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Business News

Posted: Wed., Nov. 29, 2006, 9:00pm PT

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Minorities have legal ground to sue studios

UCLA professor announces new findings in casting policies

By DAVE MCNARY

Minority actors face a bleak outlook in Hollywood and may have legal grounds for challenging studio casting policies, a UCLA study shows.

"Casting directors take into account race and sex in a way that would be blatantly illegal in any other industry," said study author Russell Robinson, UCLA acting professor of law. "Many actors accept this as normal, but depending on the facts of the case, lawsuits can be filed."

Robinson announced the findings Wednesday, citing a 2006 survey of casting announcements from Breakdown Services that found 69% of roles reserved for white actors, 8.5% open to all races, 8.1% open to African Americans, 5.2% for Latinos, 4.3% for Asian Americans, 2.9% for multiracial, 1.7% open to Middle Eastern and 0.5% open to Native Americans.

The study also found that men were almost three times as likely as women to work in the first-billed lead role and that whites occupied 82% of those roles, based on a review of 171 films that grossed at least \$1 million last year.

Women filled 44% of second-billed roles and 40% of third-billed roles, the study found.

Robinson also noted in the study that studios could use several defenses against legal actions, such as asserting that race and gender are "bona fide occupational qualifications"; contending that casting is a form of free speech that may be protected under the U.S. Constitution's First Amendment; and offering a market-based defense that race/gender casting maximizes box office success.

Robinson said that showbiz would not have to use quotas to comply with the federal government Title VII -- which prohibits employment discrimination based on race or gender -- but move to increase the consideration of actors of color and women in roles. He also recommended banning the use of race/sex classification in casting breakdowns except where casting an actor of a specific race or sex is "truly integral."

He also cited the film "Sideways," ABC's "Grey's Anatomy" and CBS' "CSI" series as positive examples of casting practices.

Pamm Fair, deputy national exec director for the Screen Actors Guild, said the findings were not a surprise. "We know that performers of color get fewer roles than their counterparts," she said. "We continue to strive for more positive roles for our members who are not cast often enough because of their race or gender."

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