didn't work (not least, because OBL isn't going to extend Geneva Convention to our people). But what did work is for Americans to say, "we're better than that."