

**CULTURAL LEGAL STUDIES AND DIALOGIC DEMOCRACY:  
THE CASE FOR BRINGING BACK LOCALISM AND  
RADIO'S SUBVERSIVE PAST**

AKILAH N. FOLAMI

*ABSTRACT*

Many scholars, media reformists, activists and musicians currently lament the present condition of commercial radio, given the deregulatory effects of the last two decades on radio ownership and content. Many contend that commercial radio, once thought of as a deliberative tool in advancing the democratic ideals of inclusiveness and representation, is now nothing more than a commercialized wasteland with the democratic ideals of it serving as a deliberative tool laid to rest due, in part, to radio ownership consolidation, competition from other media sources, and the provision of overlapping and homogenized content on the nation's radio airwaves. While there has been considerable scholarship exploring the need to breathe deliberative life back into the localism standard by requiring broadcasters to include more meaningful local news and public affairs programming, pursuant to the public interest obligations imposed on radio licensees, little scholarly attention has been given to broadening understandings of localism to include music and popular cultural expression *for the purpose of furthering dialogic discourse* in particular, rather than solely for entertainment purposes.

This article focuses on a particular moment in radio and America's cultural history that was rife with struggles over constructions of identity, and with contests over meaning between dominant ideological frameworks and voices of subversion that would challenge these dominant normative understandings, all within a very commercialized, corporately controlled media environment. Specifically, this article focuses on the rise of rock and roll on commercial radio and of the White rock and roll disc jockey, who came to represent the pulse of the historically marginalized (pre World War II), White American youth. The White rock and roll disc jockey, through radio, heavily influenced American popular culture and this newly emerging and recognized audience, and was instrumental in forging discussion and deliberation in America, at a time of intense inter-generational unrest among younger and older generations of White Americans. By exploring this snapshot in history of radio's subaltern past via the playing of rock and roll by White radio disc jockeys on White radio during what some have defined as America's Cultural Revolution, this article builds on the scholarship of others that have considered radio's influence on popular culture, dialogic democracy, and the struggles over will formation and constructions of identity.

This article expands upon such analysis, however, by exploring the law's role in this contest over meaning and the dialogic process: a role that must be taken into account as the FCC, Congress, and the courts reconsider current media policy in light of the public outcry over the lack of diverse content on the nation's radio airwaves. It also is the first to specifically call for the inclusion of music and, by extension, popular cultural expression into the localism concept for dialogic purposes to ensure that these sites that are key to will formation and the deliberative process are not overlooked or, better yet, extinguished due to consolidation in radio ownership and the current market driven interpretive standard applied to the public interest standard. As America residentially re-segregates itself, and becomes all the more socio-economically stratified based on class, history has shown that the rumblings and contestations of the overlooked and marginalized may be found in their everyday interactions and interests, and musical preferences, which can serve as challenges to dominant and hegemonic societal configurations.