In Politics, Perception Is Reality: Exploring the Backlash Rhetorics of Anti-Affirmative Action

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Washington Initiative 200—The Washington State Civil Rights Initiative: "Shall government entities be prohibited from discriminating against or granting preferential treatment to individuals or groups based on race, sex, color, ethnicity, or national origin? ___Yes; ___No" This initiative prohibits government from discriminating against or granting preferential treatment to individuals or groups based on race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting. Government includes all public entities, including the state, cities, counties, public schools, public colleges, public universities, and other governmental instrumentalities. This initiative does not repeal or modify any law or governmental action that does not discriminate or grant preferential treatment.

In November 1998, I stood for twenty fidgety minutes in a voting booth reading the above ballot text in attempt to cast my vote in favor of preserving affirmative action in Washington State. I had paid close attention to the media analyses surrounding debates both for and against the initiative measure. I had carefully read the platforms for the initiatives outlined in local newspapers during the weeks prior to the election. I was aware that the intent of the measure was to dismantle affirmative action in public contracting, hiring, and education; however, once in the voting booth, I struggled with the rhetorical finesse of the ballot text, which borrows its language directly from the Civil Rights Act of 1964 and makes no mention of "affirmative action" whatsoever. Faced only with a "yes" or "no" choice, I was uncertain how to vote.

"Shall government entities be prohibited from discriminating against
or granting preferential treatment to individuals or groups based on race, sex, color, ethnicity, or national origin?” I muttered to myself, “Yes, government entities should be ‘prohibited from discriminating’ against or granting preferential treatment; but to the initiative’s sponsors that means no more affirmative action. So no, government entities should not be prohibited from discriminating against or granting preferential treatment. . . . Does that mean that they should discriminate and grant preferential treatment? That doesn’t seem right. . . .”

Totally flummoxed, I voted “Yes,” thinking I was casting a vote that would weigh in to protect affirmative action. I reasoned that government entities should be able to prohibit decisions that narrow access to higher education and professional opportunities for people of color, women, and the foreign born and grant preferential treatment to groups who have been historically disenfranchised in public contracting, hiring, and education. I am loathe to admit that I cast the wrong vote. I did not figure it out until election returns were in. Tallies revealed my error: A vote to preserve the status quo was a “No on I-200.” My erroneous “Yes” vote accumulated with sixty percent of the vote in the state to deal the blow that eradicated affirmative action in Washington.

I was horrified.

I thought, “If a rhetorical scholar who has stayed abreast of the issues in the media could not cast the vote she intended to cast, then what about other voters?” As a result of this humbling and embarrassing experience, I write this paper to examine the rhetorical issues raised by twists and turns in ballot language that intends to roll back affirmative action, state initiative by state initiative. I analyze the rhetorical co-optation of the language of the civil rights movement as the slippery slope that affirmative action rapidly slides down.

**Historical Context**

During the 1960s, the struggle for civil rights intensified throughout the United States. Numerous protests against segregation helped to shift public opinion in the country in favor of civil rights for all. Eventually, Congress was moved to act. In 1964, President Lyndon Johnson signed into law the Civil Rights Act, which committed the government to serious efforts to dismantle state-enforced segregation. In 1965, in Selma, Alabama, following bloody police violence against protestors who favored civil rights for all, Congress passed the Voting Rights Act. In 1965, President Johnson issued an executive order (11246) requiring all federal contractors to take “affirmative action,” meaning conscious and deliber-
ate efforts to bring qualified people of color into jobs and educational institutions from which they had largely been excluded for centuries. The context for Johnson’s executive order was the Civil Rights Act of 1964 and the continuing struggle for equal employment and educational opportunity.

At a speech given at Howard University in 1965, President Johnson said:

> Freedom is not enough. You do not wipe away the scars of centuries by saying: Now, you are free to go where you want, do as you desire, and choose the leaders you please. You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, “you are free to compete with all the others,” and still justly believe you have been completely fair. Thus it is not enough to open the gates of opportunity. (“To Fulfill”)

President Johnson’s remarks set a tone that elicited support for affirmative action from the majority of Americans. Soon, the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission required federal contractors to submit plans that included “goals and timetables” for assembling a workforce reflecting the availability of “minority” employees in the labor market.

In addition, the Higher Education Act (HEA) of 1965 was passed by Congress and signed by President Johnson to provide a comprehensive framework for federal postsecondary assistance to both students and institutions of higher education. The intent of HEA was to make higher education accessible to all qualified persons regardless of race, color, religion, ethnicity, national origin and economic status. HEA established a wide variety of financial assistance programs, which have been reauthorized and amended by Congress about every five years since 1965, to meet the special needs of the economically and educationally disadvantaged.

In the years since HEA passage in 1965, federal appropriations for student aid have grown well over four-hundred percent, according to Claudio R. Prieto, Deputy Assistant Secretary for Higher Education Programs during the Clinton administration; however, considering inflation and rising tuition costs, the actual dollar value of HEA-authorized financial assistance has diminished proportionally.

To take advantage of the financial windfall of HEA and in response to threats of student strikes over demands that universities honor the spirit of the Civil Rights Act, many city and state university systems adopted
open admissions policies accompanied by tuition waivers. Open admissions policies seemed to benefit students of color in particular, although a number of middle-class white students matriculated in order to take advantage of free tuition. In the most notable and enduring program—that of the City University of New York (CUNY) system—the cumulative effect of open admissions and free tuition was immediate and dramatic. Whereas twenty thousand first-year students had matriculated in one CUNY institution or another in 1969, more than thirty-five thousand registered in the fall of 1970. Forty percent of these newcomers to the senior colleges were open-admissions students (Fullinwider). The proportion of African American and Hispanic students in the entering class of 1970 nearly tripled compared to that of 1969. Because of underpreparation (Rose) in their high school experiences, however, many of these students needed assistance to ready them for university-level work. As a result, open admissions established a wider need for basic writing and reading preparation at the university level (Shaughnessy).

Many elite colleges and professional schools also came to believe that they had a role to play in educating people of color. Often responding to student protests on their campuses, university officials initiated “minority” student recruitment programs that took race into account in admissions processes. A few Ivy League universities said they were acting out of a desire to rectify past racial injustices. However, according to Derek Bok and William Bowen, former Presidents of Harvard and Princeton respectively, most selective colleges and universities adopted race-sensitive admissions policies to enrich the education of all their students “by including race as another element in assembling a diverse student body of varying talents, backgrounds, and perspectives” and to educate “minorities” for wider participation and leadership in business, government, and the professions.

Although the idea behind affirmative action initially was well received by the public, almost immediately, strategies designed to implement affirmative action came under fire. The first significant legal challenge affecting affirmative action in college admissions was Regents of the Univ. of California v. Bakke, a case that began in 1974 and that coined the antagonistic term “reverse discrimination.” Bakke, a white man, claimed that he was denied admission to both the 1973 and 1974 class of one-hundred at the University of California at Davis medical school because sixteen spaces had been reserved for “disadvantaged” members of racial minorities. The case was hotly contested and reached
the United States Supreme Court in 1978. High Court justices were divided over upholding the medical school’s minority admissions programs to right a legacy of unequal treatment, which Justice Thurgood Marshall ruled was allowable under the Constitution and upholding the equal protection clause of the Fourteenth Amendment, which cannot be applied differently to individuals of various races. A compromise position was reached when Justice Lewis Powell stated that the school’s use of quotas was unlawful, but that universities may consider race in admissions to maintain diverse enrollment or to remedy past discrimination. Powell ordered Bakke admitted to the UC–Davis medical school. He graduated in 1992.

Other landmark legal decisions that have troubled the grounds of affirmative action in college admissions include Hopwood v. The Univ. of Texas, a case in which Cheryl Hopwood, a white woman, and others sued the University of Texas, claiming that they were denied admission to the law school because it preferred African- and Mexican-American applicants. As a result of Hopwood, considerations of race in admissions at The University of Texas were terminated. Gratz and Hamacher / Grutter v. The Regents of The Univ. of Michigan, separate lawsuits that alleged unlawful preference to minorities in University of Michigan undergraduate and law school admissions, respectively, were decided in 2000 and 2001. In Gratz and Hamacher, the case against undergraduate admissions strategies, federal judge Patrick Duggan ruled that giving minorities added points is constitutional because diversity is a compelling need in education. In Grutter, the case against law school admissions, federal judge Bernard Friedman ruled that the law school’s admission policies were unconstitutional because diversity is not a compelling educational need. Both decisions have been appealed, and it is likely the Supreme Court will have to resolve the issue (Dworkin).

“Affirmative action” is not a term that appears in the law. It is, according to Peter Callaghan, senior political analyst at the Tacoma News Tribune, “a catchall term” created to describe a variety of strategies that intend to increase the participation of women and people of color in employment, contracting, and education (B–5). Initially, the concept of affirmative action specifically targeted African Americans, who are uniquely disadvantaged by their history of enslavement and its burdensome legacy. However, the concept evolved as women and people in other racial and ethnic groups expanded the 1960s civil rights movements to demand recognition of their own experiences with discrimination and exclusion.
Despite its grounding in the civil rights movements of the 1960s and despite favorable government-sponsored response to those discourses in the past three decades, the term "affirmative action" has become a symbolic code word in a contest over the language and definition of the underlying issues in the quest for equal opportunity. The foundational question-at-issue around affirmative action: what use should be made, if any, of racial, gender and ethnic classifications to promote the hiring and admission of African Americans, other people of color and women in an effort to "level the playing field"? Fraught with legal and political challenges throughout its history, the contest over affirmative action is far from settled.

**Backlash Rhetorics Ground the Anti-Affirmative Action Platform**

Every political issue is contested in a symbolic arena. Advocates of one or another perspective attempt to add their own meaning to an issue and to events that may affect its outcome. Every issue has its own special language and phrases, buzzwords, slogans, images, its characteristic arguments and metaphors. Public commentary and ultimately private meaning draw on culturally and rhetorically available idea elements and symbols. Generally, an issue platform contains signature elements that imply a central organizing idea or story line that provides meaning to an unfolding strip of events, weaving connection among them. The whole organizational structure of the platform can often be invoked through condensing symbols and terms that become metonymically representative of the entire issue over time. Public commentary reduced to buzzwords, slogans, and sound bites employs such condensing symbols and terms to argue its points and effectively occlude the complexity of the issues.

The political contest over affirmative action is being waged predominantly in language. For example, those who support affirmative action use the terms "affirmative action," "goals and timetables" and "equal opportunity" to construct a positive portrayal that appeals to a sense of social justice for people excluded historically and currently from jobs, schools and businesses because of skin color or gender. Regardless of the positive portrayal by affirmative action supporters, many (white) Americans have nonetheless become deeply uncomfortable about the use of race as a factor in making contracting, hiring, and admissions decisions. Primarily white, heterosexual, male and, to a lesser but still influential extent, female Americans seem to believe that not only was racism and sexism remedied during the 1960s and 1970s but also that people of color
and white women now have significant advantages over white males as a result of affirmative action strategies.

In fact, white women and white men have been the primary beneficiaries of affirmative action policies. In 1997 in the state of Washington alone, for example, the government hired more white men under affirmative action than African Americans or any other minority group. White women ranked second as beneficiaries of Washington's "Plus Three" program, which allowed the state to hire individuals who qualified for affirmative action over candidates with higher job-test scores. White men qualified for affirmative action benefits in the categories of Vietnam-era veterans, disabled veterans, and people with disabilities. According to data supplied by the state Personnel Department, of employees with standing under affirmative action, sixty percent are white women, twenty-two percent are people of color, and eighteen percent are white men (Brune 1). Additionally, a recent Department of Labor study found that of the more than three thousand federal court cases alleging discrimination from mid-1990 to mid-1994, fewer than one hundred alleged reverse discrimination, and in only six of those 100 cases found actual reverse discrimination. "Many of the cases were the result of a disappointed applicant . . . erroneously assuming that when a woman or minority got the job, it was because of race or sex, not qualifications" (Varner).

Why, then, do erroneous perceptions of affirmative action abound? Anti-affirmative action ideologues have successfully turned public sentiment against affirmative action through a mean array of buzzwords, slogans, sound bites and condensing symbols indicative of backlash rhetorics. Efforts to preserve gains of the civil rights and feminist movements are yielding to a growing backlash. Susan Faludi appropriated the term "backlash" to describe widespread "attempts to retract the handful of small and hard-won victories that the feminist movement did manage to win for women." Faludi explains that backlash rhetoric stands the truth boldly on its head and proclaims that the very steps that have elevated women's position have actually led to their downfall . . . . The backlash is at once sophisticated and banal, deceptively "progressive" and proudly backward. It deploys both the "new" findings of "scientific research" and the dime-store moralism of yesteryear; it turns into media sound bites both the glib pronouncements of pop-psych trendwatchers and the frenzied rhetoric of New Right preachers. The backlash has succeeded in framing virtually the whole issue of women's rights in its own language. (xviii)
Backlash-style strategies have been deftly used to dismantle affirmative action.

The success of backlash in turning public opinion against affirmative action is marked in content analyses of affirmative action public discourse over time. Once “remedial action,” which implies redressing historical injustices, was the dominant affirmative action platform, but it has lost its edge to a backlash concept of “no preferential treatment,” which argues that no member of any group should receive special privileges or treatment. In the early years, opposition to affirmative action was coded through variations on the premise that people of color were getting an “undeserving advantage” with affirmative action. This backlash platform sometimes used overtly racist symbolism to garner support by suggesting that unqualified individuals were being hired or admitted strictly on the basis of race. In recent years, backlash opposition is displayed overwhelmingly through a variation of the argument that affirmative action constitutes “reverse discrimination” or prejudice against whites. Anti-racist symbolism is frequently used in this view (Gamson and Modigliani), taking the view that everyone deserves equal treatment under the law (that is, white males should not be discriminated against, either).

While polls indicate that white voters, who constitute the majority of those who vote, oppose “reverse discrimination,” “quotas” and “preferential treatment,” the affirmative action backlash opposition has used those tags—as well as terms like “undeserving advantage,” “racial set asides” and “racial preferences”—to construct a negative portrayal of affirmative action by suggesting philosophical and practical injustice particularly to whites. As a result, “The opponents of affirmative action have worked diligently to assure that ‘preferences’ be adopted as the lexicon on affirmative action” (Callaghan). These terms elide white privilege, fuel racist sentiment, and obscure the historical and ongoing disenfranchisement of people of color, which affirmative action was designed to remedy.

These backlash attacks and their rhetorical strategies are represented in measures such as California’s Proposition 187, an initiative designed to end public education and medical care for undocumented workers and their families, which passed in 1994; California’s Proposition 209, the California Civil Rights Initiative, an initiative designed to end the use of race and gender in state affirmative action programs, which passed in 1996; its ugly twin, Initiative 200, the Washington State Civil Rights Initiative, which passed in 1998; a federal law that eliminated race-based
admissions to the University of Texas, following Hopwood v. The Univ. of Texas; and Florida Governor Jeb Bush’s push for a “One Florida Initiative”—a plan to increase opportunity and diversity by guaranteeing the top twenty percent in Florida’s high school graduating classes entrance to a Florida university while simultaneously “ending racial preferences, racial set-asides, and race-based university admissions, not affirmative action properly understood” contracting and university admissions (Sayfie and Ross). As part of Bush’s “One Florida Initiative,” a push for a Florida Civil Rights Initiative nearly identical to the California and Washington versions had gathered the necessary signatures to be placed on the ballot in November 2000; however, the Florida Supreme Court quashed the initiative language in all its proposed versions. Supporters vow to try again for 2002. Additionally, four other states—Colorado, Michigan, Nebraska, and Oregon—are currently targeted for similar initiatives in the next few years.

**The Role of Ballot Initiatives in Framing Backlash**

State ballot initiatives are important sites for the production and elaboration of backlash rhetorics. An alternative form of government, the ballot initiative provides for direct legislation by the citizenship through initiative and referendum. Favored by the Populist and Progressive movements in the late 1800s, the initiative process was adopted in many state charters over a century ago to allow citizens to circumvent elected representatives in City Hall and the State House and to take on the responsibility of writing laws themselves.

Even though the ballot initiative originated as a grassroots effort bent on rooting out dishonesty and foiling special-interest influence in government, according to David Broder, *The Washington Post’s* senior political analyst whose sentiments stand opposed to the present ballot initiative process, the initiative has become a favored tool of interest groups and millionaires with their own political and personal agendas. Broder, reports,

> These players—often not even residents of the states whose laws and constitutions they seek to rewrite—have learned that the initiative is a more efficient way of achieving their ends than the cumbersome and often time-consuming process of supporting candidates for public office and then lobbying them to pass legislation. ("Take Back" 6)

The initiative process has largely moved beyond its grassroots origins. It is rarely the province of idealistic volunteers who gather signatures to
place legislation of their own devising on the ballot. The initiative process has become lucrative business. Initiatives cannot get on the ballot without the cash needed to hire the companies that wage initiative campaigns. Lawyers, campaign consultants and signature gathering firms see each election cycle as an opportunity to make money on initiatives that, in many cases, only a handful of people are pushing.

The ballot initiative process has the best of intentions—to give ordinary citizens the ability to change laws. Instead, however, the initiative process has gone badly awry. In its current incantation, it permits wealthy special interest groups to bypass the deliberative process and change laws to suit their narrow self-interest. An initiative campaign defies the checks and balances of the usual legislative process (Broder, Democracy). It promises and often delivers radical change overnight, and this can have and has had very scary consequences for social agendas that the constitution guarantees in the way of equal rights.

The growing rash of so-called state Civil Rights Initiatives provide a case in point. Regardless of their titles, they are intended to eliminate affirmative action strategies across the board. The flagship legislation for these initiatives is the California Civil Rights Initiative of 1996, which was penned by two white male academics in the California University system, Glynn Custred and Thomas Wood. Custred and Wood felt race-based hiring and admissions decisions had infringed on their individual rights. They studied the equal employment opportunity section of Title VII of the Civil Rights Act of 1964, which reads:

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

Custred and Wood determined that the language of Title VII specifically prohibits preferential treatment to any person or any group because of race, gender or national origin and thought “There is nothing wrong with this. It is just not being enforced because whites are the ones being discriminated against” (Chavez 18).

Believing that their initiative would restore the 1964 Civil Rights Act to its original meaning, they imported its language directly into the ballot text of the California Civil Rights Initiative, Proposition 209, which reads:
The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting.

Custred and Wood reinterpreted the Civil Rights Act, arguing that it prohibited taking race and gender into account—not promoted it. From their perspective that affirmative action discriminates against white males and others who are not considered "underrepresented minorities," the initiative sponsors co-opted the language of the Civil Rights Act and turned it on its head in veritable backlash fashion. Custred and Wood discovered a linguistic sure bet to put an end to the use of race and gender preferences in hiring and admissions.

Conservatives in California viewed anti-affirmative action as an issue that would put white voters—especially white males—in opposition to voters of color and liberal voters. Riding high on the wave of angry white sentiment generated in the Proposition 187 campaign, Governor Pete Wilson planned to use Proposition 209 as the means to seek the Republican Party’s Presidential nomination. Then Ward Connerly, a successful, conservative, African American businessman, University of California Regent, and a friend of Governor Wilson’s entered the scene. Connerly believed that affirmative action was no longer necessary. He spoke eloquently against racial preferences. The wealthy white conservative supporters backing Proposition 209 saw the impact Connerly could have on their campaign. He mesmerized audiences with talk about the humiliation of drinking from a fountain labeled “Colored Only” and about the unfairness of affirmative action. Connerly reasoned that using race as criteria for employment and admissions decisions represents another form of segregation. With Governor Wilson’s backing, Connerly kept the issue of affirmative action front and center during the election campaign. He also spearheaded the California Board of University Regents’ vote that ended affirmative action in admissions in the California University system even though all nine University Chancellors opposed the action.

Conservative backers of the California Civil Rights Initiative and Wilson probably could not have succeeded had voters understood the rhetorical finessing of the issues. Polls indicated that although most white Californians wanted to preserve affirmative action, they wanted to end “racial preferences,” “quotas,” and “set-asides” that seemed to promote “reverse discrimination.” The ballot text did not actually mention
affirmative action, and voters were not asked to eliminate affirmative action when they stepped into the voting booth. They were asked to support an initiative that prohibited the state from “discriminating against, or granting preferential treatment to, any individual or group” on the basis of race or gender. It was difficult to disagree with such a high-minded principle. The initiative sounded like it could have been written by Dr. Martin Luther King, Jr., himself. The initiative’s very title—the California Civil Rights Initiative—appropriated the ideals and lifework of King.

The warped success of this backlash strategy is vividly illustrated by Lydia Chavez, a professor in the Graduate School of Journalism at the University of California, Berkeley, who claims in her book The Color Bind that she benefited from affirmative action and wished to understand California’s bid to end it. Chavez’s reading of a campaign commercial in favor of Proposition 209, which ran in California just prior to the election, is particularly telling. The commercial opens with a montage of faces. A female narrator says: “We should be judged on merit, not by gender or the color of our skin.” While a solo piano melody plays, a middle-aged white woman with blonde hair steps out from a group of people, which includes some Latinos and Asians. The camera focuses on the white woman while the female narrator says: “Job quotas and preferences are wrong. Proposition 209 ends quotas and special treatment. But Bill Clinton opposes Proposition 209, just like he opposed Proposition 187.”

The commercial cuts to grainy black-and-white footage of Clinton in which he looks like he is listening to someone else talk and is not happy with what he hears. Then it cuts to footage of Martin Luther King’s 1963 speech at the Lincoln Memorial in Washington. The sound bite from King reverberates: “... where they will not be judged by the color of their skin but by the content of their character. I have a dream today!” The ad then cuts back to a close-up of the woman, and the female narrator says, “Martin Luther King was right. Bill Clinton is wrong to oppose Proposition 209. Let’s get rid of all preferences.” The commercial ends with a plug to vote “Yes” on Proposition 209 in white letters against a backdrop of the Declaration of Independence and a waving American flag (Chavez 218–19). The misappropriation of King’s ideals and the language of civil rights was undoubtedly meant to confuse voters—a rhetorical intent that was successfully, albeit spuriously, achieved.

The nuanced distinction between favoring affirmative action and abhorring preferential treatment was occluded by lexical choices in the ballot text. If the ballot text had used the term “affirmative action,” the California Civil Rights Initiative likely would not have passed. The
strategy to put race-based politics to a popular vote, state by state, using language that elides intent puts those policies at a distinct disadvantage.

The Rhetorical Semiotics of Race
The contest over affirmative action is primarily about race—not only as issue, but also as rhetorical device. Skin color has been used as a key image and condensing symbol in the Civil Rights Initiative campaigns in every state where initiatives have been put to the test. The omnipresence of Ward Connerly, the conservative African American from California, who is organizing and bank rolling the signature petitions required to set affirmative action to popular vote state-by-state, has used skin color and traditional African American oratory to full advantage. The impact of a successful African American man publicly and eloquently questioning affirmative action in the name of fairness has been very powerful. His skin color and elocution have worked as a powerful social semiotic to assuage white guilt and garner white votes. Connerly’s black skin is central to the success of the state initiatives. It helps white swing voters make up their minds, “If a Black man says it’s OK to vote for this measure, then it can’t be racist.” The device worked so well in California, it has been used to equal effect in Washington and Florida, where Connerly himself crossed state lines to assume a prominent public stance in the campaigns.

Racist semiotics were in view during the Washington State Civil Rights Initiative campaign. In addition to Ward Connerly, Mary Radcliffe—an African American conservative who is the wife of a Yale graduated, retired Boeing executive and lives in the wealthy Seattle suburb of Bellevue—campaigned widely in support of Initiative 200. John Carlson, the initiative’s sponsor asked Radcliffe to stump for the anti-affirmative action measure, and she agreed because “she longs to live in a colorblind society.” During the campaign, Radcliffe said she was ignored by reporters, forced to resign from a church committee on racism, and ridiculed by other African Americans. At campaign forums, African Americans called her a “white man’s slave” and a “traitor to her race.” During one reception, she was confronted by several young African Americans who barraged her with racial slurs. Whites, however, loved what she had to say (McBride).

In California, in Washington and in Florida, people of color have been hired to gather signatures, a process that has served the racist semiotics of the initiatives. For instance, wealthy initiative backers have tried to hire as many people of color as they can find to gather signatures because both white voters and voters of color are much more likely to
agree to sign a petition on "civil rights" or against "preferential treatment" that has been handed to them by a person of color.

White signature gatherers have learned to adjust their explanation of the initiatives based on the skin color of the potential signer. In a series for the Seattle Times, "The Future of Affirmative Action: What Do Whites Want?" Tom Brune and Lynne Varner report that Gloria Brown, who gets 75 cents for each person who signs her petition says, "If they're Black, we say it's to stop the government from discriminating against people because of their race and that it's a civil-rights initiative. But if they're white, we tell them it will ban affirmative action." Another white signature gatherer who identified himself only as Bob while collecting signatures with Brown stated abruptly, "I don't even bother with Blacks anymore; they know what's going on. I just ask whites."

In the year 2000 campaign for U.S. President, racist semiotics were also in evidence. Both Republican and Democratic Presidential candidates repeatedly affirmed a commitment to "equality" but not to "quotas" or "preferences." Additionally, at the Republican National Convention, a party that is eighty-three percent white (Frankel), more people of color and women paraded on stage to the Latin music of Ricky Martin than could possibly account for the actual voting number of women or people of color in the Republican Party. It is no wonder that voters are "fuzzy" on affirmative action and the state ballot initiatives intended to end it.

Whereas polls indicate that most whites are not opposed to the ideals of affirmative action, they perceive that it works unfairly for white males and would like to reform it—a campaign that had been reduced to "mend it, don't end it" (Gore). Nonetheless, when given only a "thumbs-up or thumbs-down choice," as the initiatives have done so far, most white voters vote thumbs down. It helps the anti-affirmative action cause when faces of color are appropriated in service of racist sentiments that presuppose "All brown, black, red, yellow faces think X." White voters, whose race is generally invisible to them—white not being perceived as a color—conflate the presence of a face of color to mean, "No harm will come to people of color if I vote to protect my own white interests." The future of affirmative action remains in the hands of white voters, who dominate the voting in nearly every state and who also continue to exert control over most public and private institutions, which are targets of most race- and gender-conscious policies (Brune and Varner). If white support for affirmative action fades, and racist semiotics continue to play
a role in constructing racial and ethnic reductionism to assuage white
guilt, the policies will invariably wither.

**Culture Wars and Control of Public Discourse**

Affirmative action’s historical slide from favor can be attributed in part
to the incredible success of the New Right’s culture wars. A cultural war
of ideas is being waged against those who dare to question “sedimented
forms of racism, debilitating practices of patriarchy, xenophobia”
(Scatamburlo 26) and the structural organization of resources, which
results in disproportionate numbers of women and people of color living
in abject poverty compared with the larger population. This counterassault
on progressive movements is the result of an ideological struggle to
recuperate the primacy of “Western civilization” and to protect late
capitalism, both of which conservatives believe are under siege from
those who speak out against oppressive relations of racism, sexism,
classism, and homophobia. Several scholars have described the remark-
able success of the New Right’s backlash offensives—ones that combine
corporate power and finance, conservative political and religious
groups—aimed at delegitimizing democratic discourse (see, Apple;
Faludi; Scatamburlo; Levitas; McLaren; Shor). These scholars among
others have alluded to the ways in which rhetoric structures the New
Right’s culture wars, identifying the ubiquitous rise of talk shows and
the megaconglomeration of mainstream presses as the predominant
battlefronts.

Prevalent use of buzzwords, images, slogans, and sound bites that
demonize any and all ideas associated with the Left or with liberalism
have allowed the New Right to secure its hegemony over public opinion
on hot-button issues such as immigration, the war on crime, healthcare,
education, English-only laws, and, now, affirmative action. The New
Right has very successfully managed to capture the attention of many
white working-class males, whose economic situation has significantly
declined in recent decades, by providing them with the language and the
public forums to routinely express their anger and frustration. The
proliferation of right-wing talk shows, which typically target women and
“minorities” as the culprits responsible for the declining material
conditions of many white males, have turned up the volume of fear and
hate. Also, with heated “cross-fire” representations, which cast issues
“reported” in newspapers, on the radio and on television in simplistic
polemics—right vs. left, liberal vs. conservative, big government vs.
individual rights, black vs. white, male vs. female—they have suc-
Jac successfully managed to manipulate and control the terms of public debate.

Affirmative action has become an ideological code of sorts—part of the master trope that is used to dehistoricize and decontextualize issues, undermine democratic critique, and constrain the bounds of debate. Understanding the nature of ideological codes is critical to discerning the scope and strength of conservative hegemony. According to Dorothy Smith, ideological codes operate as forms of control in the relations of public discourse. The buzzwords, images, slogans, and sound bites used to frame debate on an issue constitute its ideological coding. An ideological code can replicate and erupt in any discursive site—in the newspapers and media; out of the mouths of political candidates, elected officials and talk show pundits; in conversation among ordinary folks at a cocktail party.

An ideological code organizes talk, thinking, writing and the kinds of images and stories that can be produced about an issue. Ideological codes often are components of master narratives. They are the terms and symbols that transfer the logic of the master narrative into a variety of discursive sites where the ideology itself may not be able to assimilate. They operate fairly independently as rhetorical devices, carrying the effects but not the body of the master narrative that governed their design. This is their power and, according to Smith, their “utility to the right-wing industries of power” (31). The ideological code represented by the buzzword, image, slogan or sound bite is specialized to focus on regulating the authority of participants in public discourse and thereby restricting who can be part of the making of its topics and relevances and hence social forms of consciousness (27–31).

Wording, of course, constructs reality in politics. Code words are deployed, become highly charged, and often take on very different connotations depending on the speaker and the context. In the debate surrounding affirmative action, words such as “fairness,” “merit,” “achievement,” “preference,” “qualification,” and even “race” and “equality” themselves are amorphous and highly charged. For example, when the wording of questions about race in an affirmative action referendum in Houston was changed in relatively minor ways, radical differences in polling resulted (Verhovek). The opposition fought to keep the term “affirmative action” off the ballot, supporting the use of “racial preferences” instead. Polls indicated that voters were opposed to granting preferences, but supported affirmative action. The judiciary ruled in favor of ballot language using “affirma-
Opponents of affirmative action have worked diligently to assure that the terms "reverse discrimination," "racial preferences," "quotas," "racial set-asides," and "preferential treatment" become the adopted lexicon of the anti-affirmative action movement because they are terms that gall white voters. For instance, the New Right-affiliated 2000 Republican gubernatorial candidate in the state of Washington, John Carlson, who sponsored the Washington State Civil Rights Initiative, bears quoting at length:

The Washington State ballot initiative sought to end racial preferences, quotas and reverse discrimination by any government entity in Washington State. In other words, I-200 prohibits the State of Washington from hiring, promotion, and contracting decisions which are based on racial criteria. Just like the Civil Rights Act of 1964 intended. Just as the U.S. Constitution intended.... Vocal and wealthy opponents of the initiative included NAACP, ACLU, and, of course, Big Business in Seattle! They were all rending their clothes and crying that I-200 would end "Affirmative Action." That's not even close to accurate. Washington State's I-200 was actually modeled on the Civil Rights Act of 1964 which outlawed racial and gender discrimination. Like California's Prop. 209, Washington's I-200 seeks only to restore constitutional protections against racial discrimination against ANY race at the state level.... ACLU tried and failed a particularly dishonest tactic to derail [the initiative]. ACLU tried the "Houston Strategy," as it is known among the supporters of racial quotas, and it is as simple as it is dishonest. The "Houston Strategy" seeks to get the courts, or the legislature, or the applicable ruling body to change the language on any ballot initiative, which seeks to end racial quotas and preferences to state that the initiative actually seeks to end "Affirmative Action." Which, of course, is absolutely false and misleading in the Washington I-200 Initiative: The I-200 ballot initiative sought only to end quotas and preferences! It left in place any Affirmative Action and/or Outreach programs that do not use racial categories. (2–3)

However, the passage of I-200 did end affirmative action in contracting, hiring, and admissions in Washington State. Never mind that Washington is a state where eighty-five percent of the work force is white, where white men, who include Bill Gates, the richest man in the world, and numerous other Microsoft millionaires, have the lion's share of money and power. Never mind that I-200 preserved "preferential treatment" for veterans and
the disabled, who in the state of Washington are predominantly white.\textsuperscript{7} Never mind that given white domination of nearly every public institution, state and city governments, and big businesses in the state, and given Washington’s booming economy (unemployment was at less than one percent when I-200 passed), it is difficult to understand the fear among whites that has motivated the push to roll back affirmative action there. Racism provides the only logical analysis.

Clearly, New Right supporters of these state civil rights initiatives have constructed with deft use of language the requisite white fear and hostility needed to win votes. (Simply check the Florida Civil Rights Initiative’s web site to see more of this rhetorical flaming in action: http://www.fcri.org/faq.htm.) Language itself is a casualty in these heated debates. With the ideological coding of the debates, the Right suggests that white males, in particular, are being discriminated against by racial and gender “preferences,” “set-asides” and “quotas.” Where state and national polls show voters tend to support “affirmative action” but not “preferential treatment,” the ballot measure’s use of the term “preferential treatment” nearly guarantees that the rest will be simple. When people who are used to an advantage feel any encroachment on that advantage, it can feel unjust. If a person in the dominant group feels threatened by language that names “women” and “people of color” as the reason why they are not better off, they feel discriminated against. “It is not a stretch for a dominant group to believe it is being oppressed by the very people it hobbles” (Lange), which is exactly what the New Right wants white voters to think, and white voters are playing right into their hands.

Need for Left/Liberal Activism in Non-Academic Venues

The number of professors who identify themselves as “Left-leaning” or “radical” is between four and six percent (American Council on Education). Left-leaning progressives who might participate more fully in “public discourse” or in activism that bridges the university and community have failed to communicate successfully to audiences outside the academy. Valerie Scatamburlo offers insight on this:

Left discourses and political practices organized around difference, multiculturalism, and identity politics have been unable to satisfactorily address the concerns and insecurities of many white working and middle-class people. . . . Many Left theoreticians have downplayed the significance of capitalism. . . . [C]urrent postmodern romance with the cultural and the discursive and the lack of attention accorded to political economy
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and other infrastructural issues . . . has resulted in a situation where politics has been redefined as a signifying activity rather than being identified with the mobilization of forces against the sources of political and economic marginalization. (193)

If those on the Left are to have a hand in shaping the future, they must "engage less in arcane debates among themselves and more in producing activist knowledge" (Scatamburlo 228). We must "go public" (Mortensen). We must work directly to build coalitions with others interested in visions of democracy and justice for all, even when particular special interests would pull us apart. Scatamburlo argues that it is imperative for Left progressives to assume the role of "public intellectuals," to translate critical intellectual work in a way that makes it accessible to non-academic publics, and to commit themselves extensively and unrelentingly to the struggle for a more just and humane world (228–30).

We academics on the Left have been lax in our civic participation. In rhetoric and composition, a number of scholars have lamented the disappearance of the public intellectual for whom Scatamburlo calls (see for example, Halloran; Schiappa; Mortenson). Edward Schiappa asserts that "The place for cultural critique by teachers and scholars of rhetorical studies is not only the classroom or academic books and journals, but also 'in the streets' and in other nonacademic public and private forums" (21). If affirmative action is to survive, critical rhetorical theorists need to act as activists—as agents of social change outside the university as well as in it. As Ellen Cushman explains,

Activism begins with a commitment to breaking down the sociological barriers between universities and communities. And if we see ourselves as both civic participants and as preparing students for greater civic participation, then activism becomes a means to a well defined end for approaching the community. . . . Activism means accepting a civic duty to empower people with our positions, a type of leftist stealing from the rich to give to the poor. (12, 14)

The affirmative action battle is being fought in language. Who better than rhetoric scholars and teachers to think about linguistic ways to fight back and then to act upon them?

Many critical theorists believe that the primary venue for their activism is the classroom. We presume that "the primary means of affecting social change is to translate activism into liberatory classroom pedagogies" (Cushman 7). Certainly, liberatory pedagogies are commit-
ted to “transforming action” through dialogue (Freire 107), and Left-leaning rhetoric scholars can accomplish much in the classroom in the way of unpacking the language of the affirmative action debates and State Civil Rights Initiatives by engaging in critical dialogue with our students about issues of concern. Examining some of the foundational terms and ideological platforms underlying affirmative action logic and its opposition might lead students to greater clarity on the issues.

Another topic that is ripe for such dialogue is the topic of affirmative action in the context of college and university admissions policies. William Bowen, President of the Andrew W. Mellon Foundation and former President of Princeton University, and Derek Bok, the 300th Anniversary University Professor at the John F. Kennedy School of Government at Harvard University and a former President of Harvard University, have written an exhaustive study unpacking assumptions about “merit” and analyzing race-sensitive protocols in highly selective public and private college and university admissions processes (*The Shape of the River: The Long-Term Consequences of Considering Race in College and University Admissions*), which is a valuable and accessible resource for such discussions. Bowen and Bok and their collaborators demonstrate unequivocally that matriculated students of every race, on the whole, have been largely successful during their college years and beyond, and that diversity among the student body serves the educational needs of all students. Their study troubles notions of “qualification,” “fairness” and “equity,” which have been used to great advantage by the anti-affirmative action ideologues. Bowen and Bok conclude that the academically selective colleges and universities in their sample have been highly successful in “using race-sensitive admissions policies to advance the educational goals important to them and societal goals important to everyone” (290).

However, talk does not necessarily lead to action; we can do more. We must also find a way to effect social change through what Ellen Cushman calls “civic participation,” as well, if our hopes for a more just and inclusive society are to survive the reversal of affirmative action. Both Cushman and Elizabeth Ervin have detailed the difficulties involved in civic activism at the local level. Both scholars describe the ways in which historically rooted irritations between townspeople and academics thwart the success of persuasive argumentation across local communicative borders. Academics’ argumentative strategies become irrelevant if they “disparage, disregard, or otherwise frustrate the contributions of nonexperts,” which typically is the case when we offer “expert” opinion
When participants in a community debate construct arguments that “talk past” their opponents, they tend to “intellectually and rhetorically dig in their heels, refusing to consider alternative positions and thus aggravating existing tensions” (449). Academics’ presumptions of intellectual authority are sometimes at odds with our civic desires (467). In these ways, lines of communication close and we are unable to “lend our status” (Cushman) to civic debate and activism. Participants in a public debate must respect the self-conceptions of their opponents. We might need to listen more than we talk. We might find paths of access to our communities through our students. I know I have learned a great deal about my community from meeting and talking with my students on their turf rather than mine, and in so doing, have found a number of locations where I can actively “lend my status” to positive social change (see, Bruce and Davis).

As intellectuals in the public eye, we can do much to recall the local and historical meanings of terms co-opted by the New Right in backlash rhetorics. We need at every turn to aggressively and vigorously recuperate the language of the Civil Rights and feminist movements. We need to re-member it. We need to re-appropriate—in our classrooms, in our conversations about town, in Letters to the Editor and Op-Ed pieces in our local and campus papers—the historical primacy of such terms as “equality,” “fairness,” “merit,” and “civil rights” that have been turned on their heads by anti-affirmative action campaigns. We need every time to question the inherent racism and sexism assumed when an acquaintance, friend, or colleague suggests that a woman or person of color was selected “unfairly” for the job or the graduate school slot or the promotion because of affirmative action. We need to question the normalcy of assumptions that routinely name the woman or person of color as “less qualified” than the white man. The New Right can maintain its hegemony only in the absence of equally persuasive ideological systems. Let us make room for conversation that will unlock the monologue.

Epilogue
As I put the finishing touches on this essay in the wake of the September 11, 2001 attacks in New York City, Washington, D.C. and Pennsylvania, the resultant racial profiling and violence against Arab Americans and American Muslims in U.S. streets, and the unilateral call to arms, I conclude that the call for intellectual activism in public discourse is even more vital. On September 11, 2001, incapacitated by the horror emerging in breaking news reports, I thought about what I could
possibly do in response. I read, write and teach for a living. "Of what little use might I be?"

I started small in my classes. I asked my students to analyze the rhetorical effects of the news caption "Attack on America." I asked them to imagine other ideological code words the news anchors and producers might have selected: "attack on three buildings and an airplane," "attack on humanity," "attack on religious autonomy," "attack on capitalism," "attack on democracy" "attack on U.S. military might" are some terministic alternatives we brainstormed and unpacked. I talked about the ideological solidarity invoked by the various symbols appearing before us and the rhetorical coding of the ongoing reports. We talked about racism and how quickly it reared its evil head in the aftermath of terror. I explained why I would choose to express my support for the victims and their loved ones by wearing a black armband instead of pinning on a red-white-and-blue or yellow ribbon or waving an American flag.

I recommitted to my resolve to speak boldly against violence and identify its attachments to racial, religious, ethnic, economic, and gender injustices in our backyards and around the globe. I recommitted my resolve to work vigorously to unmask language that promotes violence in all its subtle and heinous incarnations and to do it not only in the classroom, but in the streets and at home.

Extremist hate and fear in all their loathsome forms begin in language. Helping others understand the impact language has on the construction of reality and acknowledging that peace begins with talk of peace, gives me reason to hope again.

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Notes

1. When Initiative 200 passed in Washington in November 1998, initiative opponents like myself blamed confusion over language. However, a Seattle Times poll conducted at the time of the election indicated otherwise. The poll showed confusion was limited to a small percentage of voters, and it occurred almost equally among those both for and against I-200. Most voters, the poll indicated, unlike me, understood what their votes meant (Brune and Varner). I felt a great deal of empathy for the confused voters in Florida, who claimed they had voted erroneously for President during the year 2000 election.

2. Free tuition in the CUNY system was short-lived. By 1976 students were forced to pay tuition because New York City filed for bankruptcy in 1975.

3. In the present era of educational standards and professional accountability, support wanes for strategies that continue to enact civil rights efforts
launched in the 1960s. In January 1999, CUNY abandoned its open admissions project. The Board of Trustees of the City University of New York (CUNY) "voted to phase out all remedial instruction at its four-year colleges and to deny admission to any student who has not passed three skills-assessment tests measuring competency in reading, writing, and mathematics" (Fullinwider).

4. I focus exclusively on challenges to affirmative action in college admissions; however, it is noted that affirmative action has also been legally challenged in contracting and hiring decisions. See in particular the 1995 Supreme Court decision Adarand v. Pena.

5. The use of the term "quotas" is an important code word in the rhetorical battle. Historically, quota systems were designed to keep people out. "Quota" has special meaning for Jewish voters. Quotas were used in the past to limit Jewish participation in social, professional, and educational institutions. Non-Jewish white workers perceive the rhetorical effect of the term "quota" from racial resentments, which suggest that blacks are receiving unfair special advantages (Gamson and Modigliani 139).

6. In a year when the margin of difference between candidates was extremely close, John Carlson was soundly defeated by incumbent candidate, Governor Gary Locke.

7. Carlson reasoned that veterans and the disabled had accomplished something to earn their privileges, but people of color and women did not (Varner).

8. I am deeply indebted to Professors William Haltom and David Sousa, Department of Politics and Government, and Nancy Bristow, Department of History, at the University of Puget Sound; Michael Honey in the College of Interdisciplinary Arts and Sciences at the University of Washington at Tacoma; Frank Margonis, in the Department of Education, Culture and Society at the University of Utah; and Peter Callaghan, senior political analyst at the Tacoma News Tribune for generous research assistance. I also wish to thank Julian Edgoose, Eileen Schell, Katie Kane, Jill Bergman and two anonymous JAC reviewers for thoughtful responses to early drafts of this essay. Earlier versions of this essay were presented at the Conference on College Composition and Communication in Minneapolis (April 2000), at the Annual Meeting of the American Educational Studies Association in Vancouver, British Columbia (November 2000), and at the Conference on College Composition and Communication in Denver (March 2001).

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