

UC Irvine

UC Irvine Electronic Theses and Dissertations

Title

Critical Race Theory Bans and Reactionary Whiteness

Permalink

<https://escholarship.org/uc/item/2bb4d7h3>

Author

Brereton, Cameo

Publication Date

2023

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA,
IRVINE

Critical Race Theory Bans and Reactionary Whiteness

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Political Science

by

Cameo Brereton

Dissertation Committee:
Associate Professor Mary McThomas, Co-Chair
Professor Michael Tesler, Co-Chair
Associate Professor Davin Phoenix

2023

DEDICATION

To Quentin, my parents, and my family and friends for their support and encouragement.

*And I could cry power
Power has been cried by those stronger than me
Straight into the face that tells you to
Rattle your chains if you love being free.*

Hozier ft. Mavis Staples, “Nina Cried Power”

TABLE OF CONTENTS

| | Page |
|--|------|
| LIST OF FIGURES | iv |
| LIST OF TABLES | v |
| ACKNOWLEDGEMENTS | vi |
| VITA | vii |
| ABSTRACT OF THE DISSERTATION | viii |
| INTRODUCTION | 1 |
| Works Cited | 17 |
| CHAPTER 2: Theory and Literature Review | 18 |
| Works Cited | 54 |
| CHAPTER 3: Legislative Analysis | 68 |
| Works Cited | 102 |
| CHAPTER 4: Legislative Hearings | 105 |
| Works Cited | 151 |
| CHAPTER 5: Public Opinion | 154 |
| Works Cited | 184 |
| CHAPTER 6: Conclusion | 189 |
| Works Cited | 199 |
| APPENDIX A: Extended CRT Bill Language | 200 |
| APPENDIX B: 2021 Virginia Gubernatorial Campaign Rhetoric | 218 |
| APPENDIX C: Racial Breakdown of 2021 Virginia Gubernatorial Vote | 221 |

LIST OF FIGURES

| | Page |
|---|------|
| Figure 1. Google Trends results for “critical race theory.” | 162 |
| Figure 2. Google Trends results for “CRT.” | 162 |

LIST OF TABLES

| | Page |
|--|------|
| CHAPTER 4 | |
| Table 1. All CRT bills targeting K-12 public education passed as of October 20, 2022 | 109 |
| CHAPTER 5 | |
| Table 1. The Economist/YouGov Poll, June 13 - 15, 2021; “How much have you heard about critical race theory?” | 169 |
| Table 2. The Economist/YouGov Poll, June 13 - 15, 2021; “Do you have a good idea of what critical race theory is?” | 170 |
| Table 3. The Economist/YouGov Poll, June 13 - 15, 2021; “Do you have a favorable or unfavorable opinion of critical race theory?” | 172 |
| Table 4. Virginia Emerson College/Nexstar Media Group poll, October 1-3, 2021 | 176 |
| Table 5. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” Overall. | 176 |
| Table 6. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” By governor vote preference. | 177 |
| Table 7. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” By race. | 178 |
| Table 8. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” White respondents only. | 180 |
| Table 9. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” Black respondents only. | 181 |

ACKNOWLEDGEMENTS

First and foremost, the greatest thanks to my committee members for their immense patience and grace with me as I worked through not only the typical trials and tribulations of graduate school, but a global pandemic to boot. For their encouragement of my ideas as well as their invaluable input and feedback as to potential directions and improvements to my own work, I cannot thank them enough. To Mary, especially, for going out of her way to keep me on track and for her endless kindness, support, and good advice.

I would also like to thank other UC Irvine faculty members whose advice, suggestions, and ideas were indispensable in getting me to the finish line—in particular, Graeme Boushey and Danielle Thomsen in the Political Science department, and Allison Perlman in the History department.

Thanks as well to many of my friends and colleagues who took time out of their own hectic graduate school schedules to read innumerable drafts and hold brainstorm sessions, as well to act as the occasional sounding board for my anxieties and woes. I'd like to thank the other members of the Center for the Study of Democracy writing group, as well as Kyle, Ben, Emily, and Steven for lots and lots of help and moral support. To my parents, friends, and family back home as well for your love and support from afar. You've all been a lifeline to the "real world" that has been crucial in keeping me grounded. My gratitude as well to the University of California, Irvine, for providing financial support.

Last in order but arguably first in significance, I must try and inevitably fail to express the depths of my gratitude to Quentin, for his selflessness, limitless patience, and good humor as I waded through the isolating, stressful, and taxing project of obtaining a Ph.D. Your presence, love, and support mean the world to me and there is, indisputably, no way I could've succeeded without you by my side all these years.

VITA

Cameo Brereton

- 2014 B.A. in Political Science, minor in Philosophy, University of Washington
- 2017-2023 Teaching Assistant, School of Social Science, University of California, Irvine
- 2022 M.A. in Political Science, University of California, Irvine
- 2023 Ph.D. in Political Science, University of California, Irvine

FIELD OF STUDY

Race and gender in American politics; critical whiteness studies.

ABSTRACT OF THE DISSERTATION

Critical Race Theory Bans and Reactionary Whiteness

by

Cameo Brereton

Doctor of Philosophy in Political Science

University of California, Irvine, 2023

Associate Professor Mary McThomas, Co-Chair

Professor Michael Tesler, Co-Chair

I examine the discursive strategies used by lawmakers in state legislatures to explain and justify the slate of anti-critical race theory legislation introduced and passed in the wake of President Donald Trump's Executive Order No. 13950 in September 2020. Using a critical discourse analysis framework, I explain how the legislators weaponize the rhetoric of colorblindness, using race-neutral language to defend legislation that is nonetheless still aimed at upholding and maintaining systems of white racial privilege. To do so, I thematically coded the language used by legislators who supported the legislation in committee and floor hearings in state legislatures where anti-CRT bills were passed to determine the common themes and strategies used to defend and justify the bills. I also use public opinion data collected during the Virginia gubernatorial election in 2021 to demonstrate how the rhetoric and arguments used by political elites in defending anti-CRT legislation has impacted public opinion and support for politicians who support anti-CRT policies.

INTRODUCTION

“It's absolutely astonishing how critical race theory has pervaded every institution in the federal government and what I've discovered is that critical race theory has become, in essence, the default ideology of the federal bureaucracy and is now being weaponized against the American people.” – Christopher Rufo, *Tucker Carlson Tonight*, September 1, 2020

From time to time, it seems possible to trace the beginning of a movement back to a single portentous moment. That moment, for the events that are the subject of this dissertation, occurred on September 1, 2020, when Fox News television host and conservative pundit Tucker Carlson welcomed an activist from Seattle, Christopher Rufo, to his former evening news show. This interview, seen by Carlson's average nightly viewership of approximately 4.3 million (Katz, 2020), introduced perhaps most of these viewers to a new concept, “critical race theory.” This audience most likely also included then-President Donald Trump. The brief quotation from this interview with which I've opened this chapter was but one component of Rufo's argument throughout the interview that critical race theory constituted a significant threat to the American way of life and was already deeply embedded in government institutions and public universities. Although part of my focus in the chapters that follow is on the extent to which Rufo's comments were accurate and what the underlying intent of such a message is, I wish to begin by highlighting the deep cleavages in American society and politics that the ensuing debate over critical race theory (“CRT”) reveals.

Rufo's take on critical race theory is, in large part, reflective simply of typical conservative preoccupations with patriotism and un-American ideas, as well as the sundry disagreements most citizens might have over political issues like race or education. However, the battle over CRT—a body of primarily legal scholarship—that followed in the wake of Rufo's Fox News appearance also reflects more profound differences in modes of understanding society and the world around us. Rufo's position, on a deeper level, is emblematic of the more profound shift

from a modern era to a postmodern one that characterizes much of the conflict besetting western nations. The modernist paradigm has come under challenge as the western world has moved increasingly into a “postmodern” era, and we can begin to see the gulf between these two orientations in analyzing the culture war that has erupted over CRT.

Modernist Vestiges amid Postmodern Turns

While the modern era, and the worldview that is thought to characterize it, is often thought to have peaked during the 19th and 20th centuries. Debates over periodization aside, my personal inclination is to trace the earliest seeds of modernism back to Rene Descartes’ 1637 proclamation of “I think, therefore I am.” In some respects preceded by the Renaissance and the shift away from the premodern feudal age, I would submit that Descartes’ positioning of the singular “I” at the center of inquiry heralded the modernist framework. After this, the individual became the prime subject and unit of analysis of European political thought, philosophy, and science—the direct forebear of our contemporary American notion of “rugged individualism” which continues to imbue so much of the political imagination in this country. This individualism was further entrenched as the Age of Enlightenment proceeded, with countless European philosophers and political thinkers crafting an entire western canon on a foundation of individual rights and individual prerogative.

At the same time, Descartes’ emphasis on determining the firmest ground on which to base further discovery also signals the burgeoning Enlightenment-era commitment to empiricism, objectivity, and rationality in pursuit of universal truths. This conception of an unencumbered individual, pursuing God’s infallible and universal truth and capable of doing so by strict adherence to a rational and logical strategy of inquiry using divinely-endowed faculties of reason, is a model that has prevailed in Western minds ever since. This modernist paradigm

has elevated the role of human faculties for reason as the defining feature of humanity and, by extension, of civilized society. It has also lionized that rationality in order to exclude, other, and dehumanize other people who, by elite decree, might serve as an exploitable underclass by virtue of their supposedly innate lack of reason.

The modernist project relies on the metaphysical existence of objective and universal truth, one that human beings can empirically come to know and understand, either as bestowed by God or via some other kind of divine sanction. The idea of grand overarching truths to which we are all bound and which we may all uncover—those of us endowed with reason, anyway—continues to be the unspoken assumption of most scientific modes and enterprises. The way science, as “scientific method,” is still taught today reflects this—if we test our hypotheses against our observations, gather enough evidence and course-correct in the face of new discoveries, we shall ultimately end up at the fundamental laws that govern the universe. This is not a worldview that allows for partial or undeterminable truths, or for the perspectives of those deemed unfit to contribute to such a grand endeavor. It is also a worldview which is constructed primarily by what it is not—by what (and whom) it excludes, building a conception of humanity that encompasses only the few who are, evidently, equipped with the proper faculties. Historically, that has meant the white, wealthy, and male among us.

This is in contrast to the more relativistic position of postmodernism where there is no true “objective truth” to uncover. Although the intricacies of how and to what extent critical race scholarship reflects a postmodern orientation is beyond the scope of my efforts here, it is nonetheless important to understand the historical baggage that some key concepts of modernity—like individualism, reason, and objectivity—carry in how they have been used to uphold and justify the racial and gender regimes of a capitalist, imperialist western order. This

includes, for instance, the scientific racism that purported to “objectively” and empirically prove the existence of distinct races, as well as the superiority of some and inferiority of others (for some discussion of this, see Painter, 2011). The notion of a unique capacity for reason as the defining feature of humanity and the prerequisite for civilization was also a core facet in justifying the conquest and subjugation of non-white peoples (deemed “nonhuman”) the world over.

Postmodernism involves a rejection of most, if not all, of the key tenets of the modernist perspective. Importantly, this includes questioning the possibility of true objectivity, as knowledge, experiences, and claims are all rooted in limited and subjective perspectives. It also includes rejecting the notion of universal truths, either as bestowed by God or otherwise; together, these lead to a more relativistic take on truth, science, and morality, all of which were areas the modern era sought to hone to their “truest” or most “objective” essence.

Postmodernism also leads to a critique and deconstruction of the strictly defined categories typical of the modernist or Enlightenment tendency to create hierarchies by which to sort all aspects of life into—people, animals, or otherwise. This relativistic and subjective orientation, combined with a focus on the role of ideologies in crafting our inherited understandings of the world, is what makes postmodernism fraught with the kind of vaguely threatening aura that Rufo speaks of in his interview with Tucker Carlson.

There are several specific moments in the interview that I would point to to illustrate how Rufo’s arguments highlight the tension between a mounting postmodernist paradigm and the increasingly besieged modernist position. After briefly introducing critical race theory, Rufo claims that he has uncovered that the FBI “is now holding weekly seminars on intersectionality,” which he goes on to define as “a hard left academic theory that reduces people to a network of

racial and sexual orientation identities” to “determine whether you are an oppressor or oppressed.” There are many threads to unpack here in terms of how this statement reflects a worldview and commitment to modernist ideas about individualism, the self, and power dynamics. Firstly, this displays the rigid, binary thinking typical of much of Enlightenment-era science and philosophy, as Rufo flattens Kimberle Crenshaw’s theory of intersectionality to simply being a way to determine “oppressed/oppressor” rather than a way to explore the complex and nuanced ways that oppression shapes and informs the life experiences of multiply marginalized people.

Rufo’s statement here also touches on the modernist notion of the liberal “individual” as an autonomous agent, not defined or shackled by community ties or other externally-imposed constraints. The liberal self is one that is reflected in the canon of western political and philosophical thinking, wherein individuals are unencumbered by the complexities of social life around them and are instead, at the core, free and atomistic (take, for instance, Rousseau’s “savage man” or the other social contract theorists’ “state of nature” thought experiments). This notion of the unencumbered self, as stripped down and typified by the “rugged individualism” of American culture more narrowly, is lurking in the subtext of Rufo’s comment, which makes a threatening and shadowy figure out of the “collectivist” impulses of a theory like intersectionality. Intersectionality, in Rufo’s approximation, in fact defines individuals solely by their group/social ties, a fundamental rebuke of the free and sovereign self who cannot and ought not to be relegated to mere group linkages as imposed by outside forces.

In fact, intersectionality is a theory which seeks to explain how those identities—in fact, originally externally-imposed on conquered peoples by the imperial powers of Europe—come to have significant meaning for and impact on those who are marginalized under the yoke of an

oppressive system which labels some identities privileged and some not. In this way, we can start to see that what Rufo's complaint about intersectionality actually reflects is a fear that such a theory, if widespread enough, threatens *white* people, specifically, with the kind of treatment that non-white peoples have been subject to under white western imperial and colonial rule for centuries (i.e., externally-imposed identity labels which determine social standing and status).

This argument against CRT, then, is not one nobly rooted in a desire to avoid defining and limiting people according to racial or sexual categories, but rather it is rooted in evading the possibility that white identity comes to bear even a small fraction of the baggage and imposition as non-white identities have held. Of course, this is not to say that intersectionality, or CRT more generally, either call for or require the oppression of or discrimination against white people, but instead to illustrate that it is the fear of that oppression being wrought upon them in kind, as they have done upon others, that fuels white people's fear and grievance over the kinds of ideas present in CRT, even if it is strictly an imaginary or imagined threat.

Rufo follows this comment up by claiming that "critical race theory is now infiltrating our scientific establishment," in places such as the Sandia National Laboratories, yet another indicator of the fundamental conflict underlying the CRT debate. This comment, that a theory that is "political" and "ideological" in a way science is not now pervades institutions of science itself, reveals Rufo's commitment to a modernist notion of science as an objective and neutral or apolitical search for truth, while ideas about how race or gender function in society are ideological "biases" that skew the straightforwardly objective practice of science. This perpetuates a notion of science that it is something pure and untouched by society's hierarchies and manifestations of power, a conception that postmodernism rejects and works to deconstruct. The postmodernist position argues that all scientific endeavor has been reflective of the power

and privilege of those who are deemed worthy and qualified to pursue it, including the power brokers who help to fund and sponsor much scientific research. In this way, science has never truly been devoid of ideology in the way Rufo's comment insinuates.

Indeed, Rufo repeatedly refers to CRT as an ideology or otherwise characterizes it as a theory with an agenda that other areas, like science, do not possess. He calls CRT a "pseudo-scientific theory" as well as "neo-Marxist" and "radical left" ideology. This reinforces the modernist idea that science or politics can be conducted in a fair, non-biased, or neutral way that is free of ideological influence, while leftists seek to sneak an ideology into these areas. These comments help to maintain the hegemonic western or American ruling class ideology as natural, invisible, and nonexistent, despite that it is very real and has inflected western society, culture, and science for centuries. Postmodern theories are threatening for the very fact that they seek to name and uncover this dominant ideology which most Americans take for granted as "common sense" or received wisdom.

Lastly, many of Rufo's comments reflect the analysis that I delve into in the following chapters. I return to the importance of objectivity in chapter 4 in my discussion of the legislative debates; objective teaching was a prominent theme in why the CRT bans were necessary, as legislators argued that getting rid of the CRT "ideology" was necessary in order to preserve unbiased and non-ideological teaching, conveniently disguising the way that all teaching has an agenda—usually one which serves the ruling class—and that a truly objective education on history or other subjects simply cannot exist. Rufo and Carlson comment on how CRT consists of very un-American ideas or goes against traditional American values, such as how it undermines the most American of precepts, that we are all equal under the law. These themes crop up in the legislative debates as well.

Perhaps most notable of all, Rufo claims that “conservatives need to wake up that this is an existential threat to the United States.” In a sense, I am inclined to agree. Considering the foregoing, the way the CRT debate reflects deep divisions wrought by a turn from modernism to postmodernism indeed is likely to represent a very considerable threat to what it means to be American and to what the U.S., with its history and ongoing involvement in geopolitical affairs the world over, really stands for. If we do take up the challenge that postmodernism and theoretical frameworks like CRT pose—to deconstruct our identities and ways of knowing, to dismantle hierarchies and binaries—then the meaning of being a citizen of the United States and the role and place of the U.S. on the world stage must necessarily change, in vast and perhaps existential ways. Although I depart with Rufo on the desirability of this change, I in some ways must agree with his basic claim that contending with theories such as CRT would require very significant and fundamental changes to this country.

In the remaining chapters, I aim to show how the CRT has become a bastion of the fight to preserve structural white privilege, a conflict which masks the deeper anxieties of a white populace threatened by the potential change in their status and loss of power to those who have been subjected to oppression under systemic white supremacy. I argue that even though the CRT bans make use of race-neutral, colorblind language, it is a colorblind rhetoric that has been weaponized to protect and defend whiteness in an age of increasing public discourses which name and seek to challenge white privilege and systemic racism. In the next chapter, I begin with a discussion of the relevant social science research on race, and on white identity more specifically, followed by a relatively circumscribed discussion of the body of research known as “critical whiteness studies.”

I argue that the social science research on race frequently fails to thoroughly engage with whiteness as not just another discrete identity category, but also as a power structure which is constitutive of the continuing racial inequities that plague most white, western nations. At the same time, critical whiteness studies, while offering valuable insights on this precise deficit, often suffers from a problem familiar to the more humanistic social sciences like anthropology—while they frequently are rich in detail via case studies or ethnographic accounts, the researchers often tend to be more hesitant in making generalizations or extrapolating too much from their findings the way social science researchers strive to do. This dissertation is my effort to incorporate into social science research the more radical critical research on whiteness, while still hewing somewhat to an empirical mode that, while perhaps not widely generalizable in a conventional sense, is nonetheless rigorously rooted in the data with which I am concerned and is expansive enough to avoid becoming too myopic or narrow in scope. I also discuss in more detail the contours of my argument about how the bills are functioning in the broader history of race relations and power dynamics in the U.S.

In the third chapter, I provide an overview of what critical race theory actually looks like as a body of academic scholarship, in order to frame and correctly situate and contextualize how to interpret the bills and what they mean. I then proceed with a critical discourse analysis on the language used in the bills themselves; I cover the main components that the majority of the bills have and analyze how the language, though also ostensibly race-neutral, nonetheless works to prop up white privilege and a white supremacist system via classroom curriculum. Most of the bill language seems, on a surface level, to be uncontroversial and relatively benign. However, if we look to the subtext, it becomes clear that this seemingly innocent language seeks to protect white schoolchildren from being taught to think about their own race and privilege. Usually this

occurs because the tenets of the bill make use of a kind of “straw man” version of critical race theory at which to take aim, rather than engaging with what critical race scholarship actually entails.

I then move to an analysis of the rhetoric used by legislators who supported the bills in the state houses throughout the U.S. where these anti-CRT bills were passed. I look at all public committee hearings and floor debates on the bills and, similar to the bill language itself, I show how the legislators’ arguments in favor of the bills make use of colorblind tropes designed to disguise the privilege- and dominance-protecting functions of both the bills and the legislators’ own language. I delve into the most common themes that were present in the legislative debates on the bills and, again using a critical discourse analysis framework, endeavor to show how the discursive patterns in the strategies used by legislators to defend the bills prop up the hegemony of unquestioned whiteness in the U.S.

In chapter 5, I turn from elite discourses on the critical race theory bans to public opinion. Given research on public opinion and race, it should be expected that elite discourse and signaling on a highly visible and inflammatory topic should sway public opinion, particularly when that elite rhetoric is divided ideologically and is a topic on which average citizens are not well informed, all of which is the case for the CRT issue. To gain insight into the impact of these elite-level discourses on voters’ opinions, I look at the Virginia gubernatorial race in 2021 in which Democrat Terry McAuliffe and Republican Glenn Youngkin had to contend with issues of race and education. In particular, Youngkin campaigned heavily on the anti-CRT position and repeatedly promised to ban CRT in schools upon entering office—a prospect that became reality after he was ultimately elected in November 2021.

I look to public opinion surveys on this election in order to show that Youngkin's emphasis on the issue did resonate with white voters, who indicated that they were greatly concerned with the CRT issue. Some more general national-level data also suggests that familiarity with and favorability of CRT follows partisan and ideological patterns, with larger proportions of conservatives or Republicans claiming to be familiar with CRT and have negative opinions of it, and furthermore that Republican voters are in fact more systematically ill-informed about what critical race theory is. In the last part of this chapter I show that, in the Virginia context specifically, Glenn Youngkin voters cared much more about the issue of CRT in public schools than Terry McAuliffe voters did, and so this data demonstrates that right-wing media and elite coverage and discussion of the issue both informed and moved conservative voters to care about the issue and vote accordingly. I also discuss some of the broader implications of this election and what it bodes for right-wing politicians who hope to mobilize white voters based on a false sense of persecution and grievance.

I conclude by briefly looking at some of the recent fallout of the CRT bans, particularly the lawsuits that have been brought against states who have passed the laws. I hope that the analysis I present here helps to explicate the intent and function of these bills beyond the obvious as attempts by a somewhat beleaguered white elite which has been spurred into action to ensure that white privilege and systemic racial inequalities remain. I also hope that my work furthers our understanding of how colorblind rhetoric is functioning in our current moment and how colorblind discursive strategies work to protect whiteness despite the veneer of racial neutrality they present.

A Few Notes on Usage

Although the third chapter containing the legislative analysis will provide some clarity on what my understanding and conception of critical race theory is, I use several different terms throughout the remaining chapters, sometimes a bit interchangeably, so I want to provide some clarification at the outset. I, in most instances, refer to the legislation I am concerned with as the “anti-CRT bills” or occasionally just the “CRT bills.” As I discuss in more detail later on, these bills usually do not actually mention critical race theory or “CRT” explicitly, but instead refer only to “divisive concepts.” The legislation also does not in fact actually define or, in effect, so narrowly target anything that might reasonably be identified as genuine critical race scholarship. Nonetheless, I retain the phrase “CRT bills” for ease of reference and simply because this is how the legislation came to be known in mainstream media. This is also why I still refer to the entire topic more broadly as the “CRT issue” or the “CRT debate,” since this kind of terminology is what came to be most widely used and thus what became recognizable to most people in discussions on the issue.

As such, my phrasing is not intended to lend any credence to the position that supports these kinds of “anti-CRT” policies, such as the belief that anything like CRT is actually being taught in grade schools or that legislators are actually successfully targeting anything like “real” critical race theory. I’ve retained this phrasing primarily for simplicity’s sake, as “CRT” or “critical race theory” is what became part of the zeitgeist, which is more broadly an issue of censorship of public school curriculum and attempts to eliminate all education, training, or activism of any kind that seeks to address white racial privilege.

In addition to this, I also often refer to what the bills do in fact target using a few different terms. Primarily, I refer to the targeted content of the bills as “antiracist” educational curriculum

or trainings, but I sometimes include terms like social or racial justice or Diversity, Equity and Inclusion (DEI). It is important to clarify that each of these concepts are distinct, despite my relatively cavalier usage of them, so I will briefly address some distinctions. I primarily use the term “antiracism” in the same manner as scholars such as Ibram X. Kendi and the cohort of work on similar topics, some of which were the very books to become bestsellers in the wake of the protests over George Floyd’s death. In his book *How to be an Antiracist* (2023), Kendi defines an “antiracist” as “one who is expressing an idea of racial equality, or is actively supporting a policy that leads to racial equity or justice (p. 15). This definition is one that is meant to draw a clear line between simply being “non-racist” or denying being racist, and proactively supporting and pursuing the dismantling of racism and racial inequality. Kendi argues that a neutral or passive stance on racism essentially amounts to racism; to this point, he states: “There is no neutrality in the racial struggle. The opposite of ‘racist’ isn’t ‘not racist.’ It is ‘anti-racist.’” (p. 10).

While there are important critiques to be made of some of Kendi’s definitions in this book, such as a definition of racism that could plausibly be interpreted to extend to “reverse racism” claims by white people, I nonetheless think this is a generally useful starting point for understanding antiracism in its longer lineage and is more or less sufficient for my purposes here. Other scholarship and activists certainly have more to say on this term and its more precise meaning, but as I use the term here, I mean any content or work—education, training, research, activism, or otherwise—which is proactive in seeking to name and undo racism and combat generations of racial inequality. As such, this is, loosely, the basic thrust of what the so-called “CRT bills” are actually targeting in their intent and effects—any attempt to incorporate something broadly identifiable as “antiracist” within school curricula.

Another term I occasionally use to refer to the kind of education, activism, or training that might fall under the purview of what these bills seek to ban is social or racial justice. Again, there are likely important discourses and disagreements among scholars and activists about what social justice really entails, but for my purposes in this work I believe any cursory perusal of any online encyclopedia gives a fair enough idea, in a basic way, of what this term means. For instance, the online Britannica website gives a brief definition. Social justice is “the fair treatment and equitable status of all individuals and social groups within a state or society.” (*Britannica*, 2023). Perhaps not an entirely rigorous definition, but this brief explanation demonstrates what I believe constitutes a sufficient overlap with the concept of “antiracism” as defined above to warrant my relatively unstrict use of them both.

I would argue that social justice is a broader umbrella concept into which antiracism may be subsumed. That is, in my understanding here, antiracism is but one necessary component of a broader array of social justice imperatives. Antiracism, or the active opposition to racism and racist policies, is a necessary but insufficient condition for achieving social justice aims across many different realms of social and political life. For example, social justice prerogatives also include the dismantling of patriarchal systems that oppress women, as well as opposition to heteronormativity that marginalizes gender and sexual minorities, and more. Thus, antiracism is but one part of a wider web of social justice concerns. It is for this reason that I occasionally emphasize one or the other of these terms throughout the chapters that follow since I do not believe opponents of these agendas, like the legislators supporting the CRT bans, are much concerned with the finer points of distinction between them. Part of my argument is that the bills are intentionally vague so as to cast a wide net and prohibit any kind of content or instruction that might even potentially fall in the realm of concepts like antiracism or social justice.

However, I do not wish by the way I use them to suggest that these terms are in fact interchangeable, as they do reflect meaningfully different concepts.

Lastly, I also sometimes refer to DEI trainings and initiatives in the same thrust as “antiracism” and “social justice.” Again, this is not because these terms actually capture the same concepts, but merely because they might all potentially be victims of the dragnet created by the CRT laws. DEI, or “Diversity, Equity, and Inclusion” usually refers to formal trainings or organizational efforts to combat the systematic exclusion and underrepresentation of people of color or other minoritized populations in places like education or private companies. Often DEI initiatives take the form of trainings in workplaces or committees in education administration settings. Due to this, these efforts are frequently less radical or progressive than the former two concepts I discussed, but crucially DEI trainings are also some of the specific concrete examples provided by both Christopher Rufo and some of the legislators in explaining what these bills are supposed to actually ban (I discuss this more in Chapter 3).

So, while DEI is a somewhat different approach to racial issues than social justice or antiracism, it is also clear that conservative pundits and politicians see little to no difference between them and ought to be expected to lump them all together and try to eradicate them all equally. These are the reasons that I make little effort throughout my work here to distinguish them consistently, as they all more or less represent the kind of threatening, race-conscious material that CRT ban supporters hope to see eliminated. In fact, I believe the goal of the bans is to reach even further than this and simply ensure that there is not *any* kind of talk in classrooms that attempts to deal with race in any substantial way or in a way that doesn’t align with the hegemonic colorblind paradigm that right-wing forces hope to preserve.

Therefore, I hope it remains clear, despite any discrepancies in my use of these terms, that each of them—critical race theory, antiracism, social and racial justice, and DEI—refers to a distinct set of ideas and commitments. I do not intend to conflate these ideas erroneously, but I believe it is important to bear them all in mind as things which are likely to be construed as threatening to a racial regime which prizes and privileges whiteness. Because any of these concepts might—mistakenly and inaccurately—be called “CRT” thanks to Christopher Rufo’s intentionally misleading “re-brand” of it, I believe it is useful to name all of them as potential targets of the bans.

Works Cited

Katz, A. J. (2020, June 30). *Fox News Q2 2020 Ratings: Tucker Carlson Averaged 4.33 Million*

Viewers at 8 p.m., the Largest Audience in Cable News History.

[https://www.adweek.com/tvnewser/fox-news-q2-2020-ratings-tucker-carlson-averaged-4-](https://www.adweek.com/tvnewser/fox-news-q2-2020-ratings-tucker-carlson-averaged-4-3-million-viewers-in-the-8-p-m-hour-the-largest-audience-in-cable-news-history/446144/)

[3-million-viewers-in-the-8-p-m-hour-the-largest-audience-in-cable-news-history/446144/](https://www.adweek.com/tvnewser/fox-news-q2-2020-ratings-tucker-carlson-averaged-4-3-million-viewers-in-the-8-p-m-hour-the-largest-audience-in-cable-news-history/446144/)

Kendi, I. X. (2023). *How to Be an Antiracist*. Random House Publishing Group.

Painter, N. I. (2011). *The history of white people*. W. W. Norton.

Social justice | Definition, Theories, Examples, & Facts | Britannica. (2023, October 31).

<https://www.britannica.com/topic/social-justice>

Chapter 2: Theory & Literature Review

In yet another age of increasing divisiveness in American politics, the thing that continues to echo from the past into our current moment is the unresolved and persisting tension over racial issues. Donald Trump's election as, in Ta-Nehisi Coates' words, the "first white president" is in no uncertain terms an indicator that any steps toward progress in the recompense and redress of centuries of racial oppression will be met with reactionary pushback by many white citizens of this country in equal or greater force. Although this pattern is one that, in some respects, can be traced back to the colonial era, some important things have changed. For one, the "democratizing" effects of the Internet and social media on the public sphere have wrought both good and bad outcomes. One significant impact is the greater voice and platform it lends to those in historically marginalized and silenced positions. This visibility can be something of a mixed bag in terms of how it affects those who may rise to prominence in online spaces, but nonetheless we can see the wider influence these voices can have in the massive outcries, often mounted in part via social media like Twitter, over continuing racial disparities and unjust treatment of nonwhite people in the U.S. This can also be seen in the overwhelming discourse on social media over, for instance, police brutality and the way movements like Black Lives Matter can capture hashtags.

This context differs markedly from previous eras in the accessibility it has enabled to new knowledge and discussion of racial inequality and systemic discrimination in American society. Although media, social movements, and individuals courageous enough to take on the powers that be have always played a crucial role in the fight for justice, this current milieu is one in which it has become increasingly difficult for those in power, or those who are merely complacent within the status quo, to avoid acknowledging these facts and discussions about

systemic racism, discrimination, and white privilege. However, this fractured media landscape cuts both ways. While it provides more avenues by which people might be exposed to discourses about topics like systemic racism, it is also one in which people may potentially enter feedback loops that reinforce their pre-existing notions and enable them to counter-argue or ignore challenging ideas or arguments. In either case, however, I would argue that the current media environment is one in which ideas percolate more easily, regardless of the slant of coverage. An aspect of this reckoning over topics like these can be seen in the handwringing over “cancel culture” and “wokeness” that has, in many cases, left the plane of social media and emerged increasingly in mainstream media and politics. Even on platforms and among audiences who are inclined to reject arguments about privilege or racism by calling it “woke,” they are nonetheless taking up these topics for discussion.

As a result of these societal changes, it should be expected that those with vested interests in the system of racial subordination which grants unearned advantage to some at the expense of others must find new ways to justify and defend that system in ways that mesh with new (or at least newly heard and acknowledged) discourses around race. One site where we can see this dynamic at work is in the wave of legislation seeking to eradicate any teaching deemed “critical race theory” in public school classrooms across the nation since 2021. These attempts to target what most states have called “divisive concepts” represent one current example of the backlash of what I call “reactionary whiteness.” Reactionary whiteness encapsulates the response to these expanded discussion of issues like systemic racism, etc., or any other social shifts in the direction of racial equality, wherein the white majority has sought to eliminate anything perceived as fundamentally threatening to the continued racial regime which allots privilege to white people via institutional discrimination against non-white people.

In some ways, this might be seen as a reaction to a shift in the so-called “Overton window.” That is, as it has become more broadly acceptable to name and discuss things like systemic racism or white privilege, to call it out as it manifests such as might happen on Twitter in response to pop cultural events or to implement trainings in corporations and government institutions that espouse these ideas, the sense of threat to the heretofore “invisibility” of white privilege and hegemony increases. This sense that the privilege and power that had for many years been relatively less widely acknowledged or discussed results in an array of reactionary impulses and policies, spanning from individual attitudes and beliefs to wider government policies and actions.

As such, the CRT bans are but one response in reaction to the above-mentioned shift in the extent to which discussions about privilege and racism have become more normalized in a variety of settings—from school curriculum, workplace trainings, or in news media and elsewhere. As I will touch on throughout the following chapters, the CRT bans are, however, also tailored to specific fears and concerns over the values that public education inculcates in American children and, as such, are also very likely a reaction to modern school curricula that address race and racial issues in a manner that leans in this newfound direction.

In a setting where ideas and discourses that push back against a system of white supremacy and privilege have gained a greater foothold and greater visibility across social media spaces, those who benefit from those continuing inequalities have begun to clamp down by attempting to monitor and eliminate those discussions in spaces that are among the most pivotal in influencing the changing tides of society—such as the space of public primary education. As social changes have made topics like race and racism more prevalent and accessible, school children inevitably must be exposed to these topics as well, meaning that public schools must

feel some pressure to address them. The bans on “divisive concepts” attempt to preclude these kinds of discussions.

My aim in this dissertation is to 1) incorporate into political science a more critical approach and orientation to whiteness and white identity as exemplified in critical whiteness studies, while also 2) remaining committed to an empirical rigor that critical scholarship does not always speak to as directly as the social sciences. I endeavor to draw these connections by examining how the so-called “CRT bans” are functioning to defend and protect white privilege under the guise of a commitment to “colorblindness.” In what follows, I will lay out my argument in more depth and how it follows in many ways from similar efforts in earlier periods. This will foreground my remaining chapters where I delve into how the CRT bans are functioning as an instance of reactionary whiteness and analyze the rhetoric that has emerged to further entrench white privilege in the process. First, though, I will discuss some scholarship from political science and from critical whiteness studies that informs and grounds my argument.

Race and Social Science

Although social science research has tried to grapple with and improve our understanding of the nature of American racism and other forms of prejudice, much of it still dwells on Americans’ racial attitudes—how to properly and accurately describe and measure how Americans, especially white Americans, think or feel about other racial groups. This is a project that has engrossed many political scientists for decades; in more recent years, there have been growing efforts in different academic disciplines to shed light on whiteness itself as a power structure that sustains systems of racial supremacy and subordination. The former scholarship on racial attitudes tends not to meaningfully engage with the latter scholarship that focuses more on

systems, institutions, and ideologies that transcend individual beliefs and orientations. Although they often involve different methodological approaches and may have different units of analysis at their centers, I argue that empirical social science must nonetheless do a better job of incorporating and building upon the insights of critical studies of race and whiteness into its frameworks and findings, namely when those findings are focused on the form or implications of white racial attitudes or identities. Doing so is one crucial component in resisting the increasingly reactionary and extremist politics taking hold in broader society.

Given the changes in social context, noted above, as well as demographic shifts in the U.S. population in a less racially-homogeneous direction, it is imperative for political science to be prepared to contend with the discourses and ideas that have gained greater influence in a post-Trump world in which many white people have begun to adopt a stance of aggrieved victim in the “onslaught” of social justice efforts. Importantly, social science scholars must seriously contend with the notion that whiteness is a constructed identity designed to protect the power and privilege of only those defined as white; there are counterproductive and potentially harmful ramifications of research that treats white identity as simply commensurate with other racial identities. In fact, doing so without analysis of the important ways whiteness deviates from conventional notions of race is apt to play into the hands of people who would argue that race-consciousness or efforts to achieve racial justice serve to “oppress” or discriminate against white people. This kind of flattened or thin understanding of whiteness as merely one racial category among many and not as a power construct with a very particular social and historical context also shores up the very “colorblind” arguments that I take up later on, in which all racial categories are equally unimportant or trivial as we endeavor to “not see race.”

This reactionary turn that is happening among many right-wing (and, increasingly, liberal or left-leaning) Americans today is one that scholars and researchers, in part, are readily positioned to thwart, should they step up to the task of doing so, by bringing to the fore in all research on race and social relations the way whiteness functions, often invisibly, to preserve a racial hierarchy in which being “white” endows power and privilege. Although this focus on whiteness as power structure runs the all-too-common risk of re-centering whiteness, it is also necessary to guard against impulses to draw a false equivalence between whiteness and other racial categories or to let whiteness remain unnamed or unexamined.

To preview my argument in the later section of this chapter, the attempts to ban CRT are one such effort to deploy this kind of “anti-white” grievance politics under the guise of racial neutrality and fairness. To avoid giving credence to these kinds of ideas, social science must seek to incorporate a more critical stance towards white racial identity and white racial attitudes than it typically has. To treat white identity, unthinkingly or otherwise, as basically analogous or similar to non-white ones runs the risk not only of obscuring the historical power imbalances between white and non-white people, it also imbues significance and meaning into an identity category that has been erected solely on the basis of racial oppression and which does not itself possess intrinsic cultural values or ties. I hope my work here is a small step in that direction.

Racial Attitudes and Racial Identity

While there is a long tradition in political science of research on race in the U.S., it still tends to fall short in addressing how whiteness is functioning in a structural way and what that means for how whiteness functions inherently differently than other racial attitudes and identities. A significant amount of the political science research on race deals with Americans’ racial attitudes, or how they feel toward other racial groups (or about racial issues, etc.). Scholars

have been particularly interested in white Americans' racial attitudes toward non-whites and what the precise nature of these attitudes really is. This research is consequential and revealing, but still generally does not deal in much depth with how these attitudes are shaped by a context and history of structural white privilege and oppression of others. It has, however, inspired a vigorous debate between several different camps.

Racism and Prejudice

Some scholars have posited that white Americans' racial attitudes are based on a genuine sense (or perception) of tangible threat posed by out-groups (particularly Black Americans) over competition for material resources (Bobo, 1983; Bobo & Hutchings, 1996). A rejoinder to this conception is that in many cases a real or literal threat is not in fact sufficiently present to explain white Americans' animosity toward Black or other non-white groups. As such, these scholars argue that instead racial attitudes are comprised of individual predispositions, acquired early in life, that revolve around general anti-Black affect and conservative values. These attitudes are seen as "symbolic" rather than tangible or material (Kinder & Sears, 1981; Sears & Henry, 2003).

A further development to this theory of symbolic racism is that it is specifically feelings of resentment based on the belief that Black Americans seem to be receiving or asking for more than they deserve that encapsulates contemporary white attitudes and expressions of racism (Kinder & Sanders, 1996). This understanding of contemporary white racial attitudes as racial resentment is generally taken by the field to be the predominant expression of racial animus, which is a prerequisite to my own findings in the following chapters. Because white people understand that it is anathema to express anti-Black or other racial hostility in explicit or

“traditional” terms, most of these sentiments are expressed under the guise of believing that Black Americans are asking for special treatment and ought to be treated “like everyone else.”

In an effort to integrate findings and insights from across different theories and disciplines, Sidanius and Pratto put forth their social dominance theory (2001). These scholars suggest a basic human tendency to organize society around socially constructed group-based hierarchies. Part of this tendency, then, is a greater or lesser desire in each individual for dominance within the different kinds of group-based hierarchies that emerge in society, whether based on race, gender, class, or perhaps other categories (Sidanius et al., 2004). In this understanding, then, white racial attitudes are reflective not of a sense of threat or of preadult predispositions, but of some intrinsic motivation (or lack thereof) to seek dominance and to value things like obedience to authority. Alongside this, for instance, the “authoritarian personality,” as described in 1950 by Theodor Adorno and his co-authors in the volume of the same name, values submission to authority and punishment for those viewed as deviating from convention. These attributes have been found to be associated with racist attitudes, wherein non-white people are seen as insufficiently subservient to American norms (Parker & Towler, 2019, provide a review).

Although there are areas of both overlap and disagreement between each of these schools of thought, a thorough reckoning with which could fill its own tome, the debate itself indicates the large volume of scholarship dedicated to uncovering what accurately characterizes white people’s racial attitudes. It therefore remains mostly unobjectionable that the general thrust of this research is that white people’s attitudes toward other racial groups matter in many ways for politics and that these attitudes continue to play a significant role in most of white people’s political orientations. Crucially, these attitudes influence not just policy positions and opinions on overtly racial issues (such as, for instance, affirmative action) but also ostensibly non-racial

issues like health care and welfare spending (Gilens, 1996, 2009; Tesler, 2012, 2016). Despite its nuances and disagreements, this research on racial attitudes is nonetheless a linchpin that secures the notion that white people still exhibit biased or prejudiced attitudes toward non-white people, and thus discredits the idea that racism no longer ails us or is something harbored only by extremists. Importantly, this debate proves that although the specific language and tropes of racist or prejudiced attitudes among white people has changed over time, racial animus itself has not gone away.

One piece of scholarship on racial attitudes coming out of a sociological tradition that is fundamental to my argument about how we must understand the critical race theory bans is Eduardo Bonilla-Silva's conception of colorblind racism, as developed in *Racism without Racists* (Bonilla-Silva, 2018). Through a series of in-depth interviews with white people, Bonilla-Silva lays out the themes and rhetoric involved in how white people who explicitly deny being racist and disavow racism continue to harbor beliefs and attitudes that are nonetheless still prejudiced against nonwhite people, albeit in more nuanced and indirect ways. These views, in Bonilla-Silva's understanding, are one aspect of how systemic racial inequalities continue to persist despite the end of both de jure discrimination as well as the near-universal rebuke of "old-fashioned" or explicit kinds of racial prejudice.

Bonilla-Silva contextualizes his work here more broadly by describing the American racial regime as one in which, since the Civil Rights Movement, people strongly resist any expression of old-fashioned or traditional kinds of racism, such as language that plainly proclaims the inferiority of Black or other racial minorities. However, racial discrimination and structural disparities continue to pervade American society and so the primary question

informing *Racism without Racists* is how racism continues, despite almost unanimous disapproval of explicit racism.

The answer lies, according to Bonilla-Silva, in understanding the subtext and implications of the seemingly race-neutral, or colorblind, things white people say or believe about race and racial minorities. This language typically involves either strict adherence to colorblind norms or explicit distancing from racism, but nonetheless perpetuates (and betrays) an outlook which ignores or downplays the continued systemic and personal discrimination people of color continue to face. This dynamic represents a formal adherence to the whitewashed vision of the Civil Rights Movement (a world where “we don’t see color”) while in actuality allowing white people to maintain racial attitudes that are nonetheless still prejudicial or discriminatory against nonwhites, a process which serves to maintain the existing racial order.

To develop this concept of colorblind racism, Bonilla-Silva identifies the common frames and “racial stories” that white people use to maneuver between an ostensible commitment to colorblindness alongside underlying racist attitudes. The four primary frames of colorblind racism that Bonilla-Silva identifies are abstract liberalism, naturalization, cultural racism, and minimization of racism. Although I have not applied this framework directly in my analysis here, most of these frames can be seen in the discourse around the critical race theory bans. For instance, the minimization of racism frame involves assertions that racism or discrimination are not major issues in society any longer. Almost all of the supporters of the CRT bans in state legislatures across the country engaged in some effort to claim that the U.S. had solved or overcome the racism of its past and therefore there is no longer any need to continue talking about racism. Although this kind of language can accurately be characterized as what Bonilla-

Silva calls the minimization of racism frame, I refer to this phenomenon in the specific context of the CRT legislative debates as the progress narrative (which I discuss in chapter 4).

Bonilla-Silva describes the abstract liberalism frame of colorblind racism as any language which uses abstract principles or ideals, such as merit or individual choice and liberty, to dismiss (or explain away) continued racial inequalities. More specifically, for example, he describes how the use of individualism as an ideal of western liberal ideology is something white people often fall back on to explain (defend) why many white people continue to effectively self-segregate by, say, living in all or mostly white neighborhoods and having primarily white social networks. This argument—that people are allowed to, and perhaps even should, choose where they live and with whom to associate, even if that inadvertently leads them to only associate with other white people—works to mask structural factors that are involved in this process that maintain de facto racial segregation in housing or education. Furthermore, this frame works to place blame for such conditions indirectly on people of color by implying, for instance, that nonwhite people choose to live where they do, by not moving to “better” neighborhoods, working harder, etc.

It is this notion of how racism has adapted to a colorblind paradigm, both discursively and ideologically, as laid out in *Racism without Racists* that underpins my argument in the following chapters. Bonilla-Silva demonstrates how pervasive this new form of racism and its rhetorical tropes are, and it is in this societal context that the CRT bans must be understood. Because colorblindness is the dominant paradigm which informs most white Americans’ thoughts and beliefs about race, the racist intent and impact of these bills cannot be understood without uncovering the way the supporters of the bans are intentionally weaponizing this kind of colorblind language to obscure the racism of the bills and simultaneously enshrine white victimhood and derail antiracism or social justice efforts.

Thus, the language both in the bills and in the hearings that I analyze in the following chapters, if taken at face value or in good faith, might appear as though the CRT bans are simply a project that serves our society's ideal of "moving past" race by ignoring it, or not "seeing color." While the individual legislators involved may or may not be acting in good faith, the subtext and underlying implications of the language they use is nonetheless necessarily serving an objective of protecting structural whiteness and white privilege, as I demonstrate in the ensuing pages. In my analysis, my conceptualization of colorblindness follows from Bonilla-Silva's framework. It is to this understanding of colorblind racism that I refer, on the premise that colorblindness, or colorblind racism, is the dominant model that accounts for most white Americans' racial attitudes.

Non-White Racial Identities

Relatedly, there is also a corpus of research investigating the content of racial identities for non-white racial groups, especially on the role racial identity plays for Black Americans (see, e.g., Bobo & Hutchings, 1996; Chong & Rogers, 2005; Dawson, 1994; Herring et al., 1999; Miller et al., 1981; Shingles, 1981; Tate, 1994). The developments in this area of research are highly relevant here, despite the fact that I am focusing on whiteness, because a greater understanding of racial identity as it forms among marginalized groups can help inform us of the content of whiteness as a racial identity, even if in perhaps an inverse or opposing way—as I will discuss later, it is important not to conflate the ideas developed here as automatically mapping onto whiteness, but these concepts developed to explain non-white racial identities still help to push our concomitant understanding of whiteness forward. Importantly, the concept of group consciousness among non-white racial groups builds on the notion of group identity, or simple psychological attachment or sense of belonging to a group; consciousness refers to when that

identity becomes politicized and thus is informed by “a set of ideological beliefs about one’s group’s social standing” (McClain et al., 2009). I discuss the potential conception of “white group consciousness” in more depth in the following section. The authors note that this is an attribute that typically is developed amongst subordinated groups, as their experiences of marginalization inform their awareness of the implications of their racial standing.

Supplementing this is Dawson’s “linked fate” or black utility heuristic, which McClain, et al., refer to as the “central mechanism” of group consciousness. Linked fate refers to the way in which Black Americans use their understanding “of the interests of [their racial group] as a proxy for their own interests” (Dawson, 1994). This intimate connection between Black Americans’ sense of their own personal interests and what they perceive as the interests of their racial group is rooted in the common and shared set of experiences of marginalization and oppression that Black Americans have historically been and continue to be subject to in the U.S. as a direct result of their racial categorization. What these concepts demonstrate is the way in which racial identity, for some Americans, can gain greater political significance beyond simply being a descriptive category when that racial identity has far-reaching implications for an individual’s life chances within a racist system. These impacts can include, for instance, affecting their odds of getting into college, where they end up living, or potentially leading to discrimination based on race at work or in the health care they receive.

These aspects of racial identity have traditionally not been thought to hold with white Americans, likely due to their status as the dominant and hegemonic racial group in U.S. society. This historical lack of a politicized racial identity amongst white people reflects the way in which society, and by extension academic research, has been built on conceptions of whiteness as the “norm” against which all other racial groups are first constructed and then measured

(Mills, 1997). These areas of scholarship can be read together, then, to iterate the way white Americans have been unlikely to see themselves as racial beings. If white is constructed as the raceless or neutral norm against which others become racialized, then the lack of group consciousness or sense of linked fate amongst white people seems reasonable. Additionally, as the dominant group, there is less impetus to act in a politically coordinated way to further the advancement of that group and your individual interests as a member.

As these concepts and theoretical understandings have been developed to help explain and unpack the way group identity and consciousness function amongst non-white racial groups, some research has begun to tackle what racial identity actually means for white people and what form it takes. However, academic research on this front has generally not kept pace, at least in empirical social science, with broader social and political discourses that tackle the way white people too are racialized, for instance, by the continued existence of white privilege. As I will address in the following section, some important steps in this direction have started by investigating how the concepts developed in the study of non-white racial identities might apply to white people.

White Racial Identity

Based on the foregoing, the lack of research on white people's own racial identity in most political science scholarship seems, on its face, to track. Resting on either the assumption of its irrelevance or on scant empirical evidence to suggest any relevance, research on the role of racial identity for white Americans is much rarer. Some research beginning in the 1980s attempted to investigate when and why some white people developed a sense of themselves as white people (e.g., Helms, 1984; discussed in more depth below). This work was more focused essentially on

when white people adopt an anti-racist consciousness than it was on how white identity is constructed (and defended) more broadly.

However, a significant recent investigation into white people's own racial identities is *White Identity Politics* (Jardina, 2019). Jardina provides evidence that, due to a sense of threat and feelings of being under siege among white Americans, more of them display not only negative outgroup attitudes toward non-white racial groups (as suggested by the research I discussed above), but increasingly and distinctly an in-group attachment to other whites. In this way, Jardina argues that “we must, to some extent, think about white identity in the way we think about black identity” (p. 34), as white people begin to display a greater sense of racial solidarity amongst themselves, a solidarity that Black Americans historically have possessed due to shared experiences of discrimination and oppression. The crux of her argument is that negative feelings toward out-groups are not the sole defining feature of white Americans' racial belief systems but that, increasingly, distinct feelings of attachment to and solidarity with other white people also define white Americans' racial worldviews.

Jardina's work represents an important intervention to the social science research I mentioned above that focuses almost entirely on white Americans' attitudes toward non-white groups and proves that white Americans also possess, perhaps for the first time in many decades, a substantive sense of their own racial *identity*. Jardina's white respondents are those who self-identified as non-Hispanic white on surveys, and her questions tapping racial identity and racial consciousness are built from standard survey instruments in the field. However, as I mentioned above, this understanding of whiteness as akin to other racial identities as a descriptive category is a relatively thin and underdeveloped one. While most social science research operates on a similarly thin conception of white identity and how it functions, the findings in *White Identity*

Politics are a vitally important start and represent the most thoroughgoing and substantive empirical work on white identity thus far on which to base further investigation into whiteness within political science.

In general, research on race in political science needs to further explore how white people develop a sense of white identity, per Jardina's findings, and how (defenses of) that identity and its concomitant privileges and entitlements are shifting and adjusting to/within a new social context. This new context is one that involves heightened racial tensions following Trump's presidency, the massive uproar of the George Floyd protests, and more visible platforms, such as Twitter or other social media, for calling attention to the pernicious effects of whiteness from historically marginalized voices and communities. The evidence presented in *White Identity Politics* is both foundational to my work here and is one step toward bringing a more investigative stance toward whiteness to political science research; at the same time, there are some ways in which Jardina's work also perpetuates some of the uncritical practices on white racial identity that are present in other social science research on race.

For instance, although critical scholarship on whiteness inflects Jardina's work at certain points, she distinguishes her work from the normative, anti-racist orientation of critical whiteness studies. While she states that her work "shares many of the same broader goals" as whiteness studies, such as seeking a more egalitarian society, only two pages of the book are dedicated to describing the "normative perspective" of critical whiteness studies and its focus on "critiquing the reproduction and maintenance of systems of racial inequality" (p. 47-48). This distancing from critical inquiry into power relations hampers efforts to arrive at fuller conclusions about whiteness and race in American society. It also hampers attempts at achieving a more anti-racist perspective within social science, in which researchers grapple more thoroughly with white

supremacy and white privilege. Perhaps most importantly, it also flattens the meaningful differences between whiteness, as structure and racial identity, and other non-white racial identities, and over-draws their similarities. I return to this issue in more depth later in this chapter.



As it stands, most social science research on race tackles either the expression of attitudes white people hold about other racial groups and—more or less separately—the contours and meaning of the racial identities of non-white people. Additionally, more recent work like *White Identity Politics* tackles the topic of what exactly shapes white people’s own racial identities, not just their racial attitudes. Both of these areas speak to the continued relevance of race in American politics, and so this research belies any claims to the contrary—that this country has surpassed or transcended the racial issues of its past or become a “post-racial” utopia. In this dissertation, I fill a gap in political science research by providing an analysis of the ways in which white privilege is constructed and defended in a more contemporary setting and context. In the wake of Donald Trump’s election and the protests following George Floyd’s murder, there is an even more pressing need to uncover and understand the efforts taking place to entrench white hegemony and the strategies being deployed by a power structure that senses itself to be under siege. In the section that follows, I will provide an overview of the field of critical whiteness studies in order to demonstrate what it can offer to draw out the broader implications of Jardina’s research and correct some of the deficits in political science literature.

Critical Whiteness Studies

As an outgrowth of critical race theory, critical whiteness studies shares much of the same focus on structures of power and how ruling elites craft ideologies to naturalize and veil

social inequalities. Critical whiteness scholars also frequently situate themselves as taking up the task set forth by Black American thinkers like W.E.B. DuBois, James Baldwin, and Toni Morrison to delve into the problem of whiteness. As a result, critical whiteness studies is a project that has a longer lineage than its academic lifetime would initially suggest. Nonetheless, it was Morrison's *Playing in the Dark: Whiteness and the Literary Imagination* (1993) that in part helped spark critical whiteness studies as an academic field. While I am not directly or equally in conversation with all of these areas of critical whiteness scholarship, I nonetheless seek to bring over the insights and spirit of this research in order to bridge some of the intellectual gap between the critical orientation on whiteness found in these bodies of work and the relatively underdeveloped notion of whiteness that is present in most empirical social science. I thus believe it is important to cover even the less obviously conversant parts of the critical whiteness literature in order to better capture the essence of this scholarship as well as to more fully convey the way these works analyze whiteness as a structure of power that always has and continues to shape American life and politics.

Literary Whiteness and the Arts

Because Morrison's work here deals primarily with the role racial conceptions (more specifically, what she calls "American Africanism") play in the work of white American authors and American literature, a great deal of work in critical whiteness studies has been published in fields related to American literary studies (see, e.g., Alberti, 1995; Blish, 1997; Coviello, 2003; DuPlessis, 1995; Furth, 1999; Goldsmith, 2003; Lee, 2003; Nicholls, 2003; Ochoa, 1999; Traber, 2000; Yancy, 2000). Similar work to deconstruct the role of implicit whiteness in (especially American) arts has followed in consonant fields like cinema and film studies (Beltrán, 2005; Briley, 2005; Dyer, 1997; Evans, 2002; Gormley, 2001; Hicks, 2003; Lott, 1997; Tierney, 2006;

Wallace, 2003) and the visual arts (Bowles, 2001; Fernandez-Sacco, 2001; Gaule, 2001; Nettleton, 2003; Oguibe, 2001; Rosenthal, 2004; Smith, 1998). Although this work on whiteness within the humanities is not especially conversant in an obvious or immediate way with more empirical fields like the social sciences, this work nonetheless shares in the objective to unpack and de-naturalize how whiteness and anti-Blackness function and are constructed across different realms of American society and culture.

Whiteness and Institutional Practices

Other early strongholds of critical whiteness scholarship were fields like psychology, especially applied or clinical psychology, and education and pedagogy. In psychology, there has been a tendency (as in the social sciences, discussed above) to focus especially on the underpinnings of racist attitudes and prejudice rather than white people's racial identities per se (nonexhaustively, Ekehammar et al., 2004; Ekehammar & Akrami, 2003; Flynn, 2005; Glaser et al., 2002; Guimond et al., 2003; Pfeifer & Bernstein, 2003; Pope-Davis & Ottavi, 1994; Reynolds et al., 2001; Schmitt et al., 2003). This work sometimes crosses over into work on these same topics in political science, specifically in political psychology research that deals with sources of prejudiced and intergroup relations (akin to the work in social dominance theory).

Although some of this work is formative to later social science research, such as Jardina's, its major limitation stems from its generally limited influence in fields outside of clinical psychology, perhaps due to its more normative orientation. Because most of this scholarship was devoted to developing ways of making white people more racially aware (or perhaps "less racist"), it has less applicability in empirical fields that are focused on descriptive and causative elements of social phenomenon. Nonetheless, by touching on these works here, I hope to hew more toward this normative orientation than most social science tends to do.

Some efforts were undertaken to outline frameworks for white racial identity, especially Janet Helm's work (1984, 1990), which I mentioned briefly above. In its initial conception, Helms' White Racial Identity Attitude Scale posited five stages of racial identity through which white people progressed. The first, the "contact" stage, is where a white individual is aware of other races but not of their own, through various middling levels of awareness of and reconciliation with their white status, through to "autonomy" at the other end wherein they become accepting of racial difference and seek cross-racial interactions, secure in their own racial identity. Others debated Helms' framework and set forth competing frameworks as well (Behrens, 1997; Block & Carter, 1996; S. Choney & Behrens, 1996; S. K. Choney & Rowe, 1994; Knowles & Peng, 2005; LaFleur et al., 2002; Leach et al., 2002; Rowe et al., 1994; C. E. Thompson, 1994; Tokar & Swanson, 1991).

Behrens, one of Helms' primary detractors, with co-author Choney developed the White Racial Consciousness model, which attempts instead to characterize different stages of white people's attitudes toward people of color. Across these debates, these models of white racial identity share a common focus on varying stages of development of white individuals' understanding of race and racism broadly and how they overcome prejudicial attitudes rather than with the substance of white identity itself. The body of work flowing from it in most cases focused on how race and whiteness/white identity functioned in counseling and therapy settings. Thus, in more closely attempting to model what white identity might look like and attempting to find evidence thereto, this research presaged later work like Jardina's, albeit with a somewhat more normative orientation.

In the research on whiteness in education, most work focuses on how whiteness functions and exerts itself in educational practices and institutions. Some of this research focuses on the

racial attitudes and orientations of pre-service teachers or teacher training and the role of these orientations in either sustaining white supremacy or cultivating more antiracist attitudes among teachers (Brandon, 2003; Cochran-Smith, 2000; Henze et al., 1998; Hytten & Warren, 2003; Lawrence & Tatum, 1997; McIntyre, 2002; Schick, 2000; Sleeter, 1992). Other work focuses more on the curricula and content of multicultural education and social justice pedagogy, such as how ideas about whiteness and antiracism ought to be taught in classrooms (Applebaum, 2004; Gaine, 2000; Giroux, 1997a, 1997b; Hytten & Warren, 2003; Lawrence & Bunche, 1996; McLaren, 1997; Tatum, 1992, 1994; A. Thompson, 1997; Warren, 1999; Wills, 1996). Other research in the realm of education focuses on how race and whiteness actually take shape in schools and classrooms, such as how students make sense of race in school (Chubbuck, 2004; Duesterberg, 1998; Hagerman, 2018; Howard, 1993; Lewis, 2001; Maher & Thompson Tetreault, 1997; Perry, 2001, 2002).

Much of this work speaks to classroom dynamics that the CRT bans seek to preserve in which whiteness is enacted, upheld, and transmitted, implicitly or otherwise, in the classroom via teachers and curriculum that refuse or are unable to fully engage and reckon with race. Although a standalone analysis on how pedagogical work on whiteness relates to the CRT bans would be worthwhile, I have not delved into the details of this analysis since much of the work I've mentioned here consists of descriptive or ethnographical accounts of how students and teachers contend with race or their whiteness in education settings and so contends more with individuals and case studies than to the state-level action and policies that I am focused on here.

Additionally, although other aspects of this scholarship speak in more detail to the form and content of the kind of anti-racist education and pedagogy that the CRT bans seek to eliminate, I

believe this analysis is also more worthy of its own space to be properly and more thoroughly addressed.

The foregoing bodies of critical scholarship on whiteness are important inroads in the general project of critical whiteness studies to name, identify, and deconstruct or demystify whiteness; work in these areas also constitutes a fairly large portion of the critical whiteness literature. In all academic fields, an important intervention that critical whiteness scholarship makes is to draw attention to and disrupt the ways in which whiteness functions in unnamed and silent ways and to uncover the processes that construct whiteness in mostly concealed ways. However, the insights of this scholarship nonetheless are not always directly relevant to fields with a more empirical focus like political science, or at least in many cases there is not much cross-reference between them. However, my work bridges this gap, in part, by incorporating into my research ideas from the critical whiteness scholarship that examine whiteness in a historical context as well as the work that unpacks the accumulated privileges of whiteness.

That is, while some of the critical whiteness scholarship mentioned above is more descriptive in nature, some of it is directed to the more immediately practical ends of pedagogy and things like teacher training, classroom practices, etc. While these are empirically oriented whereas some of the whiteness scholarship is more theoretical in nature, both of these frameworks tend to not capture the social science focus on both data and generalizability. Most of the critical whiteness scholarship that is empirical is rooted in ethnographic work or historical accounts (discussed below), both of which tend to emphasize the specificity of context. The theoretical work is powerful in its analysis of the structure and functions of whiteness, but simultaneously is usually not concerned with analyzing data. I hope in my work to move toward

tying these insights to an empirical analysis which can also speak to the broader political and social context of this moment, in a more social scientific mode.

Histories of Whiteness

In addition to critical whiteness studies, various histories of whiteness are crucial in uncovering the different processes involved in the construction of whiteness as a sociopolitical project and inform us of the way that whiteness is in reality a highly contingent and contested category (Allen, 1994, 1997; Brodtkin, 1998; Brown, 2012; Goldstein, 2006; Guglielmo, 2000; Ignatiev, 2008; Jacobson, 1999; Painter, 2011; Roediger, 2018). This work is primarily rooted in historical methodology (such as archival work or historiography); while my own work relies on contemporary sources and is seeking to illuminate a current moment rather than a historical era, I aim to model my work on these inquiries and the way they reveal dynamics of race and power in different periods. Many of these scholars detail the ways that various European immigrant and ethnic groups grappled with race and whiteness upon their arrival in the U.S. and how, ultimately, many of these groups assimilated to whiteness in order to shore up their social standing and acquire the vaunted privileges of whiteness. David Roediger's pioneering work *Wages of Whiteness* (1991) similarly describes the way whiteness was integral to the formation of an American working class consciousness, one that was premised on the subjugation of Black workers.

Although the aforementioned work on whiteness in fields like psychology and education is also focused on the lived reality of race and the experiences of people categorized as white (in some contrast with, say, literary representations of whiteness), this historical work provides a better understanding of the origins of whiteness and a longer view of its trajectory, which helps to underscore the artifice of whiteness as a “natural” or transhistorical category. Historical

investigations into whiteness speak to a long tradition of contesting and policing who belonged in the category of “white” and who did not and furthermore that the answers to this question were not always obvious and in fact shifted across eras of American history. This understanding of whiteness helps to complicate notions of race as a simple categorization scheme, like a set of labels into which people automatically sort themselves. The use in social science of racial categories as a label into which researchers slot survey respondents thus tends to mistake whiteness (and other racial categories) as a natural and ahistorical given. Critical studies of whiteness, on the other hand, enable deeper scrutiny into questions of who is white and when, and how they come to see themselves, or be seen, as white.

Whiteness, Gender, and Culture

Ruth Frankenberg’s *White Women, Race Matters* (1993) is another foundational work in the field, in which she explores constructions of whiteness alongside gender. A few other scholars have delved into the relationship between whiteness and gender (Breines, 2001; Davis, 2011; Ferber, 1998; Harris, 1996; Jones-Rogers, 2019; McRae, 2018; Ware, 1992, 2015), but Frankenberg’s seminal study wrought an enduring influence on subsequent studies of whiteness generally. Frankenberg advocates understanding race as a category that is “linked to relations of power and processes of struggle, and one whose meaning changes over time” (p. 11). This emphasis on the social construction of categories like race is not to “minimize their social and political reality, but [to] insist that their reality is, precisely, social and political rather than inherent or static” (p. 11). Frankenberg’s conception of whiteness has been highly influential and cited by many of the authors mentioned above, particularly in touching on the dynamic that race,

while constructed rather than inherent or biological, nonetheless still has concrete and material effects on people's lives and is still, in many ways, tied to physical bodies.

Again, it bears repeating that viewing race, and particularly whiteness, in this way upends the notion that any white person comes by their racial identity simply by default. Many of her interviewees engaged in what Frankenberg terms "color-" and "power-evasive" discourses, which Frankenberg argues shows the way that white women are in fact grappling with and aware of their race and the racial context of their lives even when they attempt to downplay or ignore the topic of race or their whiteness. Frankenberg's work then lays the foundation for understanding that even in denial or avoidance, whiteness is nonetheless being constructed and preserved. These evasive or avoidant discourses around race and whiteness also are an early inkling of what Eduardo Bonilla-Silva would later describe systematically as colorblind racism in *Racism without Racists*, discussed above, which of course is still a dominant strategy that people deploy in talking about race.

Another enduring aspect of Frankenberg's research here was her evidence showing that white people didn't really "see" their race in any significant way or saw white culture as "nothingness." Many of the white women Frankenberg interviews conceive of their culture as "amorphous and indescribable" while other cultures are visible and marked by race or ethnicity (p. 196). Although this study was formative in showing how whiteness was situated at the time as unmarked and seemingly invisible, Frankenberg's respondents were also speaking from a particular historical and social context during the 1980s and early 1990s, a context which has significant differences from our own where discussions of race and whiteness in particular are less easily avoided.

Although this idea of whiteness as “nothingness” has long held sway both in critical whiteness studies and elsewhere, Jardina’s work as well as our cultural moment suggest this conception of white identity needs revision. White Americans who have grown up in the decades since Frankenberg’s interviews have been exposed to a much different political and racial landscape. Indeed, white Americans of all ages might be expected to have had shifts in their understanding of their racial identity given the events of the last 20 years. Research must now attempt to reveal what new ways white people are defending privilege and systems of power that benefit them in the face of greater and more obvious pushback than in prior decades, at least since the upheavals of the Civil Rights movement in the 1960s.

Protecting Privilege

Another core tenet of critical whiteness studies is the way structural white supremacy upholds a system of racial privilege for white people and analyzing the various substantive privileges that amass to people defined as white (Harris, 1993; Lipsitz, 2018; McIntosh, 1990). Work in this vein supports my contention that white and nonwhite identities simply cannot be considered commensurate or parallel. From experiences as mundane as being able to find bandages in one’s own skin color to the much more significant ramifications of decades of racist housing and banking practices, these scholars detail the various material benefits that accrue to white people on the basis of their race in societies structured on white supremacy.

These investigations on what whiteness actually means for the lives of white people belie the notion that white is or can be simply another descriptive racial category. Of course, it is likely inescapable that quantitative work on race must rely to some extent on these types of discrete categorical distinctions. But these pivotal analyses in critical whiteness studies drive home why, even if some data analysis requires these kinds of categories, we must be even more

careful to not extrapolate from data patterns that the categories themselves can be understood as necessarily similar. Hence, my goal with this project is to provide greater substance to notions of whiteness that can supplement and contextualize quantitative findings that might inadvertently collapse the meaningful differences in power and hegemony between racial groups in the U.S.

The consolidation and protection of whiteness has also always been the self-proclaimed project and mission of groups now considered fringe, such as the KKK. This critical scholarship on whiteness that I've discussed above reveals that it is not only extremist or fringe groups like the KKK that work to uphold and maintain white supremacy and domination. However, it is also manifest that self-identified white supremacist groups are essentially just proclaiming an explicit commitment to maintaining white supremacy, which is otherwise upheld by implicit and mostly imperceptible processes as described by many critical whiteness or critical race scholars. It is for these reasons that the discourses and policies I discuss in the remaining chapters must be understood as the "acceptable" and mainstream component of an overarching project that seeks essentially the same outcome as that sought by avowed extremists. The end result of preserving white privilege and a system of white supremacy is a shared objective between groups like Neo-Nazis or the KKK and the ostensibly non-extremist contingent of white Americans who support policies like the critical race theory bans, despite the fact that many of the latter would in all likelihood disavow any shared interests with white nationalists.

Thus, to return to a point I made above, incorporating insights from critical whiteness studies demonstrates the limitations to Jardina's claim that we ought to, "to some extent," think about white identity as coming to resemble the structure of Black racial identity more closely. Qualitatively, in western societies, racial solidarity among white people has had, and necessarily always will have, different meaning and consequences than it does for historically oppressed and

subordinated racial groups. The idea of “unity” and celebration of the “white race,” or simply “defense” of white people’s interests, cannot be a counterpart to cultural or ethnic pride and political solidarity for non-white peoples so long as the unearned advantage of white privilege endures. Social science, as well as society in general, must reckon with this.

If we take seriously the contention that whiteness is constructed for the purposes of protecting the power and privilege of a few, then the ramifications for treating white identity as “just another” racial group not only obscures the historical power imbalance between white and nonwhite people, but it also imbues significance and meaning into a construct that is built only on oppression and does not itself possess intrinsic cultural meaning or value. That is, whiteness is no longer (if it ever was) just a “stand in” of sorts for European ethnic or cultural heritage; the vestiges of European cultural ties that whiteness as a category writ large may have ever held have been intentionally washed away in the process of consolidating the power structures of white supremacy. If we treat whiteness as if it can and does just parallel other racial identities, we are reifying the post-racial narrative that we have moved past the need to discuss and dismantle systems of oppression or that full racial equality has been achieved. This only serves to enable the persistence of unearned white advantage and privilege at the expense of anyone defined as nonwhite.

This touches on an ongoing debate within scholarship on whiteness as to whether whiteness (i.e., as a category of identity and as a power construct) must be outright abolished (Ignatiev & Garvey, 2013; Olson, 2004; Roediger, 1994) or whether room must be made for oppositional antiracist white identities (Eichstedt, 2001; Giroux, 1997b; Kincheloe & Steinberg, 1998; Rodriguez, 1998; A. Thompson, 1997). In favor of the former position, scholars argue that whiteness is a category which is built on and defined by the exclusion of anyone deemed

nonwhite and thus is devoid of any actual cultural heritage or significance beyond oppression and thus, so long as it continues to exist, it will uphold the social and racial inequalities it was built on. Advocates of the latter argue that a more effective means of undoing and dismantling white privilege and white supremacy is to activate and enable an actively antiracist consciousness among white people, such that there is room for “white” people to identify with and engage in opposition to hegemonic whiteness while still in acknowledgment of the “stickiness” of their privilege owing to skin color, phenotype, etc. Although this is as-yet a somewhat intractable question, I hope to add fuel to the fire of conversations about this question in hopes of it someday arriving at surer conclusions.

All told, it is for these reasons that academia and social science must begin to grapple with its role in consolidating racial categories and treating whiteness in an uncritical way. Much political science in recent years seems to be attempting to take heed of insights from the realms of critical race theory and other scholarship in similar veins committed to social justice. Although this is heartening, the operative understanding of race in political science should keep pace with other, more interpretivist fields; it is here that I wish to intervene. By looking at the discursive strategies that have cropped up in the wake of Trump’s presidency to protect white supremacy and structural white privilege by means of policies like the critical race theory bans, I provide a deeper context for understanding insights like those provided in *White Identity Politics*.

CRT Bans and Reactionary Whiteness

Bearing in mind these findings from social science and critical studies of whiteness, I will now describe in greater detail my argument about how the state bans on critical race theory in public education are functioning. I argue that the weaponization of colorblindness used in the

CRT bans, and in defending them, is the current manifestation of white backlash to the political gains and demands of marginalized communities. Both the anti-CRT bill language and the discourses surrounding the issue contain the trappings of racial neutrality and colorblindness, despite the underlying purpose of the bans being a reactionary attempt to disarm and silence antiracist ideas as they have gained prominence and visibility in recent years. In part, the visibility of calls to proactive antiracism is due to a combination of factors, particularly the continued institutional and structural discrimination in various sectors of American life as well as to the effects of social media, as I mentioned in the opening of this chapter. In reaction to this visibility, the CRT bans make use of the prevailing colorblind discourses around race to undermine these calls to antiracism or to social justice.

I argue that the CRT bans are thus functioning as one iteration in a pattern of white backlash that can be traced back, in one form or another, throughout U.S. history. Since the consolidation of a racial regime of white supremacy via the institutionalization of chattel slavery, white people have sought to defend and preserve white privilege and the systems of discrimination and oppression that sustain it. Even after formal or de jure systems of racial oppression were dismantled (e.g., after the abolition of slavery or dismantling of Jim Crow laws), racial inequality and white privilege have nonetheless continued to exist, predominantly via informal or indirect means.

Anytime the specter of social (or legal/political) change has threatened structural white supremacy, the methods used to uphold and maintain it have shifted to operate within a new racial and social context. This can be seen in many different periods of American history, but one might consider for a single example the rhetoric used to justify slavery as calls for abolition rose prior to the Civil War, such as that enslaved people were “happy” or content with their lives on

plantations and that the institution of slavery was beneficial to enslaved people by endowing them with skills. After slavery's legal abolition, new methods were needed to continue to subjugate Black Americans, so these narratives shifted to emphasize their supposed listlessness or dangerousness.

In our current moment, the rise of challenges to white supremacy in the form of calls to antiracism and social justice threatens the informal but continued existence of white privilege. As a result of this new wave of challenge, which directly names and calls out white privilege and colorblind racial rhetoric, new laws were needed to counteract and undermine these threatening ideas and discourses. So, now as in prior eras, the power and resources of state governments were deployed in this effort. Some of the historical details of this pattern of white backlash can be found in Carol Anderson's *White Rage* (2017). Anderson addresses the way the white majority has continually found new ways to maintain the racial regime that benefits them by effectively dismantling any new gains Black Americans have achieved in essentially every era of U.S. history. After the Civil War and the legal abolition of slavery by the 13th Amendment, this backlash took the form of Black Codes, state laws targeting Black citizens specifically that required, for instance, that they enter into labor contracts and provide proof of said employment when asked. These laws were, as Anderson describes, designed to roll back Reconstruction-era gains for Black Americans in the post-Civil War south and served—in a new context where outright slavery was unconstitutional—to continue to subjugate Black Americans and in many ways reinstitute a system of pseudo-enslavement.

Similarly, Anderson explains how efforts like this occurred at every turn where Black Americans made any tangible or identifiable gains for racial equality. After the *Brown v. Board of Education* decision made the “separate but equal” regime of Jim Crow unconstitutional,

Southern states strongly resisted integrating their public schools. These “Massive Resistance” efforts were often spearheaded by white women who were instrumental in helping to bring state power and resources to bear on the cause (McRae, 2018). Again, the power of the state to undermine federally-mandated directives or general social pressure in favor of racial equality is a key component of white backlash, as is the crafting of new methods to preserve white supremacy and privilege that avoid outright violation of the new context (i.e., by subtly dodging the illegality of slavery or segregation via indirect means).

The use of the state as an apparatus to resist directives imposed by the federal government has long been a key component of this white backlash, and often-times this was explicitly the case. For instance, during the Civil Rights Movement, segregationist forces explicitly cited the states’ right to control and determine education and other aspects of life within the state’s jurisdiction. Of course, this argument is also still used occasionally as justification for the South’s secession in the Civil War. In contrast, the debates over CRT as they occurred in statehouses across the U.S. did not make use of the states’ rights argument to defend or justify the bans. However, education has nonetheless always been the purview of state governments and states have always retained primary control over the institution of public education.

This is likely due in part to some practical considerations, such as the tax base which supports public education is drawn from state-level sources such as property taxes, and so the funding of public schools is a matter for state governments (as can be seen when southern states opted to cut funding and close public schools in lieu of desegregating them). However, this is also due to some ideological reasons that I touch on throughout the following chapters, in which public schools are seen—in Supreme Court Justice Stephen Breyer’s words—as the “nurseries of

democracy” where students are molded in democratic citizens. So, while state legislators and others have not made explicit use of the states’ rights argument to defend their choice to ban “divisive concepts,” nonetheless the legacy of schools as a battleground over values and state and federal power continues to influence the debates, at least as a phantom of these older arguments.

In all of the various instances where Black Americans have achieved real (or at least potential) social, legal, or political gains, white Americans have successfully used the apparatus of the state government to undermine and hollow out those gains. The most direct antecedent to the CRT bans, then, is the use of colorblind rhetoric to undercut the achievements of the Civil Rights Movement. Anderson argues that the Civil Rights Movement led to a reconfiguration of the definition of racism to narrowly refer to individual acts of prejudice. She states that, “[c]onfronted with civil rights headlines depicting unflattering portrayals of KKK rallies and jackbooted sheriffs, white authority transformed those damning images of white supremacy into the sole definition of racism” (p. 100). It is this crucial discursive and conceptual delimiting of what racism is that is operative in how proponents of the CRT bans justify the legislation, a process I explore in the following chapters. Anderson further claims that “[t]he objective [of this] was to contain and neutralize the victories of the Civil Rights Movement by painting a picture of a ‘colorblind’ equal opportunity society” (p. 101). I argue, and aim to show in what follows, that the CRT bans rest on this kind of understanding of American race relations.

She goes on to discuss how, on the basis of these revised understandings of racism and the Civil Rights Movement, states have entrenched unequal educational access, increased rates of incarceration on a racially disproportionate basis, and gutted voting access via voter I.D. laws. Indeed, the CRT bans are the newest manifestation of white oppositional attempts to rollback

and weaken efforts and demands for racial equality in a similar fashion due to the way the bans are a deployment of state-level authority to proscribe and resist what is perceived as national (federal) attempts to infiltrate (state) public school education with unwelcome curricular content and values. In the same way southern states resisted segregation as a foreign intrusion by an overbearing federal government attempting to force the “values” of racial integration and equality onto a southern populace that didn’t desire it, the CRT bans have been painted as a similar overreach of federal power (although, in our contemporary moment, this domineering federal power is conflated with other “outside forces” like liberal coastal and big city elites and mainstream media who push their cosmopolitan way of life on humble, small-town America, etc).

Anderson posits that, in particular, voter I.D. laws and other state attempts to erect barriers to voting were passed in reaction to the election of Barack Obama, but if Trump and an emboldened white populace are any indicator, the backlash to the first Black president ought to be understood as greater and farther-reaching than that alone. The CRT bans are but one ripple of this sprawling reactionary backlash, designed to thwart education that might imbue American students, of all races but especially white students, with a greater understanding of America’s racial history and with their own status as racialized people who unjustly benefit from their designation as white under a system of white supremacy at the expense of anyone non-white.

A public school education curriculum that endeavors to teach students about things like implicit racial bias, white privilege, and systemic racism is perhaps the earliest and most preliminary groundwork that might be laid for a future in which real and meaningful progress to achieve racial equity might be achieved. Conversely, a curriculum that, for instance, avoids those concepts entirely and perhaps makes claims like slavery taught valuable skills to enslaved people

or that white slaveowners were “kind” to the people they owned as property is an education that hobbles this potential and erects serious obstacles to the ability for American schoolchildren (our future democratic citizens!) to learn to grapple with and be more comfortable, confident and capable in dealing with issues of race.

Merely on the prospect that this more anti-racist kind of educational curricula could take place, state legislators have gone to such lengths to stamp out the possibility as to ban teaching of any “divisive concepts.” As books on topics like antiracism and white privilege topped bestseller lists amid widespread protests against police brutality occurred in the early summer of 2020, the seeds of white backlash—sewn long ago—began yet again to sprout to fruition in the form of the bans on critical race theory. Although there has never been any evidence produced to show that anything even remotely resembling the real academic framework of critical race theory has ever been widely taught or part of any officially sanctioned curricula in public K-12 education, the real objective of these laws is to undermine the educative efforts of social justice or anti-racist activism as it has gained ground in mainstream discussions of race in this country.

In this project, I bridge a gap in political science research on race which neglects to deeply engage with insights from critical whiteness studies by analyzing how whiteness and the systemic racism which maintains white privilege are being defended and entrenched in our current moment by means of state legislative bans on critical race theory in public education. In the chapters that follow, I will demonstrate how discourses of colorblindness are being weaponized to stave off any attempts to shed light on or educate about systemic racism and white privilege, and this can be seen in the veiled language used by politicians implementing these bans. These bans are occurring due to a shift in national political discourse that has made it

increasingly difficult to ignore or avoid discussions about white privilege and institutional or structural forms of racism.

In what follows, I describe how the CRT bans are the current deployment of state power to disable a growing challenge to white privilege and how these laws are functioning within a paradigm of colorblind racism. Antiracism and social justice discourses have mounted a counter-narrative that simultaneously names and critiques the hegemony of the colorblind rhetoric that currently sustains the American racial regime as status quo; the CRT bans seek to muzzle this counter-narrative in its infancy within the so-called “nurseries of democracy” of American public schools. In my next chapter, I will look in-depth at the content of the legislation in order to more fully draw out what exactly the legislation is targeting, the discursive strategies used to do so, and how the bills relate to genuine critical race scholarship.

Works Cited

- Alberti, J. (1995). The Nigger Huck: Race, Identity, and the Teaching of Huckleberry Finn. *College English*, 57(8), 919–937. <https://doi.org/10.2307/378621>
- Allen, T. (1994). *The invention of the White Race: Racial Oppression and Social Control (Vol. 1)* (Second edition). Verso.
- Allen, T. (1997). *The Invention of the White Race: The Origin of Racial Oppression in Anglo-America (Vol. 2)* (Second edition). Verso.
- Anderson, C. (2017). *White rage: The unspoken truth of our racial divide* (Paperback edition). Bloomsbury, an imprint of Bloomsbury Publishing Plc.
- Applebaum, B. (2004). Social Justice Education, Moral Agency, and the Subject of Resistance. *Educational Theory*, 54(1), 59–72. <https://doi.org/10.1111/j.0013-2004.2004.00003.x>
- Behrens, J. T. (1997). Does the White Racial Identity Attitude Scale measure racial identity? *Journal of Counseling Psychology*, 44(1), 3–12. <https://doi.org/10.1037/0022-0167.44.1.3>
- Beltrán, M. C. (2005). The New Hollywood Racelessness: Only the Fast, Furious, (And Multiracial) Will Survive. *Cinema Journal*, 44(2), 50–67.
- Blish, M. (1997). THE WHITENESS OF THE WHALE REVISITED. *CLA Journal*, 41(1), 55–69.
- Block, C. J., & Carter, R. T. (1996). White Racial Identity Attitude Theories: A Rose by Any Other Name is Still a Rose. *The Counseling Psychologist*, 24(2), 326–334. <https://doi.org/10.1177/0011000096242012>
- Bobo, L. (1983). Whites' opposition to busing: Symbolic racism or realistic group conflict? *Journal of Personality and Social Psychology*, 45(6), 1196–1210. <https://doi.org/10.1037/0022-3514.45.6.1196>

- Bobo, L., & Hutchings, V. L. (1996). Perceptions of Racial Group Competition: Extending Blumer's Theory of Group Position to a Multiracial Social Context. *American Sociological Review*, 61(6), 951–972. <https://doi.org/10.2307/2096302>
- Bonilla-Silva, E. (2018). *Racism without racists: Color-blind racism and the persistence of racial inequality in America* (Fifth edition). Rowman & Littlefield.
- Bowles, J. P. (2001). Forum: Blinded by the White: Art and History at the Limits of Whiteness. *Art Journal*, 60(4), 38–43. <https://doi.org/10.1080/00043249.2001.10792092>
- Brandon, W. W. (2003). Toward a white teachers' guide to playing fair: Exploring the cultural politics of multicultural teaching. *International Journal of Qualitative Studies in Education*, 16(1), 31–50. <https://doi.org/10.1080/0951839032000033518>
- Breines, W. (2001). *Young, White, and Miserable: Growing Up Female in the Fifties*. University of Chicago Press.
- Briley, R. (2005). Basketball's Great White Hope and Ronald Reagan's America: Hoosiers (1986). *Film & History: An Interdisciplinary Journal of Film and Television Studies*, 35(1), 12–19. <https://doi.org/10.1353/flm.2005.0003>
- Brodkin, K. (1998). *How Jews Became White Folks and what that Says about Race in America*. Rutgers University Press.
- Brown, K. M. (2012). *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. UNC Press Books.
- Choney, S., & Behrens, J. (1996). 6. Development Of The Oklahoma Racial Attitudes Scale Preliminary Form (ORAS-P). *Multicultural Assessment in Counseling and Clinical Psychology*. <https://digitalcommons.unl.edu/burosbookmulticultural/10>

- Choney, S. K., & Rowe, W. (1994). Assessing White Racial Identity: The White Racial Consciousness Development Scale (WRCDS). *Journal of Counseling & Development*, 73(1), 102–104. <https://doi.org/10.1002/j.1556-6676.1994.tb01718.x>
- Chong, D., & Rogers, R. (2005). Racial Solidarity and Political Participation. *Political Behavior*, 27(4), 347–374. <https://doi.org/10.1007/s11109-005-5880-5>
- Chubbuck, S. M. (2004). Whiteness Enacted, Whiteness Disrupted: The Complexity of Personal Congruence. *American Educational Research Journal*, 41(2), 301–333. <https://doi.org/10.3102/00028312041002301>
- Cochran-Smith, M. (2000). Blind Vision: Unlearning Racism in Teacher Education. *Harvard Educational Review*, 70(2), 157–190. <https://doi.org/10.17763/haer.70.2.e77x215054558564>
- Coviello, P. (2003). Poe in Love: Pedophilia, Morbidity, and the Logic of Slavery. *ELH*, 70(3), 875–901.
- Davis, A. Y. (2011). *Women, Race, & Class*. Knopf Doubleday Publishing Group.
- Dawson, M. C. (1994). Behind the Mule: Race and Class in African-American Politics. In *Behind the Mule*. Princeton University Press. <https://doi.org/10.1515/9780691212982>
- Duesterberg, L. M. (1998). Rethinking culture in the pedagogy and practices of preservice teachers. *Teaching and Teacher Education*, 14(5), 497–512. [https://doi.org/10.1016/S0742-051X\(98\)00002-X](https://doi.org/10.1016/S0742-051X(98)00002-X)
- DuPlessis, R. B. (1995). “HOO, HOO, HOO”: Some Episodes in the Construction of Modern Whiteness. *American Literature*, 67(4), 667–700. <https://doi.org/10.2307/2927891>
- Dyer, R. (1997). *White*. Routledge.

- Eichstedt, J. L. (2001). Problematic White Identities and a Search for Racial Justice. *Sociological Forum*, 16(3), 445–470.
- Ekehammar, B., & Akrami, N. (2003). The relation between personality and prejudice: A variable- and a person-centred approach. *European Journal of Personality*, 17(6), 449–464. <https://doi.org/10.1002/per.494>
- Ekehammar, B., Akrami, N., Gylje, M., & Zakrisson, I. (2004). What matters most to prejudice: Big Five personality, Social Dominance Orientation, or Right-Wing Authoritarianism? *European Journal of Personality*, 18(6), 463–482. <https://doi.org/10.1002/per.526>
- Evans, N. (2002). The family changes colour: Interracial families in contemporary Hollywood cinema. *Screen*, 43(3), 271–292. <https://doi.org/10.1093/screen/43.3.271>
- Ferber, A. L. (1998). *White Man Falling: Race, Gender, and White Supremacy*. Rowman & Littlefield.
- Fernandez-Sacco, E. (2001). Check Your Baggage: Resisting Whiteness in Art History. *Art Journal*, 60(4), 58–61. <https://doi.org/10.1080/00043249.2001.10792096>
- Flynn, F. J. (2005). Having an Open Mind: The Impact of Openness to Experience on Interracial Attitudes and Impression Formation. *Journal of Personality and Social Psychology*, 88(5), 816–826. <https://doi.org/10.1037/0022-3514.88.5.816>
- Frankenberg, R. (1993). *White women, race matters: The social construction of whiteness*. University of Minnesota Press.
- Furth, I. (1999). Manifest Destiny, Manifest Domesticity, and the Leaven of Whiteness in Uncle Tom's Cabin. *Arizona Quarterly: A Journal of American Literature, Culture, and Theory*, 55(2), 31–55. <https://doi.org/10.1353/arq.1999.0023>

- Gaine, C. (2000). Anti-racist Education in “White” Areas: The limits and possibilities of change. *Race Ethnicity and Education*, 3(1), 65–81. <https://doi.org/10.1080/713693011>
- Gaule, S. (2001). Poor white, white poor: Meanings in the differences of whiteness. *History of Photography*, 25(4), 334–347. <https://doi.org/10.1080/03087298.2001.10443236>
- Gilens, M. (1996). “Race Coding” and White Opposition to Welfare. *American Political Science Review*, 90(3), 593–604. <https://doi.org/10.2307/2082611>
- Gilens, M. (2009). *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. University of Chicago Press.
- Giroux, H. A. (1997a). Rewriting the discourse of racial identity: Towards a pedagogy and politics of whiteness. *Harvard Educational Review*, 67(2), 285–320.
- Giroux, H. A. (1997b). WHITE SQUALL: RESISTANCE AND THE PEDAGOGY OF WHITENESS. *Cultural Studies*, 11(3), 376–389. <https://doi.org/10.1080/095023897335664>
- Glaser, J., Dixit, J., & Green, D. P. (2002). Studying Hate Crime with the Internet: What Makes Racists Advocate Racial Violence? *Journal of Social Issues*, 58(1), 177–193. <https://doi.org/10.1111/1540-4560.00255>
- Goldsmith, M. (2003). White Skin, White Mask: Passing, Posing, and Performing in The Great Gatsby. *MFS Modern Fiction Studies*, 49(3), 443–468. <https://doi.org/10.1353/mfs.2003.0050>
- Goldstein, E. L. (2006). *The Price of Whiteness: Jews, Race, and American Identity*. Princeton University Press.
- Gormley, P. (2001). TRASHING WHITENESS: Pulp fiction, seven, strange days, and articulating affect. *Angelaki*, 6(1), 155–171. <https://doi.org/10.1080/09697250120056837>

- Guglielmo, T. A. (2000). *White on arrival: Italians, race, color, and power in Chicago, 1890–1945* [Ph.D., University of Michigan].
<https://www.proquest.com/docview/304607169/abstract/66F65931B70C4EEDPQ/1>
- Guimond, S., Dambrun, M., Michinov, N., & Duarte, S. (2003). Does social dominance generate prejudice? Integrating individual and contextual determinants of intergroup cognitions. *Journal of Personality and Social Psychology, 84*(4), 697–721.
<https://doi.org/10.1037/0022-3514.84.4.697>
- Hagerman, M. A. (2018). *White Kids: Growing Up with Privilege in a Racially Divided America*. New York University Press.
- Harris, C. I. (1993). Whiteness as Property. *Harvard Law Review, 106*(8), 1707–1791. JSTOR.
<https://doi.org/10.2307/1341787>
- Harris, C. I. (1996). Finding Sojourner’s Truth: Race, Gender, and the Institution of Property Bondage, Freedom and the Constitution: The New Slavery Scholarship and Its Impact on Law and Legal Historiography. *Cardozo Law Review, 18*(2), 309–410.
- Helms, J. E. (1984). Toward a Theoretical Explanation of the Effects of Race on Counseling A Black and White Model. *The Counseling Psychologist, 12*(4), 153–165.
<https://doi.org/10.1177/0011000084124013>
- Helms, J. E. (Ed.). (1990). *Black and White racial identity: Theory, research, and practice* (pp. xviii, 262). Greenwood Press.
- Henze, R., Lucas, T., & Scott, B. (1998). Dancing with the Monster: Teachers Discuss Racism, Power, and White Privilege in Education. *Urban Review, 30*(3), 187–210.
<https://doi.org/10.1023/A:1023280117904>

- Herring, M., Jankowski, T. B., & Brown, R. E. (1999). Pro-Black Doesn't Mean Anti-White: The Structure of African-American Group Identity. *The Journal of Politics*, 61(2), 363–386.
<https://doi.org/10.2307/2647508>
- Hicks, H. J. (2003). Hoodoo Economics: White Men's Work and Black Men's Magic in Contemporary American Film. *Camera Obscura*, 18(2), 27–55.
- Howard, G. (1993). White in multicultural education: Rethinking our role. *Phi Delta Kappan*, 75(1), 36.
- Hytten, K., & Warren, J. (2003). Engaging whiteness: How racial power gets reified in education. *International Journal of Qualitative Studies in Education*, 16(1), 65–89.
<https://doi.org/10.1080/0951839032000033509a>
- Ignatiev, N. (2008). *How the Irish Became White*. Routledge.
<https://doi.org/10.4324/9780203473009>
- Ignatiev, N., & Garvey, J. (Eds.). (2013). *Race Traitor*. Routledge.
<https://doi.org/10.4324/9781315022116>
- Jacobson, M. F. (1999). *Whiteness of a Different Color*. Harvard University Press.
- Jardina, A. (2019). *White identity politics*. New York, NY, USA : Cambridge University Press.
- Jones-Rogers, S. E. (2019). *They were her property: White women as slave owners in the American South*. Yale University Press.
- Kincheloe, J. L., & Steinberg, S. R. (1998). Addressing the crisis of whiteness: Reconfiguring white identity in a pedagogy of whiteness. In *White Reign: Deploying Whiteness in America* (pp. 3–29).
- Kinder, D. R., & Sanders, L. M. (1996). *Divided by Color: Racial Politics and Democratic Ideals*. University of Chicago Press.

- Kinder, D. R., & Sears, D. O. (1981). Prejudice and politics: Symbolic racism versus racial threats to the good life. *Journal of Personality and Social Psychology*, 40(3), 414–431. <https://doi.org/10.1037/0022-3514.40.3.414>
- Knowles, E. D., & Peng, K. (2005). White Selves: Conceptualizing and Measuring a Dominant-Group Identity. *Journal of Personality and Social Psychology*, 89(2), 223–241. <https://doi.org/10.1037/0022-3514.89.2.223>
- LaFleur, N. K., Rowe, W., & Leach, M. M. (2002). Reconceptualizing White Racial Consciousness. *Journal of Multicultural Counseling and Development*, 30(3), 148–152. <https://doi.org/10.1002/j.2161-1912.2002.tb00488.x>
- Lawrence, S. M., & Bunche, T. (1996). Feeling and dealing: Teaching white students about racial privilege. *Teaching and Teacher Education*, 12(5), 531–542. [https://doi.org/10.1016/0742-051X\(95\)00054-N](https://doi.org/10.1016/0742-051X(95)00054-N)
- Lawrence, S. M., & Tatum, B. D. (1997). Teachers in Transition: The Impact of Antiracist Professional Development on Classroom Practice. *Teachers College Record*, 99(1), 162–178. <https://doi.org/10.1177/016146819709900101>
- Leach, M. M., Behrens, J. T., & LaFleur, N. K. (2002). White Racial Identity and White Racial Consciousness: Similarities, Differences, and Recommendations. *Journal of Multicultural Counseling and Development*, 30(2), 66–80. <https://doi.org/10.1002/j.2161-1912.2002.tb00480.x>
- Lee, M. S. (2003). Absolute Poe: His System of Transcendental Racism. *American Literature*, 75(4), 751–781.

- Lewis, A. E. (2001). There Is No “Race” in the Schoolyard: Color-Blind Ideology in an (Almost) All-White School. *American Educational Research Journal*, 38(4), 781–811.
<https://doi.org/10.3102/00028312038004781>
- Lipsitz, G. (2018). *The possessive investment in whiteness: How white people profit from identity politics* (Twentieth anniversary edition). Temple University Press.
- Lott, E. (1997). The Whiteness of Film Noir. *American Literary History*, 9(3), 542–566.
- Maher, F. A., & Thompson Tetreault, M. K. (1997). Learning in the dark: How assumptions of whiteness shape classroom knowledge. *Harvard Educational Review*, 67(2), 321–349.
- McClain, P. D., Johnson Carew, J. D., Walton, E., & Watts, C. S. (2009). Group Membership, Group Identity, and Group Consciousness: Measures of Racial Identity in American Politics? *Annual Review of Political Science*, 12(1), 471–485.
<https://doi.org/10.1146/annurev.polisci.10.072805.102452>
- McIntosh, P. (1990). *White privilege: Unpacking the invisible knapsack*.
<https://jstor.org/stable/community.30714426>
- McIntyre, A. (2002). Exploring Whiteness and Multicultural Education with Prospective Teachers. *Curriculum Inquiry*, 32(1), 31–49. <https://doi.org/10.1111/1467-873X.00214>
- McLaren, P. (1997). *Decentering Whiteness*. 5, 4–11.
- McRae, E. G. (2018). *Mothers of massive resistance: White women and the politics of white supremacy*. Oxford University Press.
- Miller, A. H., Gurin, P., Gurin, G., & Malanchuk, O. (1981). Group Consciousness and Political Participation. *American Journal of Political Science*, 25(3), 494–511.
<https://doi.org/10.2307/2110816>

- Morrison, T. (1993). *Playing in the dark: Whiteness and the literary imagination* (1st Vintage Books ed). Vintage Books.
- Nettleton, T. (2003). White-on-White: The Overbearing Whiteness of Warhol Being. *Art Journal*, 62(1), 14–23. <https://doi.org/10.1080/00043249.2003.10792145>
- Nicholls, B. (2003). The Melting Pot That Boiled Over: Racial Fetishism and the Lingua Franca of Jack Kerouac’s Fiction. *MFS Modern Fiction Studies*, 49(3), 524–549. <https://doi.org/10.1353/mfs.2003.0053>
- Ochoa, P. (1999). Morrison’s Beloved: Allegorically Othering “White” Christianity. *MELUS*, 24(2), 107–123. <https://doi.org/10.2307/467702>
- Oguibe, O. (2001). Whiteness and “The Canon.” *Art Journal*, 60(4), 44–47. <https://doi.org/10.1080/00043249.2001.10792093>
- Olson, J. (2004). *The abolition of white democracy*. University of Minnesota Press.
- Painter, N. I. (2011). *The history of white people*. W. W. Norton.
- Parker, C. S., & Towler, C. C. (2019). Race and Authoritarianism in American Politics. *Annual Review of Political Science*, 22(1), 503–519. <https://doi.org/10.1146/annurev-polisci-050317-064519>
- Perry, P. (2001). White Means Never Having to Say You’re Ethnic: White Youth and the Construction of “Cultureless” Identities. *Journal of Contemporary Ethnography*, 30(1), 56–91. <https://doi.org/10.1177/089124101030001002>
- Perry, P. (2002). *Shades of white: White kids and racial identities in high school*. Duke University Press.
- Pfeifer, J. E., & Bernstein, D. J. (2003). Expressions of Modern Racism in Judgments of Others: The Role of Task and Target Specificity on Attributions of Guilt. *Social Behavior &*

- Personality: An International Journal*, 31(8), 749–766.
<https://doi.org/10.2224/sbp.2003.31.8.749>
- Pope-Davis, D. B., & Ottavi, T. M. (1994). The Relationship Between Racism and Racial Identity Among White Americans: A Replication and Extension. *Journal of Counseling & Development*, 72(3), 293–297. <https://doi.org/10.1002/j.1556-6676.1994.tb00937.x>
- Reynolds, K. J., Turner, J. C., Haslam, S. A., & Ryan, M. K. (2001). The Role of Personality and Group Factors in Explaining Prejudice. *Journal of Experimental Social Psychology*, 37(5), 427–434. <https://doi.org/10.1006/jesp.2000.1473>
- Rodriguez, N. M. (1998). Emptying the content of whiteness: Toward an understanding of the relation between whiteness and pedagogy." In *White Reign: Deploying Whiteness in America* (pp. 31–62).
- Roediger, D. R. (1991). *The wages of whiteness: Race and the making of the American working class* (Rev. ed). Verso.
- Roediger, D. R. (1994). *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History*. Verso.
- Roediger, D. R. (2018). *Working toward whiteness: How America's immigrants became white: the strange journey from Ellis Island to the suburbs* (Second edition). Basic Books.
- Rosenthal, A. (2004). Visceral Culture: Blushing and the Legibility of Whiteness in Eighteenth-Century British Portraiture. *Art History*, 27(4), 563–592. <https://doi.org/10.1111/j.0141-6790.2004.00438.x>
- Rowe, W., Bennett, S. K., & Atkinson, D. R. (1994). White Racial Identity Models: A Critique and Alternative Proposal. *The Counseling Psychologist*, 22(1), 129–146.
<https://doi.org/10.1177/0011000094221009>

- Schick, C. (2000). "By Virtue of Being White": Resistance in anti-racist pedagogy. *Race Ethnicity and Education*, 3(1), 83–101. <https://doi.org/10.1080/713693016>
- Schmitt, M. T., Branscombe, N. R., & Kappen, D. M. (2003). Attitudes toward group-based inequality: Social dominance or social identity? *British Journal of Social Psychology*, 42(2), 161–186. <https://doi.org/10.1348/014466603322127166>
- Sears, D. O., & Henry, P. J. (2003). The origins of symbolic racism. *Journal of Personality and Social Psychology*, 85(2), 259–275. <https://doi.org/10.1037/0022-3514.85.2.259>
- Shingles, R. D. (1981). Black Consciousness and Political Participation: The Missing Link. *American Political Science Review*, 75(1), 76–91. <https://doi.org/10.2307/1962160>
- Sidanius, J., & Pratto, F. (2001). *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppression*. Cambridge University Press.
- Sidanius, J., Pratto, F., Laar, C. V., & Levin, S. (2004). Social Dominance Theory: Its Agenda and Method. *Political Psychology*, 25(6), 845–880. <https://doi.org/10.1111/j.1467-9221.2004.00401.x>
- Sleeter, C. E. (1992). Resisting Racial Awareness: How Teachers Understand the Social Order from Their Racial, Gender, and Social Class Locations. *The Journal of Educational Foundations*, 6(2), 7–32.
- Smith, S. M. (1998). "Baby's Picture is Always Treasured": Eugenics and the Reproduction of Whiteness in the Family Photograph Album. *The Yale Journal of Criticism*, 11(1), 197–220. <https://doi.org/10.1353/yale.1998.0022>
- Tate, K. (1994). *From Protest to Politics: The New Black Voters in American Elections*. Harvard University Press.

- Tatum, B. (1992). Talking about Race, Learning about Racism: The Application of Racial Identity Development Theory in the Classroom. *Harvard Educational Review*, 62(1), 1–25. <https://doi.org/10.17763/haer.62.1.146k5v980r703023>
- Tatum, B. (1994). Teaching White Students about Racism: The Search for White Allies and the Restoration of Hope. *Teachers College Record*, 95(4), 462–476. <https://doi.org/10.1177/016146819409500412>
- Tesler, M. (2012). The Spillover of Racialization into Health Care: How President Obama Polarized Public Opinion by Racial Attitudes and Race. *American Journal of Political Science*, 56(3), 690–704. <https://doi.org/10.1111/j.1540-5907.2011.00577.x>
- Tesler, M. (2016). Post-Racial or Most-Racial?: Race and Politics in the Obama Era. In *Post-Racial or Most-Racial?* University of Chicago Press. <https://doi.org/10.7208/9780226353159>
- Thompson, A. (1997). For: Anti-Racist Education. *Curriculum Inquiry*, 27(1), 7–44. <https://doi.org/10.1111/0362-6784.00035>
- Thompson, C. E. (1994). Helms's White Racial Identity Development (WRID) Theory: Another Look. *The Counseling Psychologist*, 22(4), 645–649. <https://doi.org/10.1177/0011000094224010>
- Tierney, S. M. (2006). Themes of Whiteness in *Bulletproof Monk*, *Kill Bill*, and *The Last Samurai*. *Journal of Communication*, 56(3), 607–624. <https://doi.org/10.1111/j.1460-2466.2006.00303.x>
- Tokar, D. M., & Swanson, J. L. (1991). An investigation of the validity of Helms's (1984) model of White racial identity development. *Journal of Counseling Psychology*, 38(3), 296–301. <https://doi.org/10.1037/0022-0167.38.3.296>

- Traber, D. S. (2000). Whiteness and the Rejected Other in *The Sun Also Rises*. *Studies in American Fiction*, 28(2), 235–253. <https://doi.org/10.1353/saf.2000.0002>
- Wallace, M. F. (2003). The Good Lynching and “The Birth of a Nation”: Discourses and Aesthetics of Jim Crow. *Cinema Journal*, 43(1), 85–104.
- Ware, V. (1992). Moments of Danger: Race, Gender, and Memories of Empire. *History and Theory*, 31(4), 116–137. <https://doi.org/10.2307/2505418>
- Ware, V. (2015). *Beyond the Pale: White Women, Racism, and History*. Verso Books.
- Warren, J. T. (1999). Whiteness and Cultural Theory: Perspectives on Research and Education. *The Urban Review*, 31(2), 185–203. <https://doi.org/10.1023/A:1023235624671>
- Wills, J. S. (1996). Who Needs Multicultural Education? White Students, U.S. History, and the Construction of a Usable Past. *Anthropology & Education Quarterly*, 27(3), 365–389. <https://doi.org/10.1525/aeq.1996.27.3.04x0354p>
- Yancy, G. (2000). THE BLACK SELF WITHIN A SEMIOTIC SPACE OF WHITENESS: REFLECTIONS ON THE RACIAL DEFORMATION OF PECOLA BREEDLOVE IN TONI MORRISON’S “THE BLUEST EYE.” *CLA Journal*, 43(3), 299–319.

Chapter 3: Legislative Analysis

We have successfully frozen their brand—"critical race theory"—into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category.

– Christopher Rufo, March 15, 2021 [twitter.com]

In June of 2020, the murder of George Floyd at the hands of Minneapolis police and the resulting outcry stirred a nation-wide conversation about police brutality and more generally about the persistence of systemic racism in the United States. Part of this discussion drew attention to books on topics like antiracism, many of which ended up on bestseller lists, as well as general calls for white people to contend with the systems of racial domination and privilege which renders them insulated from facing the kind of state violence that was on full display in the incident that, unjustly and unjustifiably, took George Floyd's life. Whether this moment signaled a genuine sea change amongst white Americans' racial politics in any meaningful, lasting, or tangible way remains up for debate, but even the temporary salience these issues had in the public consciousness has undeniably had ripple effects.

Perhaps one such effect is signaled in the epigraph above, a Tweet made by conservative activist Christopher Rufo nearly a year after the protests and demonstrations over George Floyd's death (2021). In the wake of a national discussion over systemic racism and white privilege, the arguably inevitable white backlash began to take shape around "critical race theory" as a lodestar for the antiracist teachings in many of these newly "discovered" books. Several media outlets such as The Atlantic, the Washington Post, and the New York Times have since profiled Rufo, referring to him as perhaps the single most influential actor in fomenting the resulting zeal against a formerly niche academic framework (Gabriel, 2022; Harris, 2021; Meckler & Dawsey, 2021). There is some consensus in this reporting that Rufo's appearance on

Fox News seems to have directly convinced President Donald Trump to issue an executive order on “Combating Race and Sex Stereotyping” in September 2020 (Exec. Order No. 13950, 2022).

The other result of Rufo’s agitating can be seen in the subsequent cascade of state actions attempting to curtail or outright ban the teaching of critical race theory. It is the legislative component of these bans, and their role in upholding white racial privilege, that I am interested in here. I argue that these bills, as widely noted by critics, do in fact aim to preserve a white supremacist and whitewashed public education curriculum and constitute a reactionary attempt to impede any kind of instruction that might seek to elevate children’s understanding of racial and social injustice in our time. In turn, the broader function of the bills is to preserve unearned white advantage and the status quo of continuing inequalities. This is despite the supporting legislators’ strident claims that they desire only fair and neutral curriculum for all students.

In fact, the use of colorblind and ostensibly race-neutral rhetoric is a key component of these bans. Both the language of the bills and the arguments used to defend them represent a weaponization of a colorblind “ideal” to move past or not see race to, in actuality, preserve a racially unjust and unequal system that continues to benefit white people disproportionately. I begin with a brief overview of critical race theory itself in order to properly contextualize the way it has been framed in these bans across the country. After this, I will delve into the most commonly used language in the legislation and discuss how exactly the formal legislative language is veiling the intent of these bills to whitewash school curricula and undercut attempts at antiracist or social justice-oriented education in order to preserve white privilege.

Critical Race Theory – Overview

In order to understand how the rhetoric both in the anti-CRT legislation itself and that used in justifying the legislation is operating, I will first give a brief and general overview of

what Critical Race Theory scholarship actually consists of. This will help to frame my subsequent discussion of the language in the bills themselves, most of which I will show is essentially a crude strawman representation of the actual ideas and tenets of CRT. This is because, in order to achieve their intended effects of chilling educational content on racial or social justice and systemic whiteness, the bills do not need to reflect actual critical race scholarship in any substantive way, they need only contain some broad contours under which any kind of vaguely antiracist, social justice-oriented, or otherwise “suspect” education might be penalized. This setup will then enable me to show, in my analysis on the legislative debates over the bills in the following chapter, how these bills are working to further entrench and protect whiteness, or ward off education, ideas, and information that would critique it.

History and Origins of Critical Race Theory

Before the 2020 furor created in part by Christopher Rufo, as discussed above, Critical Race Theory was, outside of academic circles, generally a little-known body of legal scholarship that sought to uncover and analyze the role of the law in constituting race and upholding the United States’ system of racial hierarchy. Although some CRT concepts had come to receive increasing recognition online and in other media, most notably Kimberlé Crenshaw’s concept of intersectionality (1990, 1991), most CRT research was nonetheless largely consigned to law school and graduate-level curricula. Arguably, it was in part this relatively obscure status that rendered Critical Race Theory rife for misunderstanding and demonization at the mainstream level by conservative activists and media.

The second aspect that likely made CRT a ready target for those seeking a political boogeyman was its fundamentally progressive and radical stance against both law school and legal scholarship orthodoxy as well as generally accepted “common sense” notions about race

and racism in the U.S. This orientation can be seen in critical race scholarship's earliest roots in a lineage that is often traced back to Derrick Bell's articles critiquing the hegemonic legal consensus on the state of post-Civil Rights Movement race relations and the supposed success of that movement in achieving new levels of racial equality and eradicating racism. For instance, in his article on *Brown v. Board of Education* and integration, Bell questions the primary goal, taken for granted by the time of his writing, of civil rights attorneys who sought desegregation orders for schools in the wake of the *Brown* decision even at the expense of what might have been in the best interests of the clients and the Black students attending these schools (1975).

In placing the unquestioned good of school desegregation under a critical lens, Bell's work thus served as the motivating impulse for later critical race scholars to highlight the failures of the legal system after the Civil Rights Movement, as well as its unfulfilled promises of racial justice. Bell's questioning of the reigning liberal consensus on a prime goal of the Civil Rights Movement speaks to the kind of radical critique that conservatives in our current moment are reacting to. As the Civil Rights Movement waned in light of these perceived successes, colorblindness became accepted as the new social and legal paradigm—that we have overcome racial inequality when we no longer “see” race. In questioning this paradigm, CRT threatened this newfound common ground, which white people had come to accept, by unveiling the shortcomings of this colorblind paradigm.

In addition to this, there are several other common principles within most critical race scholarship that put it at odds with most Americans' notions about race and racism. One of these is the idea that race is socially constructed (Crenshaw et al., 1995; Delgado & Stefancic, 2017). Although research on genetics has confirmed that there is no biological basis for race, it is nonetheless still discussed by most people as if it is something physically real, given the common

visible physiological or phenotypical differences between people of different races. In advancing the idea that race is something conceived of and defined by society, rather than existing literally somewhere in the manifestation of these physical differences, critical race scholarship upends the idea, comfortable and “obvious” to most people, of race as a naturally occurring, biological difference between people. For instance, I think it is uncontroversial to speculate that most people, if pressed, would claim that differences in skin tone or facial features are in fact the physical manifestations of “real” underlying racial distinctions, the racial distinctions being the internal cause of the external patterns of physical features we can see.

However, critical race scholarship, in holding that race is a social construction, disputes the commonly held idea that there is anything intrinsic to different racial categories. If one’s starting point is that race is a real and natural thing a person possesses upon birth, based on genetics, phenotype, or otherwise, then this means race is an inherent part of someone’s being and existence. From here, any number of qualities can be extrapolated as following from “race,” including something as potentially innocuous as skin color to, insidiously, much more significant qualities such as intelligence. Although most people nowadays would likely reject that qualities like intelligence are tied to race, this general notion of race as physically or biologically real nonetheless persists, at least in the way people view it as tied to physical appearance and thus as an inextricable part of someone’s makeup, scientific evidence to the contrary notwithstanding. Indeed, it is precisely this process of manufacturing differences, and attributing them to race, that critical race scholarship helps to uncover.

The scaffolding of difference (and, from there, oppression) that has been erected on the idea of race as “naturally” occurring and “real” is, in my argument here, a key reason why CRT is being targeted and is why supporters of these bills must willfully misconstrue the ideas and

arguments that critical race scholarship actually makes. This is because, if race is not in fact natural or “real,” then we must examine how it comes to exist and hold so much meaning and significance in society. It is this examination which threatens to uncover and expose the artificiality of our entire racial regime, which would mean that the entire edifice of white history and the ensuing privilege of being white would be subject to questioning and, potentially, dismantling. The conception of race as a social construction is thus intrinsically threatening to a white supremacist system.

The position of the bulk of critical race scholars is that, although imbued with social significance and resulting in real and material effects on people’s lives, race is nonetheless an artificial concept that was created to maintain difference and has since been reified and policed by society. This, therefore, rejects the former conception of race as natural and self-evident, discussed above, and breaks down how exactly the racial categories are constructed within and by society according to different rules and interpretations of things like physical appearance, familial inheritance, or genetics. Specifically, CRT is concerned with the role of laws and the legal system in this process, such as how court rulings have influenced understandings of racial classifications.

One such example is the analysis of legal doctrines like *partus sequitur ventrem*, which shifted the inheritance of a child’s legal status (free or enslaved) from the father to the mother, as initiated in colonial Virginia in Elizabeth Key’s legal suit for freedom, in order to protect the property investments of slaveowners (Banks, 2008; Brown, 2012). As such, not only does CRT help to undermine the idea that racial categories carry with them any particular set of characteristics or traits, it also seeks to demonstrate the way the categories themselves are devoid of any intrinsic meaning. The potential threat such work poses to the established racial order

(i.e., by opposing and critiquing it) is apparent, as is the way these bills misconstrue critical race scholarship.

It is in this component of anti-essentialism that the mischaracterization of CRT in the legislation is most obvious, which I will address in some more depth below. This scholarship provides the tools and insight to break down and see past the artifice of racial categories as well as to see the continuing impacts of a social order built on race subjugation, all of which threatens the state of equilibrium that we have supposedly reached in which racism has been solved and any further efforts to address it are themselves racist. To put it more concretely, if racial categories and racial difference are accepted as natural and inborn, then—for instance—there is nothing one can “do” about being born white and thus one cannot, or should not, be penalized for being white. Being white, then, is just how someone is born, through no fault of their own. This is why, according to this line of thinking and as asserted by the legislation, teaching white children about the unearned advantages they accrue as a result of their race or skin color is such a horrible and evil thing to do. CRT scholarship directly threatens this ubiquitous racial logic.

The corollary to this, that nobody can “help” being born Black, is one of the now universally embraced post-Civil Rights ideals that rejects outright or explicit racism. Together, then, this idea of race as an essential difference between people ties into the general framework of colorblindness wrought by the dismantling of formal discrimination and segregation after the 1960s, all of which then all works to obscure continuing power imbalances and racial inequality, including the persistence of unearned white advantage. Race is rendered, at once, both an essential and natural occurrence and simultaneously an insignificant category that we ought to overlook and ignore in order to move past. All told, then, the idea of the social construction of

race, in part an effort to de-naturalize race, is thus fundamentally and diametrically opposed to the notion, appearing in this legislation, that anyone is “inherently” racist due to their race.

Following from this, in some ways, is another core component of most critical race scholarship which seeks to dispute the apparent neutrality and objectivity of the law and legal institutions. The law as a pillar of objectivity and a neutral arbiter among different parties is a hallowed idea in western societies as the basis for the rule of law and as a signifying “hallmark” of advanced civilizations. In disrupting and complicating this inherited understanding of the law as sacrosanct, critical race theory makes a significant departure from what most people would consider as “common sense.” The stance among critical race scholars that the law and legal institutions are not in fact neutral and also play a significant role in the construction and maintenance of race thus represents, perhaps in many eyes, an affront to a traditionally revered institution of government. (Ironically, in what I hope is a key takeaway from my project, the position of critical race scholarship that the law and legal institutions themselves play an active role in constructing and maintaining racial stratification and oppression is in fact demonstrated by the passage of these laws at all.)

The threat this critique poses to the legal system and the law is especially evident in the aftermath of the Civil Rights movement. The historical role of the American legal system in creating and maintaining racial hierarchy can be seen, most obviously, in centuries of chattel slavery and the apartheid system of Jim Crow. However, it is also apparent in a variety of Supreme Court cases—not just the ones that come readily to mind, such as the Dred Scott and Plessy decisions, which enshrined the aforementioned formal systems of racial discrimination, but also in sundry cases policing racial boundaries, such as *Korematsu v. United States* (1944) upholding Japanese internment; and *Ozawa v. United States* (1922) and *United States v. Bhagat*

Singh Thind (1923), about the eligibility of a Japanese man and an Indian man, respectively, for American citizenship.

The role of the law in creating and maintaining racial boundaries is also apparent in acts of Congress, particularly its history of immigration laws, from the Naturalization Act of 1790 (only “free white persons” were entitled to citizenship) to the Immigration Act of 1924 (ban on immigrants from Asia and quotas on immigrants from Eastern Europe) and the Immigration and Nationality Act of 1965 (elimination of National Origins Formula) which resulted in greater numbers of nonwhite immigrants to the U.S. from places like Asia and Africa. This resulted in the large demographic shifts of the last few decades. Analysis of these policies and Supreme Court decisions is a key aspect of critical race scholarship and its project of unveiling how the law and legal system are, in reality, not at all racially neutral and have actually played a prominent and active role in adjudicating and maintaining race and racial systems. In this way, again, this work threatens the colorblind assumptions that work to obscure continued racial inequalities and white privilege.

The prominence of the legal system and courts in legitimating the racial order was sublimated, however, after the Civil Rights movement. With the formal and official markers of racial segregation and discrimination dismantled with *Brown v. Board of Education* (1954) and the Civil Rights and Voting Rights Acts of the 1960s, the notion of the American legal system as truly, and finally, neutral and impartial to race was nominally achieved. Thus, among both those who sought racial equality and those who simply sought the appearance of it, many Americans came to see these changes as the final fulfillment of American ideals of fairness, justice, and equality. This perspective, which was precisely the object of the critique that Bell and other CRT scholars were advancing in the 1970s, continues today to veil and obscure the way that a race-

neutral or “colorblind” legal system continues to uphold racial inequities despite the aforementioned triumphs of the Civil Rights movement.

Although the general function of legal colorblindness to hide the perpetuation of inequalities can be seen in many areas, such as voter suppression laws, the continued use of this idea (or ideal) of colorblindness, not just in law but as a society-wide good, is also an extremely common theme in the defenses mounted for the anti-CRT bills. I argue that colorblindness is utilized both in the bills and in the defenses of the bills, not in good faith as a sincere ideal to which we as a nation should aspire, but as an intentional and strategic way to impede any public school instruction that might threaten the very colorblind regime which itself obscures existing inequalities.

Because the premises of CRT that I’ve discussed here allow scholars to mount a powerful critique of the status quo of racial stratification and systems of oppression as they continue to operate in U.S. society, it ought to be clear why legislators and others in power have begun to target it or anything that can be remotely construed to resemble it. These core ideas, as well as the proliferation of scholarship operating on them, eviscerate the illusions that racial equality and justice have been achieved in this country and that we thus no longer need to address issues of race, or really any kind of oppression or discrimination. The underlying crisis that critical race scholarship points to—that racism continues to negatively impact the life chances of so many while preserving privileges for others and that our “post-racial” utopia continues to evade us—is perhaps even more acute in the wake of Barack Obama’s presidency.

If even the ascendance of a Black American to the highest echelon of power and prestige that this country can grant does not in fact signal the end of racism and racial inequality, then the extent to which the nation (particularly white people) must continue to grapple with these issues

goes much deeper than is comfortable for many white Americans to accept. In my estimation, this accounts for the frenzied reactionary attempts to police not only public education, but also other realms of social life that might be disrupted, as seen in the widespread legislation attempting to curtail drag performance or health care access for trans children. Although these other issue areas are not obviously about race, I would submit that they are equally a part of the white backlash represented by the CRT bans because these laws targeting the LGBTQ+ community constitute additional efforts to ensure all marginalized people are prevented from challenging the status quo, including all systems of privilege (racial, gender/sexual, or otherwise).

Furthermore, if Barack Obama's election heralded an even greater fever pitch of white backlash in the election of Donald Trump, then the current efforts to banish CRT, or anything even possibly resembling it, from public schools can only be viewed as part and parcel of that backlash. The other reason for this vigilance over public school curriculum is attributable to its role (perceived or actual) as a site for cultivating future citizens and thus as a crucial battleground over civic values. This accords with historical patterns, discussed in chapter 2, in which gains made by Black Americans to greater social and political equality are followed by intense periods of "white rage" and subsequent rollbacks of gains, as identified and detailed by Carol Anderson (2017). Altogether, then, the way that critical race scholarship seeks to alert us to the ongoing injustices in American society, and points us to their underlying structure and power dynamics, is a potentially grave threat to the edifice of white privilege and white supremacy that racial injustice props up.

If CRT shows us that racial oppression persists in our institutions and systems, above and beyond individual attitudes and prejudices, then the unearned advantages that accrue to

whiteness as a result are also equally in the crosshairs. Material advantages aside, also under threat are the less obvious “psychological wages” whiteness provides to lower class white people. David Roediger (1991) lays out, in a genealogy of thought indebted to W.E.B. DuBois, the way whiteness functions essentially as a psychic or mental/emotional comfort to assuage poor and working class whites for what they lack in wealth or material resources, thereby pacifying potential class resentment against upper class whites in which the economically disadvantaged of all races might band together against the elite. If whiteness itself is deconstructed, this placating function for poor whites is also threatened. Furthermore, in drawing attention to the role of systems and institutions, as well, CRT deviates from post-Civil Rights notions of racism as an aberration of individual personalities. As such, opponents of the ideas advocated in critical race scholarship can effectively demonize CRT by conflating its insights with the notion that, because racism is a personal disposition, the theory deems all white people necessarily evil (i.e., for being racist) simply because they are white people, not because they are beneficiaries of unearned advantage in an unjust system. This strategy is also seen quite often in the hearings, which I delve into in the next chapter.

Although in no way a comprehensive treatment of Critical Race Theory as an active and diverse area of academic scholarship, the above concepts foreground the targeted ideas that the CRT bills seek to prohibit. Most of the language in these bills does not actually engage with the substantive contributions of CRT or reflect any deep understanding of it in any way. However, as seen in the discussion above regarding activist Rufo’s perspective, the point of the bills is not in fact to deal with actual scholarship but merely to attach the phrase “critical race theory” to a bundle of threatening and pernicious, albeit inaccurate, ideas in order to more neatly package the kinds of ideas that reactionary forces wish to squash. For example, these bills peddle the idea,

not meaningfully advocated by anyone, that school material claims that white people today are in fact *personally* to blame for the evils of slavery. Painting CRT in these caricatured ways is an attempt to forestall the acknowledgement of, and potential for dismantling, systems of privilege that benefit white people. In the following analysis, I will review the language used in these bills and provide a discussion of how these clauses connect back to actual critical race scholarship or, more accurately, how they fail to do so in any meaningful way.

CRT Legislation

Data and Method

For my analysis on the legislative content of these bills, I have compiled the clauses that appear most often across the bills in different states. To do this, I used the CRT Forward Tracking Project run by the UCLA School of Law in partnership with the Lumina Foundation (T. N. Alexander et al., n.d.). This project aims to be a comprehensive and centralized effort to identify and monitor anti-CRT activity across state and local governments. Given this broad sweep, their database includes some actions that are beyond my focus, such as local school board or county actions, or laws that target government contractors or state agencies, as well as non-legislative actions such as directives by state governors or attorneys general. Their database of anti-CRT activity enabled me to filter these actions according to various metrics, such as the level of government enacting the activity, the type of action (legislation, executive directive, etc.) and the target of the activity (K-12, higher education, government contractors, private business, etc.).

After identifying the state laws which had been passed on or related to CRT, per the Forward Tracking Project's database, I further narrowed the list by verifying the language contained in the legislation as passed by a given state. This was to ensure that my analysis was

focused on bills that did in fact ban or otherwise circumscribe some kind of curricular content in public education at the state level and also contained some of the standard language I identify below. My guide for identifying such language was, in part, a matter of reference among the various bills (i.e., Florida's more sweeping bill had nearly identical language to shorter bills, such as Mississippi's, which had only two "CRT" clauses). However, a more overarching guide was Trump's Executive Order No. 13950 that I mentioned above. This executive order was issued several months before states began taking action on critical race theory and contains all of the clauses below. Although this was never outright stated by bill sponsors, it is reasonable to assume that the model language for all the state bills was taken more or less directly from Trump's executive order (I include a more specific breakdown on which states' bills I analyze in chapter 4).

My method of analysis for these bills is a critical discourse analysis of the common clauses as lifted from (or inspired by) Executive Order No. 13950. Critical discourse analysis involves scrutinizing the power dynamics that inform speech and, conversely, the way that speech and the narratives and rhetoric employed sustain or perpetuate unequal power dynamics (Wodak & Meyer, 2001). As stated by Wodak and Meyer, "[Critical discourse studies] can be defined as fundamentally interested in analysing hidden, opaque, and visible structures of dominance, discrimination, power and control as manifested in language. In other words, CDS aims to investigate critically social inequality as it is expressed, constituted, and legitimized, and so on, by language use (or in discourse)" (p.12). This method allows me to look beneath the literal meanings of the legislative language in order to analyze the unspoken power dynamics that inform it and which the language seeks to uphold.

The legislative language used in these bills is ripe for analysis using this framework since the aim is for the bills to appear neutral, fair, and just to all, and the clauses below facially appear that way, when in fact they represent efforts to clamp down on particular types of curriculum or discussion pertaining to social justice issues in classrooms. The intended effect and most likely impact of these bills is and will be to chill efforts to teach schoolchildren about issues of racial oppression and white privilege, despite the clinically “fair” and colorblind appearance of the bill terminology itself. As such, the most appropriate avenue for dissecting this discrepancy is to investigate the social dynamics that undergird the supposedly neutral language.

Analysis

Although the majority of the bills targeting Critical Race Theory do not in fact mention “critical race theory” directly, there are several clauses which are common and present in most of these bills. Often, the legislation simply refers to topics they are seeking to ban the teaching of as “divisive concepts” and defines them as the ideas which are listed below in italics. However, at least one state does in fact identify these concepts as common tenets of critical race theory (Idaho House Bill 377) and usually critical race theory is mentioned at least in the legislative debates on the bills containing the language below. As such, the use of the term “divisive concepts” serves, at a minimum, to broaden the scope of the bills so that they target any ideas as identified in the bills, regardless of whether these ideas are presented as or associated at all with CRT. This also functions to muddy the waters on what actually constitutes CRT, as the teachings banned under this legislation do not in fact have to be actual critical race scholarship by critical race scholars or legal thinkers.

The clauses below are the most common ones included in most of the legislation that was passed into law. Some states’ bills use only a few of these, usually the first 3-4, while some

states added additional clauses dealing with race, other aspects of teaching history, etc. Some states identify additional groups or categories above and beyond just “race” and “sex,” such as ethnicity, national origin or religious identity, but almost all bills include at least those two [see Appendix A for more detail on individual bill content]. There are some minor discrepancies across states in some of the specific language or wording used, but the language I’ve identified below is used most consistently. I have included the most common clauses to briefly discuss how they relate to and diverge from actual critical race scholarship.

Of note before delving into this analysis is the frequent incorporation in the bills of categories other than just race. In the analysis that follows, I focus almost exclusively on the racial component of the bills; I believe it will become clear, especially in the chapter on the floor debates, that the primary function of the bills is to forestall discussions about white racial privilege and systemic white supremacy as those topics might be introduced to children in public primary and secondary schools. However, the category of sex is also included in every bill that passed and several states include other categories such as national origin or religion. While my intent is not to disregard or downplay the inclusion of these other identity categories, I think that in all cases it is most likely that the addition of these other classifications still serves the overarching purpose of the bills to protect the hegemony of the dominant or most powerful contingent of any such category.

That is, the inclusion of “sex” simply extends the project of these bills to protecting the status of men and patriarchy in general. So any discussion which might occur that pinpoints white male privilege, more specifically, is also targeted by the bill via the inclusion of “sex.” The inclusion of national origin might be read to protect the dominance of “Americans” or perhaps European origin groups who are not marginalized and thus might be subject to a power analysis

that calls out their privileged positionality. Inclusion of the category of religion also serves this purpose for the privileged position of Christianity. Although a more in-depth analysis of how my reading here extends and applies to the other groups sometimes named in the bills is perhaps warranted, I think the first and foremost aim, and the gravest impact, of the legislation is to target discussions on race and to protect white privilege, while protection of privilege in other forms is ancillary.

- *That one race or sex is inherently superior [or inferior] to another race or sex.*

This is one of the more inaccurate tenets, insofar as the topics in these bills are intended to resemble ideas presented in critical race theory. The idea that CRT entails teaching anything “inherent” about race or sex (gender) whatsoever is a complete mischaracterization, given its rejection of race essentialism. If race is a social construct, then it necessarily cannot have any “inherent” qualities. As I touched on earlier, any notion of race or racial categories as possessing any intrinsic qualities, passed on through genetics and so forth, is wholly dependent on race essentialism—the rejection of which is a foundational precept in CRT. As such, to paint CRT as inscribing “inherent superiority” or inferiority to any race is both to quite literally contravene a basic premise of the entire body of thought as well as to key into fears based on the naturalized and essentialized ideas of race that most people believe in (i.e., whiteness is an intrinsic quality, therefore white people are inherently and irredeemably “bad”).

However, given that a crucial component of CRT is critique of the United States’ system of white supremacy, this clause seems to function more as a symbolic signifier against “reverse racism.” This clause hinges on an idea that is widely accepted by both liberals and

conservatives and is an oft-touted sign of social progress—that it is wrong to teach the inferiority of racial minorities—and so seems to codify that one also cannot teach that the racial majority is inferior, or conversely that those racial minorities are in fact superior. This targets teaching about systemic white supremacy by stating a colorblind version of an uncontroversial opinion (“no race is superior or inferior”), while in fact resting on an unstated presumption that teaching is going on that elevates racial minorities as superior and denounces the white racial majority as inferior.

- *That the United States of America [or the state of _____] is [are] fundamentally or systemically racist or sexist.*

This is moderately closer to an idea that critical race scholars actually contend with, which is the way that systems of racism and sexism are institutionally embedded in American founding documents and principles. The scholarship which seeks to demonstrate this is comprised of complex and subtle arguments that rest on in-depth analysis of history and law, particularly from the founding years, and thus are not pieces of scholarship that are being presented in elementary or high schools. As such, although this clause has some veneer of accuracy, it nonetheless distorts and oversimplifies a rigorous area of research and analysis and, without empirical evidence, asserts that these are ideas that are being taught to children in public schools.

While it is true that CRT does explore the ways in which racism and sexism are deeply entrenched in American laws and institutions, this tenet also broadly encroaches on any teaching, CRT or otherwise, that might endeavor to explain the ways that practices like slavery and Jim Crow were institutional and systematic rather than simply the result of individually racist

attitudes on the part of those, at the time, who practiced and enforced these systems. This again operates on the commonly-held view of racism, discussed above, as simply instances of personal prejudice; as such, teaching on topics like slavery that cannot touch on the systemic aspects enables the belief that the racism of those times died with its practitioners and thus that we have, as a society, moved past the need to examine racial issues.

- *That an individual, solely because of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.*

Similar to the first clause above, the use of the term “inherent” here already removes the targeted concept from anything resembling CRT, but it also further sets up a strawman that “inherent” racism or sexism is what critical race scholarship broadly entails. What this tenet seems to be referring to is the notion that racial categories, created to prop up a racial hierarchy and naturalize race, are “inherently” oppressive because their formation at all is what enables and shores up systems of racial oppression. However, this is much different from the statement presented in the legislation, which declares that individuals themselves are being pegged as racist or oppressive because they are a member of one of these categories, rather than identifying the categories themselves, or their existence, as racist/oppressive. Again, the underlying force of this tenet is that it is white people (and men) who are likely to be taught that they are “inherently” oppressive due to their identities within these categories (i.e., that whiteness or masculinity is “inherently” oppressive). To assert the opposite—that a non-white person is “inherently” oppressive—only makes sense, at least broadly, if it resting on the (usually implied) notion that

white people are the victims of efforts to achieve racial equality by elevating or advancing less “worthy” non-white people.

Accordingly, this tenet also operates by activating a sense of grievance among white people, similar to claims of being victims of “reverse racism” when called out or in some way negatively treated on the basis of being white. The idea that a white person is “inherently” racist simply because they are white and are the beneficiaries of white privilege therefore powerfully taps into these feelings white people increasingly harbor that they are being targeted or persecuted for simply “being white,” a “natural” fact over which they have no control; in this warped understanding, then, treating someone in any particular way *because* they are white (even if that treatment is innocuous or based on pursuing equity) constitutes the same kind of arbitrary treatment Black people or other non-white people suffered under systems of formal discrimination.

Also of concern here is the research on implicit bias, which is not tied to critical race scholarship but is frequently taught in diversity training seminars (see, e.g., Onyeador et al., 2021). The phrase “consciously or unconsciously” targets implicit bias research, which shows the way that people can hold prejudiced attitudes without being fully aware that they do. These findings, spearheaded by Anthony Greenwald, Debbie McGhee and Jordan Schwartz (1998), provide empirical evidence for implicit bias in an attempt to help explain why racism continues to be exerted on an individual level even when people explicitly disavow racism and racial prejudice. By tying this to the idea that a person is “inherently” racist or oppressive due to their race, these bills are clamping down on any teaching that argues that white people could perpetuate racism in any capacity *because* of their whiteness.

- *That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex.*

Again, this clause takes an uncontroversial and lauded colorblind idea and deploys it in a way that can only be understood as targeting “reverse racism.” That no one should be discriminated against due to their race, etc., was a key promise and objective of the Civil Rights Movement; this even in some ways hearkens back to portions of Martin Luther King’s “I Have a Dream” speech (“I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character”), which is frequently quoted by liberals and conservatives alike to signify their dedication to combatting racism and discrimination. However, while it has been anathema for decades amongst strong majorities of American citizens to teach that Black or other non-white people should be discriminated against or be treated poorly solely because of their race, codifying this premise can only be read as extending that idea to include white people, i.e., that white people also should not be discriminated against because of their whiteness.

This is not something that proponents of the bills try to prove is actually occurring in classrooms but stands again as a strawman of what radical scholarship must be touting. In this way we can see how this language is activating and operating on fear amongst white people that this could ostensibly be taught to their children. This also seems to allude, at least indirectly, to the boogeyman of affirmative action, which still functions as a vague specter of threat to white people who often continue to believe they will be denied job offers or admission to universities because they are white and a set number of openings must be dedicated to non-white applicants

due to racial quotas (despite the fact that racial quotas are no longer in use since *Regents of the University of California v. Bakke*).

The role of affirmative action in bolstering white people's fears of "reverse racism" is key here. After all, in a post-racial world where we have finally solved racism and have thus achieved the truly just "colorblind" and nonracial/nonracist society, any decisions, such as college admissions, made on the basis of race necessarily entails rejecting or "adversely treating" white people in favor of admitting underrepresented (and undeserving) minorities. If racism has long since been solved, then the continued overrepresentation of white students in universities must just be due to their better credentials and increasing non-white student populations requires ignoring those credentials. That is, since affirmative action is anathema to colorblind and "neutral" college admissions decisions because it proactively seeks to enroll primarily Black students, it must therefore only operate by excluding others, regardless of merit or achievement, merely on the basis of race.

The continuing force of this flawed but deeply held reasoning can be seen in the much more recent Supreme Court case, *Students for Fair Admissions v. President and Fellows of Harvard* (pending), albeit in yet another warped manner. The reasoning deployed by the petitioners against Harvard's admissions process is yet another distortion of racial logics. The SFFA claims that in taking race into consideration, the admissions process discriminates against Asian American students, essentially by over admitting less qualified white students. As such, this case nonetheless seeks to dismantle any vestiges of affirmative action as racist but instead by relying on claims of racism against another non-white racial group rather than a "reverse racism" claim against white students.

These shifts in rhetoric around who benefits and who “loses” from affirmative action all play to the same underlying fears that race-consciousness will disadvantage white people and infringe on white privilege, even if the arguments are framed, as in the recent case against Harvard, around an ostensibly different logic that centers another non-white racial group. As such, this aspect of the anti-CRT bills plays on the fears that any standard for decision-making other than strict colorblindness, or any consideration of race generally, will require treating white people “adversely” because of their whiteness, and in so doing, work to undo the legacy of unearned advantage that white people inherit.

- *That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.*

The convoluted phrasing of this clause notwithstanding, this seems to also touch on the notion of race consciousness as contrary to fairness and justice. If CRT calls colorblindness into question by arguing for understanding the historical and contemporary context of race in order to achieve true racial equity, then this clause operates on a fear that colorblindness (as fairness) is under siege, that it is now “wrong” to overlook people’s race or sex. This ties, as well, into a sense of white grievance by playing to white people’s fear and anxiety that all they had been taught was right and fair is now something that makes them wrong, evil, or racist.

To the extent CRT questions the concept of colorblindness and calls for recognition of the embodied experiences of people of color (e.g., Matsuda, 1987), it is true enough that it advocates an intentional consciousness and cognizance of the role of race across different contexts. Of course, most critical race scholars are concerned with bringing this consciousness to particular

areas, like in the legal field or in law schools, rather than necessarily applying it writ large to every interpersonal interaction someone might have, per se. For these reasons, the idea that it is therefore wrong or bad (“cannot and should not attempt”) to treat people in a colorblind manner is more about tapping into white grievance and fears of persecution than it is about actually forbidding anything in particular.

- *That an individual’s moral character is necessarily determined by the individual’s race or sex.*

Again, this clause is making use of a colorblind ideal (race doesn’t determine character) and on that basis erecting an unsubstantiated strawman that somewhere someone is teaching that white people are evil because of their race. The notion that a nonwhite individual is morally bad or evil because of their race is almost universally a nonstarter and is often used as an example of the kinds of horrible and antiquated racist attitudes that the United States has long since overcome; thus, this phrasing is extending that ideal to include *any* race, which must include white people.

The implications of this line of thinking are apparent in the distinct treatment of white and Black people across different social crises; for instance, the portrayals of the opioid crisis and the (predominantly white) victims differ markedly from the portrayal, common especially since the War on Drugs as initiated during the Reagan years, of Black communities and Black individuals as criminally guilty and dangerous (i.e., morally bad or corrupt). Often the white victims of opioid overdoses are discussed *as* victims, innocent and well-meaning people who became victims of the predatory pharmaceutical industry. This clause then plays on this

redirecting of victimhood and moral culpability. As such, targeted here is any teaching of the more complex and nuanced idea that white people today continue to benefit from a system of privilege which was built on centuries of racial oppression or are otherwise complicit in maintaining those systems.

This seems to tie into the aggrieved feelings that such information might elicit in white people more than it does to what might actually be taught in training seminars or classroom discussions about racism. That is, this language seems to be operating more on the way a white person might feel as though they are being called morally bad or evil after they are taught about the ways that white supremacy continues to protect privileges for white people than on any actual instruction that may or may not actually impart moral character to race or sex categories.

- *That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.*

In large part, the underlying meaning I noted above also seems to be operating here. There are many areas of critical race scholarship that do in fact deal with the continued effect that past discrimination and oppression exert today, particularly regarding how white people are still beneficiaries of unearned wealth and advantage on the basis of past discriminatory systems, which in large part have not entirely been dismantled. This in conjunction with the ongoing inequities across many sectors of American life between white and nonwhite people that remain largely unremedied are important issues that some CRT does draw attention (for example, see M. Alexander, 2012). However, the language used here in the legislation is misconstruing that scholarship to mean the attribution of blame to individual actors today. That anyone is teaching

white children that they bear personal blameworthiness and responsibility for historical ills committed by other white people remains unproven by bill sponsors, and as such is operating merely on the fear that any such thing might be taught rather than on reality.

- *That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex.*

I have briefly touched on the underlying role of feelings of grievance in discussing some of the clauses above, but this language that explicitly mentions individual's feelings is perhaps among the most consequential of all the prohibited concepts in these bills. This clause is frequently discussed in the legislative hearings on these bills, since often the enforcement mechanism or procedure for this particular clause are not specified at all and so the details of what constitutes feelings of "psychological distress" and when such emotions are being pushed onto an individual remain disputed and unclear. In the debates, the discussion of this clause often hinges on when and under what circumstances an individual student is being *forced* to feel a particular negative emotion due to their race, what that might look like, and so on.

For instance, in the Florida House, a Democratic representative posed to the bill sponsor whether, in teaching about the Holocaust, a teacher would be in violation of this law if hypothetically there were an avowed Neo-Nazi student in their class who was offended by the instruction. In response, the bill sponsor only reiterates that a student cannot be compelled to feel bad either over historical events or on account of their race, sex, etc. Exchanges like this reveal how convoluted and provocative this particular clause is because of the way the bill sponsor, through the force of logic and the semantics of the bill, has no recourse to emphatically deny that

the legislation might have the impact of coddling and protecting the feelings of students with extremist views, even if this is only a far-fetched hypothetical.

What this portion of the legislation calls to mind is Robin DiAngelo's concept of white fragility, which she identifies as the heightened reactivity many white people exhibit when confronted with talk about race or racism, often involving crying or other displays of emotion (2018). That this segment of the legislation is codifying white fragility becomes clear when considering the lack of regard exhibited by supporters of these bills for the discomfort that many nonwhite students have traditionally felt in classrooms during discussions on race or historical issues like slavery. For instance, that the Civil War has at some points been taught as "The War Between the States" or "The War of Northern Aggression" or that some states have had curriculum that teaches that enslaved people were happy or content with their enslavement has never merited legislation on the negative feelings such instruction might have created in Black students on the basis of their race. As such, it is clear that this language, in reality, can only be understood as targeting the negative feelings that white students might have as a result of teaching on racism and white supremacy.

- *That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another.*

Lastly, this is another clause which does bear some resemblance to ideas espoused by critical race scholars. For instance, concepts such as meritocracy have been the subject of critique by critical race scholars (see, e.g., Delgado, 1984), who have sought to show the way concepts like this are used to veil inequities by crafting an ostensibly non-racial explanation for

why those inequities persist. Such scholarship helps expose how, when one story offered to explain inequalities fails in a new social context, a new one will be manufactured. Nonetheless, this clause nonetheless distorts these arguments by claiming that concepts like meritocracy were invented solely as a mechanism for oppression, a glib treatment of the scholarship which is instead unpacking the way such concepts operate in some contexts to marginalize certain people or voices. Thus, this section is still targeting any education on the way that meritocracy or other concepts are imbued with a particular ideology that upholds racial inequality and white supremacy.

Taken together, then, it is overall clear that while these bills are couched deeply and intensely in colorblind language, they are nonetheless actually operating to protect whiteness. In part this is done by flattening racial identity in a way that equates whiteness with other non-white racial identities, by falsely and artificially construing whiteness as simply parallel to non-white racial identities. This understanding of the language contained in these bills rests on a notion of racial identity that is merely skin color, an inborn trait that signals nothing and yet is inextricably a part of someone's existence. This notion of race, a thin and underdeveloped one, follows from the very post-Civil Rights Movement consensus that early critical race scholars sought to bring attention to and critique. This understanding of race fails to acknowledge and comprehend the systemic power imbalances, the observance of which is also a key endeavor of much critical race and related scholarship.

Ignoring the historical and contemporary discrepancies in institutional power between whiteness and non-white racial groups is the only way that the bill's advocates can prop up the false claims of victimhood and "reverse racism" that gives these clauses any force. This is accomplished by essentially arguing that, if any of these listed things are wrong to do to or say

about, for instance, African Americans (which we all agree it is, say the bill supporters), then it is necessarily also wrong to do the same white people; this, of course, also requires believing that the same things are being done to or said about white people and that it is in fact exactly the same phenomenon. More concretely, the claim embedded and implied in the language of these bills that affirmative action is reverse racism because it excludes qualified white people in favor of non-white people, merely because of their respective races, only works if one understands race as simply “skin color” and racism as simply a matter of individual prejudice. In so disregarding the history and continued existence of systemic racism and white hegemony, the inheritance of white privilege is protected and can go unchallenged.

That these bills do in fact aim to protect whiteness and to clamp down on discussions of white privilege is something occasionally acknowledged, more or less directly, by supporters themselves. In speaking in favor of North Dakota’s bill, a representative stated that he wants his daughters to “learn to be successful in life because they work hard and smart...to learn math, English, history, science, etc.” and that what he does not want is “for them to be taught that their success in life is a result of white privilege based on a systematic racism [sic] in this free state and country” [Representative Scott Louser (R), North Dakota House Floor, 11/11/21]. In emphasizing freedom and hard work, this representative’s statement conjures visions of rugged individualism and the “American dream” where the bequeathing of prior generations poses no relevance for a person’s life; this echoes not only the common belief that non-white or otherwise marginalized communities should aim to “pull themselves up by the bootstraps” in the face of hardship but also asserts, in a plainly apparent way, that white people are not possessors of any advantages due to their race, much less that that privilege is passed intergenerationally.

Many legislators also reference exercises, in trainings or in schools, where elementary school children or other white people were allegedly asked to “deconstruct” their racial and/or gender identities. For instance, the sponsor of Florida’s bill provided a varied list of examples of what would be banned under Florida’s bill, all of which are examples that invoke supposed trainings focused on white identity and privilege. This list is worth quoting at length:

American Express, they launched a training program that teaches employees that capitalism is fundamentally racist and asked their employees to deconstruct their racial and sexual identities. Then it asks the employees to rank themselves on a hierarchy of privilege. Coca-Cola asks their employees to be, quote-unquote, less white as part of their company’s diversity training. Some of the tips for being less white included being, quote-unquote, being less oppressive and be less arrogant. CVS, they launched a program that forces hourly employees to discuss their, quote-unquote, privilege. Google has an employee program that claims that America is a system, quote-unquote, a system of white supremacy. Lockheed Martin, the nation’s largest defense contractor, it sent executives on a training mission to deconstruct their, quote-unquote, white male privilege and encouraged them to atone for their white male privilege... These are some examples in K-12; K-12, Broward County Public Schools, the equity and diversity Department website previously contained several videos, movies, articles, and books for students, parents, everyone alike, to read. Some of those included, and these are just some of the titles, ‘Me and White Supremacy,’ ‘White Privilege: Unpacking the Invisible Knapsack,’ ‘America’s Racial Contract is Killing Us.’ ... On May 27, 2021, in the Palm Beach Post, there’s an article that says that Palm Beach County School Board removes, quote-unquote, ‘white advantage from equity statement.’ In Volusia County, specifically the high schools of Deltona and Pine Ridge High Schools, those schools had videos titled ‘systemic racism’ and ‘anti-racism’ where it talked about essentially individuals being white privileged. [Representative Bryan Avila (R), Florida House Education Committee, 2/8/22]

The sponsor provided this list in multiple committee hearings when asked directly what kind of content or teaching was intended to be targeted by the bill. Not only does this list include a variety of supposed trainings or exercises, but it also names a few popular books on the topic of white supremacy and privilege, such as Peggy McIntosh’s “Unpacking the Invisible Knapsack” which is a well-known primer, at least in academia, on white privilege. Further to this point, on the Florida House floor, Representative Avila was asked some questions about whether specific

historical events would be prohibited by the bill. In response to one such question, he specified that “what [the bill is] saying is that...teacher[s] cannot instruct the student and say that because you are white you are responsible in some way, shape, or form for this event having occurred” [FL House, 2/22/22]. Taking this representative’s examples of prohibited teaching is revealing of the way that the ostensibly race neutral clauses in the bill are in fact designed to prevent students (and others, in some states’ versions) from being taught or asked to reckon with systemic racism and white privilege.

In the Texas Senate, Senator Bryan Hughes (R), in presenting the bill to the chamber, provided a children’s book as one such example of material which was being taught in a Texas school district that the bill sponsors aimed to ban with their bill [Texas Senate Floor, 5/21/21]. That book, *Not My Idea: A Book about Whiteness* by Anastasia Higginbotham, is aimed at white children to help them understand the role of white supremacy in society by discussing police shootings of unarmed Black people, a premise of the book being that white children’s families are often unlikely or unwilling to discuss race with their children. The Texas legislator presented this book, claiming that parents reported to him that certain school districts were recommending it to children. Although this claim was disputed by a Democratic member of the Texas Senate who represented the district of the schools in question, the use of this book, in a public floor debate, as the exemplar of proscribed material is telling since the book explicitly seeks to educate and inform white children about systemic white supremacy.

The debates on the Oklahoma Senate floor are also revealing, in a perhaps even more blatant way. An Oklahoma Senator in this floor debate said that “it is wise of us to take action now and defend our kids and protect our kids against any possibility of them hearing in their ears that they are racist because of the color of their skin...I applaud this bill that would protect them

from hearing even once that they are racist because they are white” [Senator Jake Merrick (R), Oklahoma Senate Floor, 4/21/21]. In closing debate on the bill, the sponsor said, “this is a theory that teaches that racism is inherent in skin color, it teaches a lie called intersectionality, it teaches about systemic racism, inherent racism, and automatically assumes white supremacy in anyone who establishes themselves or is white themselves. It is a poison to the minds of our kids” [Senator David Bullard (R), Oklahoma Senate Floor, 4/21/21].

He then goes on to read an email from a Black friend who he claims gave him permission to share her message on the floor. This email message that he quotes from is as follows: “Critical race theory in and of itself is racism...it also emboldens pre-existing racism and victimization within the Black community. Because the definition of racism has been changed and the goalpost is forever being moved, the Black population is given superiority. It pushes the idea that whites must now be subservient to every whim of the Black population.” The Senator refers to this message as “fascinating” and “very intellectual” [Senator David Bullard (R), Oklahoma Senate Floor, 4/21/21]. Not only does this foreshadow some of the themes which I will discuss in my analysis below, it also plainly expresses white fears, couched in the voice of a Black woman, that teaching about systemic white supremacy or institutional racism might render the white population “subservient” to Black people. This, then, is a veiled way to articulate the true function and purposes of these bans.

In all, then, the language in the bills coheres, and indeed *must* cohere, with the colorblind and race-neutral paradigm that currently suffuses and defines the American political landscape. This language, though, is designed with full intention to be deployed in the service of protecting white advantage and to forestall any efforts to dismantle, or even analyze, a racial order which continues to unfairly benefit white people and marginalize others. It is obvious that this is so

when we consider not simply the language of the bills, which—devoid of any context—might sound reasonable, together with the bill supporters’ stated acknowledgments of what sort of material is meant to be caught in the dragnet of the prohibited content. This function of the bills is accomplished by twisting post-Civil Rights discourse in such a way that enables white people to in fact appropriate claims of racial oppression and discrimination, that being one aspect of life that white privilege and white supremacy deny to white people. The foregoing mentality rests on a view that systemic oppression entitles those who suffer under its yoke to a kind of “special treatment,” when institutional or societal special treatment has historically always been the purview, first and foremost, of white privilege.

Misconstruing Civil Rights notions of equal rights and deploying colorblindness in the way I’ve described also relies on a kind of white innocence, where white people are essentially unwitting actors in a system of racial and gender stratification that was put in place before they were born and thus is something they cannot possibly be accountable for. It also requires that the claims those marginalized by oppression make for equity and reparation be understood as “special treatment” in the first place, rather than as a warranted and overdue call for justice and a leveling of the playing field. This much is clear in the bastardization, over the decades, of understandings of affirmative action, for example. What was initially proposed as a way for universities especially to help compensate marginalized groups for years of systematic exclusion and discrimination, as well as to bring in a wider array of unique perspectives that people from historically excluded backgrounds can provide, was intentionally twisted to fit a narrative that it perpetuated discrimination against white people by considering skin color in any capacity. It is an unsurprising consequence, then, that louder and louder demands for social and racial justice

are met by stronger and more intransigent opposition from those benefiting from an unfair system.



In this chapter, I detailed the content of the CRT bills and sought to explain how this language, although racially neutral on its face, nonetheless works to protect privileged identities like white, male, and Christian from discussion and critique in public school settings. Although the bills have colloquially been referred to as “CRT bans” (a convention to which I’ve adhered), the actual content of the bills does not in fact accurately name CRT, but rather names several vague “divisive concepts” which distort some tenets of CRT to target any education curriculum or content that might potentially teach American schoolchildren about racial issues or racial injustice. In the next chapter, I will extend this analysis to the discourses used in the legislative hearings on these bills during which state legislators defended these bills on the same deceptively race-neutral grounds.

Works Cited


- Alexander, M. (2012). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (Revised edition). New Press.
- Alexander, T. N., Baldwin Clark, L., Flores-Ganley, I., Harris, C., Kohli, J., McLelland, L., Moody, P., Powell, N., Smith, M., & Zatz, N. (n.d.). *CRT Forward Tracking Project*. UCLA School of Law Critical Race Studies Program. Retrieved September 1, 2022, from www.crtforward.law.ucla.edu
- Anderson, C. (2017). *White rage: The unspoken truth of our racial divide* (Paperback edition). Bloomsbury, an imprint of Bloomsbury Publishing Plc.
- Banks, T. L. (2008). Dangerous Woman: Elizabeth Key's Freedom Suit - Subjecthood and Racialized Identity in Seventeenth Century Colonial Virginia. *Akron Law Review*, 41(3), 799–838.
- Bell, D. A. Jr. (1975). Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation. *Yale Law Journal*, 85(4), 470–517.
- Brown, K. M. (2012). *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. UNC Press Books.
- Crenshaw, K. (1990). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241–1300.
- Crenshaw, K. (1991). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. In *Feminist Legal Theory* (pp. 57–80). Routledge.
<https://doi.org/10.4324/9780429500480-5>

- Crenshaw, K., Gotanda, N., Peller, G., & Thomas, K. (Eds.). (1995). *Critical race theory: The key writings that formed the movement*. New Press.
- Delgado, R. (1984). Imperial Scholar: Reflections On a Review of Civil Rights Literature Commentary. *University of Pennsylvania Law Review*, 132(3), 561–578.
- Delgado, R., & Stefancic, J. (2017). *Critical race theory: An introduction* (Third edition). New York University Press.
- DiAngelo, D. R. (2018). *White Fragility: Why It's So Hard for White People to Talk About Racism*. Beacon Press.
- Gabriel, T. (2022, April 24). He Fuels the Right's Cultural Fires (and Spreads Them to Florida). *The New York Times*. <https://www.nytimes.com/2022/04/24/us/politics/christopher-rufo-crt-lgbtq-florida.html>
- Greenwald, A. G., McGhee, D. E., & Schwartz, J. L. K. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology*, 74(6), 1464–1480. <https://doi.org/10.1037/0022-3514.74.6.1464>
- Harris, A. (2021, May 7). *The GOP's 'Critical Race Theory' Obsession*. The Atlantic. <https://www.theatlantic.com/politics/archive/2021/05/gops-critical-race-theory-fixation-explained/618828/>
- Matsuda, M. J. (1987). Looking to the Bottom: Critical Legal Studies and Reparations Minority Critiques of the Critical Legal Studies Movement. *Harvard Civil Rights-Civil Liberties Law Review*, 22(2), 323–400.
- Meckler, L., & Dawsey, J. (2021, June 21). Republicans, spurred by an unlikely figure, see political promise in targeting critical race theory. *Washington Post*.

<https://www.washingtonpost.com/education/2021/06/19/critical-race-theory-rufo-republicans/>

Onyeador, I. N., Hudson, S. T. J., & Lewis, N. A. (2021). Moving Beyond Implicit Bias Training: Policy Insights for Increasing Organizational Diversity. *Policy Insights from the Behavioral and Brain Sciences*, 8(1), 19–26.
<https://doi.org/10.1177/2372732220983840>

Roediger, D. R. (1991). *The wages of whiteness: Race and the making of the American working class* (Rev. ed). Verso.

Rufo  [@realchrisrufo], C. F. (2021, March 15). @ConceptualJames We have successfully frozen their brand—"critical race theory"—Into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category. [Tweet]. Twitter.
<https://twitter.com/realchrisrufo/status/1371540368714428416>

Wodak, R., & Meyer, M. (Eds.). (2001). *Methods of critical discourse analysis*. SAGE.

Chapter 4: Legislative Hearings

“Members, in Florida and across America, we can all agree on the belief that all people are created equal and every person, regardless of their race, sex, religion, or any other category, is entitled to their dignity as an individual. Over the course of history, we have made great progress from making judgments about people based on a group that they fit into to treating each person as the unique individual that they are. Members, now some movements threaten to take us backward, asking us to consider people not as individuals but as groups.”

–Florida HB7 bill sponsor, Representative Bryan Avila, February 22, 2022

Above is a partial excerpt of the opening speech given by the sponsor of Florida’s “Stop W.O.K.E. Act,” House Bill #7, to introduce the bill in both committee hearings and the House floor debate. In many ways, Representative (now Senator) Avila’s speech on Florida’s critical race theory ban exemplifies several of the most prominent ideas and themes used in legislatures across the U.S. to explain and defend the necessity of these laws. Florida’s bill was widely publicized in national news media, given Governor DeSantis’ visibility and the pithy title given to the Florida bill.

However, Florida’s ban was, in most ways, not unique in its statutory language or its intent to chill classroom discussions on race and other social justice issues. The debates on the bill that occurred in the Florida statehouse were also not unique and the excerpt above is merely a case in point. Even in this brief passage I’ve quoted here, it becomes clear the way that Senator Avila deployed universally beloved and admired principles and ostensibly uncontroversial race-neutral assertions to frame the objective of Florida’s CRT ban as purely an ameliorative for an advancing social and educational agenda that, allegedly, seeks to undermine the very foundational principles and core tenets of American democracy.

This, again, was not an isolated technique for defending such a bill and in fact represents many common methods that state legislators across the country used in order to mount a rhetorical justification of legislation that was immediately controversial and which was met with

immense backlash in the public sphere. As I detailed in the previous chapter, the bills themselves were modeled after Trump’s executive order on federal trainings and were clearly understood by opponents to be veiled attempts to crack down on discussions about race, history, and other related topics. Because the bill language and the justifications provided by bill supporters in state legislatures make such strident use of deeply held American values and principles, as well as the widely championed language and goals of the Civil Rights Movement, it is essential to delineate exactly what legislators mean when they use this language and to understand how it is being used to frame the bills as reasonable and circumspect and the opposition as menacingly un-American and dangerous. All together, these debates should and can only be understood as sites upon which whiteness and white racial privilege in our current moment are being further cemented and in fact codified.

Data

In order to illuminate the rhetorical and discursive strategies that are being used to defend whiteness in our contemporary moment, I look at the way that legislators discuss, in public hearings, the laws put forth to ban or circumscribe the teaching of “critical race theory” in public education. The burgeoning legislation on this matter is somewhat wide-ranging, so I narrow my scope to only laws which specifically invoke “critical race theory” or consonant notions of “divisive” concepts or topics; in other words, only bills that contain any or all of the clauses I outlined in the prior chapter¹. As discussed above, “critical race theory” is not always mentioned in these bills and instead the legislation usually identifies “divisive concepts” which are thereafter defined in a way that substantively includes the supposed tenets of critical race theory.

¹ The one exception is North Dakota’s House Bill 1508, which is a unique outlier in that it does not contain the clauses identified in the chapter above but does name “critical race theory” explicitly and also provides a more or less reasonable definition of critical race theory. The language is included in the appendix.

For instance, I exclude laws that have been passed, and which are sometimes discussed in tandem with CRT legislation, but that deal with issues of free speech or First Amendment concerns on university campuses.

I also exclude legislation that deals with the surveillance or banning of library materials in public schools or which codify parental rights in education settings (often referred to in the bills as a “parental bill of rights”). These bills are sometimes lumped together with or were introduced or passed alongside the more explicitly anti-CRT legislation, as these laws often work together to increase the general policing of content taught in schools. However, I focus only on the legislation which includes both a definition of the “divisive” topics being targeted and which also targets K-12 teaching materials on those topics. These latter bills on parental rights and surveillance are often broader in scope, simply permitting greater access to parents of educational material or general monitoring of library books, without necessarily forbidding or targeting particular content. Given the rhetorical and symbolic function that the phrase “critical race theory” (or its counterpart, “divisive concepts”) is performing, it is important to focus on these CRT-specific bills rather than any recent legislation dealing with issues of speech in education more broadly or other related concerns.

As discussed in the prior chapter, I made extensive use of the CRT Forward Tracking Project out of UCLA in identifying the relevant bills for my analysis. I was able to put together a list of all the bills introduced across all state legislatures that targeted teaching about CRT in K-12 public education. While local and county governments, school boards, and executive agencies are also important sites of anti-CRT activity, I focus only on state-level legislation, or bills as introduced and passed in state legislatures. This is for the immediate practical reason that information about bills and deliberations in the state legislatures (in the form of hearings or floor

debates) are frequently more readily accessible than information about actions taken at lower levels of government or by state executive agencies. I discuss this in more detail below, but I also focus only on bills in states where the legislature was ultimately successful in passing the legislation, in case states where such legislation failed to pass contain systematic differences in internal state politics or other variables which are likely to make a substantive difference in the legislative or debate content.

Across the United States, 45 states have had anti-CRT legislation introduced; only five states (California, Massachusetts, Montana, Vermont, and Delaware) have thus far had no anti-CRT legislation introduced at the state level, although in some cases other types of anti-CRT activity have taken place in these states, either in executive agencies or at local levels. According to the CRT Forward Tracking Project, this amounts to a total of approximately 260 anti-CRT laws (including related legislation like curricular surveillance and parental rights) that have been proposed across all 50 state legislatures². Of these proposed bills, 18 of them across 16 states have been passed into law which deal specifically with CRT, either by name or in substance, at the K-12 level as of October 2022. These bills are listed in Table 1 below.

² This count is approximate because some of these bills consist of either budget bills in consecutive years, budget bills passed alongside standalone legislation, or concurrent resolutions between two chambers of a state's legislature, or occasionally bills that are tangentially related to CRT (such as the parental bills of rights, creation of "1776 Commissions" or similar. I have counted each distinct piece of legislation as listed on the UCLA CRT Forward Tracking Project's database.

| State | Bill | Date Passed |
|----------------|--------------------|--------------------|
| Arizona | Senate Bill 2898** | June 30, 2021 |
| Florida | House Bill 7 | April 22, 2022 |
| Georgia | House Bill 1084 | April 28, 2022 |
| Iowa | House File 802 | June 8, 2021 |
| Idaho | House Bill 377 | April 27, 2021 |
| Idaho | Senate Bill 118* | March 21, 2022 |
| Kentucky | Senate Bill 1 | April 13, 2022 |
| Mississippi | Senate Bill 2113 | March 14, 2022 |
| North Dakota | House Bill 1508 | November 22, 2021 |
| New Hampshire | House Bill 2** | June 24, 2021 |
| Oklahoma | House Bill 1775 | May 7, 2021 |
| South Carolina | House Bill 4100** | June 25, 2021 |
| South Carolina | House Bill 5150** | June 29, 2022 |
| South Dakota | House Bill 1012 | March 21, 2022 |
| Tennessee | House Bill 580 | June 1, 2021 |
| Tennessee | Senate Bill 623* | June 1, 2021 |
| Texas | House Bill 3979 | June 15 2021 |
| Texas | Senate Bill 3 | September 17 2021 |

*indicates concurrent bills or concurrent resolutions

**indicates budget bills

Table 1. All CRT bills targeting K-12 public education passed as of October 20, 2022

Method

The subject of my analysis on these bills in this chapter are the public hearings across state legislatures and how state legislators explain, defend, and justify them. I concentrate on state legislative action due to considerations about what these laws (and the public-facing information legislators and legislatures provide about them) mean and represent in a broader social and historical context. When legislatures make their hearings public, their discussions and debates on bills are constructed knowingly as part of the public record, and eventual archive, of their proceedings. This means that, by and large, what the public has access to as part of this process is carefully constructed in the manner the legislators acting on a given bill want it to be

perceived. Thus, their choices not only in what a bill says but also in how they discuss and frame that legislation to their colleagues and to the public indicate their conscientious efforts to explain how the legislation should be understood. For this reason, it is insufficient simply to read the text of the bills, as the language used by legislators in public hearings adds necessary context that situates and more fully frames the bills in the broader historical and social setting and time in which they were written and passed.

The relevance of issue or emphasis frames has been widely documented in political science research (Chong & Druckman, 2007), with some scholars specifically focusing on the role of issue frames within the context of legislative debate (see, e.g., Harris, 2009; Mucciaroni et al., 2019; Reich & Mendoza, 2008). The use of issue or emphasis frames “shows that by emphasizing a subset of potentially relevant considerations, a speaker can lead individuals to focus on these considerations when constructing their opinions” (Druckman, 2001, pg. 230). Similarly, Sniderman and Theriault (2004) state that “framing, for the study of political choices, typically refers to characterizations of a course of action in terms of an alternative ‘central organizing idea or storyline that provides meaning to an unfolding strip of events’” (p. 136). The themes I introduce below fall in line with framing theory’s expectations as to how elites make use of competing frames to influence citizen opinion.

Thus, the particular ways that state legislators, Republican and Democrat, choose to discuss the issue of critical race theory in public education is indicative of the considerations they wish to bring to the fore in the public’s minds. In so doing, they may also be attempting to sway public opinion in a direction favorable to themselves or the bills. Sniderman and Theriault also point out the following: “Just so far as there is political competition over the issue, there will be a public competition over which frame is most appropriate” (p. 141). Although I will only

briefly cover the competing frames offered by Democrats at the end of the following section, the discursive strategies chosen by each party are distinct and are revealing of each sides' opposing goals and principles. This discourse is crucial for what it shows (or obscures) about what a particular piece of legislation means and how that legislation fits in with the general societal context as well as how the elites in charge of policy are reacting to and impacting social trends and context. Thus, focusing on the language used by elected officials in state legislatures is revealing of how elites justify and rationalize the actions they are taking to alter policy.

I focus on legislation targeting at least K-12 (although some bills target multiple sites) and exclude bills that pertain only to government contractors, state agencies, or higher education since, primarily, these are less salient and also more complex sites of alleged CRT influence since concern over education issues is rooted specifically in concern over children. Children are traditionally viewed as particularly vulnerable to indoctrination or other unwanted influence in a way university students and adults are not, and so public K-12 education is seen as a significant and formative factor in the socialization of children to society (see my earlier references to Justice Stephen Breyer's "nurseries of democracy"). This typically makes K-12 curriculum an area of special concern to parents and lawmakers. Additionally, concern around these other sites, especially higher education, may be more easily conflated with other issues such as free speech and First Amendment rights, which are relatively less central in concerns over children's education.

Universal public education at the K-12 level in particular is frequently touted as a civic imperative for raising the nation's future leaders and citizens, and so disputes over curriculum often take on (political) weight from this vantage point. State intervention is regularly justified on the basis that public education curriculum is a core component of the fabric of civic life and

therefore both parents and the state have a stake in its content. The way a Texas Senator put it in one of the hearings is indicative: “it’s essential to the preservation of a free state that we have our children educated in these concepts, so that they can be good citizens and think for themselves and make their own decisions and exceed what we’ve accomplished” (referring to the Texas Constitution; Senator Angela Paxton, Texas Senate 5/21/21).

Finally, I look primarily at the public hearings for bills that have actually been passed and signed into law in a given state. The reason for this is, first, to narrow the field but more importantly because we should expect the hearings and the discourse used in the instances of successful passage to hold greater significance and sway given the bill’s support amongst a legislature that had the political will to pass the bill into law. These legislatures, and the individual legislators speaking on the matters of an anti-CRT bill, represent the most politically successful and most visible efforts to ban CRT and thus provide us with the clearest insight into the strategies used to defend and justify these bans. Additionally, I have included both any public committee hearings that were available online as well as the more general floor debates in the House and Senate chambers on the bills listed in the table below.

In order to conduct my analysis, I began with the National Conference of State Legislatures’ resource page that links to the archived legislative hearings for all states that provide them. From here, and cross-referencing with the CRT Forward Tracking Project’s database which linked to the history and current status webpages for the bills in my sample, I was able to search the respective states’ archives to obtain the recordings for as many hearings as possible on each of the bills. In some cases, not all of the committee hearings were provided, but I aimed to include as much of the publicly accessible discussion of each bill as possible. I then obtained the recordings for these hearings and used YouTube’s transcription software to produce

transcripts. Since YouTube is owned by Google, most of these transcripts were quite accurate and required minimal editing.

To identify the most common themes across all state hearings, I coded the transcripts according to a thematic coding scheme (Braun & Clarke, 2006). In an iterative process as I began processing the archive recordings, I began to identify and code similar, and in some cases identical, arguments being made across different state legislatures, regardless of differences in each state's respective bill language. In this coding process, I sought to identify the elements the sponsoring or supporting legislators used to explain why the legislation was good and/or important. As I viewed the recordings and reviewed the transcripts, I coded each instance of an argument or theme made by supporting legislators. As I got through the hearings and was able to flesh out the common themes more thoroughly, I reviewed the prior transcripts and updated or amended the coding as needed. Many of these themes were consistent across states in different regions and at different times. Despite the way that some legislators attempted to tie the legislation to local concerns in their states or districts, the similarity of the arguments across space and time nonetheless reflects a distinctly national-level character to the debates.

In the analysis that follows, I break the discursive elements of these themes down under a critical lens, according to a Critical Discourse Analysis framework, as in my analysis on the legislative content itself. Most of these themes are operating, at a semantic level, in a way that often seems (or is meant to seem) uncontroversial and universally acceptable. Thus, it is crucial to analyze the underlying meaning and unspoken assumptions the legislators are making and replicating in their justifications of these bills in order to understand how the legislation itself, as well as the defenses of it, reproduce social domination. Especially because public officials in particular usually take great pains to no longer speak in plainly racist or otherwise prejudiced

ways, it becomes even more imperative to look beneath the literal or surface level of what these legislators are saying in order to understand the subtext and implications of their speech and how it still aims at preserving power and social hierarchies.

This framework orients analysis to real social issues and the tangible impacts of speech as well as to unveiling the ideology operating within everyday language and rhetoric. As such, I aim to key in on the way that these bills and the way they are justified, in actual fact, prop up a white supremacist public education curriculum that dilutes and hinders efforts to address racial and social injustice. This is despite the way that legislators claim to be seeking unity and fairness for all.

In addition, a CDA framework also requires a cognizance of my own stake and position regarding my analysis. Accordingly, the following (and foregoing) analysis is necessarily reflective of and informed by my work and position as a graduate student engaging with the exact material targeted by these bills at the time when this legislation was being introduced, debated, and passed across the country. As such, not only do I have vested interest in an accurate depiction of critical race scholarship in public discourse, as well as a desire to see its contributions more widely acknowledged and understood, I also am concerned that public school civics and history education become more inclusive and incorporate some elements of the exact content targeted by these laws.

Analysis

Below I delve into the most common strategies used by the state legislators in defending, explaining, and justifying their states' CRT ban. Based on the foregoing analysis of the bill language itself, I argue that these strategies and themes are, despite predominantly race-neutral language, in fact a defense of white privilege, and that they help to further entrench both an

education curriculum and a general mentality that shore up structural white supremacy. These defenses usually rely on a colorblind post-Civil Rights consensus on race and discrimination and convolute that consensus in order to insulate white students from having to learn about or contend with their whiteness or the ongoing effects of institutional racism. This is why I argue that this colorblindness has been weaponized, as it no longer represents a good-faith belief in a post-racial ideal, but is, in this context, meant to squash education on white privilege and continuing systemic racism.

Although there were instances across the different state hearings where the justifications given for the bills were tied to a given state's unique policy specifications or educational systems³, there were many themes that continually arose in more or less consistent ways. Additionally, some of the legislators defending the bills relied heavily on the individual state's particular bill language. I have endeavored to leave out the rhetoric that legislators used that were just restatements of the bill's language. For instance, in Florida, the bill sponsor, in response to questions, would often reiterate that the bill simply sought to "avoid placing blame" on students. This does not constitute a defense strategy, since it is a simple restatement of language contained in Florida's bill and thus does not in any way enhance or clarify our understanding of what that clause of the bill really means in any significant way. I have left instances such as these out of the coding, generally, since they do not reveal any new information or insight into legislators' reasoning on the bill and operate in a logically circular manner. As such, across all legislative

³ For instance, a portion of the debate on the Texas House floor concerned whether Texas bill HB 3979, which contained a clause that teachers could not be compelled to teach current events, would conflict with the existing state "TEKS" (Texas Essential Knowledge and Skills) for social studies, which require some student understanding of current events (see 19 TAC Chapter 113, subchapter C). I have largely excluded debate on such technicalities, unless it directly contained one of the strategies I identify below.

hearings I have coded only the rhetoric and strategies which are more or less distinct from the bill language itself and which add to what is said in the bills.

Broadly speaking, there was more discussion spent on defending the bills during hearings in states which had less racially diverse populations and relatively smaller numbers of Democrats in the legislature. Although I did not quantify respective speaking times across hearings, I noted that generally the opposition to the bills was more pronounced and the debate lasted longer in states with higher Black populations compared to states with more homogeneously white populations. For instance, in states like Iowa, Idaho, and North Dakota, where the state population is over 90% white, there was a less concerted opposition effort among Democrats to fight the passage of the bills. These Democrats did not speak as often or for as long in debate. In overwhelmingly white states like these, the Republicans who spoke on behalf of the bills did so much more frequently and more vociferously in defense of the legislation. The debate sessions in these instances offered some of the most clear and undisguised rhetoric for my coding.

In contrast, states with relatively less racially homogenous populations, particularly in the former Confederate or Jim Crow states in the south like Georgia and Mississippi where the white population is closer to 60-70%, Republicans typically were less vocal in defending or speaking on the bills and seemed to spend less time discussing the bills or engaging in questions or debate of any kind. Often this involved clipped responses to pointed or direct questions and more frequent restatements of the bill language like that noted above. In these relatively more racially diverse states, Democrats often spoke at great lengths against the bills and brought many questions and amendments to the floor. I believe this pattern is related to the general trend by which racial sorting between parties occurs in the U.S. writ large (Jones, 2018; Mason & Wronski, 2018; Westwood & Peterson, 2022). Since white voters tend to be Republican (and

vice versa), in predominantly white states, the legislatures are comprised primarily of Republicans. For instance, as of the sessions in which their respective CRT bills were passed, across both chambers Democrats comprised only 18% of Idaho's legislature and only 14% of North Dakota's. Conversely, in Mississippi, Democrats made up 33% of its state legislature, and Democrats were 41% of Georgia's. In instances where Republicans did not engage in as much active debate over the bills, much of my coding consisted of the answers Republican bill sponsors provided to questions posed by Democrats.

Although I do not have the leverage here to get directly at the underlying mechanism that drives this pattern, I suspect Democrats in these predominantly white states simply don't have the interest to fight the bills in the same way, since they are usually also white (see my discussion of white Democrats in the following chapter). However, this pattern is likely also driven in part by the larger presence of Black legislators in the Southern states I mentioned, who were typically the strongest and most vocal opponents of the bills. I believe this tracks with the way that Black legislators most clearly understood the intended and most likely impacts of the bills to eliminate teaching on racial issues. The partisan composition of the legislatures and racial composition of the state population for the states included in my coding, at the time of debate, are included in Appendix A.

I have organized the strategies primarily within two broad categories, procedural defenses and substantive ones. Procedural defenses I define as any defenses of the bills which rely strongly on the *way* the bills will be implemented, usually emphasizing continuity with existing practices or how undisruptive or innocuous the new policies would be. Substantive defenses are ones which refer to the actual content of the bills more directly. These contain the most prominent themes that constitute the effort to retrench whiteness and stave off education on

systemic racism by defending the need for the CRT legislation. After these, I have included a third category, which I call “credentialing,” to capture a few remaining themes that did not fit especially well in the former two categories. The “credentialing” category’s themes were commonly used but seem to operate slightly differently than the strategies I’ve placed in the first two categories. These “credentialing” strategies do not seem to function, in the vein of the procedural and substantive ones, as direct rationalizations or justifications for the bills but more as a general signifying effort to boost the speaker’s own credibility and sincerity on the matter, perhaps like a kind of “virtue signaling” by the legislators. I will explain each of these categories and the strategies within them in turn.

Procedural Strategies

The first group of defense strategies I will discuss are what I call “procedural” strategies. These arguments in defense of the bills centered around the rules and processes involved in the bill and in education in the state. Generally, these are less insightful as it pertains to whiteness because they mostly avoid addressing race at all, but they are illuminating in the way they are used by defenders to downplay and deflect the level of intervention posed by the legislation. In broad strokes, these strategies aimed at reassurances that the bills were not creating any massive new undertakings on the part of the state and emphasized continuity with existing policy. These were somewhat more common and more consistent across states than the substantive strategies that I discuss below, despite the variations across states in what each bill actually did provide for procedurally and in each state’s respective educational system. For instance, the actual rules being promulgated in each state as to whether the CRT bill was going to actually affect or alter states’ educational standards varied, but in any case bill supporters sought to emphasize that there either would be little or no change to state standards.

I believe bill supporters sought to emphasize procedural continuity in order to assuage fears or deflect accusations that the bills were tantamount to something like book bans or McCarthy-esque silencing of dissent, accusations which were frequently lobbed by opponents. Emphasizing the bill's consistency with existing law and policy allowed legislators to downplay the intention and impact of the bills to upend current education curriculum by eliminating any existing or future discussions on race and privilege and to deny that the bills were reactionary in nature. This strategy, however, also aligns with conservative ideological impulses to small or limited government and resistance to radical change.

“Not a Ban” defenses

The first of the procedural defenses, which was used in every single state, was the focus many bill supporters put on the way in which the bills were not really a ban on any content. Although the plain language of the bills is prohibitive in nature, most bill supporters made efforts to downplay the prohibitive aspects of the bill. Most often, this argument emphasized that the bills often had clauses indicating the language was not to prevent teaching or classroom discussions around the topics outlined in the bills, only that these conversations must be conducted within parameters—such as being neutral and not endorsing the ideas themselves or not forcing or compelling students to adopt or believe the tenets in the bill. Typically, this strategy was accompanied by exhortations that schools “must” teach all aspects of history, including “the good, the bad, and the ugly.” Also common were statements about how those conversations, e.g., about racism or sexism, “ought” to take place or how we all should “want” classrooms to have those conversations. Below are some of the clearest examples of this.

“Nothing in this bill bans the teaching of historical facts about slavery, sexism, racial oppression, racial segregation, and racial discrimination. We would and should be outraged if those important lessons were not taking place in our classrooms.” [Representative Bryan Avila (R), FL House Education Cmte, 2/8/22]

“This legislation also recognizes that students in Georgia classrooms must be taught all our history—the good, the bad, and the ugly.” [Representative Will Wade (R), GA House Education Cmte (Academic Innovation Subcmte), 2/9/22]

“I would like to repeat what I said at the beginning: this bill does not prohibit teaching about white supremacy, sexism, racism, Communism, or any other ‘ism.’ In fact, the good, the bad, and the ugly are all on the table to be taught. No portion of this bill promotes censorship or suppresses discourse.” [Representative Wendy Horman (R), ID House Education Cmte, 4/22/21]

“You can teach, and we shall and must teach, that racism once did exist in this country, but what we shall not teach and should not teach are these core principles that we're mentioning in this bill.” [Senator David Bullard (R), OK Senate Education Cmte, 4/6/21]

Often, this strategy was coupled with strategies focusing on the need for teachers to teach “objectively” (discussed in the following section). Additionally, a common refrain that was offered along these lines was a sub-theme which consisted of challenges to opponents to defend and explain which of the listed tenets the opponents would like to see taught in schools. This sub-strategy was overall less prevalent than the general de-emphasis on the ban but is significant since it plays into the strawman nature of the bills most clearly. Often this sub-strategy involved lawmakers directly challenging opponents to specify which of the named “concepts” they thought were good or should be taught to schoolchildren. The corollary to this was for bill supporters to laud the fact that “everybody could agree” that the named concepts were not things that should be in school lessons. Some examples of this sub-theme are as follows:

“I was frustrated, disheartened, by the discussion because there are certain things that are in this bill, there's a lot of things that are not in this bill, and if some of the points that have been made today in opposition to this bill actually existed in the language I wouldn't be voting for this bill, I wouldn't be debating in support of it. But me, personally, I don't believe that members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex, and if you're voting down on this bill because you disagree with the prohibition of that being taught, please come out and say so.” [Representative Robert Alexander Andrade (R), FL House Floor, 2/24/22]

“My challenge to all of you between now and when this bill is on the floor, is tell me which of these eight things you think should be taught in school because you're—no one I've ever made this challenge to—conservative, liberal—has ever come back, because none of us think these eight things should be taught.”
[Representative Randy Fine (R), FL House Education Cmte, 2/8/22]

“...but those nine items, look at those divisive concepts that are outlined...read them. We can debate if you think fully that one of those should be taught to students.” [Representative Will Wade (R), GA House Floor, 3/4/22]

“I would ask that any opponents of this bill...you would ask them which of the divisive concepts they support. I think that would be a key question.”
[Representative Keith Ammon (R), NH House Executive Departments and Administration Cmte, 2/11/21]

Because this strategy, the sub-strategy in particular, puts the opposition on the defensive and essentially sets up a “no” vote on the bill to look like an endorsement of the named “divisive concepts,” it forces opponents to do extra legwork in arguing against the bills as a matter of curricular interference in public education, since they cannot argue on the merit (or lack thereof) of the concepts themselves. Although the likely impact of the bills will be, by design, to stifle discussions around race, racism, and especially white privilege (as shown by several legislators’ own examples, discussed in the prior chapter), the wording of the bills and the direct exhortations of this particular strategy aim to make the opposition look like the unreasonable party and weakens opponents’ ability to draw the throughline from the bills’ language to its actual purpose and impact of stifling discussions on race. Overall, then, this strategy aims to hamstring counterarguments and to defuse accusations of meddling in public school curriculum. By downplaying the prohibitive aspect of the bill (“we aren’t banning any *real* teaching, only these absurd concepts”), the bill supporters are deflecting the obvious accusations, made especially by the media, that the bills are curricular bans and surveillance.

Objectivity in teaching

The other common procedural defense was to claim the bills simply sought to preserve objectivity in teaching. This theme I coded a bit broadly to include any arguments about teachers needing to be fair, neutral, or unbiased, or else for the need to ensure teachers avoid bringing their personal ideologies, opinions, or bias into teaching. I also included arguments that focused on indoctrination, again as a sort of corollary to biased/non-objective teaching. Arguments about needing to teach “true” history or “true” facts or to avoid “muddling” history were also included here, although these arguments were relatively less frequent. This strategy often took the following forms:

“What this debate is about is whether we will teach history or whether we will teach ideology in our schools.” [Representative Randy Fine (R), FL House Floor, 2/24/22]

“I think this is what the bill does: it requires the teaching of truth or true facts.” [Representative Jason Fischer (R), FL House State Affairs Cmte, 2/1/22]

“What we're saying is that they [teachers] would not be able to inject any sort of personal opinion, um, or any sort of, uh, personal belief, uh, into the curriculum that is already established by the school board.” [Representative Bryan Avila (R), FL House Education Cmte, 2/8/22]

“We want to teach what we know to be true and to go through all this stuff without bringing theories and, you know, suggestions of other things.” [Senator Donald Schaible (R), ND Senate Floor, 11/12/21]

“This bill deals with a concern that some have over indoctrination of our students, and as I work on things I always try to find common ground and I believe that none of us want to send our students to school to be indoctrinated.” [Senator Carl Crabtree (R), ID Senate Education Cmte, 4/26/21]

“So that's what this bill is about, and so the intent of the bill is to make sure that we're teaching civics properly, historically, and so the students are well-rounded, have all the information they need, and are not taught a one-sided view of things. That's what the bill is about.” [Senator Bryan Hughes (R), TX Senate State Affairs Cmte, 5/17/21]

Similar to the prior strategy, this one aimed to undercut opponents' arguments and to make them seem inflammatory or extreme next to the reasonable efforts to ensure unbiased teaching. This approach enabled legislators to make the impact of the bills seem minor, limited, and circumspect to quell counterarguments about the overreach and reactionary nature of the bills. Occasionally, this strategy met pushback when Democratic legislators (and also commenters in public testimony) argued against the core assertion that any teacher, any kind of teaching, or history in general, could be wholly or truly objective and neutral. But this pushback often did not merit much response, likely due to the partisan makeup of the legislatures, who did not have to heed Democratic opposition.

Lastly, the sponsors of the bills often offered an additional component to this argument, which again ties to another theme I will discuss below (see "credentialing"). Supporters of the bills made many references to their own experiences teaching. As it relates to the objectivity theme, these state Republicans often discussed how significant it was to them that, in teaching their own history or government courses, students were unable to identify their political leanings as teachers. Some examples of this are below.

"So now, right, teaching ... you know, intro to American government, obviously, you know, what I do on the civilian side, when I teach my course I don't even reveal what I do on my civilian side to my students. I conduct the class, I don't tell them what I do, I don't tell them what party I'm in, I don't tell them what my beliefs are. I give them the curriculum that is given to me, right, and I follow my syllabus and I follow my curriculum and I go through that in the most objective manner possible, so that at the end of the course—and this happens quite often with me—at the end of the course you'll have your occasional, you know, four or five students that Google you, right, let them find out what you do as a civilian, right, and then they'll email you and they'll say 'hey, you know, why didn't you say that you were an elected official? Why didn't you say that you were, you know, a member of the Florida House, why didn't you say you were public, um, and my answer is always the same: I'm here to give you the content and let you make your own, you know, your own decisions from there.'" [Representative Bryan Avila (R), FL House Education Cmte, 2/8/22]

“You know, the best compliment I ever got at an end of a course semester from my past or current students was, ‘Professor Wise, I never knew what political party affiliation you were while I had you as a professor.’” [Senator Max Wise (R), KY Senate Education Cmte, 2/17/22]

Although this sub-strategy ties into broader themes of referencing teaching qualifications, discussed below, I also argue that it importantly supplements the objectivity in teaching strategy and reflects the legislators’ own investment in the view of teachers as neutral purveyors of information. In some ways, this strategy and sub-theme deeply reflect and entrench the epistemological commitments of modernism and Enlightenment-style liberalism where empirical facts are verified and then simply passed along as true in an impartial way, via education, for each person to then evaluate according to their own powers of reason (discussed more in the introductory chapter).

The objectivity in teaching strategy, then, is perhaps not about the protection of whiteness in a particularly obvious way, but again this strategy represents an effort to distract from the details of the bill content by shifting to the more formal, rule-making aspects of the legislation. In so doing, legislators were able to make the bans seem less intrusive, less extreme, and more reasonable in their effects. Furthermore, emphasizing the role of teachers as objective and impartial, or on eliminating ideology and indoctrination, further construes any instruction on race consciousness and white supremacy as a departure—i.e., as the presence of ideology and the absence of objectivity. That is, teaching on systemic racism and white privilege, in this way, is understood to be ideological, while not teaching those things is neutral, objective, and not ideological. Deviating from the status quo of colorblindness, of not focusing on these topics, thus becomes indoctrination into a new, threatening ideology that seeks to dismantle systems of white supremacy that sustain white privilege. This procedural focus on the process of teaching again

puts opponents into a position of seemingly having to argue either “for” indoctrination, or to do the heavy lifting of trying to explain the bias of the status quo itself and the fool’s errand of true “objectivity” in order to justify their opposition. Either case helps the bill supporters to seem measured and reasonable in contrast to those opposing the bills.

Decentralization and penalties

The next defense strategy within a procedural vein pertained to the complaint process, causes of action, and the penalties for violations of the new law. In coding for this, I again cast a wider net for any language that defended the bills on grounds of how they would affect teachers (punitively, etc.) as well as what recourse parents would have or what courses of action the violations entailed. This is because, again, the specific provisions differed from state to state, as does the general procedure for how school boards and curriculum and standards are organized.

In most cases, bill sponsors defended the bills by downplaying the changes the law would effect on the curriculum and the parent-complaint process. Often this involved observing that the bill either specified no new causes of action or that the process that was already in place would remain the same. For instance, bill sponsors would often state that the bills only clarified things and if a parent happened to notice some class material that violated this bill’s provisions, they would still have to take the matter up with the teacher first, then the school principal, and only complaints that could not be resolved in this manner would escalate up the line. Some examples are below:

“I think it's important to note: there's no new causes of action in this bill. Whatever is in place right now currently in state statute, that is the process that someone that would have any sort of grievance would go through.”
[Representative Bryan Avila (R), FL House Floor, 2/22/22]

“The bill generally leaves, uh, discretion up to the Department of Administrative Services to decide how and what, um, enforcement actions would be attached to

this bill.” [Representative Keith Ammon (R), NH House Executive Departments and Administration Cmte, 2/11/21]

“The State Board of Education may promulgate rules to implement provisions of the section, so that's going to be up to the State Board to promulgate what those are.” [Senator David Bullard (R), OK Senate Education Cmte, 4/6/21]

A common component of this strategy involved a focus on the local level, or a decentralized process for resolving potential disputes. This sub-theme is in line with broader conservative talking points and ideological commitments which extol the virtues of local government control and “smaller” or less intrusive government, as I mentioned briefly above. This reveals the way this strategy is both an attempt, as with other procedural strategies, to downplay the level of intervention created by the bills but also, in this theme in particular, to re-orient the bills to better align with ostensibly conservative values. This is especially necessary for conservative legislators to do given that the bills are in fact an active overreach into curriculum and monitoring of teachers and classroom content; something that should be opposed by proponents of small government⁴. Thus, this strategy also represents the public-facing attempt to reconcile this discrepancy in principles and ideology with state-level intervention.

“When this happens, there is a process for parents, teachers, and administrators to hopefully resolve it locally, but if parents are ignored—any parent of children of any race—they will have an avenue to be heard and to make sure that that incident is reviewed by somebody that will look at it from both sides.” [Representative Will Wade (R), GA House Education Cmte (Academic Innovation Subcmte), 2/9/22]

“I suspect if there's a violation of this act it'll be approached to the local school board, a local school board, to make a decision. If you agree through that decision

⁴ This was in the absence of direct references to states' rights, in most cases. Idaho was an exception, in which legislators repeatedly raised the prerogative of the state to control its curricular content and made frequent reference to a Biden administration executive order ostensibly tying federal funding to “CRT”-related content. I suspect there were not more frequent claims to states' rights due to either public education historically having always been the purview of the states, or else in an effort not to call back too obviously to segregation proponents during the Civil Rights Movement.

[sic], you'll go through that administrative process and work your way up.”
[Representative Joey Hood (R), MS House Floor, 3/3/22]

Usually this strategy also involved downplaying the role of disciplinary action for teachers who might be found in violation. Most defenders deflected on this point, either dodging the issue entirely or by emphasizing that very few teachers would ever face the major potential consequences (e.g., termination). The exception to this, however, was North Dakota. Although North Dakota’s bill did not outline any specific penalties and the bill sponsor argued that this was appropriate using this rhetorical strategy, there was a divide amongst the House Republicans over the lack of an enforcement mechanism. Several House Republicans argued against the measure on this basis, arguing that without any penalties the law was toothless and provided no incentive to follow, thus setting a “dangerous precedent” that teachers would increasingly disregard state mandates. I believe this debate is revealing of the potential direction and thrust underlying these laws that the right-wing fringes would push toward given the opportunity.

Proactive and preemptive legislation

This last strategy centered on the purpose of the bills as proactive or preemptive attempts to stem the tide of CRT in schools. This strategy is somewhat less common and overall provides less insight than the prior two, but still is indicative of the tentative footing on which the legislation rests. Although true of all strategies to varying extents, this theme most commonly showed up in conjunction with other ones, in particular the notion of protecting kids, but was a frequent refrain to questions about the prevalence of CRT in a given state’s schools. Usually this strategy looked as follows:

“So it doesn't happen often, but my goal is to make sure that it doesn't happen.”
[Representative Will Wade (R), GA House Floor, 3/4/22]

“What’s the new catchphrase, this is a...’this is a problem in search of a solution’ or ‘solution in search of a problem.’ Folks, I’ve been around long enough to know that we’ve got to anticipate, and I had a fellow member really give me this example—the legislative branch is, really should be, focused on the now and the future.” [Representative Will Wade (R), GA Senate Education and Youth Cmte, 3/28/22]

“At this time, I believe that it is—it's been subtle. It's going to increase if we don't prohibit it ...we have parents being concerned that it seems to be coming in in a covert manner so it's here.” [Representative Rick Becker (R), ND House Floor, 11/11/21]

“The fact is it's here and the fact is it's coming.” [Representative Dorothy Moon (R), ID House Education Cmte, 4/22/21]

The most significant insight this strategy lends is the uneasy tension between, on one hand, the examples legislators provided of “CRT ideas” supposedly permeating trainings and public education and, on the other hand, the lack of any solid evidence of a systematic curriculum incorporating these ideas. Legislators often tried to simultaneously argue that these notions were already widespread in their state’s schools, are currently “creeping” into classroom content, or—if not—that the state should want to nip the problem in the bud before it begins or becomes widespread. For instance, several legislators in Idaho insisted that these ideas, or at least the kernels of them, were already in Idaho schools, despite the President of the State Board of Education testifying in the House Education Committee that they had received no such reports.

As such, this strategy is relatively less robust in terms of efforts to protect whiteness but is significant in that it essentially allows legislators to have their cake and eat it too—if CRT is here already, then the bills are necessary to eliminate it, and if it’s not, then we are better safe than sorry in passing the legislation anyway. In keeping with general political boogeyman fearmongering strategies, the threat is both already here, lurking and hiding where it may not be

expected, but is also simultaneously an ever-present and perpetually looming threat which may come flooding in at the slightest provocation.

Substantive Strategies

The next set of strategies is what I have called substantive strategies. These are defenses of the legislation that deal more with the actual content of the bills and what is good or warranted about it. These are more varied than the strategies in the former category and in general are somewhat less consistent, but they reveal more about what the bill defenders are seeking to do and how they aim to present the bills' interpretation. These strategies typically reveal more about how the bills are, in reality, a way to forestall classroom discussions of systemic racism and white supremacy.

Some of these strategies rely more heavily than others on the bill language itself and some were less commonly used. However, several of them do not just build off the language of the legislation alone and thus can be quite revealing of the supporters' intent. Here, I will focus on the more common strategies, but I will mention the less significant ones at the end of the section.

Progress or "post-racial" narratives

The first major strategy in this category were arguments that reflected a notion of political, social, and racial progress over the course of U.S. history. Almost always, these defenses rested on either a stated or implied vision of the current U.S. political landscape as post-racial. Some of the common refrains are as follows:

“Over the course of history, we have made great progress from making judgments about people based on a group that they fit into, whether it be race, sex, or any other category, to treating each person as a unique individual that they are now. Some movements threaten to take us backwards.” [Representative Bryan Avila (R), FL House State Affairs Cmte, 2/1/22]

“There's a lot of shameful actions in the history of the United States of America, but I think what we see in the overarching progress of our nation is a drive to live up to those ideals which are embodied in the Constitution.” [Senator Phillip Wheeler (R), KY Senate Floor, 2/24/22]

“Critical race theory aims to make the story of our country as one of being of racism, bigotry, and slavery. The story of America, really, is rather one of our continued efforts to make our founding truths applicable universally.”
[Representative Skyler Wheeler (R), IA House Floor, 3/16/21]

A noteworthy version of this strategy was used by a Georgia representative who used the following analogy:

“I was talking to a group of high school football players a number of years ago and I said guys, um, why is there a difference between what you do and you're willing to let folks see when you're out with your friends on Friday night and what you do when you're around your grandparents and your youth pastor? Why, why is there a difference here? Why is there a difference. After a long talk I had with these young guys, the point I made to them and the point they came to understand, was that they knew right and wrong, they knew their grandparents and mom and dad taught them right from wrong, but sometimes as an adolescent they live a double life. You know, that story strikes home to all of us, we think back to our upbringing, that we—this aligning what we know is right with what we practice every day takes time, that's really the marks of adulthood—is aligning what you know is right with the life that you live. Well, ladies and gentlemen, that's a powerful story I share with young people all the time because that's really a picture of the life of our nation. Our nation was founded on right principles, our nation's promise that all men are created equal, they're endowed by our creator with certain inalienable rights, is true to all people. The challenge our nation faces is the idea that our nation's principles is right [sic] is being undermined across our nation. Our nation's principles are right, but as we were an adolescent nation, we took a lot—there's a lot of years in our history that we didn't live as a nation in accordance with our ideals. In fact, 75 years after the signing of our U.S Constitution, on September 17, 1862, a regiment of the Pennsylvania-New York infantry crossed Burnside's Bridge across Antietam Creek. It was the turning point of the Civil War, 75th anniversary of our nation's constitution being put into action, was the turning point that this adolescent phase of our nation, where we believed one thing and practiced another, started to change. That's been the story of American history, that even though our principles were right, it's taken years to make everybody be able to enjoy that truth. That didn't change everything, 100 years after that happened, there was still the struggle going on that all might be able to enjoy those founding principles on which our nation was founded. Ladies and gentlemen in the house, I share this story with you today because this is really the story of American history and this is what's really under attack in our nation today, not the issue that our nation is right about its principles and has taken time

that everybody might be able to enjoy those principles, that is the story of our nation.” [Representative Ed Setzler (R), GA House Floor, 3/4/22]

This extended metaphor quite clearly lays out the representative’s investment in a narrative of progress throughout U.S. history, where early American history reflected supposedly naive and immature behavior that did not line up with grand founding ideals, which the nation ultimately came to live up to through a process of maturing and seeing the error of its ways. This distills the core thrust of this theme, as it at once glorifies the nation’s founding while glossing over contemporary problems, and simultaneously refuses to contend with the way that early American history and American founding documents, including the various hypocrisies they contained, were all conceived of and enacted by educated and well-informed (adult) men who were in all respects making intentional decisions.

These defenses all center around an explicit recognition of the racism and sexism in prior eras of U.S. history, but only in order to highlight the progress made in reaching our current point, which is often expressly declared to represent such an immense improvement that we are now beyond any major issues of racism, discrimination, and inequality. It is from this perspective, then, that these bills can be framed as anti-discriminatory in their race-neutral language, which in actuality is to prevent teaching about continued systemic racism and white privilege. These narratives reify a story of racial progress and continual improvement from a time when American hypocrisy was rife to our current age where we can collectively celebrate heroes of past ages who fought against injustices like slavery and Jim Crow; indeed, they achieved such success that we no longer have any problems left to address or obligations to continue working on any vestiges of those unjust systems. It is only from this point of view that teaching about whiteness can be viewed as a kind of “reverse racism” and from which any

continued efforts to address lingering effects of these prior eras can be viewed as efforts to “keep making things about race” (or other such categories).

This strategy also enables bill supporters to make clear their ostensible dedication to and respect for efforts to combat discrimination, at least when that discrimination was blatant. For instance, this strategy enables state Republicans to signify their support for the Civil Rights Movement and leaders like Martin Luther King, Jr., while simultaneously undermining and stalling contemporary efforts to further the aims and spirit of that project today. This strategy also speaks to CRT’s critique of the post-Civil Rights consensus that, since formal anti-discrimination measures were in place, racism and other forms of discrimination had been sufficiently remedied and there were therefore no more efforts needed except to maintain what had been achieved. This strategy, employing racial and social progress narratives, thus deploys the Civil Rights Movement and other efforts for social justice in order to disguise ongoing inequality and the continued white hegemony across all sectors of society. Thus, within this framework, these bills can be construed as actually true to the spirit of the Civil Rights Movement and other noble and courageous efforts throughout history to combat injustices.

This sentiment was occasionally expressed directly by a few legislators, who said things like the following:

“You know, the great irony of this is that had this bill been considered 60 years ago, it would have been a progressive piece of legislation that people should have championed and hopefully would have championed. Here you are now, championing that bill, and I think it’s a good idea.” [Senator Chris McDaniel (R), MS Senate Floor, 1/21/22]

[Referring to a constituent] “She said, ‘you know, had something like this been passed under prior administrations, when we were coming out of the Civil Rights era, to ensure that children were not to be pitted against each other based on their race, then this conversation would be much different today.’” [Representative Will Wade (R), GA Senate Education and Youth Cmte, 3/28/22]

“I am shocked that this kind of legislation wasn't addressed 50, 60 years ago. You know, when I was a kid growing up, and I think of the Civil Rights era and all the problems, that we didn't have this kind of legislation to make sure that these types of issues weren't going on in the schools...” [Representative Lance Clow (R), ID House Floor, 4/22/21]

In this way, then, this strategy directly deals with defending the actual language of the bill as being similarly brave and celebratory as the achievements to dismantle de jure discrimination in the 1960s—only this time, against all people, including white people and men.

American principles and values

The next strategy, also used quite frequently, was one that called upon traditional and “deeply” held or founding American values, principles and beliefs to justify the bills and align them with the lofty ideals of the American project as envisioned by the Framers of the Constitution. This strategy, as with most of the others, again was a way for bill supporters to downplay the reactionary nature of the bills’ intervention, although this specific strategy arguably makes most heavy use of ideology itself. Here again I coded a bit broadly, from just references to “American values” to more specific references to those values, such as the idea that “all men are created equal.” Some of the most prevalent versions of this strategy are below:

“HB7 upholds the American principles that all people are created equal by requiring that educational materials in Florida schools are consistent with these shared values.” [Representative Bryan Avila (R), FL House State Affairs Cmte, 2/1/22]

“The purpose of the legislation before you is to preserve alignment of middle and high school standards with American principles of equality, freedom, and personal agency.” [Senator Max Wise (R), KY Senate Education Cmte, 2/17/22]

“We want a society that is fair, that is just for all people, and a system that lives up to the ideals found in our Bill of Rights and our constitution.” [Representative Steven Holt (R), IA House Floor, 3/16/21]

“House Bill 3979 is about teaching racial harmony by telling the truth that we are all equal, both in God's eyes and our founding documents.” [Representative Steve Toth (R), TX House Floor, 5/10/21]

I also included here any explicit accusations of CRT being “un-American.”

“Rather than being taught that we are all equal, critical race theory would have some students taught to hate themselves. Not only is this not right, it's anti-American indoctrination.” [Representative Sean Roberts (R), OK House Floor, 4/29/21]

“We can disagree or agree, the theory is very un-American.” [Senator Jeremy England (R), MS Senate Floor, 1/21/22]

“The majority of the members in this House, both Democrat and Republican, would be required to take trainings to be, quote-unquote, less white, to be, quote-unquote, less oppressive, quote-unquote, to be less arrogant, quote-unquote, to be less privileged, and would teach them or teach us that the United States is a, quote-unquote, a system of white supremacy. Members, look around. It's not right, it's absolutely not right. It's actually un-American.” [Representative Bryan Avila (R), FL House Floor, 2/24/22]

Typically this strategy was an effort to emphasize the universality of these values, with supporters often even proclaiming that “we can all agree...” This strategy, perhaps most obviously, relied on the aspirational aspects of American patriotism and used notions of “American creeds” to sanitize the policy enacted by this legislation (which, of course, is a sanitization of the history of these values and beliefs as well). This theme and the former both play heavily on an idealized vision of American history, its Framers, and its founding as a “beacon on the hill.” As such, this strategy and the prior one were often used in conjunction with each other, as both involved this idealism and whitewashing of U.S. history. Both employed this utopian understanding of the U.S. and its founding documents without delving into the failures and shortcomings of this nation and its espoused principles. This theme, in contrast with the former progress narratives strategy, simply used the notion of “American values” as an

ostensibly uncontroversial way to tie the bills to a sense of tradition and “Americanness” as intrinsically and fundamentally good, with little to no acknowledgment of any historical injustices.

This exemplifies, yet again, the common thread of taking something that is largely unobjectionable in itself—e.g., who disagrees with “all men are created equal”?—and deploys it in a strategic manner to put the opposition on the defensive—how dare anyone assert that some people are not created equal! This strategy also enables us to identify which ideological myths are the most crucial to protect, which ones are the most fundamental to maintaining the hegemony of colorblindness and therefore which myths are key in upholding white supremacy. As discussed above, this also puts opponents in the already-disadvantaged seat of having to explain their contrary position about why a deeply-held and treasured American ideal is not in fact accurate, true, or is more complicated than it appears.

The “American principles” strategy also serves to further emphasize the threat of a CRT boogeyman which takes aim at these “fundamental” and “universal” values that all reasonable people agree on. This strategy therefore contributes to the association of CRT, or any topics related to anti-racism and social justice, with a dangerous and highly suspect ideology that threatens American society at its very core. Although there are a subset of thinkers or activists who argue for a radical overhaul of American society and government, this strategy as used by supporters of these bills in fact groups much less radical efforts at things like DEI and anti-racism trainings together with more radical politics that the two may not even share.

In many ways, this theme functions as a crucial node across and between the other strategies, such as progress narratives, ideas about “true” and “objective” history and a creeping or growing threat (discussed above), to ideas about patriotism, danger and threat to children, and

the growing division sown by ideological extremists (discussed below). Nonetheless, I argue that it stands alone as a distinct strategy in calling upon values and threading a needle of “Americanness” and connecting this to teaching about whiteness and structural racism. This strategy foregrounds that, indeed, for many it is not the traditional American way to critique power structures and unpack one’s unearned privilege.

Minor Themes

Overall, the strategies below were used much less often and were less consistent across hearings, but nonetheless are distinct enough to warrant separate discussion. I will explain each briefly and provide examples.

Patriotism and American exceptionalism

This theme, relatively less common but often connected to the two prior strategies, includes explicit references to American greatness, such as the inspiring or proud figures, moments, and stories in American history. I’ve treated this as a distinct theme due to it containing the most unqualified praise of America’s exceptionalism. This is even less veiled than the universalizing impulses of the “American principles” theme, as often this language explicitly called out how “great” America is and how much pride American history, or being an American, ought to instill. Some examples are below.

“We have great history and we're going to celebrate that history.” [Representative Cyndi Stevenson (R), FL House Floor, 2/24/22]

“Thank you, Speaker Avila, for bringing this bill forward. America is the greatest nation on the face of the planet, period. Uh, we have, um, we should always have the courage to teach about what makes America great.” [Representative Jason Fischer (R), FL House State Affairs Cmte, 2/1/22]

“In order for our nation to survive and to prosper, we must teach patriotism, that America is good—though not perfect—but America is good.” [Senator Butch Miller (R), GA Senate Floor, 4/1/22]

“There are so many fantastic things that can be taught, so many heroes to whom we can look.” [Representative Barbara Ehardt (R), ID House Education Cmte, 4/22/21]

“We will not allow our children to be imbued with misplaced resentment toward our nation, but instead to learn that she is great.” [Representative Steven Holt (R), IA House Floor, 3/16/21]

Again, this theme continues the effort at “exposing” teaching on structural white supremacy as being extremist and un-American, but it does so by blatantly celebrating American achievements and playing on feelings of patriotism. This is without any acknowledgment of failures, hypocrisy, or progress from earlier, less just eras the way the progress narratives or “not a ban” strategies do. This thus represents the most “red meat” type of defense, or the strategy most closely aligned with Trump’s “MAGA” rhetoric, which likely accounts for its less frequent usage. This strategy most clearly plays into nationalistic feelings of pride and whitewashing of history.

Protection against looming threats

Several strategies zeroed in on a sense of fear about the threat posed by the education of children about issues of race and privilege. Some of these strategies referred specifically to the bills as an effort to protect children, so I included any justifications of the bills that involved reference to this particular goal. Often, the bills were presented as ensuring a “safe learning environment” for children, or as an effort to not teach kids to hate each other. Often this theme tied to concerns over “indoctrination” (discussed above) or teaching children false history. I also included here references to CRT or any such teaching as “dangerous” or as a “poison” to children or society. This theme most closely plays into the concerns over public education as a site of enormous influence over children.

“We want to ensure that race is not something that's used to pit children against each other in the learning environment.” [Representative Will Wade (R), GA Senate Education and Youth Cmte, 3/28/22]

“It's about protecting our kids who, in the early ages of their school time, are vulnerable. I believe, uh, parents are the ultimate shepherd of the children and should stay that way.” [Representative Jim Kasper (R), ND Joint Technical Corrections Cmte, 11/9/21]

“So I would close with a little soundbite from Governor DeSantis from Florida, who declared that they would not be using one red cent of taxpayer dollars to teach their children to hate each other and to hate their country.” [Representative Julianne Young (R), ID House Floor, 4/22/21]

Frequently these bills were justified as being necessary due to the increasing division of our times. This kind of discourse links CRT to a vague sense of threat—not a threat specified as a threat to white privilege, but simply an undefined yet menacing threat that such teaching would harm children by creating a toxic learning environment. Along similar lines, sometimes the looming threat was that of ideological division and extremism which would bring disharmony to the nation and would undermine unity.

This was usually connected to notions about how extremists on the fringes, via national media, were pushing divisive rhetoric to the masses and dividing Americans, or how CRT itself was divisive (which was language that usually stemmed from the legislation itself). In many states, the concepts in the bills were explicitly referred to as divisive, but I include this theme as it often represents an elaboration on what the legislators mean by “divisive.” Also included here were the related notions of polarization or the need for Americans to unify. A sub-theme I coded for here as a corollary were references to love and hate, such as Americans needing to love one

another. This was not especially common but some legislators did emphasize how we must love each other or the damage that hate would do.

“The philosophy of the training that this bill deals with that teaches our students that some forms of racism are okay and that some forms of sexism are okay, it just depends on who the target is, it's abhorrent and tears this nation apart at its very seams.” [Representative Chad Caldwell (R), OK House Floor, 4/29/21]

“That's why today I joined countless parents and guardians and grandparents in my district, the 9th district of Georgia, but also every corner of the state, in being deeply concerned about what we're seeing in some of the classrooms across the country, and ultimately that is due to the fact that we have a media that has never been more polarized and we have a political environment that has never been more polarized, at least in the modern era.” [Representative Will Wade (R), GA House Education Cmte (Academic Innovation Subcmte), 2/9/22]

“While some would choose to perpetuate and almost celebrate some growing national division, it's time to be the model state. It's time to find common ground, it's time to unify around what makes us Americans.” [Senator Max Wise (R), KY Senate Education Cmte, 2/17/22]

This aspect of this strategy glosses over the reasons for division and disunity, particularly for people of color who have historically been excluded from patriotic ideals of national unity anyway. The discourse here therefore speaks to a desire to whitewash what “national unity” would entail and to eliminate critique of American society for the sake of conformity and patriotism.

Reverse racism and discrimination

This strategy was altogether less common and when it was used it was typically veiled in more couched language than stated outright with use of the phrase “reverse racism.” Often this can be seen in the examples given by the legislators of the actual content they find objectionable or are seeking to ban, such as when legislators referred to the idea of white privilege as a racist concept. This strategy sometimes took the form of simply branding CRT itself as racist. The lack of overt accusations of “reverse racism” was a bit surprising, but perhaps is a function of the

particular conception of racism that most supporters of the legislation are operating on or hoping to maintain.

Typically, claims of reverse racism seem to be most often used when a white person has been denied a discrete opportunity—such as college admission or an employment opportunity—or perhaps feels victimized by a specific perceived slight or moment of prejudice. In this way, the racism that I suspect is operative in “reverse racism” is the more limited view of racism as a set of individual beliefs, attitudes, and actions. I believe this is the case because this narrower conception which must be maintained in the face of the “CRT threat” since their opposition to CRT is in large part based on a rejection of any other broader definition of racism like one that includes systemic racism. Since conservatives rebuke systemic or institutional definitions of racism, they are constrained (or willingly agree) to the notion that systems or institutions cannot be racist—only individuals can be, because racism is an individual act or belief. Thus, institutions such as schools are still neutral and impartial, so then a “reverse racism” claim which argues the entire school system is racist against white people is incoherent, since only individual actors like teachers or administrators might be.

Additionally, a contributing factor might be the continued underlying view of schools as a white institution and teaching as a white profession, in which case this narrow understanding of racism could not be operative—if racism is only individual acts and beliefs, then the (white) system that was devised to benefit and cultivate (white) students simply cannot coherently be called racist against the (white) people it was designed to serve, even if it begins including “racist” (against whites) content. This ties back to Bonilla-Silva’s argument, as I referenced in chapter 2, that white people continue to be racist, even without noticing or admitting they are doing so, simply by maintaining a “neutral” status in reality benefits white people. Content like

CRT is simply an invading pestilence that must be eradicated. In this way, the absence of any explicit references to “reverse racism” reveals that white legislators do not actually view the educational system, school curriculum, or other institutions generally, to be racially neutral—because they are, in fact, racially coded as white.

“Critical race theory isn’t curbing racism because it is literally racism.”
[Representative Skyler Wheeler ®, IA House Floor, 3/16/21]

“We’ve all been discriminated [against] in some form or fashion.”
[Representative Dana Trabulsy ®, FL House Education Cmte, 2/8/22]

“I’ve heard references a couple of times, Representative, to the KKK. They’re a terrible—everybody agrees on this floor that they have burned, that they have threatened, that they have destroyed, that’s what they’re famous for. Would you agree that when people burn, threaten, kill, intimidate, that they are a terrorist group and that Black Lives Matter meet that same description?” [Representative Justin Humphrey ®, OK House Floor, 4/29/21]

Victimhood

Another theme in this vein, which might also be interpreted as a sort of corollary to the strategy above, is legislators’ use of the concept of victimhood. Often, this appeared as a claim that what CRT teaches is an ideology of victimhood or a “victim mentality.” This is a common theme in right-wing circles that essentially relies on the notion that Black people, or other marginalized groups, are taught or encouraged to view themselves as merely victims and therefore this is why they continue to ask for special treatment or why they are unable to overcome their circumstances, an echo of conservative ideology that favors “bucking up” or “picking yourself up by the bootstraps” and earning things. This strategy was not used frequently but stood out quite plainly when it was. This theme is arguably one of the most obvious racist dogwhistles, despite its relatively scarcer use.

“And I see the concern today in debate against this bill as fear that the market cornered on victimhood is suddenly being jeopardized.” [Representative Robert Alexander Andrade ®, FL House Floor, 2/24/22]

“CRT is...a filter that focuses on victimhood, not triumph, and we have triumph in this country.” [Senator Butch Miller ®, GA Senate Floor, 4/1/22]

“But this is not a topic and it is not a subject, this is a poisonous philosophy that’s created to perpetuate the philosophy of victimhood.” [Representative Terry B. Jones ®, ND House Floor, 11/11/21]

“But the framework of CRT isn’t conducive to equality, the framework of CRT is conducive to victimhood.” [Senator Chris McDaniel ®, MS Senate Floor, 1/21/22]

Marxism

Lastly, another rarer but pronounced theme was references to critical race theory as a Marxist ideology. Usually this Marxist connection was not explained or elaborated on, indicating some tendency to simply use the term as an empty signifier, perhaps as a dogwhistle or in a similar vein to older Communist “Red Scare” tactics. For instance, the imbrication of antisemitism and anti-Communism in Nazi ideology as well as American right-wing extremist notions about Jews “puppeteering” Black political activism arguably fall together to suggest how “Marxism” has potentially taken the place of “Communism” as a loaded term and a veiled reference to subversive and potentially revolutionary threats against the “American” way of life (Ferber, 1998; Gerrits, 1995).

“Critical race theory is a form of Marxism, often called neo-Marxism. Just as Marx rejected democratic liberties and the rule of law as a trick to disguise the selfish interests of capitalism, in the same way critical race theory rejects our constitutional liberties and the rule of law as a disguise for the selfish interests of supposedly white supremacist American society.” [Representative Steve Toth ®, TX House Floor, 5/10/21]

“This categorization of people is clearly setting the stage for a Marxist train of thought, which is anti-American. It’s anti-freedom, it’s anti-Oklahoma.” [Senator Jake Merrick ®, OK Senate Floor, 4/21/21]

“Critical race theory is a divisive concept that has its roots in Marxist ideology.”
[Representative Sean Roberts ®, OK House Floor, 4/29/21]

One Iowa legislator went on an extended diatribe on CRT’s Marxist origins, which I will quote at length:

“Critical theory is simply Marxism that has been updated for the modern day. It is Marxism 2.0. What we are prohibiting is simply Marxism 2.0 training in our schools. Traditionally Marxism is an economic and political ideology based on class warfare. People were separated into the wealthy class, which is the oppressor, and the working class, which is the oppressed. Under Marxism, the working class or the oppressed rises up and defeats and destroys the wealthy class, the oppressor, by violent means if necessary. Marxism has religious overtones, being atheistic in nature, and opposed to Christianity. It is directly opposed to capitalism and the free market. Marxism is updated by adopting critical theory into its model. Marxism remains an economic and political ideology, but now the 2.0 version is based on race warfare. People are separated into race—people are separated by race into the white class, which is the oppressor, and black or brown, or the current term ‘people of color,’ which are the oppressed... Marxism is being updated by adopting critical theory, which are the divisive Concepts in this bill, into its model. Um, under this updated Marxism, the oppressed are to rise up and defeat and destroy the white class which is the oppressor so it is very much the same thing, it’s just an updated form of Marxism.” [Representative Sandy Salmon ®, IA House Floor, 3/16/21]

It is unclear how exactly these references to Marxism were being used or why, except to capitalize on constituency and public fears of the vaguely threatening specter of anything remotely connected to Karl Marx and Communism. In some ways, this theme like ties back to the decades-old Red Scare strategy of attaching the label of “Communism” to any disfavored left wing political actions or actors which conservatives hope to stifle. As the latter speech reveals, this extends to using Marxism to stoke white fears of some kind of race uprising.

Credentialing

The last category of strategies is more of a miscellaneous group of strategies which I refer to as a sort of credentialing, wherein the legislators call to outside references, such as

historical figures or thinkers or sometimes life experiences to shore up their authority on the legislation. These strategies functioned less as defenses of the bills directly and seemed to be used more so in order to establish the credibility or qualifications of the speaker, or to lend an authoritative tone to back up the legislators' arguments and claims. Below I will discuss the two primary types of credentialing that were common throughout the hearings.

Nonracist credentialing

The first of these, which I call nonracist credentialing, consists of references to figures—often Black scholars or public figures—who stand in for the legislator and which function referentially to signal that the legislator cannot be racist (i.e., by virtue of support for their position from some Black person, usually someone of prominence). Usually, and most notably, this strategy consisted of references to Martin Luther King, Jr.

“I think we've got a very, very well-tailored bill, I can't say that enough, that I think is in the spirit of Dr. Martin Luther King. This bill, in the way that it's written, when Dr. King said ‘I look to a day when people will not be judged by the color of their skin but by the content of that—their character,’ I think that is reflected in this bill.” [Senator Jeremy England (R), MS Senate Floor, 1/21/22]

“We all agree with the Reverend Martin Luther King, who correctly interpreted the Declaration of Independence to hold up a standard of judging individuals not by the color of their skin but by the content of their character.” [Representative Steve Toth (R), TX House Floor, 5/10/21]

“From there, we go to some language that comes straight from our state constitution. This expresses the dream of Martin Luther King and the desire that in the United States of America and in Idaho people will not be judged based on their race or color.” [Representative Julianne Young (R), ID House Education Cmte, 4/22/21]

“‘Racism is not dead, but a lot—but it is on life support, kept alive by politicians, race hustlers, and people who get a sense of superiority to denouncing others [sic] as racist.’ That's a quote from Thomas Sowell.” [Representative Sean Roberts (R), OK House Floor, 4/29/21]

“Dr. Carol Swain, an African-American retired professor of political science and law at Vanderbilt University and one of the great minds of today, recently wrote

in an article for the 1776 Unites project, which is led by predominantly African-American historians and scholars, wrote, ‘critical race theory assumes that racism is permanent and affects every aspect of society including political economic social and religious institutions. Its purpose is to divide the world into white oppressors and non-white victims. Instead of traditional forms of knowledge, it holds up personal narratives of marginalized minority victim groups,’ as she puts in quotes, ‘such as blacks, Hispanics, and Asians as evidence considered irrefutable by nature of the dishonesty of their mostly white heterosexual oppressors. The ultimate goal of this theory’s proponents is to remake society so that the victim class eventually displaces the oppressors and becomes the new ruling class,’ unquote.” [Representative Skyler Wheeler (R), IA House Floor, 3/16/21]

Given the racist undertones of both the legislation itself and the reasoning used to justify it, and the accusations of racism from opponents, quoting King in particular serves as an easy and useful way to try to obscure supporters’ racism and anti-Blackness. The overwhelmingly common choice to quote his “I Have Dream Speech” is a further example of the way Civil Rights Movement ideas and rhetoric are being used to deny the legitimacy of any race-consciousness whatsoever. The few legislators who quoted anti-CRT material from Black scholars like Carol Swain and Thomas Sowell accomplish a similar task but in a more academic vein. These references work to lend credibility to both the legislator’s understanding of the bill by signaling that the legislator is familiar with the body of academic work on the matter, while also substantiating that there is an ostensibly race-neutral way to oppose that body of work since the criticism comes from Black scholars.

A particularly interesting example of this came from the Oklahoma House floor hearings. As noted, legislators across almost all the states at one point or another quoted King’s “I Have a Dream” speech, usually referencing him by name. However, one representative referenced the same, oft-quoted line but attributed it to Archibald Carey, a minister who influenced King (Stanford University, 2017). The Oklahoma legislator stated: “Let me finish with a quote from a

minister of many years ago named Archibald Carey. He said, ‘I have a dream that children one day will live in a nation where they will not be judged by the color of their skin but by the content of their character’” [Representative Jim Olsen (R), OK House Floor, 4.29.21]. Although seemingly a strange attribution, in actuality this seems to possibly refer, indirectly, to speculation about King’s supposed plagiarism and so this reference seems actually to be functioning as a racist dogwhistle to call Martin Luther King’s stature and legitimacy as a thinker into question.

Teaching credentials

The second theme in this category were references to either experiences as a teacher or references to teachers and their importance more generally. This strategy, somewhat less meaningful than the prior one, was nonetheless quite common. Several of the bill sponsors across different states had their own teaching experiences and histories to refer to, but those who did not frequently referenced either relatives or other teachers in their lives. Failing these two options, legislators simply made sure to state their respect, admiration, and love for teachers and the work they do.

“I’m absolutely certain that every member of this house absolutely appreciates the work that our teachers do for our children, for our students.” [Representative Bryan Avila (R), FL House Floor, 2/22/22]

“We love our teachers and in no way, shape, or form, um, should it be said that, you know, that we’re trying to essentially burden them in some way, shape, or form, uh, with this legislation. We’re certainly no—we value our teachers a great deal.” [Representative Bryan Avila (R), FL House Education Cmte, 2/8/22]

“Educators, in my mind, are some of the most special people, they do the job every day and they don’t get paid enough.” [Representative Will Wade (R), GA House Education Cmte (Academic Innovation Subcmte), 2/9/22]

Essentially this strategy functioned primarily to give weight to the supporters’ own insights into education and thus their qualifications, directly or indirectly, to speak and legislate

on the matter. Of course, the Democrats in the chambers also often had teaching experience that they referred to, so perhaps this created a greater imperative for Republican legislators to do so as well. It also was a way for bill supporters to signal their lack of hostility toward education, under the guise of either being teachers or caring for the work teachers do in their state. This works to undercut the accusations that the bills were an attack on teachers and, commonly lodged by Democratic opposition, that the bill supporters did not trust teachers to do their jobs. This strategy also works to shore up the legislators' emphasis on the "objectivity in teaching" strategy, as I mentioned in the earlier section on that theme. The legislators supporting the bills who were also teachers often paired these strategies, claiming that they knew what objective teaching was because in fact they had supposedly achieved it in their own classrooms.

• • •

Across all the state houses where these bills were passed, Democrats mounted incisive critiques of these laws and the defenses given by their colleagues, often echoing my analysis here. Additionally, Democrats' critiques also resembled the structure I've outlined above, with both procedural and more substantive issues and some level of what might be called "credentialing," or references to personal experiences. In almost all cases, Democrats drew attention to the vagueness of the bills and often pressed bill sponsors on specifics, including attempting to pin them down where definitions were wanting (such as what constitutes teaching history "objectively," specific historical examples that might be prohibited, like teaching on the Civil War or the Holocaust) or where there were ambiguities in terms of enforcement or logistics (e.g., who gets to decide what constitutes a violation of the law, what happens to teachers found in violation). Many opponents voiced concerns about enforcement and overreach, such as how the bills were likely to prompt an increase in lawsuits that the state would have to deal with as

well as potentially causing violations of free speech protections. Additionally, a more procedural issue brought up by opponents was the fact that CRT is law school or graduate-level curriculum and that there is little evidence that any such content is being taught at the K-12 level; as such, most Democrats observed that the bills seemed largely unnecessary.

Concerns over teachers' and students' free speech rights also converged with more substantive concerns that the bills would have, or were intended to have, chilling or silencing effects on teaching and education. Another common theme amongst opponents to these laws was the way in which the legislation would protect and empower the feelings and viewpoints of bad actors such as Neo-Nazis or the January 6th insurrectionists. Along similar lines were common refrains that there are many parts of American history that are painful or difficult to learn about and which "should" cause feelings of discomfort, as well as the notion that history must be taught such that we might learn from it (i.e., "those who do not learn from history are doomed to repeat it"). Additionally, many Democrats observed that the bills were aimed at obscuring real history, erasing or whitewashing it, and would impede students' ability to learn critical thinking skills.

Lastly, in a similar vein to the credentialing theme I identified above, a prominent theme amongst the opposition, especially for Black and other non-white legislators and especially in the southern states, were references to personal experience that informed their opposition to the bills. Often these were references to experiences in the American public school system and experiences with racism and discrimination in our time, but sometimes these legislators also referenced either their own or their family members' direct experiences with Jim Crow or the Civil Rights Movement, as well as their ancestors' historical experiences in the U.S. Many Democrats also referenced their experiences as teachers, which informed their position that no

such teaching goes on in public schools. In many ways, there are clear parallels between the discursive themes that bill supporters and bill opponents used, in all likelihood due to the back-and-forth, iterative structure of legislative hearings.

Conclusion

In January 2023, reports began to surface that the state of Florida would potentially reject an Advanced Placement course on African American studies. According to NPR, pilots of the course were being conducted across the country, including in Florida, but came under accusations from Florida governor Ron DeSantis' office of indoctrinating students with critical race theory (Kim, 2023). Florida did reject the course, which was then revised by the College Board and ultimately removed "topics such as Black Lives Matter, slavery reparations and queer theory" from the course curriculum (Hartocollis & Fawcett, 2023; Heyward, 2023; Press, 2023). Although the decisions of the governor and the College Board were met with great backlash and criticism, the opposition to the AP course is part and parcel of the efforts I have detailed here to sabotage and undermine any kind of teaching that might illuminate the embedded inequities and ongoing impacts of structural white supremacy in the United States.

For all the race-neutral rhetoric and lofty idealism the Republican legislators employed in explaining and justifying these bills, the undeniable subtext and impact was to eliminate the exact kind of curriculum offered by the AP African American studies course and beyond. This was, of course, never lost on the state Democrats opposing these efforts who made very clear what the intended purpose of these bills was, noted in particular by the vehement opposition from Black southern legislators. However, in addition to facing a numerical majority that was free to do as it pleased, Democratic legislators were also in part hamstrung by the strategies I've discussed above that aimed to make the legislation sound reasonable, limited, and in fact just and

patriotic. These strategies were intended to obfuscate and muddy the waters on what the legislators actually intended on doing, to say nothing of the way state Republicans avoided ever addressing the origins of the bills in Trump’s 2020 executive order.

Frequent reference to widely-held American ideals like that “all men are created equal” or to the post-racial narrative that we have transcended our problems with race put Democrats on the defensive in counterarguing against these bills, and Republicans’ constant downplaying of the procedural impact—that they were not banning any content, just pre-empting a possible threat—worked to assuage fears that the bills would criminalize or penalize teachers. Although the rhetoric used by the legislators supporting these bills was intended to work this way, to seem measured and reasonable while in reality chilling classroom discussions and undermining instruction on social and racial issues, I have endeavored to show the subtext which underlies these discursive strategies. When we look more deeply at the words of the legislators, it reveals how their language nonetheless continues to privilege a white perspective and white feelings. In the following chapter, I turn from the nature of elite discourse on the CRT issue to its impact on public opinion. Using survey data on the 2021 Virginia governor’s race, I will show that the discourses I’ve outlined in these last two chapters had indeed come to inform citizen’s opinions on CRT as well as their vote preferences.

Works Cited

- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Chong, D., & Druckman, J. N. (2007). Framing Theory. *Annual Review of Political Science*, 10(1), 103–126. <https://doi.org/10.1146/annurev.polisci.10.072805.103054>
- Druckman, J. N. (2001). The Implications of Framing Effects for Citizen Competence. *Political Behavior*, 23(3), 225–256. <https://doi.org/10.1023/A:1015006907312>
- Ferber, A. L. (1998). *White Man Falling: Race, Gender, and White Supremacy*. Rowman & Littlefield.
- Gerrits, A. (1995). Antisemitism and anti-communism: The myth of ‘Judeo-Communism’ in eastern Europe. *East European Jewish Affairs*, 25(1), 49–72.
<https://doi.org/10.1080/13501679508577796>
- Harris, D. (2009). Partisan Framing in Legislative Debates. In *Winning with Words: The Origins and Impact of Political Framing* (p. 312). Routledge.
- Hartocollis, A., & Fawcett, E. (2023, February 1). The College Board Strips Down Its A.P. Curriculum for African American Studies. *The New York Times*.
<https://www.nytimes.com/2023/02/01/us/college-board-advanced-placement-african-american-studies.html>
- Heyward, G. (2023, January 27). Critics say Florida aims to rewrite history by rejecting African American studies. *NPR*. <https://www.npr.org/2023/01/27/1151725129/florida-advanced-placement-african-american-studies-backlash>
- Jones, B. (2018, August 9). An examination of the 2016 electorate, based on validated voters. *Pew Research Center - U.S. Politics & Policy*.

<https://www.pewresearch.org/politics/2018/08/09/an-examination-of-the-2016-electorate-based-on-validated-voters/>

Kim, J. (2023, January 22). Florida says AP class teaches critical race theory. Here's what's really in the course. *NPR*. <https://www.npr.org/2023/01/22/1150259944/florida-rejects-ap-class-african-american-studies>

Mason, L., & Wronski, J. (2018). One Tribe to Bind Them All: How Our Social Group Attachments Strengthen Partisanship. *Political Psychology*, 39(S1), 257–277. <https://doi.org/10.1111/pops.12485>

Mucciaroni, G., Ferraiolo, K., & Rubado, M. E. (2019). Framing morality policy issues: State legislative debates on abortion restrictions. *Policy Sciences*, 52(2), 171–189. <https://doi.org/10.1007/s11077-018-9336-2>

Press, T. A. (2023, February 1). Revised AP African American Studies class drops controversial topics after criticism. *NPR*. <https://www.npr.org/2023/02/01/1153364556/ap-african-american-studies-black-history-florida-desantis>

Reich, G., & Mendoza, A. A. (2008). “Educating Kids” Versus “Coddling Criminals”: Framing the Debate over In-State Tuition for Undocumented Students in Kansas. *State Politics & Policy Quarterly*, 8(2), 177–197. <https://doi.org/10.1177/153244000800800204>

Sniderman, P. M., & Theriault, S. M. (2004). The Structure of Political Argument and the Logic of Issue Framing. In *Studies in Public Opinion: Attitudes, Nonattitudes, Measurement Error, and Change* (pp. 133–165). Princeton University Press. <https://doi.org/10.1515/9780691188386-007>

Stanford University. (2017). Carey, Archibald J., Jr. In *King Encyclopedia*. The Martin Luther King, Jr., Research and Education Institute.

<https://kinginstitute.stanford.edu/encyclopedia/carey-archibald-j-jr>

Westwood, S. J., & Peterson, E. (2022). The Inseparability of Race and Partisanship in the United States. *Political Behavior*, 44(3), 1125–1147. <https://doi.org/10.1007/s11109-020-09648-9>

Chapter 5: Public Opinion

In the preceding chapters, I have focused on the official institutional actions taken by state legislatures to first codify and then justify their critical race theory bans. This analysis has revealed the way the bans function to entrench white supremacy in the face of challenges to hegemonic whiteness. Such challenges stem from the rise in visibility of support and calls for social justice efforts to confront continuing systemic inequalities. However, these legislative processes are only one part of the larger nationwide uproar against CRT and any related calls for racial equality. For instance, there were other forms of state-level actions that my analysis above could not cover, despite nonetheless being part of the effort to marginalize or ban CRT or DEI topics. The “parents’ bills of rights” legislation, mentioned briefly in chapter 3, are one example; some state laws pertaining, ostensibly, to the protection of free speech on university campuses are another. Primarily, however, what is excluded from my analysis thus far are states in which official anti-CRT actions were taken or put into place by an executive arm of the state government, usually the governor via executive orders or other executive branch officials like the attorney general.

Additionally, another aspect that the preceding discussion could not capture is what impact these elite-level actions and discourses might have actually had on the mass public. Although some citizens were participants in the legislative hearing process, I excluded these public comments from my analysis as there is good reason to suspect those citizens taking part in public hearings are not representative of the general public. In addition to having the time and confidence to speak at these hearings, it is unclear how much relative knowledge or expertise those attending state legislative committee hearings might already have had. In terms of the opinion of the general public, scholarship suggests that since most people are relatively

uninformed about politics, the issues elites focus on, and the way they discuss those issues, are likely to trickle down and impact how everyday citizens think about politics. I will review some of this literature in the following section.

In the case of CRT bans specifically, the role of elite discourse on public opinion is likely especially important, given the relative obscurity of critical race theory, an advanced area of academic scholarship, prior to the events of 2020 and Donald Trump, Christopher Rufo, and Fox News' coverage – and mischaracterization – of the topic. As such, it stands to reason that the elite-level actions and discourse on CRT have likely had an impact on increasing the public's awareness of CRT in general, as well as in forming and shaping the substance of people's opinions on it, such as people's understanding of what CRT is and what ought to be done about it (if anything at all).

In this chapter, I will discuss the public's reaction to the CRT issue, specifically in the context of the 2021 Virginia gubernatorial election, and how this aligns with expectations from public opinion research. I will provide data to demonstrate some of the impact of the national discussion and attention to CRT on people's opinions. In particular, the Virginia governor's race helps shed light on the role CRT can play on people's electoral choices. The Republican candidate, Glenn Youngkin, emphasized CRT in schools as a campaign issue and proceeded to win the governor's race against his opponent, Democrat Terry McAuliffe.

This race thus has broader implications with regard to the role the CRT bans and discussion have played in impacting public opinion and electoral outcomes. The evidence that the public opinion data on this race presents suggests that CRT can be an important factor for Republican voters when the issue is part of campaign discourse; accordingly, if Republican politicians can successfully campaign on this issue, then there is likely to be a cascade of

downstream effects, perhaps the most important of which are potential policy implications such as the CRT ban that Glenn Youngkin did ultimately implement as governor. Politicians and voters who can rally around an issue like banning CRT in public education bodes poorly for efforts to combat racial inequities and discrimination in education or elsewhere. The ripple effects of politicians successfully campaigning on an issue like this—further policy implementation, further visibility and legitimization of such policies and positions—mean that re-entrenchment of white privilege is well underway and likely to continue apace. As such, the data here suggest greater institutionalization in state policy of the white protectionist stance that is evident in the CRT bans themselves.

Public Opinion Formation

To begin, I will highlight some of the critical works on public opinion research that suggest an important role for elite rhetoric in shaping the opinions of average citizens. In doing so, I will focus on the significant insights which help to clarify why the elite-level discourses I've been highlighting here are likely pivotal in influencing people's opinions and attitudes toward "CRT" or related race and social justice topics.

John Zaller's model of opinion formation presented in *The Nature and Origins of Mass Opinion* (1992) is especially helpful. The Receive-Accept-Sample model lays out a process by which citizens formulate their opinions on political issues based on the information about the issues that they have encountered. Individuals are exposed to varying levels of political information and messaging. The more engaged or politically attentive someone is, the greater the likelihood there is for them to be exposed to such political content.

Upon exposure to political messages, people either accept or reject them based on the extent to which a given message accords with their personal political predispositions. As such,

more informed or attentive people are better able to evaluate new information and how it aligns with their prior beliefs and attitudes; thus, they are more equipped to assimilate the information or counter-argue it if it is inconsistent with their predispositions. These attentive individuals are thus still capable of rejecting new information if it challenges or disconfirms their previously held beliefs. These political messages and information people are exposed to then potentially become part of the corpus of “considerations” that they refer to in formulating their own opinions, with more recent information more readily remembered for consideration (“top of the head” considerations).

These “top of the head” considerations are a crucial component of people’s reported opinions. As news and other media coverage becomes saturated with a given topic, the more likely that topic is to become an easily accessible referent in a respondent’s mind, thus potentially swaying their opinion in the direction of whatever media coverage they have been exposed to. As CRT has become part of the national discourse on current events, particularly given its relative obscurity beforehand, the content of any media coverage of the issue that people have seen is therefore likely to impact these “top of the head” considerations that people consult when providing their opinions on surveys. Importantly, the more politically informed someone is, the more consistent and stable (and more aligned with their prior beliefs) their opinions will be due to greater engagement with political communication and current events.

The second, and arguably more relevant, aspect of Zaller’s model is the role of elite discourses. The messages people receive, which become elements from which they draw to form their own opinions, play a significant role in the process. Since almost everyone receives their political information from elites, the substance of elite discourse matters greatly for the general thrust of public opinion on any given issue. As such, Zaller demonstrates that mass opinion on a

particular political issue is influenced by the presence of either unanimous (or one-sided) information flows from elites or by strong liberal and conservative (two-sided) information flows. When elite messaging conveys a more or less uncontested position on an issue, public opinion tends to follow in the same direction. When elite messaging becomes ideologically divided into distinct liberal and conservative positioning, mass opinion splits in accordance with individual predispositions to either side of this divide (as mediated by political attentiveness).

It is in this second component that Zaller's work becomes especially insightful for public opinion on critical race theory specifically and the concomitant bans. Not only has there been clear and distinct conservative and liberal messaging on the topic, but the issue is one ripe for elite influence to begin with, since critical race theory itself was mostly unknown and unfamiliar to people outside of academic circles prior to the events of 2020. Because of how unknown CRT was as a concept or a field of scholarship, most people were in a position to be easily swayed in developing their opinions on it, based on their prior beliefs and predispositions. For instance, it is significant that early news coverage on the CRT issue featured heavily on Fox News with Christopher Rufo's September 2020 interview on Tucker Carlson's show (Dorman, 2020; Schwartz, 2020). This critical early coverage, followed shortly by Trump's executive order on the issue, took a relatively unknown subject and presented a particular vantage point on it to a large but tailored audience, an audience which was largely primed to accept the viewpoints of their preferred Fox News hosts and talking heads. Rufo's introduction of CRT to the Fox News audience involved providing examples of what CRT was, like white male executives being forced to "write letters of apology to women and people of color" and referring to CRT as "cult indoctrination" (The Heritage Foundation, 2020).

This, then, was the premise on which viewers had to form their ideas on a subject which they, in all likelihood, had never heard of before this particular newscast. This formed one strain of elite discourse on the subject. Accordingly, Democrats or left-leaning pundits were forced into a position of responding with an alternative discourse (I make the assumption here that falling in line to form a single unified discourse was a nonstarter, given the widely discussed trends of partisan division and polarization in recent years). Usually, this response has centered around debunking right-wing accusations that CRT is being taught or that it involves teaching racism or hatred; some efforts have involved attempting to explain what CRT actually entails (see, e.g., Anderson, 2021; Boot, 2021; Sprunt, 2021). This second strain of elite signaling, then, has largely taken the form of a corrective or an attempt to downplay the claims made by the first and primary information flow, presented largely by left- or center-leaning media outlets or politicians.

Because the information flows on a lesser-known subject like CRT crystallized into two distinct information flows, inevitably public opinion should be expected to split on the issue accordingly, with most respondents of average and perhaps even high political awareness following the lead of their preferred elites. This trend is compounded by the vast changes in the media landscape since the original publication of *Nature and Origins*. Since the 1990s, American news media has become increasingly fragmented; many more news outlets now cater to increasingly narrow and specific audiences. This means that most Americans are increasingly exposed only to those elite messages and information that aligns with their own previously-held beliefs and preferences, creating something of a reinforcing cycle of preferences informed by particularized elite messaging, which thereby filters further information exposure (the so-called

news “bubbles” or “echo chambers”)⁵. Americans are overall somewhat less likely now than in most decades of the 20th century to receive their news or political information from a broadcast, general-interest news show. This is one possible reason, among several, that the one-sided information flows that Zaller identified are relatively less likely to exist.

Other Elements of Public Opinion

Although my focus here is on the role and impact of elites, specifically elected officials, there are other avenues by which citizens are likely to be influenced on current events which have likely played a role in influencing public opinion on CRT. Not only are the signals that elites provide an important aspect of how Americans gain information on politics, the form and content of television news coverage also matters in a distinct way. Although public opinion research has occasionally struggled to specify exactly how and to what extent television news impacts or alters public opinion, it is nonetheless likely that the ubiquity of television news media today is a relevant factor in how elite discourses reach people. To this end, there is evidence that television news coverage impacts both what viewers believe are important issues (agenda setting) as well as how they evaluate political issues and policies (priming) (Iyengar & Kinder, 2010).

Again, when considering the relative lack of information or knowledge most Americans must’ve had about CRT prior to it entering the zeitgeist, it is clear that media coverage of activists and politicians who were speaking on the matter to agitate a response must have played a significant role in the opinions people formed about something they may previously have never even heard of. Additionally, there is work to suggest that Fox News specifically has a large

⁵ Oft discussed and taken for granted in mainstream or popular media, most academic research on these phenomena suggests they are more complicated and not necessarily as prevalent or widespread as popular media often claims (see, e.g., Flaxman et al., 2016; Garrett, 2009; Guess et al., 2018).

impact on its viewers, even compared to other news networks (Hoewe et al., 2020). This evidence supports the idea that Fox’s coverage of the CRT issue, including hosting public figures like Christopher Rufo and politicians like Glenn Youngkin, likely played a role in leading citizens with right-leaning political preferences to support anti-CRT policies, even while promoting a misconstrued version of what CRT even is.

Attempting to quantify public opinion on critical race theory before it entered public consciousness at a high level is likely to amount to trying to prove a negative. However, it is nonetheless possible to attest to the dearth of informed opinion on critical race theory, at least in part, by looking at the Google search trends on the subject, which reveal search engine activity across time. If we look at the search trends for the phrase “critical race theory,” shown below (Fig. 1), it is clear that there were very few broad searches for it prior to 2020, with a small initial spike in September 2020—when Trump issued his executive order banning CRT from federal trainings. The search trends gradually increase, with spikes here and there, until a peak during June 2021, which was likely prompted by Senator Tom Cotton’s introduction of anti-CRT clauses to the 2021 federal budget reconciliation package (Gregory, 2021). The search trends for the abbreviated term “CRT” follow a similar, but more muted, trend, peaking instead in November 2021 (Fig. 2). The reason for this is not obvious, but I suspect burgeoning state legislation might be a factor; Ron DeSantis formally announced Florida’s “Stop W.O.K.E. Act” in December 2021 (Florida Governor’s Office, 2021).

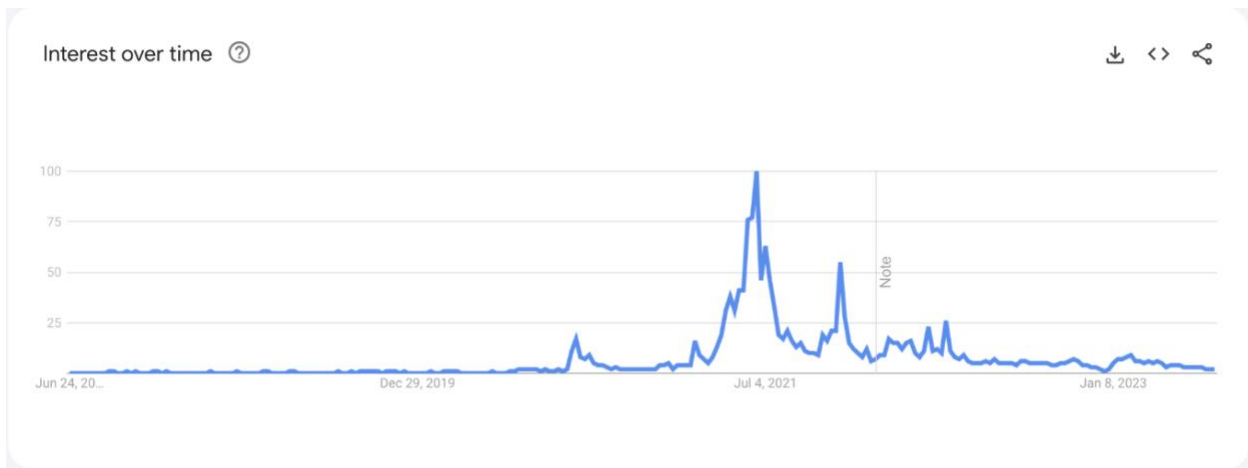


Figure 1. Google Trends results for “critical race theory.”

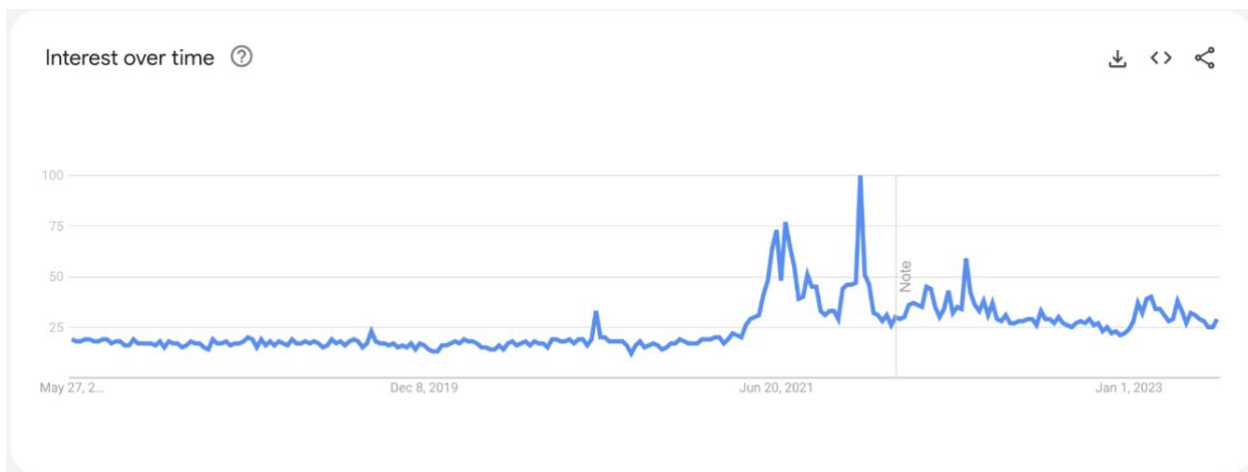


Figure 2. Google Trends results for “CRT.”

Additionally, some national polls also indicate the relative obscurity of critical race theory over the course of 2021, the year following Fox News and Donald Trump’s focus on the issue. In a July 2021 survey, Reuters found that 57% of adults were *not* familiar with the term (Kahn, 2021; *Reuters/Ipsos Poll*, 2021). This poll also showed that many respondents who did claim familiarity with critical race theory nonetheless held misconceptions about it. For instance, 22% of respondents who were familiar with CRT believed that it was taught in public high schools. A YouGov poll conducted earlier in June 2021 shows higher levels of awareness of CRT, with 64% of respondents reporting having heard of CRT (only 35% reporting never having

heard of it at all). However, of that group, only 35% said they had a “good idea” of what it was (Frankovic, 2021). Each of these polls suggest little overall general knowledge about what CRT actually entails, thus re-affirming that most Americans were prime targets for elite suggestion on the issue. In fact, these polls themselves likely already reflect the influence of then-extant national dialogue that had begun prior to the polling, as suggested by the already-prevalent misconceptions many respondents already held. For these reasons, then, it should be expected that public-facing politicians, especially those in highly visible and contested elections like the Virginia gubernatorial race, have a pronounced role to play in swaying citizens on an issue that was previously unfamiliar and esoteric, like critical race theory.

Another piece of the puzzle in public opinion on CRT policies relates to the role of race and media in people’s opinion formation. There is, again, a large body of scholarship that investigates the continued role of race in public opinion, in terms of how individuals’ race or racial attitudes impact their opinions and how individuals respond to racial cues in media and so forth (see Lee & Willcoxon, 2011, for a review). Of particular importance for my work here is the work on the role of implicit racial appeals in media. In *The Race Card* (2017), Tali Mendelberg provides a framework for understanding the role of implicit racial appeals in electoral politics and public opinion.

She argues that due to the now-predominant norm of racial egalitarianism, rhetoric that makes explicit use of racist language or ideas will be overwhelmingly rejected by the majority of white Americans. Awareness of the racial content of rhetoric triggers the need for people to signal their adherence to norms of racial equality, and politicians making these explicit racial appeals usually face condemnation and risk losing support. This means that, in order for rhetoric to effectively activate white people’s racial attitudes on a political issue, the appeals must be

implicit, by using coded language or visual images to indirectly reference race and activate racial predispositions.

Although, to a large extent, I believe these findings still ring true, it is also worth considering the extent to which the political success of Donald Trump and his ilk has shifted things in any significant way. Trump often made use of language that was scarcely coded or that veered directly into explicit territory (e.g., “[Mexico is] not sending their best” in his campaign announcement speech [M. Y. H. Lee, 2021]). These appeals often seemed to serve to make his supporters like him even more ardently and arguably have encouraged an increase in more overtly racist language both amongst politicians and, perhaps, other elites as well in public spaces. Compared to Republican discourse throughout the 1990s and 2000s, there are undoubtedly more examples of a return to somewhat more explicit racial appeals post-Trump.

What this shift means for the CRT bans is how exactly we ought to think about the language around them—to what extent is this language comprised of implicit or explicit racial appeals? Mendelberg argues that implicit racial appeals hold sway because of the contradiction between “powerful egalitarian norms about race, and a party system based on the cleavage of race” (p. 6). As such, politicians are encouraged to make implicitly racial appeals when “(1) they wish to avoid violating the norm of racial equality, and (2) they face incentives to mobilize racially resentful white voters” (p. 7). Similarly, white voters will respond to implicit appeals under the corollary conditions: that they wish to show compliance with the norm of racial egalitarianism and when they hold racially resentful attitudes toward Black Americans. More narrowly, Mendelberg defines explicitly racial messages as those that use “racial nouns or adjectives to endorse white prerogatives, to express anti-black sentiment, to represent racial stereotypes, or to portray a threat from African Americans” (p. 9). Conversely, then, implicit

appeals accomplish these same goals but without the use of “racial nouns and adjectives” and are “ostensibly race-free” (p. 9).

On the one hand, Trump’s involvement and actions on the issue—coupled with his penchant for using more explicitly racist language—signals something that, I argue, tends toward the more explicit side. Of course, the issue is also literally *about* race, this term being both part of the phrase “CRT” as well as literally given in the text of the bills or other policy language. In these ways, some components of the national discussion of CRT might be read as some kind of pivot away from a full-throated commitment to racial equality norms, per Mendelberg’s conception. In fact, I think what the debates and discourse around CRT represent is less an obvious move away from racial egalitarianism and more an inversion or weaponization of it.

It is not that politicians who have sought to ban CRT want to signal that they do not believe in racial equality—the themes I discuss in the prior chapters in fact display many instances of politicians verbally reaffirming this norm. Instead, they are seeking to make the case that white people are now the ones who are being treated unequally and thus racial liberals, antiracism/DEI trainings, and “CRT” are the entities that are violating racial equality. That this is the discursive strategy these politicians and anti-CRT activists are using comes out more clearly on the occasions when they do make explicit references, as some Republican legislators did in identifying specific examples of trainings that would be banned, such as those that asked white executives or white students to list or apologize for their white privilege, for instance (see my discussion in chapter 4). In these instances, the implicit becomes explicit with the references to “white privilege” or what these trainings require of white people.

For these reasons, I do believe that most of the discourse around the CRT bans can and should still be classified as nominally implicit, with some important caveats. As I argue in prior

chapters, the colorblind or race-neutral (implicit) language is a key component in the discursive strategy of the politicians advancing anti-CRT policies. Although I think there are important ways in which the appeals cannot so easily be categorized or defended as purely implicit or nonracial, nonetheless there is, by design, typically not enough literal language used to pin most of the rhetoric as truly explicitly racial (or racist). For example, to illustrate this somewhat crudely, no legislators discussed CRT as representing the threat of Black advancement or explicitly as a way to not teach about Black history, etc.

Therefore, I think Mendelberg's evidence that racial appeals must be implicit in order to effectively activate people's racial predispositions still holds true, and arguably is even more strategically crucial, despite the relative prevalence of more racially explicit language in the political sphere post-Trump. While the anti-CRT discourse is perhaps only implicit in a very tenuous and thinly-veiled way, it is simultaneously even more important that it can be propped up as nonracial and neutral, both for the politicians making the case for the policies targeting CRT and for those in the public supporting them. This context, then, makes it easier for racially resentful white people to support the anti-CRT policies and politicians without feeling racist or being overtly guilty of it. So, in the same way that I argue colorblindness has been weaponized, so too are implicit racial appeals now a strategic necessity deployed in a self-conscious (rather than possibly unintentional) way to deflect the racist implications (and, likely, impact) of the CRT bans. I argue that this kind of implicitness is a key component in public support for politicians running on anti-CRT platforms like Glenn Youngkin.

The foregoing pieces of public opinion scholarship thus can help to explain the way anti-CRT rhetoric and policies are impacting mass opinion and support. Because most people are not well-informed about politics, they will take the cues and information provided by elites. When

elite opinion is split on an issue, as it is on CRT and related racial issues, public opinion will split accordingly. Additionally, television coverage plays a role in what people think is important in politics, and Fox News has undeniably played a role in generating public concern over critical race theory in the first place, as well as in shaping people's perceptions of what it is and how they think about it. This is especially true given the relative lack of knowledge about CRT at all prior to its coverage on television and prompting by right-wing politicians and activists. Lastly, the language must be couched in non-racial language, or achieve plausible deniability about being explicitly racial, in order to successfully gather support amongst the public at all.

Below, I will delve into some of the details and specific context around one notable instance of how CRT was deployed in electoral politics—the 2021 Virginia gubernatorial race—and explore some of the public opinion responses to it. As part of this, I will also draw attention to how the Republican candidate Glenn Youngkin made use of implicit racial appeals in the same way state legislators did in advancing the bans. Following this, I will look at some national level data on public opinion on CRT, as well as some data that is specific to the Virginia governor's race.

In 2021, Virginia voters elected Republican Glenn Youngkin to the governorship. The preceding campaign was one in which critical race theory in public schools played a prominent role. Candidate Youngkin repeatedly emphasized the issue and national news outlets noted his promises to ban CRT in schools on his first day in office (Paviour et al., 2021; Peters, 2021; Rahman, 2021). Many of his campaign mentions of the issue echo the rhetoric that was used in the legislative context I discussed in prior chapters (see Appendix B for more detail). In most cases, the nationalization of American politics suggests that campaigns with national-level ties or implications will be more readily covered by the media and thus more visible to citizens, as

suggested by Glenn Youngkin’s linkages to Trump (Delli Carpini et al., 1994; Graham, 2021; Sievert & McKee, 2019). As such, it is likely that the rhetoric Youngkin used on the campaign trail was even more visible and accessible than the rhetoric coming out of the state legislatures, and therefore likely more impactful, on citizens than the discussions that occurred in the statehouses.

Data

In order to more fully understand how the debate and discourse about critical race theory has been picked up by average citizens, I will first look a bit more in-depth at the data from the YouGov/Economist poll to which I referred earlier. This poll of 1,500 American adults provides some insight into who precisely supports and opposes CRT, in accordance with the bifurcated elite discourse on the topic. To reiterate, this poll first asked respondents how much they had heard about critical race theory. Again, almost two-thirds of respondents reported having heard either “a lot” or “a little” about CRT, but already we see discrepancies in the patterns of familiarity. For example, white college-educated men indicate the highest levels of having heard about CRT, at 88%, which is the highest total of any demographic groupings that YouGov provided in their crosstabs (see Table 1). Respondents who indicated they had heard of CRT were then asked if they had a “good idea” of what it was (Table 2). Here, college-educated white men and women reported they did have a good idea, at 61% and 64% respectively. This is in contrast to the 51% of Black respondents who said the same.

Even amongst non-college-educated white respondents, approximately half of men (51%) and women (46%) still reported that they had a good idea of what CRT actually is. When we consider these response rates in light of the relative obscurity of CRT only the year before, it bears asking to what extent these ideas about what critical race theory is, amongst white

respondents in particular, are in fact accurate and not merely reflections of what had been covered by news outlets and discussed by politicians in the months prior to the survey. This implication also becomes clearer when we look at the responses by vote choice and party. A full 71% of respondents who voted for Trump in 2020 reported having a “good idea” of what CRT is, compared to only 50% of Biden voters. Again, it is worth emphasizing that these rates are even

How much have you heard about critical race theory?

| | Gender | | | White Men | | White Women | | Race | |
|----------------|---------|-------|--------|-----------|--------------|-------------|--------------|-------|----------|
| | Total | Male | Female | No degree | College Grad | No degree | College Grad | Black | Hispanic |
| A lot | 26% | 33% | 21% | 26% | 45% | 16% | 30% | 24% | 20% |
| A little | 38% | 39% | 38% | 35% | 43% | 36% | 43% | 40% | 37% |
| Nothing at all | 35% | 28% | 41% | 39% | 12% | 48% | 27% | 35% | 43% |
| Totals | 99% | 100% | 100% | 100% | 100% | 100% | 100% | 99% | 100% |
| Unweighted N | (1,490) | (689) | (801) | (300) | (186) | (383) | (208) | (173) | (145) |

| | Age | | | | Income | | | Region | | | | |
|----------------|---------|-------|-------|-------|--------|-------------|-----------|----------------|-----------|---------|-------|-------|
| | Total | 18-29 | 30-44 | 45-64 | 65+ | Under \$50K | \$50-100K | \$100K or more | Northeast | Midwest | South | West |
| A lot | 26% | 18% | 21% | 30% | 33% | 20% | 33% | 35% | 23% | 26% | 27% | 29% |
| A little | 38% | 42% | 39% | 36% | 39% | 37% | 37% | 48% | 39% | 35% | 41% | 37% |
| Nothing at all | 35% | 40% | 39% | 34% | 28% | 43% | 30% | 17% | 39% | 38% | 33% | 33% |
| Totals | 99% | 100% | 99% | 100% | 100% | 100% | 100% | 100% | 101% | 99% | 101% | 99% |
| Unweighted N | (1,490) | (140) | (297) | (679) | (374) | (657) | (389) | (272) | (266) | (318) | (575) | (331) |

| | Registered | 2020 Vote | | Party ID | | | Ideology | | | |
|----------------|------------|-----------|-------|----------|-------|-------|----------|-------|-------|-------|
| | Total | Voters | Biden | Trump | Dem | Rep | Ind | Lib | Mod | Con |
| A lot | 26% | 31% | 25% | 46% | 21% | 32% | 30% | 26% | 20% | 39% |
| A little | 38% | 41% | 49% | 30% | 47% | 32% | 40% | 46% | 43% | 34% |
| Nothing at all | 35% | 28% | 25% | 25% | 31% | 35% | 30% | 28% | 37% | 26% |
| Totals | 99% | 100% | 99% | 101% | 99% | 99% | 100% | 100% | 100% | 99% |
| Unweighted N | (1,490) | (1,297) | (591) | (558) | (506) | (361) | (451) | (410) | (435) | (500) |

Table 1. The Economist/YouGov Poll, June 13 - 15, 2021; “How much have you heard about critical race theory?”

Do you have a good idea of what critical race theory is?
 Asked of those who have heard at least a little about critical race theory

| | Total | Gender | | White Men | | White Women | | Race | |
|--------------|---------|--------|--------|-----------|--------------|-------------|--------------|-------|----------|
| | | Male | Female | No degree | College Grad | No degree | College Grad | Black | Hispanic |
| Yes | 54% | 59% | 48% | 56% | 61% | 46% | 64% | 51% | 43% |
| No | 23% | 21% | 25% | 25% | 18% | 28% | 16% | 28% | 20% |
| Not sure | 23% | 20% | 27% | 19% | 21% | 27% | 20% | 22% | 37% |
| Totals | 100% | 100% | 100% | 100% | 100% | 101% | 100% | 101% | 100% |
| Unweighted N | (1,018) | (521) | (497) | (192) | (166) | (210) | (164) | (113) | (102) |

| | Total | Age | | | | Income | | | Region | | | |
|--------------|---------|-------|-------|-------|-------|-------------|-----------|----------------|-----------|---------|-------|-------|
| | | 18-29 | 30-44 | 45-64 | 65+ | Under \$50K | \$50-100K | \$100K or more | Northeast | Midwest | South | West |
| Yes | 54% | 37% | 52% | 62% | 56% | 43% | 65% | 60% | 44% | 58% | 53% | 58% |
| No | 23% | 33% | 25% | 19% | 20% | 29% | 19% | 20% | 22% | 17% | 26% | 23% |
| Not sure | 23% | 30% | 23% | 19% | 24% | 27% | 17% | 20% | 34% | 25% | 21% | 18% |
| Totals | 100% | 100% | 100% | 100% | 100% | 99% | 101% | 100% | 100% | 100% | 100% | 99% |
| Unweighted N | (1,018) | (93) | (184) | (462) | (279) | (384) | (283) | (232) | (170) | (206) | (394) | (248) |

| | Total | Registered | 2020 Vote | | Party ID | | | Ideology | | |
|--------------|---------|------------|-----------|-------|----------|-------|-------|----------|-------|-------|
| | | Voters | Biden | Trump | Dem | Rep | Ind | Lib | Mod | Con |
| Yes | 54% | 57% | 50% | 71% | 47% | 63% | 55% | 53% | 46% | 66% |
| No | 23% | 21% | 21% | 19% | 22% | 24% | 24% | 20% | 27% | 22% |
| Not sure | 23% | 23% | 29% | 10% | 31% | 12% | 21% | 27% | 27% | 12% |
| Totals | 100% | 101% | 100% | 100% | 100% | 99% | 100% | 100% | 100% | 100% |
| Unweighted N | (1,018) | (948) | (442) | (423) | (354) | (241) | (334) | (308) | (287) | (375) |

Table 2. The Economist/YouGov Poll, June 13 - 15, 2021; “Do you have a good idea of what critical race theory is?”

higher than among Black (and Hispanic) respondents. Similarly, 63% of Republicans (66% of conservatives) also claimed to have a good understanding of critical race theory.

These results are illustrative of the role right-wing elites have likely played in shaping the debate and the public’s opinions of CRT. Democrats and independents (and liberals and moderates) all show lower response rates claiming to understand what CRT is. This evidence suggests that right-leaning respondents were more keyed into political sources that were discussing the issue than left-leaning and moderate/independent respondents. This discrepancy is, arguably, unlikely to be due to differences in actually having organically learned or sought out information about CRT; there is no reason to think that right-leaning respondents were, in any

“natural” way exposed to critical race scholarship in their education or elsewhere at higher rates than left-leaning or other respondents. In fact, I would submit that this is perhaps the exact opposite of what we might expect, since most critical race scholarship or material is more likely to appeal to left-leaning people, particularly people of color, and so it strains credulity to think that many right-leaning respondents learned about CRT in any way other than from their preferred elite sources. Although this data cannot substantiate how many Trump voters knew of CRT prior to 2020 when it became a national talking point, it seems reasonable to conclude that such a high percentage of Trump voters reporting that they had a “good idea” about what CRT is could stem, at least in part, from their personal attendance to what Trump did and talked about.

Lastly, the YouGov poll asked respondents who said they knew what CRT was whether they had a favorable or unfavorable view of it (see Table 3). Once again, the thrust of views here follows what might be expected from a split elite-level discourse. Among 2020 Trump voters, 91% reported a “very unfavorable” view of CRT. In contrast, 82% of 2020 Biden voters said the opposite (either somewhat or very favorable). Considering the recency with which CRT likely became familiar to many of these respondents, such a polarized response pattern indicates polarized elite signaling on the issue. A similar pattern follows for partisans, with 86% of Democrats indicating overall favorable views, and 85% of Republicans with a “very unfavorable” view. An additional 6% had a “somewhat unfavorable” view. Responses by ideology follow this pattern as well. These responses are the most clearly differentiated by party, ideology, and 2020 vote choice of all three CRT-related questions on the survey. Together, this suggests that the respective elite discourses have influenced a divided response among the public.

The Reuters/Ipsos poll, also mentioned above, shores up that, although a sizable portion of respondents claim familiarity with CRT, they do not tend to actually have accurate information about it. Of an online sample of 1,004 Americans, Reuters reports that only 5% of respondents claiming to be familiar with CRT correctly answered all 7 of the survey’s true or false questions about CRT (Kahn, 2021). In the Reuters poll, 71% of respondents reported at least a passing familiarity with CRT (very or somewhat familiar or had just heard of it). Of this percentage, 56% of Democrats either strongly or somewhat agreed with the “principles” of CRT, while 59% of Republicans either strongly or somewhat disagreed with them. This again

Do you have a favorable or unfavorable opinion of critical race theory?
 Asked of those who say they know what critical race theory is

| | Total | Gender | | White Men | | White Women | | Race | |
|----------------------|-------|--------|--------|-----------|--------------|-------------|--------------|-------|----------|
| | | Male | Female | No degree | College Grad | No degree | College Grad | Black | Hispanic |
| Very favorable | 25% | 22% | 29% | 17% | 20% | 16% | 27% | 52% | 13% |
| Somewhat favorable | 13% | 13% | 13% | 7% | 14% | 7% | 17% | 16% | 29% |
| Somewhat unfavorable | 5% | 4% | 6% | 4% | 6% | 10% | 2% | 6% | 4% |
| Very unfavorable | 53% | 57% | 48% | 70% | 59% | 61% | 50% | 16% | 49% |
| Don't know | 4% | 3% | 5% | 2% | 1% | 5% | 4% | 9% | 5% |
| Totals | 100% | 99% | 101% | 100% | 100% | 99% | 100% | 99% | 100% |
| Unweighted N | (583) | (325) | (258) | (113) | (106) | (102) | (105) | (60) | (56) |

| | Total | Age | | | | Income | | | Region | | | |
|----------------------|-------|-------|-------|-------|-------|-------------|-----------|----------------|-----------|---------|-------|-------|
| | | 18-29 | 30-44 | 45-64 | 65+ | Under \$50K | \$50-100K | \$100K or more | Northeast | Midwest | South | West |
| Very favorable | 25% | 27% | 37% | 19% | 24% | 28% | 25% | 27% | 26% | 26% | 19% | 32% |
| Somewhat favorable | 13% | 17% | 16% | 10% | 13% | 15% | 9% | 12% | 23% | 11% | 12% | 12% |
| Somewhat unfavorable | 5% | 9% | 5% | 6% | 1% | 7% | 5% | 3% | 4% | 7% | 5% | 4% |
| Very unfavorable | 53% | 41% | 39% | 61% | 59% | 45% | 56% | 56% | 45% | 53% | 58% | 50% |
| Don't know | 4% | 6% | 3% | 4% | 3% | 5% | 5% | 2% | 3% | 3% | 6% | 2% |
| Totals | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 101% | 100% | 100% | 100% |
| Unweighted N | (583) | (37) | (104) | (289) | (153) | (183) | (184) | (149) | (76) | (129) | (227) | (151) |

| | Total | Registered | 2020 Vote | | Party ID | | | Ideology | | |
|----------------------|-------|------------|-----------|-------|----------|-------|-------|----------|-------|-------|
| | | Voters | Biden | Trump | Dem | Rep | Ind | Lib | Mod | Con |
| Very favorable | 25% | 26% | 58% | 2% | 58% | 2% | 13% | 57% | 25% | 4% |
| Somewhat favorable | 13% | 13% | 24% | 3% | 28% | 4% | 7% | 25% | 17% | 3% |
| Somewhat unfavorable | 5% | 4% | 2% | 3% | 2% | 6% | 5% | 6% | 2% | 5% |
| Very unfavorable | 53% | 53% | 9% | 91% | 7% | 85% | 71% | 9% | 52% | 86% |
| Don't know | 4% | 4% | 6% | 2% | 5% | 3% | 4% | 4% | 5% | 3% |
| Totals | 100% | 100% | 99% | 101% | 100% | 100% | 100% | 101% | 101% | 101% |
| Unweighted N | (583) | (563) | (227) | (301) | (177) | (156) | (199) | (169) | (139) | (262) |

Table 3. The Economist/YouGov Poll, June 13 - 15, 2021; “Do you have a favorable or unfavorable opinion of critical race theory?”

demonstrates a split by party that would reflect a divided elite discourse on a formerly obscure topic.

The Reuters poll supplements the previous one as it included factual true or false questions to determine the accuracy of respondents' ideas about what the principles of CRT actually are. For most of these questions, majorities (or close to) of both Democrats and Republicans answered "Don't Know" but the remaining true/false responses are revealing. For instance, more Democrats than Republicans accurately identified that CRT is *not* in fact taught at most public high schools (39% compared to 28%). More interestingly, 55% of Democrats correctly identified that it is true that "CRT says that many American institutions are set up to favor white Americans" while only 46% of Republicans did. However, much larger percentages of Republicans were incorrect on whether CRT calls for discrimination against white people and whether it says white people are "inherently bad or evil." On the (false) claim that "CRT says that discriminating against white people is the only way to achieve equality," 49% of Democrats correctly identified this as false, while only 20% of Republicans did so. Furthermore, 31% of Republicans said, incorrectly, that this is true of CRT (versus only 16% of Democrats).

Lastly, and perhaps most telling of all, on the question of whether it was true that "CRT says white people are inherently bad or evil," 53% of Democrats were accurate in identifying this as false, compared to only 23% of Republicans. Only 14% of Democrats incorrectly said this was true, compared to 34% of Republicans. This data, crucially, demonstrates that Republicans are, to a greater extent, misinformed or possessed of misunderstandings about key aspects of critical race theory. In particular, they buy into the idea that CRT is "anti-white" to a greater degree than Democrats (and independents) do. That most of the rhetoric around CRT among right-leaning elites is comprised of these kinds of ideas—as I explored in the foregoing chapters—

this misunderstanding and inaccuracy must reflect the rhetoric in the respective elite-information flows that Democrats and Republicans are separately exposed to.

These national-level polls thus provide some evidence that public opinion on CRT is split, particularly by party and especially by support for Donald Trump in 2020. It ought to be expected that this split is a result of two-sided information flows on the topic of CRT. Since Republican politicians, conservative activists, and right-leaning news networks were the first to pick up CRT as a political issue and have discussed it at greater levels, it follows that Republicans, or right-leaning Americans in general, were more likely to hear about it, oppose it, and carry misinformed ideas about it. This data speaks to the politicization of a formerly niche academic framework, an unsurprising result if we think back to Christopher Rufo's stated intentions to do this, as I discuss in chapter 3. We see this politicization in the discussion and rhetoric in statehouses on the CRT bills, but these polls suggest that these ideas have come to influence the public as well.

Virginia Gubernatorial Election 2021

Lastly, I will return to the role of CRT and education issues in this consequential election in Virginia. To date, Virginia's legislature has failed to pass a CRT ban, although not for lack of trying. In 2022, Virginia's legislature did pass HB 127 which was a short, and perhaps tangentially related, bill banning the state's Governor's Schools from using "race, sex, color, ethnicity or natural origin" in their admissions process (Associated Press, 2022). However, per the CRT Forward Tracking Project, all CRT bills that have been introduced—roughly 8 separate bills—have failed, usually because they have stalled in the Virginia Senate. Instead, Virginia's

critical race theory ban came via Glenn Youngkin's executive order upon his election as governor in January 2022.

A few polls taken before election day of Virginia voters demonstrate the influence of CRT issues and education in voters' choices. Suffolk University reported on their findings in a poll from October 2021 that Youngkin and McAuliffe were "deadlocked," but that McAuliffe trailed Youngkin amongst respondents who said they were concerned about education (Suffolk University, 2021). Furthermore, a poll by Emerson College at the beginning of October 2021 showed a similar pattern, although this survey only asked about the tangential issue of whether parents or the school board should have more of a say in school curriculum (Emerson/Nexstar, 2021).

I've included their reporting of these results on this question below (Table 4). Their table shows that those who believed the school boards should have more influence highly favored Terry McAuliffe, while those who supported Youngkin much preferred that parents should have greater influence on school curriculum. Although this question doesn't directly capture voters' sentiments about CRT, it is a question that captures voter backlash to a gaffe Terry McAuliffe's gaffe made during a campaign debate in which he proclaimed "I don't think parents should be telling schools what they should teach" (Tumulty, 2021). It is also a question that directly ties to Youngkin's emphasis on getting CRT out of Virginia schools.

| | | Democrat Terry McAuliffe | Republican Glenn Youngkin | Independent Princess Blanding | Someone else | Undecided | Total |
|---|----------------------|--------------------------------|---------------------------------|-------------------------------------|-----------------|-------------|---------------|
| | | Row N % | Row N % | Row N % | Row N % | Row N % | Row N % |
| Should parents or school boards have more of an influence in the school's curriculum? | Parents | 20.3% | 77.3% | 0.7% | 0.2% | 1.5% | 100.0% |
| | School boards | 83.8% | 9.8% | 0.1% | 2.7% | 3.6% | 100.0% |
| | Unsure or no opinion | 69.2% | 30.6% | 0.2% | 0.0% | 0.0% | 100.0% |
| | Total | 48.7% | 47.9% | 0.4% | 1.0% | 1.9% | 100.0% |

Table 4. Virginia Emerson College/Nexstar Media Group poll, October 1-3, 2021

An additional set of data on the Virginia governor’s race was conducted by AP-NORC in late October and early November 2021 of 2,665 Virginia voters. The results in this poll bolster the findings I presented above that suggest that CRT played an important role in Virginia voters’ election choices. Respondents were asked how important “the debate over critical race theory in schools” was to them in thinking about the election, with four response options ranging from “not a factor” to “the single most important factor.” Table 5 shows the distribution of answers to this question across all respondents; almost half indicated the debate over CRT in schools was “an important factor” for them but not the most important. Only about a quarter said the issue was the single most important factor for them in thinking about the governor’s race.

| Importance of the debate over teaching CRT in schools | |
|--|--------------------------------------|
| | Percentage of all respondents |
| The single most important factor | 26.51% |
| An important factor, but not the most important | 46.27% |
| A minor factor | 14.08% |
| Not a factor | 13.14% |
| Grand Total | 100.00% |

Table 5. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.”

| Importance of the debate over teaching CRT in schools | | | |
|--|------------------------|-----------------------|----------------|
| | Terry McAuliffe | Glenn Youngkin | Total |
| The single most important factor | 16.39% | 37.05% | 26.80% |
| An important factor, but not the most important | 47.13% | 45.62% | 46.37% |
| A minor factor | 17.26% | 10.62% | 13.92% |
| Not a factor | 19.22% | 6.71% | 12.91% |
| Grand Total | 100.00% | 100.00% | 100.00% |

Table 6. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.”

However, when we break the responses to this question down by governor vote choice (table 6), we see that while it is still true that almost half of both McAuliffe and Youngkin voters, respectively, named the issue as an important factor, a much higher percentage of Youngkin voters called the CRT debate the single most important factor (37% compared to only 16% of McAuliffe voters). This stark difference in which voters found the issue of the utmost importance suggests that while voters on both sides were tuned into and cared about the debate over CRT, Youngkin voters were more inclined to be highly focused on and concerned about the issue. Along similar lines, higher percentages of McAuliffe voters in the survey signaled little investment in the issue, with 36% of McAuliffe voters rating the CRT debate as either a minor factor or not a factor at all, compared to only 16% of Youngkin voters. Stated differently, a whole 82% of Youngkin voters saw the CRT as important or singularly important, while only 63% of McAuliffe voters felt the same. These results indicate that Youngkin successfully captured voters who felt strongly and were mobilized with regard to the CRT issue.

However, the CRT debate is also clearly a racialized issue, implicitly or otherwise, so we should expect that partisan leanings or preferences for the governorship are not the only attributes involved in determining respondents’ feelings about CRT-related topics. More

specifically, it seems reasonable to expect that voters of color were likely incensed by the assault on curricula that might seek to teach students about racial issues. At the same time, the analysis I presented previously on the legislative debates also makes it clear that it was white voters’ sense of grievance that such teaching would be an attack on white students that has fueled much of the debate over CRT.

As such, voters of different racial groups ought to find the debate important but for different reasons—as is likely the case for the large percentage of McAuliffe and Youngkin voters who cared about the issue in similar measure as well. Indeed, when we look at responses to the question about CRT as broken down by racial categories (table 7), there is a similar overall pattern⁶. Among both white and Black respondents, approximately three-quarters named the CRT debate as either the single most important factor or an important one. This figure is slightly higher for Black respondents (75% to 69% of white respondents), which perhaps speaks to a sense among Black voters of the CRT issue as both an affront to racial justice and equity and one which specifically targets education on Black history or Black/white race relations.

| Importance of the debate over teaching CRT in schools | | | | | |
|--|----------------|----------------|------------------------|----------------|----------------|
| | White | Black | Latino/Hispanic | Asian | Total |
| The single most important factor | 23.84% | 25.20% | 48.99% | 13.95% | 26.28% |
| An important factor, but not the most important | 46.24% | 50.40% | 35.47% | 59.30% | 46.06% |
| A minor factor | 14.78% | 14.21% | 10.14% | 11.63% | 14.14% |
| Not a factor | 15.15% | 10.19% | 5.41% | 15.12% | 13.52% |
| Total | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

Table 7. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.”

⁶ There is a notably high percentage of Latino respondents who named the issue as the “single most important factor”—almost 49%. Although I suspect this is most likely due to small sample sizes, there are likely some theoretical implications as well, such as anti-Blackness and proximity to whiteness among some Latino ethnic groups, that are beyond the scope of my project but should be unpacked and explored in future research.

These similar patterns for Black and white respondents in evaluations of CRT's importance are likely motivated by parallel but substantively different logics. As noted in the prior chapters, white supporters of the CRT bans discuss the issue as a matter of fairness, justice, and endowing children with the "right" kind of education and values. In most cases, opponents of the bills (of any race) made similar arguments but with a different understanding of what constituted "fairness" (e.g., fair to whom?) and the "right" kind of education and values. As such, although this data is only suggestive and cannot speak to the underlying reasons why Black and white respondents each rated the importance of the issue similarly, I expect each found it important based on different ideas of fairness and educational goals and values.

That is, I expect based on my analysis in the preceding chapters that white respondents would cite fairness concerns that centered on the sense of grievance that white students are unjustly victimized, blamed, or shamed by classroom curricula on racial issues, while Black respondents would find the debate important but for the reason that the CRT bans unjustly target education that would teach a full and accurate version of racial issues (or American history, etc.). Each of these potential sets of reasoning as to why the CRT is important to different respondents is rooted in some investment in a sense of fairness and concern over what values education might instill in children, but one is rooted (rightfully) in fears that the CRT bans seek to whitewash and sanitize history education, while the other is rooted in a false sense of grievance and persecution.

Despite these superficial similarities, the discrepancies loom large. While it is clear that the CRT debate became a lightning rod in the Virginia governor's race for voters of different persuasions, the data nonetheless suggest that it still held greater significance for Youngkin voters in particular. One way we can see this is by looking at the differences in how specifically white respondents diverged on the CRT issue, depending on their preference for governor. To

reiterate the findings above, McAuliffe and Youngkin voters rated CRT as “an important factor” at similar rates (47% to 45% respectively), but over twice as many Youngkin voters rated it as the “single most important factor” (16% to 37%). Black and white respondents generally rated the importance of the issue similarly as well.

Tables 8 and 9 display the distribution of respondents’ governor preference broken down by race. In Table 8, showing white respondents only, we see again that nearly half of both McAuliffe and Youngkin voters considered the CRT debate “an important factor,” although slightly more Youngkin voters rated the issue this way (43% and 48% respectively). However, three times as many white Youngkin voters rated the CRT debate as the “single most important factor,” with 33% of white Youngkin voters responding this way compared to only 11% of white McAuliffe voters. Along similar lines, a larger percentage of white McAuliffe voters were relatively unconcerned with the CRT debate, with 20% naming it as a “minor factor” and almost a quarter rating it as “not a factor” at all (24%). This is in marked contrast to white Youngkin voters, with only 10% and 7%, respectively, responding this way. This breakdown lends greater support to the argument that Youngkin voters were incensed over the CRT issue, while white Democrats were overall less interested in the CRT debate as a factor in the gubernatorial race.

| Importance of the debate over teaching CRT in schools | | | |
|--|------------------------|-----------------------|----------------|
| | Terry McAuliffe | Glenn Youngkin | Total |
| The single most important factor | 11.75% | 33.70% | 24.07% |
| An important factor, but not the most important | 43.74% | 48.17% | 46.23% |
| A minor factor | 20.02% | 10.47% | 14.66% |
| Not a factor | 24.48% | 7.66% | 15.04% |
| Grand Total | 100.00% | 100.00% | 100.00% |

Table 8. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” *White respondents only.*

| Importance of the debate over teaching CRT in schools | | | |
|--|------------------------|-----------------------|----------------|
| | Terry McAuliffe | Glenn Youngkin | Total |
| The single most important factor | 25.63% | 26.83% | 25.77% |
| An important factor, but not the most important | 51.27% | 51.22% | 51.26% |
| A minor factor | 14.24% | 12.20% | 14.01% |
| Not a factor | 8.86% | 9.76% | 8.96% |
| Grand Total | 100.00% | 100.00% | 100.00% |

Table 9. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021. “Thinking about voting in this election, how important to you was each of the following? - The debate over teaching critical race theory in schools.” *Black respondents only.*

Furthermore, if we look at the responses among just Black voters, we see that significantly more Black McAuliffe voters were concerned with the CRT debate than were white McAuliffe voters. A quarter (25%) of Black McAuliffe voters rated the CRT debate as the single most important factor, compared to the above-mentioned 11% of white McAuliffe voters⁷. Only 14% of Black McAuliffe voters said CRT was a minor factor, and only 8% said it was not a factor at all. This large discrepancy in concern over the CRT debate amongst Black and white McAuliffe voters likely speaks to the role of racial privilege. While a total of 70% of white voters saw the CRT debate as either the most important or an important issue (see table 7), this consensus appears to be fueled primarily by white Youngkin voters who were activated to care about the issue by a sense of white grievance.

Comparably, the 63% of McAuliffe voters who saw the issue as the most important or an important factor (table 6) is also in large part driven by Black voters’ concerns on the topic that, again, ostensibly a CRT ban would eliminate school curricula on racial issues. Since white

⁷ The distribution for Black McAuliffe voters and Black Youngkin voters is remarkably similar, but it is worth noting that the majority of Black respondents preferred McAuliffe, supporting the Democratic candidate at a rate of 83% with only 11% of Black respondents preferring Youngkin. A table with these results is in the Appendix.

McAuliffe voters were evidently not mobilized to care about the CRT debate the way more conservative white voters were, likely due to a lesser sense of white grievance among white liberals than white conservatives, it seems that white McAuliffe voters did not share the concerns either of their fellow white voters over a sense of racial victimization or with their fellow partisans of color over the threat to public school curricula on matters of race.

I would argue that this lack of regard speaks to the privilege white Democrats possess to not have to worry about how schools approach teaching things like race and history. Instruction that touches on social justice, race or white privilege are, perhaps, incidental to white liberals—while they likely would not be offended by the inclusion of such topics, they also do not seem to actively seek or support the inclusion of this kind of material in their children’s education. While these white voters do not seem to share the Republicans’ overt fear that education on race would harm children or threaten the colorblind paradigm by naming white privilege or systemic racism, they are nonetheless also not altogether that upset about the potential negative impact that a CRT ban might have on communities of color (or how it might forestall their own children’s education on the topic of race). Thus, although white opposition to “CRT” topics is rooted in a reactionary fear of a more radical or progressive approach to teaching history or racial issues, this data shows that white liberals have failed to see the threat of this reactionary backlash while simultaneously failing to stand in solidarity with Black voters to vociferously oppose anti-CRT (or broadly reactionary) policies.

• • •

In all, the data from the AP-NORC poll on the 2021 Virginia governors race provides evidence that Republican politicians could successfully campaign on the CRT issue and mobilize white voters over concerns about CRT being taught in public schools. This data further suggests

that while Black voters also came to be concerned over the CRT debate—likely for very different reasons—white Democrats nonetheless did not respond in equal measure to the potentially harmful impact of bans targeting public educational content. These results imply that while many white voters are worried about and can be mobilized to political action by the threat of any loss of status and privilege that might result from more teaching about racial issues in schools, there are also not enough white voters who feel strongly that schools ought to actively address racial issues to combat the tide of white backlash represented by Republicans like Glen Youngkin and by policies like the CRT bans. The data here demonstrate that elite discussion of and emphasis on even a once-obscure topic like critical race theory can and does trickle down to impact the American public.

Works Cited

- Anderson, B. (2021, November 2). *Critical race theory is a flashpoint for conservatives, but what does it mean?* PBS NewsHour. <https://www.pbs.org/newshour/education/so-much-buzz-but-what-is-critical-race-theory>
- Associated Press. (2022, January 17). *Bill would bar schools from using race in admissions*. AP News. <https://apnews.com/article/richmond-virginia-b01fbaacd26b79f954995841b7f1c229>
- Boot, M. (2021, November 8). Opinion | Democrats can win the debate over critical race theory. Here's how. *Washington Post*. <https://www.washingtonpost.com/opinions/2021/11/08/democrats-can-win-debate-over-critical-race-theory-heres-how/>
- Delli Carpini, M. X., Keeter, S., & Kennamer, J. D. (1994). Effects of the News Media Environment on Citizen Knowledge of State Politics and Government. *Journalism Quarterly*, 71(2), 443–456. <https://doi.org/10.1177/107769909407100217>
- Dorman, S. (2020, September). *Chris Rufo calls on Trump to end critical race theory “cult indoctrination” in federal government* | Fox News. <https://www.foxnews.com/politics/chris-rufo-race-theory-cult-federal-government>
- Emerson/Nexstar. (2021, October). *Emerson Polling - Virginia 2021: Dead Heat in Governor and Attorney General Race*. <https://emersonpolling.reportablenews.com/pr/virginia-2021-dead-heat-in-governor-and-attorney-general-race>
- Flaxman, S., Goel, S., & Rao, J. M. (2016). Filter Bubbles, Echo Chambers, and Online News Consumption. *Public Opinion Quarterly*, 80(S1), 298–320. <https://doi.org/10.1093/poq/nfw006>

- Florida Governor's Office. (2021, December). *Governor DeSantis Announces Legislative Proposal to Stop W.O.K.E. Activism and Critical Race Theory in Schools and Corporations*. <https://www.flgov.com/2021/12/15/governor-desantis-announces-legislative-proposal-to-stop-w-o-k-e-activism-and-critical-race-theory-in-schools-and-corporations/>
- Frankovic, K. (2021, June). *Just one-third of Americans have heard of critical race theory and believe they know what it means | YouGov*. <https://today.yougov.com/topics/politics/articles-reports/2021/06/17/americans-opinion-critical-race-theory>
- Garrett, R. K. (2009). Echo chambers online?: Politically motivated selective exposure among Internet news users¹. *Journal of Computer-Mediated Communication*, *14*(2), 265–285. <https://doi.org/10.1111/j.1083-6101.2009.01440.x>
- Graham, D. A. (2021, November 2). *Tonight Is a Test of What Trumpism Could Be Without Trump*. The Atlantic. <https://www.theatlantic.com/ideas/archive/2021/11/glenn-youngkin-virginia-election-2021/620561/>
- Gregory, C. (2021, August 7). *Cotton amendment to defund Critical Race Theory passed by Senate*. 5newsonline.Com. <https://www.5newsonline.com/article/news/local/arkansas-senator-tom-cotton-amendment-to-defund-critical-race-theory-passed-by-senate/527-d9c6771f-b6b8-478f-823c-096fbcdb0b26>
- Guess, A., Lyons, B., Nyhan, B., & Reifler, J. (2018). *Avoiding the echo chamber about echo chambers: Why selective exposure to like-minded political news is less prevalent than you think*.

- Hoewe, J., Brownell, K. C., & Wiemer, E. C. (2020). The Role and Impact of Fox News. *The Forum*, 18(3), 367–388. <https://doi.org/10.1515/for-2020-2014>
- Iyengar, S., & Kinder, D. R. (2010). *News that matters: Television and American opinion* (Updated ed). University of Chicago Press.
- Kahn, C. (2021, July 15). Many Americans embrace falsehoods about critical race theory. *Reuters*. <https://www.reuters.com/world/us/many-americans-embrace-falsehoods-about-critical-race-theory-2021-07-15/>
- Lee, M. Y. H. (2021, December 7). Analysis | Donald Trump’s false comments connecting Mexican immigrants and crime. *Washington Post*. <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>
- Lee, T., & Willcoxon, N. (2011). Race, Public Opinion, the Media. In G. C. Edwards, L. R. Jacobs, & R. Y. Shapiro (Eds.), *The Oxford Handbook of American Public Opinion and the Media* (p. 0). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199545636.003.0037>
- Mendelberg, T. (2017). *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality*. Princeton University Press. <https://doi.org/10.1515/9781400889181>
- Paviour, B., Khalil, J., & Talbot, R. (2021, November 3). Republican Glenn Youngkin wins Virginia’s governor race, dealing Democrats a blow. *NPR*. <https://www.npr.org/2021/11/02/1049026183/virginia-governor-election-mcauliffe-youngkin>

- Peters, J. W. (2021, November 3). 'We will change the trajectory of this commonwealth,' Youngkin says in victory speech. *The New York Times*.
<https://www.nytimes.com/live/2021/11/02/us/election-news>
- Rahman, K. (2021, October 24). *Glenn Youngkin Targets Education in Virginia Gov. Race, Says He'd Ban CRT*. Newsweek. <https://www.newsweek.com/glenn-youngkin-vows-ban-critical-race-theory-1641987>
- Reuters/Ipsos Poll: Critical Race Theory (07/15/2021)*. (2021, July 15). Ipsos.
<https://www.ipsos.com/en-us/news-polls/reuters-ipsos-poll-critical-race-theory-07152021>
- Schwartz, M. S. (2020, September 5). Trump Tells Agencies To End Trainings On “White Privilege” And “Critical Race Theory.” *NPR*.
<https://www.npr.org/2020/09/05/910053496/trump-tells-agencies-to-end-trainings-on-white-privilege-and-critical-race-theor>
- Sievert, J., & McKee, S. C. (2019). Nationalization in U.S. Senate and Gubernatorial Elections. *American Politics Research*, 47(5), 1055–1080.
<https://doi.org/10.1177/1532673X18792694>
- Sprunt, B. (2021, June 29). The Brewing Political Battle Over Critical Race Theory. *NPR*.
<https://www.npr.org/2021/06/02/1001055828/the-brewing-political-battle-over-critical-race-theory>
- Suffolk University. (2021, October 26). *Poll Shows Virginia Governor's Race Deadlocked—Suffolk University*. <https://www.suffolk.edu/news-features/news/2021/10/26/19/09/virginia-governors-poll#>

The Heritage Foundation (Director). (2020, September 2). *Critical Race Theory Has Infiltrated the Federal Government* | Christopher Rufo on Fox News.

<https://www.youtube.com/watch?v=rBXRdWflV7M>

Tumulty, K. (2021, November 3). Opinion | McAuliffe ended up dancing to Youngkin's choreography. *Washington Post*.

<https://www.washingtonpost.com/opinions/2021/11/03/mcauliffe-ended-up-dancing-youngkins-choreography/>

Zaller, J. (1992). *The nature and origins of mass opinion*. Cambridge University Press.

Chapter 6: Conclusion

As early as October 2021, organizations like the ACLU began suing states over these CRT bans. In the U.S. District Court for the Western District of Oklahoma, the ACLU filed suit on behalf of a handful of plaintiffs, including the Black Emergency Response Team, the Oklahoma chapter of the NAACP, the American Indian Movement, and a few Oklahoma teachers and students (“Black Emergency Response Team v. O’Connor,” n.d.). The complaint alleges that Oklahoma’s House Bill #1775, passed in May 2021, uses “sweeping and unclear” language which has “chilled and censored speech” in Oklahoma’s public schools. The plaintiffs argue that the “vague, overbroad, and viewpoint discriminatory” language of the law is in violation of the First and Fourteenth Amendments of the U.S. Constitution.

Additional lawsuits in federal district court, brought in part by the ACLU, followed. In December 2021, a group of plaintiffs sued over New Hampshire’s HB #2 in the U.S. District Court for the District of New Hampshire (*Mejia et al v. Edelblut et Al*, n.d.). Florida’s HB #7 was challenged in August 2022. Although all three of these cases are still pending, the 11th Circuit Court of Appeals upheld a preliminary injunction against Florida’s bill, prohibiting its enforcement while the case is on appeal (“Pernell v. Lamb,” n.d.). These actions represent an important avenue of pushback to the wave of anti-CRT legislation I’ve discussed here, particularly insofar as they present the possibility, however remote, of overturning the bans. The court documents also represent another important site of discursive strategies over how to interpret and make sense of the CRT issue, alongside the elite discourse in state houses and across news media.

Although I will not dwell on these documents and the arguments they contain at length, I nonetheless believe it is worth noting the way these legal arguments continue to illuminate the

underlying power dynamics of this debate. The plaintiffs in each case include not only students and educators of different races, but often the organizations involved represent historically marginalized people who seek greater efforts in schools to educate students on racial and social issues and history, such as the NAACP. Much of the thrust of the arguments presented against the laws within these court proceedings echo what I have argued here—that the laws were intended to stifle discussion on race and white privilege and were passed with the clear intention of pushing a reactionary political ideology and agenda, although without necessarily delving into the nuances of the legislators’ arguments supporting the bills.

Each of these complaints makes similar arguments, reminiscent of the counterarguments posed by Democratic state legislators who opposed the bans. The complaints discuss the importance of an educational curriculum that teaches and enables students to confront challenging topics and aspects of U.S. history, the importance of these conversations for cultivating critical thinking skills in future citizens, and the chilling and censorious effects of the laws on teacher conduct, academic expression, and on classroom content, in particular due to the vagueness of the laws’ provisions and questions over enforcement.

An important point here is that the lawsuits have only occurred in states which passed bans that apply to universities and colleges, rather than just K-12, which is likely because much of the legal case that the plaintiffs make against the bans are based on First Amendment violations; K-12 settings are not subject to First Amendment protections to the same degree as higher education (see, e.g., National Education Association, 2023).

In the same vein, the defendants in these lawsuits (usually, the Boards of Education or other officials, like the attorney general or the state superintendents) do similar work as the legislators did in making the legal case for the defense of the CRT bans. For instance, in the

Florida case, *Lamb v. Pernell*, the defendants cite the *Brown v. Board of Education* decision in the very first paragraph of their Motion to Dismiss in order to make the case that Florida's CRT ban actually aligns with and is in the spirit of the Equal Protection imperatives of that decision. Immediately, the state of Florida is warping interpretation of the "moral principle at the root of the Equal Protection clause—that discriminating against people solely because of their race, sex, or other immutable characteristic is 'odious to a free people'..." (p. 1, *Pernell v. Lamb*, Defendants' Response in Opposition to Plaintiff's Motion for a Preliminary Injunction). This principle from the Fourteenth Amendment was written with the intent of protecting people of color, specifically newly freed Black Americans after the Civil War, from the kind of racism and discrimination that upheld a system of racial chattel slavery in the first place, an intent which necessarily cannot be reflected in this reference to the clause, since the anti-CRT laws are not protecting Black students or other students of color from discrimination.

For another example, take the following passage from this same court proceeding:

"In all events, the provisions here pass muster even under strict scrutiny. The compelling nature of the government's interest in stamping out racial discrimination is so fundamental that it is embodied in our highest law. See *Brown*, 349 U.S. at 298 (noting the "fundamental principle that racial discrimination in public education is unconstitutional"). Thus, public universities are constitutionally prohibited from teaching, for example, that members of one race are "morally superior" to members of another race, or that a person "should be discriminated against" on the basis of race. The same is true of discrimination on the basis of sex, religion, and national origin. . . And even within the concepts themselves, the provisions are narrowly drawn—for example, prohibiting instruction that a person is "inherently" racist "solely" by virtue of his or her race or sex, meaning that a person's race is the only and entire explanation for his or her racism." (p. 23-24)

In the same manner as the clauses of the bills that I discuss in chapter 3, the argument being made here is incomprehensible if not read as "stamping out racial discrimination" *against white people*. The original argument that is being cited here—that "racial discrimination in public

education is unconstitutional”—refers to discrimination against Black Americans via segregated public schools; this passage takes that sentiment and, in colorblind fashion, forces it to apply to *all* students, including white students. As I’ve attempted to explain, on its face this is an uncontroversial thing to support, but it is based on a faulty premise that white students are actually being subjected to a similar kind of discrimination when they are required to learn about racial issues or white privilege.

This strategy to defend the CRT ban in a legal context represents the same weaponizing of colorblindness that legislators used in the committee and floor hearings on the bills. This kind of argumentation takes the language of the Equal Protection clause, and its “underlying moral principle,” and, by focusing first on its vaunted status, attempts to make the case that the CRT ban is simply ensuring this clause also applies to white people—a rhetorical strategy that is only possible if in fact white people are facing the same kind of systematic oppression and discrimination that nonwhite people have been and continue to be subjected to. That this is patently not the case is evident with even a cursory glance at statistics on race and almost any measure of discrimination or social standing that might be available to us.

However, what matters less than the social reality is white people’s sense that they are an aggrieved population, attacked for no other reason than the “immutable characteristics” of their skin color and apparently bearing no responsibility for the system that continues to create racial disparities in essentially every aspect of American life. It is this sense of white grievance—reality though it is not—and the ensuing white backlash that it has been my objective to capture and describe in the chapters above. That this persecution is merely perceived rather than actual matters little, since white people (and an ideology of whiteness) still predominantly control the levers of power and those in power will continue to ensure that the system that benefits them

remains unchanged. The rhetorical strategies used to justify and conceal these actions is on display in the legal proceedings in these cases in federal court just as they were in the halls of state houses where the bills were written and passed.

Another noteworthy argument the defendants make in *Pernell v. Lamb* is that the plaintiffs' First Amendment challenge fails on the grounds that the government is only regulating its own speech, rather than the speech of citizens. The defendants claim that “[all the Act] says is that state-employed teachers may not espouse in the classroom the concepts prohibited by the Act, while they are on the state clock, in exchange for a state paycheck” (p. 2). This argument makes public school teachers—in any state the overwhelming proportion of teachers—nothing more than state peons, bureaucrats who serve as the instruments of the state's educational apparatus peddling approved content and nothing more.

This understanding of teachers and what they do as state employees flies in the face of most people's understanding of what kind of work teaching is. If schools are indeed the “nurseries of democracy” that the Supreme Court claims they are, a conception that I would argue is a relatively common one, then teachers must be engaging in an activity that is more than simply being mouthpieces for state-approved educational standards. The understanding of teaching presented by the defendants' argument seems to, at least implicitly, embrace the notion that state education standards are no more than the sanctioned viewpoints of the state propaganda machine proffered by pencil-pushing teachers, rather than the more normative vision of schools as indispensable spaces where civically-minded future citizens are cultivated and taught to engage in critical thinking.

Again, it is important to remember, as I have argued throughout, that these white grievance politics are based on essentially an adoption (or, perhaps, appropriation) of the

language of oppression and domination that marginalized groups have been using for many years to identify and explain their plight under a white supremacist system. That is, the use of colorblind tropes to protect whiteness and white privilege relies on white people claiming to be subject to the same kind of prejudice and discrimination as people of color when they are faced with critiques of whiteness or in being made to acknowledge and recognize their race, for instance. The idea that teaching white school children about their race would make white kids hate themselves—an argument several legislators made—takes the experiences of nonwhite children who have endured explicitly or implicitly racist material in classroom curricula and twists it in order to make a case that white children are suffering equally and in the same way by antiracist education. This is, at its most basic level, a “reverse racism” argument that antiracist education (or DEI trainings, etc.) are simply flipping the script and applying traditionally racist tropes—e.g., “all people of this race are bad”—to white people now instead of nonwhite people.

What these strategies and efforts represent more broadly is the wholesale assault on efforts for racial and social justice in the U.S., a particularly threatening prospect to the establishment and elites in the aftermath of increased furor over unjust police killings and a Trump presidency. The manufactured outrage over critical race theory across the states was, in all likelihood, foreordained by Trump’s Executive Order in September 2020 and ushered in by the actions of activists like Rufo. As of February 2023, Rufo has even declared “victory” over critical race theory on Twitter, stating: “Conservatives must move the fight from ideology to bureaucracy. We’ve won the debate against CRT; now it’s time to dismantle DEI.” (2023). The use of CRT as simply one front in the culture war is therefore unlikely to cease with these laws and in all probability will only increase in vigor.

The other way in which the state actions against CRT are representative of larger trends is in the way that the Republican legislators continually and insistently used language that was designed to skirt around the real meaning and intent behind their actions. The implied or explicit endorsement of colorblind politics, for instance, is no longer functioning as a normative paradigm in which people ought to be able to treat each other impartially, as “simply” people and without regard to race or other characteristics. Instead, it is actively being utilized to impede any ideas, analyses and discussions that might criticize or undermine whiteness in any capacity—structural white supremacy, white privilege, or systemic racism.

The discourses I have touched on above are only one manifestation of the way reactionary forces in U.S. society have used, and will intentionally continue to use, garbled, indirect, and confusing rhetoric to dance around and obscure their true objectives. To oppose these reactionary politics across all sectors of American society, it is imperative that we be able to identify where this discursive obfuscation is taking place, explain how it is occurring, and why it is being done. Unless and until this can be done in a lucid way, these mental and rhetorical gymnastics will continue to be effective in swaying many citizens to support increasingly reactionary policies. Because these strategies rely on widely held and cherished beliefs in things like American exceptionalism, meritocracy, and patriotic virtue, they are more likely to be effective if there is not a serious effort to clarify and explicate what exactly this kind of language is hiding.

While I have focused primarily on how reactionary policies like the critical race theory bans are intended to function in a way that upholds white privilege, I believe this continued protection of structural white supremacy is harmful to people of all races, backgrounds, and identities. Of course, I do not wish to diminish the reality that the harmful effects fall

disproportionately on nonwhite citizens and children, since the brunt of systemic racism will negatively affect their opportunities, quality of life, and more. More specifically, these bans also deprive students of color of an education that reflects and validates their own lived experiences, that provides an educational setting that creates space for them, and enables them to feel seen and heard in their classrooms.

Nonetheless, the kinds of prohibitions on education that are occurring with these bans, and the wider backlash that is taking place alongside them, will also disadvantage white children by continuing to coddle them into a narrow and provincial worldview and depriving them of the opportunity to gain a fuller and deeper understanding of how they unjustly benefit from a system that simultaneously harms their nonwhite peers. I believe most children's' innate sense of justice, if it is not squashed or warped by the political agendas of adults, leads them to want learn about these topics in an age-appropriate manner and also enables them to face the harsh truths of an honest civic education, without the guilt, shame, or self-hatred that white adult legislators have used as a pretense to justify curriculum bans. This hobbling of education on racism and social justice will also rob many students, but white students especially, of the capacity to become fully developed compatriots in a pluralistic, multiracial, and multiethnic democracy. It also undermines their ability to make an informed and empowered choice to break with the passivity and compliance of their ancestors' acquiescence to a racist, white supremacist system and to pursue a more just world.

This is not to say that changes in education curriculum will be the cure-all to America's racial and other social justice problems. Particularly in consideration of how fragmented the American public school system is since it is under the control of states and counties, it would be a fool's errand to hope that enough change could happen widely enough in public school

curriculum for this to be the single solution to shifting mass opinion on continuing problems of racial and social inequality. However, it is necessary that the possibility remain open for small shifts in education curriculum to occur, alongside other solutions that are oriented to making material changes to systemic inequality and dismantling systems of white supremacy such as, for instance, reparations or increased taxation of the ultra-wealthy. It is the possibility for such changes in curriculum that the CRT bans foreclose on.

Finally, I hope that, if nothing else, my work here can contribute to a stronger critical stance and analysis on whiteness within social scientific research. Research on race, identity, inequality, and similar topics has become increasingly sophisticated and nuanced over the years, as academic demographics have shifted and the boundary lines of formal academic disciplines have relaxed. Ideally this trend will continue, if the downstream effects of policies like these bans as well as other crackdowns on education and access, like the Supreme Court's ruling against affirmative action, can be minimized or counteracted—in no way a guarantee, but a crucial possibility nonetheless. As part of this overall thrust in the direction of better and more penetrating power analysis within political science, scholars ought to more thoroughly reckon with the way that whiteness continues to inflect much of the unspoken or invisible assumptions both in society broadly and in research specifically, as well as the way that white racial identity is a construct designed to maximize and safeguard privilege and power in a way that other racial identities are not.

I hope that future research agendas more thoroughly incorporate the kind of analysis offered by critical studies on whiteness, and that white scholars work to analyze and deconstruct the way whiteness shows up and influences their own positionality within scientific research (whether their work directly concerns race or not). Future research should also continue, in the

path of scholars like Ashley Jardina, to unpack white identity itself, its relationship with ideologies of whiteness, and how its contours are changing in response to events like the ones I've discussed here. This kind of work ought not to shy away from taking a normative stance that either speaks to or embraces the abolition or re-definition of whiteness in a spirit of ultimately dismantling unjust systems of racial privilege.

Works Cited

Black Emergency Response Team v. O'Connor. (n.d.). *American Civil Liberties Union*.

Retrieved November 8, 2023, from <https://www.aclu.org/cases/bert-v-oconnor>

Mejia et al v. Edelblut et al. (n.d.). GLAD. Retrieved November 8, 2023, from


<https://www.glad.org/cases/mejia-et-al-v-edelblut-et-al/>

National Education Association. (2023, April 3). *The First Amendment—Protections for*

Educators | NEA. <https://www.nea.org/resource-library/first-amendment-protections-educators>

Pernell v. Lamb. (n.d.). *American Civil Liberties Union*. Retrieved November 8, 2023, from

<https://www.aclu.org/cases/pernell-v-lamb>

Rufo  [@realchrisrufo], C. F. (2023, February 9). *Conservatives must move the fight from ideology to bureaucracy. We've won the debate against CRT; now it's time to dismantle DEI.* [Tweet]. Twitter. <https://twitter.com/realchrisrufo/status/1623764035807346690>

APPENDIX A: Extended CRT Bill Language

The language contained in most of these bills seems to have been lifted almost verbatim from Trump’s executive order issued on September 22, 2020. However, this fact was not addressed on record except on occasion by Democratic opposition in the debates and discussions (for example, Georgia House Floor debate). Legislative composition information compiled from Ballotpedia.

<https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

State Legislature Racial Composition, 2020

Data from National Conference of State Legislatures

[<https://www.ncsl.org/research/about-state-legislatures/state-legislator-demographics.aspx>]

| State | White | Black | Latino/Hispanic | AAPI | Native American | Other/No Data |
|----------------|--------------|--------------|------------------------|-------------|------------------------|----------------------|
| Arizona | 62% | 3% | 28% | 0% | 6% | 1% |
| Florida | 68% | 18% | 14% | 0% | 0% | 0% |
| Georgia | 71% | 27% | 1% | 1% | 0% | 0% |
| Idaho | 94% | 1% | 1% | 1% | 0% | 3% |
| Iowa | 96% | 0% | 0% | 0% | 0% | 1% |
| Kentucky | 93% | 5% | 1% | 0% | 0% | 1% |
| Mississippi | 57% | 27% | 1% | 0% | 1% | 14% |
| New Hampshire | 74% | 1% | 0% | 0% | 0% | 26% |
| North Dakota | 98% | 0% | 0% | 0% | 1% | 1% |
| Oklahoma | 91% | 3% | 1% | 1% | 2% | 1% |
| South Carolina | 74% | 26% | 0% | 0% | 0% | 1% |
| South Dakota | 94% | 1% | 0% | 0% | 4% | 1% |
| Tennessee | 79% | 13% | 1% | 0% | 1% | 6% |
| Texas | 64% | 10% | 23% | 2% | 0% | 2% |

Arizona

Arizona legislature composition, 2021 session:

Senate - 16 Republicans, 14 Democrats

House - 31 Republicans, 29 Democrats

Passed CRT language as part of a budget bill; later invalidated by the Arizona Supreme Court.

Very little committee or floor discussion of this language as included in the budget bill.

Potentially was added by Republicans in an unclear or invalid manner, considering later Supreme Court ruling.

<https://law.justia.com/cases/arizona/supreme-court/2022/cv-21-0234-t-ap.html>

https://scholar.google.com/scholar_case?case=11303368775032375447&hl=en&as_sdt=6&as_vis=1&oi=scholar

15-717.02. Prohibited instruction; disciplinary action; legal action; civil penalty

A. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY WHO IS INVOLVED WITH STUDENTS AND TEACHERS IN GRADES PRESCHOOL THROUGH THE TWELFTH GRADE MAY NOT USE PUBLIC MONIES FOR INSTRUCTION THAT PRESENTS ANY FORM OF BLAME OR JUDGMENT ON THE BASIS OF RACE, ETHNICITY OR SEX.

B. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY WHO IS INVOLVED WITH STUDENTS AND TEACHERS IN GRADES PRESCHOOL THROUGH THE TWELFTH GRADE MAY NOT ALLOW INSTRUCTION IN OR MAKE PART OF A COURSE THE FOLLOWING CONCEPTS:

1. *ONE RACE, ETHNIC GROUP OR SEX IS INHERENTLY MORALLY OR INTELLECTUALLY SUPERIOR TO ANOTHER RACE, ETHNIC GROUP OR SEX.*
2. *AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR SEX, IS INHERENTLY RACIST, SEXIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR UNCONSCIOUSLY.*
3. *AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S RACE, ETHNICITY OR SEX.*
4. *AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE INDIVIDUAL'S RACE, ETHNICITY OR SEX.*
5. *AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR SEX, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF THE SAME RACE, ETHNIC GROUP OR SEX.*
6. *AN INDIVIDUAL SHOULD FEEL DISCOMFORT, GUILT, ANGUISH OR ANY OTHER FORM OF PSYCHOLOGICAL DISTRESS BECAUSE OF THE INDIVIDUAL'S RACE, ETHNICITY OR SEX.*
7. *ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD WORK ETHIC ARE RACIST OR SEXIST OR WERE CREATED BY*

*MEMBERS OF A PARTICULAR RACE, ETHNIC GROUP OR SEX TO
OPPRESS MEMBERS OF ANOTHER RACE, ETHNIC GROUP OR SEX.*

C. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A LEGAL OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER A PROPOSED USE OF SCHOOL DISTRICT RESOURCES WOULD VIOLATE THIS SECTION.

D. A TEACHER WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO DISCIPLINARY ACTION, INCLUDING THE SUSPENSION OR REVOCATION OF THE TEACHER'S CERTIFICATE, AS THE STATE BOARD DEEMS APPROPRIATE.

E. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS MAY INITIATE A SUIT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

F. FOR EACH VIOLATION OF THIS SECTION, INCLUDING SUBSEQUENT OR CONTINUED VIOLATIONS, THE COURT MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED \$5,000 PER SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY WHERE THE VIOLATION OCCURS.

G. THIS SECTION DOES NOT PRECLUDE ANY TRAINING ON SEXUAL HARASSMENT OR LESSONS ON RECOGNIZING AND REPORTING ABUSE.

Florida

Florida legislature composition, 2022 session:

Senate - 28 Republicans, 12 Democrats

House - 84 Republicans, 35 Democrats

Referred to as the Stop W.O.K.E. [Wrong to our Kids and Employees] Act”

(<https://www.flgov.com/wp-content/uploads/2021/12/Stop-Woke-Handout.pdf>) by Governor Ron DeSantis and in the media. Most committee and floor debates on this bill were available.

This bill eventually had an amendment added specifying that teachers could not IMPOSE or force students to feel guilt, shame, feelings of psychological distress, etc. which somewhat distinguishes it from the other bills’ stock language. This bill also added other additional clauses that were unique to Florida.

HB7:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (8) through (10) of section 760.10, Florida Statutes, are renumbered as subsections (9) through (11), respectively, and a new subsection (8) is added to that section, to read:

760.10 Unlawful employment practices.—

(8)(a) Subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual

to believe any of the following concepts constitutes discrimination based on race, color, sex, or national origin under this section:

1. *Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.*
2. *An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.*
3. *An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.*
4. *Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.*
5. *An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.*
6. *An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.*
7. *An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.*
8. *Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.*

(b) Paragraph (a) may not be construed to prohibit discussion of the concepts listed therein as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

Georgia

Georgia legislature composition, 2022 session:

Senate - 34 Republicans, 22 Democrats

House - 102 Republicans, 75 Democrats

Most committee and floor debates were accessible.

HB1084:

SECTION 1-2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Article 1 of Chapter 1, relating to general provisions, by adding a new Code section to read as follows: 20-1-11.

(a) As used in this Code section, the term:

(1) 'Divisive concepts' means any of the following concepts, including views espousing such concepts:

- (A) *One race is inherently superior to another race;*
- (B) *The United States of America is fundamentally racist;*
- (C) *An individual, by virtue of his or her race, is inherently or consciously racist or oppressive toward individuals of other races;*
- (D) *An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race;*
- (E) *An individual's moral character is inherently determined by his or her race;*
- (F) *An individual, solely by virtue of his or her race, bears individual responsibility for actions committed in the past by other individuals of the same race;*
- (G) *An individual, solely by virtue of his or her race, should feel anguish, guilt, or any other form of psychological distress;*
- (H) *Performance-based advancement or the recognition and appreciation of character traits such as a hard work ethic are racist or have been advocated for by individuals of a particular race to oppress individuals of another race; or*
- (I) *Any other form of race scapegoating or race stereotyping.*

(2) 'Espousing personal political beliefs' means an individual, while performing official duties as part of his or her employment or engagement with a school or local school system, intentionally encouraging or attempting to persuade or indoctrinate a student, school community member, or other school personnel to agree with or advocate for such individual's personal beliefs concerning divisive concepts.

(3) 'Race scapegoating' means assigning fault or blame to a race, or to an individual of a particular race because of his or her race. Such term includes, but is not limited to, any claim that an individual of a particular race, consciously and by virtue of his or her race, is inherently racist or is inherently inclined to oppress individuals of other races.

(4) 'Race stereotyping' means ascribing character traits, values, moral or ethical codes, status, or beliefs to an individual because of his or her race.

Idaho

Idaho legislature composition, 2021 session:

Senate - 28 Republicans, 7 Democrats

House - 58 Republicans, 12 Democrats

House bill was titled “An act relating to dignity and nondiscrimination in public education” and explicitly names Critical Race Theory in the bill’s language (the “non-operative” findings section). Idaho bill was also tied up in budget issue—were required to pass this as an independent policy in order to shore up language that was tied to education budgets in another bill. Idaho Senate also passed a concurrent resolution the following year (2022) which names critical race theory but does not contain the usual clauses and instead references the Trump administration’s 1776 Commissions.

HB377:

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-138, Idaho Code, and to read as follows:

33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is the intent of the legislature that administrators, faculty members, other employees, and students at public schools, including public charter schools and institutions of higher education, respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

(2) The Idaho legislature finds that tenets outlined in subsection (3)(a) of this section, often found in "critical race theory," undermine the objectives outlined in subsection (1) of this section and exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation and the well-being of the state of Idaho and its citizens.

(3) In accordance with section 6, article IX of the constitution of the state of Idaho and section 67-5909, Idaho Code:

(a) No public institution of higher education, school district, or public school, including a public charter school, *shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:*

(i) *That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;*

(ii) *That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin; or*

(iii) *That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.*

(b) No distinction or classification of students shall be made on account of race or color.

(c) No course of instruction or unit of study directing or otherwise compelling students to personally affirm, adopt, or adhere to any of the tenets identified in paragraph (a) of this subsection shall be used or introduced in any institution of higher education, any school district, or any public school, including a public charter school.

(4) Nothing in this section should be construed to prohibit the required collection or reporting of demographic data by public schools or public institutions of higher education.

Idaho legislature composition, 2022 session:

Senate - 28 Republicans, 7 Democrats

House - 59 Republicans, 11 Democrats

SB118 (Concurrent Resolution):

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONDEMNING DIVISIVE CURRICULUM IN IDAHO SCHOOLS AND ENCOURAGING IDAHO SCHOOLS TO TEACH A FULL AND ACCURATE HISTORY OF THE UNITED STATES ALONG WITH THE PRINCIPLES OF FREEDOM AND INDIVIDUAL LIBERTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, divisive content is appearing in school curriculum across the nation; and WHEREAS, this divisive content seeks to disregard the history of the United States and the nation's journey to becoming a pillar of freedom in the world; and

WHEREAS, theories taught under "critical race theory" and writings in "The 1619 Project" attempt to re-educate children into the belief that they are to be ashamed of or limited by their race and ethnicity; and

WHEREAS, the 1776 Commission was created to help the children understand the full history and the founding principles that established the United States and what its people must continue to strive for: all were created equal; and

WHEREAS, the Declaration of Independence asserted that individual rights are rights inherent in everyone and that they must be secured; and

WHEREAS, the principles and history of the United States can be learned through the rich historical documentation available to everyone; and

WHEREAS, the faults of this great nation have been addressed throughout our history; and

WHEREAS, unity in the nation can be strengthened through the rising generation and the generations to come when they are given the knowledge of the United States' founding principles, societal duties, and personal responsibility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage the schools of Idaho to provide children with the knowledge, strength, and virtue of a free people by viewing the history both clearly and wholly, not only the offenses but also the triumphs. It is imperative that children are taught about mistakes as well as unprecedented accomplishments toward freedom and fairness for all.

Iowa

Iowa legislature composition, 2021 session:

Senate - 32 Republicans, 18 Democrats

House - 59 Republicans, 41 Democrats

House committee discussions were NOT available in an archive, etc. One Senate committee hearing was available, and three floor votes/debates. The Iowa bill removed mention of "divisive concepts" via an amendment and replaced it with "specified define concepts" and the semantics were focused on "race and sex scapegoating" rather than "divisive concepts" here.

HF802:

Sec. 2. NEW SECTION. 261H.7 Race and sex stereotyping — training by institution prohibited.

1. For purposes of this section, unless the context otherwise requires:

- a. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex, or claiming that, consciously or unconsciously, and by virtue of persons' race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.
- b. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of the individual's race or sex.
- c. "Specific defined concepts" includes all of the following:

- (1) *That one race or sex is inherently superior to another race or sex.*
- (2) *That the United States of America and the state of Iowa are fundamentally or systemically racist or sexist.*
- (3) *That an individual, solely because of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.*
- (4) *That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex.*
- (5) *That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.*
- (6) *That an individual's moral character is necessarily determined by the individual's race or sex.*
- (7) *That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.*
- (8) *That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex.*
- (9) *That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.*
- (10) Any other form of race or sex scapegoating or any other form of race or sex stereotyping.

Kentucky

Kentucky legislature composition, 2022 session:

Senate - 30 Republicans, 8 Democrats

House - 75 Republicans, 24 Democrats

Kentucky's bill, as introduced in the Senate, initially did not have any language relating to curricular content or CRT at all, but concerned school councils and the authority of school boards, principals, and superintendents. However, the commonly used clauses appeared in a House Education Committee Substitute in March 2022. As such, only the legislative hearings that actually pertained to the CRT-related content were part of my analysis. The CRT language was incorporated from another Senate bill (SB138), which was then combined with SB1 in the House committee substitute. There were also house bills introduced on similar CRT-related topics that stalled. Across all states, I have only looked at the hearings for bills that have passed and not any hearings in the same states for related failed bills. The exception I've made for these two Kentucky bills is because the language from the failed SB138 was directly inserted into the bill that did eventually pass (SB1). As such, I have included the committee hearings on SB138 in my analysis. This substitution is explained in KY House Education Committee on March 22, 2022. Additionally, SB1 was vetoed by Governor Andy Beshear on April 6, 2022, but the Kentucky legislature overrode his veto.

SB1:

(1) A public school or public charter school shall provide instruction and instructional materials that are aligned with the social studies academic standards adopted in accordance with Section 2 of this Act and consistent with the following concepts:

- (a) All individuals are created equal;
 - (b) Americans are entitled to equal protection under the law;
 - (c) *An individual deserves to be treated on the basis of the individual's character;*
 - (d) *An individual, by virtue of the individual's race or sex, does not bear responsibility for actions committed by other members of the same race or sex;*
 - (e) The understanding that the institution of slavery and post-Civil War laws enforcing racial segregation and discrimination were contrary to the fundamental American promise of life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence, but that defining racial disparities solely on the legacy of this institution is destructive to the unification of our nation;
 - (f) The future of America's success is dependent upon cooperation among all its citizens;
 - (g) Personal agency and the understanding that, regardless of one's circumstances, an American has the ability to succeed when he or she is given sufficient opportunity and is committed to seizing that opportunity through hard work, pursuit of education, and good citizenship; and
 - (h) The significant value of the American principles of equality, freedom, inalienable rights, respect for individual rights, liberty, and the consent of the governed.
- (2) Nothing in subsection (1) of this section shall be construed to restrict a public school or public charter school from providing instruction or using instructional materials that include:
- (a) The history of an ethnic group, as described in textbooks and instructional materials adopted by a school district;
 - (b) The discussion of controversial aspects of history; or
 - (c) The instruction and instructional materials on the historical oppression of a particular group of people.
- (3) (a) Notwithstanding the every six (6) year schedule set forth in subsection(2)(a) of Section 2 of this Act, no later than July 1, 2023, the Kentucky Department of Education shall incorporate fundamental American documents and speeches into the grade-level appropriate middle and high school social studies academic standards and align corresponding assessments, including but not limited to:
1. The Mayflower Compact;
 2. The Declaration of Independence;
 3. The Constitution of the United States;
 4. The Federalist No. 1 (Alexander Hamilton);
 5. The Federalist Nos. 10 and 51 (James Madison);
 6. The June 8, 1789, speech on amendments to the Constitution of the United States by James Madison;
 7. The first ten (10) amendments to the Constitution of the United States, also known as the Bill of Rights;
 8. The 1796 Farewell Address by George Washington;
 9. The United States Supreme Court opinion in *Marbury v. Madison*, 5 U.S. 137 (1803);
 10. The Monroe Doctrine by James Monroe;
 11. What to the Slave is the Fourth of July? speech by Frederick Douglass;
 12. The United States Supreme Court opinion in *Dred Scott v. Sandford*, 60 U.S. 393 (1857);
 13. Final Emancipation Proclamation by Abraham Lincoln;
 14. The Gettysburg Address by Abraham Lincoln;

15. Declaration of Rights of the Women of the United States by Susan B. Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton;
16. The September 18, 1895, Atlanta Exposition Address by Booker T. Washington;
17. Of Booker T. Washington and Others by W.E.B. Du Bois;
18. The United States Supreme Court opinion in Plessy v. Ferguson, 163 U.S. 537 (1896);
19. The August 31, 1910, New Nationalism speech by Theodore Roosevelt;
20. The January 11, 1944, State of the Union Address by Franklin D. Roosevelt;
21. The United States Supreme Court opinions in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954) and Brown v. Board of Education of Topeka, 349 U.S. 294 (1955);
22. Letter from Birmingham Jail by Martin Luther King, Jr.;
23. The August 28, 1963, I Have a Dream speech by Martin Luther King, Jr.; and
24. A Time for Choosing by Ronald Reagan.

Mississippi

Mississippi legislature composition, 2022 session:

Senate - 36 Republicans, 16 Democrats

House - 76 Republicans, 42 Democrats, 3 independents

Some, but not all, committee and floor hearings were available.

SB2113:

AN ACT TO CREATE NEW SECTION 37-13-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO PUBLIC INSTITUTION OF HIGHER LEARNING, COMMUNITY/JUNIOR COLLEGE, SCHOOL DISTRICT OR CHARTER SCHOOL SHALL DIRECT OR COMPEL STUDENTS TO AFFIRM THAT ANY SEX, RACE, ETHNICITY, RELIGION OR NATIONAL ORIGIN IS INHERENTLY SUPERIOR, OR THAT INDIVIDUALS SHOULD BE ADVERSELY TREATED BASED ON SUCH CHARACTERISTICS; TO PROVIDE THAT NO DISTINCTION OR CLASSIFICATION OF STUDENTS SHALL BE MADE ON ACCOUNT OF RACE OTHER THAN THE REQUIRED COLLECTION OR REPORTING OF DEMOGRAPHIC INFORMATION; TO PROVIDE THAT NO COURSE OF INSTRUCTION SHALL BE TAUGHT THAT AFFIRMS SUCH PRINCIPLES; TO PROVIDE THAT NO FUNDS SHALL BE EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, ANY ENTITY UNDER THE DEPARTMENT'S JURISDICTION, SCHOOL DISTRICTS, CHARTER SCHOOLS, COMMUNITY/JUNIOR COLLEGES, THE MISSISSIPPI COMMUNITY COLLEGE BOARD, THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING OR PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR ANY PURPOSE THAT WOULD VIOLATE THIS ACT; TO PROVIDE FOR THE SEVERABILITY OF THE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-13-2, Mississippi Code of 1972:

37-13-2. (1) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, *shall direct or otherwise compel students to personally affirm, adopt or adhere to any of the following tenets:*

(a) *That any sex, race, ethnicity, religion or national origin is inherently superior or inferior; or*

(b) *That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin.*

(2) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall make a distinction or classification of students based on account of race, provided that nothing in this subsection shall be construed to prohibit the required collection or reporting of demographic information by such schools or institutions.

(3) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall teach a course of instruction or unit of study that directs or otherwise compels students to personally affirm, adopt or adhere to any of the tenets identified in subsection (1)(a) and (b) of this section.

(4) No funds shall be expended by the State Department of Education, any entity under the Department of Education's jurisdiction or purview, a school district, public charter school, community/junior college, the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning or a public institution of higher learning for any purpose that would violate the provisions of this section.

(5) The provisions of this section shall be severable, and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 2. This act shall take effect and be in force from and after its passage.

New Hampshire

New Hampshire legislature composition, 2021 session:

Senate - 14 Republicans, 10 Democrats

House - 213 Republicans, 187 Democrats

Part of New Hampshire's 2021 budget bill. It appears that a similar process occurred here as in Arizona, where the Republicans put the CRT content into the budget bill at a late point in the process after a lot of hearings had already occurred, so there is not a lot of substantive CRT content in the hearings (mainly Democrats calling it out). According to the House floor meeting on April 7 2021, there were not any public hearings on HB2 itself regarding the CRT language. The standalone CRT bill, HB544, failed and then some of the language was placed in an

amendment to the budget bill, HB2. The “divisive concepts” portion of HB544 was not included in the budget bill, but some of the common tenets were included in a section on teaching prohibitions in HB2.

<https://www.seacoastonline.com/story/news/local/2021/07/10/new-hampshire-education-divisive-concepts-ban-nh-law-affects-schools/7915398002/>

HB2:

91:298 New Section; Prohibition on Teaching Discrimination. Amend RSA 193 by inserting after section 39 the following new section:

193:40 Prohibition on Teaching Discrimination.

I. No pupil in any public school in this state shall be taught, instructed, inculcated or compelled to express belief in, or support for, any one or more of the following:

(a) *That one's age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion or national origin is inherently superior to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;*

(b) *That an individual, by virtue of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;*

(c) *That an individual should be discriminated against or receive adverse treatment solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin; or*

(d) *That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat others without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.*

II. Nothing in this section shall be construed to prohibit discussing, as part of a larger course of academic instruction, the historical existence of ideas and subjects identified in this section.

III. Any person claiming to be aggrieved by a violation of this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights as provided in RSA 354-A:34.

IV. Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education.

V. For the purposes of this section, “educator” means a professional employee of any school district whose position requires certification by the state board pursuant to RSA

189:39. Administrators, specialists, and teachers are included within the definition of this term.

HB544:

II. “Divisive concept” means the concept that:

- (a) One race or sex is inherently superior to another race or sex;
- (b) The state of New Hampshire or the United States is fundamentally racist or sexist;
- (c) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (d) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
- (e) Members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
- (f) An individual’s moral character is necessarily determined by his or her race or sex;
- (g) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (h) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or
- (i) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.
- (j) The term “divisive concepts” includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

North Dakota

North Dakota legislature composition, 2021 session:

Senate - 40 Republicans, 7 Democrats

House - 80 Republicans, 14 Democrats

North Dakota passed one law which explicitly invokes critical race theory (HB 1508) and a concurrent resolution that establishes a 1776 Commission (Senate Concurrent Resolution 4011). Although in some ways the concurrent resolution is ideologically similar to the general thrust of the CRT-specific bill, because it does not specifically mention or address CRT in its language I have excluded the hearings on it from my analysis and focused specifically on HB 1508. North Dakota’s House bill is also odd in that it does not contain any of the language common to the other bills, but does in fact provide an approximately accurate definition of critical race theory itself. I have included the brief language of this bill below.

HB1508:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Curriculum - Critical race theory - Prohibited.

Each school district and public school shall ensure instruction of its curriculum is factual, objective, and aligned to the kindergarten through grade twelve state content standards. A school district or public school may not include instruction relating to critical race theory in any portion of the district's required curriculum under sections 15.1 - 21 - 01 or 15.1 - 21 - 02, or any other curriculum offered by the district or school. For purposes of this section, "critical race theory" means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality. The superintendent of public instruction may adopt rules to govern this section.

Oklahoma

Oklahoma legislature composition, 2021 session:

Senate - 39 Republicans, 9 Democrats

House - 82 Republicans, 19 Democrats

The Oklahoma bill, as initially introduced, did not have the CRT language at all; the language below was added after the bill passed the House and was changed via Senate committee substitute before passing the Senate.

HB1775:

2. Pursuant to the provisions of the Administrative Procedures Act, the Oklahoma State Regents for Higher Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.

B. The provisions of this subsection shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards.

1. No teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course the following concepts:

- a. *one race or sex is inherently superior to another race or sex,*
- b. *an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,*
- c. *an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,*
- d. *members of one race or sex cannot and should not attempt to treat others without respect to race or sex,*
- e. *an individual's moral character is necessarily determined by his or her race or sex,*

- f. *an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,*
- g. *any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or*
- h. *meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.*

South Carolina

South Carolina legislature composition, 2021 session:

Senate - 30 Republicans, 16 Democrats

House - 81 Republicans, 43 Democrats

Included in South Carolina's 2021-2022 budget (HB4100) and in the 2022-2023 budget (5150).

HB4100:

1.105. (SDE: Partisanship Curriculum) For the current fiscal year, of the funds allocated by the Department of Education to school districts, no monies shall be used by any school district or school to provide instruction in, to teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe, or to approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate any of the following concepts: (1) *one race or sex is inherently superior to another race or sex;* (2) *an individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;* (3) *an individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex;* (4) *an individual's moral standing or worth is necessarily determined by his race or sex;* (5) *an individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;* (6) *an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex;* (7) *meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race;* and (8) fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex. Nothing contained herein shall be construed as prohibiting any professional development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory policies.

Texas

Texas legislature composition, 2021 session:

Senate - 18 Republicans, 13 Democrats

House - 83 Republicans, 67 Democrats

SB3 seems to have repealed and replaced, with nearly the same language, that which was passed in HB3979. Both bills have similar CRT language but also contain a great deal of other language

that deals with education, including required documents, etc., that are interesting on their own but outside the scope of my analysis.

HB3979:

(h-3) For any social studies course in the required curriculum:

(1) a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs;

(2) a teacher who chooses to discuss a topic described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective;

(3) a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

(A) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

(B) participation in any internship, practicum, or similar activity involving social or public policy advocacy; and

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:

(A) be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex;

(B) require or make part of a course the concept that:

(i) one race or sex is inherently superior to another race or sex;

(ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race;

(iv) members of one race or sex cannot and should not attempt to treat others without respect to race or sex;

(v) an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;

(vi) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(vii) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;

(viii) meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;

(ix) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

(x) with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality; and

(C) require an understanding of The 1619 Project.

SB3:

SECTION 5. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0022 to read as follows:

Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND

PROHIBITIONS. (a) For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12:

(1) a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs;

(2) a teacher who chooses to discuss a topic described by Subdivision (1) shall explore that topic objectively and in a manner free from political bias;

(3) a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

(A) work for, affiliation with, or service learning in association with any organization engaged in:

(i) lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or

(ii) social policy advocacy or public policy advocacy;

(B) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

(C) participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy; and

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:

(A) require or make part of a course inculcation in the concept that:

(i) *one race or sex is inherently superior to another race or sex;*

(ii) *an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;*

(iii) *an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;*

(iv) *an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;*

(v) *an individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;*

(vi) *meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;*

(vii) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

(viii) with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality;

(B) teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed under Paragraph (A); or

(C) require an understanding of the 1619 Project.

...

SECTION 6. Sections 28.002(h-2), (h-3), (h-4), and (h-5), as added by H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, and effective September 1, 2021, are repealed.

APPENDIX B: 2021 Virginia Gubernatorial Campaign Rhetoric

Although not all of Youngkin's campaign rallies or speeches are readily available, I tracked down a few which were either available for viewing on YouTube or were covered by national or local news outlets. Additionally, there were two televised debates between Youngkin and his Democratic opponent Terry McAuliffe, one of which contained a question on critical race theory and public schools. Here I will lay out a few of Youngkin's references to CRT and touch on how they contain similar themes to those covered in chapter 4. Firstly, at a campaign event in Warrenton, VA, on October 15, 2021, Youngkin made the follow statements:

“It all starts with curriculum...and the curriculum has gone haywire and we know it. I went looking to find out when critical race theory started coming into our school system. What I found, first instance in 2015 that we could find, there may be others. But under Terry McAuliffe the Board of Education started holding training sessions and the slide deck started to say “teaching critical race theory in the classroom” go to the Board of Education website, you’ll find a book, “Teaching critical race theory.” Friends, it’s in the classrooms, we know it. So on day one let me be clear, we in fact are going to teach all history, the good and the bad, all of it. But on day one we’re going to embrace Dr Martin Luther King’s famous, famous comments that we’re not gonna judge one another by the color of our skin but rather the content of our character, that’s what we’re gonna do. So we will in fact ban critical race theory on day one and get our schools moving in the right direction.” [cite]

Several of the themes I noted in the previous chapter are apparent here, notably the notion of teaching all of history, including “the good and the bad” (“Not a ban”) as well as the reference to Martin Luther King’s speech (nonracist credentialing). It also contains elements of some of the minor themes, including the idea that CRT has already infiltrated the curriculum (proactive/preemptive legislation) and perhaps, as seen in the last comment, the notion of protecting children from threat and dangerous ideas.

Following this, at another rally on October 24, 2021, Youngkin made the following statements:

“We will teach all of history, all of it—the good and the bad. We live in the

most...amazing country on the planet and we're going to teach all our history. We have just the most inspiring chapters in our history, we have abhorrent chapters too. We must teach it all but we will not teach our children to view everything through a lens of race, we won't. We're gonna get politics out of the classroom, we are. Friends, I mean it flies directly in the face of those immortal words from Dr Martin Luther King who implored us...to judge one another based on the content of our character, not the color of our skin. So, friends, so on day one, we will get critical race theory out of our schools." [cite]

While this speech repeats much of the previously quoted one, of note here is the inclusion of the patriotism and American exceptionalism theme, in emphasizing American greatness and the inspiration to be found in American history. Also present here is the theme of teaching objectively, or removing politics and ideology from classrooms. Another interesting aspect of this quote in particular is the way that American history is reframed as "inspiring," above and beyond the U.S. simply being "the most amazing country." In a way that is arguably more explicit than in most examples of this theme from the committee and floor debates, this framing works to discursively re-orient even the negative or "abhorrent" aspects of American history as lessons to be learned from. This works to subvert critiques of how U.S. history is taught or other attempts to engage with the ongoing contemporary repercussions of these episodes of history, since even the "bad" can be, and indeed ought to be, taken as examples of, say, the indomitability of the human spirit or American greatness.

Glenn Youngkin echoed these sentiments in other moments during the campaign, including during the second gubernatorial debate on September 16, 2021, and during an appearance on the program "Kudlow" on Fox Business in July of 2021 (cite). Additionally, Youngkin launched an ad campaign highlighting one of his opponent's remarks that "parents [shouldn't] be telling schools what they should teach," with some exit polls suggesting this gaffe played a role in driving voters to support Youngkin [cite newsweek - impelli 2021]. Taken together, these statements and campaign strategies were undoubtedly aimed at capitalizing on

parents' fear of "CRT indoctrination" in Virginia schools, and Youngkin's rhetoric aligned quite closely with the rhetoric used to defend CRT bans in state legislatures. Although the foregoing is a strong indicator alone of how CRT has moved public opinion, in the section that follows I will go into more depth in breaking down both some of the national polling data as well as data collected on the Virginia race more specifically.

APPENDIX C: Racial Breakdown of 2021 Virginia Gubernatorial Vote

The following is the table of data from the AP-NORC poll on the 2021 Virginia gubernatorial race displaying the breakdown of governor preference by race.

| Governor Preference by Race | | | | | | |
|------------------------------------|----------------|----------------|------------------------|----------------|----------------|----------------|
| | White | Black | Latino/Hispanic | Asian | Other | Total |
| Terry McAuliffe | 42.90% | 83.92% | 40.97% | 67.35% | 39.90% | 48.40% |
| Glenn Youngkin | 54.46% | 11.35% | 53.55% | 28.57% | 53.54% | 48.16% |
| Another candidate | 2.64% | 4.73% | 5.48% | 4.08% | 6.57% | 3.44% |
| Grand Total | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

Table 10. AP VoteCast – 2021 Virginia Gubernatorial Election poll, October 27 to November 2, 2021.