Whole Other Story: Applying Narrative Mediation to the Immigration Beat

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Recommended Citation
ADR, Conflict Resolution, News Media, Journalism, Immigration, Narrative, Public Opinion

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WHOLE OTHER STORY:
APPLYING NARRATIVE MEDIATION TO
THE IMMIGRATION BEAT

Carol Pauli*

“When Mexico sends its people, they’re not sending their best. They’re not sending you. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.”¹

“Say what you will about Trump, he’s trending . . . . I think he’s saying what everyone is thinking.”²

ABSTRACT

If Donald Trump, in kicking off his campaign for the White House, was saying “what everyone is thinking” about illegal immigration, it must be that his message mirrored a narrative that already existed in the minds of his audience. That fearful story of criminals invading the U.S. borders has long been a dominant theme in the mainstream news immigration story. Like all news stories, this one focuses attention on some facts at the expense of others. Like many news stories, it draws its power from earlier, well-known tales—some as old as The Flood. This article recon-


² Sara Opie, Column: A Field of 17 Candidates, It's a Great Time to Be a Political Junkie in Iowa, DES MOINES REGISTER, Aug. 12, 2015, at B1.
siders news stories—and the storytelling role of journalism—in light of a relatively new approach to conflict resolution: narrative mediation.3

Narrative mediation, simply stated, sees conflict as a kind of story. Narrative mediators approach a conflict by calling its story into question and then by looking for facts that fall outside of its plot. They use these "unstoried facts" to explore the alternative stories that such facts suggest. Then, narrative mediators try to help the disputing parties write a larger, more complex, and more useful story together. This article recommends that journalists adapt certain processes of narrative mediation to thicken the plots of news stories, producing more comprehensive, accurate, and helpful accounts of the conflicts they cover.

Although this article focuses on news coverage of immigration from Latin America, the approach of narrative mediation can be applied more broadly. Immigration conflicts are not confined to the U.S.-Mexican border or to the issues of legal status and documentation that arise there. Fearful storylines are also used in reporting conflicts over legal Muslim immigrants, including the most extensively documented of all recent arrivals, Syrian refugees. The same narratives sound again overseas. Beyond the immigration story, and across other reporting beats, narrative mediation offers tools to disrupt predictable news storylines that can result from political pressures and deadlines. These tools can free reporters to construct the stories of news in a thoughtful and deliberative way.

I. Introduction

The brash statement that cost Donald Trump tens of millions of dollars in business deals—but apparently no percentage points

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3 In two prior articles, I have discussed the potential conflict-resolution role of news reporters as public third-party neutrals. See Carol Pauli, Note, News Media as Mediators, 8 CARDozo J. CONfLICT ResOL. 717 (2007). That article compared the role of a news reporter to that of a facilitative mediator, bringing opposing parties into the same physical or electronic space, framing issues, asking questions, testing reality, and sometimes even generating movement toward settlement. In the second article, I asserted that the conflict theory that underlies transformative mediation can be used to interrupt the growing political polarization in the news. See Carol Pauli, Transforming News: How Mediation Principles Can Depolarize Public Talk, 15 PePP. DISP. RESOL. L.J. 85. That article recommended that broadcast news interviews use methods that empower audience members—in the transformative sense—increasing their capacity to hear opposing voices in a spirit of generosity rather than fear. This article turns to narrative mediation and applies it to the journalist's role as a public storyteller.
in the polls—rests on several assumptions. It links Mexican immigrants to drugs and violent crimes, including rape. It differentiates immigrants from you, his audience, presumably of U.S. citizens. It presents the United States as a kind of utopia, in which citizens do not have "lots of problems," unlike the outsiders, who do. It is a startling public statement, but it is not a new story.

For years before this statement, these themes were already entrenched in the news, the primary source of public information. News stories consistently repeated and amplified images of masses of people crossing the border and largely cast them in a narrative of crime. In doing so, news stories raised and fortified their own conceptual border-wall, by lifting into prominence the markers of identity that distinguish immigrants from citizens, prompting audience members to privately align themselves for or against an "Other."

This article focuses on news media stories about immigration. It uses the term immigrant to refer to a non-citizen born outside of the United States and now present in this country, whether authorized by law or not. It uses conflict in the broad sense of "a real or perceived incompatibility of interests, inconsistent world views, or a set of behaviors." It focuses on mainstream newspapers and newscasts because they are critical to public sentiment and action

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5 Nancy Levit, *Reshaping the Narrative Debate*, 34 SEATTLE U. L. REV. 751, 752 (2011) ("The overwhelming majority of the information people acquire comes from press accounts rather than reading original materials.").

6 See, e.g., Laura Strickler, *Undocumented Immigrants Increasingly Filling Arizona Prisons*, CBS NEWS (July 22, 2010 4:12 PM), http://www.cbsnews.com/news/undocumented-immigrants-increasingly-filling-arizona-prisons/ ("Of all the prisoners serving time in Arizona state prisons for kidnapping, 40 percent were undocumented. Of those in prison on drug charges, 24 percent were undocumented. And 13 percent of those serving time for murder were undocumented immigrants, according to the new data from the Arizona Department of Corrections.").

7 Elfriede Firsich, *Media and the Representation of Others*, 61 INT’L SOC. SCI. J. 113, 113 (2010) ("Over centuries, the mass media—starting with newspapers—have played a central role in defining and illustrating the nation-state in Europe and the Americas. . . . Often the media formed a mediated national identity in limited ways by defining the boundaries of a community considered to be part of a nation and by excluding minorities as ‘Others.’"). This use of the term Other echoes philosopher Michel Foucault, who observed that people establish their own subjectivity by objectifying others—viewing them as the negative in a binary system, such as "the criminals and the ‘good boys.’” Michel Foucault, *The Subject and Power*, 8 CRITICAL INQUIRY 777, 777–78 (1982). He used "the other" to designate "the one over whom power is exercised." Id. at 789.

in the United States. Despite the Internet’s ever-expanding array of information and opinions, the most visited news websites consistently include the BBC, CNN, and the New York Times. Furthermore, among news outlets, the most traditional of news media, newspapers, provide the backbone of original reporting that is posted and aggregated: an estimated eighty-five percent of news originates with reporters who work for newspapers, in print and online. News reporting ideally aims to provide the public with “full access to the day’s intelligence,” an accurate account of events and verifiable facts. Traditionally, journalists see themselves as standing invisibly outside of events, gathering information, and reflecting mere common sense. The field expresses faith in the value of accurate information, declaring in the preamble to a prominent code of ethics that “public enlightenment is the forerunner of justice and the foundation of democracy.” Beyond this, leaders in the field have sometimes expressed hope that accurate reporting can diminish world conflict. At the end of World War I, for example, the general manager of the Associated Press proposed that reporting the realities of everyday lives would reveal a common,

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9 The most visited news site during the month ending June 20, 2015 was the BBC, which ranked 74th among all websites in the world and 7th in the United Kingdom. CNN.com ranked 86th worldwide and 25th in the United States. These were followed by the websites of newspapers, which ranked from 106 to 116: India Times, China Daily, The Daily Mail, and the New York Times. This list excludes Reddit.com, which was a bulletin board for entertainment and news stories, and the Huffington Post, which both aggregates news and provides original content. The Top 500 sites on the Web, Alexa, http://www.alexa.com/topsites (last visited June 22, 2015).


14 Isabel Awad, Latinas/os and the Mainstream Press: The Exclusions of Professional Diversity, 12 Journalism 515, 528 (2011) (“[T]he norms of professional newsmaking . . . are meant to enable journalists to ‘gather’ a truth that is independent of them and for which they are not accountable. Journalists, in this sense, are . . . acultural. They subscribe to the dominant culture’s claims of ‘cultural invisibility’ . . . . ”).

international humanity. After World War II, a study of the news media, initiated by the founder of Time, Inc., concluded that “the press . . . can help create a world community by giving men everywhere knowledge of the world and of one another.”

But journalism balks at adopting harmony as a goal in itself. It has been wary of the “civic journalism” movement of the late 1980s, in which newspapers promoted public dialogue and sometimes went so far as to sponsor citizen meetings. Likewise, in the United States at least, reporters have kept a distance from “peace journalism,” which has urged them to highlight peace initiatives rather than conflicts. Both movements have been criticized as threats to detached, fact-based reporting.

This article aims at promoting journalistic accuracy, not activism. But it recognizes that, having uncovered and verified facts, reporters must select some of those facts and draw them together to produce meaning. There is no news without narratives. This storytelling part of a reporter’s job is so essential and subtle as to go generally unnoticed by the journalists, and yet these stories have power. They shape public perceptions of the facts and events

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22. Kovach & Rosenstiel, supra note 12 at 189 (“Journalism is storytelling with a purpose . . . . The first challenge is finding the information that people need to live their lives. The second is to make it meaningful, relevant, and engaging.”).
23. Michael Schudson, News as Stories, in Media Anthropology 121, 121 (Eric W. Rothenbuhler & Mihai Coman eds., 2005) (“Journalists are often more aware of the claims they make to truth than the fact that they present their work in the form of a story.”).
and, in doing so, suggest, compel, or constrain the potential avenues of public conversation and response.\textsuperscript{24}

This article recommends an approach from the field of alternative dispute resolution (ADR) that journalists can consciously use to increase the comprehensiveness of their stories and to more accurately reflect an increasingly multicultural society. This relatively new ADR approach, “narrative mediation,” centers on the role that stories play in conflict. Part II of this article compares the role of conflict narratives in traditional news stories to the role of narratives in law. Part III illustrates the narratives that have run through news coverage of United States immigration from Mexico and the Caribbean. Part IV outlines four hallmarks of narrative mediation and suggests ways to apply them in reporting and writing immigration news stories. Part V argues that continuing changes in journalism make this an opportune time to apply narrative mediation principles to its public storytelling role. It offers examples of news projects that are experimenting with the kind of storytelling that is the goal of narrative mediation. Part VI takes a brief look at journalism’s own narratives, the stories it tells itself.

II. Narratives in Courtrooms and Newsrooms

In several important ways, journalism is like law. Both fields focus on conflict, play a role in its management, and gain particular salience at times when social relations are shifting.\textsuperscript{25} In both fields, practitioners deal in narratives, stories that assert what is true\textsuperscript{26} and—by implication—what should be true.\textsuperscript{27} Both law and journalism also rely on pre-written conflict plots. In law, such a plot is called a cause of action. It is the outline of a story about some event that has upset the normal routine of life.\textsuperscript{28} The story proposes “logical, causal linkages between actors, their actions, and

\begin{itemize}
  \item \textsuperscript{24} Levit, \textit{supra} note 5, at 752 (“[P]ress-constructed stories have become an increasingly powerful tool impelling or obstructing policy change.”).
  \item \textsuperscript{25} Andrew Arno, \textit{Alarming Reports: Communicating Conflict in the Daily News} 28 (2012).
  \item \textsuperscript{26} Robert Cover, \textit{Nomos and Narrative}, 97 Harv. L. Rev. 4, 4 (1983) (“No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.”).
  \item \textsuperscript{27} Richard Delgado, \textit{Legal Storytelling for Oppositionists and Others: A Plea for Narrative}, 87 Mich. L. Rev. 2411, 2416–17 (1989) (“[M]uch of social reality is constructed. We decide what is, and, almost simultaneously, what ought to be. Narrative habits, patterns of seeing, shape what we see and that to which we aspire.”).
\end{itemize}
outcomes defined as problematic.” In the courtroom, the opposing parties compete to show which one’s experience more closely conforms to the plot points required by the law. Litigation may even be thought of as “a mechanism for story completion,” where attorneys tell their clients’ stories about the event, and a judge or jury writes the closing chapter.

In journalism, the pre-written plots are not as explicit and systematic as they are in law; so, deciphering and categorizing them has engaged several generations of researchers in asking, “What is news?” That is, just what is required for an event to qualify for news coverage? One early answer came from Norwegian sociologists Johan Galtung and Mari Ruge: An event is newsworthy if it is dramatic and has unambiguous meaning, or—maybe more accurately—can be reported in a way that minimizes ambiguity. Galtung and Ruge also found that, to be newsworthy, an event generally has to involve people who are culturally similar to the reporter. That observation was echoed in the United States by sociologist Herbert Gans when, in his study, Deciding What’s News, he listed “ethnocentrism” among the “enduring values” of journalism.

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30 Rubinson, supra note 28, at 840 (“Each litigant arrives with an unfinished, inconsistent story, and the job of a judge or jury is to finish telling the story the ‘right’ way.”).
32 See ZELIZER, supra note 13, at 54.
35 Id. at 263.
36 HERBERT GANS, DECIDING WHAT’S NEWS: A STUDY OF CBS EVENING NEWS, NBC NIGHTLY NEWS, NEWSWEEK AND TIME 42 (1979) (observing that “the news contains many stories that are critical of domestic conditions, but these conditions are almost always treated as deviant cases, with the implication that American ideals, at least, remain viable.”).
37 Id. at 41 (“Enduring values . . . are values which can be found in many different types of news stories over a long period of time; often they affect what events become news, for some are part and parcel of the definition of news.”).
38 The rest of the values he named were the following: “altruistic democracy,” “responsible capitalism,” “small-town pastoralism,” “individualism,” and “moderatism.” GANS, supra note 36, at 43–52.
Political scientist Daniel Hallin described reporters as sorting events into three categories, which he visualized as concentric spheres. At the center, the “sphere of consensus” is the realm of events that celebrate shared values, such as “motherhood and apple pie.” At the outer extreme, the “sphere of deviance,” is a place of exile for events that reporters see as unworthy of serious consideration. Hallin found that only when covering the middle ground, the “sphere of legitimate controversy,” do reporters aim at objectivity and verification of facts. Even within this sphere, news reports may signal preferences to the audience. An event seen as being close to the sphere of deviance may provoke a more skeptical stance or tone, for example, than one seen as lying close to the sphere of consensus. In Hallin’s model, then, a journalist is always implicitly marking the boundaries of cultural acceptability and giving cues about the worth of the parties or issues.

To turn an event or issue into news, the journalist selects certain facts and pulls them together to create meaning in the form of a story. This process of selecting, highlighting, and giving contextual meaning to facts has been labeled “framing.” Frames are “conceptual tools” for conveying information. Frames have been described at varying levels of abstraction. At a broad level, most news stories in the United States and Europe fall into five general frames. A conflict frame tries to capture audience interest by emphasizing—and often simplifying—disagreements. This frame is

40 Id.
41 Id.
42 Id. at 117.
43 Schudson, supra note 23, at 125 (“It is as if journalists were unconsciously multilingual, code-switching from neutral interpreters to guardians of social consensus and back again without missing a beat.”).
44 Robert M. Entman, Framing: Toward Clarification of a Fractured Paradigm, 43 J. Comm. 51, 52 (1993) (“Framing essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/ or treatment recommendation for the item described.”).
45 Robert M. Entman, Framing Bias: Media in the Distribution of Power, 57 J. Comm. 163, 164 (2007) (“We can define framing as the process of culling a few elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation.”).
47 Id. at 95.
48 Id.
the one seen the most often in U.S. news reports.\textsuperscript{49} Other broad frames give meaning to an event or issue by either showing the personal human emotions that it stirs, tracing its economic consequences, raising the moral questions that it triggers, or investigating which parties should be held responsible.\textsuperscript{50} Frames have also been described more specifically. For example, a news story may be told in a frame of affirmative action\textsuperscript{51} or that of the war on terror.\textsuperscript{52} Another example would be a story about an election campaign framed in terms of a strategic game.\textsuperscript{53}

The journalist’s choice of frame matters. For example, “the Abu Ghraib story could be framed as being about ‘torture’ or ‘abuse’ of prisoners.”\textsuperscript{54} An organized social protest may be framed as a threat to public order or as an illustration of a legitimate viewpoint;\textsuperscript{55} and illegal drug use, as a question of criminal justice or as a question of public health.\textsuperscript{56} The news frame determines which information is emphasized, which is excluded, what boundaries limit public discussion, and what responses are available.\textsuperscript{57} News frames can “define problems,”\textsuperscript{58} and put them on the public agenda by indicating that they are worthy of attention.\textsuperscript{59} Frames can point to the causes of problems, judge morality, and suggest responses.\textsuperscript{60} “[T]he frame determines whether most people notice and how they understand and remember a problem, as well as how they evaluate and choose to act upon it.”\textsuperscript{61} A news frame can also escalate conflict in destructive ways—by suggesting that only one party can tri-

\textsuperscript{49} Id. (citing Neuman et al., Common Knowledge (1992)).
\textsuperscript{50} Id. at 94 (citing Neuman et al., Common Knowledge (1992)).
\textsuperscript{51} Entman, supra note 44, at 55.
\textsuperscript{56} David L. Altheide, The News Media, the Problem Frame, and the Production of Fear, 38 Soc. Q. 647, 651 (1997).
\textsuperscript{57} Semetko & Valkenburg, supra note 46, at 94.
\textsuperscript{58} Entman, supra note 44, at 52 (noting that frames have also been called schemata).
\textsuperscript{59} Entman, supra note 45, at 164 (“Agenda setting can . . . be seen as another name for successfully performing the first function of framing: defining problems worthy of public and government attention.”).
\textsuperscript{60} Entman, supra note 44, at 52.
\textsuperscript{61} Id. at 54.
umph, for example, or by polarizing parties along ethnic lines and marginalizing or demonizing one of the parties.\(^6\)

Many factors may influence which frame the journalist uses. To begin with, as sociologist Michael Schudson points out, there is the “character of ‘the events themselves.’”\(^6\) The frame may also depend on the reporter’s beat assignment or his targeted audience’s expectations.\(^6\) Public opinion, if reported in the media, may influence news framing.\(^6\) That is why government officials try to influence public opinion by presenting their own frames,\(^6\) as do political elites,\(^6\) strategists,\(^6\) and activist outsiders if they can be heard.\(^6\) Officials at the highest level have the greatest power to frame an event,\(^6\) but journalists can expand the discussion independently,\(^6\) especially when political control is weakened by unexpected events.\(^6\)

Given the power of news framing, it is little wonder that most audience members see news stories as politically biased.\(^7\) Yet, for the journalist on a deadline, the process of framing is generally an

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62 Id. at 60–69.


65 Entman, supra note 52, at 420 (describing the possibility of upward movement of frames). But see W. Lance Bennett, Regina G. Lawrence & Steven Livingston, None Dare Call it Torture: Indexing and the Limits of Press Independence in the Abu Ghraib Scandal, 56 J. Comm. 407, 381 (2006) (finding that the media offered no alternative to framing the Abu Ghraib scandal as an isolated case of abuse, despite having information that supported a frame of systematic torture).

66 Entman, supra note 52, at 417. For evidence of source manipulation of framing in immigration news stories as long as twenty years ago, see Michael B. Salwen & Frances R. Matera, Setting the News Agenda with an Ethnic-Relevant Topic: Public Salience of Illegal Immigration, 8 HOWARd J. OF COMM. 329, 332–33 (1997).

67 Entman, supra note 52, at 417.

68 MANUEL CASTELLS, COMMUNICATION POWER 197–98 (2009) (“Affecting the content of the news on a daily basis is one of the most important endeavors of political strategists.”).

69 Sarah Sobieraj, Reporting Conventions: Journalists, Activists, and the Thorny Struggle for Political Visibility, 57 SOCIAL PROBLEMS 505, 507, 510 (2010).

70 Entman, supra note 52, at 420.


73 AMY MITCHELL, JEFFREY GOOTFRIFD, JOCELYN KILEY & KATERINA EVA MATSA, POLITICAL POLARIZATION & MEDIA HABITS 5 (Oct. 21, 2014), http://www.journalism.org/2014/10/21/political-polarization-media-habits/ (finding that people with consistently conservative views overwhelmingly use and trust news outlets different from the ones used and trusted by people with consistently liberal views).
unconscious,\textsuperscript{74} intuitive part of storytelling.\textsuperscript{75} Rather than being intentionally polemic, Schudson writes, news is "a form of literature,"\textsuperscript{76} written by reporters who are drawing on cultural images, stereotypes, and stories that are more deeply rooted than political parties or systems.\textsuperscript{77} The most readily available\textsuperscript{78} and powerful frames for a news story are those that a society already habitually uses,\textsuperscript{79} and which define a culture.\textsuperscript{80} Professor Jack Lule goes so far as to say that journalism taps into ancient stories of humankind.\textsuperscript{81} News, he argues, is "the primary vehicle for myth in our time."\textsuperscript{82} Reading news accounts, Lule repeatedly finds what he has labeled seven "master myths."\textsuperscript{83} Several among them are of particular interest here: the hero story defines greatness;\textsuperscript{84} the victim story serves to reconcile people to fate\textsuperscript{85} by turning death into sacrifice;\textsuperscript{86} the flood story reminds people that civilization can be humbled by

\textsuperscript{74} Entman, supra note 44, at 56; see also Gans, supra note 36, at 80 ("Insofar as [reporters] express the dominant political ideology, they often do so unconsciously."). For a striking example, see W. Lance Bennett, Regina G. Lawrence & Steven Livingston, None Dare Call it Torture: Indexing and the Limits of Press Independence in the Abu Ghraib Scandal, 56 JOURNAL OF COMMUNICATION 467, 478–79 (2006) (finding that the New York Times largely characterized U.S. action at Abu Ghraib prison in Iraq as representing an isolated case of abuse, rather than a policy of torture, and quoting one editor, when challenged, as saying "I'll pay closer attention.").

\textsuperscript{75} Schudson, supra note 21, at 261 ("News judgment is not so unified, intentional, and functional a system as "ideology" suggests. Its presuppositions about what counts as novel, touching, interesting, or shocking are in some respects rooted much more deeply in human consciousness and are much more widely distributed in human societies than capitalism, socialism, industrialism, or any other particular system of social organization and domination can encompass.").

\textsuperscript{76} Id. at 262.

\textsuperscript{77} Id. at 260–61.

\textsuperscript{78} Baldwin Van Gorp, Strategies to Take Subjectivity Out of Framing Analysis, in DOING NEWS FRAMING ANALYSIS: EMPIRICAL AND THEORETICAL PERSPECTIVES 84, 87 (Paul D’Angelo & Jim A. Kuypers eds., 2010).

\textsuperscript{79} Entman, supra note 52, at 422 ("The most inherently powerful frames are those fully congruent with schemas habitually used by most members of society. Such frames have the greatest intrinsic capacity to arouse similar responses among most Americans.").

\textsuperscript{80} Entman, supra note 44, at 53 ("The culture is the stock of commonly invoked frames; in fact, culture might be defined as the empirically demonstrable set of common frames exhibited in the discourse and thinking of most people in a social grouping.").


\textsuperscript{82} Id. at 19. Lule acknowledges, however, that some routine news stories have no mythic content. Echoing Freud, he allows that “sometimes a fire story is just a fire story.” Id. at 18.

\textsuperscript{83} Id.

\textsuperscript{84} Id. at 85.

\textsuperscript{85} Id. at 43.

\textsuperscript{86} Id. at 22.
III. IMMIGRATION STORIES

Immigration is at the center of the grand narrative of the United States. Yet, ambivalence toward immigrants has existed from the start. Distrust of the immigrant “Other” is reflected in the Constitution, in the speeches of political leaders, and in the complex history of immigration law, which has greeted newcomers with uncertainty and cruelty as well as with promise and hope. Immigration continues to distinguish the American identity. In immigration stories, the social construction of conflict is especially apparent. The legal status of an immigrant is unquestionably socially constructed, and so are national borders. In the early 19th century, for example, the southwestern U.S. border was not at the Rio Grande, but at the Sabine River on the western edge of the

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87 Lule, supra note 81, at 25.
88 Id. at 24–25. Lule’s other myths may be summarized as follows: The scapegoat story upholds social order by designating some people as the embodiment of evil and then expelling them from society. Id. at 65. The “good mother” story reassures audiences that nurture exists even in a difficult world. Id. at 24. The trickster story upholds order by showing someone who deviates from the rules and, although not punished, lives at the edge of ruin. Id.
90 See, e.g., Jason A. Edwards & Richard Herder, Melding a New Immigration Narrative? President George W. Bush and the Immigration Debate, 23 HOWARD J. COMM 40, 40–41 (2012) (noting that in thirty-six speeches, as President George W. Bush tried to overhaul immigration policy from 2004–2007, he referred to immigrants as “living in the shadows” and burdening communities while also acknowledging “the vast majority” of immigrants as “decent and hardworking.”).
92 Pew Research Center, Faith on the Move: The Religious Affiliation of International Migrants 14 (March 8, 2012), http://www.pewforum.org/2012/03/08/religious-migration-exec/ (“Among destination countries, the United States is in a class by itself. About one-in-five international immigrants alive today (nearly 43 million, including unauthorized immigrants and people born in U.S. territories such as Puerto Rico and Guam) reside in the United States.”).
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Louisiana territory, and the people crossing that border were largely Anglo-Americans crossing into what was then Mexico.

The “immigration narrative” matters. News stories influence the way people experience and relate to each other day to day. News stories become part of the understanding of the judges and jurors who decide such questions as legal status, liability, and guilt or innocence. News stories make up the information context and provide the images at play in the minds of policemen, schoolteachers, building inspectors, and private employers as they enforce the law, discipline schoolchildren, investigate complaints, or make promotion decisions. As Schudson puts it, news “offers the language in which action is constituted . . . establishing a web of meanings and therefore a web of presuppositions, in relation to which, to some degree, people live their lives.”

News stories about Latino immigration to the United States have prompted empirical examination by scholars in several fields, including those of communication, journalism, law, political science, and social psychology. According to these studies, the mainstream news media play an important role in setting the themes and images of immigration that influence public opinion. For the most part, the mainstream media further anti-immigrant hostilities in a way that Spanish-language news stories do not.

A. Mainstream News Media

A striking example of the role of news narratives in the popular understanding of immigration occurred during the 1980 boatlift from Mariel Harbor in Cuba. In 1980, Cuban President Fidel Castro allowed more than 124,000 Cubans to leave their island nation. For the next weeks, small private boats, often chartered by

Cubans' relatives in the United States, shuttled back and forth from Florida to pick them up.\textsuperscript{99} Although the 90-mile voyage was illegal, the U.S. Coast Guard rescued disabled boats and helped organize flotillas for safety.\textsuperscript{100} The U.S. Navy was later called in to help with what the Pentagon termed the "urgent humanitarian need."\textsuperscript{101} On U.S. shores, the arriving Cubans were processed as refugees,\textsuperscript{102} and President Jimmy Carter eventually said they were welcome "with open arms and an open heart."\textsuperscript{103} The narrative underlying the Mariel boatlift was simple: the Cubans were victims of a politically oppressive regime.\textsuperscript{104} American heroes rescued them in what came to be called the "freedom flotilla."\textsuperscript{105}

This compelling narrative, however, did not extend one island further, to Haiti—then and now among the poorest countries in the Western Hemisphere. Haitians attempting the trip to the United States—crowding onto unseaworthy boats—sometimes died on the journey.\textsuperscript{106} Within months after the Cuban boatlift, the Immigration and Naturalization Service changed its policy from generally paroling to generally detaining aliens who could not present a prima facie case for admission.\textsuperscript{107} President Reagan ordered the U.S. Coast Guard to interdict Haitian boats on the high seas and return them to Haiti.\textsuperscript{108} As the first interdiction was taking place, with Haitians climbing from a leaking boat onto a Coast Guard cutter, a second Haitian boat escaped detection and got within a mile of the American shore. Then it apparently hit a reef and split


\textsuperscript{100} \textit{Id.}


\textsuperscript{102} Sinclair, \textit{supra} note 99.


\textsuperscript{104} Eventually, the image of the Mariel boatlift shifted into the narrative of the criminal immigrant. Manoucheha Celeste, \textit{Framing Haitians and Cubans in The New York Times: Enduring Imprints of Political History}, 19 \textit{J. HAITIAN STUD.} 66, 73 (2013); see also Montgomery, \textit{supra} note 103.

\textsuperscript{105} \textit{Cuba Repays Flotilla Boat Captain $10,000 Towing Charge}, \textit{ASSOCIATED PRESS}, July 16, 1980.

\textsuperscript{106} \textit{35 Haitians Arrive, Two Drown}, \textit{ASSOCIATED PRESS}, April 1, 1980.


apart.\textsuperscript{109} The bodies of 33 Haitian refugees washed onto luxurious Hillsborough Beach, north of Fort Lauderdale.\textsuperscript{110}

The difference in the treatment of Cuban and Haitian arrivals was stark. A class action lawsuit on behalf of more than a thousand Haitians argued, unsuccessfully, that the distinction was race.\textsuperscript{111} An added distinction was the difference between the narratives that were presented in news stories: Cuban refugees, portrayed as victims of Communism, were seen as political refugees worthy of rescue and welcome. Haitians were characterized as economic refugees, in spite of the human rights abuses of their government.\textsuperscript{112} Tossing in the salt waters off the Florida coast, they were cast in the mainland's fearful "other world" narrative,\textsuperscript{113} and they were viewed as a threat.\textsuperscript{114}

Another illustration of the news media's role in shaping the public immigration narrative comes from an anthropological study that followed the passage of the Immigration Reform and Control Act of 1986.\textsuperscript{115} Researchers found that, for fifteen years before its enactment, hearings in Washington, D.C. had repeatedly blamed undocumented immigrants for such ills as crime and economic recession.\textsuperscript{116} News accounts of this time often characterized the immigrants' arrival as a potentially overwhelming destructive force and often portrayed it as a "flood."\textsuperscript{117} So when the Act provided amnesty for immigrants who had been in the United States continuously and illegally since January 1, 1982, journalists had a problem. They had to create a new frame and a new character: the "illegal alien eligible for amnesty."\textsuperscript{118}


\textsuperscript{110} Id.

\textsuperscript{111} Jean, 472 U.S. at 849.

\textsuperscript{112} Editorial, \textit{Back to Papa in Haiti}, \textit{N.Y. Times}, Dec. 6, 1980, at 22 ("Some of the worst dictatorial traits of 'Papa Doc,' the father of Haiti's President, Jean-Claude Duvalier, have reappeared with a vengeance. 'Baby Doc' has imprisoned hundreds of opposition leaders, publishers and journalists on charges of subversion.").

\textsuperscript{113} In fact, Lule cites Haiti as his example of the "other world" myth. \textit{Lule, supra note 81, at 147-71.}

\textsuperscript{114} See Jones, \textit{supra} note 109 ("Residents concerned about crime and low-paid workers fearful that job-hungry immigrants could be a threat have been stridently vocal about stopping the tide . . . ").

\textsuperscript{115} Coutin & Chock, \textit{supra} note 97, at 125. The study sample consisted of 283 news articles from the \textit{Washington Post}, the \textit{New York Times}, the \textit{Wall Street Journal}, the \textit{Los Angeles Times}, the \textit{San Francisco Chronicle}, the \textit{Tucson Citizen}, and the \textit{Arizona Daily Star}. \textit{Id.}

\textsuperscript{116} \textit{Id.} at 125.

\textsuperscript{117} \textit{Id.} at 127.

\textsuperscript{118} \textit{Id.} at 125-26.
News stories began to distinguish this newly constructed immigrant from the masses who had previously been portrayed so negatively. Analyzing stories in seven newspapers over the next two years, the anthropologists found that this immigrant now appeared as the hero of a "legalization narrative," a person of hope and hard work, "closing the door" on a former life and joining the earlier generations of immigrants who had created this country. Thus, while news accounts tried to define and explain the facts about the new line between legal and illegal, researchers found that "[j]ournalists failed to acknowledge . . . that within their narratives of immigrants' lives, it was not only the law but also their own framing of immigrants' personal histories that transformed some illegal aliens into future citizens."\(^{119}\)

For other immigrants, however, news accounts continued to reinforce negative stereotypes. This was the finding of a decade-long study of Latino immigration stories in six national and regional newspapers and three national television networks. The study, conducted by a team of journalism and communication scholars, covered the period from January 1, 1997 through December 31, 2006.\(^{120}\) This decade included several landmark events: it began just after a toughening of border enforcement under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.\(^{121}\) It included the terrorist attacks of September 11, 2001, which prompted further restrictions under the U.S.A. Patriot Act and a handover of responsibility for immigration and border security to the new Department of Homeland Security.\(^{122}\) Finally, the study period concluded after the U.S. House of Representatives took up a bill that would have made it a felony to work without proper immigration documentation. The measure prompted massive protests in more than a dozen cities.\(^{123}\)

Over the course of that ten-year period, both newspapers and television newscasts most often talked about Latino immigrants in

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119 Id. at 125.
120 Sei-hill Kim, John P. Carvalho, Andrew G. Davis & Amanda M. Mullins, The View of the Border: News Framing of the Definition, Causes, and Solutions to Illegal Immigration, 14 MASS COMM & SOC’Y 292, 304–06 (2011). The study analyzed a little more than 300 articles and 150 broadcast transcripts. Due to limited availability on LexisNexis, it drew on Los Angeles Times articles published in the year 2006 only. Id. at 300–01.
relation to crime.124 When they talked about the cause of illegal immigration, the news stories most often pointed to a troubled economy in Latin America as the cause,125 but when they mentioned possible solutions, the stories rarely talked about economic aid. Instead, the solutions mentioned most often were immigration reform and tougher border control.126 The study also found that the emphasis in news stories varied geographically. Border-state newspapers were more negative toward illegal immigration than non-border state newspapers.127 A similar tendency had been found in a one-year content analysis of forty-seven California newspapers from 2004 to 2005.128 Diverse voices and alternate stories were lacking in exactly the locations where they were likely most available to reporters.

Stories in the New York Times presented a dichotomy between “a U.S. utopia and a miserable Mexican dystopia,”129 according to a study of news coverage of immigration debates in May 2006. In describing the border region, the Times drew on images of a desert wasteland and a Wild West frontier. On at least one occasion, it also painted the border as a battlefield, characterizing a small community in Arizona with a term particularly resonant for New York City readers: “ground zero for the world’s largest and longest wave of illegal migration.”130

In the New York Times and three other leading newspapers—the Washington Post, USA Today, and the Wall Street Journal—crime continued to be the focal point of stories about Mexican immigration from June 1, 2008 to June 1, 2009.131 During this period, Illinois Sen. Barack Obama was elected and took office as President, promising to make comprehensive immigration reform a top

124 Kim et al., supra note 120, at 304–06 (finding crime mentioned most often as a negative consequence of immigration in both newspapers and television and finding no statistically significant difference between border-state and non-border-state news outlets).
125 Id. at 304–06.
126 Id. at 308.
127 Id. at 304 (finding that 102 out of 108 references mentioned negative consequences in the Houston Chronicle and the Los Angeles Times, while only 75 stories out of 111 did so in the Pittsburgh Post-Gazette and St. Louis Post-Dispatch).
130 Id.
priority for his administration. A study by journalism and anthropology scholars found, again, that more than half of the immigration stories focused on undocumented immigrants and on such crimes as drug trafficking and violence in Mexican border towns. Nearly two-thirds of the stories appeared to be designed to influence public opinion on this issue as well.

B. Spanish-Language News Media

The mainstream news media coexist in the United States with ethnic media outlets that have been so robust as to sometimes outpace the mainstream. However, ethnic news media, not surprisingly, differ from the mainstream in the images and stories they present on immigration. One communications study, for example, documented their different ways of framing events in the aftermath of the high-profile case of Elián González, a six-year-old boy who was famously rescued from the waters off the Florida coast on Thanksgiving Day, 1999, as he held tight to an inner-tube. His mother had tried to escape from Cuba with him, but their powerboat capsized and she drowned. An international custody battle followed between his father, back in Cuba, and other Cuban relatives in Miami.

Such a poignant personal crisis, playing out in an international conflict, was the stuff of Hollywood, and for months the un-

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133 Chavez et al., supra note 131, at 119.
134 Katerina Eva Matsa, Hispanic Media Fact Sheet, in STATE OF THE NEWS MEDIA 2015, at 81 (Pew Research Center ed., 2015), http://www.journalism.org/2015/04/29/hispanic-media-factsheet/. For example, while newspaper ad revenues were dropping overall, Spanish-language newspapers saw increases in 2012 and 2013. But more than 60 percent of Hispanic U.S. residents speak English or are bilingual. This may be a factor in the 2014 drop in circulation of the three major Spanish-language daily newspapers and the decline in the audience for Univision, the largest Spanish-language media company in the U.S. Id. at 78–81. For continuing trends, see Elisa Shearer, Hispanic Media Fact Sheet, in STATE OF THE NEWS MEDIA 2016, at 73 (Pew Research Center ed., 2016).
136 Id.
138 The story was the subject of at least two television movie projects, by CBS and the Fox Family Channel. Caryn James, TV Weekend; Elian Redux: Step Right Up, N.Y. TIMES, Sept. 15, 2000, at E1. For an examination of the impact of the Elián González story on later immigration
folding drama intensified, with heated rhetoric on both sides. In
June 2000, when the federal government took the boy forcibly from
his U.S. relatives and returned him to his father, protests arose in
Miami's Little Havana neighborhood and sometimes became vio-

139 Headlines were big in both English and Spanish, but the
narratives were different. When a journalism researcher compared
news stories in the Miami Herald to those in its anti-Castro Span-

140 ish-language edition, El Nuevo Herald, she found different over-

141 arching images and themes. The Miami Herald focused on crimes,
such as trash fires and property damage, committed by the Cuban
demonstrators. El Nuevo Herald used its front page to highlight
the Cuban community's peaceful actions, keeping to its familiar
discourse of Cubans as exiles and good citizens.

142 Similar disparities were found in a month-long analysis of
Spanish-language and English-language news accounts of a hate
crime in San Diego, California, which borders Tijuana, Mexico.
Comparing 20 hours of newscasts in 2002, communication re-

143 searchers found that, while the English-language radio station,
KGTV, owned by McGraw Hill, covered the brutal beating of a
Mexican immigrant, the temporal boundaries and arc of the story
were different on the Spanish-language station, KBNT. The
Spanish station stayed with the story longer, following the victim's
recovery during his hospitalization and afterward. The analysis
concluded that "residents of San Diego County get a very different
picture of their community as a result of the news they choose."

news narratives, see Anne Teresa Demo, The Afterimage: Immigration Policy After Elián, 10

139 Molina-Guzmán, supra note 137, at 288.
140 Id. at 285.
141 Id. at 288.
142 Id.
143 Kristin C. Moran, Border Tales: A Comparison of Spanish-Language and English-Lan-

144 guage News, 20 J. Borderlands Stud. 115, 116 (2005) ("[N]ews stories such as the Elian contro-

144 verso are not an impartial reflection of the reality of US Latinos generally or the Miami

144 Cuban exile community specifically, but rather what Stuart Allan defines as an 'ideological con-

144 struction of reality.'").
144 Id. at 119. The study analyzed 753 stories that were broadcast from Sept. 23 through Oct.
18, 2002.
145 Id. The stations also differed in their focus on immigration. At the English-language sta-

145 tion, KGTV, less than one percent of the news stories mentioned immigration or border issues.
At the Spanish-language station, KBNT, a Univision affiliate, eleven percent of the stories fo-

146 focused on immigration.
146 Id. at 124.
147 Id. at 125.
These studies sketch a picture of an American public divided, in part, by stories. The stories cover the same people and events, but cast them into different larger narratives, following different plot lines. They appeal to different audiences and coincide with different political views on an issue in hot dispute. These stories raise an important question. As one researcher asked, "Can a community function when there are two strains of information?"\(^{148}\)

Mainstream news coverage does appear to affect people's attitudes about immigration. In localities that are experiencing rapid population shifts due to immigration, national news stories seem to heighten residents' sense of threat.\(^{149}\) Using county-level demographic data, economic data, and national news stories from 1992 to 2009, political scientist Daniel J. Hopkins found that people in quickly changing localities had nearly the same view on immigration as those in more stable counties—unless national news stories focused on the issue.\(^{150}\) During periods when immigration stories were in the headlines, people in fast-changing localities turned anti-immigrant.\(^{151}\)

Differences between English and Spanish news outlets correlate highly to different attitudes among audience members.\(^{152}\) Analyzing survey data from the Pew Hispanic Center, political science researchers found that Latinos who relied only on English-language news were less likely to have pro-immigration sentiments than those who also used Spanish news sources.\(^{153}\) The association between news source and attitude persisted when researchers statistically controlled for educational level, income, ethnicity, and marital status.\(^{154}\) In almost all cases, news source mattered more than even generational status (whether a person was in the first

\(^{148}\) Id.
\(^{150}\) Id. at 48, 56 ("When faced with a sudden, destabilizing change in local demographics, and when salient national rhetoric politicizes that demographic change, people's views turn anti-immigrant. In other conditions, local demographics might go largely unnoticed, or else might remain depoliticized."). The study could not determine whether views turned against immigrants because of the generally negative news framing or because news coverage simply made immigration a salient political issue. _Id._ at 58.
\(^{151}\) Id. at 56.
\(^{153}\) Id. at 23.
\(^{154}\) Id. at 13.
generation to arrive in the United States or was born in the United States to first- or second-generation immigrant parents).\textsuperscript{155} In a different study, based on English-speaking audiences, a research unit at the University of Texas-Austin found a correlation between viewing the politically conservative stories on Fox News and holding a negative attitude toward immigration.\textsuperscript{156} This correlation persisted even among viewers who described themselves as political liberals.\textsuperscript{157}

Concern over the public image of Latinos in the United States has prompted the formation of a nonprofit organization to “re-frame and advance an accurate perception” of Latino contributions to society.\textsuperscript{158} Its founders, Democrat and former Secretary of the U.S. Department of Housing and Urban Development, Henry Cisneros, and conservative businessman Sol Trujillo, told National Public Radio why they felt a need to counter the popular narrative.\textsuperscript{159}

HENRY CISNEROS: I think it is necessary to hit the reset button because when the high-profile attacks take root, they can become the functioning truth for some Americans, and they are simply not the truth. When people think that a large percentage of the Latino population is undocumented—upwards of 50 percent, but it’s actually closer to 15 percent—we’re way off base, but we’re off base on a lot of other things, as well.\textsuperscript{160}

Differences in perceptions form a kind of background noise, an underlying conflict, which may be unnoticed and unimportant, unless it emerges as a particular dispute.\textsuperscript{161} When conflict comes to the surface in the form of disagreements and hostile exchanges, preventive measures are needed to stop deterioration into violence.\textsuperscript{162}

\textsuperscript{155} Id. at 22.
\textsuperscript{157} Id.
\textsuperscript{158} About, LDC: LATINO DONOR COLLABORATIVE, http://latinodonorcollaborative.org/who-we-are/.
\textsuperscript{160} Id.
\textsuperscript{162} Gilboa, supra note 20, at 93–94.
IV. Narrative Mediation

Both traditional legal formalism and traditional journalism claim to base their practice on a detached, scientific paradigm.\(^1\) In both fields, that paradigm is assailed by critics who accuse practitioners of being nothing more than guardians of an entrenched social order.\(^2\) In law, the critics charge that the courtroom language of reason merely rests unconsciously on top of “master myths”—narratives that serve those in power.\(^3\) These narratives, it is said, disregard the voices of women and minorities and whitewash the complexities of human experience,\(^4\) by squeezing a lived experience “into a prescribed mold that strip[s] it of the features that gave it meaning . . . ."\(^5\) In journalism, too, the commonly pre-written plots of news stories can disregard some voices, suppress alternative stories, and hide the complex experiences of the people who live them.\(^6\)

In law, one way to disrupt entrenched, restrictive storylines is to use an alternative dispute resolution process, particularly mediation.\(^7\) This process extends beyond the prescribed narratives of litigation,\(^8\) and lets parties tell their own stories, bringing to the table a broad, sloppy range of experiences that do not fit into a cause of action and therefore might never be acknowledged in a courtroom.\(^9\) In journalism, too, predictable narratives can be challenged and expanded. Narrative mediation, with its focus on storytelling, offers a particularly apt approach.

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\(^{1}\) Michael Alberstein, The Jurisprudence of Mediation: Between Formalism, Feminism and Identity Conversations, 11 Cardozo J. Conflict Resol. 1, 8–9 (2009); Kovach & Rosenstiel, supra note 12, at 83.


\(^{3}\) Id. (citing Peter Goodrich, Legal Discourse: Studies in Linguistics, Rhetoric and Legal Analysis (1987)) ("[C]ultural myths and other master stories operate at a largely hidden and unconscious level beneath the language of traditional law talk.").

\(^{4}\) Id.

\(^{5}\) Delgado, supra note 27, at 2412.

\(^{6}\) Id. at 2428.

\(^{7}\) Entman, supra note 44, at 54 (“Frames select and call attention to particular aspects of the reality described, which logically means that frames simultaneously direct attention away from other aspects.”).

\(^{8}\) Alberstein, supra note 163, at 10.

\(^{9}\) Rubinson, supra note 28, at 854.

\(^{10}\) Id. at 862.
D. Narrative Perspective on Conflict

Narrative mediation views conflict as a story that parties tell.\textsuperscript{173} Therefore, it takes stories seriously.\textsuperscript{174} Its originators, psychologists Gerald Monk and John Winslade, developed their approach in New Zealand, mediating disputes within families and organizations.\textsuperscript{175} They credit stories with almost human agency: “Taking stories seriously, to us, means treating them as having the power to shape experiences, influence mind-sets, and construct relationships. It also means seeing them as having something of a life of their own, as embarking on a mission that sometimes seems to drag people along behind.”\textsuperscript{176}

Narrative mediation differs from more widely used mediation approaches in several respects. Unlike facilitative mediators, Monk and Winslade do not explore the parties’ individual positions in search of reconcilable underlying interests.\textsuperscript{177} Unlike transformative mediators, they do not aim to support individual empowerment and recognition.\textsuperscript{178} Instead, they begin with the assumption that people live their lives through stories\textsuperscript{179} that they share with their larger communities.\textsuperscript{180} These narratives are internalized and—more than individual interests or personalities—these narratives shape the parties’ identities and relative power\textsuperscript{181} and define their interests and positions.\textsuperscript{182}

If conflict is a story that the parties construct together,\textsuperscript{183} it is only one of their stories.\textsuperscript{184} It is situated within larger narratives that give it particular meanings.\textsuperscript{185} Also, conflict exists alongside

\begin{itemize}
\item \textsuperscript{173} \textit{John Winslade \& Gerald Monk, Narrative Mediation: A New Approach to Conflict Resolution} xi (2000).
\item \textsuperscript{174} \textit{John Winslade \& Gerald Monk, Practicing Narrative Mediation: Loosening the Grip of Conflict} 1 (2008).
\item \textsuperscript{175} \textit{Id.} at vii.
\item \textsuperscript{176} \textit{Id.} at 1.
\item \textsuperscript{177} \textit{Id.} at 110 (“Interest-based conflict resolution models . . . seek to understand individual interests in order to identify common underlying human interests between people in conflict. This approach honors the notion that individuals have personal power and can use it to negotiate with each other.”).
\item \textsuperscript{178} \textit{Id.} at 2 (differing from Joseph P. Folger and Robert A. Baruch Bush, the founders of transformative mediation, which uses these terms to signify autonomy and empathy).
\item \textsuperscript{179} Winslade \& Monk, supra note 174, at 3.
\item \textsuperscript{180} \textit{Id.} at 6–7.
\item \textsuperscript{181} \textit{Id.} at 110–111.
\item \textsuperscript{182} \textit{Id.} at 121.
\item \textsuperscript{183} Cobb, supra note 29, at 53–54.
\item \textsuperscript{184} \textit{Id.} at 43.
\item \textsuperscript{185} Winslade \& Monk, supra note 173, at 31.
\end{itemize}
other stories that the parties also tell\textsuperscript{186} and are simultaneously living out,\textsuperscript{187} including stories of their families, cultures, genders, ethnicities, and religions.\textsuperscript{188} Rather than bargaining to achieve a settlement,\textsuperscript{189} narrative mediation works to deconstruct the conflict story\textsuperscript{190} and engage the parties in jointly constructing a new story.\textsuperscript{191} The narrative mediator proceeds by exploring possible alternative stories and meanings.\textsuperscript{192} Professor Sara Cobb cautions that this demands more than denying particular grievances, homogenizing a story, or merely giving everyone a "voice" at the table.\textsuperscript{193} Furthermore, reciprocal relationships are not necessarily symmetrical, with equivalent suffering in both histories.\textsuperscript{194} Still, with its recognition of the role of culture in shaping problems and personalities, narrative mediation takes account of cultural differences and works toward the inclusion of marginalized groups.\textsuperscript{195}

E. Hallmarks of Practice

Based on its orientation to conflict, narrative mediation has developed a progression of steps to be used in practice.\textsuperscript{196} Monk and Winslade refer to nine hallmarks of narrative mediation. Four of these are outlined here as being especially useful for journalists:

\textsuperscript{186} \textit{Id.} at vii.

\textsuperscript{187} \textit{WINSLADE & MONK, supra} note 174, at 4 ("[N]arratives serve a shaping or constitutive purpose in people's lives ... . In terms of individuals' sense of themselves, stories enable people to have a sense of coherence about who they are.").

\textsuperscript{188} \textit{Id.} at 46.


\textsuperscript{190} Alberstein, \textit{supra} note 163, at 5 ("Under the interpretive paradigm of mediation, the reality of the conflict does not exist outside the perceptions of the parties, and the parties themselves are repeatedly reconstituted through the process of mediation.").

\textsuperscript{191} \textit{WINSLADE & MONK, supra} note 174, at 58.

\textsuperscript{192} \textit{WINSLADE & MONK, supra} note 174, at 44.

\textsuperscript{193} Sara Cobb, \textit{supra} note 29, at 58 ("'To be able to tell your story' is no insurance against marginalization or domination ... . If we tell stories about self and they are not elaborated by others, we are effectively silenced ... .'").

"Once constituted, the narrative of individualism did not evolve." \textit{Id.}

\textsuperscript{194} \textit{SARA COBB, SPEAKING OF VIOLENCE: THE POLITICS AND POETICS OF NARRATIVE IN CONFLICT RESOLUTION} 31 (2013).

\textsuperscript{195} Hansen, \textit{supra} note 189.

\textsuperscript{196} \textit{WINSLADE & MONK, supra} note 174, at 3 (listing the hallmarks of narrative mediation as follows: "(1) Assume that people live their lives through stories. (2) Avoid essentialist assumptions. (3) Engage in double listening. (4) Build an externalizing conversation. (5) View the problem story as a restraint. (6) Listen for discursive positioning. (7) Identify openings to an alternative story. (8) Re-author the relationship story. (9) Document progress.").
(1) externalizing the conflict story, (2) being alert to positions, (3) looking for "unstoried" facts, and (4) bringing conflicting narratives together. This section of the article will explore each of these in the context of news reporting and will also suggest ways that each one might be applied to reporting on immigration.

1. Externalizing the Conflict Story

When presented with a conflict, an early step for the narrative mediator is to "externalize" the conflict story. This means identifying the conflict as a third party in the dispute, naming it, and asking about its impact on the parties and their relationship. This technique grows out of the work of Australian psychotherapist Michael White, who found that clients seemed unable to improve as long as they believed that their problems were linked to their very identity or that of others. Externalizing the problem objectified it and empowered clients to respond. In a mediation setting, according to Monk and Winslade, externalizing the conflict helps both parties to separate from it and to question its meaning and their own underlying assumptions. Externalizing a conflict allows parties to see it as a barrier to their own hopes.

One example of a news story that externalized the problem occurred during a dispute over water rights in Texas. The first news stories used a conflict frame that pitted rural and urban people against each other. But over time, the media were able to introduce multiple explanations for peoples' actions. They finally externalized the conflict story. "[T]he media reminded the public that the conflict was more than a decade old and that stakeholders were exhausted with the continual bickering about groundwater rights."

Another notable example of externalizing a conflict occurred in September 2013, when the United States was preparing for military intervention in Syria, and Syrian President Basher al-Assad had warned that he would retaliate. At a news conference in

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197 Winslade & Monk, supra note 173, at 31.
198 Id. at 79–80.
200 Id. at 26.
201 Winslade & Monk, supra note 173, at 78.
202 Id. at 43–44.
204 Id. at 13–14.
205 Id. at 14.
London, Secretary of State John Kerry and British Foreign Secretary William Hague presented the rationale for intervention. Kerry cited intelligence data and compelling social media videos of civilians dying after a chemical weapons attack. Kerry used rhetorical questions to show why the chemical weapons narrative could have no other end besides U.S. military action.

SECRETARY KERRY: . . . So, the evidence is powerful. And the question for all of us is: What are we going to do about it? Turn our backs? Have a moment of silence, where a dictator can, with impunity, threaten the rest of the world that he’s going to retaliate for his own criminal activity because he’s being held accountable? . . . I don’t believe that we should shy from this moment. . . .

The next question, from CBS News foreign affairs reporter Margaret Brennan, had two parts. The second part took Kerry’s immediate attention. Her brief second question externalized the looming military intervention by presenting “an attack” as something separate from the United States and by questioning its inevitability.

QUESTION: . . . [I]s there anything at this point that [Assad’s] government could do or offer that would stop an attack?

Kerry, apparently surprised, made an apparently absurd proposal.

SECRETARY KERRY: Sure. He could turn over every single bit of his chemical weapons to the international community in the next week. Turn it over, all of it, without delay, and allow a full and total accounting for that. But he isn’t about to do it, and it can’t be done, obviously.

Despite Kerry’s dismissive tone, the news conference exchange opened an opportunity for a different course of events, and by Friday of the following week, Syria had begun submitting details of its weapons to an international monitoring organization responsible for destroying them.

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206 Brennan, who had a degree in Foreign Affairs and Middle East Studies, had joined the CBS News Washington bureau the previous year. Margaret Brennan, CBS News (Oct. 7, 2015, 1:09 PM), http://www.cbsnews.com/team/margaret-brennan/.
2. Being Alert to Positioning

Besides externalizing the conflict story, narrative mediators look for what they term “position calls.” To illustrate, Monk and Winslade recount an exchange between a white television reporter and African-American boxer Mike Tyson, whose violence outside the ring had often been in the news.

**Interviewer:** Can you tell me where all the rage within you comes from?
**Tyson:** [Smiles] You know, you're so white asking me a question like that.

Tyson’s reply was surprising because it rejected not only the question, but also the unspoken assumptions supporting it. As Monk and Winslade point out, had Tyson explained his rage, he would have accepted implicitly the position that the reporter was offering him. They describe that position as one in a “particular psychological discourse,” which assumes that rage exists inside individuals, who then have a moral responsibility to find safe outlets so that rage doesn’t rise up and overflow. Tyson responded from a different position, as a member of a group, African-Americans, situated within a different discourse about violence and oppression. His response pathologized the reporter as naïve and possibly racist, someone who would find his group’s experience incomprehensible.

Position calls like these, based on assumptions about people and their relations to each other, are inherent in news stories about immigrants. They begin with terminology. As Monk and Winslade explain, people call relationships into place “through their very choice of words.” In the immigration context, the choice of words has been highly contentious, especially the word *illegal.* Some justify using the term to point to an immigrant’s lack of authorization to enter the country. Opponents of that term say that its punitive tone also suggests that immigrants deliberately flaunt laws and then exploit social services. In contrast, the term *un-*
documented suggests something closer to a bureaucratic gap, a minor consideration when compared to the higher value of bringing one's family to a better life.\textsuperscript{218}

The mainstream news media are keenly aware of such word choices when labeling the people and groups involved in a controversy. The Associated Press spent months in discussion\textsuperscript{219} before announcing in 2013, that its Stylebook would no longer use the word illegal to describe immigrants who are in the United States without authorization.\textsuperscript{220} The Stylebook, which sets the standard for newsrooms across the country and beyond, now specifies that the word illegal may be used to describe the action, immigration, but not the people who immigrate.\textsuperscript{221}

Despite such careful word use, journalists can still fall into stereotypical positioning as they face deadlines and limits on airtime and newspaper column inches. When a news story arises from a political initiative or academic study, for example, reporters typically look for human exemplars to make facts and statistics accessible to a mass audience.\textsuperscript{222} Their process involves what an immigration rights advocate once termed “a bizarre casting call.”\textsuperscript{223}

\begin{itemize}
\item \textsuperscript{218} Id.
\item \textsuperscript{222} Mark Boukes, Hajo G. Boomgaarden, Marjolein Moorman & Claes H. de Vreese, Political News with a Personal Touch: How Human Interest Framing Indirectly Affects Policy Attitudes, 92 JOURNALISM & MASS COMM. Q. 121, 122 (“From a democratic perspective, journalists may prefer personalized narratives because they ease audiences' comprehension of complex political topics and may mobilize involvement.”).
\item \textsuperscript{223} Bobbi Murray, One Immigrant, Hold the Fries, L.A. TIMES, May 10, 1996, at B9.
\end{itemize}
in which she routinely got requests such as, "I need a young Mexican woman, say between 18 and 30, who's here without papers."\textsuperscript{224} Although the activist appreciated the journalists' desire to present human faces in their stories, she criticized them for deciding on their storylines before the interviews "instead of getting at a different, perhaps larger truth."\textsuperscript{225}

Like the reporter interviewing Mike Tyson, journalists may make unconscious assumptions about the roles that people play. When no one questions them, those stories repeat and amplify those assumptions. As previously seen, many news stories position immigrants as criminal invaders. Fewer stories recall that many immigrants are fleeing crime, including rising gang violence in Central America and Mexico.\textsuperscript{226} That second narrative, if taken seriously, has the potential to reposition the parties on both sides of the border by highlighting their shared fear and their shared story of yearning for safety.

Implicitly, the immigrant-as-criminal narrative also portrays the United States as a place of lawfulness and safety. Missing from that narrative is a history of 19th century Anglo-Americans who illegally entered the Mexican state of Texas and violated Mexican anti-slavery laws.\textsuperscript{227} Missing from most immigration news stories are references to the current U.S. demand for illegal drugs, which continues to fuel the criminal trade and its bloody repercussions. Missing, too, are references to the origins of the most notorious of the Central American criminal gangs, MS-13 and the 18th Street Gang, which began in Los Angeles prisons,\textsuperscript{228} or the Mexican Barrio Azteca gang, which started in a prison in El Paso, Texas.\textsuperscript{229} Positioning the United States in this dual role—as both a refuge

\textsuperscript{224} Id.
\textsuperscript{225} Id.
\textsuperscript{226} Lourdes Cárdenas, Violence, Drugs, and Migration at the Border of Ciudad Juárez-El Paso, in Reporting at the Southern Borders: Journalism and Public Debates on Immigration in the U.S. and the E.U. 221, 224 (Giovanna Dell'Orto & Vicki L. Birchfield eds., 2014) (recounting that, at the height of the drug wars in Mexico in 2008–2010, immigrants coming through El Paso fell into two categories. "Some were middle- or upper-class people who, after being victims of kidnappings, extortion, or threats, were transferring their businesses to El Paso . . . . Others were . . . seeking political asylum because their lives had been threatened and the Mexican government had not been able to help them.").
\textsuperscript{227} Perea, supra note 94, at 289.
\textsuperscript{228} Robert J. Bunker, Strategic Threat: Narcos and Narcotics Overview, 21 SMALL WARS & INSURGENCIES 8, 9–10 (2010); For excerpts from television documentaries on the gangs, and a story on their Los Angeles roots, see Latino USA: Central American Gangs, Made in LA, NPR, Jan. 22, 2016, http://latinousa.org/2016/01/22/central-american-gangs-made-in-la/.
\textsuperscript{229} Cárdenas, supra note 226, at 221, 228–29.
and a key force behind the need for refuge—would create a more complex narrative, a thicker plot.

The point of examining positions is not to propose role-reversals in an old narrative. As in the Mike Tyson exchange, questioning roles can, instead, prompt a reassessment of the basis of the story itself and lead to new narratives. The roles in immigration stories, for example, typically focus on dualistic divisions among people. Yet no one can be adequately described in terms of only citizenship or immigrant status. As Monk and Winslade point out, people live in multiple stories simultaneously, and they often move among them.

In the realm of immigration, countless other potential stories coexist, connected to the multiple identities of the people involved. Roles such as tradesman or laborer, pro-life advocate, baseball player, mother, and musician are important in individual self-definitions, and they transcend national borders. Perhaps the most obvious example of a different possible position call in the immigration story is the religious one. Most people coming from Latin America are Christians, just like most of the U.S. citizenry. That means that these citizens and immigrants are already living out a shared narrative about life's ultimate questions of mortality and meaning. They share the same role in what many of them, no doubt, would rank as their lives’ most important story.

3. Listening for “Unstoried” Facts

Narrative mediators listen for what they call “unstoried” facts—the information and experiences that have been hidden from view because they do not fit into the conflict story—or have even contradict it. These, they say are indications that another story is “lying subjugated.” Because there may be more than one additional story, opening up “unstoried” experiences also opens up complexity in the narrative. This may go against the grain of reporters for whom “the mere notion of competing truths . . . runs counter to the claims of objectivity.” But a journalist

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230 Pew Research Center, supra note 92, at 27 (2012) ("The largest single country of origin for Christian migrants... has been Mexico, with more than 12 million. Most of them now reside in the United States, which has taken in a total of about 32 million Christian migrants, nearly two-thirds originating in Latin America.").

231 Winslade & Monk, supra note 173, at 84 ("Among what gets left out will always be material that can be employed to construct a different story.").

232 Winslade & Monk, supra note 174, at 8.

233 Winslade & Monk, supra note 174, at 11.

234 Awad, supra note 14, at 522.
who fails to question his or her own narrative choices can fall into unwitting bias. For example, a common newsroom habit is to frame a disagreement as a battle, but this assumes the existence of enemies and a zero-sum outcome.

In describing immigration, news stories often use the image of a "flood," thereby tapping into images more powerful than a reporter likely intends. The flood, one of Lule's myths, threatens civilization. A flood evokes the Biblical book of Genesis. A flood is a threatening force of nature, made up of one amorphous substance, not distinguishable parts, let alone individuals. Moreover, to describe immigration as a flood is to tacitly position oneself and the reader as people already on the landscape, not as those arriving. The implications of this narrative choice become apparent when the flood image is contrasted with the image used by an immigration news website, Borderzine, which is published by the University of Texas-El Paso. That website has posted a series of stories on Mexican immigration, entitled "Mexodus." This alternate Biblical reference recalls the opposite of a flood: the momentary parting of the sea in order to provide a people with safe passage.

Questioning one's own news narratives may play another important role. It may give journalists a warning as to when conflicts are at risk of becoming intractable. That is, it may heighten their sensitivity to dangerous plots—whether in their own narratives or

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235 Entman, supra note 44, at 56 ("Journalists may follow the rules for 'objective' reporting and yet convey a dominant framing of the news text that prevents most audience members from making a balanced assessment of a situation.").

236 Reuben, supra note 161, at 62.

237 See, e.g., Kirk Semple, New York Strains to Handle Surge in Child Migrants, N.Y. TIMES, June 18, 2014, at A19 (reporting that "newly arrived children and their relatives are flooding community groups . . . ."); Julian Aguilar, At Border, Immediacy of Crisis Supersedes Politics, N.Y. TIMES, June 27, 2014, at A21A (referring to "the number of immigrants flooding the bus station" in McAllen, Tex.).


239 LuiLiH, supra note 81, at 25.


241 Exodus 14.
in others'. Such plots, Cobb has written, are conflict stories that may perpetuate themselves. That is, their very terms may close off alternative interpretations and trap the parties inside a singular narrative. Cobb points especially to origin myths, which claim victimhood for the myth-teller and call for violence as a response.

Even less extreme storylines present a similar problem. In an intriguing simulation supervised by Cobb and her colleagues, two small teams played a version of Prisoner’s Dilemma against two other teams. After several rounds of the game, players were asked to tell the story of the game, using storyboards to illustrate the critical scenes in the evolution of their team’s playing strategy. All of the teams had shifted strategies over the course of the game, seeing opponents altruistically at some points and competitively at others. But when a team experienced what it saw as a betrayal of good faith from the opposing team, it shifted to a narrative of individualism—delegitimating the others—and once a team had reached this point, its story did not evolve for the duration of the experiment. That is, that orientation not only closed off the Other; it also closed off other possible storylines from the Self.

Incorporating unstoried facts disrupts pre-written plots. It results in thicker narratives and supports more complex understandings. A few observations may be enough to suggest the rich

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242 Cobb, supra note 29, at 54 (“Conflict stories are notoriously rigid, readily reenacted, and recalcitrant to change, not because persons are unwilling to resolve conflicts but, rather, because the conflict stories themselves are self-perpetuating—they exhibit ‘closure.’”).


245 Id. at 1057.

246 Id. at 1056 (explaining how the researchers categorized these scenes according to a typology of six social orientations. The orientation of “Altruism” prompts people to legitimize themselves by benefiting the Other. “Equality” minimizes differences and looks for symmetry in relationships. “Collaboration” emphasizes diversity and interdependence for mutual benefit. “Competition” favors self over others, but within shared rules. “Individualism” focuses on self by excluding and delegitimizing others, often with a story about prior abuse by the Other. Finally, “Aggression” perceives the Other as evil and justifies violence against it.).

247 Id. (“Once constituted, the narrative of individualism did not evolve.”).

248 Id. at 1047. This result is consistent with an observation from international conflict resolution: “Distrust . . . has a self-perpetuating quality. It keeps the parties from engaging in the kinds of interaction that could potentially help them develop trust in the other’s readiness to make peace.” H.C. Kelman, BUILDING TRUST AMONG ENEMIES: THE CENTRAL CHALLENGE FOR INTERNATIONAL CONFLICT RESOLUTION, 29 INT’L J. OF INTERCULTURAL REL. 639, 641 (2005).
diversity of lived experiences that fall outside of the dominant immigration story. For example, the narrative of rising immigration is challenged by twin facts: a slowing pace of immigration from Mexico and a rising rate of return.\textsuperscript{249} The result was that the Mexican-born people living in the United States underwent a net decrease of 140,000 from 2009-2014,\textsuperscript{250} a phenomenon seen in no other immigrant group.\textsuperscript{251} For non-citizen young people who left or were deported after growing up undocumented in the United States, the assumption of a more prestigious U.S. education is challenged, too. Some young people have found that their U.S. credentials were not accepted in Mexico for a job\textsuperscript{252} or for graduate studies.\textsuperscript{253} In that sense, they are again undocumented—and living in a country that feels alien.\textsuperscript{254}

Unstoried facts also challenge the narrative of immigrants taking unfair advantage of public programs in the United States. Professor Francine Lipman details what she terms the "illegal" tax.\textsuperscript{255} Undocumented workers, because of their low wages, pay a higher percentage of their income in state and local sales tax.\textsuperscript{256} They also pay a higher effective income tax rate because their immigration status bars them from the earned income tax credit.\textsuperscript{257} In addition, many do not go through the onerous paperwork and the legal risk of filing for a refund of excess taxes that were withheld from their pay.\textsuperscript{258} Finally, those on payrolls contribute to Social Security and Medicare, which will later deny them benefits due to their unauthorized status.\textsuperscript{259} Coincidentally, the story that immigrants strain the health-care system in the United States\textsuperscript{260} is also subject to

\begin{thebibliography}{9}
\bibitem{251} Passei et al., supra note 249.
\bibitem{252} Jill Anderson & Nin Solis, \textit{Los Otros Dreamers} 175 (2014).
\bibitem{253} \textit{Id.} at 201.
\bibitem{254} \textit{Id.} at 33 (quoting “Azul,” deported in 2009, as saying, “[E]ven in a town full of expats, I am “other”. . . . I am a foreigner for the way that ‘God Bless America’ still makes me cry and how I feel conflicted about celebrating Thanksgiving or ever returning to the U.S.”).
\bibitem{256} \textit{Id.} at 97.
\bibitem{257} \textit{Id.} at 100.
\bibitem{258} \textit{Id.} at 101.
\bibitem{259} \textit{Id.} at 104.
\end{thebibliography}
challenge. Nutrition studies find that adolescent Mexicans who were born on U.S. soil are not as healthy as their first-generation parents and grandparents.261

These observations are not meant to deny the opportunities that immigrants seek when they make the journey to the United States; they are meant to complicate the story. After all, Monk and Winslade do not contend that a second story will triumph over the first.262 Even after both have been told, “the two stories may continue to run parallel to some degree.”263 Incorporating such multiple narratives in news stories can help to keep them on the public mind and thus to preserve for the public a broader “range of narrative options . . . from which to respond.”

4. Bringing Different Narratives Together

As alternative stories emerge,264 the narrative mediator draws out the differences among them and then “invite[s] people to make choices about which story they want to live from in this context.”265 The goal is to include the previously neglected information.266 Differences can be included because, rather than discarding contradictions, the mediator recognizes that “inconsistency and contradiction are to be expected and can be valuable resources for constructing narratives to fit the complexity of life.”267

To write this new, complex story, Cobb recommends a method that she calls “narrative braiding.” It recognizes the importance of particular discourses within a larger, more inclusive one and seeks to combine them. She describes a two-level process. First, it gathers together the narrative strands—the stories—of one group. Second, it relates this strand to the stories of competing groups.268 As

262 WINSLADE & MONK, supra note 174, at 8.
263 Id.
264 Id. at 13.
265 Id. at 11.
266 WINSLADE & MONK, supra note 173, at 85.
267 WINSLADE & MONK, supra note 174, at 27.
268 The image of braiding has been used in other contexts to describe the combining of disparate stories: “[I]n the writing of research stories, we find it a useful technique and, not incidentally, a special challenge to braid together the layers of story that reveal the larger narrative . . . .” MARGARET ANZUL, MARYANN DowNING, Margot Ely & Ruth Vinz, On Writing Qualitative Research: Living by Words 79 (1997). In legal academic literature, the term has been applied specifically to weaving stories of Latina identity “to explore the cultural borderlands where Outsiders engage and evade the oppressive weight of the dominant culture” in order to create “a new authentic identity, an identity made stronger and more resilient because
Cobb explains her idea, "the 'braid' is the new narrative, the story about the problem, told collectively, that includes the terms of legitimacy offered by each of the parties to the conflict."\(^{269}\)

This braiding metaphor offers a practical guide to achieving the kind of communication that others have described as essential to a diverse democracy. For example, Professor Cass Sunstein has written that democratic deliberation requires talk both inside and outside of enclaves.\(^{270}\) Talk within enclaves gives marginalized segments of society the space needed to develop their voices and views before engaging outside the enclave with the broader society. The contrast between in-group and universal talk also echoes the work of the late Professor Robert Cover, who distinguished "paedeic" from "imperial" discourse. Paedeic discourse, like enclave deliberation, is shared by people who have strong ties and a common worldview. Imperial discourse is the communication among people who have weak ties and share only the minimal obligation not to coerce or hurt each other.\(^{272}\)

Narrative braiding ideally would be done, as in any mediation, by willing participants engaging directly in the process. In difficult public controversies, however, groups are often unwilling to work at resolution.\(^{273}\) In such cases, Cobb has proposed that local elected officials should engage the disparate groups.\(^{274}\) She reasons, "[P]ublic officials are uniquely situated to be the braiding agents. First, they have access to different identity communities .... Secondly, they have responsibility to foster the participation of the public in public issues ...."\(^{275}\) Yet, public officials may not be willing to take on this role. They have a stake in the narrative of the majority that elected them.\(^{276}\) As Cobb acknowledges, engag-
ing in narrative braiding may put that narrative at risk: “The incorporation of the marginalized as legitimate definitely upends the existing relational field . . . .”277 Upending relationships would likely be threatening to anyone who has navigated those relationships successfully enough to gain and hold political office.

Therefore, the news media may be better suited to take on Cobb’s process.278 Like public officials, reporters also have access to varied groups in a local community and help to determine their political visibility.279 Journalists have a “socially sanctioned voice.”280 But, unlike public officials, journalists do not need votes.281 Although reporters are less powerful than officials, Entman observes that “they do have some independent power, arising from their capacity to ask questions and to decide precisely which words and images to assemble and transmit.282

V. JOURNALISTS AS NARRATIVE MEDIATORS

The news media are seldom mentioned in conflict resolution literature283 even though they play a vital role in public disputes by framing the issues and representing the parties.284 When the news media do receive a mention, the tone can be despairing. For example, in discussing public conflicts, Professor Lawrence Suskind writes, “Sadly, in most public controversies, the news media become the medium for negotiation . . . . Unfortunately, the media do not make the best forum for resolving public debates . . . .”285 In discussing narrative mediation, Cobb refers, in passing, to the media as sensationalizing divisions that set people at odds.286

277 Id. at 20.
278 Sobieraj, supra note 69, at 507 (“The news media are the institutional spaces best able to provide this service [of providing a communal, mediated public sphere], because other publics, such as religion, education, and public spaces in the physical sense are more exclusionary.”).
279 Id. at 510 (“Whether out-groups are covered in the news depends in part on “journalists’ ability to transform [the groups’] events into meaningful narratives.”).
281 Schudson, supra note 21, at 250.
282 Entman, supra note 52, at 422.
283 Gilboa, supra note 20, at 88.
285 LAWRENCE SUSSKIND & PATRICK FIELD, DEALING WITH AN ANGRY PUBLIC 221 (1996).
286 Cobb, supra note 269, at 4.
But the field of journalism is anything but a monolith. It ranges from producing supermarket tabloids to carrying out complex investigations and crafting detailed works of non-fiction literature. While journalism does not aim at conflict resolution, some journalists have played a key role in mediation efforts in a number of high-profile international conflicts. Routinely, journalism provides time and space to those with divergent views, ideally in a neutral context. Beyond that, journalism aspires to tell culturally complex stories. This is reflected in the Code of Ethics of the Society of Professional Journalists: “Journalists should . . . boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear.”

The time is right for more complicated narratives. In recent decades, journalism has become more conscious of its role in political polarization and more critically aware of routines and assumptions that practitioners had taken for granted. The continuing upheaval in the field has prompted self-reassessment, with thoughtful leaders reaffirming the field’s core values and exploring ways to carry them out in the face of declining profits and rapid technological change. Some scholars have pressed for a journalistic role that steps beyond the verification of facts and touches on the way those facts are framed in stories. As one distinguished journalist, Bill Kovach, expresses it, “What I am talking about is the kind of engaging, verified information that helps the public resist the messages of fear and self-indulgence they receive so frequently from the popular culture: These messages of fear and self-indulgence are ones that favor a passive, not an engaged and alert, public.”

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287 Timothy E. Cook, *The News Media as a Political Institution*, 23 POL. COMM. 159, 165–66 (2006) (“[T]he performance of the news media is a good deal more complex than most scholars are willing to admit . . . . [T]he media system consists of a vast range of different organizations from behemoths to minuscule community groups. Some are aimed at profit, others at the public interest. Some are longstanding, others ephemeral.”).


289 SPJ Code of Ethics, supra note 15.


292 Id.

Already, the trend in the field has moved away from reporting facts and events in isolation. A largely unnoticed change in newspaper stories since the 1960s has been a “stunning growth” in what has been called “contextual reporting,” characterized by focusing on a larger picture than one-time events.\(^{294}\) Contextual reporting explains events by offering historical background or by describing ongoing processes and activities.\(^{295}\) Among these stories are “social empathy stories,” in which the narrative is told primarily by the sources, rather than the detached reporter.\(^{296}\)

At the same time, the field is in search of new narratives, especially with respect to international affairs. One storyline that guided news stories for decades—the Cold War—has ceased to structure American understanding of relations with foreign countries.\(^{297}\) Other cultural references and shorthand symbols can no longer be relied on. Journalists must report news to an audience that is increasingly multicultural, increasingly polarized, and yet wired and interconnected. Some in the field are calling for more “ethnographic journalism,” in which reporters immerse themselves in a community with empathy\(^{298}\) and report holistically on systems and structures, rather than on discrete events.\(^{299}\)

### A. Interwoven Stories

More than thirty years after identifying ethnocentrism and other unconscious values in the mainstream news, Gans has renewed his call for journalists to engage in what he has called “multiperspectival” news reporting.\(^{300}\) He urges them to work consciously on two levels, which parallel the two components of


\(^{295}\) Id.

\(^{296}\) Id. at 11 (“Social empathy stories often begin with anecdotal leads, use many direct quotes from their main sources, and structure narratives around the observations of sources rather than those of a detached observer . . . . Social empathy and investigative stories are specific brands of contextual journalism, distinctive enough and important enough to be counted separately, but they can be added to the sum of contextual news stories to measure the general shift away from conventional reports.”). For an example, see Evelio Contreras, *Inside the Life of a Drug-Trafficking Teen*, CNN (Aug. 13, 2015), http://www.cnn.com/2015/08/12/us/inside-the-life-of-a-drug-trafficking-teen/index.html?ref=rss_latest.

\(^{297}\) LULE, *supra* note 81, at 151.


\(^{299}\) Id. at 272.

\(^{300}\) Gans, *supra* note 290, at 6.
Cobb’s narrative braid. “Targeted representation” is his term for reporting news for specific sectors of the population. “General representation” is his term for bringing their perspectives into the broader democratic discourse. He calls on journalists to be neutrals in the process, providing news for underserved sectors of the population and also ensuring that views from those sectors are carried into the broader public discourse.

In a similar vein, Entman calls for educating journalists in the construction of news frames so they can present multiple interpretations of problems in ways that make the different interpretations equally accessible to the public. In response to government frames, he says, “[T]he news must offer a counterframe that puts together a complete alternative narrative, a tale of a problem, cause, remedy, and moral judgment possessing as much magnitude and resonance as the administration’s.”

Other communication scholars have made related recommendations. Among them are these: journalists should open their stories to more than one interpretive frame; journalists should produce multi-genre coverage of immigration issues by combining individual narratives with systemic policy analysis; journalists should engage with the social sciences in their ongoing discussion about representation of the Other; and mainstream journalists, rather than fearing media fragmentation, should embrace the lively expansion of ethnic and minority news outlets.

301 *Id.* at 6.
302 *Id.* at 4-5 (“Journalistic representation does not mean acting as advocates or like elected officials; it suggests more reporting about the voters, non-voters and other people they cover so that elected officials can learn their views, stands and needs.”).
303 *Id.* at 6.
304 *Id.* supra note 44, at 57.
305 *Id.* at 57 (“If educated to understand the difference between including scattered oppositional facts and challenging a dominant frame, journalists might be better equipped to construct news that makes equally salient—equally accessible to the average, inattentive and marginally informed audience—two or more interpretations of problems.”).
306 *Id.* supra note 52, at 418.
308 Rodney Benson, *Why Narrative Is Not Enough: Immigration and the Genres of Journalism, in Reporting at the Southern Borders: Journalism and Public Debates on Immigration in the U.S. and the E.U.*, 73, 81 (Giovanna Dell’Orto & Vicki L. Birchfield eds., 2014) (“Even if they are enticed by melodramatic storytelling, many readers clearly want more than that . . . Why are the immigrants coming? Who or what is causing this mass exodus? What are the social costs and benefits? What are the best policy solutions?”).
309 Awad, supra note 14, at 528.
B. Border Crossings

Initiatives to better report the immigration story are in place and growing. They may be driven by journalists' realization of the size and economic value of the Spanish-speaking audience. They may result from a desire to serve as a bridge among ethnic groups, or simply from an extension of the longstanding mandate to "seek truth and report it."

The following are some of the recent projects.

Reaching across language barriers, the New York Times, in February 2016, began publishing a Spanish-language version of the newspaper. The Times translates a dozen or so of its stories and provides some original Spanish-language reporting as well. The project began, before its official start date, with a January 29th story, "¿Por qué Iowa?" explaining the significance and peculiar ritual of the February 1st Iowa caucuses. The Times also began Boletín, a twice-weekly Spanish-language newsletter. The potential audience includes Mexico, Argentina, Colombia, and Spain—as well as Spanish speakers in the United States.

Facilitating communication across ethnic lines, the Graduate School of Journalism of the City University of New York runs an online publication, Voices of New York, as a "bridge between mainstream society and immigrant communities and communities of color." It curates and translates stories from New York's community and ethnic media and also commission original content. The project is part of New American Media, a collaboration among 3,000 ethnic news organizations and 14 academic institutions.

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311 SPJ Code of Ethics, supra note 15.
314 Whether the Times primarily aims at foreign or domestic readers is unclear at this early stage. Times deputy international editor, Lydia Polgreen said, "This is a beta project. We're learning. We're trying to understand the audience." Id.
316 Id.
journalism programs. Its website posts polling data from ethnic minorities, as well as a section called the "ethnoblog." The University of Southern California Annenberg School for Communication and Journalism has created a multilingual hyper-local news site in the ethnically diverse city of Alhambra. In 2015, it marked five years of covering stories and published its first book, *Alhambra Source: Voices from the New American Suburb*.

Reporting across the U.S.-Mexico border, the University of Texas-El Paso blog *Borderzine* has student reporters in both El Paso and in Ciudad Juarez, Mexico. At Arizona State University's Cronkite School of Journalism, students working in the Borderlands Bureau provide immigration stories in both English and Spanish for professional media outlets.

Multilingual news websites are also growing. For example, the Knight Center for Journalism at the University of Texas at Austin, founded in 2007, maintains a trilingual website of journalism news in the Americas. Since 2013, its annual International Symposium on Online Journalism has been simultaneously translated into Spanish. Students at the University of Nevada, Reno are collaborating in bilingual election news coverage with the *Reno Gazette-Journal* and KNPB-TV, and KXNV-FM.

C. A Closing Story

Translating and sharing news stories from different cultural communities is a step toward creating a better, more comprehensive, more accurate narrative of immigration. It is not quite braiding those stories into a whole. So one story is offered here as a sample of what narrative braiding might look like in reporting a

318 Id.
news event. This story was reported in 1998 without any reference to conflict resolution, and it predates the first of Monk and Winslade’s books on narrative mediation and Cobb’s work on narrative braiding. So, to the extent that it weaves stories together and links characters in terms of their own legitimacy, it does so out of an old-fashioned news intuition. It’s a good story with a sad beginning.

Jaime Gil Tenorio, a 32-year-old undocumented immigrant was riding a bicycle on an April night when he was struck and killed by a hit-and-run driver in Poughkeepsie, New York. Police detective Karl “Skip” Mannain was soon able to identify the man, a laborer who had been mowing lawns and sending the money to Mexico, where he had a wife and four children. When Mannain managed to reach the wife on the only telephone in her village, San Agustín, in the state of Oaxaca, he learned that she had no money to bring the man’s body home. When he suggested cremation or a pauper’s burial in New York, the new widow quietly refused. This touched Mannain, a descendant of Irish and Jewish immigrants.

Mannain looked for help. He tried the Mexican and U.S. governments and the Red Cross without success. Finally, he asked a local priest about taking up a collection at a Spanish-language Mass. On that Sunday, Easter, the offering plate returned to the altar with more than seven times the normal Sunday collection, more than $300 in coins and small bills, but still far short of the $4,500 needed. The local newspaper, the Poughkeepsie Journal,
put the fundraising appeal on its front page,334 and Mannain got more than a hundred phone calls from people offering donations.335 The next day, the newspaper reported that other Catholic churches had chipped in to reach the required burial amount,336 but individual donations kept coming in. Before long, roughly one out of every twelve Poughkeepsie residents had contributed, signing checks with names that recalled earlier waves of immigration.337 Included, too, were donors from Mexico who, despite an abiding distrust of authorities, came to the police station carrying manila envelopes bulging with $1,800. Mannain was suddenly struck by what he was witnessing: “I was in the office working with all these cops and I started crying.”338

When Mannain flew to San Agustín to deliver the money—more than $22,000—the Poughkeepsie Journal sent a team of reporters.339 The result was a ten-page special report.340 It opened by describing something surprising: the number of people in San Agustín who had first-hand knowledge of Poughkeepsie. “[O]ne man recalls the name of a particular Italian restaurant he worked at . . . . Still others know the owner of a Poughkeepsie diner . . . or the technique of making bagels at a shop on Route 9.”341 At any one time, about one fourth of the men were working in Poughkeepsie in order to support their families back home.342 The story described the village this way:

Although it is more than 2,000 miles away, there is likely no other town in any country quite as close in spirit to the mid Hudson Valley . . . as San Agustín Yatareni. What morsel of prosperity this town of 2,800 enjoys can be laid directly to the envelopes that arrive regularly from el norte . . . .343

334 Tyra White-Seigler, Appeal Made for Aid in Bicyclist’s Burial, Poughkeepsie J., Apr. 14, 1998, at 1A.
335 Larry Hughes, Mexican’s Tragic Death Unites a City: Residents Open Hearts To Help Send Man Home, Poughkeepsie J., Apr. 26, 1998, at 1D.
336 Berger, supra note 326.
337 Peter Leonard, Neighbors: Family Felt Love After Dark Time, Poughkeepsie J., Apr. 11, 2008, at 1F.
338 Berger, supra note 326.
339 Id.
340 Id.
341 Mary Beth Pfeiffer, From Poverty to the Green Valley, Poughkeepsie J., July 16, 1998, at 1E.
342 Berger, supra note 326.
343 Pfeiffer, supra note 341.
Another story described labor in a Oaxacan brick factory through the eyes of a three-year-old child watching older members of his family:

Here is what he sees: His 14-year-old brother packing dirt at the bottom of a barren hole about 100 feet wide with other boys and women, sweaty and barefoot, who hand buckets of clay up a crude path. His mother, 31, kneeling on the hard earth in a skirt and T-shirt, her knees bare, pouring clay into wooden molds and smoothing it with her hands . . . [T]his is where they live: in a two-room brick barracks just footsteps away, with no running water and only one double bed for perhaps a dozen people . . . The family . . . traveled six hours from a remote village for this—a job among few.344

Another story detailed the dangers of crossing the border into the United States.345 Another tracked the rising numbers of Mexican residents in the Poughkeepsie area.346 Another explored some complexities of immigration law.347 A page of graphics compared demographic and economic statistics for Oaxaca and Poughkeepsie.348 Another reported that one hour of work in the U.S. paid more than a 10- or 12-hour workday in Oaxaca.349 The special report chronicled the changes in the Mexican community that had resulted from “dollars earned washing dishes and cutting lawns, making pizza and raking leaves.”350

[T]he town . . . has witnessed two major developments in the years since migrants have gone to Poughkeepsie: the installation of telephone lines in 1994 and the pumping of water from town wells to outside faucets in 1995 . . . . There are walls under construction here, a new, if tiny, mill to grind the corn that is made into tortillas, and at least a few new homes.351

In an editorial, the newspaper called for tighter border security—along with an expanded program of visas for Mexican workers

345 Mary Beth Pfeiffer, Fears Intensify on Both Sides of Border: Illegal Crossings Carry Many Risks, POUGHKEEPSIE J., July 16, 1998, at 6E.
347 Mary Beth Pfeiffer, Border Splinters Family: Efforts for Residency End in Deportation, POUGHKEEPSIE J., July 16, 1998, at 9E.
348 Same Continent, Different Worlds, POUGHKEEPSIE J., July 16, 1998, at 7E.
349 Pfeiffer, supra note 345 (quoting Wayne Cornelius at the Center for U.S. Mexico Studies at the University of California, San Diego).
350 Pfeiffer, supra note 341.
351 Id.
and increased Spanish-language educational and social services for those already in the United States. The four main articles were made available to readers in Spanish.

Poughkeepsie's Italian Center offered space for teaching English to Latino residents. IBM, located in nearby Fishkill, New York, donated a computer and helped set up an e-mail link between a local elementary school and the school in San Agustín. In the years since, colleges in the Poughkeepsie area have undertaken a program to improve drinking water in the village. The newspaper too, now more conscious of its Mexican readership, has increased, not only its reports on local Mexican food and culture, but also its coverage of political news from the state of Oaxaca.

VI. STORIES JOURNALISTS TELL THEMSELVES

The Poughkeepsie Journal coverage is, itself, a narrative: a story sentimental enough for the Readers Digest where, indeed, it was later retold. It is an unusual story because it is a compelling narrative with no villain, no scapegoat, and no righteous anger, not even for the hit-and-run driver, a 26-year-old who wiped tears from his eyes in court and was sentenced to thirty days of weekends and nights in jail—so he could continue working and caring for his aging parents. The story summons up no myth of a dark "other world" or fear of the Other. Instead, it is as if the detective, the widow, the churchgoers, the city, the reporters, the corporation,

352 Editorial, Oaxaca Connection a Two-Way Street, Poughkeepsie J., July 16, 1998, at 6A.
353 Versiones en Espanol, Poughkeepsie J., July 16, 1998, at 1A.
358 See Linda Marston-Reid, Fest Celebrates Oaxacan Roots, Poughkeepsie J., Aug. 2, 2013, at 4E.
359 See Leigh Gomez, News of Home Troubles Immigrants in Valley, Poughkeepsie J., Sept. 16, 2006 at 1A, 2A.
360 Rebecca Rothbaum, Magazine Details Oaxacan Story, Poughkeepsie J., June 22, 2000 at 1B, 2B.
361 Larry Fisher-Hertz, Driver Gets 30 Days for Car-Bike Fatality, Poughkeepsie J., Jan. 23, 1999 at 1B, 2B.
the college, the volunteers, the driver, the judge, and the villagers, all looked at each other and recognized themselves.

Certainly, as Schudson would point out, the character of the events themselves—the tender-hearted detective and the full collection plates—opened the door for the narrative that followed. Yet the newspaper was not merely recording events passively. It chose to tell the initial story. Then it sent reporters across the border. Their stories reflected both differences and commonalities between the world they encountered and the world they were writing to. In reporting the news, Schudson has observed, journalists do more than frame and present a certain glimpse of reality. They also present “a particular vision of journalism itself.”

Journalism’s self-image can also be considered as a kind of narrative. It seems to be a hero story: journalist-as-watchdog, bravely digging down and then venturing out to alert the public to hidden dangers. That narrative runs through the culture of the field, with its routine ranking of the might of pens v. swords and its distaste for both fear and favor. In the wisecracking and hectic environment of the newsroom, these references are not often made audibly; however, in the powerful world of myths, the heroic narrative no doubt emboldens people to do the vital and sometimes dangerous work of reporting news.

Journalist-as-mediator is a different story. It suggests the soft skills of a cultural broker. At worst, it may suggest a lack of backbone. The distinction between mediator and watchdog calls to mind a similar assumed incompatibility in law. It is the split between conflict resolution and human rights, sometimes characterized as the peace vs. justice debate. Journalists parallel the human rights activists, whose method has been to investigate and expose wrongdoing while viewing the world with skepticism. In this context, the optimistic, collaborative, future-focus of conflict resolution practitioners may seem naïve. But what makes con-

362 Schudson, supra note 21, at 262.
363 “Beneath the rule of men entirely great/The pen is mightier than the sword.” William Bulwer Lytton, Cardinal Richelieu, 25 Act II, Scene II.
366 Id.
367 Id. at 261.
368 Id. at 260.
flict resolution relevant, even to crusading human rights activists, is that it sometimes works. That is, the activists sometimes succeed by expanding their range of approaches to include such dispute resolution techniques as engaging their opponents.\textsuperscript{369} Likewise, journalism may function better, living up to its own values, asserting greater independence, telling fuller stories, and revealing more that matters\textsuperscript{370} when it expands its own story beyond a conflict narrative.

VII. CONCLUSION

When reporters unconsciously frame events and turn them into news stories, they often unwittingly conform either to the narratives promoted by political leaders or to the taken-for-granted narratives that already exist in their own culture. These narratives play a powerful role in communicating to the public. They may also limit public options. If the narratives are sufficiently imbued with mistrust and fear, they may even close off problem-solving.

In an increasingly multicultural society, thoughtful leaders in the field have called for a journalism that speaks to—and for—multiple audiences. The narrative approach to mediation offers concrete steps that journalists can apply to storytelling in a conscious and deliberate way: calling news narratives into question, examining their own assumptions about the roles that people play, looking for additional layers of narratives, and pulling them together into a whole. The narrative approach to mediation also invites deeper reflection about the power of storytelling in news and the way journalism helps to create the reality that it covers.

\textsuperscript{369} Id. at 278. As an example of complexity in the human rights context, Sonnenberg & Cavallaro relate the experience of pressing a multinational corporation in sub-Saharan Africa to spend money on community development—only to learn that the community, itself, was excluding women and minorities from the development talks. Id. at 281–82.

\textsuperscript{370} Entman, supra note 52, at 422 (“Journalists . . . seek to produce ‘good stories’ that protect and advance their careers and that accord with their self-images as independent watchdogs . . . .

\textsuperscript{69}