“FRAMING” IN PUBLIC INITIATIVES TO ADVANCE RACIAL EQUITY

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I. **INTRODUCTION**

Several U.S. cities⁴ and at least two states⁵ have convened multi-pronged initiatives to advance racial equity, and there are proposals to do so

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on a national level. The attractiveness and special promise of these initiatives, often inspired by the famous South African Truth and Reconciliation Commission, may lie in: (1) the increased public support for advancing racial equity in the United States and the potential of a commission process to expand and deepen that support; (2) the ability to respond to a variety of goals related to advancing racial equity, including: recounting and commemorating the past and its continuing effects; remedying injustices; bringing about mutual understanding, respect, and healing across racial fault lines; and achieving major change that contributes to greater racial equity and safety; (3) the engagement of an appointed group of public officials and community representatives with each other and the larger public in open meetings; and (4) the use of a single body that can sequence the multi-pronged initiatives so that achievement of one goal (e.g., truth-telling about the past and its continuing effects) might positively contribute to achieving others (e.g., support for change and greater unity).

Because these multi-pronged public initiatives—what we call “commissions” for simplicity—are action-oriented, their success depends on the reaction to their work by both decisionmakers and the broader public. Decision-makers and the public have responded positively to some commissions. Past commissions achieved goals like improving respect and understanding across racial groups, creating authoritative histories that document the sources of current inequalities, augmenting public education

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6 For a documented history of racial discrimination and its effects nationally and in California, see Reparations Reports, STATE OF CA. DEP’T OF JUST. (June 1, 2022), https://oag.ca.gov/ab3121/reports [https://perma.cc/P7UJ-UBPG].
about historical injustices, providing programs to enhance housing for descendants of those unjustly treated in the past, giving many a sense of healing, and paying reparations. Yet other commissions have made recommendations that seem to have been resisted or ignored to date.

As this Article will explain, how a commission communicates its work to those outside the commission—what we call “framing”—seems to be a critical element in achieving commission goals. Framing sometimes refers to communications within a process, but here we use it to describe the process of conveying its work outside a commission. Framing characterizes an issue in relation to particular values, objectives, or concerns that provide the public reference points in responding to that issue. Framing points to the vital importance of word choice in describing the work of a commission as it

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9 MAKI ET AL., supra note 7, at 234.

10 Id. at 213 (tracing work of the U.S. Commission on the Wartime [World War II] Relocation and Internment of Civilians the beginning through payments of $20,000 in reparations).

11 We hesitate to mention recent examples, for fear of hurting any remaining opportunities they may have, but one famous historical example of little effect has been well documented. See, e.g., Alice George, The 1968 Kerner Commission Got It Right But Nobody Listened, SMITHSONIAN MAG. (Mar. 1, 2018), https://www.smithsonianmag.com/author/alice-george/ [https://perma.cc/923W-Y7P8]; Marcus Casey & Bradley Hardy, 50 Years After the Kerner Commission Report, the Nation Is Still Grappling with Many of the Same Issues, BROOKINGS (Sept. 25, 2018), https://www.brookings.edu/blog/up-front/2018/09/25/50-years-after-the-kerner-commission-report-the-nation-is-still-grappling-with-many-of-the-same-issues/ [https://perma.cc/H524-6E7R].

12 In mediation, for example, framing and reframing typically occurs during discussions between mediators and the disputing parties—in other words, within the process. See infra Section II.A. In a public policy context, the focus is often on framing for the larger public—in other words, outside the process. See infra Section II.B.
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attempts to enlist support from both sympathizers and skeptics. To cite just
one example of word choice, Rasinski found that only one-fifth of Americans
polled in 1985 believed that welfare spending was too low, but almost two-
thirds believed that spending on “assistance to the poor” was not high
enough. A commission communicates beyond words, as the commission
membership, actions, and ordering of issues also frame its work for the public.
Ultimately, then, framing provides the focal point for nonparticipants’
attention.

In the context of a commission to advance racial equity, framing
presents a central dilemma. One frame may appeal to engaged and active
supporters of the initiative but raise red flags for skeptics; another frame may
appear to skeptics but be seen as insufficient by supporters. One answer to
this dilemma is to prioritize aims so that a commission can select the highest
priority when conflicts occur. Another is to look for approaches that allow
commissions to pursue more effectively what seem, at first glance, to be
competing framing scenarios. As discussed in Part II and III, effective framing
can increase engagement of active supporters, convert inactive supporters into
active ones, transform the undecided into supporters, and reduce critics’
hostility.

One method for reconciling and relating to processes that vary from
mediation to policymaking to restorative justice framing conflicts comes from

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13 "Framing is the choices we make in what we say and how we say it: [w]hat we
emphasize[;] [h]ow and what we explain[;] [and] [w]hat we leave unsaid[.] These choices
matter. They affect how people hear us, what they understand, and how they act." Framing

14 Kenneth A. Rasinski, The Effect of Question Wording on Public Support for
Government Spending, 53 PUB. OP. Q. 388, 391 (1989); see also Section 5. Reframing the
[https://perma.cc/WQ4K-2CZ5] (last visited Sept. 25, 2022) (“[f]raming is a way of
structuring or presenting a problem or an issue.”). Frames guide listeners regarding what
information they should perceive as relevant, and what should be disregarded. Id. See also
GREGORY BATESON, STEPS TO AN ECOLOGY OF MIND (1972); Sanda Kaufman et al.,
Frames, Framing and Reframing, BEYOND INTRACTABILITY (Sept. 2003),
(when used as a verb, as we do here, framing “refers to the creation of frames . . . through
a deliberative, analytic, or strategic process.”).

15 KORIE LITTLE EDWARDS & MICHELLE OYAKAWA, SMART SUITS, TATTERED BOOTS:
BLACK MINISTERS MOBILIZING THE BLACK CHURCH IN THE TWENTY-FIRST CENTURY 7
(N.Y. Univ. Press 2022) (“Successful social movements have to develop frames that are
both consistent with and disruptive of the dominant ideology . . . . This is no easy task.”).
the collective wisdom on framing in various disciplines, such as sociology, public policy, psychology, communications, and political science. In Part II, the Article discusses these varied framing approaches and offers illustrations from commissions that have applied some aspects of them. Yet, while helpful, no single discipline’s counsel on framing fits a commission’s multiple goals and contexts. Those involved in these initiatives will weigh both the applicability of the advice to their context, political challenges, and goals to craft their own framing approaches at each point in their work.

Another source of options to accommodate clashing framing aims is the recent experience of commissions. Part III offers a series of promising ideas drawn from what commissions did at a series of choice points to help them to frame their work in ways that fit goals and contexts and to connect to the values, interests, and experiences of various audiences. These choice points are divided into six stages:

A. The planning process, including characterizing a commission’s work, selecting members and leaders, and naming a commission.
B. Commissioners’ discussions during public commission meetings.
C. A commission’s early characterizations of its mission and plans.
D. The engagement of those outside a commission and communication to the public concerning what a commission hears from various sources.
E. Celebrations of progress.
F. Commission proposals.

A theme that permeates Part III is that commissions should focus on framing at the beginning of their work and then revisit the issue periodically throughout the process. Moreover, because of the tension between serving supportive groups and persuading undecided and skeptical ones, commissions should tread tentatively as they frame their work and then jointly assess, reflect, and revise framing to achieve support for the highest priority aims. Finally, we note that a commission may frame its work without realizing the consequences of its actions and how the media will report and potentially reframe, its actions.

In Part IV, we summarize promising ideas from the framing literature and the work of these commissions. But we, too, are treading carefully here. Analyzing these initiatives to advance racial equity as more occur and move
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to a conclusion will yield deeper wisdom about framing during these challenging times and contexts.\textsuperscript{16}

II. FRAMING CHOICES

A variety of disciplines offer counsel on the crucial issue of framing, but no single discipline speaks completely to broad public initiatives to advance racial equity. Still, reviewing the framing literature may prompt commissions to think critically about their framing choices at each stage of their work.

In the academic literature, people use the framing process to make sense of the world by classifying and labeling events, problems, or issues.\textsuperscript{17} Frames influence reactions to choices or decisions, especially to new ideas or events.\textsuperscript{18} Because people tend to use their own values and experiences to make sense of ideas and events, those trying to influence them about an issue need to present frames that will likely win support and reduce criticism.\textsuperscript{19} To accomplish that goal, frames need to connect to those values that might promote positive responses and avoid frames that could connect to values that

\textsuperscript{16} A multi-disciplinary initiative to code and analyze about a half dozen publicly-created, multi-pronged initiatives to advance racial equity is underway at The Ohio State University and includes Carl Smallwood, Bill Froehlich, Sarah Cole, Teri Murphy, Tijs van Maasakkers, Kori Edwards Little, Tom Gregoire, Sooyeon Kang, Steve David, Lisa Durham, Harley Etienne, Josh Stulberg, and Amy Schmitz.

\textsuperscript{17} E\textsc{rving} G\textsc{offman}, \textsc{Frame Analysis: An Essay on the Organization of Experience} 21 (Harv. Univ. Press, 1974); \textit{see also} Section 5. \textit{Reframing the Issue, supra note 14}; \textsc{Bateson, supra note 14}; Kaufman et al., \textit{supra note 14}.


\textsuperscript{19} Dennis Chong & James N. Druckman, \textit{Framing Theory}, 10 Ann. Rev. Pol. Sc. 103, 106 (2007) ("[P]oliticians attempt to mobilize voters behind their policies by encouraging them to think about those policies along particular lines. This is accomplished by highlighting certain features of the policy, such as its likely effects or its relationship to important values.").
might promote negative responses. Research on public opinion underlines the importance of framing in asking questions or presenting issues and proposals. Thus, the value and perceptual frames evoked by the language and the actions of the commission at each stage will influence how the public will perceive and receive its work.

Framing is also used differently in different practice settings, such as facilitative mediation, participatory political policymaking, and restorative processes. Mediation and restorative justice tend to focus on framing for participants, not external audiences, but some commissions have utilized their approaches to framing for external audiences. Thus, we are examining these different approaches to framing to identify the different strategies available to future commissions.

A. Facilitative Mediation

In facilitative mediations after all parties have spoken, mediators frame the issues they perceive to be present in the parties’ disagreement to help them achieve resolution and, in some cases, reduce the likelihood of

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20 See id. For example, by evoking free speech as the framing value (“Given the importance of free speech . . .”), a public opinion question about allowing or opposing a hate group to hold a rally led 85% of respondents to express support. Id. at 104 (citing Paul M. Sniderman & Sean M. Theriault, The Structure of Political Argument and the Logic of Issue Framing, in STUDIES OF PUBLIC OPINION: ATTITUDES, NONATTITUDES, MEASUREMENT ERROR, AND CHANGE 133 (Willem E. Saris & Paul M. Sniderman eds., 2004)). But when framed in terms of the negative value of potential violence (“Given the risk of violence . . .”), only 45% of respondents supported the rally. Id. See also Thomas E. Nelson, Rosalee A. Clawson & Zoe M. Oxley, Media Framing of a Civil Liberties Conflict and Its Effect on Tolerance, 19 AM. POL. SCI. REV. 567 (1997); Amelie C. Andrews et al., Finding the Right Value: Framing Effects on Domain Experts, 38 POL. PSYCH. 261 (2017).

21 Chong & Druckman, supra note 19, at 104.

22 ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, THE PROMISE OF MEDIATION: THE TRANSFORMATIVE APPROACH TO CONFLICT 24 (2004) (“Mediation, with its capacity for transforming conflict interaction, represents an opportunity to express this new relational vision in concrete form. Indeed this potential is what drew many to it in the first place.”). Thus, such framing can be useful not just for mediation process users, but also for communicating this new vision to external parties.
future disputes. In mediation, parties enter with their own framework for issues and conflicts and are often focused on the past or on positions, not interests. The mediator then distills the parties’ issues, however emotionally or adversarially presented, into a more constructive and objective frame to prompt resolution of the underlying dispute. Framing in mediation occurs when a mediator actively chooses to reframe the words and perceptions of the parties into a less partisan concepts or messages, often focused on the future and on underlying interests.

Typically, this reframing begins when a mediator sets the agenda that will guide the mediation process. After listening to the parties’ concerns, a facilitative mediator summarizes what she has heard. Mediators use summarization to convey to the parties that they have been heard. But summarization is not just reflecting back the parties’ words—the mediator typically transforms the parties’ discourse into more impartial issues to be tackled through further discussion. Mediators generally agree that effective issue framing should reduce bias and subjectivity and increase objectivity.

23 See Scott H. Hughes, Facilitative Mediation or Evaluative Mediation: May Your Choice Be a Wise One, 59 ALA. L.Aw. 246, 246 (1998). Mediators use a variety of styles and approaches, ranging from facilitative to evaluative to transformative. Id. Most styles focus on the future and on preserving relationships. Id. Here we focus on facilitative mediation, a structured, interactive process where an impartial third-party encourages disputing parties by exploring interests, generating options, and helping the parties reach their own agreements.

24 See Andrea M. Bodtker & Jessica K. Jameson, Mediation as Mutual Influence: Reexamining the Use of Framing and Reframing, 14 MEDIATION Q. 237, 238–39 (1997) (citing the reflective nature of mediator framing and that the parties’ communication is the mechanism that prompts the mediator’s framing process, “[c]ommunication, then, is the sole mechanism of framing: what interactants say, how they say it, and to whom all convey information that defines the frame.”).


27 See id. at 35.


29 See id. at 196.

30 See id. at 198.

31 See id.
The art of reframing requires the mediator to state the issues in such a way that the parties do not see the issue as favoring their own or the other party's viewpoint. Objective reframing also helps to reinforce the parties' understanding that the mediator is not biased in favor of either party. In addition, to the extent that the mediator can characterize the issue as a shared concern, the mediator will do so, as a shared concern is of greater interest to both parties.

Thus, in the case of a dog who barks at night, allegedly keeping the neighbor awake, the issue isn't reframed as “barking dog” or “sleeplessness” but “nighttime noise.” This reframing language helps the party see the mediator as neutral and unbiased, while, at the same time, helping them understand their own and the other party's interests, rather than to focus exclusively on defending their positions. An effective reframing not only cools the parties' “emotional temperature,” but also alters the dynamic of the relational situation, which will tend to improve the efficiency of the mediation process. In addition, reframing issues in a less emotional manner may help the parties develop new perspectives on an old dispute. Ultimately, the objective frame helps the parties focus on cooperation and resolution, which will hopefully lead to the settlement of the dispute.

Through reframing, a mediator attempts to establish a comprehensive list of issues spanning interests across party lines without reciting the emotionally triggering words the parties initially used to describe the problems that brought them to the mediation table. In addition to this reframing, much of a mediator's work during the mediation process is to convince the parties to look forward, not backward. In other words, a mediator is unlikely to work with the parties to identify the truth of what transpired prior to the dispute.

34 See Livingood, supra note 32, at 45.
36 See Jay Folberg et al., Resolving Disputes Theory, Practice, and Law 305–06 (Vicki Been et al. eds., 2d ed. 2010).
37 See Beer & Packard, supra note 26, at 49.
38 Id.
39 See Kaufman et al., supra note 14 (citing how a mediator’s goals in reframing are to allow clarification of the parties/issues with the hope of promoting a more productive discussion).
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Nor does the mediator help the parties figure out which party is blameworthy. 42 Instead, the facilitative mediator urges the parties to leave questions of fault and truth behind in favor of developing a workable solution so that both parties can move forward with their lives. 43 The objective framing of the issues is a tool mediators use to move the parties away from the past and propel them to thinking in a mostly future-focused way. 44

Mediation framing tends, therefore, to be useful when discrete issues are in dispute and the participants are willing to resolve the dispute without vindication of their point of view or affirmation of the truth of their experience. 45 For some commissions on racial equity, use of traditional mediation framing would encourage more individuals to see personal benefit in achieving particular policy changes but might miss the opportunity that those who have experienced harm find most essential—an acknowledgment of the harm suffered. 46

An example of a commission reframing future-oriented interests broadly to gain support from all groups comes from the report to the city council and public from the Atlanta suburb of Brookhaven’s commission. The commission entitled its report in terms of valued joint gains—Building Community. Kindling Hope. Seeding Change. It summarized its work:

The Commission has taken a big, bold step on a long-term path of greater equity and access for the City of Brookhaven’s current and future residents. Success will require a continued commitment to education, training, and purposeful action that ensures all Brookhaven citizens feel welcomed to participate fully in the promise of true democracy. 47

42 See id. at 89.
43 See id.
44 See Hoffman, supra note 33, at 319.
45 See generally Holaday, supra note 28 (showing how some disputants and issues are better suited to mediation from a psychological perspective).

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The commission then concluded the report with a quote from America’s first-ever Youth Poet Laureate Amanda Gorman’s *The Hill We Climb*, which deepened the reflection on ways in which these joint gains could have value for all, as just a few lines of their quote demonstrate:

“We are striving to forge our union with purpose. To compose a country committed to all cultures, colors, characters and conditions of man. And so we lift our gazes not to what stands between us but what stands before us. We close the divide because we know to put our future first, we must first put our differences aside.”

Poet Gorman concludes, “So let us leave behind a country better than the one we were left with...”

B. Community Policy Discussion

Community policymaking typically utilizes at least two potential framing approaches. When an institution, organization, or other entity wants to engage the community directly affected in policy discussion, it may frame problems to encourage thoughtful consideration by community members of particular issues. But community policy discussions are not always intended to improve understanding or achieve consensus from all who participate. Often, the organization or institution sponsoring the process may seek to use its framing of an issue and potential solutions to persuade others outside that community and thus to influence policy decisions. In other words, the organization might reach consensus on its general goals and specific direction,

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48 *Id.* at 35 (quoting AMANDA GORMAN, THE HILL WE CLimb: AN INAUGURAL POEM FOR THE COUNTRY (2021)).
49 *Id.* (quoting AMANDA GORMAN, THE HILL WE CLimb: AN INAUGURAL POEM FOR THE COUNTRY (2021)).
52 *Id.*
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but then move to persuade others that the organization’s approach is a worthy
one. This section explores both types of framing.

Kettering Foundation President David Mathews stated that, in
community political discourse, “[a]n effective framework does not prompt the
usual conversations; it disrupts old patterns and opens new conversations.”
When an institution or organization seeks to help people work through
conflicts over important policy matters, the framing of these conversations
must be deliberate and thoughtful. While it is unlikely that, even if issues are
framed to encourage deliberation, such discussions will yield complete
agreement, the process should be one that helps the parties work through the
problem(s) and develop, if possible, the “best collective judgment.”

53 See id. at 139; see also THE CONSENSUS BLDG. INST., THE CONSENSUS BUILDING
HANDBOOK 1–3 (Lawrence Susskind et al. eds., 1999).
54 David Mathews, Naming and Framing Difficult Issues to Make Sound Decisions: A
Cousins Research Group Report on Democratic Practices, KETTERING FOUND. 1, 20
(2016), https://www.kettering.org/sites/default/files/product-
downloads/CRG%20Naming%20and%20Framing%20FINAL%20Digital%202010-14-
16.pdf [https://perma.cc/KX9P-BQHZ].
55 See Allison Kadlec et al., Framing for Democracy: Exploring the Impacts of
Adversarial and Deliberative Framing, Understanding the Longer-Term Benefits of
Deliberation, KETTERING FOUND. 1, 7–8 (August 8, 2012),
https://www.kettering.org/sites/default/files/product-downloads/Kadlec.-
Sprain.Carcasson.-Adversarial-Framing-KFWP-2012-08.pdf [https://perma.cc/MXK9-
57YW]. The authors suggest that “[h]igh-quality deliberation likely requires multiple
design aspects, including a strong framework, ground rules to develop a particular
environment, a process designed to ensure interaction and a broad discussion of the issue,
and moderators focused on nurturing deliberative norms and intervening as necessary to
help the group deliberate.” Id. at 7. Their article focuses on the creation of the initial
framework, but acknowledges that a strong framework, alone, may be a necessary, but not
sufficient, condition for success. Id. at 11. In their experiment, the authors found that the
use of deliberative framing resulted in more creative and deeper conversations. Id. at 25.
Creating the environment for deliberation requires careful facilitation and attention to
emotional interaction. See Jane Mansbridge et al., Norms of Deliberation: An Inductive
56 See Mathews, supra note 54, at 1. Experience suggests that when adversarial
framing is utilized, the participants will react to the framing, rather than discuss the
underlying issues. See Kadlec et al., supra note 55, at 13.
In these kinds of policy discussions, the organization’s facilitator must first identify the topics for discussion.\footnote{See Rebecca J. Romsdahl, Deliberative Framing: Opening Up Discussions for Local-Level Public Engagement on Climate Change, 162 CLIMATE CHANGE 145, 149 (2020).} At the outset, with an eye toward encouraging participation, facilitators typically advise institutions to avoid partisan labels for the discussion, because such labels tend only to increase polarization and deter individuals from participating in the discussion.\footnote{See Mathews, supra note 54, at 10; see also Framing and Policy Making, FRAMEWORKS INST. (June 3, 2018), https://www.frameworksinstitute.org/article/framing-and-policy-making/ [https://perma.cc/7GQQ-BQTL] ("Issue framing—the process of shaping the interpretation of a social problem—elevates one view over another and drives policy in a particular direction. If we consider how framing affects each stage of the policymaking process, we can better engage in the struggle over ideas.").} In addition, experts suggest that institutions avoid using professional jargon, because such labels tend not to fully account for the varied experiences of those who have experienced or suffered as a result of the issue under consideration.\footnote{See Framing and Policy Making, supra note 58 (explaining how framing can make policies more or less accessible to the impacted population). The framing of a question may lead to rejection from the very audience the framer seeks to engage. Note too, however, that other scholars in the deliberative democracy area suggest that, with effective facilitators, adversarial framing can be workable and other scholars who suggest that facilitators need to use both expert and lay public frames to avoid biased framing. See e.g., Laura W. Black, Framing Democracy and Conflict Through Storytelling in Deliberative Groups, 9 J. PUB. DELIBERATION 1 (2013).} While professional terms may seem attractive because they accurately describe the policy or phenomenon, they tend to be so formal that participants see them as unalterable, which discourages participation.\footnote{Mathews, supra note 54, at 4 (“The temptation to use professional names is particularly strong because they are so expert; in fact, they are so accurate that they create the impression that no other names are possible.”).}

When framing the issue, a facilitator should appreciate and recognize individual experience, while understanding that comprehensive agreement is
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unlikely.\(^{61}\) Framing in this context anticipates that individuals will share their viewpoints and experiences.\(^{62}\) For the process to work effectively, participants need to see their difficult experiences reflected in the names and terms throughout discussion.\(^ {63}\) If the process fails to acknowledge the participants’ experiences effectively, the participants will tend to revert to their previous state, in their own camps, waiting to see movement from the professionals and experts.\(^ {64}\) Finally, the framing of issues to be discussed should focus on problems or concerns the group cares about or is invested in, such as “freedom from danger” or “financial security.”\(^ {65}\)

Use of broad terms that evoke concerns that all participants care about is essential, but the framing of problems cannot be so broad as to prompt side discussions of other topics and must also be narrow enough that participants can find a place to begin.\(^ {66}\) Lyn Carson, Research Director of The New Democracy Foundation, observed that the following frame created challenges in a recent facilitated conversation involving management of Queensland’s Noosa River: “How are we to manage the Noosa River better? What role should Council play and what resources should Council apply?”\(^ {67}\) This framing of the problem prompted the participants to debate how well the river was currently managed while the Council sought instead to understand


\(^ {62}\) See e.g., id.


\(^ {64}\) See Mathews, supra note 54, at 6–7.

\(^ {65}\) See id. at 5. Environmental activists have also chosen to frame issues in broad, universally appealing language. David N. Pellow, Framing Emerging Environmental Movement Tactics: Mobilizing Consensus, Demobilizing Conflict, 14 Socio. F. 659, 662–63 (1999).

\(^ {66}\) See Mathews, supra note 54, at 7.

\(^ {67}\) Lyn Carson, Framing the Remit, NewDemocracy 1, 2 (July 18, 2018), https://www.newdemocracy.com.au/wp-content/uploads/2018/12/RD_Note_-_Framing_the_Remit.pdf [https://perma.cc/736H-H3XT] (Ms. Carson’s focus in the article is to help organizations “develop a question for public deliberation that satisfies the needs of both participants and organisers, without leading participants toward a predetermined answer or introducing unnecessary confusion”).
whether there was public support for the Council managing the river. In Carson’s view, the framing of the problem should have used the word “could” instead of “should.” As she notes, however, it may be that when debating other types of issues, the word “should” is a perfectly good choice. Here, unfortunately, the use of “should” derailed the discussion. Learning from this experience, facilitators should test their framing of problems using focus groups or other techniques to determine the likely path participants will take when working within the frame.

An example of the use of the broad language approach is to frame the goal of discussion as reaching “common ground” on a particular issue. If the goal is to reach “common ground” on an issue, policy framers not only recommend using broad framing but also intentional avoidance of a partisan or politicized statement of the issue or of professional jargon, so that participants will be encouraged to share their differing viewpoints. Frameworks Institute offers these non-partisan, common, basic needs introductions to frame ideas for improving early childhood education:

- We are responsible for the world we leave our children. . . .
- Parents want their children to have an opportunity to do better than they did . . .
- There’s an old saying that many parents know, ‘As the twig is bent, so grows the tree.’ We’ve always known instinctively that the early years were important—we just didn’t know exactly how

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68 Id.
69 Id.
70 Id.
71 Note, too, that ambiguity in framing can be problematic. As Jay Caspian King said in a recent New York Times article, “As much as possible, try to talk in concrete terms. This goes for both sides. Moral panics feed off ambiguity and confusion.” Jay Caspian Kang, Can We Talk About Critical Race Theory?, N.Y. TIMES, (Nov. 11, 2021), https://www.nytimes.com/2021/11/11/opinion/critical-race-theory.html [https://perma.cc/7B93-GC4E]. While this may be true for the ultimate discussion, to get participants to the table for a discussion, the initial framing may need to utilize broader, more ambiguous, terms.
72 Of course, policy discussions can occur in a variety of ways, but for our purposes, the focus will be on how to frame a policy debate with the goal of achieving, or at least improving the likelihood, of the participating group achieving a shared understanding. Environmental activists have also chosen to frame issues in broad, universally appealing language. See David N. Pellow, Framing Emerging Environmental Movement Tactics: Mobilizing Consensus, Demobilizing Conflict, 14 SOCIO. F. 659, 666–67 (1999).
73 Mathews, supra note 54, at 6.
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they helped shape our children’s minds. Now we know that the whole foundation for learning is set in those early years. Children learn right from wrong very early, they learn the social relationships that will determine how they get along as citizens and workers.74

Search for Common Ground CEO Shamil Idriss also endorses a broad language approach, emphasizing the need to meet “people where they are.”75 He notes that it is critical “to uphold the dignity of every person and stakeholder.”76 Employing this approach helps build the trust that is necessary for free and open examination of contentious issues.77 The approach also acknowledges that policy issues are multi-faceted and that a broad framing permits discussion of these many facets.

Ultimately, of course, many policy discussions will not achieve consensus but will improve participants’ awareness of other points of view and instill a greater appreciation for those with differing views. While frustration is undoubtedly a frequent consequence of these discussions, the development of an appreciation for others who hold differing views is a beneficial result and more likely to reduce existing polarization by increasing understanding of the views of the other.78

This framing approach makes more sense when an organization is interested in facilitating productive discussions of divisive issues without the goal of resolution or agreement. Even if not a perfect fit for a commission focused on racial equity, this type of framing may be useful if the commission intends to bring in community members with opposing views to increase understanding of the other rather than to change policies and practices. This type of framing empowers individuals to share their experiences but does not push for (and is unlikely to achieve) any firm resolution.79

76 Id.
77 Id.
79 See, e.g., Thanks for Listening, supra note 61.
The NYC Racial Justice Task Force used this framing approach for the issues that emerged during listening sessions but could not be analyzed in detail.\textsuperscript{80} Its final report discusses dozens of these unresolved issues.\textsuperscript{81} One example follows—it shows support for general goals but with policy solutions framed generally and inclusively without identification of the above-mentioned pros and cons of these potential policy solutions:

5. **Basic Human Rights and Food Justice** . . . The Commission believes that every human being is entitled to a dignified life, which includes a right to basic human needs such as food, clothing, and shelter. In particular, the issue of food injustice is one that disproportionately impacts BIPOC communities in New York City. The Commission heard from urban farmers, public health advocates, and community activists who spoke about food insecurity worsened by the pandemic, food deserts in BIPOC neighborhoods, and the need to invest in care work including health care, mental health care, home health care and childcare. . . . The Commission’s proposed preamble seeks to codify a vision of an equitable and just city which includes a basic quality of life for all New Yorkers. And the Commission’s proposal to calculate a True Cost of Living begins an honest conversation about dignity, poverty, and livability in this city. However, these are just initial foundational steps, and more work is needed. Accordingly, the Commission recommends the City continue to explore ways to uplift and improve the lives of everyday New Yorkers, including guaranteeing rights to basic dignity and human rights of food, clothing, and shelter. Specifically, the Commission recommends the City make appropriate investments and policy changes to close gaps in access to healthy foods in BIPOC neighborhoods, support urban farmers and gardeners and connecting them to food deserts and schools, and ensure that care workers who provide health and mental health care and who work in our food industries are paid fairly and justly.\textsuperscript{82}

Researchers study the effectiveness of various framing approaches on persuasion in ways that might be helpful to a commission anticipating resistance to a particular framing approach. The following examples illustrate how using a communications consultant who can apply this research to the

\textsuperscript{80} See generally NYC RACIAL JUST. COMM’N, NYC FOR RACIAL JUSTICE: FINAL REPORT OF THE NYC RACIAL JUSTICE COMMISSION (2021) [hereinafter NYC FINAL REPORT].

\textsuperscript{81} Id. at 89.

\textsuperscript{82} Id. at 93–94.
intended audiences may be quite helpful to a commission. Researchers examine, for example, the persuasiveness of efforts to inoculate the audience before framing an issue by disclosing ahead both the motivation of a likely opponent and the probable substance of the opposing content. One inoculation illustration occurred when the United States disclosed ahead that Russia would try to show provocation before invading Ukraine in 2022 and that they would use actors and staged videos purporting to show such an attack. In addition, research focuses on the persuasiveness of framing on various news and social media platforms. Though potentially useful to a commission, we are not aware of commissions that have applied this field of expertise.

C. Peacemaking/Restorative Processes

Framing in restorative processes is similar to mediation framing but differs in that focus on past events is encouraged. The goal of restorative processes is to achieve reconciliation between parties, as well as to foster acceptance and responsibility for past harms. In fact, the reckoning in restorative processes is often viewed as necessary before parties can plan for the future. Mediation, by contrast, typically focuses on moving forward and leaving the past in the past, usually without recognition of who was

83 See Jeff Niederdeppe et al., Inoculation in Competitive Framing: Examining Message Effects on Policy Preferences, 78 PUB. OP. Q. 634 (2014); see also Jeff Niederdeppe et al., Inoculation and Narrative Strategies in Competitive Framing of Three Health Policy Issues, 65 J. COMM’C’N 838 (2015).


responsible for the division between the parties. Underlying use of a restorative process is the concept that “harm has been done and someone is responsible for repairing it.” Restorative processes may focus on the restoration of the community as well. Restorative practices typically recognize both harm to individuals and to the community. Restorative practices sometimes require that the party who engaged in misconduct be willing to take responsibility for the harm as a prerequisite to beginning the process.

In a typical restorative justice dialogue, an injured party tells a personal story, hopefully eliciting “apology, remorse, and empathy” from the listeners. Here, the speaker’s experience of harm creates the frame for discussion. Following the storytelling about that experience, the restorative justice framework gives responsible parties an opportunity to acknowledge the harm, to take responsibility, and often, to tell their own stories. Ultimately, the dialogue may result in an apology, better mutual understanding, and perhaps, a reparation or restitution agreement. Restorative justice processes focus on repairing the harm done and reducing the likelihood of future harm through personal responsibility taking.

In peacemaking, a form of restorative justice dialogue, participants must be willing to confront the crucial issues that arose as a result of the

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88 See generally Lela P. Love & Joseph B. Stulberg, The Uses of Mediation, in THE NEGOTIATOR’S FIELDBOOK 573 (Andrea Kupfer Schneider & Christopher Honeyman eds., 2006). Restorative justice processes differ from mediation because the participants agree prior to the process that the injurer will listen to the harmed party’s story and be willing to acknowledge the harm they caused and take responsibility for causing it. While a commission might include storytelling as a component of its plans, it is unlikely that all participants in the process will agree that they are responsible for the harm and accountable to the injured persons. Thus, the restorative justice framework provides a roadmap for creating a forum that allows for storytelling and acceptance of harm. The framework may be less useful if participants in the commission process do not agree to some level of collective accountability – not as individuals, but rather as part of systems that produce racial inequity. See COLE ET AL., supra note 25, at § 15:5.

89 Mary P. Koss et al., Campus Sexual Misconduct: Restorative Justice Approaches to Enhance Compliance with Title IX Guidance, 15 TRAUMA, VIOLENCE, & ABUSE 242, 246 (2014). See COLE ET AL., supra note 25, at § 15:5.

90 Id.

91 Id.


93 Id.

94 Id.
wrongdoing that brought the participants to peacemaking. In other words, in peacemaking, participants are expected to speak truthfully about their personal experiences. In fact, the peacemaker ensures that the participants understand the value of the truth within the process and elicits from participants a commitment to truth-telling. Then, the process honors them for sharing their truths. Forgiveness may also become a prominent tool in peacemaking and may be the frame around which participants’ discussions revolve. By generating a desire to mend current injustices and framing discussions as recognitions of past harms, the peacemaker uses framing in seemingly intractable conflicts with the goal of cultivating an appreciation of the past while actively pursuing resolution that addresses former transgressions.

In 2019, a commission in Nova Scotia, The Restorative Inquiry: Nova Scotia Home for Colored Children, adopted a restorative justice framework for its final report on a boarding school for Black children. The commission told the tragic history learned as a result of the broad participation by former residents and others. The commission noted that the mistakes made during the home’s history were examples and results of, broader racial discrimination. Thus, the commission framed the report in restorative justice terms, explaining that the process allowed those involved in the inquiry to model the change that they hoped to see in racial justice and cross-racial relationships:

95 COLE ET AL., supra note 25, at § 15:5 n.75; Robert Coates et al., Restorative Justice Circles: An Exploratory Study, 6 CONTEMP. JUST. REV. 265, 268 (2003).
96 See Barry Stuart & Kay Pranis, Peacemaking Circles: Reflections on Principal Features and Primary Outcomes, in HANDBOOK OF RESTORATIVE JUSTICE 121, 127 (Dennis Sullivan & Larry Tifft eds., 2006).
97 See id.; see also Timothy Murithi, Practical Peacemaking Wisdom from Africa: Reflections on Ubuntu, 1 J. PAN AFR. STUD. 25, 31 (2006).
99 See Minow, supra note 86, at 1619.
100 See generally Sinisa Vukovic & P. Terrence Hopmann, Satisficing in International Mediation: Framing, Justifying, and Creating Outcomes in Peacemaking, in RESEARCH HANDBOOK ON MEDIATING INTERNATIONAL CRISIS 109, 109–23 (Jonathan Wilkenfeld et al. eds., 2019).
102 Id. at 6–7.
103 Id.
[Former residents] wanted a public inquiry that would make a difference—that would result in real social change. In particular, former residents wanted to model a changed way of working that would build the foundation for a different relationship between the African Nova Scotia community and other Nova Scotians to address systemic racism in the province.104

Restorative justice has also been used to explain the framing of past injustices in terms that would be important to the wider audience’s future hopes. In the storied South African Truth and Reconciliation Commission, the chair, Bishop Desmond Tutu, explained:

For us, truth was at the heart of reconciliation: the need to find out the truth about the horrors of the past, the better to ensure that they never happen again. And that is the central significance of reconciliation. Without it people have no sense of safety, no truth, no confidence in the future. The aim must be . . . to build a shared future from a divided past.105

In matters of racial equity, restorative justice scholarship notes that past and continuing harm cannot be ignored in framing discussions and reports, but the commission can explain, as Bishop Tutu did, that examining harm is essential to healing and unity. A narrative about injustice can help the victimized describe the harm they experienced and provide a basis for seeking change that will prevent its repetition.106 That same narrative, however, may be viewed by those who did not experience harm as an attempt to embarrass them and thus, as a divisive approach.107 Bishop Tutu’s explanation may help them understand that recounting past injustices represents a step toward a joint gain—the opportunity to bridge differences and build a better future.108 Commissions that effectively frame examination of past and current harms

104 Id. at 358.
105 Desmond Tutu, Foreword to RECONCILIATION AFTER VIOLENT CONFLICT 4 (David Bloomfield et al. eds., 2003).
107 Id.
108 Id.
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utilize the instillation of hope to persuade that healing, unity, and a better future are possible.

D. Community Advocacy—Disruption

Most of the framing literature assumes a neutral orientation for the mediator or convenor who is framing the work and issues. But there is another literature on framing issues—that for community advocacy. Bernard Mayer and Jacqueline Font-Guzman noted that framing in that context is distinct in at least two ways: the intentional desire to disrupt and the focus on tending the supportive base of a social movement. They write:

Social movements do not disrupt entrenched systems by being nice. They do so by escalation, for forcing reactions from those in power, by building support across increasing swaths of society, and by interfering in some way with the normal operations of systems. This does not require being mean-spirited or dismissive of those they disagree with, but disruption often involves a genuine and not always well-regulated or controlled display of anger and disapproval. The boundaries between responses that are strong, determined, and emotionally authentic and those that are hostile and insulting are porous and easily breached.

On tending the base, the other way in which framing may differ, they say: “Activists frequently experience the tension between wanting to build an expansive movement characterized by broad allegiances, open membership, and efforts to engage with those we disagree with and needing to build focused, well-organized, strategic, committed structures that can endure the inevitable stresses of social action.”

A non-neutral orientation is often an appropriate approach when there is a moral issue involved—where healing requires language that reflects the need for those who have suffered to articulate that harm in a disruptive and disruptive.

109 In fact, neutrality is one standard mediators are supposed to adhere to under the Model Standards of Conduct for Mediators. MODEL STANDARDS OF CONDUCT FOR MEDIATORS Standard II (AM. ARB. ASS’N, A.B.A. SECTION DISP. RESOL. & ASS’N FOR CONFLICT RESOL. 2005).


111 Mayer & Font-Guzman, supra note 110, at 172.

112 Id.
This suggests the ongoing tension for a commission focused on racial equity—the need to frame issues and findings that connect with the lived experiences of those experiencing inequities and the need to frame issues and findings to draw in decisionmakers who have the authority to change systems that reproduce inequity. Choosing framing that accomplishes both simultaneously can be immensely helpful, as Rasinski noted in the word choice example discussed earlier. An example of a commitment to potentially “disruptive” wording, even if troubling to the majority in the community, arose in discussions of the Charleston Special Commission on Equity Inclusion and Racial Conciliation. The Special Commission sought city council approval to create a permanent commission to carry on the Special Commission’s work but ran into controversy over the framing in a final report for the city council and the title they suggested for the permanent commission.

The commission’s own internal dialogue is revealing in terms of the struggle over framing its report in a way that would win support from skeptics while reflecting the disruptive views of strong advocates. One commission member expressed concerns about controversial terms in the report, explicitly stating it was for “political” and “strategic” reasons while being clear that he wanted the report and the process to be successful. He was focused on those who might have supported the report but been put off by its more polarizing terms. In terms of framing, this might be wise from a political and conflict resolution perspective. Specifically, he pointed out that the words “reparations,” “critical race theory,” and “1619 Project” would cause unnecessary opposition to the report from city council members, and that he did not want to see that happen. His arguments focused on persuasion of those who were more politically moderate or conservative, and who were not

114 Id.
115 See supra text accompanying note 14.
116 See infra notes 118–131 and accompanying text.
119 Id.
120 Id.
activists on the issues that the report addresses. His focus was on preventing the work done on the report from being “derailed.”

Commission members’ responses reflected very different goals. One commission member stated that the report “is not centered in the white experience” and “will make you feel uncomfortable.” Her primary goal appeared likely not to persuade or heal, but rather more of an affirmation of one’s own side—a commitment to the cause. It may also be a political calculation: either there will be enough votes for the final report, or it will to lose, and then the report shows backbone and commitment to the cause. The lack of willingness to accommodate comes across in her comments:

How do we not put that into this document because we want to compromise or make racists feel comfortable? Just like the government says we do not negotiate with terrorists we should not negotiate with racists if we are truly looking to move our society, our community past where it has been.

Another commissioner then expressed that the report’s contents would be “a learning experience for some.” Yet another took it further as seeking to see “who’s with me and who’s against me.” These arguments and counterarguments played out first in the August 4, 2021, Charlestown City Council meeting where a Charlestown city council member reacted to the particular words in the report and the substance of the recommendations, such as reducing law enforcement funding, which was likened to the advocacy slogan “defund the police.” While he acknowledged the commission’s hard work, he nevertheless criticized the scope of the commission and the $100 million for reparations mentioned in the report. In response, another council member accused the first of misinformation, but the damage had been done, and the city council voted not to create a permanent commission as had been recommended.
Five months later, the council and commission members had negotiated new language, and with the new framing, the council reversed its earlier vote and approved the permanent commission. The new commission’s name replaced “equity” and “inclusion” with “human affairs”\textsuperscript{129} The council prohibited the new commission from any work on defunding the police, reparations, or teaching critical race theory.\textsuperscript{131}

E. Cognitive Aspects of Framing

Throughout the framing literature, scholars also discuss insights gained from social-psychological research on decisionmaking.\textsuperscript{132} Kahneman and Tversky’s experimental research, for example, proves that decisionmaking is shaped by how the problem is framed.\textsuperscript{133} In one of the experiments, the researchers asked students whether they would support program A as a response to a new disease expected to kill 600 people if it would save 200 people or program B which had a 33% chance of saving 600 people and a 67% chance of saving no one.\textsuperscript{134} Almost three-quarters of the students preferred program A.\textsuperscript{135} This preference was risk-averse, preferring a certain outcome to a risky one.\textsuperscript{136} A second group of students was asked whether they would prefer program C, in which 400 people would die, or program D in which there was a 1/3 chance that nobody would die and a 2/3 likelihood that 600 people would die. Here, over three-quarters of students preferred program D.\textsuperscript{137} The options presented were statistically identical, but the framing impacted the students’ choices.\textsuperscript{138} Kahneman and Tversky concluded from their experiments that “choices involving gains are often risk averse and choices involving losses are often risk-taking.”\textsuperscript{139}

Applying this research, commissions might build support for change more effectively if they frame in terms of clear gains that will result from the
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changes, while also making the case that losses are unlikely. The city council in Evanston, Illinois, could frame its reparations proposal by explaining that the grants will improve a certain number of houses within the city while being funded by a new tax levied on marijuana sales that will not pose a risk for many residents.140

Another line of social-psychological research identifies reactive devaluation as a potential barrier to reaching an agreement in contentious settings.141 Parties with conflicting perspectives may resist proposals from one another under the assumption that they are self-interested.142 Thus, they devalue ideas when a party with whom they believe they have a conflict proposes it.143 Commissions on racial equity may face this challenge when framing proposals for change that some may view as self-interested, even if these proposals may advance the interests of all. In mediation, a mediator can address this problem by voicing possible conflict solutions so that neither party devalues them because of their source. For a commission, the support of influential businesses or conservative voices for the commission’s recommendations may reduce reactive devaluation.

Even if the framing of a proposal does not immediately produce a negative reaction, some opinion leaders may draw from that framing to sow divisiveness. They may do so by raising fears that any advancement in racial equity will be at the cost of white persons, potentially triggering a “fixed pie”144 view in which each gain for one is a loss for the other and consequently “loss aversion”145 toward taking that risk of loss. Those with such a cognitive approach may not support the commission’s recommendations.146 The latter zero-sum game narrative was noted by Heather McGhee in a recent book:

140 Bookwalter, supra note 8. Several years later, the city broadened both the funding sources and the forms of reparation. Adrienne Broaddus, Evanston City Council Votes in Favor of Expanding Its Reparations Program to Repair Housing Discrimination, CNN (March 28, 2023, 2:38 AM), cnn.com/2023/03/27/us/evanston-illinois-reparations-housing-discrimination-expand/index.html [https://perma.cc/AX57-MAZB].
141 Lee Ross, Reactive Devaluation in Negotiation and Conflict Resolution, in BARRIERS TO CONFLICT RESOLUTION 26, 28 (Kenneth Arrow et al. eds., 1995); see also Robert H. Mnookin, Why Negotiations Fail: An Exploration of Barriers to the Resolution of Conflict, 8 OHI O ST. J. ON DISP. RESOL. 235, 247 (1993).
142 Id.
143 Id.
144 COLE ET AL., supra note 25, at § 3:13 (“[T]heir challenge is to divide up limited resources.”).
145 Id. (“loss aversion” as the tendency to give more weight to loss than gains of similar value).
146 Mnookin, supra note 141, at 248–49.
The narrative that white people should see the well-being of people of color as a threat to their own is one of the most powerful subterranean stories in America. Until we destroy the idea, opponents of progress can always unearth it and use it to block any collective action that benefits us all. Today, the racial zero-sum story is resurgent because there is a political movement invested in ginning up white resentment toward lateral scapegoats . . . 147

Providing an illustration depicting a commission’s work as a potential loss, a radio station reported a comment from the American Heritage Association that framed the Charleston commission’s work by listing some of the words used in its final report, including “reparations,” “Critical Race Theory,” “1619 Project,” “eliminating cash bail,” “historical monument removal,” and “relocating resources from our police.” 148 The list may have the positive effect of validating concerns just as they were expressed, but it may have the negative effect, in light of the ways that the terms have been politicized, of escalating the fear of loss by whites that McGhee describes.

An illustration of avoiding loss aversion by reframing in terms of joint gain comes from the NYC commission staff’s interim report in 2021 149 According to the report, some New Yorkers urged that “wealthier neighborhoods need to take on more burdens or responsibilities to relieve low-income and BIPOC communities of the environmental health issues and other barriers to wellbeing.” 150 This quote was listed under the title “What We Heard,” but then followed with a more inclusive framing under the title, “Unpacking What We Heard.” 151 Under the “unpacking” title, one reframing was: “Every neighborhood should allow New Yorkers to enjoy public spaces, well-supported schools, and a healthy and clean environment. Yet, this is not the case in our city.” 152

150 Id. at 14.
151 Id. at 14–15.
152 Id. at 14–15.
III. FRAMING APPROACHES AT VARIOUS STAGES OF A COMMISSION’S WORK: FINDING PROMISING IDEAS FOR DEALING WITH FRAMING DILEMMAS

Each commission confronts dilemmas in selecting optimal framing of goals and must resolve these tensions either by prioritizing some objectives over others and determining whose support will allow for achievement of these top goals or by finding ways to frame that accommodate both the needs of supporters and neutrals/skeptics. These stark tensions may arise, as noted earlier, in discussions of past injustices and references to reparations, when gains for one group appear to be a loss for another. Several commissions have discovered what appears, at this early stage, to be promising ways to frame their work and goals for outside audiences, despite the central dilemma that what may seem to work from the standpoint of one part of the commission’s audience may offend another part of its audience. Many of the ideas draw on one of the framing approaches previously discussed.

These promising framing approaches may not work in all settings, political climates, and times, and are heavily dependent on a commission’s multiple and often somewhat clashing goals. Illustrating differing political contexts, the California legislature used “reparations” in the title for its commission, whereas that word, mentioned only briefly in a long final report by the initial Charleston commission, provoked City Council opposition to the commission’s recommendation to authorize a long-term commission, as discussed above.153

Timing matters as well. Over time, the public may become more receptive to a commission’s work and findings. For example, when the U.S. Commission on Wartime Relocation of Civilians began its work, few in Congress were thought to be supportive of reparations for the incarceration154 of Japanese Americans during World War II in what came to be called “internment camps.” The commission, therefore, focused on research about the experiences of Japanese Americans during their incarceration and whether the government ever had national security justifications for its decision to send

153 See Charleston City Council Meeting, supra note 126 and accompanying text.
154 In this Article the Authors will use the terms “internment” and “internment camps” to describe the incarceration of Japanese Americans by the United States federal government as it was labeled at the time. By using “internment” the Authors do not mean to deemphasize the role of state violence during this federal action, nor do the Authors use the word “camp” to evoke an adventure un nature. See generally Yoshinori H.T. Himel, Americans’ Misuse of “Internment”, 14 Seattle J. Soc. Just. 796 (2016).
them to internment camps. After documenting the injustices, the political climate changed; Congress voted for reparations.

Just as the framing literature offers only ideas, the experiences discussed in this part of the Article are at the idea level as well. Ideas may, nonetheless, offer options for consideration of framing choices at various stages of a commission’s work.

A. The Planning Process, Including Characterizing a Commission’s Work, Selecting Members and Leaders, and Naming a Commission

The U.S. commission mentioned just above offers an illustration of promising framing ideas at the outset. Studying it offers the advantage of historical reflection by scholars who have tracked its ultimate success in achieving its goals, although all of its lessons may not apply well in the very different situations of racial inequities. In planning the redress movement for Japanese American civilians who were interned during World War II, U.S. Senator Daniel Inouye argued that having non-Japanese Americans as commission members made sense from a persuasion standpoint. „Senator Inouye understood that this commission ‘would have to sell the Congress on the idea’ of redress and that the message would be best heard if it came from non-Japanese Americans.” That reasoning influenced decisions on membership, which ultimately included a majority of non-Japanese American members. Concerns about Congressional reaction also influenced how to frame the initial testimony in 1980 in favor of creating the commission, where the choice was made to frame its goals not only in terms of the experiences of the victims of the injustice but also in terms of the harm done to all Americans by betraying national values:

Japanese Americans were the immediate victims of the [World War II] evacuation . . . [its] larger consequences are carried by the American people as a whole. Their legacy is a lasting one of precedent and constitutional sanctity for a policy of mass

\[155\] See Maki et al., supra note 7, at 108–16, 186–88.
\[156\] See id. at 186–88.
\[157\] Id. at 96.
\[158\] Id. Ultimately, the internment commission asked Congress to name some Japanese American members, and it did so. Id. at 50 (by November 2, 1981, the ten members of the commission included one Japanese-American, one Aleutian-American, and the remaining members were not of these ethnicities).
\[159\] Id. at 96–97.
incarceration under military auspices. That decision betrayed all Americans. I have faith in America and this is why I ask this Congress and this commission to look into the wrongs inflicted upon us, to determine what the best remedy ought to be, not just in interest of the evacuees, but in the national interest of the United States.\textsuperscript{160}

The post-commission naming of the Act to secure redress demonstrated a similar framing approach. Scholars later remarked that naming the reparations for wartime internment of Japanese Americans bill the "Civil Liberties Act" was a brilliant stroke because it reflected the notion that it was not about property losses for a specific minority group but was about the violations of the constitutional rights of Americans."\textsuperscript{161} This broad and inclusive framing of the commission's goals won support from skeptics and did not prevent clear statements and findings about the injustice of what occurred.

Aspects of this example are less applicable to current racial equity commissions because Japanese Americans at the time were a very small minority in the U.S. and the commission focused to a greater degree on discrete historical actions.\textsuperscript{162} Most current commissions focus at least in part on the continuing experiences of African Americans, at a time when representation is viewed very differently. Having people from the group that has been discriminated against may be perceived as more authentic and necessary for African Americans. If the goal, however, is achieving broader support, requiring persuasion of legislators or city councils, having representatives who are, for example, white, conservative, or moderate might have a higher priority.

\textsuperscript{160} Id. at 92–94.

\textsuperscript{161} Id. at 236.

This illustration is placed here for another reason—to demonstrate that final reports are not the only opportunities to influence broader public views. People will react to the name, the mission, the people who comprise the commission, their mission statements, and how much they listen to others. Today, the public may also judge commissions by how talk shows, social media, and opinion leaders characterize them. Keeping in mind the myriad of ways that public opinion may be shaped will help the commission to frame its work more effectively.

B. The Commissioners’ Discussions During Public Commission Meetings

Even commissions that develop framing strategies for name, membership, and goals from the start may forget that the media coverage of their public meetings may reframe their work for the public and decisionmakers. A challenging aspect of media coverage, especially for commissions related to as fraught a topic as race in the U.S., is that both general media and social media tend to focus on conflict and double down when disagreements among members of a public body take on a personal nature. The focus on conflict, especially on personal conflicts, therefore, has the potential to reframe the commission as squabbling individuals whose work should not be taken seriously or to highlight ways to resist its recommendations because they reflect internal divisions.

Taking these risks into account, the California Reparations Task Force has used both timing and a thoughtful approach to a key policy disagreement to influence a positive framing of its work. The Task Force’s official name emphasized one of its primary duties—the Task Force to Study and Develop Reparations Proposals for African Americans, with a Special Consideration for African Americans Who Are Descendants of Persons Enslaved in the United States.163 From the beginning, there was strong disagreement about whether the task force would recommend reparations only for descendants of persons enslaved in the U.S. or instead for a broader group of Black persons.164 Rather than rushing to a vote, the task force considered expert testimony on the legal consequences of each approach and the arguments favoring each


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The task force also worked with staff to develop an interim report that detailed in over 500 pages the history of racial injustices in the U.S. and California and their continuing effects. Then, understanding that the media also covers compelling personal stories, the Task Force invited a California resident’s testimony about the tragic lingering effects of her family’s history over the generations by a descendant of African Americans, some of whom were enslaved in the U.S. The media covered the 5–4 vote of the Task Force to recommend reparations only for descendants of persons enslaved in the U.S. But the coverage also reflected the story told during a task force meeting and conveyed the seriousness and thoughtfulness with which the Task Force faced a disagreement in the society as a whole. Drawing on the community policy framing literature, one might say that they helped Californians to appreciate that this was a difficult choice, with strong rationales for both viewpoints.

C. A Commission’s Early Characterizations of Its Mission and Plans

Whatever the name and membership, the interested public will look for signs of the seriousness, focus, and values of a new commission. Several commissions have been deliberate in communicating the framing of mission and plans through an early goals and values document. In doing so, they face

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165 See Taryn Luna, Who Should Receive Reparations in California for Slavery? Answers Raise More Questions, L.A. TIMES (March 28, 2022), https://www.latimes.com/california/story/2022-03-28/california-reparations-panel-must-sort-out-tough-emotional-issues [https://perma.cc/M22G-9QB8] (“Over the last 10 months the task force has heard testimony from experts about how federal, state and corporate policies led to continued discrimination against Black people when they tried to buy a house, rent an apartment, seek healthcare services, apply for insurance, qualify for loans, access public transportation, attend school and in many other aspects of life long after slavery was made illegal.”).

166 See generally Reparations Reports, supra note 6.

167 See discussion infra Section III.D.


169 Id.
the central framing dilemma regarding audience priorities. A commissioner for the Carlisle [Pennsylvania] Truth and Reconciliation Commission noted this dilemma at the commission’s inaugural meeting on May 25, 2021:

Can I throw out a thought about the mission statement? I’m often thinking about reaching the most skeptical person and I am a bit concerned that those five items could be a bit intimidating to someone who’s skeptical about this project. And so, I wonder if we can make the mission statement more accessible and let that be kind of our first presentation of ourselves as a group who’s really interested in listening and engaging all parties.170

If not ready as a group to make the tough choices they may face later, a commission can issue a document on their mission that conveys an organized and serious purpose and reflects widely shared values in general language that will resonate with the public. For example, the Human Affairs and Racial Conciliation Commission—created by the Charleston City Council in 2022 after a discussion of the “divisive” nature of the earlier Special Commission’s report and a split vote—issued an early statement that “there could be extensive economic gains for everyone in the region if longstanding racial gaps in areas such as wealth, education, health and hiring are closed.”171 The California Truth and Healing Council will not issue a final report until 2025, but a statement on its website conveys the collaborative values it will use and the serious nature of its mission:

The Council works with California Native American tribes to shape the overarching focus and develop the work of the Council and will endeavor to accurately represent the diversity of experience of all California Native Americans within the State of California through ongoing communication and consultation.

The Council will submit a final written report of findings to the Governor’s Office by 2025.

170 Borough of Carlisle, TRC Meeting 05/25/21, YOUTUBE, at 39:10–44:25 (June 28, 2021), https://www.youtube.com/watch?v=4Y1y1M11Zac&list=PLdRdphciAUPJtzYSmYQ8j3zCBUn2bZkAe&index=2&ab_channel=BoroughofCarlisle [https://perma.cc/2FPJ-ZYR3].

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- The final report should reflect a holistic understanding of the historical relationship between California Native Americans and the State.
- The final report may also make recommendations aimed at reparation and restoration and consider how to prevent similar depredations and/or policies in the future.¹⁷²

A commission from the Atlanta suburb of Brookhaven worked with a facilitation consultant to develop and communicate the following criteria for prioritizing among multiple objectives, thereby communicating its broad and serious agenda, its pragmatism, and its interest in the views of fellow residents. The prioritized criteria included: (1) addresses racial/social inequity; (2) data-driven; (3) culturally inclusive; (4) environmentally responsible; (5) technically feasible; (6) financially viable; and (7) strong public support.¹⁷³

D. The Engagement of Those Outside a Commission and Communication to the Public Concerning What a Commission Hears from Various Sources

Another influential framing opportunity occurs as a commission lets the public know that it is listening to their concerns and frames its work in terms of responding to the concerns and stories it hears. This endeavor also offers an opportunity to gather feedback periodically to assess how the public perceives a commission’s work.

Just a few months into its work, the NYC Racial Justice Commission had its staff issue an interim report. This graphic from that report frames their active listening approach.¹⁷⁴

¹⁷⁴ NYC INTERIM REPORT, supra note 149, at 10.
Given the uncertainty about optimal ways for a commission to frame its work and findings, it may be advisable to frame them tentatively and then listen to the reaction. Following this approach, in the course of less than a year, the NYC Racial Justice Commission secured feedback from individuals and experts on two publications—a “framework” and a staff-authored Interim
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Report—before issuing the commission’s final report. To obtain feedback, the commission created a wide variety of listening opportunities. Thus, the commissioners had a chance to assess reactions and adjust their framing before the final report that would be the basis for their ballot charter amendments.

Even a delayed re-framing after feedback can be useful. As discussed above, backers of the Charleston Special Commission on Equity, Inclusion, and Racial Conciliation secured city council’s support for its recommendation to create a permanent commission, after they were initially rebuffed, by re-framing the proposed Commission on “Equity, Inclusion, and Racial Conciliation” as the Commission on “Human Affairs and Racial Conciliation” with language prohibiting that new commission from pursuing some issues listed in the initial commission report.

Individual stories can be powerful tools to communicate complex issues, especially when those stories resonate with the broader public’s experiences, and the commission indicates that it is working to decrease the chances of a repeat of those stories. The media is also more likely to report on such stories than on general statements given the impact of narrative storytelling versus a broad conveyance of information.

As noted above, such an opportunity arose as the California Reparations Task Force heard from witnesses about whether governmental decisions in California and elsewhere regarding Black persons and particularly enslaved persons and their descendants caused the racial wealth gap that continues to affect their California descendants today. After extensive expert testimony on this point, a California resident who spent two decades researching her ancestors told her story. A set of her great-great-great grandparents had been brought to California as slaves, compelled by their owners to leave their small son behind with other owners. In 1850, California became a state and abolished slavery. Once declared free, these ancestors saved enough to bring their son and his family to California. Ultimately, they and their children and grandchildren amassed 400 acres of farmland. But two generations later, the state seized most of their farmland from her great-grandfather for a park, failing to give him just compensation. A great-grandmother came to California after a mob hanged her husband and torched their house, killing one of her children. She was traumatized and fearful thereafter of all white persons, affecting her ability to participate in society.

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175 NYC INTERIM REPORT, supra note 149, at 11 (reproduced in the graphic above).
176 Id.
Yet another relative had substantial landownings in Sacramento, but when he
died in 1912, his closest relative, a sister, was not permitted to inherit the
property. Instead, the state kept the proceeds after auctioning what he had

Stories may help others understand the impact of decisions that they
might not have appreciated based on an impersonal discussion of the statistical
or historical evidence, in addition to the potential cathartic effect of telling
stories to people who respect both the depth of suffering and the person
relating it. For this reason, a story, plus a simple statement that there should
be something done about this, can constitute one promising option for framing
both the history and proposals for change. The commission might select
symbolic framing stories for a focus in its public statement. In fact, it was the
story just above—told at a California Reparations Task Force meeting with

That story and others did not replace the need for statistics and historical
accounts, essential to convey the frequency of inequities, but may have served
to illustrate for Californians the connection between past discrimination and
continuing wealth loss for descendants.

The Truth and Reconciliation Commission of Canada focused on what
had publicly been termed the “forced assimilation” to a “settler culture” or
“cultural genocide” of Aboriginal Canadians. In 2012, the commission issued
an interim report that reframed those abstract issues in terms of stories of loss
that could connect to the lived experience of most Canadians:
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[People spoke of parents having to send children off to residential school against their will, of tearful farewells at train stations, shorelines, and of the cold and impersonal receptions given to children on arrival.

Traditional, and often highly valued, clothing and footwear, handmade by loving mothers and grandmothers, were taken from them and never seen again. Long hair, often in traditional braids that reflected sacred beliefs, was sheared off. Children lost their identity as their names were changed—or simply replaced with a number. In the words of countless students, it was a frightening, degrading, and humiliating experience.

Former students described how they came from loving families and were cast into loveless institutions. Brothers and sisters were separated from each other within the schools, and often were punished for hugging or simply waving at one another.

Food was strange, spoiled and rotten in many cases. For many, little in the classroom related to their lives. The only Aboriginal people they could recall from their history books were savages and heathen, responsible for the deaths of priests. The spiritual practices of their parents and ancestors were belittled and ridiculed.

The Commission heard of discipline crossing into abuse: of boys being beaten like men, of girls being whipped for running away, of children being forced to beat other children, sometimes their own brothers and sisters, of being sexually abused within days of arriving at residential school.

Many students who came to school speaking no English lost the right to express themselves and were punished for speaking their traditional languages. It was clear that not only language was lost: it was voice. If they were abused, the only people they could complain to were abusers.

Survivors described what happened after they left the schools. People no longer felt connected to their parents or their families. Some people still find themselves reliving the moments of their victimization. People spoke of how the residential school left them hardened. They had not been given the skills needed to keep their families together. They had difficulty in showing love. People spoke of incredible anger, the damage it did to them and caused them to inflict on others. The abused often became abusers: husbands, wives, parents, children all fell victim.\(^{180}\)

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The experiential nature of this framing could reach people who had heard often about the forced cultural assimilation and help them to realize that it dealt with core concerns of all Canadians.

E. Celebrations of Recommendations and Progress

If a commission identifies a key audience and high-priority goals for that group, it is well-situated to decide whether it wants to enlist others to add their voices to its framing of recommendations so as to avoid reactive devaluation when the audience for a statement rejects it because of who made the proposals. If a commission report includes statements from business leaders who emphasize improved educational opportunities or better health outcomes as essential to attracting businesses and improving the local economy. Would it help a commission achieve its high-priority goal of obtaining legislative support to engage and quote them? Or perhaps legislative representatives of both parties have studied the commission’s work and believe it could make the community more just and welcoming for all residents. Should a commission ask them to issue a joint statement that frames the commission’s work in that way? Although it is natural for those involved deeply in a venture to feel that their viewpoints alone should merit respect, commissioners may decide for pragmatic reasons to augment their own voices as they frame their recommendations and progress in meeting them.

Another aspect of framing a commission’s work is determining who can best attest to the success of a commission in achieving its goals and implementing its recommendations. In the example below, we believe that the Truth and Reconciliation Commission of Canada had a great deal of persuasive power because of its composition, care during investigation, commemorative activities, conveying of stories, and various reports. In fact, it has been credited for a change in public opinion among the settler community toward the Aboriginal community in the years following its work. But the commission still might not have been the most persuasive messenger about its accomplishments, simply because it was heavily invested in its message. In a

181 See generally Ross, supra note 141, at 26, 27–28; Cole et al., supra note 25, at § 3:13.

similar way, respected news reports such as what happened in California might frame the status of its work more persuasively than a commission can do itself.

The Canadian Broadcasting Company framed progress on the recommendations of the Truth and Reconciliation Commission of Canada regarding the “cultural genocide of Indigenous Peoples.”\textsuperscript{185} CBC explained its independence:

In researching the progress of each Call to Action [recommendation by the Truth and Reconciliation Commission], CBC reached out to relevant governments, faith groups, professional and community organisations for comment. We fact-checked each response with invested stakeholders. We also cross-referenced federal funding announcements with actual and past financial expenditures. We also drew information from past and current CBC stories.\textsuperscript{184}

Then, the CBC framed progress on the commission’s recommendations in January 24, 2022: “20 not started, 32 in progress—projects proposed, 29 in progress projects underway, 13 complete.”\textsuperscript{185}

How thought leaders, media reports, and social media convey a racial equity commission’s progress is critical. The public’s perspective on such commissions varies dramatically, with many feeling pessimistic about such initiatives.\textsuperscript{186} Just as the CBC showed progress in its reporting of the Canadian commission’s effectiveness, media can combat feelings of powerlessness and encourage support through their reporting. People need a sense of agency, especially with conflict that is perceived as intractable, and reporting on progress can reinforce that sense of agency.


\textsuperscript{184} Id.

\textsuperscript{185} Id.


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F. Commission Reports and Proposals

A final commission report sometimes presents the starkest framing challenges, even though the positive effects of a commission may be more dependent on how it framed its work before that point. Those opposed to the commission’s work may conduct a word search for terms they can use to discredit the report with a given constituency, yet commissioners may not want to avoid politicized language such as “systemic racism.” As discussed in the community advocacy literature, framing that includes politicized terms and framing that focuses on injustice may open opportunities to commemorate, educate, express heartfelt emotions, engage supporters, and get people to the table to discuss change, but framing in terms of joint future gains in what Americans value may be essential to achieving implementation of proposed changes.  

As a commissioner on the Charleston [South Carolina] Commission on Equity, Inclusion and Racial Conciliation pointed out during the discussion of whether politicized terms such as “Critical Race Theory” should be included in the commission’s final report: “1. How do we define success as a commission that is dissolving? 2. What are we willing to sacrifice in order to see it happen?”

Reinforcing the views of advocates and engaging support for changes in policy and practice may at times be mutually inconsistent goals. Fortunately, not all choices are binary. A commission might use a final report to enhance trust in its thoroughness and in the care with which the commission considered the views of the public and experts, for example. The mediation writings on framing emphasize this trust-building aspect of framing. The New York commission’s report details its process, timeline, and public engagement. It may seem dry, but it reflects the outreach and involvement that lends the report its credibility.

A final report can include a history of injustices and a summary of concerns coupled with inclusive language about a shared future. Given its charge to propose changes in New York City’s charter (its constitution) that would be on the ballot (and which the voters ultimately approved), the

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187 See supra text accompanying notes 115–117, 149–151.
189 See supra Section II.A.
190 See NYC FINAL REPORT, supra note 80, at 27.
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commission had reason to persuade a majority of voters. It writes in the final report, “The proposals contained in this final report, for voters to approve or disapprove on November 8, 2022, aim to shift the direction of government to better represent the values of New Yorkers.” This approach employs what is described in sales as an “assumption close” tactic. It assumes shared values of New Yorkers and thus moves forward to acceptance of the proposals based on those assumed shared values. Framing recommendations by appealing to shared values is a common and potentially powerful approach by seeking to unite and bring people together.

In light of the upcoming vote, the report methodically goes through history, struggle, celebration, and shared values in a way that seeks to identify with those advocating for such a cause and those who may lack knowledge, and to seek common ground. It reviews a significant amount of New York City history, especially in terms of racial injustice. In addition, there is recognition of struggling for justice in New York City. The report also points to New York City-based artists and leaders. The report then goes to identifying foundational values uniting New Yorkers. For example, it notes in the context of this history, that “[j]ustice requires that New Yorkers be represented in the decisions governing their life. New York City, a multicultural center of the world, has a chance to demonstrate that democracy can serve people of all cultures, and not be chained by the legacies of slavery or xenophobia.” This then becomes one basis for its recommendations.

At the same time, the NYC report includes framing reflective of community advocacy writings:

The Racial Justice Commission, empowered with the legal authority of a Charter Revision Commission, will seize the

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192 Id. at 13 (emphasis added).
193 Id. at 40-41.
194 Id. at 39 (e.g., Draft Riots of 1863, NYPD raids of LGBTQ+ bars in the 1960s, and recent shootings of Black Americans by members of law enforcement).
195 Id. at 40 (including Frederick Douglass and the Underground Railroad, the NAACP, and Asian Americans in Chinatown fighting worker exploitation).
196 Id. at 40 (such as Malcolm X, Audre Lorde, Sylvia Rivera, and James Baldwin).
197 Id. at 40-41.
198 Id. at 21.
199 Id.
transformative potential of this moment in history to identify and propose structural changes and significant policy reforms that will *advance racial justice and equity and begin to dismantle structural racism* for all New Yorkers.  

Terms like equity and structural racism may be more charged and reflect the language of more progressive constituents and philosophical stances, so their effect on voters may depend on the local political climate.

Another strategy would be to pick strong words but new ones that have not yet been politicized. The commission does so in its proposed new preamble for the New York City charter, which emphasizes the joint nature of potential gains:

> We, the people of New York city, declare that our city is a multiracial democracy, and that our diversity is our strength. We honor and respect the cultures, languages, and histories of all who call and have called this land home, and we celebrate their revolutionary imagination, courage, and resiliency. We strive to be a city where the value, talents, and contributions of every New Yorker are recognized and embraced, and where equity and inclusiveness, community empowerment, accessibility, and opportunity for every New Yorker are the unwavering standards to which we are held accountable in all aspects of governance, business, and service delivery. We endeavor to ensure that every person who resides in New York city has the opportunity to thrive with: (i) A safe, healthy, and sustainable living environment; (ii) A resilient neighborhood served by quality and accessible infrastructure and services as well as a robust local economy; (iii) Vibrant and welcoming public spaces throughout New York city, where everyone belongs and can move freely; (iv) Resources necessary to prosper economically and build wealth; (v) Safe, secure, and affordable housing; (vi) Quality and culturally-relevant child and youth supports, including early childhood and pre-kindergarten through twelfth grade education; (vii) Compassionate and culturally-responsive health, trauma, and mental health care; (viii) Access and opportunity to participate meaningfully in government decision-making; and (ix) Humane, empathetic, and respectful treatment.

What a commission can achieve to advance racial equity will never be enough. The framing of recommendations can reflect an understanding of the

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200 *Id.* at 12 (emphasis added).

201 *Id.* at 43 (excerpt from the proposed preamble for the New York City Charter).
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desirability of reaching the broadest and deepest advancement while being realistic about what the commission can achieve. The NYC report above embodies that approach by identifying in detail ideas that ought to be explored by future commissions.

IV. CONCLUSION

Framing matters at each stage of a commission’s work, but no recommendation will be effective in all contexts. We offer some promising process ideas—a series of points for the commissions to consider when they need help in framing their mission, goals, process, findings, and recommendations. We suggest that commissions explicitly prioritize their goals, make conscious choices among competing framing options, watch for conflicts and other points that will prompt the media to reframe what the commission does, and work tentatively with an ear to whether the framing at each stage serves their highest priority goals. We also flag what appear to be constructive approaches that do not require stark choices—these allow the commissions to meet the desires of both the supporting and skeptical constituencies:

- Consider how various framing approaches will engage as many people as possible.202
- Help the public understand how a commission’s work relates to their core concerns, such as safety, opportunity, fairness, freedom, and satisfaction of basic needs.203
- Discuss ways to explain the need to reflect past and current concerns in order to achieve valued joint future gains.204
- Right size the breadth and depth of the framing for the work, given what is feasible for the commission to achieve.205
- Consider who should convey the framing of goals, process, and recommendations and when each supporter should play this role.206
- Frame in terms not commonly used but still express urgency and importance and engage and build support. As an aspect of this,

203 Mathews, supra note 54, at 6; see supra text accompanying notes 65, 74, 171–173, 197.
204 See supra text accompanying notes 171–172.
frame so that people’s authentic voices are articulated and others will listen to them, such as through stories or reporting concerns in ways that reflect and touch on the lived experiences of a broader public.\textsuperscript{207}

- Find new words rather than well-worn ones or politicized ones to keep the language from becoming stumbling blocks in considering the commission’s ideas or fodder for those trying to paint the commission as seeking gain for one group at the expense of another.\textsuperscript{208}

- Celebrate progress and use that progress to build hope about achieving other recommendations for change.\textsuperscript{209}

- Educate the public about the need for particular measures, such as remediation, before framing proposals that they would oppose before understanding that need.\textsuperscript{210}

- Allow enough time to gain feedback on earlier, tentative framing of the commission’s work, and modify the framing in later work.\textsuperscript{211}

As the ongoing initiatives to advance racial equity progress, we plan to augment the list of options to consider\textsuperscript{212} and hope that others will as well. Despite considerable support for progress in racial equity,\textsuperscript{213} the compelling evidence of continuing harm from past injustices, and research that documents joint economic gain when communities offer equitable

\textsuperscript{208} See supra text accompanying notes 54–60, 115–131, 180, 187–188, 192.
\textsuperscript{209} See supra text accompanying notes 181–185.
\textsuperscript{210} See supra text accompanying notes 105, 156, 164–169.
\textsuperscript{211} See supra text accompanying notes 174–177.
\textsuperscript{212} An interdisciplinary study across six academic units at The Ohio State University is building a database on a number of public, multi-pronged collaborative initiatives to advance racial equity. The principal investigators include Sarah Cole, Steve David, Lisa Durham, Lorie Little Edwards, Harley Eienne, William Froehlich, Tom Gregoire, Sooyeon Kang, Teri Murphy, Nancy Rogers, Amy Schmitz, Carl Smallwood, Josh Stulberg, Benjamin Wilson, and Tijs van Maasakkers.
proposals for changes to achieve racial equity face strong headwinds. Skeptics or opponents may try to distract the public focus away from concern about racial inequities. They may portray a commission’s proposals or work as a gain to one group at the expense of another. They may try to raise doubts about whether the commissioners have the public’s interests in mind. They may point to the use of terms in commission reports or proposals that have been politicized over time. They may suggest the uncertain nature of benefits and the high risks of potential losses.

Framing for common ground, healing, unity, and a better future for all throughout a commission process can minimize the damage from these attacks. But those who have experienced racial injustices or whose ancestors have suffered deeply may feel a responsibility to employ strong and critical language to put a spotlight on that suffering and steps to address that suffering. We began and now conclude with this dilemma—framing in ways that can win the support of decision-makers while satisfying the fiercest advocates for change. The dilemma arises in stating commission goals, analysis of inequities, proposals for change, and efforts to influence the ways that others frame the commission’s work so that it appeals to skeptics and to the fiercest advocates for change. This dilemma requires that commissions prioritize their aims in light of these tough framing choices. The good news is that both the framing literature and the early experience of these broad public initiatives to advance racial equity offer options for finessing this dilemma. Surely even more constructive framing ideas will surface as more and more of this crucial work begins and continues.
