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Colorblindness, A Life: Race, Film and the Articulation of an Ideology

By

Justin Daniel Gomer

A dissertation submitted in partial satisfaction of the

requirements for the degree of

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in

African American Studies

in the

Graduate Division

of the

University of California, Berkeley

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Abstract

Colorblindness, A Life: Race, Film, and the Articulation of an Ideology

by

Justin Daniel Gomer

Doctor of Philosophy in African American Studies

University of California, Berkeley

Professor Leigh Raiford, Chair

My dissertation, entitled, “Colorblindness, A Life: Race, Film, and the Articulation of an Ideology,” offers a political and cultural biography of the racial ideology of colorblindness from its emergence as a coherent racial ideology in the years after the civil rights movement to its dominant influence in social policy in the 1990s. Most importantly, the project reveals the manner in which colorblindness became the racial project of neoliberalism. This elaboration of colorblindness as an ideology and cultural form is best understood through an examination of film during the period of my study. Beginning in the second-half of the 1970s, Hollywood developed its own set of filmic aesthetics, narratives, and tropes that advocated colorblindness. Moreover, Hollywood was not only central to the articulation of the ideology, it also depended upon colorblindness in the New Hollywood era. In the post-civil rights era, then, colorblindness, neoliberalism, and film are constitutive of and inextricable from one another.

The project illustrates three key themes. First, colorblindness is the racial project of neoliberalism. The 1970s were characterized by an anti-government ethos that extended across racial and political lines that neoconservatives used in the 1970s to attack issues like affirmative action and busing as part of a movement intent on dismantling of the welfare state. Out of these struggles emerged a neoliberal notion of “individual” colorblind freedom that neoconservatives, beginning in the mid-seventies, successfully sold as the antidote to the “reverse discrimination” of government mandated “group” rights. The growing popularity of neoliberal economics in the seventies was not merely the result of the seeming failures of Keynesianism to cure stagflation. Instead, the mounting opposition to the “overreach” of the federal government in busing and affirmative action was fundamental in building the appeal of a return to uncompromising laissez faire economics.

Secondly, colorblindness, although post-racial in theory, has served as a tool for whites to realign and reconstitute white supremacy within a post-civil rights political correctness. Beginning in the late seventies, white Republicans and moderate Democrats alike used colorblindness to eliminate race-conscious programs intended to promote racial equality. These efforts have only exacerbated racial inequality.

Lastly, my dissertation asserts that film served as a key battleground for the culture wars out of which the ideology of colorblindness formed. Yet just as colorblindness needed film to form its cultural cohesion, film needed colorblindness to reinvent itself in the desperate economic times of the post-Classical era. Beginning in the 1970s, movies capitalized upon the volatile racial,

social, and economic struggles in the decades after the civil rights movement that shaped colorblindness and have continued to appeal to colorblind sentiments for profit. By the end of the 1980s, Hollywood was increasingly turning to historical dramas that imagined colorblind white heroes at the center of black freedom struggles—emancipation and the civil rights movement, specifically. And by the 1990s, entirely new colorblind film genres, most notably in what I term the “Teacher Film,” had emerged.

For
Mom, Dad, Bryant, and Kelly
who taught me joy
and Adrienne, Belle, and Leo
who completed it

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And finally, my family...

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Introduction

“The starting-point of critical elaboration is the consciousness of what one really is, and is ‘knowing thyself’ as a product of the historical process to date which has deposited in you an infinity of traces, without leaving an inventory”
– *Antonio Gramsci*

On the March 17, 2010 episode of *The Colbert Report*, host Stephen Colbert interviewed Nell Irvin Painter, a noted historian and emeritus professor of history at Princeton University. Colbert began the interview by asking Painter, who was promoting her book entitled, *The History of White People*, if she was white (she is, in fact, black) because, as Colbert insisted, “I don’t see race.”¹ The joke, whereby Colbert insists he is unable to distinguish a person’s racial identity, and that his knowledge of his own whiteness is entirely the result of others informing him, is a regular bit Colbert performs when dealing with issues of race on his program. The routine illustrates the obvious absurdity of the idea, let alone possibility, of a truly colorblind society in which people are incapable of discerning variations in skin color. Yet, while Colbert jokingly performs colorblindness in a literal sense—in which he is literally blind to color—declarations of the supposed post-racial colorblind reality of America in the age of Obama are commonplace. For example, on December 1, 2013 the Republican National Committee (RNC), in recognition of the 58th anniversary of Rosa Parks’ refusal to give up her seat on a Montgomery bus, tweeted (@GOP) the following: “Today we remember Rosa Parks’ bold stand and her role in ending racism.”²

Colorblindness has become, in short, the ruling racial ideology of the post-civil rights era. It informs the manner in which laws, public policies, and college admissions are written and enforced. For example, in the controversial murder trial of George Zimmerman—a man who shot and killed seventeen-year-old African American Trayvon Martin in Sanford, Florida in February of 2012—the judge prohibited the prosecution from accusing Zimmerman of racially profiling Martin in their opening statement.³ Less than eight months after Martin’s killing, the Supreme Court heard arguments in *Fisher v. University of Texas*, the latest episode in a nearly forty-year crusade to eliminate race conscious affirmative action admissions policies in institutions of higher education that result in “reverse discrimination” against white males by giving an unfair advantage to people of color. These anti-affirmative action lawsuits are consistently based on the argument that race conscious admissions policies violate the principle that the law is colorblind. While the Court ultimately did not eliminate Texas’ affirmative action program, anti-affirmative action lawsuits have been largely successful. Affirmative action today, to the extent that it exists, is a mere shell of the program conceived of by John F. Kennedy and implemented by Lyndon Johnson in the early 1960s.

¹ Nell Irvin Painter. *The Colbert Report*, performed by Stephen Colbert. (2010; New York: Viacom, 2010),

² Republican National Committee, Twitter post, December 1, 2013, 6:58 a.m., <https://twitter.com/GOP/status/407161769069924352/photo/1>

³ Lisa Lucas and Corky Siemaszko, “George Zimmerman’s Trayvon Martin murder trial will not open with discussion of race.” *New York Daily News*. 21 June 2003, Accessed March 3, 2010, <http://www.nydailynews.com/news/national/trayvon-martin-trial-won-open-race-article-1.1378952>

The colorblind maneuverings of the Supreme Court over the past four decades have coincided with an American public that similarly believes anti-black racism is a thing of the past. A report issued by the Brookings Institute a decade after the September 11, 2001 attacks on the World Trade Center reveals that nearly half (46%) of *all* Americans, and 60% of conservatives, believe that discrimination against whites has become as big a problem as discrimination against blacks and other people of color.⁴ A 2008 Gallup poll revealed that while roughly half of all whites believe racism against blacks to be widespread, a majority of whites do not feel that racism plays a “major factor” in black’s education levels, income, life expectancy, or prison rates.⁵ Yet, in terms of the specific issues mentioned above, a *minority* of whites reported that they believed racism was a “major factor” in the disparity between black and white education levels (32%), income (35%), life-expectancy (25%), and prison rates (44%), and a startling number believe racism was not a factor at all in these issues—29%, 22%, 33%, 20%, respectively.⁶ Therefore, because racism is understood under colorblind logic solely as individualized, as one person’s bigotry towards a racial group rather than as a structural component of American institutions that produce white supremacy, it can be both widespread and not responsible for racial inequality. This distinction is paramount, as it allows for a post- civil rights “political correctness” that can acknowledge racial inequity, on strictly an individual level, while simultaneously ensuring little if nothing is done to fix such inequity on the structural level.⁷ Therefore, people are far more invested in offering platitudes of racial sensitivity so as to appear “politically correct” in regards to race, regardless of their personal feelings about the social determination of race.

Yet, despite the post-racial attitudes of a majority of whites and an overall insistence on a colorblind approach to social and legal policy, in virtually every measurable metric the United States remains fundamentally divided along the lines of race.⁸ While *de jure* discrimination *may* have ended in the 1960s, in terms of wealth, income, unemployment, life expectancy, health disparities, prison sentences, and so forth white supremacy and black inequality remain indisputable features of American in the Obama years. Since the 1960s, the unemployment rate for blacks has consistently remained north of double that of whites. More troubling is that over the last fifty years the unemployment rate for blacks has remained well above recession levels. Since the 1960s the median household income for whites has remained roughly one and a half

⁴ Daniel Cox, E.J. Dionne Jr., William A. Galston, and Robert P. Jones, *What It Means to Be American: Attitudes in an Increasingly Diverse America Ten Years After 9/11*, Governance Studies at the Brookings Institute. September 6, 2011.

⁵ “A Downturn in Black Perceptions of Racial Harmony,” *USA Today/Gallup poll*, July 6th, 2008, <http://www.gallup.com/poll/28072/Downturn-Black-Perceptions-Racial-Harmony.aspx>; “Majority of Americans Say Racism Against Blacks Widespread,” *Gallup poll*, 4 August 2008, <http://www.gallup.com/poll/109258/Majority-Americans-Say-Racism-Against-Blacks-Widespread.aspx>.

⁶ “Majority of Americans,” *Gallup poll*; Also, *USA Today/Gallup poll*, July 6th, 2008.

⁷ By “political correctness” I mean that in the post-civil rights era Americans have adopted an attitude that is both intolerant of personal declarations of bigotry and nervous about any discussion of race altogether, racist or not. For example, on the one hand, people like radio personality Don Imus have lost their jobs for making bigoted remarks, while on the other, Georgia State Director of Rural Development Shirley Sherrod was forced to resign after making comments about the discomfort she, a black woman, often sees in white farmers she is assigned to help. The former illustrates the country’s post-civil rights intolerance of declarations of bigotry while the latter elucidates our discomfort with the mentioning of race altogether.

⁸ For the history and persistent practice of racial discrimination in housing, see Keeanga-Yamahtta Taylor, “Back Story to the Neoliberal Moment: Race Taxes and the Political Economy of Black Urban Housing in the 1960s,” *Souls: A Critical Journal of Black Politics, Culture, and Society*, 14:3-4 (March 2013), 185-206.

times that of black households. Almost three times as many African Americans live in poverty than do whites. Seven percent of white children and 15% of white adults lack health insurance, compared to 11% of black children and 26% of black adults.⁹ In terms of economics, as of 2006 the median household income of blacks was 62 percent of that of whites. The data gets more grim when considering wealth, which, unlike income, also accounts for the value of assets such as stock holdings, property values, and inheritances—a far better indicator of economic equality. White households have on average ten times the amount of wealth of the average black household (\$74,900 compared to \$7,500, respectively). The statistics are no less promising in terms of health. Whites on average live 5.2 years longer than blacks, a number that increases when considering only men (6.2 years), and as of 2003 the infant mortality rate for blacks was two-and-a-half times higher than whites. Indeed, every social indicator points to enduring white supremacy and black inequality.¹⁰ For example, blacks receive an inferior education compared to whites, even in integrated institutions, black-owned homes on average are valued at 65% the value of comparable white homes, and the prison sentencing disparity between crack (a drug used predominantly by poor blacks) and powder cocaine (the same drug used predominantly by affluent whites) is 100:1. Facts like these discredit any race-neutral or “cultural” explanation of racial inequality.¹¹

Not only have these racial disparities persisted long after the death of Jim Crow segregation, they have, in many instances increased in recent years. The racial wealth gap, perhaps the best measure of economic equality, actually widened during the Great Recession, as the economic crisis took a far greater toll on black and Latino families than it did white ones. The median net worth of white families is now twenty times that of black families and eighteen times greater than Latino ones, compared to eleven and seven times greater, respectively, in 2005 prior to the recession. From 2005-2009 African American families lost over half of their net worth, and Latinos lost even more (two-thirds). Whites, on the other hand, lost 16%.¹²

The paradox then lies in the influence of colorblind discourse despite the wide gap that exists between its logic and reality. I define colorblindness as a “race-neutral” ideology that incorporates much of the language of Dr. Martin Luther King’s “I Have a Dream” speech, that “All men are created equal” and should be judged on the “content of their character, not the color of their skin,” in order to challenge race-conscious government programs, aimed at eliminating racial inequality. It is imperative to distinguish the racial project of colorblindness in the post-civil rights era from previous colorblind advocacy of racial equality. Martin Luther King’s colorblind dream, for example, was part of a larger civil rights struggle that sought to dismantle a legal system of white supremacy by pointing to the ways in which race-conscious Jim Crow laws compromised American democracy. The civil rights movement’s utilization of colorblind

⁹ Brad Plumer, “These Ten Charts Show the Black-White Economic Gap Hasn’t Budged in 50 Years,” *The Washington Post*, August 28, 2013, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/08/28/these-seven-charts-show-the-black-white-economic-gap-hasnt-budged-in-50-years/>

¹⁰ Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 538-540.

¹¹ Since at least the publication of the Moynihan Report in 1965 many authors have pointed to supposedly deficient “cultural values” (e.g. insufficient emphasis on education) as the explanation for black inequality. Examples of this include Richard J. Herrnstein & Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994); and, most recently, Amy Chua & Jeff Rubenfeld, *The Triple Package: How Three Unlikely Traits Explain the Rise and Fall of Cultural Groups in America* (New York: Penguin, 2014).

¹² Rakesh Kochhar, Richard Fry, and Paul Taylor, “Wealth Gap Rises to Record Highs Between Whites, Blacks, Hispanics,” *Pew Research Social & Demographic Trends*, July 26, 2011, <http://www.pewsocialtrends.org/2011/07/26/wealth-gaps-rise-to-record-highs-between-whites-blacks-hispanics/>

rhetoric and the social democratic struggles that continue in this spirit today therefore performed and perform fundamentally different work than those in the post-civil rights era who turned to colorblindness to attack many of the victories it played a role in winning in the 1950s and 1960s.

Therefore, by “race-neutral” I mean the outlawing of considerations of race in processes like college admissions, education, job hiring, and even in programs specifically designed to increase racial diversity in the post-civil rights era. A “race-neutral” position understands the consideration of race in any instance, even in the interest of promoting racial integration and diversity, as discriminatory. In other words, just as it was discriminatory for the Jim Crow South to exclude African Americans from public institutions, so too is it discriminatory to exclude whites from affirmative action programs. More broadly, the consideration of race with regards to any social policy or program amounts to “reverse discrimination” and “preferential treatment” of persons of color. Colorblind logic is therefore informed by the notion of “equal opportunity,” that the role of the state is strictly to provide a “level playing field,” one of de jure equality, not to promote equal distribution of social, economic or political resources.

Ultimately, what emerged in response to the gains made by African Americans in the sixties was the realignment of American racial hegemony, what might more accurately be called a “racial formation,” around a colorblind discourse of individualism hostile to any government intervention in issues of racial inequality. Michael Omi and Howard Winant define “racial formations” as “the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed... racial formation is a process of historically situated *projects* in which human bodies and social structures are represented and organized.”¹³ As a racial formation, colorblind discourse co-opts the language of Dr. King’s “I Have a Dream” speech in order to, in the name of Dr. King, demand the elimination of all of the race-based programs designed to achieve King’s dream, thus paving the way for the social, political, and economic changes in the decades following the civil rights movement.

The importance of understanding this process as a “racial formation” cannot be overstated. Just as it is wrong to argue that America has moved beyond race, it is equally inaccurate to assume that because racial inequality persists nothing has changed, or that the situation in which America finds itself can be explained simply by the specter of slavery that continues to haunt the United States. While the election of Barack Obama certainly does not substantiate a “colorblind reality,” it does illustrate that the racial ideology of 2008 is drastically different than that of, say, 1950. Instead, we must avoid the modernist discourse that assumes linear progress over time. This discourse allows solely for the flawed debates over where we as a society find ourselves on the line, thus treating history as a static, rather than dynamic process whose occasional dynamism merely moves us further along the line. The historical process, and the ideological changes it produces cannot be reduced to the simple Manichean dichotomy of good vs. evil. Instead, we must use Stuart Hall’s neutral (rather than the classical negative) conception of ideology that “does not make direct references to a single objective truth, but underlies the fact that the interests of different classes... or groups are represented or articulated by different ideologies.”¹⁴ And further, “Within the neutral conception of ideology critical judgment can be passed on ideologies, but always from the perspective of a different

¹³ Michael Omi and Howard Winant, *Racial Formations in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994), 55-56.

¹⁴ Jorge Larrain, “Stuart Hall and the Marxist Concept of Ideology,” In *Stuart Hall: Critical Dialogues in Cultural Studies*, eds. David Morley & Kuan-Hsing Chen (London: Routledge, 1996), 62.

ideology... In this conception, ideology itself does not entail any necessary distortion.”¹⁵ With this conception in mind we are able to understand that while the civil rights movement and subsequent decades did not produce the colorblind America Dr. King dreamed of, it did articulate an undoubtedly new discourse of race. It is one that both allows for the election of the nation’s first black president while maintaining (and even expanding) the vast inequalities between whites and people of color. Ultimately, the decades after the civil rights movement were a struggle not over segregation vs. integration, but over whose interests integration would serve. Addressing the entanglements of all of the issues outlined above will hopefully lead to more of a macro-level understanding of the change in the hegemony of US racial ideology, or more specifically the production of colorblindness that resulted in reaction to the expanding rights of people of color in the 1960s.

We often think of the idea of a “colorblind” society as a recent concept, typically no older than the modern civil rights movement. In fact, the concept dates back much further. In 1896, Supreme Court Justice John Marshall Harlan justified his lone dissenting position in the *Plessy v. Ferguson* ruling, which legalized racial segregation in public facilities, by stating “the constitution is colorblind.” For Harlan, “separate but equal” public facilities based upon an explicit awareness of race fundamentally violated the racial neutrality of the constitution. Almost sixty years later, the Court unanimously adopted Harlan’s position in *Brown v. Board of Education* (1954), concluding, “the doctrine of ‘separate but equal’ has no place.” And nearly a decade after that, Martin Luther King, Jr. spoke of a future in which his children would “not be judged by the color of their skin, but by the content of their character.”¹⁶ Although each of these moments drew on the idea of a colorblind nation, they did so in an effort to challenge de jure segregation. The political strategy behind the utilization of colorblind rhetoric fundamentally changed in the period after the modern civil rights movement.

It was not until the 1970s that the racial ideology of colorblindness emerged. Colorblindness spawned dialectically out of the post-civil rights and post-Black Power battles over the meaning of race in the post-civil rights era. Yet, by the mid-1970s, advocacy for colorblindness had shifted from racial progressives on the left to those on the right, in many instances by the same people who opposed the Civil Rights Acts of the mid-60s; and ultimately to those in the center because it offered, in their minds, a “solution” to the “problems” of affirmative action and busing. By busing, I refer to the process whereby students in school districts that refused to allow blacks in their schools were forcibly bused to achieve racial integration. Busing plans were court-mandated in nearly half of the nation’s one hundred largest school districts in the early 1970s as a result of their refusal to integrate.¹⁷ As the seventies wore on, these two issues continued to ignite fervent opposition, and growing numbers of whites believed civil rights programs and policies had outstretched their original intent, devolving into a system of “reverse discrimination.” Colorblind rhetoric offered an attractive means through which to oppose civil rights programs while not offending post-civil rights political correctness. Colorblind advocates were, after all, merely promoting King’s dream.

¹⁵ Larrain, “Stuart Hall,” 54.

¹⁶ For more on the legal history of colorblindness, see Ian Haney-Lopez, *White By Law: The Legal Construction of Race* (New York: New York University Press, 2006), chapter 8; Michael K. Brown, et al., *Whitewashing Race: The Myth of a Color-Blind Society* (Berkeley: University of California Press, 2003), 1-34.

¹⁷ Thomas Edsall and Mary Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1992), 126.

Aligning the effort to attack civil rights with the rhetoric of the civil rights movement proved incredibly effective for white conservatives, far more so than the explicitly white supremacist politics of George Wallace and his cohorts in the years prior. As more and more whites bought into the idea of “reverse-discrimination,” colorblindness became *the* rhetorical justification of affirmative action and busing opponents in the 1970s. The civil-rights friendly language of colorblindness appealed to a far larger constituency than the far right, drawing in white moderates and even white liberals. It proved invaluable to turning the country against programs like affirmative action; by March of 1977, 83% of Americans opposed the program.¹⁸ The following year, colorblindness advocates won their first legal victory when the Supreme Court, in *Regents of the University of California v. Bakke* (1978), deemed the University of California, Davis’ affirmative action program unconstitutional because it violated the principle that the law is colorblind.

The 1970s also witnessed the emergence of what is often referred to as “New Hollywood,” a period of experimentation in film form and content especially as they manifest in terms of race and ethnicity. Beginning in the late-1940s, the classical Hollywood economic model of vertical integration began to unravel. Anti-trust rulings, the emerging popularity of television, and the elimination of the Production Code put the movie industry in series economic crisis by the middle of the 1960s. On the verge of bankruptcy, movie studios looked for films that could be made cheaply and quickly, would minimize financial risk, and could provide a quick turn around on the financial investment. Because of these factors, a host of filmmakers, most of whom were fresh out of film school like Martin Scorsese, Francis Ford Coppola, and Robert Altman, were given opportunities to make films that did not exist under the classical Hollywood studio system. The small budgets and elimination of the Production Code era gave these New Hollywood filmmakers more freedom to tailor their films to smaller audiences and explore subject matter, aesthetics, and styles previously prohibited. While David Bordwell contests the newness of New Hollywood aesthetics, scholars agree that New Hollywood brought a renaissance to American film.¹⁹ The result was a far wider range of films with far more diversity in form and content than in previous decade.

The volatile racial climate of the early 1970s offered easy inspiration for Hollywood studios looking to change their economic fortune. As the second half of the seventies unfolded, Hollywood began to re-stabilize economically, and films about race deserve a significant amount of credit for Hollywood’s resurgence in the late-1970s. Movies like *Rocky* (1976), which provided massive returns on minimal investments in the late 1970s helped rebuild the movie industry in the post-civil rights era in part because they appealed to and helped shape the emerging colorblind ideology and aesthetics. New Hollywood scholars have typically positioned the films of the 1970s as offering solutions to the problems of the 1960s. My interest here is to illuminate the ways in which New Hollywood foreshadowed the racial conflicts that would play out in the 1980s.

Colorblindness entered the oval office with the election of Ronald Reagan in 1980. Reagan used the logic of colorblindness to defend himself against the frequent criticisms of his

¹⁸ Howard A.E. Dick, “The High-Court’s Road in the Bakke Case,” *The Washington Post*, October 9, 1977.

¹⁹ David Bordwell, *The Way Hollywood Tells It: Story and Style in Modern Movies*, (Berkeley: University of California Press, 2006); For more on New Hollywood see Peter Biskind, *Easy Riders, Raging Bulls: How the Sex, Drugs, and Rock’n’Roll Generation Saved Hollywood* (New York: Simon & Schuster, 1998); David A. Cook, *Lost Illusions: American Cinema in the Shadow of Watergate and Vietnam, 1970-1979* (Berkeley: University of California Press, 2002); Thomas Elsaesse, ed., *The Last Great American Picture Show: New Hollywood Cinema in the 1970s* (Amsterdam: Amsterdam University Press, 2004).

questionable positions on civil rights. Throughout his presidency, Reagan aligned himself with King's colorblind dream. This occurred most explicitly through enacting the federal King holiday, which Reagan only reluctantly supported after much resistance. Moreover, he did so primarily because it provided the revanchist language he needed to justify his undermining of civil rights programs and deflect mounting criticisms of his positions on civil rights, which included opposing the Voting Rights Act of 1965 and trying to veto the Civil Rights Restoration Act of 1987. Reagan's frequent references to King's "I Have a Dream Speech" suggest that it was not the civil rights movement or even King that Reagan found appealing, but the efficacy of the colorblind rhetoric of King's Dream in defending opposition to civil rights legislation in the post-civil rights era.

Aligning with King's colorblind dream became an incredibly effective tool for conservatives to defend their opposition to civil rights programs not as bigotry but as evidence of a more genuine commitment to the King's philosophy. This was true despite the fact that Reagan's appointees to the Justice Department and the US Commission on Civil Rights—William Bradford Reynolds and Clarence Pendleton in particular—all staunchly opposed civil rights programs like affirmative action and busing, despite the fact that such programs remained the rule of law. Lacking the ability and public support to ban such programs, they instead stopped prosecuting those who violated existing busing orders and affirmative action laws, cutting the legs out from under civil rights programs.²⁰ These appointees' disregard for the civil rights protection of people of color, along with their efforts to defend institutions who violated the law converted the federal government's civil rights division from protecting the rights of historically oppressed groups—women and people of color—to protecting those of white males. Colorblindness provided the Reagan White House, and the George H.W. Bush one after it, therefore, with a discourse through which to align their political positions with the civil rights movement in rhetoric while simultaneously protecting white privilege in action. In addition, as Reagan left office Hollywood took up the project of re-imagining black freedom struggles in ways that inserted white colorblind heroes at the center of the struggles for emancipation and dismantling of Jim Crow. Together, the Reagan administration and Hollywood offered the American public an imagined colorblind history that justified the mobilization against civil rights. This constituted an effort in the 1980s to fundamentally reframe the memory of the civil rights movement as driven by a colorblind ethos and led by colorblind white heroes.

By the 1990s colorblindness became the informative racial ideology of the United States. As a result, states began enacting ballot measures banning affirmative action that easily received voter majorities, beginning with California in 1996. As one might expect, the backers of anti-affirmative action initiatives mobilized the civil rights movement and King's colorblind dream to win votes. California's Proposition 209, which outlawed affirmative action, was officially titled the "California Civil Rights Initiative" on the 1996 state ballot. It was in the context of rising neoconservative influence through the use of colorblind rhetoric alongside a broader interest in American memory within Hollywood in the 1990s that Hollywood's rediscovered slavery and the civil rights movement took place. These films were crucial in transporting colorblindness from the White House into the hearts and minds of voters in states like California in the years between the Reagan Presidency and the ballot initiatives prohibiting affirmative action.

Many scholars have noted the manner in which colorblind rhetoric and policy works to

²⁰ For more on the specifics of Reagan's assault on civil rights, see Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics from Washington to Clinton* (New York: Free Press, 1995), 355-378; Edsall and Edsall, *Chain Reaction*, Chapter 9.

reinforce white supremacy and protect white privilege. While I do not disagree with these scholars' conclusions, I believe existing scholarship on colorblindness opens up further questions about the historic development of the ideology. My project therefore constructs a cultural biography of the racial ideology of colorblindness from its emergence as a coherent racial ideology in the years after the civil rights movement to its dominant influence in social policy in the 1990s. Most importantly, I argue colorblindness is the racial project of neoliberalism. Through its opposition to race-conscious policy of any sort, colorblindness prohibits state involvement in matters of racial inequality, leaving the responsibility of their resolution, to the extent such a responsibility exists, in the colorblind hand of the free market and the individuals who participate in it. This elaboration of colorblindness as an ideology and cultural form is best understood through an examination of film during the period of my study. Beginning in the second-half of the 1970s, Hollywood developed its own set of filmic aesthetics, narratives, and tropes that advocated colorblindness. Moreover, Hollywood was not only central to the articulation of the ideology, it also depended upon colorblindness in the New Hollywood era. In the post-civil rights era, then, colorblindness, neoliberalism, and film are constitutive of and inextricable from one another.

The project illustrates three key themes. First, colorblindness is the racial project of neoliberalism. The 1970s were characterized by an anti-government ethos that extended across racial and political lines that neoconservatives used in the 1970s to attack issues like affirmative action and busing as part of a movement intent on dismantling of the welfare state. Out of these struggles emerged a neoliberal notion of "individual" colorblind freedom that neoconservatives, beginning in the mid-seventies, successfully sold as the antidote to the "reverse discrimination" of government mandated "group" rights. The growing popularity of neoliberal economics in the seventies was not merely the result of the seeming failures of Keynesianism to cure stagflation. Instead, the mounting opposition to the "overreach" of the federal government in busing and affirmative action was fundamental in building the appeal of a return to uncompromising *laissez faire* economics.

Secondly, colorblindness, although post-racial in rhetoric, has served as a tool for whites to realign and reconstitute white supremacy within a post-civil rights political correctness.²¹ Beginning in the late seventies, white Republicans and moderate Democrats alike used colorblindness to eliminate race-conscious programs intended to promote racial equality. These efforts have only exacerbated racial inequality. I focus on the black/white racial binary that remains foundational to American racial formations. This is not to overlook the importance of other racial groups in the biography of colorblindness, but instead to recognize that colorblindness formed largely out of "a politics of white grievance that pitted itself against unfair *black* privilege, often, ironically, couched in a Civil Rights language poached from blacks themselves."²²

²¹ My conception of white supremacy is informed by George Lipsitz, who explains, "white supremacy is usually less a matter of direct, referential, and snarling contempt than a system for protecting the privileges of whites by denying communities of color opportunities for asset accumulation and upward mobility." See George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998), viii. By "post-racial" I mean the elimination of race as a determining factor in American social, political, and economic life. A post-racial outlook believes that the elimination of race allows for the achievement of a purely meritocratic society based solely on "equal opportunity."

²² Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge, MA: Harvard University Press, 2006), 22. Although Jacobson here speaks specifically of white ethnic revival, as my project will demonstrate white ethnic revival was instrumental in the formation of colorblindness.

Lastly, my dissertation asserts that film served as a key battleground for the culture wars out of which the ideology of colorblindness formed. Yet, just as colorblindness needed film to form its cultural cohesion, film needed colorblindness to reinvent itself in the desperate economic times of the post-Classical era. Beginning in the 1970s, movies capitalized upon the volatile racial, social, and economic struggles in the decades after the civil rights movement that shaped colorblindness and have continued to appeal to colorblind sentiments for profit. By the end of the 1980s, Hollywood was increasingly turning to historical dramas that imagined colorblind white heroes at the center of black freedom struggles—emancipation and the civil rights movement, specifically. And by the 1990s, entirely new colorblind film genres, most notably in what I term the “Teacher Film,” a term I use to refer to the series of films in which a (typically) suburban white woman takes a job teaching students of color in the inner city, emerged.

Scholars like George Lipsitz, Tim Wise, and Eduardo Bonilla-Silva offer compelling insights into the work of colorblindness. They point to the ways in which colorblindness functions as its own potent form of racism, offering whites a logic through which to paper over racial inequality because they are not explicitly informed, legislated, or enforced by avowed white supremacists. I am not concerned with further proving the persistent racialized reality of post-civil rights America. However, I would like to briefly address what I see as the shortcomings of one of these texts, Eduardo Bonilla-Silva’s *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in America*. Bonilla-Silva makes an important distinction between individual bigotry and institutionalized racism (what I call prejudice vs. racism). Bonilla Silva criticizes fellow sociologists for dealing with racism as primarily, or even exclusively, as “*individual psychological dispositions*.” Instead, he argues his “model is not anchored in actors’ affective dispositions. Instead, it is based on a materialist interpretation of racial matters...”²³ Yet, the focus of virtually his entire book is on the individual psychological dispositions of whites, specifically the language they use to defend against claims of racism and underdetermine its effects on people of color.²⁴ I completely agree with Bonilla Silva’s idea that just because someone is not a card-carrying white-supremacist does not mean they are not racist, that in fact colorblindness is a form of racism (what he terms “color-blind racism”). But by focusing on individuals he too is guilty of limiting the discussion of racism to interpersonal interaction, rather than material reality. In actuality, regardless of a white person’s personal attitudes towards race s/he still reaps the benefits of a white supremacist society. Put another way, no matter how anti-racist a white person may profess to be, they still, without question, profit from their whiteness. Their privilege/benefit is no different than that of the Confederate Flag waving Southern Klan member. The point is that rather than interrogate or debate the institutions and structures that produce racial inequality, colorblindness limits our discussions about race to a debate over the number of racist individuals, with conservatives claiming that there are very few left in our society while liberals, including Bonilla-Silva, assert that almost everyone is a racist.

Additionally, the specific social, political, and economic concerns of this project have begun to be taken up by the burgeoning field of “New Right” studies. New Right studies have

²³ Bonilla-Silva, Eduardo, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in America* (Lanham: Rowman & Littlefield Publishers, 2010), 7-8.

²⁴ Bonilla-Silva’s chapter titles include, “The Style of Color Blindness: How to Talk Nasty about Minorities without Sounding Racist,” “‘I Didn’t Get That Job Because of a Black Man’: Color-Blind Racism’s Racial Stories,” and “Are All Whites Archie Bunkers? An Examination of White Racial Progressives.”

typically taken three forms: studies of suburbanization, shifts in economic philosophy, and the restructuring of electoral politics.²⁵ These forms have charted the drastic social, economic, and political changes of the post-civil rights era, from the tax revolts of the 1970s and 1980s, the crusades to eliminate the New Deal, the immense redistribution of wealth since 1980 out of the lower and middle class and into the hand of the wealthy (what has become known as “The Great Divergence”), and the rightward shift in electoral politics since 1968. Nearly all of these scholars credit the civil rights movement and the subsequent social, political, and economic gains won by African Americans with playing a motivational role in the social, political, and economic changes that followed. For example, Kevin M. Kruse writes in *White Flight: Atlanta and the Making of Modern Conservatism* that in Atlanta “virtually all whites reacted to the course of civil rights change with some degree of opposition or distancing.” Whether one is considering the integration of blue-collar housing in the 1940s, middle-class housing in the 1950s, or wealthy neighborhoods, parks, schools, and businesses in the 1960s, “How whites reacted to desegregation thus emerges as a constant. . . class differences merely determined where and when they did so.”²⁶ Finally, Thomas and Mary Edsall write that the new economic alliances of the 1970s “had at least three major components. The first was the desire of key sectors of the white electorate to return to an era in which blacks and other minorities had far less power and visibility.”²⁷

Yet each scholar notes that although New Right policy deliberately undid many of the gains won by the civil rights movement, New Right rhetoric was nonetheless required to incorporate the integrationist language of the civil rights movement. As Matthew Lassiter writes,

the considerable success of the civil rights movement in dismantling the legal caste system and discrediting overt racism, in combination with the rapid expansion of a suburban landscape organized around residential segregation and socioeconomic privilege, resulted in the evolution of a middle-class outlook expressed through color-blind language of consumer rights and meritocratic individualism.²⁸

In other words, the legions that comprised the New Right were not disciples of George Wallace or Strom Thurmond. Instead, this new white supremacy was more moderate, at least in its

²⁵ For works on suburbanization Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006); Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2007); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001); Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003); For shifts in economic philosophy see Edsall and Edsall, *Chain Reaction*; David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007); Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan* (New York: W.W. Norton & Company, 2009); and Emmanuel Saez, “Striking it Richer: The Evolution of Top Incomes in the United States.” September 3, 2013, <http://elsa.berkeley.edu/users/saez/saez-UStopincomes-2012.pdf>; For electoral changes see Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008); Bruce Schulman and Julian Zelizer, eds., *Rightward Bound: Making America Conservative in the 1970s* (Cambridge, MA: Harvard University Press, 2008); and Laura Kalman, *Right Star Rising: A New Politics, 1974–1980* (New York: W.W. Norton & Company, 2010).

²⁶ Kruse, *White Flight*, 15.

²⁷ Edsall and Edsall, *Chain Reaction*, 197.

²⁸ Lassiter, *The Silent Majority*, 3.

rhetoric, and *required* selective inclusion and colorblind rhetoric in order to maintain mass exclusion in a post-civil rights era.

What is missing from this group of texts is analysis that examines the interconnectedness of suburbanization, the rapid expansion of prisons in the aftermath of the civil rights movement, the unraveling of the welfare state and the move toward neoliberalism, tax revolts, the assault on affirmative action, and most importantly how film, and culture more broadly, shaped these changes. Scholars have yet to demonstrate the centrality of popular culture in reframing racial discourse in the post-civil rights era. Instead, each of the aforementioned scholars more or less deals with a singular issue, say suburbanization, and how specifically it was shaped by a new “Sunbelt politics” or was the result of “white backlash” against the civil rights movement. While this work is necessary and insightful, it falls short in considering what is at stake in the connections between, say, the expansion of the prison industrial complex and suburbs, or neoliberalism and busing, and how each of these issues were part of a larger process of realigning white supremacy in the wake of the civil rights movement. Film offers a mechanism through which one can move beyond the singularity of each of these issues in order to explore their interconnectedness.

Moreover, the hegemony of colorblindness today cannot be fully comprehended by labeling the changes of the post-civil rights era as simply the “New Right.” While these ideas may have originated with conservatives, the consent of liberals, or at least non-conservatives, has ensured the endurance of colorblindness. As Eduardo Bonilla-Silva concludes, “Although not every single member of the dominant race defends the racial status quo or spouts color-blind racism, *most* do.”²⁹ It is therefore inadequate to limit the emergence of colorblindness as simply a project of the New Right. Lastly, while the recent challenges to the idea of “white backlash”³⁰ has, in the interest of complicating the narrative of conservative mobilization in the second half of the twentieth century, underestimated the role of race in the New Right’s agenda, such a simplistic term does need further complexity. This is necessary if for no other reason than to account for the agency of African Americans and the civil rights movement in this process. For while many of the changes that occurred in the aftermath of the Movement were not intended by its participants, the transformations enforced on American society as a result of the civil rights movement undoubtedly played a constitutive role in dictating the terms to those who organized to undo its achievements.

Film plays a constitutive role in the socio-historical and political process. It is the site not simply where ideas are reflected, but that in which ideas are made and remade, shaped, dismantled and disseminated. For Raymond Williams and Stuart Hall, perhaps the two most important Cultural Studies scholars, culture is material, productive, and determining, inseparable from the historical process. Hall writes,

‘Culture’ is not *a* practice; nor is it simply the descriptive sum of the ‘mores and folkways’ of societies... The analysis of culture is, then, ‘the attempt to discover the nature of the organization which is the complex of these relationships’... The purpose of the analysis is to grasp how the interactions between all these practices and patterns are lived and experienced as a whole, in any particular period. This is its ‘structure of feeling.’³¹

²⁹ Bonilla-Silva, *Racism Without Racists*, 10-11.

³⁰ See, most notably, Lassiter, *The Silent Majority*.

³¹ Stuart Hall, “Cultural Studies: Two Paradigms.” *Media, Culture and Society*, No. 2 (1980), 60.

Or, as German playwright Bertolt Brecht wrote, “Art is not a mirror held up to reality but a hammer with which to shape it.” Moreover, Hall reminds us that representations are not merely “re-presentations,” but instead related to the way in which we think of political figures as “representing us in some way.” In this sense, we must think of representations as standing in for, or taking the place of something. Therefore, meaning is not transmitted through representation but is instead given to the event it depicts. While many different cultural forms could provide the necessary window into the major concerns of the decades in question, because of its popularity, this study will focus primarily on film. As Jacqueline Stewart writes in *Migrating to the Movies: Cinema and Black Urban Modernity*, “dominant cinema, from the very beginning, has reflected and reproduced America’s repressive racial hierarchies,” but also that “Black film culture” creates a space where blacks can “[address] desires not only to participate equitably and meaningfully in American life but also to redefine and reconstitute African Americans individually collectively” (14). Furthermore, Leigh Raiford argues in *Imprisoned in a Luminous Glare: Photography and the African American Freedom Struggle*, “black visibility is inextricable from African American movements’ efforts to change the conditions of black people’s lives” (27). And while Raiford’s text deals with photography, film shares the visibility Raiford refers to. Taken together, Stewart and Raiford’s work explains the entanglements of visual culture and social change. However, whereas Stewart and Raiford’s texts explore, primarily, the ways in which African Americans have used visual cultural mediums to reconstitute blackness, my interest lies in the dialectic of “dominant” and “resistant” (black independent) cinema, and how colorblindness emerged out of the culture wars fought between the two. As Raiford reminds us, “Photography then is neither ‘good’ nor ‘bad’ for African American social movements” (27). The concern of this project is the relationship and results of the interplay between the “good” and “bad,” using film.

My dissertation consists of four chapters that cover the period from the 1970s to the mid-1990s. The first traces the emergence of colorblindness from a collection of post civil rights utterances in the late 1960s to its articulation as a coherent ideology in 1976. Unlike its previous iterations, the colorblind rhetoric of the 1970s borrowed the language of the civil rights movement to mobilize against many of its gains. Yet, colorblindness was preceded by and built upon a rampant ethos of antistatistism that emerged in the early years of the decade. In fact, in many ways colorblindness was positioned as the solution to the “problem” of government overreach in the latter half of the decade. Through an analysis of the films *Dirty Harry* (1971), *Coffy* (1973) and *Claudine* (1974), I demonstrate how Hollywood developed new narrative conventions and refashioned existing ones that shaped both the antistatistism of the first half of the seventies and prescribed colorblindness as its antidote in the second.

Chapter two examines the film *Blue Collar* (1978) in the context of the rise of neoliberalism and the election of Ronald Reagan in 1980. I argue that neoliberalism ascended in part because of the economic recession and seeming failures of Keynesianism in the seventies, but also because the racial conflicts of the decade produced anti-statist backlash that, cloaked in civil rights-friendly colorblind rhetoric, demanded government divestment in matters of race. Here, Milton Friedman’s writings on race and the Reagan Administration’s refusal to enforce existing civil rights laws and their insistence on individual rights, all justified with colorblind rhetoric, are particularly illuminating. In this context, *Blue Collar*, released two years prior to Reagan’s election, is prophetic. I argue the film not only represents the death of the American working-class, it also marks the demise of interracial collective struggle in the emerging

neoliberal order. Perhaps most importantly, the film marks the inability of Hollywood to represent this struggle, or any collective struggle, for that matter. Unlike other cultural mediums, Hollywood narratives, and Hollywood heroism, more specifically, are inherently individualistic. Therefore, in the context of the emergence of neoliberalism and colorblindness, Hollywood is the most important cultural form in understanding the relationship between neoliberalism and colorblindness.

Chapter 3 considers a number of civil rights and slavery dramas produced in the late 1980s and 1990s. Focusing on *Glory* (1989) and *The Long Walk Home* (1990) I argue that as colorblindness became increasingly influential, Hollywood performed the vital task of imaging and re-narrating an American past in which white colorblind heroes were at the center of and colorblindness was responsible for the abolition of slavery and the victories of the civil rights movement. These films position colorblindness as an enduring quality of American whiteness since the country's founding. However, though these films imagine colorblind white heroes and heroines as the engines of racial progress, they ultimately rely on an aesthetics that force the audience to identify with the white heroes and see the black characters as a point of alterity. Colorblind films therefore use colorblind narratives to camouflage an aesthetics of white supremacy.

Lastly, chapter 4 examines "Teacher Films." Although the late 1980s and 1990s certainly do not mark the first instances of teachers as protagonists in American cinema, it was during these years that films centered around white teachers and their inner-city non-white pupils became increasingly popular, and these films developed specific themes and tropes that are inherently informed by the logic of colorblindness. I situate my analysis of this genre, most notably the 1995 film *Dangerous Minds*, within the context of the dismantling of affirmative action and neoliberal educational reform in arguing that colorblindness ultimately produced entirely new film genres that are inherently colorblind. It is to these concerns that I now turn.

Chapter 1

“The Law is Crazy!”: Antistatism and the Origins of Colorblindness in the Early 1970s

A widespread anti-welfare state ethos characterized the early 1970s.³² By “antistatism” I mean an opposition to government, a rampant belief in the 1970s that the government not only could not address people’s needs but in fact was to blame for the problems they faced. Black, white, left, right, center, liberal, conservative, radical or otherwise agreed that whatever their issues were, and no matter how contradictory those were with their opponents, the government was somehow to blame. On the left, Black Power organizations crafted Black Nationalist politics to address the inadequacies of the civil rights movement and widespread police brutality and oppression at the hands of the state.³³ Welfare rights activists illuminated the ways anti-poverty programs trapped families in poverty and mobilized to fix the War on Poverty.³⁴ On the right, the issue of race continued to fuel white backlash against the welfare state.

As the seventies began, the conflicting diagnoses of the government’s inadequacies and exploitative practices mirrored the divergent iterations of colorblind rhetoric. Colorblindness in the early seventies had yet to cohere into an ideology. It would take until the latter half of the decade for that to occur. In the early decade the activists, politicians, and suburban homemakers across the political spectrum that raged against the state in the early seventies all invoked colorblind rhetoric to advocate their positions. Black Power advocates used the discourse to promote racial inclusivity in the battle for racial justice. Conservatives turned to colorblind language to defend their political opposition to civil rights programs against charges of bigotry.

In this climate, film provided a pivotal arena for which to dramatize the divergent ideas of colorblindness in the early 1970s and to begin to cohere the discourse. Film offered a site to shape, reflect and reinforce colorblind ideas. The articulation of colorblindness coincides roughly with the emergence of the “New Hollywood.”³⁵ The historical timing of the more or less concurrent collapse of the classical Hollywood studio system and Jim Crow enabled film to shape racial discourse in an unprecedented fashion in the post-civil rights era. The film industry saw its average weekly box office sink to the lowest mark ever, \$15.8 million in 1971, compared

³² For an overview of the seventies see Thomas Borstelmann, *The 1970s: A New Global History from Civil Rights to Economic Inequality* (Princeton, NJ: Princeton University Press, 2012); Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Free Press, 2001); and Edward D. Berkowitz, *Something Happened: A Political and Cultural Overview of the Seventies* (New York: Columbia University Press, 2006).

³³ See Peniel Joseph, *Waiting ‘til the Midnight Hour: A Narrative History of Black Power in America* (New York: Henry Holt & Co. 2006); Joshua Bloom and Waldo Martin, *Black Against Empire: The History and Politics of the Black Panther Party* (Berkeley: University of California Press, 2013); Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation* (New York: Random House, 1967); Ongiri, Amy A., *Spectacular Blackness: The Cultural Politics of the Black Power Movement and the Search for A Black Aesthetic* (Charlotte, VA: University of Virginia Press, 2010).

³⁴ For more on the Welfare Rights Movement, see Thomas Sugrue, *Sweet Land of Liberty*. 382-399, 518-531; also Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States*, (New York: Routledge, 2005).

³⁵ Thomas Schatz, “The New Hollywood.” In *Film Theory Goes to the Movies*, eds. Jim Collins, Hilary Radner & Ava Preacher Collins (New York: Routledge, 1993), 8-36.

to a post–World War II high of \$90 million.³⁶ The dire economic conditions produced by the forced disintegration of the classical Hollywood studio system beginning in the years after World War II made Hollywood studios far more willing to explore new subject matter and push the formal boundaries of the Classical era in an effort to remain economically viable. As Peter Biskind writes, “New Hollywood was a movement intended to cut film free of its evil twin, commerce, enabling it to fly high through the thin air of art.”³⁷ Yet as Derek Nystrom argues, while the New Hollywood is typically understood as a renaissance of American art cinema driven by auteurs like Martin Scorsese, Francis Ford Coppola, and Robert Altman, the movement was in fact rooted in exploitation films.³⁸ The enormous amount of exploitation films, B-movies, and avant-garde cinema that, among other things, created unprecedented opportunities for African Americans (whom studios quickly realized constituted a disproportionately large share of movie-audiences) to appear both in front of and behind the camera. Most importantly, the economic uncertainty of the movie business in the late 1960s and early 1970s created opportunities for filmmakers to make movies that exploited the emerging colorblind sentiment in order to turn a profit. Ultimately, I argue that not only did the disintegration of the Classical Hollywood studio system offer greater opportunities for the production of films dealing explicitly with race, but that the rebirth of Hollywood in the 1970s relied, in part, on its function as a laboratory for the development of colorblind ideology. The economic distress in which the movie industry found itself pushed it to produce films that would appeal to different communities in order to avoid bankruptcy. This led, on the one hand to the emergence of genres like Blaxploitation. On the other hand, appealing to the increasingly mainstream white backlash politics of the seventies through the rhetoric of colorblindness became a reliable revenue stream for Hollywood. While scholars appropriately peg the film industry’s resurgence in the middle of the seventies largely to the rise of the blockbuster, one cannot ignore that a substantial amount of Hollywood’s profits derived from movies dealing explicitly with race.³⁹ These films helped shape the logic of colorblindness, forming its necessary cultural cohesion for the ideology long before its social or legal one.

The standard narrative of colorblindness cites the *Bakke* decision as the ideology’s genesis. This chapter troubles that notion by pointing to the ways in which Hollywood and varying racial and political interests utilized colorblind rhetoric for a decade prior to *Bakke*. I ask how, given the disparate and divergent locations of colorblind rhetoric at the dawn of the decade, was the Right able to successfully mobilize colorblind rhetoric in the their political interest, increasingly acquiring consent around their version of the discourse? I argue that the immediate aftermath of the civil rights movement was characterized by a hegemonic ethos of antistatism. Whereas, broadly speaking, civil rights legislation and Lyndon Johnson’s “Great Society” in the 1960s demonstrated a general faith among the American public in the government’s ability to address racial inequality, by the end of the 1970s much of the country—black, white, conservative, liberal—not only distrusted the government’s capacity to promote racial progress but cited the government as the cause of heightened racial tension. I use “antistatism” to define this sentiment; moreover, it extended far beyond the issue of race.

³⁶ Guerrero, Ed. *Framing Blackness*, 69-70.

³⁷ Biskind, *Easy Riders, Raging Bulls*, 17.

³⁸ Nystrom, Derek, *Hard Hats, Rednecks, and Macho Men: Class in 1970s American Cinema* (New York: Oxford University Press, 2009), 27.

³⁹ See, for example, Ross, Steven, “How Hollywood Became Hollywood: Money, Politics and Movies.” In *Metropolis in the Making: Los Angeles in the 1920s*. ed. Tom Sitton (Berkeley, University of California Press, 2001), 255-276.

What follows is an examination of the divergent social history of colorblindness in the early 1970s and the role of film in dramatizing the colorblind debate. From there, I offer close readings of two films of the early 1970s—*Dirty Harry* (1971) and *Coffy* (1973). While others have written about the right wing, racist and sexist politics of *Dirty Harry*, I am interested in the film's criticism of the state as necessary for the emergence of colorblindness.⁴⁰ The vast literature on Blaxploitation has yet to consider a film like *Coffy* in a similar context.⁴¹ Together, these films, drawing from different genres and marketed to different audiences, reveal the disparate ends colorblind rhetoric served in the first half of the seventies. Both appealed to emerging colorblind sentiments and helped shape the antistatist ethos of the early decade. That ethos was a fundamental precondition for the emergence of colorblindness. It provided the necessary foundation upon which colorblindness would gain traction in the ensuing years. Positioning the ideology as a laissez-faire solution to the problems of the invasive liberal welfare state on screen in the early seventies was a pivotal step in the emergence of the racial project of colorblindness. While the coherence of the latter half of the decade is lacking in the years between 1971-1974, the divergent deployments of colorblindness in the early seventies on and off the silver screen illustrate the appeal of colorblindness long before the issues of affirmative action and busing fully moved to the fore of American politics.

Colorblindness at the dawn of the seventies

In the late-1960s and early 1970s many radical political leaders, judges on the nation's highest court, and ordinary Americans scoffed at the notion of a colorblind society. Black Power leader and head of SNCC Stokely Carmichael had grown critical of the colorblind politics of the civil rights era that lingered as the decade came to a close. In his renowned book *Black Power: The Politics of Liberation*, Carmichael writes, "while color blindness *may* be a sound goal ultimately, we must recognize that race is an overwhelming fact of life in this historical period. There is no black man in this country who can live 'simply as a man.'"⁴² As late as October 1971 the Supreme Court refused to consider challenges to Nixon's "Philadelphia Plan," a program started in 1969 requiring contractors to hire a certain percentage of nonwhite workers for federally financed building projects, that argued it "violated the concept of a color-blind constitution."⁴³ Further, many of those who agreed with colorblindness in theory, defended affirmative action policies like the Philadelphia Plan as necessary to produce a colorblind future.⁴⁴

Those, on the other hand, who did espouse colorblind rhetoric did so to advance an array of positions across the political spectrum. Exiled in Algiers, Eldridge Cleaver, in 1969, criticized the Black Nationalist politics of Stokely Carmichael in an open letter, stating that suffering is

⁴⁰ See J. Hoberman, *The Dream Life: Media, Movies, and the Myth of the Sixties*. (New York: New Press, 2005); Roger Ebert, "Review: *Dirty Harry*." *Chicago Sun Times*. January 1 1971, <http://www.rogerebert.com/reviews/dirty-harry-1971>; For a more complete discussion of the reviews criticizing the racism of the film upon its release see Patrick McGilligan, *Clint: The Life and Legend* (New York: St. Martin's Press, 2011).

⁴¹ Ongiri, *Spectacular Blackness*; Ed Guerrero, *Framing Blackness: The African American Image on Screen* (Philadelphia: Temple University Press, 1993), Chapter 3; Donald Bogle, *Toms, Coons, Mulattoes, Mammies and Bucs: An Interpretive History of Blacks in American Films* (New York: Continuum, 2001), Chapter 8; and Cedric Robinson, "Blaxploitation and the Misrepresentation of Liberation," *Race & Class* 40 (1998).

⁴² Carmichael and Hamilton, *Black Power*, 53-54.

⁴³ Fred P. Graham. "High Court Lets Hiring Plan Stand," *New York Times*, October 13, 1971.

⁴⁴ See, for example, Philip Gass' letter in response to a man named David Simpson. *New York Times*, August 6, 1972.

“colorblind” and suffering people needed a unity based on revolutionary principles rather than skin color.⁴⁵ As early as 1970 Southern lawyers on the right mobilized the *Brown* decision’s language of colorblindness to try and undo court-ordered busing mandates.⁴⁶ And somewhere in the middle, in January of 1971, South Carolina Governor John C. West, a moderate Democrat, promised racial minorities “no special status other than full-fledged responsibility in a government that is totally color-blind.”⁴⁷ Colorblindness, in other words, was all over the place. Black Power leaders denied its existence and utility as a political strategy, the Supreme Court was skeptical of its constitutionality, and many Americans outside of the public eye recognized its absurdity only a few years after the civil rights movement.

Yet by the early seventies there was also a growing contingent of whites who increasingly adopted the moderate language of South Carolina’s Governor as they became sympathetic to the political agenda of the right. A July 1972 letter written to the editors of the *New York Times* by a man named David B. Simpson chastised “self-proclaimed ‘liberals’” like then presidential candidate George McGovern for their support of affirmative action programs. Simpson characterized affirmative action as “an absolute betrayal of the principle that our Constitution and our political process is [*sic*], should be and is intended to be ‘color blind’ in the fullest sense.” Simpson went so far as to call McGovern a “racist” for his intentions to appoint blacks to the Supreme Court.⁴⁸ Although typically not as hostile as Simpson, numerous letters decrying affirmative action programs appeared in newspapers like the *New York Times* beginning in the late-1960s. One man wrote a letter in 1969 denouncing the “racial quota system” that was “coming into fashion.” After qualifying the letter by insisting that he has “tried to help eliminate racial discrimination,” he cited justice John Marshall Harlan’s sole *Plessy v. Ferguson* dissent which stated that the constitution is “colorblind,” to argue that the so-called “racial quota” system erected in the aftermath of the civil rights movement were no less unconstitutional as the Jim Crow laws that followed the *Plessy* decision.⁴⁹ The letter’s rhetorical commitment to civil rights—that he has “tried to help eliminate racial discrimination”—and the need to distinguish one’s opposition to policies benefitting blacks from prejudicial attitudes towards them illustrates an important development in the backlash to civil rights programs in the post-civil rights era.⁵⁰ It was this strategy—the alignment of the opposition to civil rights and welfare state programs—that made its way on screen in one of the most popular films of the early seventies—*Dirty Harry*.

“Harry hates everybody”

Released in 1971, *Dirty Harry* tells the story of rogue San Francisco Police Department Inspector Harry Callahan’s vigilante pursuit of an elusive serial killer known as “Scorpio,” loosely based on San Francisco’s real-life Zodiac Killer. Over the course of the film, Callahan enacts revenge on the entire New Left, subverting the supposedly criminal-coddling legal system in order to kill the “hippie” Scorpio, along with a group of Black Panther-ish bank robbers who interrupt Callahan’s lunch break. Harry’s disdain toward the left is informed by the multitude of left movements in the late 1960s in places like Berkeley, Chicago, and New York City: the often violent antiwar protests, student radical groups like the Yippies telling young people to “kill your

⁴⁵ “Cleaver Arrives for Algiers Fete,” *Reuters*, July 15, 1969.

⁴⁶ “Busing Foes Cite High Court Ruling,” *New York Times*, October 14, 1970

⁴⁷ “Color-Blind Regime Vowed by Governor of South Carolina,” *New York Times*, January 20, 1971.

⁴⁸ “Letters to the Editor,” *New York Times*, July 10, 1972.

⁴⁹ “Racism of Quotas,” *New York Times*, March 14, 1969.

⁵⁰ Although affirmative action programs benefitted many groups other than African Americans, including white women, backlash to such programs cite almost exclusively blacks as the beneficiaries of these programs.

parents,” the Weatherman blowing up bombs in Manhattan’s Greenwich Village in 1970, the armed conflicts between Black Nationalists and police in places like San Francisco, Oakland, Ithaca and Chicago, and Gays rioting at Stonewall in 1969.⁵¹

Dirty Harry’s malevolent New Left is comprised of a sacrilegious alliance between liberal politicians, liberal judges, and hippies. The “threat” in this film is not simply groups on the left but the combination of those groups and the support they receive from the state. However, race plays an important role in this confederation, and in the film as a whole. Many reviewers criticized the film’s racism upon its release. Critics like Vincent Canby took particular issue with the bank-robbery scene in which Callahan brazenly kills several Black Panther-type perpetrators.⁵² In fact, throughout the film one finds evidence of Harry’s anti-black bigotry. A subtle but significant reference lies in one of the film’s first scenes, in which Harry meets with the city’s Mayor. After assigning Callahan the Scorpio case, the Mayor warns, “I don’t want any more trouble like you had last year in the Fillmore district, understand? That’s my policy.” In the period after World War II, San Francisco’s Fillmore district served as the heart of the city’s black community. As thousands of African Americans left the South and moved to the Bay to do their part in the war effort and take advantage of higher-paying jobs, the overwhelmingly majority of these black folks settled in the Fillmore and other surrounding Western Addition enclaves, as well as Japantown. While these new black San Franciscans may have otherwise struggled to find vacant apartments in the densely populated city by the Bay, the Fillmore and its surrounding neighborhoods were awash with vacancies as the previous Japanese-American tenants found themselves forcibly interned in the country’s interior for the duration of the war. This new black population helped create a vibrant business and cultural enclave that former Mayor Willie Brown likened to Harlem during the 1920s, a “Harlem of the West.” However, beginning in the 1960s the impious combination of urban renewal and gentrification began forcing out the primarily working class black residents of the Fillmore, earning the district the nickname, the “No More.” By 2010, the black population of the district, in real numbers, was half that of 1960.⁵³

Therefore, while neither the Mayor nor Callahan ever distinguishes the racial identity of the man Harry gunned down in the Fillmore, the insinuation is that he was black. If one assumes that the victim of Callahan’s “trouble” in the Fillmore was black, the group of black bank-robbers Callahan guns down in the next scene are not the first blacks to find themselves on the wrong side of Callahan’s .44 Magnum. Callahan has a history of killing African Americans that precedes the action of this film. Additionally, while the previous argument relies on an assumption about Callahan’s previous victims, Callahan’s exchange with the Mayor makes clear that Callahan’s erratic police work has on at least one previous occasion caused trouble the Department was unable to defend as sound police work, which immediately helps establish the antagonistic relationship between Callahan and the force.

⁵¹ For more on the New Left, see Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam Books, 1993); and Perlstein, Rick, *Nixonland*.

⁵² For a more complete discussion of the reviews criticizing the racism of the film upon its release see McGilligan, *Clint*, 211; and Hoberman, *The Dream Life*, 330-331.

⁵³ Jasmine Johnson and Shaun Ossei-Owusu, “From Fillmore to No More”: Black-Owned Business in a Transforming San Francisco,” in *Black California Dreamin’: The Crises of California’s African-American Communities*, eds. Ingrid Banks, Gaye Johnson, George Lipsitz, Ula Taylor, Daniel Widener, Clyde Woods, Clyde (Santa Barbara, CA: UCSB Center for Black Studies Research, 2012), 75-92; also, Christina Jackson and Nikki Jones, “Remember the Fillmore: The Lingering History of Urban Renewal in Black San Francisco,” in *Black California Dreamin’*, 57-74.

There are other more salient moments in the film which reveal the nuances of Callahan's racial attitudes and speak to the complexity of the post-civil rights racial climate. When his boss assigns Callahan a new partner, a Latino man named Chico Gonzales, Gonzales, familiar with Callahan's racial prejudices, asks Callahan why he hates "Hispanics," to which a fellow officer, responds, "Harry hates everybody: limeys, micks, hebes, dagos, niggers, honkeys, chinks, you name it." Gonzales follows up with, "How about Mexicans?" to which Callahan answers, "Especially spics" and then winks at the other officer, a gesture Gonzales does not see. Although Callahan's wink makes it possible that he is merely kidding, goading his green new partner, I would argue otherwise. Callahan's portrayal as an equal opportunity bigot—he hates everybody—is critical because it distinguishes him from film's other backlash heroes of the early seventies who proudly wear their, typically anti-black, bigotry. Take, for example, the title character of John Avildsen's 1970 film, *Joe*, a white-collar bigot who teams up with an upper-east side Plutocrat to kill a commune full of "hippies."⁵⁴ Joe first appears on screen ranting about "niggers" and "welfare"; "all you gotta do is act black and the money rolls in," he opines.⁵⁵ Callahan, on the other hand, hates everybody. One could even argue that his hatred is ultimately not about race, as white ethnics slurs are included in his laundry list of loathing, but about a general disdain for the citizenry of San Francisco, a population that had proven to be one of the country's most progressive and socially liberal over the previous century.⁵⁶

However, it is important to distinguish Callahan's xenophobia from his bigotry. One must understand Callahan's ethnic slurs within the context of what historian Matthew Frye Jacobson has termed the "white ethnic revival." The post-civil rights era witnessed a re-articulation of whiteness as "Ellis-Island whiteness." According to Jacobson, the civil rights movement successfully called white privilege into question. As a result, many whites sought to disassociate themselves from their whiteness and white privilege through the rediscovery of their "ethnic" roots. Suddenly, third generation white ethnics began proudly boasting of their Irish, Italian, or Jewish or other European roots, away from which their grandparents and parents had struggled to assimilate when they arrived at this country's shores and entered America's melting pot at the turn of the twentieth century. This revival extended far beyond choices of personal identification. Film, literature, and academic scholarship became saturated with white ethnic themes beginning in the late 1960s, and organizations devoted to the interests of Italian-Americans, Irish-Americans, Jewish-Americans, and so forth sprang up around the country.⁵⁷

Politically, the white ethnic revival of the post-civil rights era offered, in many instances, a rhetoric and logic to oppose civil rights programs. Whites' denial of their whiteness in favor of their "ethnic" identity in many instances informed the white backlash politics of the seventies that coopted the language of the civil rights movement to denounce what whites increasingly understood as unfair black privilege.⁵⁸ The rhetoric of white ethnic revival offered a logic to oppose civil rights programs like busing in the mid-1970s. Phrases from white ethnics like "My family never owned slaves" or "My ancestors were discriminated against too" became common

⁵⁴ *Joe*. Dir. John Avildsen (1970, Cannon Films).

⁵⁵ For more on *Joe*, see Nystrom, *Hard Hats*, chapter 1.

⁵⁶ For more on the progressive politics of San Francisco in the late-19th century, see Richard Walker, "San Francisco's Haymarket: A Redemptive Tale of Class Struggle," *ACME: Online Journal of Geography*. 2008. For more on the counterculture revolution in San Francisco in the 1960s, see Gitlin, *The Sixties*. For a history of "queer" San Francisco prior to the 1960s, see Nan Boyd, *Wide Open City: A History of Queer San Francisco to 1965* (Berkeley, CA: University of California Press, 2003).

⁵⁷ For a complete discussion of white ethnic revival, see Jacobson, *Roots Too*.

⁵⁸ Jacobson, *Roots Too*, 22.

arguments for whites who felt unfairly implicated in what they understood as strictly the crimes and privileges of WASPs. As Jacobson notes, the white ethnic revival was in large part an effort to emphasize ethnicity over race, precisely in a moment in American history when blacks were struggling for *racial* equality. And although the tropes of the white ethnic revival was influential to social movements on both sides of the political spectrum, it was ultimately the right's ability to emphasize ethnicity, but exclusively white ethnicity, over race in order to "blunt" the efforts of the Civil Rights and Black Power movements that proved most effective.⁵⁹

White ethnic revival was an inextricable phenomenon in the articulation of colorblindness, and the racial project is highly indebted to it. The revival's success in emphasizing ethnicity not necessarily over but at least alongside race was an important step toward the sublimation of race altogether. My emphasis on colorblindness, rather than white ethnic revival, is intended to narrate a far larger process by which race fundamentally transformed in the post-civil rights era. The white ethnic revival was an integral part of and important transitional moment in the reassertion of white supremacy through the logic of colorblindness. But colorblindness was not simply the next logical step after the successful assertion of "Ellis-Island Whiteness." It was instead the product of several other key debates that would move to the fore as the decade unfolded.

More significant, the only person we ever see Callahan act kindly toward is his black doctor, whom he visits *immediately* after his shootout with the black bank robbers. This small detail further distinguishes Callahan from other backlash heroes like Joe. Callahan is as violently right wing and hateful of liberals as Joe, but his black doctor friend deliberately makes it difficult to characterize Callahan's shootout with a group of black bank robbers in the previous scene as motivated purely by anti-black bigotry. During his doctor's visit, the doctor even remarks, "Us Potrero Hill boys have to stick together," suggesting both that Callahan is not racist and more importantly that neighborhood and class allegiances supersede racial ones. The fact that Callahan and his doctor grew up in the working-class Potrero Hill neighborhood of the 1930s and 1940s is important here.⁶⁰ The film's other representations of blackness are of working-class or even poor blacks—the working-class Fillmore district and the Black Panther-type bank robbers. The class similarities between the black doctor and the black bank robbers implies that the divergent lives the black characters lead in this film are largely if not entirely the result of personal choice. This implication echoes the newly emergent "culture of poverty" thesis in the late-1960s in which sociologists and politicians like Daniel Patrick Moynihan argued that the urban black poor suffered not from racism but from a "pathological" culture which liberal social policies like welfare only exacerbate, and that black mothers pass these inferior "traits" to their offspring.⁶¹ The allusion to the similar class backgrounds of the white Inspector Callahan, the black doctor, and the black criminals in *Dirty Harry* makes easy diagnoses of racial prejudice difficult, suggesting that class may be the more salient distinction and "cultural values" rather than race may play a more influential role in success and criminality.

⁵⁹ Jacobson, *Roots Too*, 9.

⁶⁰ For more on the history of San Francisco's Potrero Hill neighborhood, see Gray Brechin, *Imperial San Francisco: Urban Power, Earthly Ruin* (Berkeley: University of California Press, 2006), chapter 3.

⁶¹ Oscar Lewis developed the "culture of poverty" thesis, originally, in his work on Latin America. The Moynihan Report and Charles A. Murray's *Losing Ground* are the two most prominent texts that applied the thesis to America's urban black poor in the 1960s and 1970s. For a more thorough discussion of these works and the emergence of the "culture of poverty" thesis, see William J. Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987), 13-18; Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, (New York: Pantheon Books, 1997), 8.

Dirty Harry makes deliberate efforts to position Callahan as unbigoted and the film's production history adds further insight in this regard. A February 1971 version of the script written ten months before the film's release describes the doctor as a "nameless intern," without any mention of his race. Furthermore, the "Potrero Hill boys" line does not appear in either this or the final version of the script, nor does any other mention or dialogue that would imply the two were friends or that the doctor is black. The early script does introduce the doctors more limited dialogue with Callahan as "speaking to a familiar customer," but the implication is not that the two are friends, but instead that they know each other as a result of Callahan's frequent visits to the hospital caused by his reckless approach to police work. Furthermore, to return to Callahan's introduction to Gonzales, this early version of the script, while similar, does not contain the line, "Harry hates everybody."⁶² The final version of the script does include the "Harry hates everybody" line, but like the previous draft makes no mention of the doctor's race and no indication that he and Callahan are old friends.⁶³

This scene momentarily transforms the film into a "buddy" picture like *The Defiant Ones* (1958) and *In the Heat of the Night* (1967). According to film historian Ed Guerrero, the "buddy formula" "reveals all the strategies by which the [Hollywood] contains and controls the black filmic image and conforms it to white expectations."⁶⁴ I would add that the "black buddy" not only contains black bodies and conforms them to white expectations; it in fact contains and conforms them to white desire. Here, the doctor performs the role historically reserved for Sidney Poitier—the "clean," articulate embodiment of middle-class respectability. His function here is not, as it typically is, to allay white anxiety about black sexuality, but instead to ease heightened white fears of accusations of bigotry in the years immediately after the civil rights movement. In other words, Callahan is not racist because his best friend is black. So while Hollywood may have attempted, unsuccessfully, to "sell" colorblindness to its audience through its casting decisions in the 1990s, in the 1970s, and in *Dirty Harry* specifically, an awareness of the doctor's race is fundamental to the function scene through its attempts to sell colorblindness through racial consciousness.

The fact that Callahan has a black friend and a Latino partner, along with the film's efforts to characterize Callahan as an equal-opportunity bigot with a sarcasm that undermines the characterization, coupled with the fact that this change occurred late in the filmmaking process, suggests that the producers, writers, director and other decision makers of this film were concerned as to how viewers would characterize Callahan's racial attitudes in the volatile early seventies. The last minute choices to give Callahan a black friend, and make it clear that he "hates everybody" indicate that the filmmakers wanted Callahan to both appeal to the white racist backlash sentiment of the early seventies, but to also distance him from its most vitriolic anti-black sentiments in a post-civil rights environment, a balance struck through the discourse of colorblindness. The distinguishing of Callahan from the other, more explicitly bigoted backlash heroes of even a year prior, offers traces of a new racial ideology that will increasingly gain consent in the future. This is not to say that the criticisms of this film's racial politics or its portrayal of black nationalists, for instance, are misguided; but I do think that one cannot ignore the subtle, but important, differences between Callahan and other similar heroes of backlash

⁶² This early draft of the script is dated only "1971." The final script is dated 8 February 1971, so this draft must have been written sometime between 1 January 1971 and 7 February 1971. Both scripts are housed at the Margaret Herrick Library in Los Angeles, CA.

⁶³ The final version of the script is dated 8 February 1971. Margaret Herrick Library, Los Angeles, CA.

⁶⁴ Guerrero, Ed. *Framing Blackness*, 127.

films in the early seventies that lionized white racists who attacked blacks and hippies on screen in the early 1970s. While Callahan has much in common with other backlash heroes like Joe—their hatred of the Left, their proclivity for violence, and their anti-elitism—he also has some key differences. Callahan shares the white-backlash hatred of African Americans, but the subtleties of this hatred make it something different from the anti-black racism of Joe or George Wallace. If Joe is George Wallace, Callahan is Richard Nixon, stoking the racial fears of the Silent Majority without violating the rules of post-civil rights political correctness. These distinctions reveal the emergence of efforts both onscreen and off to utilize civil-rights friendly discourse in the interest of backlash politics aimed at undoing the very gains of the movement from which the rhetoric is borrowed.

“The Law is Crazy!”

Equally important to the colorblind gestures of *Dirty Harry* is its uncompromising acrimony for the state. From its opening frame, *Dirty Harry* aligns itself with the white backlash politics and of the late-1960s and early-1970s. The movie begins with a shot of the marble inscription in the lobby of San Francisco’s Hall of Justice, which reads, “In tribute to the Police Officers of San Francisco who gave their lives in the line of duty.” The camera then pans upward to an image of a San Francisco police shield before scrolling downward through the inscribed names of all the slain officers, while the SFPD police shield remains in the center of the frame, double-exposed behind the officers’ names. In the aftermath of almost a decade awash with reprehensible police actions—police dogs and fire hoses in Birmingham, cops murdering civilians in Watts and Newark, officers beating antiwar demonstrators during the 1968 Democratic Convention in Chicago—police were perhaps the biggest enemy of the New Left.⁶⁵ Cops were a symbol to many of how repressive the US government had become, especially to African Americans, whose long history suffering under police brutality only intensified during the sixties.⁶⁶ *Bullitt*, a 1968 film centered around another San Francisco cop, Frank Bullitt, ends much as *Dirty Harry* begins—with a shot of a bumper sticker that reads, “support your local police.”⁶⁷ Yet the villains of the civil rights movement become the heroes of *Dirty Harry*. To Eastwood, the film, in his view, is “not about a man who stands for violence. It’s about a man who can’t understand society tolerating violence.”⁶⁸ As Eastwood’s comments reveal, the film’s couples a strident defense of police officers with an equally harsh indictment of the “society tolerating violence.” This refers not simply to the liberalization of American social and political life in the 1960s, but more specifically to the correlating changes in the legal system, most notable the *Miranda v. Arizona* (1966) decision, which expanded the rights of accused criminals. John Milius, an uncredited screenwriter of the picture, echoes Eastwood’s sentiments, “The police seemed helpless to prevent riots... People were angry with a certain erosion of justice... Erosion of a sense of the law protecting them.”⁶⁹ Eastwood and Milius’ statements

⁶⁵ For more on the police and the 1960s, see Sugrue, *Sweet Land of Liberty*; Bloom and Martin, *Black Against Empire*; and Kenneth O’Reilly, *Racial Matters: The FBI’s Secret File On Black America, 1960-1972* (New York: Free Press, 1989); Perlstein, *Nixonland*; Gitlin, *The Sixties*.

⁶⁶ For an overview of this history see Taylor Branch, *Parting the Waters: America in the King Years, 1954-1963* (New York: Simon & Schuster, 1989); Ibid, *Pillar of Fire: America in the King Years, 1963-1965* (New York: Simon & Schuster, 1998); and Ibid, *At Canaan’s Edge: America in the King Years, 1965-1968*. (Simon & Schuster, 2006).

⁶⁷ *Bullitt*, Dir. Peter Yates, (Warner Brothers, 1968).

⁶⁸ *The Long Shadow of Dirty Harry*, Dir. Gary Leva, (Leva FilmWorks, 2008).

⁶⁹ Leva, *Dirty Harry*, 2008.

succinctly encapsulate white backlash politics: it was not the police who acted inappropriately in Birmingham, Newark, or Chicago, but instead it was the civil rights protestors, black urban rioters and anti-war youth who were out-of-line, all the while tolerated and even encouraged by the liberal government and courts which protected the rights of these “criminals.”

Near the end of the film, Harry tracks down the film’s villain—a serial killer named Scorpio—and chases him through Kesar Stadium, where Scorpio lives in the groundskeeper’s apartment. After Scorpio ignores his orders to halt, Harry shoots Scorpio in the leg, crippling him in the middle of the football field. As he reaches Scorpio, Harry demands the location of Scorpio’s latest kidnapping victim, a young girl he has buried alive, “Where’s the girl?” he repeatedly asks, to which Scorpio responds, “I have the right to a lawyer...I want a lawyer...I have rights!” Harry then presses the heel of his shoe into Scorpio’s gunshot wound in an effort to get him to reveal the girl’s location.

In the next scene, the District Attorney summons the proud Callahan to his office. Siegel introduces the office with an establishing shot of the building’s exterior over which the extradiegetic sound of an eerie minor-chord held on a synthesizer forebodes the injustice about to unfold. Inside, the San Francisco District Attorney chastises Harry for his illegal police procedure, which will ultimately force law enforcement to release Scorpio. Explaining the illegality of Harry’s activities, The DA scolds, “You’re lucky I’m not indicting you for assault with intent to commit murder... Where the hell does it say you’ve got the right to kick down doors? Torture suspects? Deny medical attention and legal counsel? Where have you been? Does Escobedo ring a bell? Miranda? I mean, you must have heard of the Fourth Amendment... That man had rights!” He continues, “As soon as he’s well enough to leave the hospital, he walks.” Noticing Callahan’s dumbfounded reaction, the D.A. explains, “The problem is that we don’t have any evidence,” all the while Scorpio’s hunting rifle rests atop the table adjacent the D.A.’s desk. “Inadmissible as evidence,” the D.A. explains when Harry asks about the rifle. “And who says that?” asks Callahan. “It’s the law,” the D.A. answers. “Well, then, the law is crazy!” replies Callahan.

The D.A.’s colleague, Judge Bannenman, who also teaches classes in Constitutional Law at UC Berkeley, substantiates the D.A.’s claims. Bannenman tells Harry that because he did not obtain a search warrant, all the evidence he acquired, including the murder weapon, are inadmissible. “The suspects rights were violated...under the Fourth and Fifth, and probably the Sixth and Fourteenth Amendments,” Bannenman concludes. An enraged Harry responds, “and Ann Mary Deacon, what about her rights? I mean, she’s raped and left in a hole to die. Who speaks for her?” says Harry. After lecturing Harry about the illegality of his actions, the judge rises from a couch and stands across the desk from the D.A.. The film cuts to a low-angle wide shot that sandwiches Harry between the two lawyers. The positioning of Harry in the background and the lawyers in the fore make Harry, the tallest man of the group, appear smaller than the two attorneys. He is visually dwarfed by the two lawyers in this shot, just as his commitment to justice is overpowered by misguided liberal legal technicalities. In this particular case, bureaucratic delays (a search warrant, specifically), due process, and the constitutional coddling of the accused prevent law enforcement from prosecuting a known serial killer already in custody along with his murder weapon. The concern of the D.A. and judge lies solely in the frivolous laws violated in the process of apprehending the known killer, not the victims of his horrific crimes. They care only about the letter of the law, not justice, and in doing so have abandoned the innocent civilians who are left subjected to Scorpio’s terror. The law, not the serial murderer Scorpio, is the villain of this film. In *Dirty Harry*, justice and the law do not

work in concert as they should be, but are, in fact, antithetical to one another. The film draws clear allegiances in which criminals and the legal system align against justice and the police.

Commenting on the legal system at the time he and director Don Siegel made the film, Eastwood recounted in 2008, "...all of the bureaucracies and everything was favoring [the accused]. The Miranda decision had come down a few years earlier...Everybody was just sort of sick of worrying about the accused. And [we] said 'how about the, how about let's worry about the victims for a while.'"⁷⁰ Eastwood's commentary echoes the film's allegiances. The liberal Warren Court and government, through decisions like *Miranda v. Arizona* (1966), had aligned themselves with criminals. The vigilante Callahan, therefore, is the only person left to defend the innocent victims of the aforementioned alliance.

The real offender, then, of *Dirty Harry* is not the hippie serial killer who rapes, tortures and murders young women and children, but the politically-correct liberal government and courts who pass laws that prevent bringing those degenerates to justice.⁷¹ Despite his obvious guilt, the police must release Scorpio due to silly legal technicalities Harry violates during his arrest. Here the fact that Callahan captures Scorpio, but then must release him to kill again because of legal technicalities, is particularly important. It shows not only the government coddling suspected criminals (who, in backlash films like *Dirty Harry* are *always* guilty), but rather that this coddling is taken to the point that it costs innocent lives and infringes upon the ability of police to maintain "law and order," a foundational component of Nixon's 1968 "Southern Strategy."⁷²

Harry's noble commitment to colorblind justice raises questions as to why the film assigns the pejorative moniker "dirty" onto its hero. Harry is "dirty" not because he climbs atop garbage bins to spy on unsuspecting women while they undress, or because, as Harry himself claims, "he gets stuck with all the dirty jobs," or even as his partner argues, "because he always gets the shit end of the stick." None of these explanations adequately account for Callahan's nickname. Ultimately, Harry is "dirty" because he, and he alone, is willing to do what is necessary to enact justice, which includes tactics the "criminal-coddling" Warren Court prohibits, and a depraved 1960s America misconstrues as "dirty." In this allegedly perversely liberalized legal system, the lone puritan is easily mistaken for "dirty." The nickname, and the film's title, is not meant, ultimately, as a pejorative, but as an irony that supplies further evidence of Harry's martyrdom and the film's indictment of the state. Moreover, the bureaucracy-despising hero has its roots much earlier than *Dirty Harry*. It was the *modus operandi* of the detective fiction literary genre. Callahan is particularly similar to that of Mike Hammer, the protagonist in many of Mickey Spillane's anti-communist detective fiction beginning in the late-1940s. As historian Stephen J. Whitfield explains, although Mike Hammer "chose not to become a cop because a 'pansy' bureaucracy was emasculating policemen with its rules and regulations, his real contempt is reserved for the professional and intellectual classes..."⁷³

⁷⁰ Leva, *Dirty Harry*, 2008.

⁷¹ While reading Scorpio's ransom letter projected on his office wall, the mayor cannot bring himself to vocalize the word "nigger" written in the document.

⁷² Kevin Phillips, a strategist for Richard Nixon during his 1968 Presidential Campaign, was a key architect of Nixon's "Southern Strategy" which sought to exploit racism among southern whites to win their votes for the Republicans. Phillips predicted the drastic political realignment of the south in his book, *The Emerging Republican Majority*, (New Rochelle, NY: Arlington House, 1969). For more on Phillips and Nixon's Southern Strategy and "law and order" campaign, see Lassiter, *Silent Majority*, chapters 9 and 10; Schulman, *The Seventies*, 35-42, 107-108; and Perlstein, *Nixonland*, 277, 366.

⁷³ Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore: Johns Hopkins University Press, 1996), 35.

In order to stop Scorpio, Harry must ultimately kill him: the legal system cannot enact justice. Scorpio's murder is the only way to protect the innocent and stop Scorpio. Significantly, it was not until the script's final draft that the action of *Dirty Harry* was set in San Francisco, a change certainly meant to reinforce the anti-counterculture message of the film.⁷⁴ In *Dirty Harry*, San Francisco, understood as the epicenter of the counterculture movement, becomes in the late sixties the new Wild West, and Callahan must therefore become John Wayne in order to enact justice. Minutes before their shootout, after Scorpio has hijacked the school bus full of children, the film cuts to a wide shot of a herd of buffalo, the animal most closely associated with the American Frontier, grazing in a large field of grass, before panning rightward to reveal a highway and eventually the school bus. And the climactic shootout between Callahan and Scorpio in a rock quarry rivals that of any John Ford Western. J. Hoberman similarly argues that *Dirty Harry* is a western, although an urban and inverted one.⁷⁵ Whereas the typical Western formula pits the civilized garden against the savage wilderness, in *Dirty Harry* it is civilization that is monstrous and savage, specifically the New Left of the 1960s.⁷⁶ It is up to Harry Callahan, then, to become John Wayne and clean up and civilize, or perhaps re-civilize the mess that includes hippies, Black Panthers and the liberal decisions of the Supreme Court. The casting of Eastwood, fresh off of starring in Sergio Leone's "Man with No Name" trilogy, and only a few years from playing the title role in the Western classic, *The Outlaw Josey Wales* (1976), further supports Hoberman's idea that *Dirty Harry* is a western.

After shooting Scorpio Harry removes his police shield from his pocket and, torn by the irreconcilability of his commitment to justice and duty to the law, throws the star into the lake where Scorpio's corpse bobs. The ending mirrors that of one of the great Westerns—*High Noon* (1952)—in which the protagonist, Marshall Will Kane, played by Gary Cooper, must similarly discard the law and his star (which he removes and throws on the ground before leaving town with his wife) in order to enact justice and defend the town's innocents.⁷⁷ The connections between these two finales extend beyond the action on the screen. As historian Richard Slotkin argues, while there are both leftist and rightist readings available in *High Noon*, either reading shares "a common ideological structure that 'devalues' democracy as an instrument of progress and declares that the only effective instrument for constructive historical action is a gun in the hands of the right man."⁷⁸

Dirty Harry's conclusion, in which Harry cannot arrest but must kill Scorpio, and cut all ties with law enforcement who would disapprove of his tactics, is the *only* way to avenge Scorpio's victims. Obtaining justice through a legal system in a lawless world, be it on the frontier or in San Francisco in the late 1960s, is futile. Justice is possible only to those cowboys who understand right from wrong, irrespective of legal technicalities. The film's conclusion illustrates how misguided and unaccountable the state has become to the society it supposedly serves. By the time the credits roll after Harry discards his police star the audience understands not just that justice is irreconcilable with the "criminal-coddling" legal system of the Warren

⁷⁴ An early version of the script, dated only "1971" (the year of the film's release), sets the action in New York City.

⁷⁵ Hoberman, *The Dream Life*, 325.

⁷⁶ For more on the Western genre see Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman, OK: University of Oklahoma Press, 1998).

⁷⁷ *High Noon*, Dir. Fred Zinnemann, (United Artists, 1952).

⁷⁸ Slotkin, *Gunfighter Nation*, 396. The standard leftist reading of the film is that of an allegory of Hollywood's surrender to McCarthyism. This reading is in line with the intentions of the film's screenwriter, Carl Foreman. The rightist reading that Slotkin offers is one in which "the new aggressions of totalitarian Communism represent a 'return' of totalitarian Fascism." See Slotkin, *Gunfighter Nation*, 391-396.

Court, but in fact that the two cannot coexist. Either the “liberal excrescence” must be removed from the law, or it will continue to withhold justice from innocent victims as police are handcuffed by politically correct procedure and liberal courts cannot help but find loopholes to exonerate the guilty.

“I don’t care about black, brown, or yellow. I’m in it for the green.”

The social, economic, and political climate of the early seventies, along with the economic desperation of Hollywood, combined with the dire economic situation of Hollywood in the early 1970s, gave rise to a host of low-budget racially-charged B-Movie subgenres, including backlash movies like *Dirty Harry*, that drew audiences back into movie theaters by speaking to racial anxieties of the period. Blaxploitation was another important genre in this regard. Depending on the source, Blaxploitation refers to the roughly sixty to one-hundred films produced in the first half of the seventies often consisting of a “pimp, gangster, or their baleful female counterparts, violently acting out a revenge or retribution motif against corrupt whites in the romanticized confines of the ghetto or inner city.”⁷⁹ Antistatism, informed specifically by a repressive government and police force that actively destroyed urban black communities, provided the fundamental problematic from which Blaxploitation plots emerge, and is therefore a vital component of the genre’s overall political project. Moreover, as *Dirty Harry*, in the case of *Coffy*, the film uses colorblind rhetoric to distinguish its heroes from its villains, yet unlike *Dirty Harry* colorblind pronouncements in *Coffy* are not evidence of one’s heroism, but of one’s villainy.

As Ed Guerrero argues, Blaxploitation emerged out of the rise of the black power movement in the late 1960s which, in part and long with other black leaders, entertainers and intellectuals, demanded new representations of African Americans. In the midst of the economic crisis that plagued Hollywood in the late 1960s, the film industry’s trade journal, *Variety*, estimated that while blacks made up less than 15 percent of the population, they made up more than 30 percent of the audience in first-run, major-city theaters. The same article pointed out that *Ebony* readers alone spent \$450,000 weekly on movie admissions. The combination of black power politics, the demands for new representations of blackness, dire economic conditions, and a reliable black movie-going audience, proved irresistible to Hollywood. So, after the success of the independently produced *Sweet Sweetback’s Baadasssss Song* (1971), Hollywood studios began pumping out Blaxploitation films at a rapid pace, beginning with *Shaft* in 1971.⁸⁰

Though at first a proponent of Blaxploitation films, the Black Panther Party, the vanguard of the Black Power Movement eventually turned on the genre. Yet the Panthers took a roundabout path to opposition, and this opposition itself became contradictory. Minister of Defense Huey P. Newton devoted an entire issue of the party’s newspaper, *The Black Panther*, to Melvin Van Peeble’s *Sweet Sweetback’s Badaasssss Song*, the movie that inspired the Blaxploitation boom. In a June 1971 issue, Newton hailed it as “the first truly revolutionary Black film ever made” because it put forth the communal “love”, “sacredness”, and “unity” African Americans “so desperately need[ed].”⁸¹ Yet as the genre pioneered by a black independent filmmaker quickly devolved into bastardized Hollywood reproductions often

⁷⁹ Guerrero, *Framing Blackness*, 94. For more on Blaxploitation see also Bogle, *Toms, Coons, Mulattoes*, chapter 8; Ongiri, *Spectacular Blackness*, chapter 5; and Robinson, “Blaxploitation and the Misrepresentation,” 1-12.

⁸⁰ Guerrero, *Framing Blackness*, 69-70.

⁸¹ Huey P. Newton, “He Won’t Bleed Me: A Revolutionary Analysis of ‘Sweet Sweetback’s Baadasssss Song,’” *The Black Panther*, 19 June 1971, A & L.

directed by whites, Black Panther support for the genre quickly faded. A photograph from a demonstration protesting Blaxploitation films in Oakland appeared on the cover of the October 7 edition of *The Black Panther*. The issue's feature article, titled "Blaxploitation," condemned the by then increasingly popular b-movie genre:

By turning our oppression into fantasies, by making Black people look like fun-loving, love-making, hustling freaks, Hollywood would have us walk away from the theatre feeling that all of the problems we saw were of our own cause. The dehumanization of our communities comes in black and white, or Technicolor, as the mad dog moguls of Hollywood grind out negative images of Black people, destroying the positive ones.⁸²

Ten days prior, party Chairman Bobby Seale released a statement condemning what he estimated were over a hundred films that were, "Using our oppression as a twisted story line, using our inexperience in the film-making industry to underpay us, and by collecting our money at the box offices as a 'reward' for finally putting us on the silver screen, the formula for big capital gain is complete."⁸³

The Panthers' change in attitude toward the Blaxploitation genre was not a mere flip-flop. Instead, while the "Blaxploitation" *Black Panther* article certainly takes issue with Blaxploitation content—particularly their typical portrayal of black nationalists, which "usually portrayed Black youths with outdated rhetoric, the 'revolutionaries' come across as stumbling fools, with no program to serve the community and obviously controlled by others"—perhaps their harshest critique was saved for the production of such films by overwhelmingly white-run studios and crews. In response, Seale's statement came with the following demands:

We demand that Black actors, writers, directors, cameramen and all of our people whose talents are used in the profitable film-making industry be paid at least an equal amount to their white counterparts. We further demand that a large percentage of the millions of dollars now going in the pockets of rich, white businessmen be put into the hands of the Black community for our benefit.⁸⁴

Ultimately, as cultural theorist Cedric Robinson argues, Blaxploitation amounted to a "degraded cinema," one that "in lieu of a deliberate interrogation of the political and moral dilemmas which attended the failures of an integrationist activism...trivialised (*sic*) the troubled activists of the [Black Power] movement into the now familiar male counter-revolutionary creatures."⁸⁵ More importantly, as Seale's statement illustrates, it did so without integrating the film production process, which comprises the vast majority of jobs in Hollywood. As a caption that accompanied a collage of Blaxploitation posters published with the aforementioned article summed up, "We believe that from Stepin' Fetchit to Superfly is a great leap to nowhere."⁸⁶

Coffy premiered in 1973 after the initial breakout of Blaxploitation. As a result of the success of *Shaft*, studio's cranked out a large batch of *Shaft* copycats designed to yield similar

⁸² "Blaxploitation," *The Black Panther*, 7 October 1972, 7-9.

⁸³ Seale, Bobby, *The Black Panther*, 27 September 1972, 11.

⁸⁴ Seale, Bobby, *The Black Panther*, 27 September 1972, 11.

⁸⁵ Robinson, "Blaxploitation and the Misrepresentation," 5.

⁸⁶ *The Black Panther*, 27 September 1972.

profits.⁸⁷ At the time of *Coffy*'s release, Blaxploitation had entered the twilight of its existence. During this time, there arose a number of Blaxploitation films featuring black female super heroines, most notably played by Pam Grier, Rosalind Cash, and Tamara Dobson.⁸⁸ *Coffy*, released in 1973, was one such film. This "Bad Black Woman" sub-genre only exacerbated the problematic gender politics of Blaxploitation. As Amy Abugo Ongiri argues, "Blaxploitation as a genre was primarily focused on beautiful Black phallogocentric masculinity" that personified Frantz Fanon's "conflation of Black masculinity and phallogocentric power..."⁸⁹ Newton's praise of Sweetback's sex acts, which he described as "the giving of manhood" and are the primary site of the character's agency in the film, provides an example of this sentiment and the immediate but short-lived favor it attained among some urban black audiences.⁹⁰ The move toward female leads in the genre's twilight further problematized Blaxploitation's relationship between its black protagonists and their sexuality. Cedric Robinson argues that the roles of Blaxploitation stars like Pam Grier were largely "eroticisations" of Angela Davis and her political activism. These "Bad Black Woman" films

transported Davis' form from a representation of a revolutionist to that of an erotic Black Nationalist, largely devoid of historical consciousness. This was achieved by eviscerating the original's intellectual sophistication, political and organizational [*sic*] context, doctrinal commitments, and most tellingly, her critique of capitalist society and its employment of gender, race and class.⁹¹

Unfortunately, black revolutionaries were not immune to this trap. For example, Huey Newton's article praising *Sweetback* fetishizes the film's naked "women with their large breasts" and describes their numerous sex acts as integral to the process transforming black boys into black men and liberators.⁹² The female body in these films becomes receptacles for "all the libidinal desire and social pathology of America's urban classes" that attempt to substitute revenge narratives enacted solely for the purposes voyeuristic pleasure for political action.⁹³ As Ongiri argues, on the one hand, *Sweetback* provided "the opportunity to maintain, and even potentially enhance, its view of African American masculinity as threatening, sexually potent, and extremely dangerous..."⁹⁴ Consequently, given that the "Bad Black Woman" sub-genre is similarly informed by the early seventies ethos of antistatism, one must conclude that these films allowed a similar opportunity to further entrench notions of a "threatening" hyper-sexualized black femininity. In both instances, the opportunity to further codify notions of black sexuality grew, in part, out of the antistatism of the era.

At first look, *Coffy* has nothing in common with *Dirty Harry*, and in many ways the politics and production of the two films are completely antagonistic to one another. In fact, the bank robbers Harry kills on the streets of San Francisco are the exact "buck" characters that were

⁸⁷ Guererro, *Framing Blackness*, 94. "Copycat" *Shaft* films include *Super Fly* (1972), *Across 110th Street* (1972), *Black Caesar* (1973), and *Cleopatra Jones* (1973).

⁸⁸ Guererro, *Framing Blackness*, 98-100.

⁸⁹ Ongiri, *Spectacular Blackness* 173.

⁹⁰ Newton, "He Won't Bleed Me," B.

⁹¹ Robinson, "Blaxploitation and the Misrepresentation," 5-6.

⁹² Newton, "He Won't Bleed Me," B.

⁹³ Robinson, "Blaxploitation and the Misrepresentation of Liberation," 5 & 11. For a more complete analysis of the gender politics of the Blaxploitation genre, see Ongiri, *Spectacular Blackness*, chapter 5.

⁹⁴ Ongiri, *Spectacular Blackness*, 185.

the heroes of most Blaxploitation films. Film historian Donald Bogle defines the initial years of the Blaxploitation boom as “*the age of the buck*, a period when a band of aggressive, pistol-packing, sexually-charged urban cowboys set off on a heady rampage, out to topple the system and right past wrongs.”⁹⁵ Generally speaking, whereas *Dirty Harry* is part of a larger movement of right wing backlash films of the 1970s, *Coffy* and Blaxploitation more generically provided some of the Hollywood-tainted left wing opposition to such backlash. Moreover, Blaxploitation films were low-budget B-movies designed to satisfy urban black male audiences awakening or awakened to black power aesthetics. *Dirty Harry* did not have a similar budget or target this demographic. However, despite this fact, the two films have somewhat surprising and important similarities in terms of the newly forming racial ideology of the 1970s. In both cases the protagonists must venture outside the law in order to obtain justice. They are both vigilantes, which is typical of Blaxploitation heroes.⁹⁶ *Coffy*, played by Pam Grier, embarks on a murderous rampage, killing drug dealers, gangsters, pimps, police and politicians who comprise an organized crime network that pumps drugs into her community, ruining the lives of its children, including *Coffy*’s kid sister, who lives in a mental hospital as a result of brain damage caused by heroin use.

More importantly, despite their fundamental differences and antithetical politics, *Coffy*, like *Dirty Harry*, makes gestures toward colorblind-friendly rhetoric. After *Coffy*’s politician boyfriend Howard delivers his speech about the “Vicious combination of big business and government” that comprise the “white power structure,” we learn Howard is, in fact, part of that corrupt power structure. He too is “in for a piece of the action.” He organizes a cartel, along with the Latino mayor and the head of a turf-invading Italian mob-boss, in order to take over the drug trade in their Congressional district, should he win the election. Therefore, while in rhetoric this film refers to the racially exclusive “white power structure,” what one sees onscreen in the integration of that structure. However, one should not confuse the integration of this cartel as evidence of racial progress. George Lipsitz argues that the dialectic of public policy and individual bigotry has produced a “possessive investment in whiteness” that is responsible for the reproduction of racial inequality in the post-civil rights era. The social and economic advantages afforded to whites encourage them to “invest” in their racial identities in ways that have severe repercussions for people of color. Yet on an individual level, in the period after Civil Rights, nonwhites are not wholly excluded from the largesse of white privilege. As Lipsitz writes, “nonwhite people can become active agents of white supremacy as well as passive participants in its hierarchies and rewards.”⁹⁷ So while Howard may individually benefit through his place among the leadership of this drug cartel, his profiteering in no way mitigates the larger issues of racial inequality his campaigns relies upon.

More importantly, when Howard meets with the mayor and members of the mob, a gangster, nervous about Howard, opines that “all blacks stick together,” to which Howard responds, “I don’t care about black, brown, or yellow. I’m in it for the green.” Shortly thereafter, the mob boss applauds the group’s cross-racial cooperation, albeit in an illegal venture. In the context of Blaxploitation one may likely read Howard’s colorblind endorsement of capitalism as merely further proof of his corruptible character—a man whose capitalist obsessions allow him to willingly sell out his community and his race for his own monetary gain. Several Black Power

⁹⁵ Bogle, *Toms, Coons, Mullatoes*, 231.

⁹⁶ For a more complete discussion of vigilante women protagonists in Blaxploitation, see Robinson, “Blaxploitation and the Misrepresentation;” Also, Bogle, *Toms, Coons, Mullatoes*, Chapter 8.

⁹⁷ Lipsitz, *The Possessive Investment in Whiteness*, viii.

organizations, including the Black Panthers, were, in fact, socialist organizations. Nonetheless, the statement still mobilizes, if only to reinforce the sordid nature of the character, colorblind sentiment in a period in which racial ideology is incredibly malleable. The point here is that in the early 1970s colorblindness had yet to become a coherent racial ideology. As *Dirty Harry* and *Coffy*, along with the social history of the early seventies reveal, colorblind rhetoric was used to serve many purposes in the early 1970s.

The colorblind rhetoric in *Coffy* is not to say that *Coffy* is a “colorblind film.” In fact, throughout the vast majority of the film, like most Blaxploitation films, it is quite the opposite. One scene depicts the lynching of the film’s pimp, King George, who has a noose tied around his neck and his hands bound before he is dragged behind a car driven by two white men, predating the similar lynching of James Byrd, Jr. in Jasper, Texas by twenty-five years.⁹⁸ The men hold King George’s black driver at gunpoint and force him to watch the lynching in the backseat. At one point, the driver, while dragging King George, remarks, “This is the way we lynch niggers.” Nonetheless, one finds that across the early-seventies Hollywood spectrum, and in fact across American social and political life, the early years of the disco decade saw the influence of the civil rights movement on the racial discourse mobilized across racial and political lines to vastly different ends. The disparate ends to which one finds colorblind rhetoric used in the early seventies, whether in Hollywood as we see with *Coffy* and *Dirty Harry*, in black power speeches and writings, or the pages of the nation’s leading newspapers reveals the instability of colorblindness in the early seventies.

“The law is in for a piece of the action”

Like *Dirty Harry*, *Coffy* characterizes the early seventies as an era rife with social ills. Although the two diverge substantially over the nature of those ills, both films characterize law enforcement as constitutive of corruption and moral depravity rather than defenders of social justice. *Coffy*, then, is as vehemently antistatist as *Dirty Harry*. *Dirty Harry* blames liberal governments and the decisions of the Warren court for prioritizing the rights of supposed criminals over those of their victims and therefore handcuffing law enforcement’s ability to maintain law and order. *Coffy*, on the other hand, depicts an apparatus of corruption in which government, police, pimps, and drug dealers are all complicit in organized criminal activity. More importantly, in *Coffy* the law actively oppresses black communities.

In one scene, *Coffy* and her incorruptible cop-friend Carter, ride back to their homes after visiting *Coffy*’s sister in a methadone clinic. *Coffy*, who has already killed a drug kingpin and one of his street-level dealers, asks Carter about the moral justification of killing a known drug dealer. He answers,

CARTER: What, to kill some pusher who’s only selling so he can get money to buy for himself? What good would that do, *Coffy*? He’s only part of a chain that reaches back to some poor farmer in Turkey or Vietnam. What would you do, kill all of them?

COFFY: Well, why not? Nothing else seems to do any good. You know who they are. Everybody knows who they are. Now, you’re a cop. Why don’t you just arrest them?

⁹⁸ Three white men murdered an African American man named James Byrd on June 7, 1998. The men tied Byrd to the back of a pickup truck and dragged him over four miles.

CARTER: Its not that simple, Coffy. *The law can't do that.*

COFFY: You bet it can't. And I know why it can't, too. Because *the law is in for a piece of the action.*

CARTER: Not all of it. Not yet. (emphasis added)

Here, as with *Dirty Harry*, the law is ineffectual. Known criminals parade in plain view of police, and the police do nothing. Yet while Carter offers a vague explanation similar to that of Harry's colleagues, implying the "The law can't do that" because of legal technicalities and government bureaucracy, Coffy goes further, blaming the lack of arrests on the accusation that police are "in for a piece of the action," a charge Carter, in absolving himself, only confirms. In fact, Carter's refusal to take a piece of the action eventually leaves him brain dead as a result of a brutal beating he receives at the hands of masked thugs ordered by police officers on the take who want the incorruptible cop eliminated.

Later in the film, Coffy's boyfriend, Howard, a city-councilman running for Congress, films a campaign video. Walking through a park with his index finger holding up the sport coat slung over his shoulder, accompanied by a handful of hired black supporters, Howard panders to his audience, "So you see this vicious combination of big business and government has kept our sisters prostituting and our brothers dope-peddling." After explaining an encounter with a "junkie" who has a one hundred dollar a day habit, he continues,

Our power structure has given this man no reasonable alternative... Why would a power structure deliberately create addicts? I ask you, where do you think that one hundred dollars a day goes? Sure, part of it goes to black pushers and distributors, but the main part of it, the really big part goes to those white men who import the narcotics, and the big part goes to those white men who corrupt our law enforcement agencies... This whole thing becomes a vicious attempt of the white power structure to exploit our black men and women in this society.

The 1960s saw a sharp increase in the amount of heroin users, especially among blacks and Latinos.⁹⁹ By the end of the decade, the number of heroin addicts in New York City had doubled, with a minimum of 60,000 users living in the city.¹⁰⁰ Because there was no real domestic poppy production, heroin needed to be imported. Therefore, the drug is found almost exclusively in cities, where there were markets big enough to import large quantities of the drug. As the baby-boomer generation came of age and America's urban centers—New York, Chicago, Detroit, Philadelphia, etc.—became overwhelmingly populated by blacks and Latinos, many of them poor, the early 1960s saw an upsurge of heroin use among African Americans and Latinos. Among other things, this produced a trend toward longer jail sentences among state governments, most notably the Rockefeller Laws. This, along with the popularity of heroin among American

⁹⁹ Eric C. Schneider, *Smack: Heroin and the American City* (Philadelphia: University of Pennsylvania Press, 2008), xiv.

¹⁰⁰ Schneider, *Smack*, 115; also Michael Cetewayo Tabor, "Capitalism Plus Dope Equals Genocide," Black Panther Party, U.S.A. 1970. 1. <https://www.marxists.org/history/usa/workers/black-panthers/1970/dope.htm>

troops in Vietnam, prompted Richard Nixon, in 1972, to declare a “war on drugs.”¹⁰¹

Given this social context of the early 1970s, especially the growing popularity of heroin along with the harsher penalties for users, Howard’s choice to campaign on the government’s inability or unwillingness to address the heroin epidemic in America’s urban centers is not surprising. It was, in fact, a central issue to many black political organizations in the late 1960s and early 1970s. For example, in 1970 the Black Panthers released an eleven-page pamphlet entitled, “Capitalism Plus Dope Equals Genocide,” that, like Howard’s speech, criticized not drug users but the government’s ability to stop the flow of heroin into the US and its inability to adequately treat drug addiction, which its author describes as “a monstrous symptom of the malignancy which is ravaging the social fabric of this capitalist system.”¹⁰² More specifically, the view expressed by Howard, that the government was complicit in pumping drugs into America’s inner cities, was a popular belief among many blacks in the late 1960s and early 1970s.¹⁰³ In fact, his entire speech is remarkably similar to the Panther’s aforementioned pamphlet, which states, for example, “As long as the [heroin] plague was confined to the ghetto, the government did not see fit to deem it a problem. But as soon as college professors, demagogic politicians, money-crazed finance capitalists and industrialists discovered that their own sons and daughters had fallen victim to the [heroin] plague, a virtual ‘state of national emergency’ was declared.”¹⁰⁴

Although the details of the corruption differs in each film—in *Dirty Harry* government and law enforcement are only implicitly responsible for criminal activity whereas in *Coffy* cops and politicians are the criminals—both films ultimately blame the state for the societal problems each diagnoses. In *Dirty Harry*, government and law enforcement’s backward priorities and hyper-sensitivity to alleged-criminal’s rights allow endanger the innocent. In *Coffy*, the government itself is part of the criminal enterprise that funnels drugs into black communities and then profits off of their sale. Nonetheless, in pointing the finger at the state, these films demonstrate an anti-statist consensus that stretched across race, class, and political affiliation by the early years of the 1970s.

It is important to note, that *Coffy*’s tethering of the state to criminal enterprises is a feature of many, if not most, Blaxploitation films. *Super Fly* (1972), *The Mack* (1973), *Cleopatra Jones* (1973), and of course *Sweet Sweetback’s Baadasssss Song* (1971), to name just a few, all contain corrupt cops and similar story lines centered around a black vigilante protagonist. This implicit anti-law-enforcement criticism of the genre resonates with larger motivations of Black Power politics, although strictly in commodified form. As Stokely Carmichael, a key architect of Black Power ideology and political thought, said, “Black Power means black people coming together to form a political force and either electing representatives or forcing their representatives to speak their needs [rather than relying on established parties].” Black Power was a “struggle for the right to create our own terms through which to define ourselves and our relationship to the society, and to have these terms recognized.”¹⁰⁵ It

is a call for black people in this country to unite, to recognize their heritage, to build a sense of community. It is a call for black people to begin to define their

¹⁰¹ For a more complete discussion of heroin, see Schneider, *Smack*.

¹⁰² Tabor, “Capitalism Plus Dope,” 2.

¹⁰³ see Schneider, *Smack*, chapter 8.

¹⁰⁴ Tabor, “Capitalism Plus Dope,” 1.

¹⁰⁵ Carmichael and Hamilton, *Black Power*, 35.

own goals, to lead their own organizations and to support those organizations. It is a call to reject the racist institutions and values of this society... The goal of black self-determination and self-identity—Black Power—is full participation in the decision making process affecting the lives of black people, and recognition of the virtues in themselves as black people.¹⁰⁶

Or, take the first of the Black Panther Party's Ten Point Program,

WE WANT FREEDOM. WE WANT POWER TO DETERMINE THE DESTINY OF OUR BLACK AND OPPRESSED COMMUNITIES. We believe that Black and oppressed people will not be free until we are able to determine our destinies in our own communities ourselves, by fully controlling all the institutions which exist in our communities.

Black Power promoted the idea of black self-determination, precisely because the state could not be trusted with establishing racial equality, and was therefore “illegitimate.”¹⁰⁷ This distrust grew out of what black nationalists understood as the failures of the government policies, like the Civil Rights and Voting Acts of the mid-1960s, to eliminate structural inequality. Whereas the Civil Rights Movement's push toward civil and voting rights legislation demonstrated their faith in the federal government, the Black Power advocates were fed up with the government's inability or unwillingness to more aggressively address racial inequality. Likewise, despite the fact that *Dirty Harry* and *Coffy* disagree over who is to blame for societal ills, they agree, despite their oppositional politics, that the government is incapable of solving their respective problems. Therefore, these films both appeal to emerging colorblind sentiments and share an anti-statist rhetoric, specifically a distrust of government's ability to protect and serve the interests of their respective communities.

Additionally, if we understand the typical Blaxploitation formula as revenge narratives that draw upon a distorted idea of Black Power ideology and aesthetics, then the antistatist ethos of the 1970s was integral to the emergence of the genre. Given the historical context of the late 1960s and early 1970s, and given the reliability of black urban audiences, it is easy to understand why Hollywood looked to simplify Black Power aesthetics during the industry's economic crisis of the immediate post-civil rights era. Yet what has remained unaccounted for is why the revenge narrative centered around a black protagonist became the typical vehicle through which to deliver these problematic messages to urban black audiences. My argument is that the revenge narrative allowed Hollywood to combine the aesthetics of black power with the pervasive ethos of antistatism, a combination that attracted audiences in the early 1970s. Antistatism was therefore fundamental in the production of the Blaxploitation genre.

Whether it was Blaxploitation films using the discourse to slander race-traitors on screen, or black power leaders using the idea to point to the inalienable right of all men to justice, colorblindness was an important part of the Black Nationalism and the Hollywood bastardized Hollywood versions of its aesthetics. On the right, the strategic use of colorblind dialogue in *Dirty Harry* attempts to legitimate the crusade of Harry Callahan by distinguishing his racial politics from the Old-Right of segregationists like George Wallace. White conservatives and even white liberals similarly began turning to colorblindness to defend their positions on school

¹⁰⁶ Carmichael and Hamilton, *Black Power*, 44-46.

¹⁰⁷ Carmichael and Hamilton, *Black Power*, 41; also Bloom and Martin, *Black Against Empire*, 13-15

integration and affirmative action programs. Yet although *Dirty Harry* and *Coffy* put colorblindness to different use, together the white backlash and Blaxploitation films of the early seventies each contributed to the rampant anti-state ethos that would come to define the decade and more importantly provide the critical foundation upon which the racial project of colorblindness would take hold as the decade progressed.

Chapter 2

“Keep Away From Me, Mr. Welfare Man”: *Claudine*, Welfare and The Racial State

Sometime in 1970, screenwriters Tina and Lester Pine shared their idea for a film with their friend, producer Joyce Selznick (niece of David O. Selznick). Selznick spent the next several years trying to get the Pines' film made. Finally, in 1974 *Claudine* premiered. However, the film that debuted at the Hollywood Pacific Theatre on May 16 and would go on to earn an Academy Award nomination had little in common with Tina and Lester Pine's original idea. That idea was a story “about a white woman who seeks homes for her six fatherless children before she dies of cancer.”¹⁰⁸ The film, shot around 116th Street and Lenox Avenue in Harlem, became a love story of a black sanitation worker named Rupert, or “Roop” (James Earl Jones), and a black welfare mother of six, Claudine (Diahann Carroll), whose “courtship and marriage plans are complicated and frustrated by the regulations and red tape involved in the child support funds she receives from the welfare department.”¹⁰⁹

The picture's metamorphosis from a film about a terminally ill white woman to a single-black-welfare-mother became the first production of the newly formed Third World Cinema Corp. Founded in 1971 by producer Hannah Weinstein, actors including Ossie Davis, Rita Moreno, James Earl Jones, Brock Peters, Diana Sands, and writers including Piri Thomas, Third World Cinema sought to increase opportunities for blacks and Puerto Ricans in the movie business, with a specific emphasis on the technical crafts.¹¹⁰ An inscription containing the familiar Chinese proverb, “Give me a fish and I eat for the day. Teach me to fish and I eat for a lifetime,” hung on the wall in Third World Cinema's Manhattan office. *Claudine*, the corporation's first project, put Third World Cinema's philosophy into practice. All but one in the cast were black, and twenty four of the thirty seven crew members were either black or Puerto Rican; seven of those trained directly by Third World Cinema's. The film's white director, John Berry, had previously directed Orson Welles' stage production of Richard Wright's *Native Son* in 1942, and was blacklisted by House Committee on Un-American Activities (HUAC) in the 1950s: “faced with the choice of naming names or going to jail,” he chose neither and fled to Paris before returning to the states in the mid-1960s.¹¹¹

Philosophically, Third World Cinema wanted its films to serve as a counterweight to the Blaxploitation films of the early 1970s that largely monopolized the representations of African Americans. During *Claudine*'s production, Cliff Frazier, a black actor involved with Third World Cinema explained, “Too many [movies] have been made for purely commercial purposes with little regard for the effect on the viewing public... The movie [*sic*] has a tremendous influence on thought processes—for good or bad. Black movies have concentrated on crime and violence with an almost complete absence of warm human relationships. The impact on young

¹⁰⁸ “Four-Yr.-Struggle Behind Filming of Black Comedy-Drama ‘Claudine,’” *Variety*, April 15, 1974, 5.

¹⁰⁹ Joan L. Cohen, Program, *International Women Filmmakers*, February 12, 1973; “Bootstrap Project in Heart of Harlem,” *Los Angeles Times*, 15 September 1973, 7.

¹¹⁰ “Bootstrap,” *Los Angeles Times*, 7.

¹¹¹ Ralph Blumenthal, “John Berry, 82, Stage and Film Director Who Exiled Himself During Blacklisting of 1950's.” *New York Times*. December 1, 1999. <http://www.nytimes.com/1999/12/01/arts/john-berry-82-stage-film-director-who-exiled-himself-during-blacklisting-1950-s.html>.

black kids is obvious.”¹¹² Gordon Armstrong, the National Publicity Director of 20th Century Fox, echoing Frazier’s sentiments, said of the film, “The super-jive, super-spade, cocaine desperado image of the ghetto that has been flashing across the screen in superabundance of late is given its rightful place in the Harlem of ‘Claudine’—off in the shadows.”¹¹³

Claudine takes up the “crisis” of the black family and the high-rates of single-black-female-headed households, and ultimately blames invasive and disruptive government welfare policies. In *Claudine*, the government requires and maintains broken black families through senseless stipulations that keep black men out of households and prohibit recipients from earning a living wage. Due to its technicalities, Claudine must choose between welfare, without which she cannot house, feed, or clothe her children, and marrying the man she loves. In doing so, *Claudine*, like *Coffy*, depicts the government as actively oppressing black communities. Critics agreed. During the film’s production the *Los Angeles Times* promoted *Claudine* as “a movie that deals seriously with a real inner city problem—the dilemma of a black couple who are caught in the insidious web of the welfare state.”¹¹⁴ Upon its release, an April 1974 review in *The Hollywood Reporter* described the film as follows: “Claudine sorts out the circular, schizophrenic logic of the welfare syndrome with clarity.”¹¹⁵ A similar review in the June 1974 issue of *Playboy Magazine* praised the film for its portrayal of the “Degrading inequities of welfare rules...”¹¹⁶ Yet *Claudine* also differs significantly from white backlash and Blaxploitation films like *Dirty Harry* and *Coffy*, respectively, and Hollywood films of the latter half of the decade like *Rocky*. The independent production of this film positioned it outside of backlash and Blaxploitation B-movie craze that produced the other two. Onscreen, whereas *Coffy* and *Dirty Harry* take on the issue of “law and order,” specifically the complicity or responsibility of the state in illegal activity, *Claudine* instead reveals the effects of the bondage of welfare on the plebeian lives of African Americans trying to reconcile love and the need to make a living.

Moreover, *Claudine* offers a more knotty picture of colorblindness in the early seventies. On the one hand, the film represents a far bleaker picture of colorblindness than the other films of the 1970s. In *Claudine*, colorblindness is not a rhetorical device to obfuscate the racial politics of a white protagonist or slander those of a black one. Instead, in *Claudine* colorblindness offers nothing to poor blacks trying to eek out a life with a shred of dignity. Instead, the film reveals the ways in which the state uses colorblind welfare policies to monitor black bodies and inhibit black social mobility while also pointing to the futility of colorblindness as a solution to the plight of black inner-city families. On the other hand, the colorblind manner in which the film was promoted is at odds with the text itself. Lastly, *Claudine* reveals the manner in which colorblindness also impacts notions of gender. In *Claudine*, the race-neutral, or colorblind” welfare policy prevents black men from fulfilling standards of masculinity and lock black women into the “pathological” roles imagined in the white mind for most of the twentieth century.

I begin with an overview of welfare policies in US history in order to properly situate the political climate the film engages. The antistatism of the seventies imbued virtually every facet of American life during those years, extending beyond the government to an assault on the entire

¹¹² “Bootstrap,” *Los Angeles Times*, 7.

¹¹³ Gordon Armstrong, “*Claudine*: Announcement Story,” 20th Century Fox, 1974, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences, Los Angeles, CA.

¹¹⁴ “Bootstrap,” *Los Angeles Times*, 7.

¹¹⁵ Alan R. Howard, “Movie Review: *Claudine*,” *The Hollywood Reporter*, 5 April 1974, 22.

¹¹⁶ Untitled *Claudine* review, *Playboy*, June 1974.

Keynesian state apparatus. Welfare, and specifically the misperceived “undeserving” primary beneficiaries of it—African Americans—has concerned many whites since at least the 1960s, and drew increasing attention in the 1970s. From there, I offer a close reading of *Claudine*, focusing on the way in which the film shares the antistatism of the white backlash and Blaxploitation films of the early seventies but finds no hope in colorblind politics. As Sidney Poitier’s famous monologue in 1967’s *Guess Who’s Coming to Dinner*, in which his character, Dr. John Prentice, implores his father, who disapproves of his engagement to a white woman, “you think of yourself as a colored man. I think of myself as a man,” makes clear, *Claudine* was certainly not the first attempt on screen to represent black people that merely “happened to be black.”¹¹⁷ *Claudine* is, however, perhaps the first film to offer a rebuke to the emerging *discourse* of colorblindness.

Welfare: An Overview

During the Progressive Era, at the behest of middle-class white female reformers, states began distributing small cash payments, called “mother’s pensions,” to single mothers in an effort to return them to what was regarded as their rightful place. Black women, however, were excluded from these benefits.¹¹⁸ Providing direct monetary aid to poor single white mothers established the precedent for the implementation of Aid to Dependent Children (ADC) and later Aid to Families with Dependent Children (AFDC, 1962-1996) and Temporary Assistance for Needy Families (TANF, 1997 onward), or welfare, as part of the far reaching Social Security Act of 1935 in response to The Great Depression. The immediate postwar decades saw a substantial increase in the number of women applying for welfare benefits. While white women still comprised the vast majority of welfare recipients, because of de jure Jim Crow segregation and the de facto exclusion of black veterans and black female domestic workers from the largess of the Social Security Act (1935) and GI Bill (1944) blacks, especially black women, experienced far higher rates of poverty than whites. Therefore, although there remained significant obstacles blocking black access to welfare, black women became disproportionately reliant on the program.¹¹⁹ The civil rights movement eliminated many of these impediments, and, for the first time in the programs history, made welfare fully available to qualified African Americans.¹²⁰ By the 1960s, the idea of the “licentious,” “overtly fertile,” and neglectful black welfare mother “unwilling to work,” was popularized in the press and successfully wielded by state and local politicians to modify the program and restrict and reduce benefits.¹²¹ For example, in the 1950s nearly half of all states passed “suitable home” requirements for welfare recipients, which disqualified unwed mothers from receiving benefits. These laws disproportionately affected black women. In Louisiana, for instance, 95% of the women purged from welfare rolls as a result of the state’s 1960 suitable home law were black.¹²²

In the years between 1960 and 1974, the AFDC rolls tripled to almost 11 million recipients, prompting Congress in 1967 to address the “welfare crisis.” Their “reforms” both

¹¹⁷ *Guess Who’s Coming to Dinner* Dir. Stanley Kramer (1976; Columbia Pictures).

¹¹⁸ Roberts, *Killing the Black Body*, 204; Also, Michael B. Katz, *The Undeserving Poor: America’s Enduring Confrontation with Poverty* (Oxford: Oxford University Press, 2013); and Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare* (New York: Free Press, 1994).

¹¹⁹ Premilla Nadasen, Jennifer Mittelstadt, and Marisa Chappell, *Welfare in the United States: A History with Documents, 1935-1996* (New York: Routledge, 2009), 14-22.

¹²⁰ Roberts, *Killing the Black Body*, 206-207.

¹²¹ Roberts, *Killing the Black Body*, 207; also, Nadasen, Mittelstadt, and Chappell, *Welfare in the United States*, 27.

¹²² Nadasen, Mittelstadt, and Chappell, *Welfare in the United States*, 29.

mandated a basic standard of support for welfare recipients but also mandated work, an idea first proposed in Louisiana in 1943.¹²³ As William Julius Wilson notes, because of the overwhelming economic prosperity of the decades following World War II, criticisms of welfare were relatively harmless prior to the late 1960s. In fact, in the early sixties the federal government ran a large surplus—before the military escalation in Vietnam—many economists worried could slow the economy. The Johnson Administration was therefore eager to increase its expenditures to minimize the surplus. That, coupled with the growing concern of poverty in America, led to Lyndon Johnson’s “Great Society” programs and “war on poverty.” However, as the economy began to slow in the second half of the decade, attacks on welfare began sprouting up from all over. Most notably, in academia, the “culture of poverty” thesis grew increasingly popular as the economy worsened.¹²⁴ As Robin D.G. Kelley explains, beginning in the 1960s social scientists studying urban poverty entered the “concrete jungles” of America, unanimously agreeing “that a common, debased culture is what defined the ‘underclass.’”¹²⁵ These projects, most prominently *The Moynihan Report*, popularized notions of cultural pathology among African Americans—specifically in the ability of black women to raise children. The popularity of the culture of poverty thesis was part of larger attempts of conservative whites to minimize the importance of race at the precise moment when African Americans were fighting for racial equality. Yet their attempts were ultimately little more than anti-black racism cloaked in supposedly non-racial rhetoric. As Wahneema Lubiano argues, race has so thoroughly dominated attacks on welfare that the program has become synonymous with African Americans, specifically black women. In other words, welfare has become a code word for race. Of black women, Lubiano writes, “She is the agent of destruction, the creator of the pathological, black, urban, poor family from which all ills flow; a monster creating crack dealers. Addicts, muggers, and rapists—men who become those things because of being immersed in *her* culture of poverty.”¹²⁶ Although it would take until the 1980s for these mythical welfare cheats to acquire Cadillacs, and for the “War on Welfare” to begin via massive cuts under Ronald Reagan, by the 1970s an image of shiftless African Americans, especially women, refusing to work and deliberately producing children to up their monthly government stipend took hold of much of white America’s imagination.¹²⁷

The rise of the “culture of poverty” thesis redirected federal welfare policy toward funding job-training programs primarily for men, rather than issue cash payments to women. Additionally, the theory sparked increasing opposition among not just conservatives, but liberals, who had traditionally been welfare’s most staunch defenders, as well. African American civil rights leaders increasingly took issue with the program, specifically its de facto disqualification of two-parent families. National Urban League Executive Director Whitney Young as well as Martin Luther King, Jr. criticized welfare policy for encouraging the desertion of poor black men in order to enable their wives to qualify for welfare.¹²⁸

¹²³ Nadasen, Mittelstadt, and Chappell, *Welfare in the United States*, 28.

¹²⁴ Wilson, *The Truly Disadvantaged*, 13-18; Roberts, *Killing the Black Body*, 8.

¹²⁵ Robin D.G. Kelley, *Yo Mama’s DysFUNCTIONal!: Fighting the Culture Wars in Urban America*, (Boston: Beacon Press, 1997), 18.

¹²⁶ Wahneema Lubiano. “Black Ladies, Welfare Queens, and State Minstrels: Ideological War by Narrative Means,” In *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, ed. Toni Morrison (New York: Random House, 1992), 323-363.

¹²⁷ Adriane Beusko, “Criminalizing Black Motherhood: How the War on Welfare was Won,” *Souls: A Critical Journal of Black Politics, Culture, and Society*, 15:1-2 (2013), 39-55; For more on Reagan’s assault on welfare, see Sugrue, *Sweet Land of Liberty*, 524-531.

¹²⁸ Nadasen, Mittelstadt, and Chappell, *Welfare in the United States*, 46.

The Black Power movement also denounced welfare. Black power activists opposed, not to the idea and necessity of welfare entitlements for the poor but the ways in which its implementation exploited people of color and further entrenched them in poverty. In 1967, when Stokely Carmichael wrote, “People must no longer be tied, by small incentives or handouts, to a corrupting and corruptible white machine,” he was referring primarily to welfare.¹²⁹ The Black Panthers frequently published articles about the inhumanity of the program in their weekly periodical. In a seventeen-month period between July of 1971 and December of 1973, *The Black Panther* published no fewer than five articles criticizing welfare.¹³⁰ One particularly candid feature from September of 1972 about cuts to California’s welfare system under Governor Ronald Reagan wrote that the program “is humiliating, degrading and inhuman...it is the goal of the welfare system to keep welfare recipients as poor as possible, and to give the public false ideas that those on welfare are almost all black, receive too much money, and are lazy.”¹³¹ Similarly, in their final issue of 1972, an article entitled, “Our Challenge for 1973,” the Panthers listed welfare as one of the eleven most pertinent issues for the following year. The article characterizes Ronald Reagan’s Community Work Experience Program (CWEP) as a “fascist form of slave labor which forces welfare recipients to work menial jobs for no wage at all,” and chastises welfare more broadly as a “vehicle by which the federal, state and city powers attempt to degrade, dehumanize, and further impoverish the poor.”¹³² As their justifications makes clear, Black Power activists opposed welfare for drastically different reasons than the general public. Groups like the Panthers understood the program not as cultivating an inferior black “culture,” but instead as an invasive program that put its recipients under surveillance by the government and kept its beneficiaries perpetually poor.

The most intrusive element of welfare was sterilization. Although Indiana passed the first sterilization law in 1907, it was in the 1960s that the controversial issue registered on the national radar. For example, in 1966 a judge gave a Santa Barbara welfare mother charged with drug possession the option of sterilization or a 90-day jail term. She chose jail.¹³³ In 1958, a Mississippi state representative proposed a bill mandating sterilization for any unwed mother receiving welfare benefits who gave birth to an additional illegitimate child.¹³⁴ By the late 1960s several other state governments were proposing laws that would mandate sterilizations for welfare recipients with multiple illegitimate children. A Delaware State Senator, in September of 1968, proposed mandatory sterilization for welfare mothers with two or more illegitimate children.¹³⁵ In March of 1971, the Illinois House of Representatives introduced a similar bill. It was somewhat kinder, requiring three illegitimate children, as opposed to Delaware’s two.¹³⁶ Much of the public supported such efforts. One man, E.R. Whitmore Jr., a prosecuting attorney from Washington, wrote a vitriolic and racist letter to the editors of the *Los Angeles Times* in October of 1970 in which he indulges the worst stereotypes of black hypersexuality and advocates the mandatory sterilization of welfare mothers and “habitual crime offenders.” “Granting [*sic*] it is abhorrent to our sense of morals to exterminate them,” Whitmore writes, “I

¹²⁹ Carmichael and Hamilton, *Black Power*, 43.

¹³⁰ For example, see “Welfare or ‘Workfare,’” *The Black Panther*, 7 December 1972; and “Winston-Salem Welfare Moms ‘Bugged,’” *The Black Panther*

¹³¹ “From the Mouth of Reagan,” *The Black Panther*, September 1972.

¹³² “Oakland – A Base of Operation! Part XXIII: Our Challenge for 1973,” *The Black Panther*, December 30, 1972.

¹³³ “Woman Chooses Jail Term Rather Than Be Sterilized,” *Los Angeles Times*, May 24, 1966.

¹³⁴ Roberts. *Killing the Black Body*, 213-214.

¹³⁵ “Sterilization Proposed on Welfare Mothers,” *Washington Post*, September 17, 1968.

¹³⁶ “Mandatory Sterilization Bill Offered,” *Chicago Tribune*, March 5, 1971.

see nothing abhorrent about denying the, the ability to reproduce themselves.”¹³⁷ By 1973, twenty-two states had some form of a sterilization law.¹³⁸ In 1972 alone, the US government funded 100,000 sterilizations; an estimated 1,000 of those were minors, some of those were involuntary. Of the eleven known government financed *involuntary* sterilizations, ten were black.¹³⁹ At the end of 1974, a Los Angeles physician-researcher filed a report estimating that thousands of women were “cajoled, pressured and sometimes coerced into consenting to surgical sterilization.”¹⁴⁰ In fact, sterilization became the fastest growing form of birth control in the 1970s, the number of cases increasing from 200,000 in 1970 to over 700,000 in 1980.¹⁴¹ As Roberts argues, “In effect, sterilization was for decades the only publicly funded birth control method readily available to poor women of color.”¹⁴²

The most publicized, and most egregious, case of sterilization occurred in Montgomery, Alabama involving two black sisters. Minnie and Mary Alice Relf were told by their physician they needed “some shots.” Instead, they were unknowingly sterilized—a fact that only came to light after a social worker went to the press. Minnie and Mary Alice were fourteen and twelve years old, respectively.¹⁴³ Two black South Carolina women later joined the suit. They were not unknowingly sterilized. Instead, Dorothy Waters was told her local hospital would not deliver her fifth child unless she agreed to a sterilization procedure immediately after she gave birth. The other woman, Virgil Walker, was told she would be taken off of welfare unless she was sterilized.¹⁴⁴ The fact that the overwhelming victims of sterilization, forced or “cajoled,” were black reveals the manner in which state governments, social workers, and physicians sought to use welfare dependency as leverage to control black bodies and limit their access to government funds. At precisely the historical moment when black people won unprecedented access to the resources of the state, a counteroffensive to control that access and exclude them from those benefits emerged. Sterilization represented only one facet of this. As William Raspberry wrote in a July 1973 op-ed in the *Washington Post*, “In the old days, they used to castrate black men accused of raping white women. They called it punishment. Today, they tie the tubes of black women and girls who have more babies than the authorities deem proper. They call it social work.”¹⁴⁵ Not surprisingly, because of the headlines coming out of places like Montgomery, Alabama, Black Nationalist organizations like the Nation of Islam increasingly argued that birth control was a form of genocide, designed specifically to control the population of African Americans.¹⁴⁶

The issue of sterilization influenced a much larger debate about black women’s bodies within the Black Power movement in the late 1960s and early 1970s. Black feminist Toni Cade Bambara, in her 1969 essay, “The Pill: Genocide or Liberation,” addressed the role of women in the Black Power movement. Recalling a meeting of one black power organization, the then just

¹³⁷ “Welfare, Crime and Sterilization,” *Los Angeles Times*, October 3, 1970.

¹³⁸ “Unjust Sterilization,” *Chicago Defender*, July 17, 1973.

¹³⁹ “Unjust Sterilization,” *Chicago Defender*, July 17, 1973.

¹⁴⁰ “Woman ‘Pushed’ into Sterilization, Doctor Charges,” *Los Angeles Times*, December 2, 1974.

¹⁴¹ Roberts. *Killing the Black Body*, 90.

¹⁴² Roberts. *Killing the Black Body*, 97-98.

¹⁴³ “In ’72 U.S. financed 100,000 sterilizations,” *Chicago Tribune*, December 2, 1973; “Unjust Sterilization,” *Chicago Defender*, July 17, 1973.

¹⁴⁴ “2 S.C. Women Join Sterilization Suit,” *Washington Post* August 14, 1973; “Sterilization Charges Grow,” *Washington Post*, July 24, 1973.

¹⁴⁵ “Sterilization: The New ‘Social Work,’” *Washington Post*, July 9, 1973.

¹⁴⁶ Roberts. *Killing the Black Body*, 99.

Cade writes that one man

Castigated the Sisters to throw away the pill and hop to the mattresses and breed revolutionaries and mess up the man's genocidal program... Since then I've been made aware of the national call to the Sisters to abandon birth control, to not cooperate with an enemy all too determined to solve his problem with the bomb, the gun, the pill; to instruct the welfare mammas to resist the sterilization plan that has become ruthless policy for a great many state agencies; to picket family-planning centers and abortion-referral groups, and to raise revolutionaries.¹⁴⁷

Ultimately, the point of Cade Bambara's article is to defend women's choice and their agency over their own bodies. For Cade Bambara, to castigate some men's attempt "to create a woman who will answer their needs, assuage their fears, boost their morale, confirm their romantic fantasies, lull them into the comforting notion that they are ten steps ahead simply because she is ten paces behind."¹⁴⁸ Nonetheless, in her description of common attitudes regarding gender roles in the Black Power movement, the attempts of the state to control black bodies through welfare and sterilization substantially influenced the desire to confine women to the bedroom. Even in her defense of birth control, Cade Bambara concedes, "It is a sinister thing for the state to tell anyone not to have a child."¹⁴⁹ The intrusion of the federal government upon black women's reproductive freedom was nothing new in the 1970s. As Dorothy Roberts argues, "regulating Black women's reproductive decisions has been a central aspect of racial oppression in America."¹⁵⁰ Since abolition, governmental policy dealing with black poverty has avoided the structural racism and economic organization that produces black poverty. Instead, the government treats black reproduction itself as the cause of black poverty, and has therefore consistently limited black women's ability to procreate, regulating every facet of their fertility—from anti-miscegenation laws to sterilization, Norplant to Depo-Provera. Roberts concludes, "Black motherhood has borne the weight of centuries of disgrace manufactured in both popular culture and academic circles. A lurid mythology of Black mothers' unfitnes, along with a science devoted to proving Black biological inferiority, cast Black childbearing as a dangerous activity."¹⁵¹

In the midst of rising conservative white opposition to welfare and notions of "pathological" black welfare mothers emerged a grassroots movement of black women who moved the plight of poor women and the exploitation of welfare to the fore. As Thomas Sugrue notes, these black women challenged that there was anything "pathological" about them or impoverished about their "culture."¹⁵² Eventually, the welfare rights movement sewed together a broad coalition of welfare activist groups under the umbrella of the National Welfare Rights Organization. Their efforts fundamentally altered the ways in which social workers, legislators and even the Supreme Court viewed the program and drastically increased the number of eligible families receiving their entitlement. As Sugrue concludes, "The welfare rights movement played a crucial role in transforming poverty policy." By 1971, almost 90 percent of eligible families

¹⁴⁷ In Toni Cade Bambara, *The Black Woman: An Anthology* (Washington DC: Washington Square Press, Reprint Edition, 2005), 204-205.

¹⁴⁸ Cade, "The Pill," 209.

¹⁴⁹ Cade, "The Pill," 210.

¹⁵⁰ Roberts. *Killing the Black Body*, 6.

¹⁵¹ Roberts, *Killing the Black Body*, 21.

¹⁵² Sugrue, *Sweet Land of Liberty*, 382.

received welfare benefits, up from roughly a third a decade prior. Studies have consistently shown that the rising percentage of welfare-eligible people receiving benefits was largely responsible for the reduction of poverty in the 1960s and 1970s.¹⁵³

The welfare debate extended well into the 1970s. By that time, the idea of replacing welfare with a guaranteed minimum income for all Americans gained, perhaps surprisingly, bipartisan support.¹⁵⁴ However, disagreements over what that income would amount to prevented the enactment of such a plan. On the left, welfare rights activists championed the idea as a way to ensure a decent standard of living, while on the right, everyone from Richard Nixon and Milton Friedman saw a national minimum income as a way to limit overall welfare expenditures specifically and government more broadly.¹⁵⁵ The attacks on welfare were part of a larger dismantling of the welfare state and antistatist consensus of the seventies. The antistatist rhetoric extended beyond the government itself, reaching the entire Keynesian state apparatus, or welfare state, which included entitlements and organized labor.

“The welfare man, that’s my husband”

Claudine draws directly upon the overwhelming frustration of welfare rights activists toward the safety net program. In one scene, the film’s title character and her eldest daughter, Charlene, iron and fold laundry in their kitchen while Curtis Mayfield’s “Mr. Welfare Man,” written for the film and performed by Gladys Knight & The Pips, plays off-screen. Claudine’s son Paul then rushes into the room and informs his mother that their social worker is “coming up the stoop.” The entire family breaks into a well-choreographed presumably oft-repeated drill, hiding all household items their social worker may deem too fancy for a family on welfare. Claudine hurriedly unplugs her new iron and stashes it under the stove while Charlene replaces it with an outdated one. Claudine then quickly swaps the modern coffee pot atop the cook-top with an old tin one from the cupboard into which she tucks the new iron. Next, she hands the toaster adjacent to the coffee pot to her daughter, who, after scouting a proper hiding spot, buries it in the wicker laundry basket beneath the freshly ironed clothing. The pair then rushes to the living room where they lift their coffee table over Claudine’s youngest son, who barely ducks his head beneath it, while her eldest son, Charles, rolls up the rug beneath it and stashes it behind the curtains. Only then, is Ms. Kabak, the family’s social worker, invited in as the family hides a few final personal effects—patronizingly deferential tones and meek demeanors replace their obstreperous behavior and vulgar language. The scene is played for comedy, yet the audience is also left with the irony of a comedic routine that is also a heartbreaking display in which children and their mother must hide their natural dispositions and rather ordinary conveniences of modern life for fear that their food stamps will be cut off. This family is, after all, a bunch of “welfare cheats,” yet there is no Cadillac in their driveway, only a new iron on the board and a twentieth century coffee pot atop the stove—“cheats,” no less.

After exchanging pleasantries, Claudine jokes she has been “living like a queen,” to which a visibly concerned Kabak immediately asks Claudine, “Have you been working? Because if you have I really have to know. Otherwise you get into trouble.” Claudine answers that she has not. The camera then leads Claudine down the hall, keeping her annoyed face in the center of the

¹⁵³ Sugrue, *Sweet Land of Liberty*, 396. For more on the welfare rights movement, see Sugrue, *Sweet Land of Liberty*, 382-399, 518-531.

¹⁵⁴ The idea of a guaranteed minimum income intrigued Richard Nixon, who found the idea a preferable alternative to welfare. For more, see Perlstein, *Nixonland*, 393.

¹⁵⁵ Nadasen, Mittelstadt, and Chappell. *Welfare in the United States*, 53.

frame, while Kabak follows, badgering her about the man, Rupert, she is dating and knows about, despite the fact that Claudine has not told her. After Claudine protests, accusing Kabak of spying on her, Kabak reiterates that if Claudine is sleeping with a man and he is, picking up an olive green garment out of the wicker laundry basket, “giving you things...I have to know.” Claudine then asks Kabak if she is sleeping with a man. An offended Kabak responds that it is none of Claudine’s business. Claudine replies that it is none of Kabak’s business either, to which Kabak replies, “You’re wrong! It is our business. This man may be bringing things into your home which you are not deducting.” As the two confront each other, the differences in their dress reinforce the inequality of their relationship. Kabak’s form-fitting wool sweater, leather handbag, shiny watch, coiffed hair and made-up face contrast sharply with Claudine’s bare arms, nude face, disheveled hair, and cotton house dress. Claudine’s appearance is stripped of all adornment, reduced to nothing more than Spartan essentials. While certainly the fact that she is doing chores is partially the cause of her appearance, nonetheless it reinforces that as a welfare recipient she is denied any sense of beauty and ornamentation, be it in her house or on her body.

The first of Kabak’s two visits to Claudine’s home in the film display the “humiliating, degrading, and inhuman” system *The Black Panther* described two years before the film’s release. Kabak defends the invasive surveillance the state subjects welfare recipients to, disavowing any right to privacy in Claudine as she wanders freely through Claudine’s apartment, inspects its contents at will without permission, demands information about her sex life, and admits to possibly spying on her. The purpose of these invasive inquiries is to root out any behavior or expenses to deduct from her welfare check or disqualify her from the already insufficient program that forces Claudine to secretly work as a domestic for a rich white couple far out in the suburbs in order to supplement her income. The job must remain secret, of course, lest it be deducted from her welfare payment. The price, then, Claudine must pay in order to barely feed, clothe and house her six children (in a four room apartment) requires a complete forfeiture of privacy and propriety, careful concealment of a job and a man, and subjugation to state surveillance.

In another scene, Claudine asks her secret lover Rupert to take her home. Rupert replies that, because of the required covert nature of their affair, dating Claudine is like dating a married woman, to which Claudine responds that she *is* married, to “the welfare man, that’s my husband. Makes me beg for them pennies. Starvation money. And if I can’t feed my kids, that’s child neglect. Go and get myself a little job on the side and don’t tell him, then I’m cheatin’. If I stay at home, I’m lazy. You can’t win...I’d do anything to divorce that bastard.” Much of Claudine’s monologue in this scene is shot in a shallow focused close-up, which, although she does not look into the camera, creates a sense of direct-address and intimacy with the viewer that heightens the emotional impact of her testimony about the dehumanizing effects of welfare complicity. The close-up also enables the audience to see the contrast between Claudine’s face in this scene versus her the previous one with Ms. Kabak. As opposed to her bare face and tousled hair in the aforementioned scene, here her made up face and styled hair (which is slightly messy, but only because she has just had sex) restore a sense of feminine beauty denied her in her exchange with Kabak. Yet it is only in Rupert’s bedroom, outside of her state surveilled household, that this beauty is allowed.

Later, Kabak returns, only this time Rupert is visiting. “Mr. Welfare Man” again plays in the score as a similar choreographed rush to hide their modest belongings ensues and Claudine instructs Rupert to hide. Kabak discovers Rupert hiding in the coat closet, and as the two begin to argue, Rupert asks, “You supposed to give aid to dependent children. Why don’t you just go

ahead and give aid to dependent children instead of worrying about who the mother is keeping company with?” As their quarrel continues, Claudine interjects, confessing that Rupert did buy her a television, which sits on a table behind the couch, before grabbing an iron and a lamp she hid as Kabak came up her stoop, placing them next to the television, and admitting that Rupert bought her those as well. Claudine’s children then add a toaster and a coffee pot to the table of gifts from Rupert, physical objects that represent the traditional role of husband and father as provider he has tried to fulfill, but is denied by the state. Rupert’s blocking on the couch in front of Claudine and two of her sons, her youngest daughter on his lap, his outstretched arm across the couch’s back creates a physical barrier between Claudine and her children and Ms. Kabak. Rupert’s attempt to fulfill the traditional roles of father and husband require that he literally protect them from the state, personified here in Kabak. Yet doing so will nullify the family’s welfare eligibility, throwing them deeper into poverty and therefore threaten Rupert’s masculinity by undermining his ability to provide. Welfare, in fact, not only discourages but even requires that its recipients not marry, thereby subverting the familial stability of its recipients. Claudine and Rupert’s sneaking around to avoid Ms. Kabak, and Rupert’s reluctance to move-in with Claudine, is the result of “Man in the house” or “substitute father” rules. Like suitable home laws, man in the house laws further prevented women in desperate need of welfare from receiving a check. These laws, which affected most states, disqualified a home from its welfare benefits if a man lived in the home.¹⁵⁶ Poor black men in this film find themselves in a Catch-22. Either they abandon their “duty” as father and husband so their spouses can receive welfare benefits or stay in the home and disqualify themselves from resources their children desperately need.

As Rupert and Kabak’s argument continues, the social worker explains,

KABAK: We know that children need a man in the house, a woman needs a man in the house. We don’t insist people be married.

RUPERT: You mean, you’d help a man move in if he’s not married to the mother.

KABAK: That’s right.

RUPERT: That’s immoral... what kind of example is that to set for the children?

This scene, and the one previously discussed, reiterates the invasive and humiliating cost of welfare’s “starvation money.” Lyndon Johnson’s “Great Society,” in which the government took on the responsibility of providing the poor with basic sustenance, is nowhere to be seen in *Claudine*. In fact, the government actually serves the exact opposite purpose—undermining people’s ability to earn a sustainable living. While Kabak acknowledges the importance of cohabitation for both the children and the parents, she also implies that doing so without marrying is perhaps the most economically beneficial choice for the two of them. It is the government, then, not a “culture of poverty” that threatens poor black families in *Claudine*.

After their encounter with Kabak, Claudine broaches the possibility of making their relationship more official. She tells Rupert, “I want to be with you and I want to know that you’re there.” Angry, Rupert responds, “Uh Oh, Goddamnit! Claudine, don’t try to put me on welfare!” Claudine then explains that although taking their relationship public would require

¹⁵⁶ Nadasen, Mittelstadt, and Chappell. *Welfare in the United States*, 30.

Rupert to register with the welfare office, he would remain a “non-recipient,” which Claudine would also become while her children would retain their benefits. An unhappy Rupert declares, “Claudine, they’d cut my balls off and you’d look at me and you’d hate my guts!” Here, the film magnifies welfare’s emasculation of black men and oppression of black women. Importantly, this exchange occurs as Rupert and Claudine lie in bed, Rupert smoking a cigarette, the pair having just had sex. In essence, Rupert is symbolically castrated, his “balls” are “cut off,” immediately after he exercises his masculine vitality. As he registers with the welfare office in the following scene, he sits slumped at the social worker’s desk, assuming a meek posture, bowing his head in a way that forces the broad-chested, six-foot two-inch Rupert to look up at the two female social workers, with a raised brow and sad droopy eyes that emphasize his powerlessness. Rupert and Claudine’s cohabitation places a host of limitations and obligations on Rupert’s finances, therefore leaving him vulnerable to the inability to financially provide for Claudine and her children. So even the space within the entitlement program that enables cohabitation, which appears to promote stable families, in fact further destroys black family structures by compromising their ability to fulfill traditional gender roles, therefore putting further undue strain on their relationships.

More importantly, once Rupert registers with the welfare office, all of the film’s major characters fall apart. As a result of his registering the government agency as Claudine’s partner and his placement under the surveillance of the government, Rupert receives a court order charging him for willful neglect of his own children. Despite his friend’s insistence that he paid his child support, Rupert explains that he apparently did not do so in the full amount. The government then garnishes his wages, and his reduced take-home pay is not enough to subsist. This sends Rupert into an angry drinking binge. He fails to show up to Claudine’s house for the Fathers’ Day party she throws him before completely disappearing until the end of the film. Claudine’s children fare no better. In a reversal of Black Power gender roles outlined by Cade Bambara, Claudine’s Black Nationalist teenage son Charles has a vasectomy, a “small operation” in order to, according to him, limit the amount of poor black children in the world. And his younger sister Charlene becomes pregnant. In other words, the state in *Claudine* not only denies black men and women the opportunity to fulfill conventional gender roles in the manner they desire, welfare destroys the lives of this entire black family by shaping the reproductive and relationship choices for both parents and children. Its income limits destroy Claudine and Rupert’s relationship. The inadequate support it provides forces Claudine to secretly find extra work, taking her away from raising her children who, without proper parental influence make poor choices. Furthermore, the government sabotages black men’s ability to perform the conventional male gender role of provider. Therefore, it is the government, not black women, that manufacture the female-headed “culture of poverty” in America’s urban ghettos. As Mayfield’s lyrics read, “Though I’ve made some mistakes for goodness sakes, why should they help mess up my life?”

***Claudine* just “happens to be black”**

There is even more complexity to this film’s criticism of the effects of welfare on black youth. In one scene, Rupert asks Francis, Claudine’s youngest, who hides beneath a table behind the couch, about his future. Francis answers that when he grows up he wants to be invisible. He picks up a pad and a pencil to draw. Rupert asks what he is drawing; he says “A house in the country. A mom and a daddy.” When Rupert asks to see, Francis shows him a blank page. After asking, “where is everybody?” Francis answers, “Invisible.” The metaphor of invisibility is

Janus-faced. On the one hand, it represents the desire of this poor black family's desire to exist out of view of the panopticon of the state, whose constant surveillance prevents dignity and forces immense strain on their lives. On the other hand, it represents the impossibility and emptiness of the American Dream—a house in the country, a two-parent household—for poor black children. The best Francis can hope for, then, is invisibility, because his options are either de facto exclusion from upward mobility or hyper-visibility at societies bottom. This is the best colorblindness can do for poor black children in the early seventies. Not post-civil rights racial harmony or an uninhibited meritocracy, but, at best, wholesale disregard and abandonment of the black poor, a pitiful alternative to the constant harassment and monitoring of the state through colorblind welfare policies.

A second scene reiterates the abandonment of black youth by society. After Rupert fails to show up for his Fathers' Day Party, Paul rides his bike with Francis on the handlebars, through the busy Harlem streets, zigzagging through traffic, unprotected by helmets or other protective gear, to see if Rupert is home. The montage cuts between the hopeless blank faces of the boys riding inches from moving vehicles and point-of-view shots weaving in and out of traffic, barely avoiding a collision at each maneuver. Like Francis' blank drawing, this scene works as an extended metaphor for the future black youth face, riding unprotected through a life full of danger. Here colorblindness again offers little relief and no protection for the white supremacist society these children will have to navigate.

On screen, the racial discourse of *Claudine* as a whole defies any inclination toward colorblindness. Whether it is the film's topic, corresponding dialogue such as Rupert's reference to the Moynihan Report that "if I do go on the welfare I'm just another lazy ass nigger living off the taxpayer," the location of the film in the predominantly black neighborhood of Harlem, or the black nationalist passion of Charles, *Claudine* is a quintessential black independent film. The fact that this was the first picture produced by Third World Cinema, a film company founded specifically to increase the opportunities of persons of color in the movie business, both on and off screen, only corroborates this fact.

Still, the manner in which the film's star, James Earl Jones, as well as studio publicists and some critics promoted the film suggest at least subtle leanings toward promoting this film to audiences across racial lines. Specifically, James Earl Jones described the film as a "very gentle love story of people we all know, working people, who *happen to be* black."¹⁵⁷ Years later, he would describe the experience of making the film as "one of my best movie experiences ever."¹⁵⁸ Gordon Armstrong, the National Publicity Director of 20th Century Fox, characterized the film as "the first motion picture to combine the elements of a love story, a survival story, a family drama and a soul comedy into a story of the ghetto meant for everyone, no matter who."¹⁵⁹ Critics concurred. An untitled review in the May 25, 1974 issue of *The New Republic* called *Claudine* "one of the most enjoyable romances of any kind, black or white, since, *For Love of Ivy* (1968)."¹⁶⁰ Additionally, a *Product Digest* review from the same month had the following to say:

Not since "A Raisin in the Sun" has there been a film about black family life in the U.S. as funny and touching as 'Claudine.' And not since that 1961 release has there been one with such high potential to please a white audience as well as those blacks who are fed up with the distortion of their experiences in the sex-and-

¹⁵⁷ A.H. Weiler, "News of the Screen," *New York Times*, July 8, 1973.

¹⁵⁸ James Earl Jones and Penelope Niven, *James Earl Jones: Voices and Silences* (New York: Scribner, 1993), 313.

¹⁵⁹ Armstrong, "Claudine: Announcement Story."

¹⁶⁰ Untitled *Claudine* review, *The New Republic*, 25 May 1974.

violence melodramas that have been so prolific recently.¹⁶¹

Finally, Diahann Carroll herself described the struggles her title character in the pioneering *Julia*, which premiered the year after *Guess Who's Coming to Dinner* as “universal.”¹⁶²

However, cultural studies scholar Brandi Wilkins Catanese questions even the possibility of a film in which the character's race is insignificant. Her work on colorblind and cross-racial casting, whereby the race of a given film, television, or theater role is not specified, or is specified but an actor of a different race is cast. Ultimately, Wilkins Catanese argues that Hollywood's attempts to produce films with characters “who just happen to be black” fail in this regard primarily because of their inability to overcome notions of black male sexuality. In these films, “the essentialist definitions of blackness that attach deep significance to the body as a site of racial reproduction never entirely disappear...”¹⁶³ With *Claudine*, the consistent linking of welfare and black male sexuality illustrates the manner in which it is not only Hollywood, but black independent film as well, that is incapable of escaping embedded ideologies of race and gender.

Nonetheless, that many critics and people associated with the film's production thought the film could serve as an antidote to the typical Blaxploitation representations of blackness through a colorblind drama of people “who just happen to be black,” in order to draw a wide audience, highlights the complicated racial politics of both the film and the early seventies. Although *Claudine*'s content and production may not elicit obvious colorblind connections, its promotion indicates the film's creators were sensitive to the emergent colorblind racial moment in which the film debuted and wanted *Claudine* to appeal to such sentiments. *Claudine* occupies a moment in which one finds an attempt to reconcile a transitional moment in American history where colorblind ideology was influenced both by Black Nationalist politics of the early seventies and the legacy of civil rights discourse.

Not all critics approved of the film's representation of blackness and black life. Richard Schickel's review in *Time* magazine was entitled “Fried Chicken Romance,” referencing *Claudine* and Rupert's first meal together, and harangued the film, writing that although “Promoted as, of all things, a comedy, and as an alternative to the sex-and-violence black exploitation films, *Claudine* is one of the year's most dismaying products... Thank heavens they did not have watermelon for dessert, but that is about the only cliché of black life the film has avoided.”¹⁶⁴ Even more admonishing, Jamaica Kincaid, in the May 1974 issue of *The New Ingenué*, wrote:

Poor, poor *Claudine*. This movie fails for some very simple reasons: The plot is confused, and besides, welfare is either serious or funny, not *both* at the same time; the script is dumb; the acting, except for James Earl Jones' performance, is ordinary at best and the imagery is just plain old mediocre. Diahann Carroll should stop it. Whoever told her she could convincingly portray a welfare mother is no longer a credit to his race. James Earl Jones should stop it too. This man is too talented to get lost in such garbage.

¹⁶¹ Untitled *Claudine* review, *Product Digest*, 8 May 1974.

¹⁶² Diahann Carroll, “From Julia to Cosby to Oprah; Tuning in to 60 Years of TV,” *Ebony*, November 2005. 101.

¹⁶³ Brandi Wilkins Catanese, *The Problem of the Color(blind): Racial Transgression and the Politics of Black Performance*, (Ann Arbor, MI: University of Michigan Press, 2011), 111.

¹⁶⁴ Richard Schickel, “Fried Chicken Romance,” *Time Magazine*, 20 May 1974.

“Claudine,” they’ll tell you, “is a major step forward in the genre of black films.” Actually what I’m afraid *Claudine* means is that the black middle class aesthetics is finally coming home to roost. Yes, folks, it’s out the window for funk and jive.¹⁶⁵

Prior to starring in *Claudine*, Diahann Carroll was best known for playing the title role in the groundbreaking television series *Julia*.¹⁶⁶ Although not the first TV show starring a black actress (Ethel Waters starred in *Beulah* in 1950-1951), *Julia* marked the beginning of new images, backed by large media conglomerates, of African Americans diametrically opposed to the maids of the 1950s played by Hattie McDaniel and Louise Beavers that monopolized representations of black women on television. *Julia*, on the other hand, was a widowed single mother and nurse whose husband died in Vietnam. In the November 2005 issue of *Ebony*, Diahann Carroll wrote an article arguing that *Julia* was the genesis of a lineage of respectable black representations on television that includes *The Cosby Show* and *The Oprah Winfrey Show*, “The producers of *Julia*,” she writes, “were attempting to show the diversity of Blacks in America; that we were not just one composite. The problems she faced were universal. That concept of universal problem also was the appeal of *The Cosby Show*.”¹⁶⁷ James Earl Jones, on the other hand, arrived on screen via Shakespearean and Broadway theater. He even won a Tony Award for his role in *The Great White Hope* in 1969, a role he would reprise on screen and receive an Oscar nomination for in 1971. So talented was Jones, in fact, that Diahann Carroll considered working with him in *Claudine*, not her earlier roles in *Carmen Jones* or *Porgy and Bess* as her “big break.” It was “so informative to work with James Earl Jones, who is such a generous actor,” she said, “He opens the situation so that his fellow actor can benefit from what he is doing as well as being supportive in all ways, and that was the first real film experience with the work.”¹⁶⁸ One must therefore understand Kincaid’s criticism of the casting of this film in the context of each actor’s career. To Kincaid, that Carroll pioneered black female middle-class respectability on television and Jones made a name for himself as Othello makes their roles in *Claudine* as impoverished welfare recipients unconvincing.

Conclusion

Claudine reveals a colorblind ideology in its malleable infancy. The film has a complicated relationship with colorblindness in which its aesthetics do not match the way it was promoted. On the one hand, the scene with Claudine’s son illustrates the hopelessness of the black youth of the urban poor created by colorblind welfare policies. On the other, the manner in which many associated with the film pushed it as one whose characters “just happened to be black” sought to position the movie in a way that would appeal more broadly across race to colorblind sentiments. This paradox highlights the convoluted nature of colorblindness in the early 1970s. As Antonio Gramsci theorized, a coherent and hegemonic ideology required a moment in which “The dominant group is coordinated concretely with the general interests of the subordinate groups, and the life of the State is conceived of as a continuous process of formation and superseding (*sic*) of unstable equilibria between the interests of the fundamental group and those of the subordinate groups.”¹⁶⁹ Therefore, the dissent *Claudine* offers is a key element in the

¹⁶⁵ Jamaica Kincaid, Untitled *Claudine* review, *The New Ingénue*, May 1974.

¹⁶⁶ Actress Diana Sands, one of the founders of Third World Cinema, was originally cast to playing the role of Claudine, but terminal cancer forced her to back out. Jones and Niven, *James Earl Jones*, 313.

¹⁶⁷ Carroll, Diahann. “From Julia to Cosby,” 101.

¹⁶⁸ Janice Roshalle Littlejohn, “Diahann Carroll,” *Ebony*, May 2010, 58.

¹⁶⁹ Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 2008), 182.

articulation of a colorblind ideology. *Claudine*, along with *Dirty Harry* and *Coffy*, as well as the social history of the early decade underline the incoherence of an ideology far from “hegemonic.” For colorblindness to become dominant, or hegemonic, it would have to win “consent,” which Stuart Hall describes as “the taking into account of subordinate interests, the attempt to make itself popular,” of its detractors.¹⁷⁰ The issues of affirmative action and busing, along with the passion-project of a budding actor named Sylvester Stallone, would kick start this process in the second half of the seventies.

¹⁷⁰ Stuart Hall, “Gramsci’s Relevance for the Study of Race and Ethnicity,” in *Stuart Hall: Critical Dialogues in Cultural Studies*, eds. David Morley and Kuan-Hsing Chen (London: Routledge, 1996), 426.

Chapter 3

The Oscar and the Oval Office: *Rocky* and Ronald Reagan's First Term (1976-1984)

Rocky Balboa, the protagonist of the 1976 film *Rocky*, which won the Academy Award for Best Picture, was colorblindness' first Hollywood hero. By this, I do not mean that he was the first major character on screen unprejudiced by a person's skin color or the first to espouse colorblind rhetoric. Rocky Balboa was instead the first post-civil rights hero to combine civil rights-friendly colorblind rhetoric with the politics of white backlash. Although Balboa himself is not a bigot, the working-class redemption via the steroidal surrogate heavyweight boxer that this film offers comes via the reassertion of white male dominance over African Americans.¹⁷¹

Just as Rocky Balboa was Hollywood's first colorblind hero, Ronald Reagan was the country's first colorblind President.¹⁷² Again, by this I do not refer to the President's personal views about race.¹⁷³ Instead, Ronald Reagan was the first President for whom the racial ideology of colorblindness served as the philosophical foundation of his civil rights agenda. While other scholars have defended Reagan's record on civil rights by praising his genuine commitment to colorblind egalitarianism, my analysis of the maneuverings of the Justice Department during Reagan's first term reveal an administration that used colorblindness to aggressively attack civil rights programs.¹⁷⁴

By the mid-1970s, Affirmative action and busing produced a populist opposition among whites. In cities like Boston, Los Angeles, Pasadena, Denver, and San Francisco court-ordered busing led to violent resistance and even riots from white parents protesting the racial integration of America's public schools.¹⁷⁵ Many others fled their now integrated cities and mobilized to choke off the funding for the now integrated public schools they had abandoned in places like California, Massachusetts, and Washington.¹⁷⁶ Whites, it appeared, had grown tired of dealing

¹⁷¹ By "bigot" I mean someone who holds personal animosity or hatred towards another group, particularly one defined by race, or believes someone to be inferior simply because of his or her membership in that particular (racial) group.

¹⁷² For more on the history of the 1980s, see Gil Troy, *Morning In America: How Ronald Reagan Invented the 1980s* (Princeton: Princeton University Press, 2005); Sean Wilentz, *The Age of Reagan: A History, 1974-2008*, (New York: HarperCollins, 2008); John Ehrman, *The Eighties: America in the Age of Reagan* (New Haven, CT: Yale University Press, 2005); Robert M. Collins, *Transforming America: Politics and Culture in the Reagan Years*, (New York: Columbia University Press, 2007); James T. Patterson, *Restless Giant: The United States from Watergate to Bush v. Gore* (Oxford: Oxford University Press, 2005); and Haynes Johnson, *Sleepwalking Through History: America in the Reagan Years* (New York: Anchor Books, 1991).

¹⁷³ For an overview and analysis on Reagan's attitudes on race see O'Reilly, *Nixon's Piano*, chapters 6 and 9.

¹⁷⁴ Robert R. Detlefsen, *Civil Rights Under Reagan* (San Francisco: ICS Press, 1991); Nicholas Laham, *The Reagan Presidency and the Politics of Race: In Pursuit of Colorblind Justice and Limited Government* (Westport, CT: Praeger, 1998); and Raymond Wolters, *Right Turn: William Bradford Reynolds, the Reagan Administration, and Black Civil Rights* (New Brunswick: Transaction Publishers, 1996).

¹⁷⁵ Edsall and Edsall, *Chain Reaction*, 129.

¹⁷⁶ The passage of California Proposition 13, which fixed property taxes to 1% of their 1976 property values, kicked off the "tax revolt," a "wave" of tax-cutting ballot initiatives in at least eighteen other states. As Edsall and Edsall argue, the tax revolt provided "new muscle" the New Right and their anti-welfare state philosophy. It divided the American public along the perceived lines of taxpayers and tax recipients, which happened to also be whites and non-whites, respectively. Edsall and Edsall, *Chain Reaction*, 131; Daniel HoSang, *Racial Propositions: Ballot*

with the state, and instead checked out, moved to the suburbs, put their kids in private schools, and safeguarded their shrinking tax burden. As journalists Tom and Mary Edsall argue, with the anti-busing, anti-affirmative action and anti-tax agenda of the New Right, “Race melded into a conservative-driven agenda that sought to polarize the public against the private sector.”¹⁷⁷ Add to all of this a stagflating economy, characterized by high-inflation and high-unemployment, that put the economy in recession for much of the decade. Across racial and political lines, people raged against the state.¹⁷⁸ It was in the social, political, and economic climate of the 1970s that the racial ideology we know as colorblindness cohered. Colorblindness offered an inherently antistatist, hands-off “solution” to the “problem” of government intervention in matters of race in the mid-1970s. Because it prohibits the consideration of race in social policy, it effectively handcuffs the government’s ability to intervene in matters of racial inequality. In other words, how can the government address unequal racial access to economic, social, or political resources if it cannot consider race in the process? The answer is it cannot.

It was ultimately the issues of affirmative action and court-ordered busing, and specifically the right’s ability to successfully label those two issues as “reverse discrimination” that won the consent of whites, especially white-suburban moderates, to the discourse of colorblindness by the end of the seventies.¹⁷⁹ Colorblindness was built upon the antistatist ethos that emerged in the early years of the decade. As the second half of the decade unfolded, the ideology was increasingly positioned as the solution to the “problem” of government overreach in the latter half of the decade. Unlike its previous iterations, the colorblind rhetoric of the 1970s borrowed the language of the civil rights movement to mobilize against many of its gains. Colorblindness enabled whites to oppose and dismantle affirmative action and busing, two victories of the civil rights movement, while appealing to post-civil rights political correctness. Its supporters were moderates and even liberals turned off by the explicit bigotry of George Wallace and sympathetic to the Civil Rights Movement, but nonetheless fed up with race-conscious civil rights policies they believed discriminated against them. The New Right, with growing support among white moderates and liberals, turned to the civil rights movement’s language of colorblindness used to eliminate de jure racism of the past to eliminate the expanding racial opportunity of the future.¹⁸⁰

Rocky marks the culmination of colorblindness as a coherent ideology, its official debut on screen. *Rocky* played a fundamental role in shaping colorblindness and opposition to affirmative action and busing. As scholar Jennifer Pierce argues, historians have placed too much blame on the role of the economic decline of the 1970s for the white backlash against welfare,

Initiatives and the Making of Postwar California (Berkeley, CA: University of California Press, 2010), Chapter 4; Self, *American Babylon*, Chapter 8; McGirr, *Suburban Warriors*, Chapter 6.

¹⁷⁷ Edsall and Edsall, *Chain Reaction*, 131.

¹⁷⁸ High-unemployment and high-inflation, which “shocked” the American economy in the early 1970s, was, to that point, a theoretical impossibility. The two economic indicators were understood to have an inverse relationship to one another. High-inflation means cheap dollars which incentivizes economic expansion which keeps unemployment low. Conversely, high-unemployment limits the money supply, making dollars scarcer, which therefore, in theory keeps inflation down. The Phillips Curve, developed by New Zealand Economist William Phillips, which charted the supposedly inverse relationship between unemployment and inflation, held up until the stagflating economy of the early 1970s. For more on stagflation in the United States at the economic downturn in the early seventies, see Cowie, *Stayin’ Alive* (New York: New Press, 2010); Berkowitz, *Something Happened*, esp. Chapter 3; and Borstelmann, *The 1970s: A New Global History*.

¹⁷⁹ Anderson, *The Pursuit of Fairness* (Oxford: Oxford University Press, 2004), Chapter 4.

¹⁸⁰ Lassiter, *The Silent Majority*; Kruse, *White Flight*; and Roland Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill, NC: University of North Carolina Press, 2003).

affirmative action, and busing. Pierce contends that the news media, as well as anti-affirmative action intellectuals, also played an important role.¹⁸¹ I offer my own analysis of newspapers and anti-affirmative intellectuals like George Will to further this point. Yet my analysis of *Rocky* highlights the integral role Hollywood played in both the white backlash of the late-1970s and in the articulation of colorblindness. This chapter begins by tracing the articulation of colorblindness as a coherent ideology around the issues of busing and affirmative action in the years between 1974-1978. From there, I offer a reading of *Rocky*. I conclude with an examination of the mobilization of the Justice Department during Reagan's first term against affirmative action and busing through the rhetoric of colorblindness. Like white suburbanites, colorblindness enabled Reagan to both oppose these key civil rights programs while defend himself from accusations of racism.

The Invention of “Reverse-Discrimination”

Between the years 1974-1976 colorblind rhetoric and antistatism became increasingly tied to one another. Specifically, the Right used the colorblind discourse of the civil rights movement to build populist opposition to the issues of affirmative action and court-ordered busing. The Right sold colorblindness to white moderates as a politically-correct solution to the overreach of government in matters of race and in so doing set a new course for racial hegemony. Because of colorblindness' hands-off approach in dealing with issues of race, the antistatist hegemony of the first-half of the seventies was an indispensable pre-requisite for colorblindness' articulation. Taking advantage of a divided Democratic Party, Republican strategists, beginning with Kevin Phillips and Richard Nixon's "Southern Strategy" in 1968, increasing turned to "wedge" issues to court white Democrats frustrated with their party's position on civil rights. As GOP strategist Lee Atwater explained in 1981, "You start out in 1954 by saying, 'Nigger, nigger, nigger.' By 1968 you can't say 'nigger' -- that hurts you. [It] backfires. So you say stuff like forced busing, states' rights and all that stuff."¹⁸² Affirmative action and court-ordered busing became the focal "stuff" of the right's social agenda in the second half of the 1970s as well as the issues that produced a coherent colorblind ideology.

Although he did not coin the term, histories of affirmative action typically begin in 1961 with John F. Kennedy's Executive Order 10925, which required government contractors to "take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin."¹⁸³ Lyndon Johnson took the federal governments commitment to affirmative action a step further. In June of 1965, in his commencement address at Howard University, the president argued that "freedom is not enough: It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and most powerful stage of the battle for civil rights. We seek not just freedom but opportunity—not just legal equity but human ability—not just equality as a right and a theory but equality as a fact and as a result."¹⁸⁴

It was ultimately Title VII of the Civil Rights Act of 1964 that outlawed all job discrimination, not just by government contractors, and established the Equal Employment

¹⁸¹ Jennifer L. Pierce, *Racing for Innocence: Whiteness, Gender, and the Backlash Against Affirmative Action*, (Stanford, CA: Stanford University Press, 2012), 21.

¹⁸² Bob Herbert, "Impossible, Ridiculous, Repugnant," *New York Times*, October 6, 2005.

¹⁸³ Philip F. Rubio, *A History of Affirmative Action, 1619-2000* (Jackson: University Press of Mississippi, 2001), 144. Also, Anderson, *The Pursuit of Fairness*, 64.

¹⁸⁴ James T. Patterson, *Freedom is not Enough: The Moynihan Report and America's Struggle over Black Family Life: from LBJ to Obama* (New York: Basic Books, 2010), 1; Anderson, *Pursuit of Fairness*, 92.

Opportunity Commission (EEOC). Title VII was the most divisive element of the 1964 Civil Rights Act. Opponents of Title VII tried to defend the rights of employers to hire whomever they pleased and protect their right to discriminate.¹⁸⁵ This was not an uncommon argument against civil rights in the 1960s. For example, California's Proposition 14 effectively nullified the Rumford Fair Housing Act in favor of homeowner's and landlord's "right" to discriminate. It passed with 65% of the vote in 1964 (it was eventually thrown out by the Supreme Court in 1966).¹⁸⁶ During his successful gubernatorial bid in 1966, Ronald Reagan defended the proposition, insisting "if an individual wants to discriminate against Negroes or others in selling or renting his house, it is his right to do so."¹⁸⁷

As the sixties progressed the main thrust of these affirmative actions was an effort by the federal government to force government contracted construction trade unions to hire more people of color.¹⁸⁸ This became known as the Philadelphia Plan.¹⁸⁹ The initial plan, to require a certain number of non-white workers for all companies seeking government contracts, and for those who did not meet the "quota" to prove they either could not or were doing everything they could to comply, was thrown out by the comptroller general, twice. Perhaps ironically, the Plan was revitalized in the early days of the Nixon presidency. As his "Southern Strategy" demonstrated, Nixon was certainly no affirmative action or civil rights champion. Yet in the late 1960s Nixon's Philadelphia Plan, which differed from LBJ's in that it set "goals" not "quotas" for minority hiring, was understood as a reasonable and politically advantageous compromise. The Plan would hopefully satisfy, without capitulating to, demands of full-employment behind much of the urban unrest in the mid-1960s, while simultaneously promoting what Nixon often referred to as "black capitalism," which played well on the right. More importantly, the Plan would undermine labor unions, an incredibly influential demographic that Nixon was both courting away from the Democrats yet bent on minimizing their power and influence should they remain aligned with the Democrats.¹⁹⁰

The American public never supported "hard" or quota-based Affirmative Action. Instead, mandatory hires became common as a result of the social unrest of the second half of the 1960s, when cities across the country, most notably Watts, Detroit, and Newark, ignited in riots. Businessmen, fearful of the potential damage such rioting could have on their bottom line and without a unified civil rights leadership to negotiate with, increasingly, at the behest of the federal government, saw hiring greater numbers of minorities as a way to ease black resentment.¹⁹¹ This occurred as early as 1963, when JFK met with business leaders about the "racial problem" in America. By 1967, race-based hiring became increasingly popular among business elites.¹⁹² Around the same time, the Kerner Report, the soon-to-be bestselling document produced by the Kerner Commission who, in 1967, was tasked by LBJ to investigate the causes of the 1967 race riots, most notably in Newark and Detroit, recommended, in part, jobs for poor blacks living in urban ghettos.¹⁹³ After the Report's release, Richard Nixon and Secretary of

¹⁸⁵ Rubio, *A History of Affirmative Action*, 144; Anderson, *Pursuit of Fairness*, ch. 1.

¹⁸⁶ HoSang, *Racial Propositions*, 53-90.

¹⁸⁷ Perlstein, *Nixonland*, 91.

¹⁸⁸ Rubio, *A History of Affirmative Action*, 152-153; Anderson, *Pursuit of Fairness*, ch. 2.

¹⁸⁹ Anderson, *Pursuit of Fairness*, 108-143.

¹⁹⁰ John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America*, (Chicago: University of Chicago Press, 1996), 137-139.

¹⁹¹ Skrentny, *Ironies*, 223.

¹⁹² Skrentny, *Ironies*, 80 and 89.

¹⁹³ The report chastised the federal government's racist housing and education, concluding famously, "Our nation is

Labor George Schulz dusted off the Philadelphia Plan. Soon after its implementation, colleges and universities throughout the country began implementing affirmative action policies in their admissions and faculty hiring processes. So affirmative action had two components. It began with jobs, specifically increasing the numbers of minorities in construction trade unions, but shortly thereafter found its way into the admission processes and faculty searches in higher education.

Although opposition to affirmative action became a rallying cry for the right in the late 1970s, it did not begin that way. Opposition to affirmative action developed as soon as the programs began. And just as affirmative action consisted of two parts—jobs and college admissions—its opposition had two separate constituencies in the 1960s and early 1970s. Trade union members overwhelmingly opposed affirmative action in hiring. Much of this was racially motivated, but a good deal of it was not. Among other things, affirmative action programs threatened seniority policies in unions which, although often racially discriminatory, were a benefit unions were unwilling to compromise. With irony typical of the affirmative action debate, it was Jewish collegiate organizations typically supportive of hiring “quotas” in trade unions that mounted the earliest and most intense opposition to affirmative action in higher education. They did so in defense of the positions their members held in academia in the 1960s, which was statistically far greater than their percentage of the nation’s population.¹⁹⁴ Most significant here is that although complaining about affirmative action would become a rallying cry for the right in the second half of the 1970s, early support and opposition to affirmative action came from both the right and the left. Civil Rights leaders, including Martin Luther King Jr. and Bayard Rustin of the Southern Christian Leadership Conference (SCLC), along with Roy Wilkins of the NAACP all opposed the concept of quotas.¹⁹⁵ And as we have seen it was a Republican president who implemented the policy on a national level, and liberal collegiate organizations that opposed it in higher education.

Given the immediate opposition to affirmative action and Title VII, it was obvious that the Supreme Court would have to address the issue, which it did frequently in the 1970s. One of the most notable cases is *Griggs v. Duke Power* (1971), in which the Court ruled that Duke Power’s employment criteria, which included, among other things, an aptitude test, had nothing to do with an employee’s ability to perform company jobs, and so, although the company did not *intend* to discriminate, it in effect did, which the Court deemed unconstitutional. The ruling was a huge win for affirmative action proponents, as it placed significant influence on *results*, not *intentions*. And although the decision did not mandate quotas, per se, it did put businesses with low numbers of minority employees on watch fearing similar action against them. The *Griggs* decision was a decisive victory for affirmative action supporters. However, it was short-lived. A 1972 survey captured what had been whites’ attitude toward the issue since the 1960s—82% of whites opposed affirmative action plans that favored blacks over equally qualified whites. Nevertheless, 77% of those polled approved of job-training programs for blacks.¹⁹⁶ In other words, in 1972 whites supported “soft,” but opposed “hard” affirmative action.

As the decade progressed opponents of affirmative action won more and more influence in Congress, the Executive Branch, and the courts. In 1974, affirmative action opponents won their first significant victory. In *DeFunis v. Odegaard* (1974) a rejected law student, Marco

moving toward two societies, one black, one white—separate and unequal.”

¹⁹⁴ Deslippe, *Protesting Affirmative Action*, chapter 3; Skrentny, *Ironies*, chapters. 2 and 3.

¹⁹⁵ Skrentny, *Ironies*, 31.

¹⁹⁶ Skrentny, *Ironies*, 167-171.

DeFunis, sued the University of Washington's law school in 1971. He claimed he was the victim of discrimination because minorities with inferior test scores were admitted while he was rejected. It was only a technicality that prevented a decision similar to that of *Bakke* four years later.¹⁹⁷ By mid-decade, then, significant opposition had mounted against affirmative action and was beginning to see its efforts bear fruit in the courts and in the attitudes of politicians.

Affirmative Action was one of two social issues that drew the most outrage from whites during the 1970s. The other was court-ordered busing. In its landmark *Brown v. Board of Education* ruling prohibiting racial segregation in American schools, the Supreme Court left the timeframe for integration vague, ordering the desegregation of America's schools with "all deliberate speed." By the 1970s the Supreme Court decided that districts had been given more than enough time to integrate, and in 1971 it ruled, in *Swann v. Charlotte-Mecklenburg Board of Education*, that busing students across district lines in order to achieve racial integration was an acceptable solution to those districts refusing to integrate. As Matthew Lassiter argues, the suburbs provided the crucible for politically centrist, middle-class colorblind ideology. According to Lassiter,

the considerable success of the civil rights movement in dismantling the legal caste system and discrediting overt racism, in combination with the rapid expansion of a suburban landscape organized around residential segregation and socioeconomic privilege, resulted in the evolution of a middle-class outlook expressed through color-blind language of consumer rights and meritocratic individualism.¹⁹⁸

In places like Charlotte, North Carolina, what amounted to a "populist revolt of the center," whereby middle-class white suburban homeowners mobilized against busing orders under the guise of a commitment to colorblind racial justice spread throughout the country as the seventies dawned. In the case of Charlotte, these suburbanites even supported busing black school children out to the suburbs in order to achieve integration. Yet while never acknowledging the race-conscious racial covenants that produced racially segregated suburbs of Mecklenburg County and Northwest ghetto, they vehemently opposed busing their own white children into inner cities to integrate the overwhelmingly black schools there. In their opposition, these middle-class white suburbanites organized around the discourse of colorblindness to protest busing, regularly referring to and aligning themselves with the language of the *Brown* decision to defend their resistance to involuntary busing.¹⁹⁹ Lassiter concludes, "The 'color-blind' ideology that percolated in the Charlotte suburbs... ought to be understood as part of an emerging bipartisan defense of suburban autonomy and middle-class residential privilege not simply from within a teleological narrative of the New Right."²⁰⁰

All told, forty-seven of America's one hundred largest school districts faced busing

¹⁹⁷ The University of Washington agreed to admit DeFunis until the courts decided his case. By the time it reached the Supreme Court, DeFunis was about to graduate, therefore making the case moot, in the Court's opinion. For a more complete history of the DeFunis case, see Deslippe, *Protesting Affirmative Action*, Chapter 4.

¹⁹⁸ Lassiter, *The Silent Majority*, 3.

¹⁹⁹ Matthew Lassiter, "The Suburban Origins of Color-Blind Conservatism: Middle Class Consciousness in the Charlotte Busing Crisis," *Journal of Urban History*, Vol. 30 No. 4, (May 2004), 549-582.

²⁰⁰ Lassiter. "The Suburban Origins," 580.

orders in the 1970s.²⁰¹ As a result, what amounted to a mass exodus of whites out of cities and into the suburbs ensued, where parents either enrolled their children in private school or in suburban public ones a safe distance away from integration pressure. As Thomas and Mary Edsall note, whites fled public schools. From 1968-1976, the percentage of white students in Boston public schools fell from 68.5% to 44%; and in cities like Detroit and Atlanta over half of all whites left public schools.²⁰² Worse still, in places like Los Angeles, Pasadena, San Francisco, and Nashville, court-ordered busing led to violent resistance and even riots from white parents protesting the racial integration of America's public schools.

It was in Boston where antibusing backlash violence reached its pinnacle. In June of 1974, a judge deemed South Boston schools segregated and ordered busing to integrate schools in South Boston beginning that September. At the beginning of the school year that fall, half of 80,000 students in the affected areas were kept home from school in protest. What followed South Boston's busing order was three years of fights, stabbings, and intimidation in what historian Ronald Formisano argues "amounted to terrorism" against blacks and sympathetic whites by a group of "antibusers."²⁰³ Within the first month 140 people were arrested, 69 injured, and anti-black harassment was too rampant to quantify.²⁰⁴ White protesters stood outside of schools and pelted buses carrying black schoolchildren with rocks. The violence culminated in April of 1976, when a group of white antibusers assaulted a black lawyer passing by on his lunch break with an American flag.²⁰⁵

What is interesting about the white Bostonians who resorted to violence in opposition to the busing order was the offense they took to their portrayal in the press; specifically, the likening of them to white southerners who opposed the civil rights movement a decade or so prior. The antibusing protesters in Boston understood themselves as just the opposite, as heroic defenders of civil rights not its racist opponents, and were exasperated the media represented them otherwise. "How come when Negroes have a civil rights march people pay attention, but when we do nobody stirs? Don't we have civil rights?"²⁰⁶ The white opposition's belief that they were on the side of civil rights was integral to their activism. Throughout the three-year crisis in Boston, the antibusers and their supporters around the country frequently complained about the anti-white, pro-black bias of the press.

For example, in October 1974, journalist Tom Wicker wrote a column in the *New York Times* denouncing President Ford's unwillingness to intervene in Boston. He described the response as "predictable," and likened the violent protests and riots of whites opposing the busing order to those in Little Rock in 1957, when nine black high-schoolers integrated the city's Central High School sparked similar violent backlash from white protesters.²⁰⁷ Two weeks later, a man named Henry S. Huntington published a letter in the *Times* objecting to Wicker's Little Rock comparison. As a result of the deliberate segregation in Little Rock, writes Huntington, "the court decision there required essentially that race be ignored in assigning children to schools, reflecting recognition of the constitutional principle of color-blindness." Contrastingly, in Boston, argues Huntington, children had always been assigned to schools on a "straight color-blind basis" and the court order to bus children therefore violates "the constitutional guidelines setting our

²⁰¹ Edsall and Edsall. *Chain Reaction*, 129.

²⁰² Ibid.

²⁰³ Formisano, *Boston Against Busing*, 75.

²⁰⁴ Ibid, 80.

²⁰⁵ Ibid, 150.

²⁰⁶ Ibid, 152.

²⁰⁷ "No Policy for School Integration," *New York Times*, October 13, 1974.

course for a color-blind society.”²⁰⁸ More interestingly, white antibusers frequently quoted Martin Luther King, Jr. in defense of their opposition to busing. They passed out flyers defending their version of civil disobedience as inspired by that of Dr. King and even sang “We Shall Overcome” during a march protesting the busing order (protestors in Charlotte also sang the civil rights anthem).²⁰⁹

The attempt of the antibusers to align themselves as the *advocates* of civil rights as opposed to its opposition speaks to a fundamental transformation in the middle of the 1970s that was key to the emergence of colorblindness. As a result of the fundamental transformation of racial ideology as a result of the civil rights movement, the proud white supremacy of Southern opposition to black civil rights struggles in the 1960s grew increasingly unpopular, even among those who took up their cause in Boston. The post-civil rights era is characterized, in part, by a racial discourse that deems blatant espousals of white supremacy politically incorrect. This is important for two reasons. First, the white opposition to busing in Boston was not simply New England’s version of, say, the White Citizen Council’s of Montgomery, Alabama. Instead, they were people who by and large did not oppose the end of de jure segregation in the South. They therefore represent the migration of white backlash politics to mainstream in the middle of the 1970s. Many antibusers were self-professed civil rights advocates who took offense to accusations of racism, yet nonetheless aggressively opposed busing orders.

Secondly, and more importantly, the rhetoric mobilized by the Boston antibusers speaks to a larger strategy that gained increasing popularity in the middle of the 70s that proved essential to those opposing civil rights; namely, the emergence of “colorblindness” as the antidote to the “reverse discrimination” inherent in the issues of busing and affirmative action. It was around these two issues—affirmative action and busing that ‘colorblindness’ and ‘reverse discrimination’ became yoked to one another. As whites grew more angry, the idea of a discourse that refused to accommodate considerations of race, therefore handcuffing the governments ability to intervene in issues of racial discrimination or inequality, was irresistible to a growing number of whites raging against the state.

By the middle of the decade the right had successfully yoked the discourse of colorblindness with the idea of “reverse discrimination.” As we have seen, usage of “colorblindness” varied significantly during the late 1960s and early 1970s. However, by 1976, the country’s bicentennial and the year of *Rocky*’s release, “colorblindness” was used almost entirely to defend those opposing the supposed “reverse discrimination” of affirmative action and busing. The number of articles arguing this position, that affirmative action and busing were “reverse discriminatory” and “colorblindness” offered a remedy in line with Dr. King’s dream, increased exponentially beginning in 1976. The counter-argument that affirmative action was necessary now in order to produce a colorblind future, fell on deaf ears.²¹⁰ The right positioned colorblindness as the predominant legacy of the civil rights movement, which therefore mandated the elimination of “reverse discriminatory” programs like affirmative action and busing. A March 1976 article in *US News & World Report* noted that whites were no longer

²⁰⁸ “Letters to the Editor,” *New York Times*, October 28, 1974.

²⁰⁹ Formisano, *Boston Against Busing*, 141, 151-152.

²¹⁰ For example, a man named Phillip Gass wrote to the *New York Times* in 1972 arguing this point. “Letters to the Editor: Toward Colorblind Politics,” *New York Times*, August 6, 1972. More nuanced arguments, such as that of William Julius Wilson, who opposed affirmative action on the basis that the program helped only the black middle class, thereby neglecting the black urban “underclass,” or “truly disadvantaged,” also received little public attention amid the vitriolic opposition to affirmative action of any sort. See Wilson, *The Truly Disadvantaged*, 110-120.

reluctant to speak out about “reverse discrimination.”²¹¹ Eight months later, on a November edition of “Meet the Press,” one such un-reluctant white man, conservative columnist George Will, asked NAACP director Benjamin Hooks if he favored reverse discrimination. In a subsequent column Will wrote, “[Affirmative Action], is, by whatever name, reverse discrimination...[it] violates the principle that the law should be colorblind.”²¹² Will’s racial brethren agreed; a March 1977 *Gallup* poll found that 83% of respondents opposed racial preference in higher education.²¹³

There was perhaps no greater advocate for “colorblindness” as a remedy for the “reverse discrimination” of affirmative action and busing in the press than George Will. Then writing for *Newsweek*, Will frequently devoted his columns to the issues of “reverse discrimination” and “colorblindness.” In July of 1976, addressing the busing crisis in Boston, Will wrote,

“[The *Brown v. Board of Education* decision] seemed to mean that no child would be barred from a school because of race. Today, court orders exclude many white children from their neighborhood schools solely because they are white... *Brown* held that ‘separate’ school *systems* are ‘inherently’ unequal. Obviously dual school systems had to be dismantled...[which] meant making the law ‘color blind.’²¹⁴

This, according to Will, was precisely the standard that the Boston busing order violated. He objects to what he believes is the conflation, or “blurring,” of de jure, or “compulsory” segregation like those in the Jim Crow South, which he opposes, and unintentional de facto segregation under “color blind” law, which he defends. Nonetheless, a cantankerous Will found reason for optimism. Referring to a ruling in Pasadena the same week, which overturned a 1970 order to maintain racial balance because “school authorities need not alter racial patterns that they do not cause,” the relieved Will believed that “reason is staging a comeback.” For Will, it was perfectly legitimate for the government to forcibly integrate schools, but only those who had engaged in “forcibly segregative acts.” Those schools who had not, like the ones in Boston, should be left alone. “The Constitution mandates a free, not a ‘racially balanced,’ society,” argues Will.²¹⁵ Nevermind, of course, the race-conscious covenants, redlining, loan practices, redistricting and so forth that produced the racially exclusive neighborhoods to begin with. These do not matter, in Will’s estimation. For Will, the only thing that matters, in the case of Boston, is if there are specific policies prohibiting the admission of black students. Since there are not, busing is “reverse discrimination.”

In a subsequent November column, Will reiterated his opposition to busing on the grounds that it violates the colorblind principles of the Constitution, “forced busing,” he writes, “which involves (as does reverse discrimination) abandonment of the principle that the law should not take notice of a citizen’s race.”²¹⁶ Here Will attempts to shift the burden of proof of discrimination from *results* to *intentions*. This is a fundamental reversal from the *Griggs* decision, five years prior. And as Will points out, by the middle of the seventies the courts were beginning

²¹¹ Patrick Oster, “Growing Debate: Discrimination – Has it Gone Too Far,” *US News & World Report*, March 29, 1976.

²¹² George F. Will, “Civil Rights: Principles and Confusion,” *The Washington Post*, November 18, 1976.

²¹³ Howard A.E. Dick. “The High-Court’s Road in the Bakke Case,” *The Washington Post*, October 9, 1977.

²¹⁴ George F. Will, “Freedom and the Busing Quagmire,” *Newsweek*, July 12, 1976.

²¹⁵ *Ibid.*

²¹⁶ George F. Will “Civil Rights: Principles and Confusion.”

to sway Will's way with decisions like the one in Pasadena. It should not be surprising, then, that the Supreme Court's ruling in *Village of Arlington Heights v. Metropolitan Housing Development Corp* in January of 1977 pleased Will. The case involved a Chicago Development corporation that wanted to build subsidized housing in a predominantly white suburb with zoning laws prohibiting multiple-family dwellings. When the city council refused to rezone the proposed site, the developer and several individuals sued, claiming that because blacks constituted 40% of the Chicago-area residents eligible for subsidized housing, the cities refusal discriminated against them. A district court sided with the developer, ruling that although the city's rezoning refusal was not deliberately racist, it nonetheless discriminated against African Americans. The Supreme Court overturned this ruling, thus requiring the proof of discriminatory *intent* to prove a violation of the equal-protection clause, an act Will describes, in a column entitled, "Common Sense on Race," as "refreshingly crisp." He concludes, "The racially disproportionate *impact* of a policy is without constitutional significance unless there is proof of a racially discriminatory *purpose*."²¹⁷

This moment, by which a growing number of Americans endorsed colorblindness precisely because it undermined affirmative action and busing policies, supporting the emphasis solely on *intent* with complete disregard to *results*, along with the Supreme Court's gradual endorsement of that position in the 1970s marks a watershed moment in the struggle for black equality and the emergence of colorblindness. It would be easy to claim the transformation of civil rights enforcement away from results and onto intent as a victory for the new right. However, as overwhelming white opposition to busing and affirmative action make clear, 1976 marks the victory of white supremacy, not just the new right but *all* whites, over racial equality through the guise of colorblindness. As long as one could deny discriminatory intent through colorblind policies, they could pursue and produce racially unequal results.

The momentum gained in the middle of the seventies laid the groundwork for colorblindness' first major victory in the Supreme Court and finalized the legitimization of *intent*-oriented civil rights policies over *results*-oriented ones. In 1978, in *Regents of the University of California v. Bakke*, the Supreme Court deemed UC Davis' affirmative action policy, which set aside a small number of positions in its law school for minority applicants, unconstitutional because those positions excluded Alan Bakke, a rejected white applicant, strictly because of his race.²¹⁸ The *Bakke* decision not only validated the arguments of people like George Will—that affirmative action constituted "reverse discrimination," thereby discriminating against whites—it also proved the death knell for any results-based civil rights programs, namely affirmative action. In the aftermath of *Bakke*, people challenged affirmative action policies in other states with similar success. Affirmative action was all but extinct by the middle of the 1990s. Mandating equal participation increasingly deemed illegal, because it required the reservation of a set number of resources (what opponents slandered as "quotas") for racial minorities and white women. All the government could do, then, to address racial inequality was to promote "equal opportunity." And as long as, say, a university did not explicitly discriminate on the basis of race or gender then equal opportunity existed, in the Court's view. Put another way, *de jure* inequality was illegal, but *de facto* inequality only unconstitutional if one could prove discriminatory intent. This made it virtually impossible to make serious progress toward racial equality in the years after *Bakke*. Whereas, as late as the early 1970s discriminatory *results* were sufficient to mandate

²¹⁷ George F. Will, "Common Sense on Race," *Newsweek*, January 24, 1977.

²¹⁸ For more on the *Bakke* case, see Anderson, *Pursuit of Fairness*, 150-155; Skrenty, *Ironies*, 225-226; Pierce, *Racing For Innocence*, 19-22.

government intervention, by the end of the seventies proof of discriminatory *intent* was required, something far more difficult to prove and not necessarily a precondition for racial inequality. Colorblindness was responsible for that shift. With the *Bakke* decision, colorblindness officially started its reign as the racial logic of the United States. And again, it was the language of colorblindness, and the legacy of Dr. King, that proponents utilized to justify such action.

“Yo Adrian, we did it!”

Rocky premiered in November of 1976, the same month George Will appeared on “Meet the Press” and wrote one of his many columns decrying “reverse discrimination.” By then whites were no longer reluctant to speak out about “reverse discrimination,” and much of the country bought into the idea that race-conscious affirmative action policies and busing orders constituted violated the principle of a colorblind society and therefore constituted “reverse discrimination.” *Rocky* (1976) is the tale of the humble, industrious but nitwitted Rocky Balboa, who does battle with a cocky three-piece suit wearing Muhammad Ali-inspired black man named Apollo Creed, *Rocky* became the highest grossing picture of 1976 and won the Academy Award for best picture. The film was the brainchild of a young actor named Sylvester Stallone. After watching Chuck Wepner, an amateur club fighter and liquor salesman nearly go the distance against the great Muhammad Ali in what was supposed to be a publicity stunt and cake-walk for the world’s greatest boxer, Stallone wrote the *Rocky* script. He went broke and even threatened to burn the script rather than accept less than a fair price for it or allow another actor to play the lead.²¹⁹

The film’s climactic bout, in which the two duke it out on the country’s bicentennial, in a ring decorated like the American flag, proved irresistible to white audiences strapped by a stagflating economy and increasingly vexed by court-ordered busing and affirmative action. As scholars have argued, the film serves as *Bakke* on the silver screen, a dramatization of the controversial Supreme Court case that deemed the University of California Davis’ affirmative action program unconstitutional two years after film’s release.²²⁰ Jennifer Pierce contends *Rocky* and the *Bakke* decision together reveal the popular notion of the late 1970s that “whites are disadvantaged vis-a-vie black Americans.”²²¹ Similarly, Matthew Frye Jacobson argues that the film and the Court decision together offer insight into notions of whiteness and blackness in the late 1970s.²²² Indeed, the affirmative action metaphor pervades the entire film with utter disregard to subtlety and nuance. Rocky loses his gym locker to a less-experienced black fighter over whom he holds six-years seniority. And although most of the second act is spent portraying Rocky’s intense training regimen, not once does the audience see Creed spar, work a speed bag, throw a single punch or lift a single dumbbell prior to fight night. In other words, the film’s climactic fight is one that pits a hard-working under-privileged blue-collar white man against an arrogant over-privileged white-collar black man.

Furthermore, the bout between the down-and-out bumbling white working class brute and the wealthy, handsome and “articulate” black man pulls no punches in piling on the affirmative action metaphors. The unjust split-decision result was as obvious to spectators in the

²¹⁹ Cowie, *Stayin’ Alive*, 328.

²²⁰ Vincent Canby, “Review: Rocky (1976),” *New York Times*, November 22, 1976; Michael Gallantz, “Critical Dialogue: Rocky’s Racism,” *Jump Cut* 18 (August 1978) 33-34; Pauline Kael, *5001 Nights at the Movies*. New York: Henry Holt & Company, 1991, 191; and Peter Biskind and Barbara Ehrenreich, “Machismo and Hollywood’s Working Class,” In Peter Biskind, *Gods and Monsters: Thirty years of writing on film and culture from one of America’s most incisive writers*. (New York: Nation Books, 2004).

²²¹ Pierce, *Racing for Innocence*, 22.

²²² Jacobson, *Roots Too*, 101.

Philadelphia Spectrum as it was to those in theaters around the country who made the film the year's highest grossing film. Rocky clearly wins the fight, dominating the later rounds. In fact, in at least two instances, the bell saves a nearly defeated Creed. Rocky, on the other hand, never needs the bell to protect him. He instead relies on his own resiliency, picking himself up off the mat each time he is knocked down. As the credits roll, the audience is left with the triumphant tale of an industrious white-working-class male who defeats the arrogant undeserving but over-privileged black champion in a test of grit, endurance, and brute strength. As historian Jefferson Cowie argues, the film uses the boxing ring not as "a setting for hope and possibility" to "prove that a white working-class hero could go the distance with a black superstar."²²³ Sylvester Stallone put it this way: when people in the film or watching the film "cheer for Rocky they are cheering for themselves."²²⁴

Yet it is how this film positions the nation, specifically who gets to claim America that is most revealing. Prior to the fight's opening bell, the champion Apollo Creed enters the arena dressed as George Washington in a recreation of Emanuel Leutze's 1851 painting, "Washington Crossing the Delaware." Once inside the ropes, Creed trades his navy blue cape and tricorne for a stars-and-striped penguin-tailed tuxedo jacket, trunks, and top hat. Only a white beard shy of Uncle Sam, he shouts "I Want You!" while pointing to Rocky and the crowd. According to the film, at the country's bicentennial the nation belongs to African Americans. Whites have been left behind. They are "forgotten" by their country. Rocky is the "Italian Stallion," not the "Italian American Stallion," while Creed is George Washington and Uncle Sam in American flag trunks. Rocky is not the American, Creed is. Ultimately, the boxer's trunks exemplify the backlash ethos of white America in 1976—blacks are privileged Americans, they are forgotten.

It is important to note that Creed's claims to America are cynical and largely for show, rather than reflective of some deep-seated patriotism. Creed's entrance and masquerade as two icons of American nationalism are largely for theatrics, funny gimmicks from a champion who views himself primarily as an entertainer, not an athlete. Even as Creed develops the idea to give an unknown fighter a chance at the Heavyweight title, the promoter praises Creed's idea because it is "very American," to which Creed responds, "No, it's smart." Smart, in Creed's view, equates to monetary gain. Creed's patriotism, then, is informed as much, or perhaps more, by his desire to pad his bank account than his love of country, which only further sullies Creed's claims on the nation and outrages the "truly" patriotic but left out white-ethnics like the "Italian Stallion" and his brethren who want nothing more than, as Balboa puts it, a "shot." This only adds to the tragedy of Creed's pre-fight routine. He is entirely undeserving of the nation of which he so thoroughly claims ownership and citizenship. In 1976 it is African Americans who can rightfully lay claim to America at the expense of the white working class, but *Rocky* makes it clear that these claims are wholly undeserved, nothing but a handout. Therefore, the white-working-class redemption this film offers must come through the reassertion of white male dominance over black men, the reclamation of America for its rightful owners—white men.

More importantly, the backlash politics of *Rocky* are decidedly different from those of, say, George Wallace, who infamously intoned, "segregation then, segregation now, segregation forever." Unlike Wallace, Balboa shows no signs of anti-black prejudice. He trains in an integrated gym, high-fives black supporters as he enters the ring, and even defends Creed during a conversation with his local bar owner. Rocky's racial politics differ from those of his friend Paulie, for example. Paulie's racial politics are more indicative of George Wallace's "forgotten

²²³ Cowie, *Stayin' Alive*, 328.

²²⁴ *Ibid*, 329.

man,” a sentiment that sent legions of disgruntled whites to the voting booths in support of the avowed white supremacist. In fact, the character of Paulie is meant to serve as an alternative to explicitly bigoted white backlash. According to Stallone, Paulie is “a symbol of the blue collar disenfranchised, left-out mentality, a man who feels life has given him an unfair amount of cheap shots.”²²⁵

By the time the film debuted, affirmative action and busing had become the country’s two biggest social issues. After over a decade of civil rights advances whites, by mid-decade had grown increasingly tired of what many felt was the prioritization and coddling of African Americans at the expense of whites.²²⁶ A stagflating economy that threw the country into a recession and put millions out of work for much of the decade only fanned the flames of white backlash. *Rocky* marks not the beginning of white backlash on screen but the movement of its politics to the mainstream. Rocky, then, is the blue-collar surrogate of the 1970s who can beat (both physically and competitively) an over-privileged black man in a manner many whites in the 1970s felt they could not because of the government’s unfair privileging of African Americans amid tough economic times.

In *Rocky Balboa*, whites found a hero who embodied their underdog mentality and went the distance with the beneficiary of their “oppression.” The film marks the moment in which white backlash went mainstream. Whites overwhelmingly opposed the civil rights policies of affirmative action and busing, the Supreme Court began ignoring discriminatory results and sole emphasis on intent, and the civil-rights-friendly rhetoric of colorblindness became the politically correct justification of these positions. Colorblindness offered a solution that both appealed to the antistatist anger of whites and satisfied post-civil rights political correctness. People like George Will were, after all, only continuing the work of Dr. King. By 1976, whites had successfully turned the language of the Civil Rights Movement against itself in order to undermine and undo many of its gains. With *Rocky*, Hollywood made an important contribution to that transformation. As we have seen, a politically and racially diverse group of people espoused colorblind rhetoric at the beginning of the decade. Yet it was those who argued that colorblindness was the antidote to the “reverse discrimination” of race conscious policies that increasingly became, as George Will argued, and I argue in the Gramscian sense, “common sense.” Alternative solutions, primarily that race-conscious policies were necessary in the short-term to produce a colorblind society in the long-term, were increasingly marginalized as more and more whites turned on affirmative action and busing. As George Will wrote in February of 1979, eight months after the *Bakke* ruling, Sears Roebuck and Co.’s resistance to affirmative action was a “non-rebellion.”²²⁷

Reagan and the Erosion of Civil Rights (1980-1983)

With the election of Ronald Reagan, colorblind ideology reached the White House, only a few years after it had begun to resemble a coherent set of ideas. As soon as he took office, Reagan put his Justice Department to work on implementing the colorblind ideology that had become so popular among disenfranchised whites in the late 70s, the same people who elected him. Shortly after his inauguration, a Reagan staffer stated that the administration would be getting back to “color-blind” hiring laws. This meant fierce opposition to affirmative action and

²²⁵ Cowie, *Stayin’ Alive*, 329

²²⁶ see Edsall and Edsall. *Chain Reaction*; Deslippe, *Protesting Affirmative Action*; Kruse, *White Flight*; Formisano, *Boston Against Busing*; Lassiter, *The Silent Majority*.

²²⁷ George F. Will, “Sears Non-Rebellion,” *Newsweek*, February 19, 1979.

busing.²²⁸

Ronald Reagan was no ally of civil rights; in fact, he built his career by catering to anti-black racist sentiments and opposition to civil rights. By the time he became president in 1980, he had opposed the Civil Rights Act of 1964, ran ads during his 1966 California gubernatorial campaign referring to inner-cities as “jungles,” and staunchly opposed busing and affirmative action.²²⁹ Reagan continued to make enemies of civil rights supporters during the 1980 presidential campaign. In the summer of 1980 he campaigned in Philadelphia, Mississippi, the city in which three civil rights workers were murdered sixteen years prior, where he affirmed his belief in “states rights” and promised to “restore to states and local governments the power that properly belongs to them.”²³⁰ In response, President Carter accused his Republican challenger of reviving the “stirrings of hate” between blacks and whites to appeal to white southerners.

Criticism of Reagan’s civil rights positions continued relentlessly once he took office. For example, in March of 1981, less than two months after taking office, and after dragging its feet in providing federal aid to help the city of Atlanta investigate a large spike in unsolved murders and child abductions, many speculated that the administration’s listless response was in part to the fact that all of the victim’s were black. In response, Reagan immediately stated that his administration moved as swiftly as possible and is “totally color-blind.”²³¹ On the wrong side of civil rights for his entire political career and about embark on a protracted assault on existing civil rights programs—affirmative action and school integration, especially—Reagan and his administration routinely, throughout his first term turned to colorblind rhetoric to justify their efforts to undermine civil rights and defend themselves against the frequent criticisms they received from civil rights supporters. In this, colorblindness became both the rigid civil rights philosophy and rhetorical broken record of the Reagan administration.

However, the Supreme Court proved uncooperative with the Reagan Administration’s opposition to civil rights programs and its insistence on a strictly colorblind approach to the law. Affirmative Action held ground in the Supreme Court as the eighties dawned. In June of 1979 the Court upheld, in *United Steelworkers of America v. Weber*, Kaiser Aluminum and Chemical Corp’s training program, which admitted blacks on a one to one basis with whites in order to improve the racial diversity of the higher-paying jobs in the company. And in *Fullilove v. Klutznick* (1980), the Court affirmed, with a six to three margin, a federal law that set aside ten percent of public works contracts for companies run by people of color.²³² Despite its growing influence on the American public, colorblindness struggled to take hold of the Supreme Court. Writing the majority opinion in *Fullilove*, Chief Justice Burger wrote that because of the “abundant evidence” that made it clear “minority businesses have been denied effective participation in public contracting opportunities...we [the majority] reject the contention that in the remedial context the Congress must act in a wholly ‘color-blind’ fashion.”²³³ Even in *Bakke*, which ruled a law school’s affirmative action program unconstitutional a year prior to *Weber*, the court upheld the legality of racial considerations more broadly.

Reagan’s assault on civil rights, therefore, would require creativity in the absence of legal

²²⁸ Terry H. Anderson, “The Strange Career of Affirmative Action,” *South Central Review* Vol. 22, No. 2 (Summer, 2005), 122-123.

²²⁹ O’Reilly, *Nixon’s Piano*, 355-378.

²³⁰ Douglas E. Kneeland, “Reagan Campaigns at Mississippi Fair,” *New York Times*, August 4, 1980, A11; “Carter Disavows Young’s Criticism of Reagan’s State Rights Remark,” *New York Times*, 17 October 1980, B13.

²³¹ Wendell Rawls, Jr., “Reagan Provides More Aid For Investigation in Atlanta,” *New York Times*, March 14, 1981.

²³² Anderson, *The Pursuit of Fairness*, 155-157.

²³³ C.J. Berger, Opinion of the Court, *Fullilove v. Klutznick*, 78 US 1007 (1980).

support; and the newly elected president and his administration proved more than up to the challenge. The president established a two-pronged approach to circumvent existing civil rights laws. First, his administration simply stopped enforcing civil rights laws they disapproved of. As Robert Detlefsen, a Reagan sympathizer notes, Reagan and the Justice Department reversed course, rebuking the approach of all previous administrations since Johnson toward civil rights. Reagan “switched sides” to that of the “man on the street” in direct opposition to judges and the law.²³⁴ According to Detlefsen, “Reagan spoke to what he believed was a growing sentiment among the electorate that government—especially the federal government in Washington—had become so large, unwieldy, and intrusive that its effect was often to undermine both economic efficiency and personal liberty.”²³⁵

Second, Reagan fundamentally restructured the composition of federal courts and the civil rights division of the government, which included the Justice and Labor Departments and the US Commission on Civil Rights. This restructuring removed affirmative action supporters from the civil rights division and re-staffed virtually the entire Justice Department and the US Commission on Civil Rights with men and women—William Bradford Reynolds (Assistant Attorney General and head of the Justice Department’s Civil Rights Division), Clarence Pendleton (Chairman of the US Commission on Civil Rights), and Clarence Thomas (Chairman of the Equal Employment Opportunity Commission (EEOC)), most notably—that, like Reagan, opposed existing civil rights law.²³⁶ This effectively turned the federal government’s civil rights division entirely against the cause of civil rights.

Far larger in scope was Reagan’s footprint on the benches of lower federal courts. Reagan turned over nearly half of the judgeships in lower federal courts, appointing nearly four hundred judges, the overwhelming majority of which were white male conservatives who shared Reagan’s opposition to civil rights. Of these almost four hundred appointees, only seven black, fifteen Latino, and two Asian judges won federal judgeships.²³⁷ The Reagan Administration abandoned the long held practice of using judicial nominations to reward patronage, and replaced that with a review process that focused on the ideological stances (on issues like abortion and affirmative action, especially) of judicial candidates.²³⁸ Additionally, Reagan appointed three Supreme Court Justice (his two predecessors appointed only one between them), and promoted William Rehnquist to Chief Justice.²³⁹ Judicial appointments afforded Reagan an opportunity to impose his civil rights views much more easily and more quickly. Outlawing affirmative action, or changing the law more generally, was a long, drawn out and difficult process. Appointing judges who shared his views, however, was not. Senate approvals for judicial appointments were far easier to come by than Congressional approval of a bill, say, banning affirmative action. Additionally, judgeships were lifetime appointments, ensuring Reagan’s ideology would endure long after he left office. As Edwin Meese, a Reagan staffer since his gubernatorial days and eventually the Attorney General during Reagan’s second term, put it, the new judges could “institutionalize the Reagan revolution so it can’t be set aside no matter what happens in future presidential elections.”²⁴⁰

²³⁴ Detlefsen, *Civil Rights Under Reagan*, 10.

²³⁵ *Ibid*, 2.

²³⁶ See Troy, *Morning In America*, 94, 184-185; Wilentz, *The Age of Reagan*, 181-182; O’Reilly, *Nixon’s Piano*, 362-264.

²³⁷ Patterson, *Restless Giant*, 174.

²³⁸ Wilentz, *Age of Reagan*, 188.

²³⁹ *Ibid*, 187-188.

²⁴⁰ in *Ibid*, 188.

Reagan's appointments both to the bench and to the civil rights division were part of a multistep and multiyear process that fundamentally restructured the federal government's approach to civil rights. Reagan's listless approach to the Atlanta situation when he first entered office gives a false impression of ambivalence in his administration when it came to civil rights. Instead, he and his minions attacked affirmative action and school integration with bellicose rigor. The administration wanted different results in *Weber* and *Fullilove*. They had hoped those cases would prove the death knell for affirmative action. Unable to legally end affirmative action and busing programs, the administration took a different approach outlined above. If the Supreme Court would not eliminate affirmative action programs, Reagan would simply appoint new judges who eventually could, and in the interim his Justice Department and Civil Rights Division would stop enforcing any civil rights law they took issue with. By Reagan's first summer in the White House, the Secretary of Labor had exempted seventy-five percent of companies contracting with the federal government from previously mandatory affirmative action programs.²⁴¹

While this was not an overnight process, Reagan implemented these personnel changes and imposed his civil rights mandate with a swiftness not typically associated with the federal government. By the fall of Reagan's first year in office, he had successfully divided the three federal agencies—Justice Department, Labor Department, and the Equal Employment Opportunity Commission (EEOC)—charged with enforcing civil rights laws over their approach to affirmative action. Reagan's first target was the Justice Department, which, by November, had come to oppose any affirmative action program that used numerical goals and timetables for hiring women and people of color.²⁴² By December of 1981, the Justice Department was pushing more forcefully to impose its opposition onto the entire federal government.

The leader of this charge was William Bradford Reynolds, Assistant Attorney General and head of the Justice Department's Civil Rights Division.²⁴³ He made clear he was trying to get the Supreme Court to ban all preferential treatment to women and minorities in hiring, admissions, and promotions practices in both the public and private sectors. This was despite the fact that the Court had upheld the constitutionality of such practices two years prior in the *Weber* ruling.²⁴⁴ In the interim, the Justice Department promised to no longer impose numerical goals or timetables for the hiring of women and people of color onto businesses and government agencies, as the Justice Department and Supreme Court had repeatedly done over the past decade and which remained legally mandated. Within a year of Reynolds' appointment to the civil rights division, over half of the lawyers working under Reynolds signed a petition protesting the hire of Reynolds' and his civil right positions.²⁴⁵ Under Reynolds, the civil rights division and the Justice Department ignored violations of the Voting Rights Act and intervened to overturn and exempt affirmative action programs. And simultaneously, Clarence Thomas and the EEOC,

²⁴¹ Denise M. Bostdorff and Steven R. Goldzwig, "History, Collective Memory, and the Appropriation of Martin Luther King, Jr.: Reagan's Rhetorical Legacy," *Presidential Studies Quarterly*, Vol. 35, No. 4 (December 2005), 662, 667.

²⁴² The Labor Department maintained their support of the law, and therefore the legitimacy of goals and timetables. And because Reagan was not yet able to influence the EEOC, it remained in compliance with the law as well. Robert Pear, "U.S. Agencies Vary on Rights Policy," *New York Times*, November 15, 1981, A1, A16.

²⁴³ O'Reilly, *Nixon's Piano*, 360-362; For an alternative account praising the work of Reynolds, see Wolters, *Right Turn*.

²⁴⁴ Robert E. Taylor, "Civil Rights Division Head Will Seek Supreme Court Ban on Affirmative Action," *The Wall Street Journal*, December 8, 1981, 4.

²⁴⁵ Detlefsen, *Civil Rights Under Reagan*, 61.

stopped using class action suits to enforce affirmative action hiring programs.²⁴⁶

By the end of his first year, *New York Times* columnist Robert Pear explained, “The civil rights policy of the Reagan Administration is becoming clear, and it represents a profound change from past policies for eliminating job discrimination and school segregation.” This change extended beyond affirmative action to school integration. Regarding busing, Reynolds outlined the administration’s position in November of 1981 stating, “We are not going to compel children who don’t choose to have an integrated education to have one.”²⁴⁷ The Administration also stated it would “no longer seek to desegregate an entire school district on the basis of segregation found to exist in just part of it,” despite the legal standards set by the Supreme Court beginning in 1973. Instead, the administration opposed busing, and segregation remedies would be applied to “only those schools in which racial imbalance is the product of intentionally segregative acts of state officials.”²⁴⁸ Within months of taking office Reagan had completely reversed the position of the Executive and Justice Department regarding affirmative action and busing in open opposition to the Supreme Court. Richard Nixon had implemented the first federal affirmative action plan over a decade prior, Gerald Ford held the affirmative action line, and Jimmy Carter defended the program throughout his presidency, even going so far as to rebuke the ruling in the *Bakke* decision. And while the previous three presidents’ were less supportive of busing (Nixon in particular), neither leader was willing to defy the law when it came to busing.

Less than one year into his presidency Reagan was actively undermining civil rights and reconstituting how the Executive branch of the federal government approached and conceived of civil rights and discrimination. He took the white backlash invention of “reverse discrimination” out of localized struggles over busing and affirmative action and gave them the credibility of the White House. At the close of Reagan year one, two members of the U.S. Commission on Civil Rights, an independent and bi-partisan federal agency tasked with protecting and furthering civil rights, characterized the administration’s civil rights positions and their directives to the U.S. Commission on Civil Rights, as “wholly inconsistent with established civil rights law.” Robert Pear, in explaining the discrepancy between the two agencies, notes,

The rights commission and the Administration start from different premises. The commission sees pervasive discrimination against women and minorities as the problem. Mr. Reagan’s appointees see ‘reverse discrimination’ as an *equally serious* problem. Race and sex conscious preferences, they say, not only violate the rights of white men, but also violate the principle that Government action should be ‘colorblind’ (emphasis added).²⁴⁹

By the start of 1982, Reagan had made his opposition to existing civil rights laws clear. Moreover, he used the power of the Executive Branch to make sure that the government agencies responsible for enforcing civil rights laws—beginning with the Justice Department—enforced his views on busing and affirmative action, despite the fact that the Supreme Court had maintained the legality of busing and affirmative action. Reagan disagreed, and therefore crafted the Justice Department in his view of civil rights informed by colorblindness. As Pear notes, if

²⁴⁶ Wilentz, *Age of Reagan*, 181-182.

²⁴⁷ Pear, “U.S. Agencies Vary on Rights Policy,” A1, A16.

²⁴⁸ Ibid.

²⁴⁹ Robert Pear, “Rights Policy: New Outlook,” *New York Times*, December 14, 1981, A21.

there was a civil rights issue Reagan cared about, it was not school integration or affirmative action, but instead “reverse discrimination” against white males.²⁵⁰ Benjamin Hooks, Executive Director of the NAACP, noted this dynamic a year later. “The Reagan Administration” he contended, “acts as if the white male is the minority.”²⁵¹ In fact, by May of 1983, “reverse discrimination” against white males was the primary civil rights issue of Reynolds and the Justice Department.²⁵²

Reagan continued his assault on civil rights as year two kicked off. By the start of 1982, the *Los Angeles Times* was reporting, in an foreboding column entitled, “Equality: A Chill in the Air,” that “The Reagan Administration now speaks with one voice about affirmative-action...It is not a voice raised to help minorities break out of the economic cellar.”²⁵³ In 1981, the Reagan administration stopped penalizing companies who refused to comply with mandated affirmative action programs. Instead, he exempted the vast majority of offenders. In 1982, Reagan took a similar approach to school integration. The Justice Department began advising the IRS to no longer deny tax-exempt status to religious schools, most famously Bob Jones University in Greenville, South Carolina, that openly discriminate against blacks. Taken together, the government’s statements on civil rights and their efforts to re-establish the tax-exemptions of segregated schools threw “a chill over hopes for racial progress,” according to the *Times*.²⁵⁴ There were other facets of this assault. For example, the Justice Department did not file a single case under Fair Housing Act of 1968 in Reagan’s first year in office. Previous administrations, including Nixon’s, averaged thirty-two per year.²⁵⁵

Civil Rights Leaders did not stand idly by as Reagan attacked many of the gains of the civil rights movement. In a speech at the annual meeting of the Leadership Conference on Civil Rights John Jacob, the president of the National Urban League, criticized the civil rights policies of Ronald Reagan, stating “We all know who our real enemies are... We must all unite to defeat the, and recapture the goals of the civil rights movement.”²⁵⁶ The study released by the Conference accused the Justice Department of attacking the country’s civil rights laws in an effort to curtail the opportunities of people of color. “The Justice Department has become a travesty,” the study concluded.²⁵⁷

As Reagan continued to assert this agenda in the face of mounting criticism, colorblindness provided the oft-repeated defense of his actions. Reagan and his administration insisted they were pursuing a strictly colorblind approach to the law, as civil rights advocates had demanded a decade and a half prior. Civil rights leaders, on the other hand, understood the colorblind rhetoric as nothing more than a convenient cooptation of selective civil rights rhetoric used to undermine its very goals by conservatives who largely opposed the movement they now claimed to inherit. Benjamin Hooks, Executive Director of the NAACP, put the views of he and the rest of civil rights advocates bluntly in stating that colorblindness is wrong “because its

²⁵⁰ Ibid.

²⁵¹ John Conyers, “Justice Dept.’s ‘Color-Blind’ Policy: Affirmative Action is Being Attacked Because it Works,” *Los Angeles Times*, May 15, 1983. G5.

²⁵² Detlefsen, *Civil Rights Under Reagan*, 11.

²⁵³ “Equality: A Chill in the Air,” *Los Angeles Times*, January 11, 1982. A10.

²⁵⁴ Ibid.

²⁵⁵ O’Reilly, 378; Edsall and Edsall, chapter 9.

²⁵⁶ “Two Reagan Policies Assailed,” *New York Times*, February 23, 1982, A17.

²⁵⁷ Sheila Rule, “Study Accuses Justice Department of Waging Attack on Civil Rights Laws,” *New York Times*, February 24, 1982, B20.

stupid.”²⁵⁸ By March of 1982, the *New York Times* noted “A fundamental disagreement over whether the Constitution and civil rights laws are ‘color-blind,’” had intensified between the Administration and civil rights groups.²⁵⁹

In the middle of ’82, the “chill” the *Los Angeles Times* noted that January had cooled to an outright freeze. By July, the Justice Department had “discarded busing as a remedy for school segregation: has stopped using goals to pressure employers to hire and promote minorities: has cut back on filing new school, housing, and voting rights-suits...”²⁶⁰ The administration also opposed the Voting Rights Extension of 1982.²⁶¹ Moreover, Reagan’s judicial appointments reflected the white supremacy of his approach to civil rights. By July, only one out of Reagan’s over sixty nominations for judgeship and zero of his over 80 US Attorney nominations were black.²⁶²

Midway through 1982, however, the administration began to take notice of the criticisms their civil rights actions were receiving. In response to the critics, Reynolds again reiterated in July that the administration was committed to the goal of a “colorblind” society.²⁶³ Yet while colorblindness provided the broken record to play in response to civil rights critics, the administration understood that after a nearly eighteen month relentless barrage on civil rights, the colorblind rhetorical defense could not camouflage the lengths the administration had gone in attacking civil rights. With midterm elections approaching, and Republicans down in the polls, Reagan and his team began to worry about the criticisms his civil rights actions were receiving. A White House political aide called the opinion of Reagan among blacks and the potential fallout in the ’82 elections, “probably the area that causes us the most concern.”²⁶⁴ In response, Reagan went on the offensive to “seek better relations” with people of color. He began making more appearances at events appealing to women and people of color. In addition, the White House also instructed the Justice Department to ease of exempting federal fund recipients who discriminated from disqualification, which it had done in earnest since Reagan entered office. “Now was not the time to press this issue,” the White House informed the Justice Department.²⁶⁵

In the second-half of 1982, government officials joined civil rights groups in criticizing Reagan’s civil rights actions. In September, the annual meeting of state advisory committees of the federal US Civil Rights Commission sent a letter to the president asserting he was responsible for a “dangerous deterioration in the Federal enforcement of civil rights.”²⁶⁶ At month’s end, *The Wall Street Journal* was noting that the President was “coming under fire” for its handling of civil rights policy; bad news with midterm elections only two months away. Referencing the state agencies letter, it also said Reagan had made “severe reductions” in operating funds of civil rights agencies.²⁶⁷

In response, again, whites came to Reagan’s defense. The Washington Council of Lawyers dismissed the objections of the state civil rights commissions and issued a study of their

²⁵⁸ “Reagan Civil Rights Policies are Defended and Criticized,” *New York Times*, May 30, 1983, 1 and 6.

²⁵⁹ Stuart Taylor Jr., “‘Color-Blind’ Rights Law,” *New York Times*, March 10, 1982, B8.

²⁶⁰ Robert E. Taylor, “Race and Regulation: Reagan Seeks to Better Relations with Minorities Who Charge He Undermines Civil-Rights Law,” *Wall Street Journal*, July 28, 1982, 42.

²⁶¹ Wilentz, *Age of Reagan*, 181; O’Reilly, *Nixon’s Piano*, 369; Laham, *The Reagan Presidency*, Chapter 7.

²⁶² Taylor, “Race and Regulation,” 42.

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Robert Pear, “Rights Panel Calls for ‘Summit,’” *New York Times*, September 15, 1982, A16.

²⁶⁷ “Flak on Civil Rights.” *Wall Street Journal*, September 20, 1982, 30.

own. “If the administration is to be criticized for its civil rights record,” the article contends, “it should be for not moving more swiftly and forcefully toward a ‘color-blind’ approach to enforcement.” The article defends Reagan’s opposition to ’82 Voting Rights Amendments. “While the government has the responsibility to halt intentional racial discrimination that disrupts social and economic mobility to overstep that responsibility itself *threatens civil liberties*,” white male civil liberties, that is.²⁶⁸

Halfway through his first-term, it was easy to understand why *The Los Angeles Times* would assert that Reagan has gone “farther than other recent administrations in advocating strict colorblindness.”²⁶⁹ As the second-half of the term got underway, the administration continued to aggressively pursue the elimination of affirmative action and mandatory school integration. At the end of April, speaking at Amherst College, William Bradford Reynolds insisted that racial preferences in hiring and promotion and mandatory school busing to achieve racial balance were “morally wrong.” “The use of race in the distribution of limited economic and educational resources in the past decade,” Reynolds elaborated, “has regrettably led to the creation of a kind of racial spoils system in America.”²⁷⁰ He emphasized that the underlying goal of the administration’s civil rights policy is to achieve a “color-blind” society. “If history has taught us any lesson at all,” Reynolds insisted, “it is that the use of race to justify treating individuals differently—whether they be black or white—can never be legitimate. Racial classifications are wrong—morally wrong—and ought not to be tolerated in any form or for any reason.” In place of busing, he advocated “voluntary desegregation” for segregated schools.²⁷¹

As 1983 unfolded, Reagan began implementing phase two of his civil rights agenda—removing from the federal government’s civil rights agencies those who opposed his positions on civil rights and replacing them with like-minded affirmative action and integration opponents. William Bradford Reynolds and Clarence Pendleton, the black conservative and the affirmative action and busing foe whom Reagan appointed Chairmen of the Civil Rights Commission, were the most high-profile examples of this. Nonetheless, this process extended far deeper than just the leadership of the justice department and the US commission on Civil Rights. Shortly after Reynolds’ Amherst speech, Reagan replaced three of the members of the US Commission on Civil Rights. He had previously replaced two others, meaning that a total of five of the six members of the commission designed as an independent and bi-partisan federal agency tasked with protecting and furthering civil rights were Reagan appointees whose views aligned with those of the president.²⁷²

Civil Rights leaders were not optimistic about the forecast for civil rights under the stewardship of new-look commission. Shortly after the Commission was re-staffed, Phyllis P. McClure, an NAACP lawyer, stated, “I expect a 180-degree switch on every major position that the old commission took on such issues as affirmative action, school desegregation, and the nondiscrimination obligations of Federal aid recipients. I even anticipate a redefinition of what a civil rights issue is and what the legal precedents are.”²⁷³ A citizen’s panel, that included a half-dozen former members of the commission, characterized Reagan re-organization of the commission a “‘concerted attack’ on affirmative action programs and accused the administration

²⁶⁸ Ibid.

²⁶⁹ Edwin Yonder, Jr., “Racial Favoritism Only Prolongs Injustice,” *Los Angeles Times*, May 15, 1983, G5.

²⁷⁰ “Rights Official Says Race-Based Policies are ‘Morally Wrong,’” *New York Times*, April 30, 1983, 1 and 7.

²⁷¹ “Rights Official Assails Hiring Quotas, Mandatory Busing,” *Los Angeles Times*, April 30, 1983, A5.

²⁷² “Reagan Civil Rights Policies are Defended and Criticized.” *New York Times*, May 30, 1983, 1 and 6.

²⁷³ Robert Pear, “Commission Intends to Reassess Rights,” *New York Times*, January 8, 1984, A4.

of using colorblind rhetoric to advance its “political and ideological goals.”²⁷⁴ The new commission members themselves explicitly confirmed McClure’s fears. John H. Bunzel, one of Reagan’s appointees, stated that there would indeed be “a reassessment of past policies, approaches and viewpoints” upon his confirmation.²⁷⁵ The first action of staff director Linda Chavez, one of Reagan’s appointees to the Civil Rights Commission, was to issue a memorandum “urging the commission to reverse itself and support white Memphis, Tenn. firefighters in a Supreme Court case in which they are challenging the hiring of blacks under affirmative action.” This prompted the committee to hold an emergency meeting to rebuke Chavez.²⁷⁶ In response to Reagan’s Commission appointees, the state advisory committee chairmen characterized Reagan’s restructuring of the commission, “A clear attempt to destroy the autonomy of the agency.”²⁷⁷ Reagan’s efforts to shake up the members of the Commission, was “unprecedented and endangers the historic independence and integrity of the commission.” He further argued the Justice Department was “undermining judicial authority to eliminate the present effects of past discrimination.”²⁷⁸

At the start of 1983, the Conservative Heritage Foundation, who in 1982 issued a civil rights report calling for a strictly colorblind approach to civil rights, recommended that the administration “attack hundreds of existing affirmative action agreements as its top legal priority.”²⁷⁹ They did not realize that process was long underway by 1983. By June of 1983, journalist Hodding Carter III was asking in the *Wall Street Journal*, “When will Reagan Do Something for Minorities?” “The president and his men” insisted Carter, “have repeatedly put themselves squarely at odds with mainstream thinking in the civil rights movement and with the policy decisions of every president since Eisenhower.” In his rebuke, Carter also criticized the administration’s use of colorblindness to defend their civil rights positions. “Rhetorical claims to belief in a colorblind society,” he argued, “and repeated insistence that the goal of justice for all is near and dear to the president’s heart cut little ice with people looking for concrete action.”²⁸⁰ Yet Carter’s contention regarding the fallacy of colorblindness placed him in the minority as Reagan’s colorblind rhetoric continued to gain traction in the minds of whites. A September Anti-Defamation League 1983 study found that 73% of Americans “disapproved of giving members of minorities special advantages to rectify past discrimination,” and 52% said that race should play no factor in hiring and companies should not be required by law to hire a fixed percentage of minorities.²⁸¹

By the end of 1983, the Reagan Administration directed its attention back to the Supreme Court in an effort “to force the Supreme Court to confront” affirmative action yet again, in hopes of eliminating the program entirely. In December, the Justice Department filed a Supreme Court brief arguing that the city of Detroit’s affirmative action plan, which promoted black and white police officers in equal numbers, as well as a lower court ruling that mandated an affirmative action program in the Memphis firefighter’s union, were unconstitutional.²⁸² While the Court had

²⁷⁴ “Panel Blasts Reagan Policy on Job Quotas,” *Los Angeles Times*, June 26, 1984, A2.

²⁷⁵ Pear, “Commission Intends,” A4.

²⁷⁶ Lee May, “Justice Aide Faults Racial hiring Quotas,” *Los Angeles Times*, September 13, 1983, B5.

²⁷⁷ Ibid.

²⁷⁸ Robert Pear, “Reagan’s Rights Stance Called Akin to King’s,” *New York Times*, September 13, 1983, B17.

²⁷⁹ Lindsey Gruson, “Survey Finds 73% Oppose Racial Quotas In Hiring,” *New York Times*, September 25, 1983, <http://www.nytimes.com/1983/09/25/us/survey-finds-73-oppose-racial-quotas-in-hiring.html>.

²⁸⁰ Hodding Carter III, “When Will Reagan Do Something for Minorities?” *Wall Street Journal*, June 2, 1983, 31.

²⁸¹ Gruson, “Survey Finds 73% Oppose,” A29.

²⁸² Robert Pear, “Just how Fair is Affirmative Action?” *New York Times*, December 11, 1983, E4.

defended the use of racial preference in hiring in order to undo past discrimination in both the *Weber* and *Fullilove* cases shortly before Reagan entered office, the administration hoped that those rulings, which dealt with affirmative action in the private sector, were unconstitutional when applied to the public sector. Moreover, the administration hoped that such a victory would open the door to banning affirmative action in other areas. Not surprisingly, Reynolds defended the administration's position as motivated entirely by a commitment to "colorblind law." The stance taken by the administration at the end of 1983 marked a wholesale reversal not just in position but in action of the previous administration. Carter opposed the *Bakke* case and maintained that race was "was an appropriate criterion to use in remedying the effects of past discrimination."²⁸³ Nixon disapproved of busing but did not use his Justice Department stop it. Only five years later, the White House had reversed course entirely. It not only opposed affirmative action and school integration, it had become the most activist group trying to eliminate it. Colorblindness, and colorblindness alone, was the justification offered for this.

As the year closed, the editorial board of the *Los Angeles Times* published an article entitled, "Affirmative Action is Under Fire." They defended the program and argued that someday the country will be "colorblind," but that affirmative action is needed in order to "bring minorities to the place in society where they would be now had there not been decades of discrimination." Affirmative action, they warned, "is under serious attack from the Reagan Administration."²⁸⁴ In their defense of the necessity of affirmative action, the board goes further. They contend that the motivation behind Reagan's opposition to affirmative action, especially in the recent challenge to the Detroit Police Department, was that affirmative action works.²⁸⁵ So while the administration insisted throughout their first three years in office that their opposition to affirmative action and busing programs was strictly due to a commitment to "colorblind" equality, in actuality, as the *Times* editors note, the administration's opposition is, in fact, a response to increasing social and economic opportunities afforded to people of color by these programs.

The *Times* editorial had no effect on the civil rights course of the administration. As the final year of Reagan's first term unfolded, the administration continued its assault on civil rights programs. When the Supreme Court ruled that an employer could not lay off a senior ranking employee over a junior one in order to maintain a certain percentage of employees of color Reynolds ordered all federal affirmative action plans reviewed to eliminate any "race-conscious provisions" in them, a move the *Los Angeles Times* characterized as "An Attack Without Foundation."²⁸⁶ A month later, Reynolds made clear "There is nothing in the Fair Housing Act that requires any particular balance in a neighborhood." While he conceded that the administration would "stop practices that deny people opportunity," he nonetheless argued that "the natural consequences of people's choice of housing is not something the federal government ought to regulate, even if it results in buildings, neighborhoods or communities that are occupied entirely by persons of one race. There is nothing unlawful" about such a result and "nothing that would compel" the federal government to change it.²⁸⁷ As with busing and affirmative action, this Reagan Administration's position on civil rights marks not merely a reinterpretation of the

²⁸³ "Administration is Hoping to Force Court to Confront Racial Quotas," *New York Times*, December 5, 1983.

²⁸⁴ "Affirmative Action is Under Fire," *Los Angeles Times*, December 13, 1983, C6.

²⁸⁵ *Ibid.*

²⁸⁶ "An Attack Without Foundation," *Los Angeles Times*, June 15, 1984, D6.

²⁸⁷ Ann Mariano, "Rights Official Sees No U.S. Role in Integrated Housing," *The Washington Post*, July 11, 1984, B1.

law but a fundamental reversal of the federal government's approach to civil rights. As previously noted, Reagan's Justice Department did not file a single discrimination case under the Fair Housing Act during Reagan's first two years in office, compared to an average of over thirty per year in the previous two administrations. By the end of his first term, the Justice Department had filed only seventeen cases, total. This prompted the *Los Angeles Times* to report the Justice Department's approach to the Fair Housing Act under the title, "The Undermining of Civil Rights."²⁸⁸

As with their other controversial positions on civil rights, the Reagan administration turned to the rhetoric of colorblindness to defend their approach to civil rights. When White House Spokesman Larry Speakes faced repeated inquiries about whether or not the president shared Reynolds' view on integrated housing in July of 1984, he angrily told reporters that anyone who claimed the president did not support equal opportunity was an "outright liar." "The Administration is color-blind," Speakes insisted, before adding that Reagan's "record of enforcement on civil rights would stand up against any Administration."²⁸⁹ A month later, Deputy Attorney General Carol Dinkins delivered a speech to members of the American Bar Association explaining that the Justice Department has followed a "color blind" civil rights policies.²⁹⁰

As Sean Wilentz argues, "the Reagan White House established a pattern of disregard for the law as anything other than an ideological or partisan tool. Laws that advanced the interests of the administration were passed and heeded; those that did not were ignored, undermined, or (if necessary) violated." Under Reagan the rule of law was always subordinate to the "rule of politics."²⁹¹ Civil Rights was undeniably one of the areas in which Reagan most aggressively took this approach. The actions of the Reagan administration in matters of race, from refusing to enforce existing civil rights law, to appointing opponents of civil rights to the bench as well as federal government's civil rights enforcement agencies thereby rendering them useless, and trying to force the Supreme Court to take up affirmative action cases in hopes of banning the program converted the federal government's civil rights division from protecting the rights of historically oppressed groups—women and people of color—to protecting those of white males in only one term. Most importantly, all of this was accomplished through the rhetoric of colorblindness.

While historian Gil Troy insists that "the Reagan Administration's assault on civil rights was more rhetorical than real," one cannot minimize the effort Reagan and his Justice Department put in to make sure their impact on civil rights was real.²⁹² The re-staffing of the federal government's civil rights division and the alterations to federal court benches were certainly more than rhetorical. More importantly, Troy's underestimates the fundamental work such rhetoric played in building the ideology of colorblindness. The changes in civil rights Reagan sought in his first term might not have come to fruition, but their inevitability was sealed through the actions and colorblind rhetoric of Reagan and his appointees like William Bradford Reynolds

Throughout this drastic reframing of civil rights discourse and restructuring of civil rights

²⁸⁸ "The Undermining of Civil Rights," *Los Angeles Times*, July 15, 1984, D4.

²⁸⁹ "Irate Speaker Defends Reagan's Record on Rights, Scolds Press," *Los Angeles Times*, July 11, 1984, A2.

²⁹⁰ Philip Hager, "Justice Official Denounces Racial Quotas for Jobs, Housing," *Los Angeles Times*, August 9, 1984, A24.

²⁹¹ Wilentz, *Age of Reagan*, 285-286.

²⁹² Troy, *Morning in America*, 97.

organizations, Reagan repeatedly and exclusively turned to colorblind rhetoric to defend his positions. By the end of his first term, Diane Camper of the *New York Times* coined a phrase to refer to the Reagan Administration's habitual invocation of colorblindness to defend themselves against criticisms of their position on civil rights; they called it "The Reagan Race Phonograph," but also editorialized, "Playing the Record is Understandable; The Content is not."²⁹³ Colorblindness enabled Reagan to frame his relentless attacks on civil rights as motivated by a morally righteous and apolitical commitment to equality. This was not new, as white antibusers and affirmative action opponents utilized the same strategy a half-decade prior at the grassroots level and people flocked to movie theaters to watch white supremacy colorblind justice reestablished in a heavyweight prize fight. So while Reagan was certainly not the first person to deploy such strategy, he was the first president to do so. As president, he was able to exert far more influence nationally through the use of colorblind rhetoric.

²⁹³ Diane Camper, "The Reagan Race Phonograph," *New York Times*, July 6, 1984, A22.

Chapter 4

“Contorted in Anger”: *Blue Collar* and the Colorblind Hand of the Free Market

“There is a thesis, popular in conservative and neo-conservative circles, that there is no longer really a racial problem in the U.S. There is just the problem of individuals...” – Hodding Carter III, April 26, 1984.²⁹⁴

In 1976, as anti-busing outrage spread across the country and the Supreme Court was halfway between its first two major anti-affirmative action suits, University of Chicago economist Milton Friedman won the Nobel Prize in Economics. His advocacy of unencumbered free markets had traversed the fringes of post-war Economics departments, where they found few sympathetic ears outside of the University of Chicago and the London School of Economics in the post-war era of Keynesian hegemony, to the field’s highest honor.²⁹⁵ Friedman’s star rose considerably with the publication of *Capitalism and Freedom* in 1962. The popularity of the book brought Friedman’s free-market idolatry to an audience outside of academia, which he further cultivated in a weekly *Newsweek* column from 1966-1984. Moreover, as Keynesian medicine seemed incapable of alleviating high unemployment and inflation in the stagflating economy of the 1970s, Friedman’s warnings regarding the discontents of government planning finally seemed vindicated.

David Harvey defines the ideas, known as neoliberalism, of economists like Friedman as a “theory of political economic practices proposing that human well-being can best be advanced by the maximization of entrepreneurial freedoms within an institutional framework characterized by private property rights, individual liberty, unencumbered markets, and free trade.”²⁹⁶ Stuart Hall argues that “neo-liberalism is grounded in the idea of the ‘free, possessive individual. It sees the state as tyrannical and oppressive. The state must never govern society, dictate to free individuals how to dispose of their property, regulate a free-market economy or interfere with the God-given right to make profits and amass personal wealth.”²⁹⁷ Expanding on these ideas, Henry A. Giroux writes, “Wedded to the belief that the market should be the organizing principle for all political, social, and economic decisions, neoliberalism wages an incessant attack on democracy, public goods, and non-commodified values.”²⁹⁸ Friedman, and his like-minded comrades like Friedrich Hayek are the godfathers of neoliberal thought that has dominated the world of economic policy since the 1980s. Under neoliberal doctrine, the state’s limited functions include

²⁹⁴ Hodding Carter III, “The U.S. Has Yet to Expunge the Stain of Racism,” *Wall Street Journal*, April 26, 1984.

²⁹⁵ For more on the history of neoliberal thought, see Angus Burgin, *The Great Persuasion: Reinventing Free Markets since the Depression* (Cambridge, MA: Harvard University Press, 2012); Daniel Stedman Jones, *Masters of the Universe: Hayek, Friedman, and the Birth of Neoliberal Politics* (Princeton: Princeton University Press, 2012). For more on the rise of neoliberal politics in the United States, see Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (New Haven, CT: Yale University Press, 2010).

²⁹⁶ Harvey, *A Brief History of Neoliberalism*, 2.

²⁹⁷ Stuart Hall, “The Neo-Liberal Revolution,” *Cultural Studies* 25:6 (2011), 706.

²⁹⁸ Henry A. Giroux, “The Terror of Neoliberalism: Rethinking the Significance of Cultural Politics,” *College Literature*, Vol. 32. No. 1 (Winter, 2005), 1-19.

preserving the “integrity of money” and providing the requisite “military, defense, police, and juridical functions” to ensure the freedom of the market.²⁹⁹ As Naomi Klein puts it, under neoliberalism, governments provide “the police and the soldiers” but nothing else. Anything else constituted an “unfair interference in the free market.”³⁰⁰ “Neoliberal ideology,” Giroux explains, “on the one hand, pushes for the privatization of all non-commodified public spheres and the upward distribution of wealth. On the other hand, it supports policies that increasingly militarize facets of public space in order to secure the privileges and benefits of the corporate elite and ultra-rich.”³⁰¹ Lastly, neoliberalism advocates the creation of markets where they do not previously exist, such as in education, healthcare, or prisons.³⁰²

However, scholars like Carolyn Hardin and John Clarke lament what they feel is the overuse of the term.³⁰³ For Hardin in particular, the term often has no meaningful distinction from classical liberalism in much of its use. Instead, she argues that the “neo” in neoliberalism is due in large part to the supremacy of the corporation, which perhaps even supersedes that of the individual. Hardin contends, “It seems that the epistemological project of neoliberalism refigures society as an economic system of corporations. Individuals are refigured as corporations or entrepreneurs and corporations are treated as individuals.”³⁰⁴ Similarly, Colin Crouch argues that neoliberalism is characterized primarily not by free market, but by the omnipotence of the corporation.³⁰⁵ Nonetheless, at risk of perpetuating the overuse of neoliberalism, I use it here to refer to the social, economic, and political changes that typically fall under the umbrella of the “Reagan Revolution.” By that I mean the anti-Welfare State and anti-Great Society maneuverings of whites against the civil rights policies of the 1960s and the economic ones of the New Deal. A general anti-government ethos, be it in the market or in the classroom, drove each of these processes and it is that ethos that I refer to as the rise of neoliberalism in the United States.

Moreover, Hollywood played an integral role in cohering the racial politics of neoliberal colorblind individualism. The narrative conventions of the film industry, especially the centrality of the individual protagonist, are particularly predisposed to neoliberal politics. This chapter traces the emergence of colorblindness as the racial politics of neoliberalism. I begin with *Blue Collar*, a film about the struggles of three Detroit autoworkers—two black, Zeke and Smokey (Richard Pryor and Yaphet Kotto), and one white, Jerry (Harvey Keitel)—with their corrupt union, which premiered in 1978, midway between Friedman’s Nobel and Reagan’s presidential election. While scholars have noted the manner in which the film represents the disintegration of labor power as a result of the coming neoliberal era, the film also forebodes the ruinous effects neoliberalism will bring to racial relations.³⁰⁶ It precedes and anticipates the policy changes

²⁹⁹ David Harvey, “Neoliberalism as Creative Destruction,” *Annals of the American Academy of Political and Social Science*, Vol. 610 (March 2007), 22.

³⁰⁰ Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007), 6.

³⁰¹ Giroux, “The Terror of Neoliberalism,” 14.

³⁰² Harvey, “Neoliberalism as Creative Destruction,” 22-23.

³⁰³ Carolyn Hardin, “Finding the ‘Neo’ in Neoliberalism,” *Cultural Studies*, 28:2 (2014), 199-221; John Clarke, “Living with/in and without neo-liberalism,” *Focall-European Journal of Anthropology*, Vol. 51 (2008), 135-147; Also quoted in Hardin, “Finding the ‘Neo’ in Neoliberalism,” 215. Hardin’s article also provides an excellent survey of the field of neoliberal scholarship.

³⁰⁴ Hardin, “Finding the ‘Neo’ in Neoliberalism,” 215.

³⁰⁵ Colin Crouch, *The Strange Non-Death of Neoliberalism*, (Malden, MA: Polity Press, 2011); Hardin also briefly discusses Crouch’s work. Hardin, “Finding the ‘Neo’ in Neoliberalism,” 216.

³⁰⁶ See, for example, Cowie, *Stayin’ Alive*, 334-337; and Peter Biskind, “Blue Collar Blues: Proletarian Cinema from Hollywood,” *From Seven Days*, 7 April, 1978, In *Gods and Monsters*, (New York: Nation Books, 2004).

wrought by the Reagan administration specifically, and neoliberal thought more broadly. Moreover, the film also marks the destruction of Hollywood's ability to narrate collective struggle, thereby signaling the manner in which Hollywood, a culture industry whose medium is inclined toward narrating the plight of individuals, became an integral culture industry in cohering and disseminating neoliberal ideology.

I then proceed with an analysis of Friedman and another neoliberals' writings on civil rights, as well as the assault on civil rights under the pretense of colorblindness of the Reagan Administration during its first term. I argue that Reagan's implementation of Friedman's foundational belief—that the government has no business in any matters other than national security, law and order, and to enforce private contracts—reflected not a steadfast belief in neoliberal ideology, but, when justified with colorblind rhetoric, an effective means of undercutting civil rights. The appeal, then, of neoliberalism to the Reagan administration and the majority of Americans who elected and supported him, was not simply its economic solutions to the malaise of the seventies. Neoliberalism, when couched in a colorblind rhetoric of individual rather than group rights, offered an attractive means through which to undermine civil rights programs—school integration and affirmative action—white opponents had mobilized against in the second half of the previous decade and that the Supreme Court upheld over the same period without violated post-civil rights notions of equal opportunity.

The growing influence of Friedman's ideas in the 1970s, culminating in the US with the election of Reagan in 1980, coincided with both the economic recessions of the seventies as well as mounting opposition to civil rights programs in the name of "colorblindness." While the connection between the growing popularity of Friedman's economic beliefs in the context of the slumping economy of the seventies is obvious, I argue a similar correlation exists between the rise of neoliberal economic philosophy and colorblind racial ideology. As Stuart Hall explains, "racial structures cannot be understood adequately outside the framework of quite specific sets of economic relations."³⁰⁷ Furthermore, Lisa Duggan argues that neoliberalism "organizes material and political life *in terms* of race, gender and sexuality as well as economic class and nationality, or ethnicity and religion."³⁰⁸ In other words, it is no accident that the neoliberal creed, that government inhibits freedom—be it in the market or in the classroom—and that freedom must be understood strictly at the level of the *individual* found increasingly sympathetic ears among whites as the seventies progressed and white frustration mounted over the federal government's willingness to address the racial inequality of African Americans as a *group*. Ultimately, I argue that neoliberalism gained the momentum it did because it offered solutions to two problems; first to the economic sluggishness of the decade, and second, perhaps more importantly, to the "problem" of government intervention in addressing racial inequality. In other words, the neoliberal creed was, in part, appealing to whites whose school districts faced busing orders or whose universities or unions implemented affirmative action programs. Many blue-collar whites proved willing to sacrifice the union power they had spent decades building in order to reinforce white supremacy—their "possessive investment in whiteness."³⁰⁹ Certainly, the poor economic performance of the decade and the seeming failures of traditional Keynesian remedies played a

³⁰⁷ Stuart Hall, "Race, Articulation, and Societies Structured in Dominance," In *Black British Cultural Studies: A Reader*, eds. Houston A. Baker, Manthia Diawara, and Ruth H. Lindeborg (Chicago: University of Chicago Press, 1996), 19.

³⁰⁸ Lisa Duggan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2003), 3.

³⁰⁹ Lipsitz, *The Possessive Investment in Whiteness*, vii.

significant role. Yet economics alone does not fully account for this transformation. As whites increasingly turned on civil rights programs, they articulated a neoliberal ideology of colorblind individualism in order to handcuff the government's ability to intervene in matters of race. Neoliberalism, then, is not simply a project designed to restore class power; it is equally a project aimed to rewrite white supremacy through invisibility in the aftermath of the civil rights era. Therefore, we must conceive of colorblindness as the racial politics of neoliberalism. Colorblindness and neoliberalism were mutually constitutive of one another. Colorblindness became in the Reagan era not the actualization of civil rights' dreams, but the racial politics of an emerging neoliberal nightmare.

“Contorted in Anger”: *Blue Collar* and Neoliberalism’s Culture Industry

Blue Collar premiered in the midst of the *Bakke* hearing, two years after Friedman’s Nobel, and two years prior to the 1980 election. As we have seen, by 1978 colorblind neoliberalism was becoming an increasingly influential discourse in civil rights and economic policy. *Blue Collar* marks the directorial debut of screenwriter and Martin Scorsese collaborator Paul Schrader. It depicts the struggles of three Detroit autoworkers—two black, Zeke and Smokey (Richard Pryor and Yaphet Kotto), and one white, Jerry (Harvey Keitel)—and their corrupt union. Confronted with financial hardship and fed up with the union brass, the three men devise a plan to rob their local union headquarters. Inside the safe, the men find only \$600; however, they also obtain a notebook documenting illegal union lending. Unsatisfied with their monetary take, Zeke, Jerry, and Smokey decide to use the ledger to blackmail their union, a process that eventually leads to the murder of Smokey, the buying off of Zeke with a promotion and Jerry turning state’s witness in an FBI investigation in exchange for police protection.

Organized labor lost its status as a major influence in America’s social and political fabric in the first half of the seventies.³¹⁰ Many Americans blamed unions, specifically their negotiated high wages and diminished productivity, for the stagnated economy and high inflation in the 1970s. As a result, states across the country passed “right to work” laws limiting union power. Unions took another hit with the migration of the US manufacturing industry from the Northeast to the Sunbelt, where right to work laws, free land, and state subsidies enticed business to relocate.³¹¹ Unions had, over the previous decades developed a stronghold in the manufacturing industries of the Frostbelt and wielded significant influence over the Democratic Party. This changed in the 1970s as the Democratic Party split over Vietnam and civil rights. The division between the pro and anti war factions of the Democratic Party ultimately led George Meany, head of the AFL-CIO, to refuse to endorse George McGovern, the Democratic nominee for President in 1972.³¹² This marked the end of a decades-long marriage between Democrats and unions, and blue-collar whites increasingly fled to the Republican Party, which capitalized on the fractured left and increasingly appealed to blue-collar social conservatism, particularly on issues of race.

As historian Dennis Deslippe notes, opposition to affirmative action originated as much

³¹⁰ For more on the decline of unions in the 1970s, see Cowie, *Stayin’ Alive*; Jefferson Cowie, “‘Vigorously Left, Right, and Center’: The Crosscurrents of Working-Class America in the 1970s,” In *America in the Seventies*, eds. Beth Bailey, and David Farber (Lawrence, KS: University of Kansas Press, 2004), 75-106; Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), Chapter 4; Stein, *Pivotal Decade*; and Judith Stein, *Running Steel, Running America: Race, Economic Policy, and the Decline of Liberalism* (Chapel Hill, NC: University of North Carolina Press, 1998), chapters 7-11.

³¹¹ See Schulman, *The Seventies*, chapter 4.

³¹² See Lichtenstein, *State of the Union*, Chapter 4

in faculty clubs as it did on the assembly line, and among liberals and conservatives alike in the decade and a half between civil rights and *Bakke*. The conventional affirmative action opposition narrative—that affirmative action opposition came exclusively from white backlash “hard hats” fed up with civil rights programs—occludes the manner in which self-professed liberals who continued to support the Democrats dominated affirmative action opposition in its first decade.³¹³ Nonetheless, although affirmative action opposition came from multiple sources, labor unions were a pillar of this movement from its inception. However, union opposition in the late-sixties lacked the rigidity it would acquire as the seventies unfolded. While some unions outright opposed equal opportunity and even resorted to violence to prevent implementation of affirmative action programs, the vast majority of unions supported “soft” affirmative action measures that included recruiting and training programs for minority applicants in the programs early years. They did, however, oppose “hard” affirmative action policies that set aside a certain amount of jobs for minority candidates, especially when it challenged seniority laws of “last hired, first fired.” Union opposition to affirmative action calloused as the seventies unfolded and the country slipped into recession, leaving an expanding workforce to compete for a dwindling number of jobs. As Deslippe notes, “If affirmative action in the 1960s focused on who should be hired, in the challenging economy of the 1970s it tended to deal with who should be fired.”³¹⁴

The men of *Blue Collar* find their financial stability, job security, and lives constantly threatened. Their corrupt union terrorizes their lives while the federal government undermines their union loyalty and nickel-and-dimes their shrinking wages with its punitive tax code. In one scene, an FBI official investigation corruption in the men’s local, says “Everybody knows your local is the most corrupt in the city,” to which Jerry responds, “I also know you got your man inside the union, an the union’s got its man inside the government, and if I farted up wind I would be out of a job in an hour, wouldn’t I?” In a prior scene, the same FBI official, masquerading as an instructor at a local college, infiltrates the workers’ bar, and, trying to obtain information about the union brass under the pretense of research for a doctoral thesis, says, “The thing I don’t understand is why you let the union rip you off. . . its like you wanna get fucked over.” In another, a Mr. Berg from the IRS comes visits the home of Zeke, investigating “discrepancies” in Zeke’s tax returns. Two small errors along with the corresponding late penalty, amount to \$2500 in back taxes. “Its not me, its Uncle Sam,” says Berg. After refusing Zeke’s request for a “break,” Zeke erupts, “Fuck, Uncle Sam. They give the fuckin’ politicians a break! Agnew and them don’t pay shit! The workin man’s gotta pay every goddam thing!” These snapshots reveal the manner in which these men find their livelihoods and lives constantly threatened by their union and the federal government, two key components of the Keynesian welfare state. As Smokey says at one point, “The union ain’t done shit for us, man.” *Blue Collar* combines the antistatist components of 1970s discourse into one big indictment of government planning. Upon its release, the *Cleveland Plain Dealer* described the film as a “tale of blue collar blues.” The film’s script introduces the film as follows: “AUTO WORKERS: In the 1920’s they came to Detroit like pretty girls to Hollywood. In the 1970’s they are bored, brutalized, exhausted, angry. Most hate their jobs. Many hate their lives.” The script’s introduction succinctly captures the backlash and “malaise” of the late seventies, and directs its ire square at the feet of unions and big government.³¹⁵

³¹³ For more on the liberal opposition to affirmative action see Deslippe, *Protesting Affirmative Action*, chapter 2.

³¹⁴ Deslippe, *Protesting Affirmative Action*, 48.

³¹⁵ *Blue Collar* Script. Universal Pictures. This is an early version of the *Blue Collar* script dated May 10, 1978 and available at the Margaret Herrick Library in Los Angeles, CA.

When *Blue Collar* premiered, there was nothing novel regarding antistatism in seventies film. White backlash movies like *Dirty Harry* and *Joe* disparaged the legal system for its mollycoddling of blacks and so-called hippies in the decade's early years. Black independent cinema promoted Black Nationalism by taking on issues like police brutality and welfare in films like *Sweet Sweetback's Baadasssss Song* and *Claudine*. And Blaxploitation took up similar themes to black independent cinema, although in highly bastardized form. What makes *Blue Collar* unique, then, is not its antistatism but the extension of that sentiment to an indictment of the entire Keynesian State, in which strong unions and a strong central government are key components. One reviewer noted the contrast of this film's depiction of union life with that of the glory days of the 1930s, "Unlike the radical plays of the Thirties, in which 'join the union' was always the pat solution, Schrader's film has no such affirmative to offer. The unions, he says, have become every bit as corrupt and divisive as the corporations...Big government is also suspect."³¹⁶

More importantly, not only does the film extend the antistatism of the 1970s to the entire Keynesian state, it also warns its audience of the racial violence of the neoliberal order that will replace Keynesianism. After the union brass discovers the men's involvement in the robbery, Zeke agrees to hand over the incriminating notebook in exchange for a promotion to shop steward and immunity from criminal prosecution. Zeke's self-serving betrayal shatters the steadfast loyalty between the three men exhibited throughout the first three-quarters of the film. His rhetoric changes from insisting that "We are all in this thing together" in the aftermath of the robbery, to "You got to take care of your own family" after the union zeroes its investigation in on the three men. From the point Zeke accepts the union deal, the brotherly triumvirate shatters and the men devolve into mercenary individualists, concerned only with protecting themselves and their families, even if it means betraying their union brothers and close friends. Ultimately, the union brass murders Smokey, Zeke sells out Jerry, and Jerry is left with few options other than to turn State's witness in exchange for protection for he and his family against union repercussion.

These actions lead to the film's climactic confrontation and tragic conclusion on the shop floor, whereby the two friends exchange a series of racist slurs before lunging at one another, metal tools in hand raised as weapons. The film's ending in freeze frame is all that spares the audience the horror of watching the bloodletting. As the frame freezes we hear Smokey's posthumous coda, "They put the lifers against the new boys, the young against the old, the black against the white. Everything they do is to keep us in our place." During their racist exchange in the seconds leading up to their physical confrontation, each man accuses the other of selling out. They are, in fact, both sell-outs; more importantly, neither had a choice. Pinched by the government and betrayed by their union, these men have no option but to abandon social-democratic collective struggle in hopes that individuated neoliberal opportunism will pay off; it does not. As the former friend's anger turns to racist rage, the camera pans across a line of factory workers, blue-collar line workers and white-collar managers alike, who watch a damaged relationship descend into racial violence. As the men look on they witness not only the destruction of a friendship, but the annihilation of working-class power and interracial social democratic struggle. The state has turned these men against each other and against their union, leaving them conscripted to avaricious self-interest. Zeke's corrupt deal with the union brass essentially transforms our main characters from social democrats into neoliberals, which proves an equally helpless alternative. The cost of that transformation is not only union power but

³¹⁶ Arthur Knight, "Review: *Blue Collar*," *Westways*, April 1978.

interracial collective action. In this, *Blue Collar* forebodes a neoliberal era rife with racial conflict as oppressed individuals, without collective bargaining rights, struggle for ever-dwindling resources as wealth accumulates upward.

As *Blue Collar* prophesizes, the onset of neoliberalism can only lead to racial violence, even between friends, among the economically disadvantaged. As the two men lunge at one another, cudgels in hand, right before the film's conclusion, a worker looks at Zeke and yells either "Get him!" or "Kill him." It is difficult to tell if Zeke is the intended assailant or victim of this demand, a detail, like Smokey's diatribe, left deliberately vague. On the one hand, the obvious assumption is that the man commands Zeke to kill Jerry. Zeke is, after all, the man's boss and it is Jerry, not Zeke, who betrayed the union. Yet the disparities between the film's script and final edit suggest the opposite. While both documents end in freeze frame with Smokey's disembodied monologue, the film ends just as the two leads attack one another. The script, on the other hand, plays out their fight. It reads,

Remaining Close to him, Jerry knees Zeke in the groin. Zeke buckles over, then leans back and belts Jerry in the face. Blood streams from Jerry's nose. Jerry reaches down and picks up a wrench. Zeke hauls back and throws another punch. Jerry swings the wrench full force at Zeke's skull. The workers and FBI agents pull at the two men, trying to restrain them. An anonymous voice calls out:

VOICE (O.S.)
Kill 'im!

Zeke and Jerry's eyes burn with hate. Their bodies lunge toward each other.

FREEZE FRAME: Jerry's wrench is poised above Zeke's skull. Zeke's fist is frozen a bare two inches from Jerry's bloodied face. The workers' faces are frozen in contorted anger.

As with the film, only after the freeze frame do we hear Smokey's prophetic words. Important here is not simply the fact that the two friends' rage plays out into a bloody melee, but the off-screen demand for murder. As with the similar statement that does appear in the film, it is unclear whether the off-screen voice directs their command at Zeke or Jerry. Yet given the subsequent action described in the script, specifically that the film concludes with Jerry's wrench "poised above Zeke's skull," it appears that the demand is for Jerry to kill Zeke, not the other way around, as we might initially surmise watching the scene. If we assume that the "Get him" or "Kill him" that appears in the film (which does not appear in the script) corresponds to the "Kill him" that does appear in the script, it is difficult to conclude that the intention of the film is the opposite of that of the script. If Zeke is the target of the command, the action presumably continues with Zeke's lynching after the freeze frame.

Read either way, the violent conclusion of this film makes clear the state's complicity in racial violence. Decreased productivity, foreign competition, and corruption have converted these factories from assembly lines manufacturing automobiles to ones manufacturing racial conflict. The state's corruption and abandonment of the working-class erodes interracial solidarity and in so doing forces former allies down a path of mercenary individualism and heightened racial antagonism that can only conclude with racial violence. Schrader's film reveals

the neoliberal project for what it truly is—not merely the re-establishing of class power but the reassertion of white supremacy in the post-civil rights era.

I argue that we read *Blue Collar*'s violent conclusion not as tragedy but as a realization of neoliberalism effects on race relations. The film's ending offers the relationship between the neoliberal destruction of interracial collective action and racial violence. The film's conclusion predicts a colorblind neoliberal order in which working-class power, economic recession, and black mobility do not exist. This is not to say that Paul Schrader endorses his film's premonition. Instead, the film, particularly through Smokey's final words from beyond the grave, offers one final warning against neoliberalism's inevitability and foreshadows the racial violence such an era will produce. While *Blue Collar* may not provide the happy-ending typical of most Hollywood films, it nonetheless provides neoliberal resolutions—the destruction of interracial collective action and the welfare state—to all of the “conflicts” of the 1970s. The film epitomizes what Tom Wolfe calls the “Me” Decade through the violent destruction of social democracy and interracial brotherhood.³¹⁷ The “problems” of unions, stagflation, and civil rights, are solved by a neoliberal vision in which all three are destroyed.

With *Blue Collar*, Hollywood became integral in the cohering of neoliberal ideology and aesthetics. Hollywood is perhaps the most important mass culture industry in understanding the ascent of neoliberalism because of its inherent narrative structure, which typically revolves around an individual protagonist. With few exceptions (e.g. *Salt of the Earth* (1954)), virtually the entire Hollywood canon depicts (often heroic) tales of individual heroism.³¹⁸ Hollywood is, as a medium, inherently individualistic. The logic of individualism, in other words, is built into Hollywood film. This feature of the industry is certainly not unique to the late 1970s. What makes Hollywood particularly suited to build neoliberal hegemony was the rise of the cult of the individual in the late 1970s. Historian Bruce Schulman states that the “prevailing concept” of the seventies is that of “an era of narcissism, selfishness, and personal rather than political awareness.”³¹⁹ As the decade wound down, Norman Mailer looked back on the seventies as “the decade in which people put emphasis on the skin, on the surface, rather than on the root of things...It was the decade in which image became preeminent because nothing deeper was going on.”³²⁰ Within this context, Hollywood's narratives of individual heroism take on new meaning and perform new work. These narratives transform from tales of protagonists whom viewers identify with as members of similar communities, who “represent,” as in “stand in for,” as Stuart Hall argues, their racial, political, class identities, etc., to stories of characters with whom viewers relate to but no longer as representatives of their social identities or communities to which they belong, but instead as individuals.³²¹

The movement of Hollywood away from narratives of individual characters as representatives of particular identity groups and to individuals mirrored a similar push among conservatives who sought to reframe civil rights as belonging to individuals, irrespective of race,

³¹⁷ Tom Wolfe characterized the 1970s as the “Me” Decade in the August 23, 1976 cover story of *New York Magazine*. The moniker refers to, in Wolfe's estimation, the replacement of the communal New Deal progressivism of previous decades with a self-centered, “me-first,” “take the money and run” American ethos in the 1970s.

³¹⁸ Frank Capra's “everyman” in films like *Mr. Smith Goes to Washington* (1939) is an obvious example.

³¹⁹ Schulman, *The Seventies*, 145.

³²⁰ Norman Mailer, “Mailer on the ‘70s—Decade of ‘Image, Skin Flicks, and Porn,’” *U.S. News and World Report*, December 10, 1979, 57. Quoted in Schulman, *The Seventies*, 145.

³²¹ Stuart Hall, *Representation: Cultural Representations and Signifying Practices* (London: Sage Hill, 1997), 26. This is what Hall refers to as the “constructionist” theory of representation, as opposed to the “reflective” and “intentional” ones, which Hall contests. For more see Hall, *Representations*, chapter 1.

to undercut the policies implemented in the 1960s to address racial equality. The rise of neoliberal discourse in the 1970s, and especially the usurpation of group identity by individualism, was shepherded in part by the work of Hollywood as a mass culture industry. In this, Hollywood was not only instrumental in framing neoliberal discourse, but was uniquely situated to aid its ascent.

Milton Friedman and Race

Although Milton Friedman did not write often about race, he nonetheless produced a series of pieces on civil rights and racial discrimination. Most notably, he devoted an entire chapter of *Capitalism and Freedom* to the topic of racism, entitled “Capitalism and Discrimination.” He begins the chapter by arguing that “It is a striking historical fact that the development of capitalism has been accompanied by a major reduction” in discrimination.³²² He continues by contending, “discrimination against groups of particular color or religion is least in those areas where there is the greatest freedom of competition.” These two quotes, which begin and end the opening paragraph in the chapter, outline Friedman’s basic neoliberal notion of civil rights—that capitalism is inherently democratic and race-neutral, or colorblind; racial discrimination, therefore, is entirely the product of government interference.

Not surprisingly, Milton Friedman opposed the landmark Civil Rights Act of 1964 passed two years after *Capitalism and Freedom*’s publication. In fact, while advising Goldwater’s presidential campaign in 1964, Friedman called the Arizona Senators opposition to the Act “excellent.” His only criticism, in fact, was that the candidate did not express his opposition sooner.³²³ Goldwater had, in actuality, made his opposition to federal civil rights legislation known in his book, *The Conscience of a Conservative*, published four years prior to the passage of the Civil Rights Act. Similar to Friedman, the Arizona Senator characterized the *Brown v. Board of Education* decision mandating the integration of public schools as an overreach of the federal government, arguing, “The federal Constitution does *not* require the States to maintain racially mixed schools...the Constitution does not permit any interference whatsoever by the federal government in the field of education.” While “It may be just or wise or expedient for negro children to attend the same schools as white children,” Goldwater adds, “they do not have a civil right to do so...”³²⁴

In place of federal civil rights legislation, Friedman advocated a far simpler solution. By merely removing the government from matters of race, which entails not merely eliminating *de jure* discriminatory laws but also eliminating provisions like the Civil Rights and Voting Rights Acts, a colorblind freedom-maximizing utopia would result. The obvious question becomes: how will the elimination of civil rights laws, and of government entirely, from matters of racial equality actually produce a more racially egalitarian society? Friedman’s answer again lies in the occult of the free market. The market actually punishes discrimination, according to Friedman, because the bigot who refuses to work alongside or sell or buy his goods to African Americans, limits his or her choice and therefore depresses his wages or artificially inflates the price he must pay for goods.³²⁵ Under the market mechanism, therefore, individuals are encouraged to discard racial prejudices in search of the highest wages and the lowest prices. For Friedman, then, the

³²² Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press 40th Anniversary Edition, 2002), 108.

³²³ Burgin, *The Great Persuasion*, 202.

³²⁴ Barry Goldwater, *The Conscience of a Conservative* (Blacksburg, VA: Wilder, 2009), 20.

³²⁵ Friedman, *Capitalism and Freedom*, 110.

free-market is a colorblind arbiter of equality. It naturally rewards racial equality and punishes racial discrimination by increasing the cost of goods and deflating the wages and profits of bigots. Although he never uses the term “colorblind,” in large part because he published *Capitalism and Freedom* over a decade before the term entered the lexicon, maximizing wages and guaranteeing the lowest price of goods requires an inherently colorblind approach to the economy. Race for Friedman functions no differently than, say, unions (which Friedman vehemently opposed); both place artificial restrictions on the free market, tamper with the price mechanism, and require an excessively large role of the government at the expense of the economy. The elimination of government from matters of race, then, not only help optimize the economy, they also promote colorblind equality. Important here is Friedman’s distinction between freedom and equality. The government, according to Friedman, was wrong to try and impose equality. Such efforts, in his view, were doomed to failure and would actually inhibit freedom. However, by promoting freedom (of the market, first and foremost), including the freedom to discriminate, equality would follow. Equality, in other words, is the byproduct of freedom. As he stated in 1980, “A society that puts equality before freedom will get neither. A society that puts freedom before equality will get a high degree of both.”³²⁶ Yet as David Harvey notes, freedom under neoliberalism “degenerates” into merely the freedom of the market.³²⁷

For Friedman, discrimination is merely a matter of “taste” that like differences in wine, film, or music preference, are to be respected, and absolutely should not, under any circumstance, be regulated by the government. He writes,

It is hard to see that discrimination can have any meaning other than a "taste" of others that one does not share. We do not regard it as "discrimination" -- or at least not in the same invidious sense -- if an individual is willing to pay a higher price to listen to one singer than to another, although we do if he is willing to pay a higher price to have services rendered to him by a person of one color than by a person of another. The difference between the two cases is that in the one case we share the taste, and in the other case we do not. Is there any difference in principle between the taste that leads a householder to prefer an attractive servant to an ugly one and the taste that leads another to prefer a Negro to a white or a white to a Negro, except that we sympathize and agree with the one taste and may not with the other?³²⁸

After qualifying these remarks by stating he himself deplores racism, he continues, “in a society based on free discussion, the appropriate recourse is for me to seek to persuade them that their tastes are bad and that they should change their views and their behavior, not to use coercive power to enforce my tastes and my attitudes on others.”³²⁹ Here Friedman advocates the market’s inherent ability to *discourage* discriminatory behavior as a favorable solution to those, like Lyndon Johnson, who believe the government has an obligation to eradicate it. In this regard, Friedman reinforces his belief that the free-market punishes bigotry and he therefore remains unequivocal in his belief that the government has no business interfering in matters of civil rights.

³²⁶ Milton Friedman, “Created Equal,” *Free to Choose* television series, 1990.

³²⁷ Harvey, *A Brief History of Neoliberalism*, 37.

³²⁸ Milton Friedman and Rose Friedman, *Free to Chose: A Personal Statement* (New York: Harcourt Brace Jovanovich, 1980), 110.

³²⁹ *Ibid.*

Friedman's student Thomas Sowell, the black conservative economist who now serves as the Rose and Milton Friedman Senior Fellow on Public Policy at Stanford University's Hoover Institution, devoted no fewer than three books—*Race and Economics* (1975), *Markets and Minorities* (1981), and *The Economics and Politics of Race* (1983)—to the relationship between racial equality and the free market in the period between 1975 and 1983. Each book argues essentially the same thing—discriminatory actions depend exclusively on the “costs of doing so. Where those costs are very high,” Sowell argues, “even very prejudiced or biased people may engage in little or no discrimination.”³³⁰ The reason for this, Sowell elaborates, is because “the marketplace puts a price on incorrect generalizations, as it does all sorts of other incorrect assumptions behind economic decisions.”³³¹ Just like Friedman, in Sowell's view the market punishes prejudice. In other words, because the costs the seller incurs through discriminatory hiring and selling practices threatens his business, the seller will eventually stop discriminating in order to maximize his profit margins. The free market implicitly demands equal treatment of all participants. It is, in other words, colorblind. Also like Friedman, Sowell ultimately blames the government, even its attempts to eradicate racial discrimination and inequality, with the existence of both:

discrimination has always been most prevalent where it costs discrimination the least—in government employment, in regulated utilities, or in non-profit organizations. That was true throughout the pre-civil rights era, just as reverse-discrimination is generally strongest in such organizations today... Yet those who wish to fight against discrimination often try to move employment decisions and other decisions out of the marketplace and into the hands of people who pay no price—politicians, bureaucrats, and judges.³³²

Put another way, because the market mechanism does not dictate (as it should, in Friedman and Sowell's opinion) its actions, governments are therefore more susceptible to engage in discriminatory, and reverse discriminatory, behavior, because they suffer no economic cost to do so.

Although Friedman did not write regularly about social issues in his *Newsweek* column, the controversy over affirmative action and busing programs in the 1970s proved irresistible. In the final months of 1975, Friedman, mere months away from winning the Nobel Prize, wrote a column denouncing busing and another that labeled affirmative action as “reverse discrimination.” In a October 1975 column, entitled “Whose Intolerance?,” Friedman condemned busing, asking, “Can enforced confrontation of race with race produce racial harmony?” He ultimately blames the racial violence surrounding busing not on white intolerance to integration, but on “liberals” who were “intolerant” of white's who opposed integration and proceeded to “force” integration on them.³³³ Two months later, in a similar column, but this time on affirmative action, Friedman combined his hatred of government with his disdain for affirmative action,

³³⁰ Thomas Sowell, *Markets and Minorities* (Oxford: Basil Blackwell for the International Center for Economic Policy Studies, 1981), 87.

³³¹ *Ibid.*

³³² Thomas Sowell, “Stereotypes Versus the Market,” In Thomas Sowell, *The Thomas Sowell Reader* (New York: Basic Books, 2011), 264.

³³³ Milton Friedman, “Whose Intolerance?,” *Newsweek*, October 6, 1975.

The affirmative-action program is one of those bureaucratic monstrosities that have become all too familiar: noble objectives, ignoble results. The objective is to eliminate discrimination on the basis of sex or race; the results are mountains of paper, hiring criteria that are irrelevant to the mission of institutions of higher learning and, frequently, the substitution of reverse discrimination for no discrimination.³³⁴

He concludes the piece, “freedom is for everyone or no one...government controls destroy freedom for everyone.” Together, Friedman and Sowell posit a direct relationship between the market and racial equality. Racial discrimination is entirely the product of government interventions in the market mechanism. Eliminating racial inequality, therefore, is simple: keep the government out of matters of racial equality by eliminating busing mandates, affirmative action orders, etc., and allow the free market to do its work. Doing so will magically eliminate all racial discrimination by imposing intolerable costs on those who discriminate. For Friedman and Sowell, the market’s “invisible hand” is also a colorblind hand.

As the previous chapter illustrates, Friedman’s opposition to busing and affirmative action is typical of the mid to late-1970s. What is important here is not simply the emphasis on the supremacy of the free market as the arbiter of racial equality, but manner in which Friedman and Sowell not only privilege freedom over equality, but frame freedom at strictly the level of the *individual*. Group rights, of, say, blacks, women, or workers, have no legitimacy under neoliberal thought. According to Harvey, “The founding figures of neoliberal thought took political ideas of human dignity and *individual freedom* as fundamental, as ‘the central values of civilization (emphasis added).’”³³⁵ Under this neoliberal taxonomy, racism is therefore limited to interpersonal interactions. Any effort to treat racial inequality as effecting entire groups only enhances discrimination, in neoliberal’s view. Government legislation addressing group inequality wrongly, as the logic goes, prioritizes equality over freedom and, more importantly, it treats citizens as groups, not individuals. Again, for Friedman, all roads lead back to the free market. Political freedom is insignificant; the freedom of the market is the only freedom that matters because it guarantees all other freedoms. It is important to note that personal freedom was a key feature of the rights revolutions across the globe in the late-1960s. Yet those movements were ultimately motivated by a moral commitment to social justice for all persons. Neoliberalism, on the other hand, possesses no such morality. Instead, it captured the notion of individual freedom and turned it against the “interventionist and regulatory” efforts of the state.³³⁶

The neoliberal commitment to the supremacy of the freedom of the individual over the equality of a group, and that a strictly colorblind approach to the law was a way to ensure individual freedom, became an increasingly common feature of civil rights opposition in the late-1970s in both implicit and explicit ways. Consider the two major affirmative action Supreme Court cases of the decade—*Defunis v. Odegaard* (1974) and *Bakke v. UC Regents* (1978). Unlike the *Brown v. Board of Education* decision two decades prior, which depended upon sociological evidence that Jim Crow was detrimental to blacks, especially black children as the Clark doll experiment demonstrated, as a group, the plaintiffs in the two affirmative action cases of the seventies cases relied on the assumption that their individual rights and personal freedom

³³⁴ Milton Friedman, “Bureaucracy Scorned,” *Newsweek*, December 29, 1975.

³³⁵ Harvey, *A Brief History of Neoliberalism*, 5.

³³⁶ *Ibid*, 41-42.

superseded the right of underrepresented minorities as a group to equality. In both *Bakke* and *Defunis*, the plaintiff's argued essentially that the equality of people of color was subordinate to the freedom on an individual white male. The potential "reverse discrimination" or "unfair" treatment of one white male trumped the rights of underrepresented minorities as a group. Affirmative action opponents objected to the program because it treated people as groups, not individuals.³³⁷ Groups rights did not exist, affirmative action critics contended. This was despite the fact that the Constitution, like all other statutes of the early republic, is full of group references. Yet as historian Daniel T. Rodgers argues, "On the new constitutional plane [of the 1970s], however, only individuals entered the law."³³⁸ Moreover, the lawyers in both *Bakke* and *Defunis* advocated a colorblind approach to the law in order to ensure individual freedoms and prevent the "reverse discrimination" of group rights. As Rodgers writes, "The affirmative action cases recast the forums of justice as a choice between two socially detached individuals' claims and merits. As the law recognized them, they resembled more and more closely individual consumers in a market: bidders for a medical school education or for a city contract."³³⁹ In the anti-affirmative action Supreme Court cases of the 1970s, then, one begins to see the yoking of a neoliberal taxonomy of rights, wherein individual rights obliterate group rights, and market ideology with colorblind civil rights rhetoric.

More explicitly, among his frequent bellicose tirades against "reverse discrimination" policies like affirmative action, George Will linked colorblindness with the neoliberal conception of freedom as purely individualistic. Affirmative action, in Will's view,

is a stench in the nostrils of reasonable people, and not just because it repudiates the principle that government should be *color-blind*. It also repudiates the premise of our legal system and political order. That tenet is this: justice can only result from considering the rights and interests of *individuals*. The idea behind affirmative action" programs is this: justice results from government's assigning rights and benefits to racial and ethnic *groups*. (emphasis added)³⁴⁰

By the late-1970s, even before Reagan entered the Oval Office, colorblindness was positioned rhetorically not merely as a politically-correct revanchist discourse to civil rights programs in an economically slumped decade, but as a fundamental reframing of freedom that subordinated group rights and racial equality to the freedom of the individual and the market.

Colorblindness and neoliberalism, built on the belief that government inhibits freedom were tailor-made bedfellows that provided the perfect solution to the race conscious government actions that addressed racial equality at the group level. Importantly, this occurred exactly the moment in which group rights sought to undo the discrimination wrought on people of color that group rights for whites had wrought. The neoliberal doctrine of individual freedom was far more appealing to whites whose school districts faced busing orders or whose universities or unions implemented affirmative action programs. Certainly the poor economic performance of the decade and the seeming failures of traditional Keynesian remedies played a significant role. Yet economics alone does not fully account for this transformation. As whites increasingly turned on civil rights programs, they articulated an ideology that borrowed the rhetoric of the civil rights

³³⁷ Daniel T. Rodgers, *Age of Fracture* (Cambridge: Harvard University Press, 2011), 133.

³³⁸ *Ibid*, 134.

³³⁹ *Ibid*, 136-137.

³⁴⁰ George Will, "Common Sense on Race," *Newsweek*, January 24, 1977.

movement to handcuff the government's ability to intervene in matters of race.

Friedman's anti-statist philosophical solution would officially overthrow Keynesianism with the election of Ronald Reagan in 1980. Friedman had advised the newly elected president since his time as Governor of California.³⁴¹ Moreover, Friedman's role in the Republican Party, dates back to the mid-sixties, when he closely advised Barry Goldwater in his unsuccessful bid for the presidency in 1964. He also worked with Richard Nixon for a brief period, but their relationship dissolved after Nixon imposed wage and price controls in August of 1971, a cardinal sin of Friedman's free market doctrine.³⁴² So whereas Goldwater provided Friedman with an ideologically compatible yet unelectable candidate, and Nixon gave him the attention of the Oval Office but ultimately implemented Keynesian prescriptions to the economic downturn of the early seventies, it was Reagan, the most ardently committed neoliberal, that finally brought Friedman's economic philosophy out of the fringes of academia and into the highest office in the land.

As soon as he assumed the presidency, Reagan imposed his neoliberal, anti-Keynesian will, cutting social spending, lowering taxes, breaking unions, and deregulating the economy. Not even a month into office, Reagan announced \$47 billion in additional cuts to Carter's already austere final budget. The poor bore the brunt of the pain.³⁴³ That August, Reagan's first tax cut, the Economic Recovery Tax Bill of 1981, passed. Although, the bill cut taxes across the board 23% over three years, it disproportionately benefitted the wealthy. The top rate was cut from 70% to 50% (nearly a third), while the bottom rate fell from 14% to 11%. The act also cut the tax burden of corporations by \$150 billion over five years. The administration's own analysis of the bill estimated the cut would starve the federal government of \$750 billion. As a result, public assistance, food stamps, school lunch, and other entitlement programs were slashed to cover some of the loss.³⁴⁴

Senator Daniel Patrick Moynihan characterized the new "Reaganomics" tax cuts as a political scheme by conservatives to bankrupt the federal government and eliminate any chance of liberal reform. In other words, by passing a huge tax cut that benefitted the wealthy almost exclusively, the government was left with no money to pay for entitlement programs like food stamps. David Stockman, the head of Reagan's Office of Management and Budget (OMB), admitted to *The Atlantic* in 1981, as the tax cuts and slashing of social programs was occurring, that the supply-side dogma of "Reaganomics" was nothing more than a "Trojan horse" for the antiquated "trickle down" economics that caused the Great Depression, which posited that supplementing the income of the wealthy with large tax cuts would eventually "trickle down" to the poor and ultimately benefit them more than entitlement programs. Stockman knew it was a myth.³⁴⁵ Moreover, he knew the tax cuts, which Reagan promised would eliminate the federal deficit by the end of his first term, would balloon the deficit. By the start of 1982, the economy was in recession, and unemployment would average 9.7% that year, the highest level since the Great Depression.³⁴⁶ By 1986, Martin Feldstein, one of the leading economists of the administration and an ardent supply-sider, admitted that the Reagan recovery of the mid-decade

³⁴¹ Burgin, *The Great Persuasion*, 206-207.

³⁴² Ibid, 182.

³⁴³ Wilentz, *The Age of Reagan*, 141.

³⁴⁴ Ibid, 144.

³⁴⁵ Ibid, 145-147; also Haynes Johnson, *Sleepwalking Through History: America in the Reagan Years* (New York: Anchor Books, 1991), 107-111.

³⁴⁶ Troy, *Mourning in America*, 66-72.

had little to do with supply-side economic theory.³⁴⁷

On August 3, the day before Reagan's first tax bill passed, the Professional Air Traffic Controllers Organization (PATCO), who endorsed Reagan in the 1980 presidential election, went on strike over increases in salary and benefits. Reagan ordered the air traffic controllers back to work within two days. If they did not comply, he promised to fire them. Two weeks later, more than half of PATCO's members, 11,000 federal controllers, were out of a job.³⁴⁸ Only months into his first term, and Reagan had fundamentally reversed the economic course of the country through the implementation of neoliberal reform. Ultimately, Harvey argues, neoliberalism was, from its inception, a project aimed at restoring the class power of the elite.³⁴⁹ Furthermore, the neoliberal project became increasingly hegemonic in the Reagan era. As Daniel T. Rodgers notes, with the growing influence of Friedman's ideas and the rise of neoliberalism, the free-market became the fundamental organizing principle of the late-twentieth century. Unlike previous eras of economic thought, "the 'market' that came into vogue in the 1970s floated virtually free of institutional or corporate presence... Whereas governments, it was said, moved by coercion and deliberative politics stumbled through concession and compromise, the market was held out as the realm of freedom, choice, and reason."³⁵⁰

As we have seen, the appeal of neoliberalism developed in part because of the economic recession and seeming failures of Keynesianism in the seventies, but also because the racial conflicts of the decade produced anti-statist backlash that, cloaked in civil rights-friendly colorblind rhetoric, demanded government divestment in matters of race. Colorblindness and neoliberalism were mutually constitutive of one another. After a half-decade of mounting popularity among whites frustrated with color conscious civil rights legislation, neoliberalism and colorblindness entered the oval office with the election of Ronald Reagan in 1980, fundamentally altering the federal government's approach to both social and economic policy and civil rights.

The Racial Politics of Neoliberalism

The net result of Reagan's approach to civil rights was an outright reversal in course on civil rights. The efforts of previous administrations, Republican and Democrat, to address the racial inequality and oppression faced primarily by African Americans as a group was replaced with a neoliberal approach of ironclad colorblind individualism. Reagan sought to fundamentally alter the public's understanding of civil rights and discrimination. Prior to the Reagan presidency, civil rights programs were widely understood as addressing the inequalities and discrimination people of color (and women), especially African Americans, experienced as a *group*. This was precisely the logic, for example, used in Supreme Court cases upholding affirmative action in the late seventies. For example, Warren Burger's *Fullilove* opinion rejected colorblindness and defended the federal government's set aside of ten percent of funds for public works programs for minority owned businesses because minorities had historically been excluded from participating in competition for public contracts as a group. The government was therefore perfectly within the law to implement a program that sought to rectify this issue by increasing the number of federal contracts administered to minority-owned businesses. The issue, then, was not whether or not an individual minority business owner was personally victimized by

³⁴⁷ John Ehrman, *The Eighties: America in the Age of Reagan* (New Haven, CT: Yale University Press, 2005), 63.

³⁴⁸ Wilentz, *Age of Reagan*, 143; also Cowie, *Stayin' Alive*, 362-363; and Patterson, *Restless Giant*, 157-159.

³⁴⁹ Harvey, *A Brief History of Neoliberalism*, 16.

³⁵⁰ Rodgers, *Age of Fracture*, 42.

discrimination, but the systematic exclusion of minorities from these opportunities collectively. Yet as Reagan critic Hodding Carter III noted near the end of Reagan's first term, "There is a thesis, popular in conservative and neo-conservative circles, that there is no longer really a racial problem in the U.S. There is just the problem of individuals. . . ." ³⁵¹ The Justice Department was certainly one of the "circles" Carter referred to. In Carol Dinkins' previously mentioned address to the American Bar Association, she voiced her opposition to quotas, because they "do not even focus on individual victims. They create new victims." ³⁵² These new victims, it is worth noting, were white and often male. Individual victims, not groups, are entitled to relief, she explained.

William Bradford Reynolds was perhaps the chief architect of this doctrine of colorblind neoliberalism. As we have seen, as head of civil rights in the Justice Department, he used paralegal methods and outright ignorance of the law to impose the doctrine of colorblind neoliberalism. It is therefore not surprising that in May of 1984, with Reagan's first term nearly complete, Reynolds published an article in the *Yale Law Review*, entitled "Individualism vs. Group Rights: The Legacy of *Brown*," which outlines the administration's commitment to colorblind neoliberalism. In the article, Reynolds repeatedly insists that throughout American history civil rights have always belonged to individuals, not groups. This is despite the fact that the Constitution is full of references to the rights of groups. ³⁵³ Quoting the recent Congressional testimony of a law professor, Reynolds insists that civil rights "inhere in individuals, not in groups." ³⁵⁴ In the 1970s, according to Reynolds, this devolved into a misguided quest for equal results, resulting in a dilemma in which he argues, sounding very much like Milton Friedman, "The individual-oriented concept of racial neutrality was blurred into the group-oriented concept of racial balance, on the representation that the former could not be fully realized unless the latter was achieved." ³⁵⁵ He continues,

The primary culprit in this situation, predictably, was busing. Reynolds contends, Mandatory busing is an excellent example of the contemporary inclination to view a group-oriented social problem—racial stratification in public schools—as a civil rights issue and to seek to solve it with coercive judicial remedies. In the process, the social problem is generally worsened, and the real civil right—the individual student's right to be free from racial discrimination in assignment—is invariably sacrificed. ³⁵⁶

Like Friedman, Reynolds bases his argument on the assumption that government intervention in matters of racial equality is not only ineffective but actually infringes upon individual freedom. "Indeed," Reynolds insists, "the more insistent government is on the use of racial preferences—whether in the form of quotas, goals, or any other numerical device—to correct what is perceived as an "imbalance" in our schools, our neighborhoods, our work places, or our elected bodies, the more racially polarized society becomes." Again, like Friedman, Reynolds argues that government intervention is not only ineffective, but actually increases racial antagonisms. In its

³⁵¹ Carter III, Hodding. "The U.S. Has Yet to Expunge," *Wall Street Journal*, April 26, 1984.

³⁵² Hager, "Justice Official Denounces Racial Quotas"; also, "Approach Called 'Colorblind,'" *New York Times*, August 9, 1984, B8.

³⁵³ Rodgers, *Age of Fracture*, 134.

³⁵⁴ William Bradford Reynolds, "Individualism vs. Group Rights: The Legacy of *Brown*," *The Yale Law Journal*, Vol. 93, No. 6 (May, 1984), 996.

³⁵⁵ *Ibid*, 1001.

³⁵⁶ *Ibid*, 1003.

place, Reynolds advocates a strictly “colorblind” approach to the law that treats people solely as individuals as the only way to produce a more racially equitable society. He concludes, “We are all—each of us—a minority in this country: a minority of one. Our rights derive from the uniquely American belief in the primacy of the individual. And in no instance should an individual's rights rise any higher or fall any lower than the rights of others because of race, gender, or ethnic origin.”³⁵⁷

Reynolds essay reveals the union of neoliberal philosophy and colorblind rhetoric. This was precisely the dogma that informed Reynolds approach to civil rights and Reagan’s civil rights policy more generally. It couples the neoliberal logic of the supremacy of individual freedom rather than group rights and the omnipotence of the free market with the rhetoric of colorblindness to cut the legs out from under civil rights legislation. In its strictly colorblind approach, and refusal to consider group rights and discrimination, the civil rights division under Reagan became a tool to reinforce white supremacy. Yet most importantly, the influence of the free market on racial policy was not a one-way street. In fact, and I would argue more significantly, the rampant antigovernment ethos of the late-1970s that propelled Reagan’s and his neoliberal ideas into office was created and nourished most materially not by the stagflating economy, but by white frustration and anger over the government’s heavy-hand in addressing racial equality.

Conclusion

As Daniel T Rodgers notes, “the emergence of the market as the dominant social metaphor of the age” was a process “virtually complete by the time Reagan took office in 1981.”³⁵⁸ The civil rights debates of the early eighties is not simply over whether or not the government should take a strictly colorblind approach to civil rights. Implicit in this debate is also a disagreement over whether civil rights belong to groups or to individuals. In this, Reagan and his supporters are advocating both a colorblind and individual approach to civil rights; in other words, they championed colorblind neoliberalism. By the early 1980s colorblindness was increasingly appealing to whites, including white liberals, frustrated with the perceived government overreach in matters of race (affirmative action and busing, in particular). Reagan capitalized on that sentiment and garnered support for his positions on civil rights through his use of colorblind neoliberal rhetoric.

Throughout his first term, the Reagan administration consistently broke with the Supreme Court. Reagan and his team believed civil rights were an individual, not a group, issue. If the Supreme Court and civil rights leaders would not adequately embrace the colorblind agenda Reagan was hawking, whites, including white liberals, would. As the Reagan administration’s civil rights rhetoric evolved during his first four years in office, it constantly defended its civil rights positions by yoking colorblind rhetoric to a neoliberal concept of individualism that privileged individual freedom over group equality and conceived of citizens as nothing more than participants in the free market. Just as neoliberalism provided Reagan with a tool to wage class warfare against the poor and working-class by attacking unions and the social safety net, it also, and perhaps more importantly, enabled he and his administration to undermine civil rights law and reestablish white supremacy.

In the 1940s, Keynes and other like-minded economists understood the free market as inherently imperfect markets. Yet this was not the case as the seventies closed and the neoliberal

³⁵⁷ Ibid, 1003.

³⁵⁸ Rodgers, *Age of Fracture*, 44.

colorblind era dawned. “The puzzle of the era’s enchantment of the market idea” Rodgers continues, “is that it was born not out of success but out of such striking market failure.”³⁵⁹ The solution to the puzzle Rodgers alludes to—that the free market gained supremacy at a moment in which it fundamentally failed—is race. Whites, fed up with the perceived overreach of civil rights programs and the economic sluggishness of the latter half of the seventies bought into a market-centered neoliberal ideology because it, combined with colorblind rhetoric, offered a solution to the “problems” of *both* civil rights—affirmative action and busing—and the economy. Whereas, broadly speaking, civil rights legislation and Lyndon Johnson’s “Great Society” in the 1960s demonstrated a general faith in the government’s ability to fix racial inequality, by the end of the 1970s the state mutated into the cause of racial hostility.

Blue Collar’s climax advances the argument that the state is not only incapable of alleviating racial inequality and the recession, but actually manufactures racial violence and poor economic performance. And while the film is equally cautious of the neoliberal alternative, and one could even note that the violence occurs only when the men transform into neoliberals, it is still the inadequacies and corruption of the state that necessitate that shift. The state is ultimately the catalyst for the racial violence in the film. One cannot explain the rise of neoliberalism in the United States simply with the economic performance of the 1970s. Instead, neoliberal thought addressed not only the economic but also the civil rights crisis of the decade. The discourse’s market centered approach that treated everyone as individuals, rather than members of particular groups—unions, racial groups, etc.—rose to a large extent because it allied so well with the white backlash discourse of the decade, which used colorblindness and individualism to oppose civil rights programs. We must understand neoliberalism, therefore, not merely as a class project, but as a racial one. And colorblindness provided the racial politics of that project.

³⁵⁹ Ibid.

Chapter 5

The Long Walk to Colorblindness: Hollywood and Reagan Imagine America's Colorblind Past

“We want, we want what I think Martin Luther King asked for. We want a color-blind society.”³⁶⁰

– Ronald Reagan, February 1986

While campaigning for Jimmy Carter on the eve of the 1980 presidential election, Coretta Scott King said she was “scared that if Ronald Reagan gets into office, we are going to see more of the Ku Klux Klan and a resurgence of the Nazi Party.”³⁶¹ King’s trepidation was not unwarranted. Reagan opposed the Civil Rights Act of 1964—“a bad piece of legislation,” he called it—and the Voting Rights Act of 1965, which he deemed “humiliating to the South.”³⁶² In October of 1983 Reagan admitted he sympathized with North Carolina Republican Senator and staunch segregationist Jesse Helms’ view that King was a communist. When asked if agreed with Helms that King was a communist, Reagan refused to rebuke the Senator’s accusations, quipping, “We’ll know in about 35 years, won’t we?”³⁶³ Moreover, Reagan’s campaigns both for governor of California in 1966 and for president in 1980 explicitly played into racial fears about blacks to win votes. Yet three years to the day after Coretta Scott King voiced her concerns about a Reagan presidency, Reagan, sitting on the White House lawn, signed a bill, with King by his side, establishing a federal Martin Luther King holiday as a crowd of several hundred sang “We Shall Overcome.”³⁶⁴

The victory of a federal King holiday was not easily won for its supporters. Civil rights leaders faced immense opposition from both Congress and the President in the years leading up to its passing. In October of 1983, when the bill reached the Senate floor, Jesse Helms filibustered it, condemning King’s “calculated use of nonviolence as a provocative act,” and insisting there was “no doubt” he was a communist, before finally relenting.³⁶⁵ In the two years prior, as support for the holiday gained momentum in, Reagan indicated that he was sympathetic to the sentiments of African Americans who sought the holiday, but worried that such a tribute would cost the federal government too much money (an estimated \$18 million per year) and that “We could have an awful lot of holidays if we start down that road.”³⁶⁶ After changing his mind late in 1983, Reagan wrote a letter to Republican Governor Meldrim Thomson of New Hampshire, who begged the President not to support the holiday, explaining his support for the bill and doubling down on his views of King. Support for the King holiday is based “on an image [of King], not reality,” Reagan explained in the private letter.³⁶⁷ Reagan’s support for the federal

³⁶⁰ “President’s News Conference on Foreign and Domestic Issues,” *New York Times*, February 12, 1986, A12.

³⁶¹ “Mrs. King Fears Results Of Victory by Reagan,” *New York Times*, November 3, 1980, D15.

³⁶² Michael Kinsley, “On Civil Rights, Conservative Cant Means Won’t: Viewpoint,” *The Wall Street Journal*, June 20, 1985, 29; Also, Lou Cannon, *President Reagan: The Role of A Lifetime* (New York: Public Affairs, 2000), 458.

³⁶³ “Not a 35-Year Question,” *New York Times*, October 21, 1983, A34.

³⁶⁴ Robert Pear, “President, Signing Bill, Praises Dr. King,” *New York Times*, November 3, 1983, A1.

³⁶⁵ “Filibuster by Helms On Dr. King Holiday Is Dropped in Senate,” *New York Times*, October 5, 1983, A16.

³⁶⁶ “Reagan Sympathetic, but Cautious on a King Holiday,” *New York Times*, May 11, 1982, B13.

³⁶⁷ “Reagan’s Doubts on Dr. King Disclosed,” *New York Times*, October 22, 1983, 7.

King holiday, then, had nothing to do with his personal views of the civil rights leader. Instead, the holiday provided Reagan with political clout to silence the immense criticism of his positions on civil rights. As discussed in the previous chapter, throughout his first term Reagan used the civil rights wing of the federal government to undermine civil rights programs the president disapproved of, affirmative action especially. Moreover, over the course of his first term he re-staffed federal courts and the US Commission on civil rights with people who shared his opposition to civil rights, transforming the federal government's civil rights branch into one of civil rights' fiercest enemies. This did not go unnoticed. By 1983, Reagan faced an onslaught of criticism on the issue of civil rights. He thus began, in the lead up to his reelection to make more concerted efforts to pacify his critics. The King holiday was the main component of this effort.

By supporting the holiday Reagan not only addressed the then criticism of his past actions, but he began to position himself as the inheritor of King's colorblind dream. By the end of 1983, Reagan's Assistant Attorney General, William Bradford Reynolds, frequently defended the president's positions on civil rights as akin to King's.³⁶⁸ Throughout his second term, he would frequently turn to the colorblind rhetoric, and only the colorblind rhetoric, of the civil rights movement to justify his continued assault on civil rights not as what it was, but as a realization of King's Dream. During Reagan's second term, administration officials actively sought to reimagine the black freedom struggles—civil rights and slavery, specifically—as motivated entirely by a commitment to colorblindness. In so doing, the administration sought position itself, rather than the civil rights leaders who opposed their civil rights positions, as the true inheritors of the civil rights movement. Their opposition, then, was nothing more than the realization and implementation of Martin Luther King's colorblind dream. It was not merely the legacy and memory of the civil rights movement the Reagan administration sought to remake during their second term. Buoyed by an increasingly sympathetic Supreme Court, The Reagan Administration, although ultimately unsuccessful, mobilized to eliminate affirmative action entirely and reframe the manner in which racism was understood.

As Reagan left office, Hollywood took the lead in imagining a colorblind ethos at the center of black freedom struggles. Beginning in the late-80s, Hollywood rediscovered civil rights and slavery, making a number of the films on the topics, each of white inserted a white hero at the narratives center. Existing scholarship on these films have noted the neoconservative white-patriarchal rewriting of history in films like *Forrest Gump*, or the whitewashing of black freedom struggles.³⁶⁹ Yet the tendency of scholars and critics to dismiss these films as merely the latest iterations of Hollywood's whitewashing of American history occludes the manner in which this reimagining of America's racial past has served varying political interests at different historical moments. This chapter traces how the Reagan Administration in its second term and Hollywood reframed the legacy of slavery and the civil rights movement. I argue that together, they imagined an abolitionist and civil rights movement led by whites determined to establish a colorblind society. By position himself not as an enemy of civil rights but as its staunchest ally, Reagan was able to continue to relentlessly attack civil rights policies while shielding himself from charges of bigotry. Hollywood built upon the success of this project to draw audiences into its theaters. In so doing the movie-industry played an indispensable role in shaping the manner in

³⁶⁸ For example, Reynolds, "Individualism vs. Group Rights."

³⁶⁹ See, for example, Mark Golub, "History Died for Our Sins: Guilt and Responsibility in Hollywood Redemption Histories," *Journal of American Culture*, 21.3 (1998), 23-45; and Kelly J. Madison, "Legitimation Crisis and Containment: The 'Anti-Racist-White-Hero' Film," *Critical Studies in Mass Communications*, 16.4 (1999), 399-416.

which civil rights and slavery were understood. The movies made about black freedom struggles in the late-80s and into the nineties remain, to this day, a fundamental component of our historical memory about slavery and the civil rights movement. I begin by presenting the manner in which Reagan continued to assail civil rights during his second term; a siege that aimed to both eliminate civil rights laws and reframe the country's entire discussion on race. I then turn to the third component of Reagan's assault—reimagining and reframing the legacy of the civil rights movement. My analysis situates the reemergence of civil rights and slavery dramas within the Reagan Administration's mobilization of colorblind rhetoric to build opposition to affirmative action in the late 1980s.

I then turn my analysis to the manner in which Hollywood took-over Reagan's colorblind racial project as he left the White House. Through close readings of the films *Glory* (1989) and *The Long Walk Home* (1990) I argue that civil rights and slavery dramas of the late eighties and nineties have little to do with the past, and instead speak far more to the civil rights curtailments of the post-Reagan years. These movies reimagine colorblind white heroism as the driving force behind black freedom struggles and reframe those battles as ultimately conflicts over competing notions of whiteness. They provide historical "evidence" of an enduring white colorblind ethos responsible for the abolition of slavery and the victories of the civil rights movement at precisely the moment in which neoconservatives mobilized colorblind discourse to justify the elimination of many of the gains of the civil rights movement—most notably affirmative action—and defend themselves against charges of racism in the wake of growing racial inequality. During their second term, the Reagan Justice Department positioned themselves not as racists, but as inheritors of the supposed colorblind legacy Martin Luther King, Jr., merely trying to implement policy that realized King's colorblind Dream. Hollywood provided an invaluable cultural medium that took over the project of reimagining America's racial past as Reagan left office. On screen, this occurred not just in terms of narrative, but more importantly at the level of aesthetics. Hollywood, in the late 1980s not only produced films that placed fictitious colorblind whites at the center of black freedom struggles, they also developed a colorblind aesthetic that demands audience identification with these films' colorblind heroes, regardless of an individual spectator's own subject position(s). In so doing, movies played a fundamental role in shoring up the hegemony of colorblindness in the late 1980s and into the 1990s.

Civil Rights Under Reagan, Term Two

Upon his reelection in 1984, Reagan wasted no time in continuing his civil rights offensive. He immediately appointed Edwin Meese III, a staunch opponent of affirmative action, busing, and other civil rights programs, Attorney General, despite what the *Wall Street Journal* characterized as a "vicious fight" in the Senate to block his appointment because of his views on civil rights.³⁷⁰ What bolstered the president's defiance on civil rights was the 1984 Supreme Court Decision, *Firefighters Local Union No. 1784 v. Stotts*, which protected the Memphis Fire Department's seniority system, particularly the last-hired, first fired policy, against affirmative action goals.³⁷¹ The Justice Department used the *Stotts* decision—a victory for opponents of affirmative action because it limited the power of affirmative action programs—as justification to place all government affirmative action under review in hopes to eliminate or severely restrict them.³⁷²

³⁷⁰ "Attorney General Meese," *Wall Street Journal*, February 26, 1985, 34.

³⁷¹ "Civil Rights Chief Predicts End to Race, Sex Quotas in Hiring," *Los Angeles Times*, February 8, 1985, A2.

³⁷² Anderson, *Pursuit of Fairness*, 179-181.

One cannot understate the boost the *Stotts* decision gave the president. During his first term, the Reagan administration's ability to enact significant changes to civil rights policy in line with their anti-affirmative action and anti-busing proved difficult. The Supreme Court repeatedly came down on the side of affirmative action in cases like *Weber* and *Fullilove*. Regarding school desegregation, the Court went so far as to step in and prevent Reagan's attempt to enable private universities to segregate without federal penalty. Moreover, the American public was still relatively sympathetic to affirmative action and school desegregation. With an uncooperative Court and unsympathetic public, the Reagan administration instead simply stopped enforcing those civil rights laws it disapproved of, replaced judges and civil rights officials who opposed Reagan's views with ones who did, and tried to curry favor with the American republic through colorblind rhetoric. *Stotts* was the harbinger the Reagan administration needed to reboot its efforts to enact its colorblind civil rights vision at the level of policy.

In early February of 1985, mere days into Reagan's second term, the president's chief civil rights enforcer, William Bradford Reynolds, proudly told the Florida Bar Association's labor and employment committees that America would soon "put behind us for good" court-ordered hiring goals regarding race and gender. Americans were ready, Reynolds claimed, for an approach to civil rights that was "blind to color differences." A colorblind approach, he insisted, "will help to bring an end to that stifling process by which government and society view citizens as possessors of racial characteristics, not as the unique individuals they are."³⁷³ Reynolds' Florida speech embodied the neoliberal colorblind individualism he and the rest of the Reagan administration has so carefully crafted during his first term and would aggressively try to implement during their second four years.

It was not only civil rights policy that the Reagan administration sought to shape as its second term got underway. The civil rights division aimed to frame the entire conversation on race. In early March, Clarence Pendleton Jr., the black chairman of the US Civil Rights Commission, accused black leaders and civil rights supporters of practicing a "new racism" by defending affirmative action programs. "Our so-called black leaders are spending every moment peddling pain, complaining about budget cuts" instead of helping to create with President Reagan, Pendleton argued, "a society that is truly color-blind."³⁷⁴ When asked about the *Stotts* ruling, Pendleton replied, "I hope that [*Stotts*] will end that I call the new racism that confronts black people today."³⁷⁵ The new racism that Pendleton referred to was not that of those in the administration like himself that sought to eliminate existing civil rights law. Instead, the "new racists," Pendleton argued were those who supported supposedly reverse-discriminatory policies like affirmative action. And, according to Pendleton, they were mostly black. "Who are these new racists?" Pendleton asked himself, "They are typically supporters of civil rights. Many of them are media-designated black leaders. These new racists, many of them black, exhibit the classical behavior system of racism. They treat blacks differently than whites because of their race."³⁷⁶

The Memphis ruling was not the only court case involving fire departments that bolstered the administration's position. In April of 1985, A federal district judge struck down an affirmative action hiring program in the nation's capitol because the program crossed that

³⁷³ "Civil Rights Chief," A2.

³⁷⁴ "Black Leaders Draw Charge of 'New Racism,'" *Los Angeles Times*, March 5, 1985, A1.

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

nebulous region between “goals” and “quotas.”³⁷⁷ The Supreme and district courts had seemingly, for the first time, begun to waver on their support of race-conscious remedies to job and educational inequality. Prior to *Stotts*, the courts had, throughout most of the period since the late 1960s when affirmative action programs began, defended the constitutionality of affirmative action plans even if occasionally throwing out individual programs, such as in the case of the *Bakke* decision. The 1984 Memphis ruling, however, marks the moment in which this begins to change. As *New York Times* columnist Robert Pear noted in mid-April 1985, “For more than three years, the Justice Department has been waging a campaign against the use of numerical goals and quotas by public employers;” by the start of Reagan’s second term, that campaign was beginning to produce results.³⁷⁸

With their position on civil rights strengthened by court support for the first time, the Reagan Justice Department blitzed ahead to eliminate affirmative action programs across the country. In the wake of the Memphis and DC decisions, the administration sent letters to fifty-one local governments across the country urging them to eliminate their affirmative action programs, which violated the administration’s “color-blind” approach to civil rights, or face repercussion from the Justice Department.³⁷⁹ One city receiving a letter was Indianapolis. The Carter Justice Department sued the city in 1978 because only eleven and eight percent of its cops and firemen, respectively, were black. The city then implemented an affirmative action program (under consent decree, it should be noted) and by 1985 fourteen percent of its police thirteen percent of its firefighters were black. More importantly, because of the undeniable diversity gains wrought by the program, by the mid-eighties the city government overwhelmingly favored the program and preferred it to continue. Yet despite the success and their voluntary support of their affirmative action program, the Reagan Justice Department sued the city in order to eliminate the programs in the first-half of 1985.³⁸⁰

Indianapolis was only one city government asked to eliminate their affirmative action programs by the Justice Department in the wake of *Stotts*. Others were located in areas of the South like Alabama whose staunch defense of Jim Crow segregation gave rise to the modern civil rights movement. Alabama had not one black state trooper until 1972. As a result, a judge ordered an affirmative action program to integrate the police force. By 1983, however, there were only four black corporals, and zero at any higher ranks within the force, which prompted more ambitious hiring goals. The 1983 revision to the Alabama program became one of the many the Reagan Justice Department challenged in 1985. Condemning the administration’s appeal in Alabama, Anthony Lewis of *The New York Times* wrote,

The U.S. Justice Department was an active party in the case for years, pushing for an end to racism in the Alabama force. But the Reagan Administration’s Justice Department is now on the other side. It is fighting the latest court order on appeal, arguing that the numerical system of promotions is unlawful and unfair to whites – no matter what blacks suffered in the past. The Alabama case is an example of a policy that takes the Reagan Administration to its ideological extreme: the policy of undoing all past civil rights judgments that include affirmative action plans.

³⁷⁷ Robert Pear, “Judge Bars Black Firefighters’ Promotion Quotas,” *New York Times*, April 2, 1985, A10.

³⁷⁸ Robert Pear, “The Courts Try to Sort out Challenges to Affirmative Action,” *New York Times*, April 14, 1985, A4.

³⁷⁹ *Ibid*; also, “Affirmative Retreat,” *New York Times*, May 5, 1985, A24.

³⁸⁰ “Affirmative Retreat,” A24.

History must be forgotten. The legacy of inequality must be overlooked. The realities faced by blacks seeking to enter forbidden quarters must be ignored.³⁸¹

This marked a new phase in Reagan's assault on civil rights. During his first term, the administration therefore used the power of the Executive to refuse to enforce civil rights laws he disagreed with or prosecute those who shared his views. In other words, if the law would not allow him to do what he wanted regarding civil rights, he would simply not enforce it. It was a strategy that primarily undercut the government's ability to enforce civil rights because Reagan's ability to more aggressively attack affirmative action was held in check by the Supreme Court. *Stotts*, and to a lesser extent the DC decision, gave the administration if not the backing at least the hesitance from the courts to begin to try an implement legal changes to affirmative action policy itself, rather than merely its enforcement. 1985 is the moment in which the Justice Department and the Supreme Court appeared to align enough to drastically redefine civil rights, not just in rhetoric as Reagan did during his first term but in terms of policy as primarily a white male issue. As Lewis' column illustrates, the Justice Department under Reagan had "switched sides" in an attempt to undo previous civil rights gains, a process that required historical amnesia. The editorial board of the *Los Angeles Times* immediately picked up on this move as well, writing in an April op-ed entitled, "Backward Progress,"

The Reagan Administration, pretending that it is colorblind, is systematically dismantling the affirmative-action programs that someday could allow the country to look beyond race, or sex, to genuine equal opportunity. Its meddling with plans already put into effect by public and private employers is at best an insensitive, legalistic interpretation of policy, and a worst a blatant attempt to undo more than a decade of civil-rights progress...The Justice Department apparently has looked around the country and come to the ludicrous conclusion that the biggest civil-rights problem is that white males might be discriminated against.³⁸²

A month later, the *New York Times* argued in a similar column, entitled "Affirmative Retreat," that Reagan was using the Justice Department to "[divert] precious resources from unfinished civil rights business and threatening to burden the courts with retrial of settled cases."³⁸³ While colorblindness provided the ideological foundation behind the administration's civil rights maneuvering, it is important to emphasize that it was more specifically a credo of *colorblind neoliberalism* that more specifically describes its approach. It was not just that the Reagan administration prioritized the rights of whites over those of people of color. It was the fact that the administration, through its rhetoric and policy efforts, was able to not only undermine and attack race-conscious affirmative action policies through colorblind rhetoric, they simultaneously sublimated group rights more broadly beneath those of the individual. As Anthony Lewis of *The New York Times* wrote, "In the view of the present Justice Department, no member of a minority group may get special consideration in employment under a court order unless he or she was personally a victim of discrimination – and can prove it. Of course it is very hard to find such

³⁸¹ Anthony Lewis, "'Blatant and Continuous': Reagan switch on civil rights," *The New York Times*, May 19, 1985, E21.

³⁸² "Backward Progress," *Los Angeles Times*, April 5, 1985, C4.

³⁸³ "Affirmative Retreat," *New York Times*, May 5, 1985, A24.

victims: an ‘unfortunate’ fact, as one brief put it.”³⁸⁴ In other words, the administration both challenged laws granting special accommodations to blacks as a group through colorblind discourse and also contested the legitimacy of group identity as a whole. Together, this two-pronged strategy made it nearly impossible to discriminate intent; unless, of course, you were a white male “victim” of reverse-discrimination.

These actions set off a contentious public debate on the Reagan administration’s position on civil rights. Predictably, William Bradford Reynolds responded to critics in May, “Rather than weakening the civil rights law (the Administration has) breathed new life and new meaning into the civil rights laws for every individual in this country.”³⁸⁵ Meanwhile, Benjamin Hooks, executive director of the NAACP, denounced the Justice Department in stating, “They are catering to the worst instincts of the American public, but they are hiding it behind mushy-mushy, goody-goody words: “color-blind,” “sex-blind,” “equity, fairness and justice,” when in fact it is designed to perpetuate injustice and inequality.”³⁸⁶ Two months prior, *Los Angeles Times* writer Carl Rowan, in light of *Stotts*, penned a column entitled, “Abolish the Civil-Rights Panel – Pendelton Made It a Sham.” He argues,

It makes no sense for American taxpayers to spend almost \$13 Million this year on a commission that was created to promote racial harmony and justice but that has become the nation’s single most effective perpetrator of racial polarization and its most ridiculous apologist for entrenched racial and sexual injustice...

The Civil Rights Commission was meant by Congress to be an ally of the civil-rights movement. [Clarence] Pendelton, his deputy Morris Abrams and a majority of the commission are waging war on the civil-rights movement. They have turned the Civil-Rights Movement into nothing but a propaganda organ for far-right ideologues.

Pendelton labels the blacks of the NAACP, the Urban League and other groups - the people who endured cattle prods, fire hoses, police dogs, jail terms and more - as the “new racists.” He has given great comfort to whites who recoil at any suggestion that white racism is still rampant in America. The head of the Civil Rights Commission has done what the Klu-Klux-Klan could never do: He has convinced white America that it can sleep better tonight after his declaration that Benjamin Hooks, John Jacob, Vernon Jordan, the black members of Congress, etc., are the “new racists” of America.

... Every major black organization in the civil rights field recently refused to testify before the Civil Rights Commission. I know what they perceive: that a black man, Pendelton, has turned an instrument of justice into an especially venal foe of the civil-rights movement.³⁸⁷

Reagan, however, was not without his reliable supporters. Numerous letters were written to the *Times* after the publication of Rowan’s article. One man snidely responded that the Commission was from its creation a sham because it sought “to overcome racism while at the same time

³⁸⁴ Anthony Lewis, “Blatant and Continuous,” *The New York Times*, May 19, 1985, E21.

³⁸⁵ “Reynolds Hearing Put Off in Senate,” *New York Times*, May 8, 1985, B28.

³⁸⁶ “Verbatim: Rights Record,” *New York Times*, May 12, 1985, A4.

³⁸⁷ Carl T. Rowan, “Abolish the Civil-Rights Panel – Pendleton Made It a Sham,” *Los Angeles Times*, March 11, 1985, C5.

focusing on race.”³⁸⁸ Pendleton had done more than any other member of the Commission, he argued, because he stuck to a strictly colorblind approach to civil rights.³⁸⁹ Another person wrote that the country needed more men like Pendleton, and proceeded to identify herself as a “minority” and member of the “silent majority.”³⁹⁰

The momentum the Administration built during the first months of the year hit a road block as the rest of 1985 unfolded. In June, the Senate denied William Bradford Reynolds, the head of the Justice Department’s civil rights division and the chief architect of the Justice Department’s civil rights maneuverings, a promotion to Associate Attorney General, primarily because of his views on civil rights. After his nomination, the *New York Times* editorial board published an op-ed stating the Reynolds did not deserve the promotion because of his determined effort “to reverse past progress” regarding civil rights.³⁹¹ Echoing the *Times*, Ralph G. Neas, executive director of the Leadership Conference on Civil Rights, mobilized civil rights groups against the nomination because of Reynolds’ “repeated defiance of the courts, the Congress and even of the wishes of local governments and officials” in his approach to civil rights law enforcement.³⁹² Neas described Mr. Reynolds as a “rigid ideologue and an extremist who has done everything possible to weaken the civil rights laws of this country.”³⁹³ Civil Rights groups even organized a picket line outside the Justice Department in May.³⁹⁴ Ultimately, civil rights mobilization, combined with resistance from Congressional Democrats led by Joe Biden of Delaware, derailed Reynolds’ nomination. It marked a small victory in the middle of a large war civil rights activists were badly losing.³⁹⁵ The president used the defeat of Reynolds to double-down on his position on civil rights, and make clear he had no plans of easing off his assault on civil rights. Reagan released a statement that read, in part,

I am deeply disappointed by the action of the Senate Judiciary Committee this morning. That some members of the committee chose to use the confirmation process to conduct an ideological assault on so superbly qualified a candidate was unjust and deeply wrong... Let me emphasize that Mr. Reynolds' civil rights views reflect my own. The policies he pursued are the policies of this Administration, and they will remain our policies as long as I am President. Mr. Reynolds retains my full faith and confidence.³⁹⁶

In August, the American public learned just how serious Reagan was. On the 16th of the month, the *Wall Street Journal* published a leaked memo given to them by members of the administration who disagreed with Reagan’s civil rights positions that indicated that the president was in the process of trying to “rewrite” Executive Order 11246, a landmark piece of civil rights legislation issued by Lyndon Johnson in 1965 requiring non-discrimination and goals

³⁸⁸ John C. Eastman, “Letters to the Times,” *Los Angeles Times*, March 21, 1985, C4.

³⁸⁹ Ibid.

³⁹⁰ Dolores Garcia, “Letters to the Times,” *Los Angeles Times*, March 21, 1985, C4.

³⁹¹ “Don’t Promote Civil Rights Wrongs,” *New York Times*, June 5, 1985, A26.

³⁹² “Reynolds Hearing Put Off in Senate,” *New York Times*, May 8, 1985, B28.

³⁹³ Ibid.

³⁹⁴ Ibid.

³⁹⁵ Robert Pear, “Senate Committee Rejects Reynolds for Justice Post,” *New York Times*, June 28, 1985, A1; also, “Red Light for Reynolds,” *The Los Angeles Times*, June 28, 1985, A12.

³⁹⁶ Pear, “Senate Committee Rejects Reynolds,” A1.

in hiring and employment for women and minorities.³⁹⁷ Vetoing the Order would have repealed requirements of thousands of federal contractors to set goals to hire people of color and white women. Importantly, the businesses burdened by the requirement put no pressure on the administration to take such a drastic step; they overwhelmingly favored the use of numerical goals to diversify their workplaces.³⁹⁸ The veto would legally require all future administrations to do what the Reagan Justice Department had done during their first term—exempt companies who did not comply with federal affirmative action guidelines from legal action. Overturning Executive Order 11246, along with concerted efforts to prohibit affirmative action programs, were the two areas the Justice Department focused their efforts during Reagan’s second term.

Reimagining King in American Memory

The Reagan Administration’s efforts to eliminate key pieces of civil rights legislation—affirmative action and Executive Order 11246—during the president’s second term mark a significant escalation in their assault on civil rights. Whereas during Reagan’s first term, an uncooperative Supreme Court limited the administration to fighting against affirmative action at the discursive level, his second term brought the requisite court support to more explicitly attack civil rights laws his administration disagreed with. However, alongside the efforts to eliminate affirmative action and the Executive Order that protected it, was an equally concerted continuation of the war over civil rights rhetoric. As with his early years, colorblindness remained the Reagan “race phonograph” that his Justice Department regularly turned to in order to defend their positions on civil rights. However, during his second term, Reagan and his team escalated the stakes of their colorblind rhetoric, arguing not only that they were committed to a colorblind society, but that the long struggle for black equality, be it slavery or civil rights, was informed by a commitment to a colorblind society that they had inherited. While the administration occasionally invoked the civil rights movement and its leaders like Martin Luther King Jr. during their first term, this strategy increased significantly as Reagan sought to eliminate affirmative action and veto Executive Order 11246.³⁹⁹

Aligning the Reagan administration with civil rights activists was a project that involved Reagan sympathizers outside of the administration. The *Wall Street Journal*’s editorial board published an article in March of 1985 defending the president, contending, “a colorblind society was the goal of the founders of their own movement, including, of course, Martin Luther King Jr. After the Civil Rights Act of 1964, civil rightists made rapid progress toward equality under the law.” The editors continue and argue that, “It was only in the 1970s that a new goal, ‘affirmative action,’ was introduced, putting the movement behind a new form of discrimination, racial quotas. Mr. Pendleton and the Reagan Justice Department are simply trying to return to the original track.”⁴⁰⁰ In response to the *Journal*’s op-ed, one man, Michael Kinsley, immediately noted the hypocritical alliance between Reagan and the *Journal* given the president’s and the newspaper’s respective history regarding civil rights. Reagan opposed both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The *Wall Street Journal* only “reluctant[ly] acquiesce[ed] to civil rights” after decrying black activists and defending white property rights for much of the movement. Most offensively, after three members of the Congress of Racial

³⁹⁷ “Acid Test,” *Wall Street Journal*, August 16, 1985, 28; also, Robert Pear, “Reading Tea Leaves on the Civil Rights Uproar,” *New York Times*, August 20, 1985, B4.

³⁹⁸ Pear, “Senate Committee Rejects Reynolds,” A1.

³⁹⁹ see Laham, *The Reagan Presidency*, chapter 3.

⁴⁰⁰ “The Colorblind Vision,” *Wall Street Journal*, March 11, 1985, 28.

Equality were disappeared in Mississippi in June of 1964, the *Journal* commented, “Without condoning racist attitudes, we think it understandable if people in Mississippi should resent such an invasion. The outsiders are said to regard themselves as some sort of heroic freedom fighters, but in truth they are asking for trouble.”⁴⁰¹ It appears, however, that few understood the irony of Reagan and the *Journal*’s insistence on colorblindness given their own opposition to it a decade and a half prior. Nonetheless, Kinsley’s column reveals the consistently supportive publicity the *Wall Street Journal* provided Reagan when it came to civil rights.

The *Journal* was not alone in its defense of Reagan and attack on civil rights activists who advocated race-conscious remedies to discrimination. In response to articles in both the *New York Times* and the *Los Angeles Times* criticizing Reagan’s civil rights views, Ken Masugi, a member of the California Advisory Committee to U.S. Commission on Civil Rights wrote letters to both newspapers proclaiming the defenders of affirmative action the true racists. “You should not have to be reminded,” Masugi wrote to the *New York Times*, “that racial segregation and its predecessor, slavery, were far more established practices than affirmative action, and that the battle against those evils required perseverance.”⁴⁰² He chastised the *Los Angeles Times* for completely ignoring the history of the Civil Rights Act of 1964. He concludes both letters by insisting that it is Reagan who is continuing the “noble struggle for the rule of law under a color-blind Constitution protecting individual rights.”⁴⁰³

By November, Reagan’s civil rights officials began to interject in the debate. Clarence Pendleton wrote to the *Wall Street Journal* defending both the administration’s civil rights record and educate its readership about the history of civil rights. “The affirmative-action debate has recently focused on whether President Reagan ought to . . . prohibit racial goals, timetables, and quotas in federal contracting” Pendleton wrote, “Clearly, they were not contemplated at the time President Johnson issued the order. They arose gradually by means of an overzealous bureaucracy charged with the order’s implementation.”⁴⁰⁴ In response to Pendleton’s letter and the threat posed to Executive Order 11246, Benjamin Hooks wrote a letter to the *New York Times* stating that vetoing the Order would “negate one of the most important civil rights measures enacted since the Emancipation Proclamation.”⁴⁰⁵ He continued by rebuking the attempts of the administration to both insert a colorblind ethos at the core of the Constitution and black freedom struggles.

In response, William Bradford Reynolds wrote to the *Times* reiterating what he felt was the colorblind history of the nation, stating, “To hear Benjamin Hooks explain it, there never was a *Brown v. Board of Education*.” He continues, “It is, of course, that principle - the principle of colorblindness, of nondiscrimination - that has been wrenched from the executive order signed by President Johnson in 1965. As originally issued, the executive order in both its language and its application was blind to color.”⁴⁰⁶ In Reynolds’ view, affirmative action was always intended as a colorblind solution to racial discrimination. It was only in the early seventies, that regulations distorted this intention. Race-consciousness remedies to racial discrimination, in Reynolds’ view, were nothing more than misguided liberal policies enacted years after the

⁴⁰¹ Michael Kinsley, “On Civil Rights, Conservative Cant Means Won’t: Viewpoint,” *The Wall Street Journal*, June 20, 1985, 29.

⁴⁰² “Civil Rights, Civil Wrongs, and Mr. Reynolds: Letter,” *New York Times*, July 11, 1985, A22.

⁴⁰³ Ken Masugi, “Letters to the Times: ‘Red Light for Reynolds,’” *Los Angeles Times*, July 12, 1985, 6.

⁴⁰⁴ “Letters to the Editor,” *Wall Street Journal*, November 11, 1985, 25.

⁴⁰⁵ “The U.S. Constitution Was Never Color-Blind: Letter,” *New York Times*, November 27, 1985, A22.

⁴⁰⁶ William Bradford Reynolds, “Racial Quotas Hurt Blacks and the Constitution: Letter,” *New York Times*, December 9, 1985, A22.

modern civil rights movement concluded which distorted its colorblind intent.

By the end of the first year of his second term, Ronald Reagan and his Justice Department had clearly laid out their plans for civil rights. They developed a twofold strategy that sought to both implement their vision regarding affirmative action at the legal level and win the hearts and minds of Americans at the ideological level by positioning their actions as motivated by a commitment to colorblind justice; the same commitment at the heart of black freedom struggles throughout American history. They were not the enemies of civil rights; they were its staunchest defenders; the inheritors of King's legacy. Civil Rights leaders, in their view, had strayed from the movement's colorblind intent, and had become, oddly enough, the enemy of racial progress. As we have seen, civil rights activists and their sympathizers tried to highlight the race-conscious nature of the Constitution and of black social movements. They cited Reagan and his sympathizers long history of opposition to civil rights to debunk their pro-civil rights platitudes in the eighties. They fought to contain a memory of the movement that placed equality and overcoming oppression as its legacy.

Not So Fast, Dutch, 1986-1988

1986 would ultimately extinguish the momentum Reagan built the year prior. However, the year began as 1985 had ended. On January 17, 1986, three days before the inaugural Martin Luther King Holiday, Coretta Scott King unveiled a three-foot solid bronze bust of her slain husband in the Capital Rotunda (later moved to Statuary Hall). After the ceremony, Reagan met with King and other civil rights leaders and urged them to "never, never abandon the dream" of a colorblind United States.⁴⁰⁷ On the eve of the observance, Reagan used his weekly radio address to defend his civil rights positions and insist that blacks had benefitted from his presidency. "We are committed to a society in which all men and women have equal opportunities to succeed, and so we oppose the use of quotas," Reagan said. "We want a color-blind society. A society, that in the words of Dr. King, judges people not by the color of their skin, but by the content of their character."⁴⁰⁸ Yet as Pennsylvania Democratic Congressman William H. Gray's rebuttal made clear, Reagan's claims to improving the lives of African Americans was simply untrue. Over Reagan's first term, Black unemployment had risen from 12.3% to 15.6%, and the percentage of black families living in poverty grew from 32% in 1980 to 42% in 1986. Polls showed that African American's views of Reagan had diminished alongside of their economic prospects. Over half of all blacks polled in January of 1986 believed Reagan was a racist.⁴⁰⁹ Two days later, on the morning after the holiday, the *Los Angeles Times* published a column criticizing Reagan's "Distortion of History." "All last week President Reagan draped himself in the mantle of the late Dr. Martin Luther King, Jr." the *Times* wrote, "He visited with youngsters at the southeast Washington school named after the slain civil-rights leader. He counseled with King's widow... And he touted the progress that says blacks have made under his administration." In reality, the *Times* argued, Reagan had done nothing but "turn King's own words to uses that would subvert his goal of a truly open society." The main front of this attack had become, in 1986, Reagan's effort to undo Executive Order 11246, which, it is worth noting, makes no mention of quotas, yet Reagan insisted it was the key piece of legislation that legalized them.⁴¹⁰

The National Urban League did not buy Reagan's overtures. In the aftermath of the

⁴⁰⁷ Lou Fintor, "Widow Unveils Bust of King for Capitol," *Los Angeles Times*, January 17, 1986, A22.

⁴⁰⁸ In Laham, *The Reagan Presidency*, 75.

⁴⁰⁹ "Reagan Quotes King Speech in Opposing Minority Quotas," *New York Times*, January 19, 1986, A20.

⁴¹⁰ "Distortion of History," *Los Angeles Times*, January 21, 1986, B4.

week-long commemoration of King leading up to the first King holiday, the National Urban League released their annual “State of Black America” report. In it, they refer to Reagan as a “Rambo-like destroyer of civil rights,” with “voodoo civil rights policies,” that had left blacks in their worst economic shape in a decade.⁴¹¹ Similarly, Roger Wilkins, a black History Professor at George Mason University, wrote an op-ed in the *Los Angeles Times* reminding Americans that “Two men who lived in the same century could hardly have agreed on less” than King and Reagan. “In instance after instance,” Wilkins continues, “this Administration has sought to narrow [King’s] vision and constrict the pursuit of [King’s] dream.” Ultimately, Wilkins concludes, Reagan was praising one of their heroes and “pretending to adhere to ideals that his policies clearly indicate he opposes.”⁴¹²

Two weeks later, a reporter asked Reagan, “Mr. President, in the '60's you opposed all the civil rights legislation. But more recently, you said that you were a part of the Martin Luther King revolution... why is your Administration so bent on wiping out the flexible hiring goals for blacks, minorities and women?” He responded, “We want, we want what I think Martin Luther King asked for. We want a color-blind society.”⁴¹³

The editorial board of the *Wall Street Journal* continued to provide support for Reagan’s civil rights positions in the press, while the pages of the *Los Angeles Times* and the *New York Times* maintained their reluctant support of race-conscious remedies to discrimination broadly, and affirmative action more specifically.⁴¹⁴ In April of 1986, they published an article arguing that if Reagan had erred in civil rights, it was only because he was, as one headline read, “Going Colorblind Too Slowly.” “We do wish,” the *Journal* wrote, “that President Reagan, who has often expressed his own wish for a colorblind society, would take stronger action to support it.” The easiest way to do so, in the *Journal*’s opinion, was to rewrite Executive Order 11246.⁴¹⁵

Many whites also vocalized their support of the president’s civil rights maneuvers. On February 2, 1986, a white UC Irvine Student, who qualifies his op-ed by alleging he was, as a high schooler, moved to tears the first time he heard King’s “I Have a Dream Speech,” wrote the column to express the discomfort and outrage he felt after attending a rally on campus in honor of King. There, a black female speaker’s remarked that whites must accept responsibility for what their ancestors did to African Americans. In the column, Whitten argues that the woman feeds the fire of racism because she does not want America to be “unconcerned with skin color,” as Dr. King did. “I thought about black fraternities and the Black Student Union on my campus,” Whitten concludes, “And I wondered if they really want to abolish discrimination as Dr. King did. Or do they really want to separate themselves from the mainstream to feel special?”⁴¹⁶

One less frequently cited reason behind Reagan and specifically the US Commission on Civil Right’s opposition to affirmative action programs in the 1980s was that they did not work. In fact, this was not true. For example, over a ten year period a \$2.2 billion federal works project was undertaken to expand the Amtrak rail line through the Northeast Corridor. The federal

⁴¹¹ “Reagan hit as ‘Rambo’ Rights Raider,” *Los Angeles Times*, January 23, 1986, A2; Lou Fintor, “Urban League Says Reagan Set Blacks Back a Decade,” *Los Angeles Times*, January 24, 1986, A5.

⁴¹² Roger Wilkins, “A Dream Still Denied: An Equal Irony: Reagan Becomes Chief Celebrant of King’s Birthday,” *Los Angeles Times*, January 19, 1986, G1.

⁴¹³ “President’s News Conference on Foreign and Domestic Issues,” *New York Times*, February 12, 1986, A12.

⁴¹⁴ For evidence of this published in early 1986 see, “A Right Path for Equal Rights,” *Los Angeles Times*, February 14, 1986, B4; “No Retreat,” *Los Angeles Times*, April 3, 1986, C4; and Don Edwards, “Keep Affirmative Action,” *New York Times*, February 13, 1986, A31.

⁴¹⁵ “Going Colorblind Too Slowly,” *Wall Street Journal*, April 23, 1986, 30.

⁴¹⁶ Brian C. Whitten, “Dr. King’s Dream Remembered,” *Los Angeles Times*, February 2, 1986, A18.

government implemented an affirmative action program for those contracts, setting a goal that 15% of all businesses receiving contracts over the ten-year project would be minority owned. Ten years later, nearly 18% of all contracts went to minority owned businesses.⁴¹⁷ So, in fact, the opposition from the Reagan Administration to affirmative action programs was not because they were ineffective, but because they worked. They proved repeatedly to grant employment and educational opportunities to qualified and deserving people of color.

By February, Reagan was still considering a veto of Executive Order 11246.⁴¹⁸ A May, 1986 decision—*Wygant v. Jackson*—bolstered his efforts. In *Wygant*, the Court threw out the “layoff provision” of the affirmative action plan in the Jackson, Michigan teacher’s union.⁴¹⁹ However, as Terry H. Anderson notes, although the Supreme Court ruled that the race-conscious layoff plan violated the Equal Protection Clause, their ruling, particularly the opinion of Justice Sandra Day O’Connor, made a point to distance itself from and refute the opinion of the Reagan Justice Department, that such affirmative action programs were limited to cases in which prior evidence of prior discrimination by the organization existed.⁴²⁰ Eight of the nine justices signed opinions rebuffing the Justice Department’s colorblind position.⁴²¹ Nonetheless, in the days after the decision, Reynolds notified the press that as a result of the decision the Administration was increasing its efforts to rewrite Executive Order 11246, because it, according to Reynolds, “is not predicated on any finding of discrimination.”⁴²²

By July, Melanie Lomax, head of the Los Angeles Office of the NAACP, wrote in the *Los Angeles Times* that affirmative action was on “Death Row.” “The attacks from the Reagan Administration,” Lomax writes, “undoubtedly will continue and be intensified.”⁴²³ Yet the Supreme Court, upon which Reagan and his colorblind civil rights had begun to wield serious influence as evidenced by the Court’s wavering support of affirmative action, halted the Justice Department’s progress. Two decisions, one involving a sheet metal workers union in New York (*Local 28 v. EEOC*), and the other a fire fighters union in Cleveland (*Local 93 v. Cleveland*), solidified the legality of affirmative action programs implemented in cases in which there was not necessarily evidence of previous discrimination but nonetheless cleared the Court’s requirement that they be “narrowly tailored.”⁴²⁴ Civil rights law “does not prohibit a court from ordering, in appropriate circumstances, affirmative race-conscious relief as a remedy for past discrimination,” Justice Brennan wrote, rebuffing the President’s colorblind doctrine.⁴²⁵ Two additional rulings the following February (*U.S. v Paradise; Johnson v. Transportation Agency*) involving the affirmative action hiring and promotion programs in Alabama and California reinforced the Court’s view.⁴²⁶ However, while seven of the nine justices rebuffed Reagan’s colorblind doctrine by supporting the idea that evidence of past discrimination was not a

⁴¹⁷ Robert Pear, “Affirmative Action Effort on Amtrak Corridor Praised as Effective,” *New York Times*, April 22, 1986, A12.

⁴¹⁸ “Reagan Tells of Weighing Plans to Revise Minority Hiring Rules,” *New York Times*, February 12, 1986, A13.

⁴¹⁹ Robert Pear, “Justice Dept. Says Opinion Narrows Job Equality Rule,” *New York Times*, May 23, 1986, A1.

⁴²⁰ Anderson, *The Pursuit of Fairness*, 190.

⁴²¹ Laura Masnerus and Katherine Roberts, “Ambiguity on Affirmative Action Plans,” *New York Times*, May 25, 1986, E7.

⁴²² Pear, “Justice Dept. Says Opinion,” A1.

⁴²³ Melanie E. Lomax, “Affirmative Action Struggles On,” *Los Angeles Times*, July 11, 1986, C5.

⁴²⁴ Phillip Hager, “President is Rebuffed in Two Rulings,” *Los Angeles Times*, July 3, 1986, C1; Phillip Hager, “Justices Uphold Affirmative Action,” July 3, 1986, 4; “Justices, in Blow to Reagan, Uphold Affirmative Action: Broad Ruling Endorses Racial Quotas, Timetables,” *Los Angeles Times*, July 2, 1986, 1.

⁴²⁵ “The Right to Remedy, Affirmed,” *New York Times*, July 3, 1986, A30.

⁴²⁶ “Court Extends Racial Quotas to Promotions,” *Los Angeles Times*, February 26, 1987, 7.

prerequisite for an affirmative action program, two did not—Chief Justice Warren Burger and William H. Rehnquist, Burger’s eventual replacement as Chief Justice.

The blow debilitated Reagan’s efforts to eliminate affirmative action. With no legal grounding, or even ambiguity to stand on, the Justice Department began dropping its lawsuits trying against cities and states the following month, signaling the end of Reagan’s assault on affirmative action.⁴²⁷ The Administration did not, however, go quietly. In September, an “unusually abrasive” William Bradford Reynolds, targeting Justice Brennan, the Administration’s nemesis when it came to affirmative action, accused the Justice of misinterpreting the 14th Amendment and imposing “a liberal social agenda” that “has no connection with the Constitution, The Bill of Rights or any subsequent Amendment.” He continues, “The Constitution is and must be understood to be ‘colorblind.’”⁴²⁸

That same month, Justice Thurgood Marshall, defending affirmative action in the aftermath of the two July rulings, stated, “The argument against affirmative action is an argument in favor of leaving that cost to lie where it falls.” Affirmative action, Marshall continued, is “an instrument for sharing the burdens which our history imposes upon us all.” “I too believe in the colorblind society,” Marshall concluded, “But it has been and remains an aspiration. Given the position from which America began, we still have a very long way to go.”⁴²⁹ The data supported Marshall, not the President. In September, the United States Conference of Mayors concluded that affirmative action programs had improved the “efficiency and productivity” of city workforces. 90% of the 121 cities represented at the conference had voluntarily implemented affirmative action programs; 60 percent had fewer employee grievances, 40 percent had decreased absenteeism, and 45 percent had less employee turnover since implementing affirmative action. Most importantly, almost 40 percent of the cities credited affirmative action for contributing a “great deal to improved efficiency and productivity.”⁴³⁰

With the wind taken from its sails, the Reagan Administration was unable to make further changes in affirmative action policy. It did not, however, waver from its colorblind doctrine. In February 1987, EEOC Chair Clarence Thomas responded to a *Wall Street Journal* columnist who accused him of not sharing the Administration’s strictly colorblind views. Thomas responded with a letter that was published in the *Journal* two weeks later maintaining, “I firmly insist that the Constitution be interpreted in a colorblind fashion.”⁴³¹ In his dissent to one of the pro-affirmative action rulings the same month, Justice Antonin Scalia wrote that the Court had violated the colorblind foundation of the Constitution and had converted Title VII of the 1964 Civil Rights Act into an “engine of discrimination” against white men.⁴³² Moreover, William Bradford Reynolds, head of the Justice Department’s Civil Rights Division and the chief architect and enforcer of the Administration’s colorblind doctrine, had become by the end of 1987 the Justice Department’s most important and powerful official, according to the *New York Times*.⁴³³

⁴²⁷ See Anderson, *Pursuit of Fairness*, 190-192.

⁴²⁸ Don Irwin, “Reynolds Accuses Justice of Misinterpreting 14th Amendment: Rights Enforcer Assails Brennan’s View of Constitution,” *Los Angeles Times*, September 14, 1986, A4.

⁴²⁹ “Preferential Treatment for Blacks Called Essential by Justice Marshall,” *Los Angeles Times*, September 6, 1986, 2.

⁴³⁰ “Antibias Plans Said to Aid Cities,” *New York Times*, September 19, 1986, A30.

⁴³¹ Clarence Thomas, “Colorblindness,” *Wall Street Journal*, February 20, 1987, 21.

⁴³² Stuart Taylor Jr., “Supreme Court, 6-3, Extends Preferences in Employment for Women and Minorities,” *New York Times*, March 26, 1987, A1.

⁴³³ “Reynolds’s Remarkable Rise,” *New York Times*, October 20, 1987, A32.

In August of 1988, amid the rancor of the impending presidential election, a crowd marched to the Lincoln Memorial in August to commemorate the 25 anniversary of the 1963 March on Washington and MLK's "I Have a Dream" speech. Speakers exhorted the theme of "deferred dreams" to a crowd of roughly 55,000, roughly a quarter of the number who attended the 1963 march. Perhaps the number speaks to what Democratic Presidential Candidate Michael Dukakis called the "slow death of indifference," whereby twenty-five years had failed to yield the racial equality those dreamed of two-and-a-half decades prior.⁴³⁴ The smaller numbers may have had something to do with the co-optation of the civil rights movement, and King especially, by the Reagan Administration over the previous eight years. The memory of the modern civil rights movement and its most well known leader were remade by the Reagan Administration not to hold up as the dream of racial equality, but as a cudgel to defeat civil rights and exacerbate racial inequality. Surprisingly, or perhaps not, Vice President George Bush, the Republican Candidate in 1988 did not attend the march, and the crowd was heard chanting "Where is George," at various points of the rally. One speaker, disappointed in the turnout, remarked, "If Martin Luther King could get up from the grave he would see that he'd have to start all over again."⁴³⁵ Civil Rights Leader Julian Bond, offered his own explanation of the small crowd. To young people in attendance, "the 1963 march was ancient history," Bond argued.⁴³⁶ By the end of the Reagan presidency, Bond was right in more ways than he realized.

As with its first, during its second term the Reagan Administration attacked key civil rights programs that African Americans had won during the civil rights movement two decades prior. Whereas the Supreme Court handcuffed the administration's ability to make legislative changes during its first term, a few key decisions at the end of his first term emboldened the president to more aggressively attack civil rights, namely affirmative action. Early in his second term, the Justice Department sought to eliminate federal affirmative action guidelines, but were ultimately unsuccessful. Nonetheless, colorblind rhetoric and efforts by the administration to remember a civil rights movement driven by a colorblind doctrine were the two key strategies used by the administration to win public support for their efforts as motivated not by white supremacy but by a genuine commitment to civil rights. As I argued in the previous chapter, scholars who minimize the damage Reagan did to civil rights by focusing solely on the inability for his administration to make significant changes to civil rights law miss the importance of the manner in which the Reagan Administration reframed the national discourse on civil rights. During Reagan's first term, his civil rights team positioned white males as the true victims of racial discrimination at the hands of affirmative action. In his second term, the Reagan Administration continued its rhetorical efforts by imagining an alternative civil rights history led not by black radicals, but by colorblind white males. As Reagan left office, took up the task of constructing a colorblind civil rights movement in American memory. In the immediate aftermath of the Reagan presidency, the mass culture industry produced a number of films about slavery and civil rights that imagined white heroes and a colorblind ethos at the core of black freedom struggles. It is to those movies that I now turn.

Celluloid Slavery, Celluloid Civil Rights

Our collective historical memory performs crucial work in shaping the racial politics of the

⁴³⁴ Charles Mohr, "Marchers Exhorted to Go After 'Deferred Dreams,'" *New York Times*, August 28, 1988, <http://www.nytimes.com/1988/08/28/us/marchers-exhorted-to-go-after-deferred-dreams.html>

⁴³⁵ Ibid.

⁴³⁶ Ibid.

present. And film is a key medium through which to shape, contest, and re-imagine our racial past. Collective memory is the product of a politicized process that, through representation, selects certain while silencing other accounts—real, or imagined—of the past in service of specific interests. Representations of the past “stand in for” rather than “re-present” the event depicted.⁴³⁷ Representations are not mere vehicles transmitting a preexisting meaning. Meaning is given to the event through the representations of the event itself, which continuously imbue it with new and changing meanings. Our collective memory is therefore not a record of historical fact, but an inventory of, as Michel Foucault argues, “what [we] must remember having been” as determined by the interests of dominant ideologies and ruling discourses.⁴³⁸ Moreover, emancipation and the civil rights movement are highly contested sites in American memory more generally, and groups spanning the gamut of American racial, social, and political life fight to shape the collective memory of these two events. Hollywood is crucial in this regard. Its popularity and consistent engagement with the America’s racial past reveal the crucial role the culture industry plays in our understanding of the black liberation struggles. According to Walter Benjamin, film is the “most powerful agent” in this process is film because “Its social significance, particularly in its most positive form, is inconceivable without its destructive, cathartic aspect, that is, the liquidation of the traditional value of the cultural heritage.”⁴³⁹

As Reagan left office Hollywood continued to reimagine the civil rights movement. It also took on slavery. Together, Hollywood’s civil rights and slavery dramas in the immediate post-Reagan years constituted a rediscovery of black freedom struggles on screen. Despite Hollywood’s long history of engagement with slavery and civil rights, the cinematic iterations of emancipation and the civil rights movement in the 1990s differ significantly from those of previous eras. Hollywood’s Classical Era, generally speaking, depicted slavery as a benevolent institution that in no way compromised the nation’s immaculate moral character. Films like *Birth of a Nation* (1915) and *Gone With the Wind* (1939), offer a simpler time of contented slaves and altruistic masters gone with the winds of northern aggression and industrialization.⁴⁴⁰ Slavery dramas of the late-1980s and 1990s, on the other hand, depict a far more reprehensible institution. The horrors of human bondage, largely nonexistent in Classical Era treatments, are laid out far more plainly in films like *Glory* (1989) and *Amistad* (1997). Indeed, late twentieth century filmic portrayals of slavery rely upon melodramatic depictions of the horror of the institution to affect its audiences. Furthermore, in the Classical Era abolition is depicted as either undesired (*Gone With the Wind*) by happy slaves or threatening the purity of white womanhood by unleashing rape-hungry black men to prey on chaste white women (*Birth of a Nation*). In slavery dramas of the nineties, however, abolition became the central focus of the narrative.

A similar contrast marks civil rights dramas of the 1990s from those of the mid-century.

⁴³⁷ Hall, *Cultural Representations*, chapter 1.

⁴³⁸ Michel Foucault, “Film and Popular Memory: An Interview with Michel Foucault,” *Cathiers du Cinema* (July-August 1974), 25; also, Pierre Nora, “Between Memory and History: Les Lieux de Memoire,” *Representations*, No. 26 (Spring, 1989), 7-24.

⁴³⁹ Walter Benjamin, “The Work of Art in the Age of Its Mechanical Reproducibility,” *Walter Benjamin: Selected Writings, Volume 3 1935-1938* (Cambridge: Harvard University Press, 2002), 104.

⁴⁴⁰ For more on the history of Hollywood slavery dramas see Linda Williams, *Playing the Race Card: Melodramas of Black and White from Uncle Tom to O.J. Simpson* (Princeton, NJ: Princeton University Press, 2001); Cedric Robinson, *Forgeries of Memory and Meaning* (Chapel Hill, NC: University of North Carolina Press, 2007), chapter 2; Michael Rogin, *Blackface, White Noise: Jewish Immigrants in the Hollywood Melting Pot* (Berkeley: University of California Press, 1996), chapter 2; Guerrero, *Framing Blackness*, chapter 2.

The onset of the modern civil rights movement and the emergence of Sidney Poitier as the most popular black star of the civil rights era prompted Hollywood to begin regularly taking up the topic of racial equality with films like *No Way Out* (1950), *Blackboard Jungle* (1955), and *The Defiant Ones* (1958). The pace of these films only increased in the 1960s as both the movement and Poitier's fame grew. As film historian Donald Bogle explains, Poitier's immense talent, combined with the well-spoken, highly-educated, mild-mannered and asexual characters he portrayed satisfied both the standards of white audiences and middle-class black respectability in the civil rights era.⁴⁴¹ Racial melodramas of the mid-twentieth century use the debate over black equality in order to reform misinformed prejudiced white minds. Social problem films of the mid-twentieth century depict white bigots infected with the disease of racism in need of the tonic of racial equality. Viewers are therefore encouraged to sympathize with the infected white racists and root for their cure. Therefore, these films are concerned primarily with portraying the triumph of the white psyche rather than with grassroots activism for black equality. So, while heroic depictions of reformed white men are problematically at the center of mid-century civil rights dramas, it is nonetheless the black protagonist (typically played by Poitier) who serves as the catalyst of that transformation.⁴⁴²

Civil rights dramas of the late-1980s and 1990s are less often concerned with the reformation of white racists. More significantly, the transformation of white minds is not the primary function of these films. This is for two reasons. First, the white leads in films of the nineties are represented as already committed to racial equality. They are, in other words, colorblind, and have always been so. Their heroism, in fact, hinges upon this quality. Second, while white colorblind heroes drive these films, unwavering white racists nonetheless abound the screen. Their resolute bigotry both puts the colorblind heroism of our protagonist into sharp relief and frames black freedom struggles as conflicts over whiteness. The central work of civil rights dramas of the 1990s, then, is the representation of a triumphant colorblind whiteness as the driving force behind abolition and civil rights.

Glory

Edward Zwick's 1989, academy-award winning film *Glory* depicts the Civil War efforts of the all-black Massachusetts 54th Regiment and their colonel, Robert Gould Shaw. The film received overwhelmingly positive reviews from critics, solid box office receipts, and three Oscars including Denzel Washington's win for best supporting actor. Outside of Hollywood, historians offered similar praise. Renowned historian Gerald Horne, commended the film for "finally get[ting] this chapter in history right."⁴⁴³ Noted historian Manning Marable was equally congratulatory, writing, "Freedom is only real when the oppressed themselves, through their own initiative and inner strength, shatter the chains of bondage... This is the central message of *Glory*."⁴⁴⁴ Yet like the civil rights dramas of the same era, the overwhelming evidence of the film suggests it is more a laudatory biopic of the heroic leadership of the white protagonist, here the regiment's white colonel than it is a long-overdue depiction of the efforts of black soldiers in the Civil War.⁴⁴⁵

⁴⁴¹ Bogle, *Toms, Coons, Mulattoes*, 175-176; Guerrero, *Framing Blackness*, chapter 3.

⁴⁴² See Bogle, *Toms, Coons, Mulattoes*.

⁴⁴³ Gerald Horne, "Review: *Glory*," *The American Historical Review* Vol. 95. No. 4. (Oct. 1990), 1141.

⁴⁴⁴ Manning Marable, "Glory—Black History and Struggle," *The Indianapolis Recorder*, February 10, 1990, A8.

⁴⁴⁵ Jim Cullen, *The Civil War in Popular Culture: A Reusable Past* (Washington DC: Smithsonian Institution Press, 1995); Patricia Turner, *Ceramic Uncles and Celluloid Mammies: Black Images and Their Influences on Culture* (New York: Anchor Books, 1994); and Roger Ebert have similarly noted the centrality of Shaw rather than the black

The film's opening frame, a black screen with the text, "ROBERT GOULD SHAW, THE SON OF WEALTHY Boston abolitionists, was 23 years old when he enlisted to fight in the War between the States," immediately centers the narrative on Shaw, challenging Horne and Marable's characterizations of the film. Additionally, it is Shaw, through letters to his mother, who narrates the film. The bravery exhibited by the black soldiers, while prevalent, is, in fact, inspired by the colorblind courage of Shaw. Historian James Cullen notes this dynamic, writing, "There is a patronizing subtext in *Glory* in that it is whites who make the most dramatic contributions to the black cause."⁴⁴⁶ However, the content of Shaw's heroism and the representation of him as primarily responsible for gains won by African Americans in the Civil War is not merely subtext, but is in fact the central message of the film. As many scholars and critics note, historical inaccuracies abound in this film.⁴⁴⁷ Be it the absence of any real black soldiers or the role of Frederick Douglass in assembling the regiment (which included two of his sons), or the fictional enthusiasm with which Shaw accepts his post, the point here is not merely the alterations of historical evidence. Instead, the issue is the manner in which the alterations made in the interest of entertainment value largely work to magnify the colorblind heroism of Shaw while downplaying the bravery of the black soldiers.

The film's form, more importantly, performs the most substantive work in the manufacture of Shaw's colorblind heroism and a colorblind aesthetics more generally. In one scene, the 54th parades through a town of civilian supporters en route to the battlefield. As the black troops march down the street, they are filmed through wide shots that capture multiple members of the regiment. The wide shots make it difficult to distinguish the men from one another. Instead, the audience sees a homogenous group of black bodies in blue uniforms donning muskets. Shaw, on the other hand, is shot frequently with a low angled close up atop his horse, elevated above both his regiment and the onlookers. This, along with the use of shallow focus, isolates Shaw and directs the spectator's gaze directly to him, creating an intimacy between Shaw and the spectator that further sutures the audience to identify with his position. The low angle forces the audience to look up at Shaw, a classic cinematic device used to emphasize the heroism of a character. In the wide shots that capture both Shaw and the black soldiers, Shaw rides on horseback against a backdrop of waving American flags, which characterizes Shaw's heroism as quintessentially American. Furthermore, the depiction of Shaw riding alongside the marching 54th reproduces the visual imagery of the Robert Gould Shaw memorial in Boston suggesting that the colorblind portrayal of Shaw is not the film's representation but a filmic *re*-presentation of a colorblind history already written visually.

The elevation of Shaw to visually render his heroic superiority occurs again after the black soldiers learn of the salary discrepancy between them and their white counterparts. Trip orders his fellow corporals to refuse pay until it equals that of white soldiers. Many black soldiers join in protest with Trip, and a raucous rally begins. In response, Shaw climbs atop a stage and proclaims that if black soldiers will not accept pay, then neither will the white officers. Again, Shaw's movement to the stage literally elevates him above the group of black soldiers and enables Shaw's declaration to appear on-screen through a low-angled close-up, thereby

soldiers in the film.

⁴⁴⁶ Cullen, *The Civil War in Popular Culture*, 164.

⁴⁴⁷ See Cullen, *The Civil War in Popular Culture*, 161; Brian Steel Wills, *Gone with the Glory: The Civil War in Cinema* (New York: Rowman & Littlefield, 2007), 145-146; Martin H. Blatt, "Glory: Hollywood History, Popular Culture, and the Fifty-Fourth Massachusetts Regiment," in *Hope and Glory: Essays on the Legacy of the Fifty-Fourth Massachusetts Regiment*, eds. Martin H. Blatt, Thomas J. Brown, and Donald Yacovone, (Amherst, MA: University of Massachusetts Press, 2001), 221-222; and Turner, *Ceramic Uncles*, 172-176.

magnifying the heroism of the act. Moreover, the blank blue sky that frames Shaw again isolates him in the frame and draws the spectator's gaze directly to Shaw. No such formal assistance is given to Trip, who, after all, came up with the idea.

The aesthetics of colorblind heroism reach their zenith during the final battle scene at Fort Wagner. Caught off-guard and under attack without a strategy for counterattack, Shaw emerges from cover and charges the fort armed only with an American flag. As Shaw's body is riddled with gunfire the film transitions into slow-motion, and the diegesis is interrupted by the histrionic sounds of an orchestra and choir, maximizing the melodrama of our hero's death. As his limp body falls to the ground, real-time resumes and the black soldiers, shedding their fear and inspired by their lionhearted leader, emerge from cover and charge up the hill. No slow motion is used to capture Trip's death. Instead, the film quickly cuts away as his body hits the sand. The form in the portrayal of the death of our two main characters reveal the value of white bodies in relation to black ones in *Glory*. The editing choices in the depiction of Trip's death suggest his sacrifice for his own race is expected and therefore un-heroic. Within this logic, the white sacrifice of Shaw for a black cause—slavery—not his own is ultimately the most colorblind and therefore heroic act of *Glory*; the film's form, therefore, heightens the melodrama in this sequence to spotlight this fact. Selfless white sacrifice for racial others is, ultimately, a narrative precondition upon which the aesthetics of colorblind heroism are built.

Yet it is in the (in)famous flogging scene, in which Trip (Denzel Washington) is punished for deserting camp in search of adequate shoes, that the true work of colorblind aesthetics is revealed. The sequence is shot through a series of shot-reverse-shot close-ups between Trip and Shaw. The audience watches the film cut back and forth between the pained face of Trip and the equally agonized Shaw. The use of a shot-reverse-shot provides the audience with a mirroring of the tortured face of Trip as the lash tears his flesh with that of Shaw, who must bear witness to the savagery of his orders. In this sequence, the camera angle on the reverse shots of Trip align closely with the position and eye-line of Shaw; Trip's gaze points almost directly into the camera. The reverse shots of Shaw, however, are shot from an angle to the left of Trip's position. Shaw's eye line, therefore, points markedly away from the camera towards Trip. The spectator, then, is "sutured" into the position of Shaw, not Trip. In her analysis of "suture," Film theorist Kaja Silverman writes, "The classic cinematic organization depends upon the subject's willingness to become absent to itself by permitting a fictional character to 'stand in' for it, or by allowing a particular point of view to define what it sees. The operation of suture is successful at the moment that the viewing subject says, 'Yes, that's me.'"⁴⁴⁸ The sequence contains no point-of-view shots from Trip or any of the other black soldiers who look on in the background, for example. This is not the only instance in which this formal strategy is utilized. In another scene, the 54th marches into Union training grounds and are greeted with a series of racist comments. Immediately after the slurs, the film cuts to a visibly anguished Shaw. The choice here to utilize a shot-reverse-shot sequence to direct the spectator's attention to the effects of anti-black slurs not on the targets of the slurs—the black soldiers—but to their white colonel suggests that it is Shaw, in fact, who suffers most from the bigotry of antebellum America. In either case, the viewer is given no option other than to identify with Shaw in this scene.

Moreover, cutting back and forth between Trip's lachrymose reaction and close-ups of a visibly troubled Shaw, who must at one point look away from the spectacle and from Trip, both manufactures a sense of guilt in Shaw over his order and also equates that guilt with the physical

⁴⁴⁸ Kaja Silverman, *The Subject of Semiotics* (New York: Oxford University Press, 1983), 201.

torture imposed upon Trip. The production of guilt in this scene serves two functions. First, it preserves Shaw's heroism through what is perhaps his one immoral act in this film—punishing a man who left camp only in search of adequate shoes (It is worth noting that after the incident Shaw arranges for all of the men to receive new shoes.). More importantly, as Judith Butler posits in her consideration of the racial implications of Freudian guilt, white guilt functions as “displaced satisfactions” that preserve desire,

“the question is whether white guilt is itself the satisfaction of racist passion, whether the relieving of racism that white guilt constantly performs is not itself the very satisfaction of racism that white guilt ostensibly abhors. For white guilt—when it is not lost to self-pity—produces a paralytic moralizing that *requires* racism to sustain its own sanctimonious posturing...rooted in the desire to be exempted from white racism, to produce oneself as the exemption...”⁴⁴⁹

The manufacturing of white guilt in this scene of black trauma in order to represent Shaw as the colorblind exception to antebellum whiteness consolidates white privilege and reinforces white supremacy. Additionally, the absence of Trip's perspective, or that of any other black character, for that matter, eschews Trip's humanity. Trip's suffering is therefore intelligible only through its equation to Shaw's guilt. As literary scholar Saidiya Hartman argues, in requiring “that the white body be positioned in the place of the black body in order to make this suffering visible and intelligible...in making other's suffering one's own, this suffering is occluded by the other's obliteration.”⁴⁵⁰ The formal elements of this sequence force the spectator to identify with the white gaze of Shaw and see the black body in suffering as a point of alterity; as an object. Most importantly, this is accomplished in this sequence at the level of form and aesthetics. These aesthetics reveal colorblindness for what it really is: the glorification of white privilege in the post-civil rights era camouflaged by stories of colorblind heroism.

In his review of the film, Roger Ebert wrote, “Watching ‘Glory,’ I had one recurring problem. I didn't understand why it had to be told so often from the point of view of the 54th's white commanding officer. Why did we see the black troops through his eyes - instead of seeing him through theirs? To put it another way, why does the top billing in this movie go to a white actor?”⁴⁵¹ In one interview Edward Zwick, the film's director, though not responding directly to Ebert's criticism, claimed, “It is hugely difficult in any society, black or white, to come up with legitimate heroes.”⁴⁵² Freddie Fields' description of the film, also not responding directly to Ebert, is revealing. He writes, “In the form of an entertainment vehicle, we tell a love story about the camaraderie between black and white men who learned and grew together.”⁴⁵³ These comments provide insight into what constitutes a Hollywood hero in the colorblind era. The historic actions of Frederick Douglass and William Carney, the first black serviceman to receive the Congressional Medal of Honor and a member of the 54th, or a fictional account of black soldiers during the Civil War through their own eyes are illegible in an age in which whiteness was increasingly reconstituted as colorblind in order to justify the neoconservative assault on

⁴⁴⁹ Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex* (New York: Routledge, 1993), 211.

⁴⁵⁰ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 19.

⁴⁵¹ Roger Ebert, “Review: Glory,” *Chicago Sun-Times*, January 12, 1990, <http://www.rogerebert.com/reviews/glory-1989>.

⁴⁵² Cullen, *The Civil War in popular Culture*, 153.

⁴⁵³ Cullen, *The Civil War in popular Culture*, 156.

civil rights.⁴⁵⁴ *Glory* is not merely a film about interracial friendship, growth, and “bridge building.” Instead, it is about the terms of those dynamics, the stipulation that the bridges of racial progress be built through the leadership and benevolence of a colorblind white hero whose colorblindness is the basis of his heroism. That is Hollywood’s version of historic American heroism in the political context of colorblindness in the 1990s.

The Long Walk Home

Unlike *Glory*, which is at least based on true events, *The Long Walk Home* is an entirely fictitious story of white female leadership in the civil rights movement. Nonetheless, it similarly dramatizes a triumphant moment in the struggle for a black equality in order to credit the victory to a colorblind white heroine. *The Help* is, in many ways, a remake of *The Long Walk Home*. *The Long Walk Home* depicts the story of a white housewife, Miriam (Sissy Spacek), her black maid, Odessa (Whoopi Goldberg), and their families in Birmingham, Alabama at the onset of the Montgomery Bus Boycott. In solidarity with the boycott, Odessa begins walking several miles to work each day. In response, Miriam offers Odessa rides twice a week and then daily before eventually driving for the boycott’s carpools five to six days a week. Rosa Parks, the woman whose refusal to give up her seat on a Montgomery bus ignited the boycott, said of the film, “to my knowledge, there were no white women who actually drove in the carpools.”⁴⁵⁵ *The Long Walk Home* provides a far more flagrant re-imagining of American history than *Glory*; the film is not unique, in this regard in the 1990s. *Mississippi Burning* (1988), loosely based on the FBI investigation into the murder of three civil rights workers in Mississippi in 1964, transforms the bureau from one of the movement’s fiercest opponents to its staunchest defender.⁴⁵⁶ *Ghosts of Mississippi* (1996), on the other hand, is a true story that dramatizes only a select period of a much longer civil rights battle in order to maximize its portrayal of colorblind white heroism. The movie takes up the murder of civil rights leader Medgar Evers in 1963 to dramatize not his work, or his wife’s decades-long effort to bring his killer to justice, but the personal risk and sacrifice the white Assistant District Attorney, Bobby DeLaughter (Alec Baldwin), makes in the name of colorblind justice in retrying Evers’ murderer thirty years after the crime.

The Long Walk Home does make sincere attempts to depict the courage of African Americans in the boycott and the personal toll endured by Odessa’s family. Yet these efforts are undermined in several ways. For example, while the film does allocate a significant amount of screen time to Odessa, her family, and the role of their church in the boycott, the film spends far longer inside Miriam’s home depicting the effects of the boycott on Miriam’s household and her marriage. Additionally, Miriam’s bi-weekly shuttling of Odessa to and from work indirectly involves her in the boycott from its onset. In fact, Odessa explains she must quit when she learns Miriam can no longer give her rides to work. So although Miriam’s initial reluctance to join the carpool limits her involvement, Odessa’s participation in the boycott depends upon Miriam’s assistance from its inception. Furthermore, white female contribution is represented as a key feature of the carpools from the start. In one scene, as Miriam and Odessa drive past a parking lot

⁴⁵⁴ For more on the historical differences between the historical record of the 54th Massachusetts Regiment and *Glory*, see David W. Blight, “The Meaning or the Fight: Frederick Douglass and the Memory of the Fifty Fourth Massachusetts,” *The Massachusetts Review*, 36.1 (Spring 1995), 141-153.

⁴⁵⁵ In Jennifer Fuller, “Debating the Present through the Past: Representations of the Civil Rights Movement in the 1990s,” In *The Civil Rights Movement in American Memory*, eds. Leigh Raiford and Renee C. Romano (Athens, GA: University of Georgia Press, 2006), 179.

⁴⁵⁶ Ella Shohat and Robert Stam, *Unthinking Eurocentrism: Multiculturalism and the Media* (New York: Routledge, 1994), 179.

that serves as a meeting place for the carpools, a point of view shot from Miriam's perspective in the driver seat of the moving car captures a white woman in the lot. The car, and therefore the camera, slow as the woman enters the center of the frame and her blocking along with her white skin and blue coat distinguish her from the African Americans in the lot, who stand either off-center or in the background dressed in brown, tan, or gray coats that blend in with the background. Further, the blue coat the white woman in the lot wears matches that of Miriam in this scene, foreshadowing her inevitable participation in the carpools. The sight of the white woman in the lot prompts Miriam to ask Odessa about white involvement in the carpools, to which Odessa notifies her of the several white women from a nearby Air Force base driving for the boycott. Be it Miriam's indirect, but integral, assistance or the significant white presence in the carpool, the film makes clear that white women played an indispensable role in the success of the boycott from its beginning.

That Miriam's discovery of white participation in the boycott occurs outside the home speaks to the spatial and gender politics of this film's representation of white women's participation in civil rights struggle. David Ansen argues that the film portrays the "genesis of the link between feminism and civil rights."⁴⁵⁷ Indeed, Miriam's increasing participation in the boycott coincides with her increasing defiance of her husband's explicit orders not to drive Odessa. Miriam ultimately tells her husband that she will drive Odessa whenever she pleases, run her household how she sees fit, and get a job of her own and donate every penny to the boycott if he objects. Her defiance destroys her marriage. Further, it is only after this confrontation that Miriam joins the carpools, explaining, "I want to do this. I want to help." When Odessa explains there are other ways to help, including monetary donation, Sissy replies, "If I wrote you a check it would be Norman's money. This is something I can do." The key here is not simply the film's depiction of the link between civil rights and feminism, but the temporal relationship between the two the film dramatizes. In *The Long Walk Home*, it is not the civil rights movement and its legislative victories that inspire and open the door for second-wave feminism; it is the opposite. The boycott's success depends upon Miriam's participation and her participation depends upon her feminist awakening. This inversion of the relationship between the two social movements implicitly credits not only Miriam, but an entire generation of feminist white women for the victories of the Montgomery Bus Boycott. The civil rights movement becomes, in *The Long Walk Home*, a struggle between white patriarchy and white feminism. As a result, the film ultimately is not celebration of black equality or even white contributions to civil rights. Instead, it extolls a colorblind whiteness capable of vanquishing sexism and racism in one fell swoop.

That the recounting of the Montgomery Bus boycott on screen must center upon an invented white presence is perhaps the most blatant evidence that Hollywood's rediscovery of the Civil War and civil rights movement in the 1990s had little to do with the past and was instead part of a larger racial project that sought to redefine whiteness. Yet the film's invention of white participation in the boycott carpools is not the only trope utilized to use the civil rights movement as a platform to imagine white colorblind heroism. Like *Glory*, the narrative and form of the film place Miriam and her actions at the center of the boycott and its success. As with *Glory*, this supposed representation of the tireless efforts and sacrifices of blacks to integrate the public buses is narrated by a white character—Miriam's daughter Mary Catherine who, although only a child in the film, narrates her recollection of her mother's activism years later as an adult. While the film received widespread critical praise, its choice of narrator did not go un-criticized. In his otherwise approving review of the film, Roger Ebert nonetheless questioned why a black

⁴⁵⁷ David Ansen, "History A La Hollywood," *Newsweek* January 13, 1991, 54.

character like Odessa's daughter, who is much older during the boycott and "probably has more interesting memories" than Miriam's, did not narrate the film.⁴⁵⁸

As with *Glory*, the form of *The Long Walk Home* force spectators to identify with white characters, revealing again the manner in which the colorblind actions of these films' white heroes belie the glorification of white privilege inherent in the aesthetics of colorblindness. In the film's conclusion, while at the carpool meeting lot, a rabble of one hundred and fifty White Citizen's Council Members, including Miriam's husband and brother in law, descend upon the lot in order to "get these niggers out of here." Eventually, the white men form a wall, lining up several feet in front of the black women chanting "Walk, nigger! Walk!" Odessa then walks toward the crowd, pausing stoically as she reaches the mob. The rest of the black women join her, forming a line of their own a few yards in front of the white men, and sing the gospel song, "I'm Going Through." As their voices drown-out and silence the white men, a black woman from the line offers her hand to Miriam, pulling her and her daughter (the narrator) across the divide between the black women and the white men, including her husband. The physical gap between the black women and white men through the blocking of the actors, as well as the contrast of the racist chants of the men and the gospel singing of the women create a physical and auditory metaphor for the philosophical distance that Miriam travels in the film. It also literally distances her and her colorblindness from the segregationist attitudes of the Jim Crow south and aligns her with those of the civil rights movement. Moreover, the only point-of-view shots in this sequence are from Miriam's perspective. After joining the line of black women, Miriam looks at Odessa. The film cuts to a point-of-view shot from Miriam perspective looking at Odessa, who turns her gaze to Miriam and stares at her approvingly, directly addressing the camera. The reverse shot of Miriam is not a point-of-view shot from Odessa's perspective, however. As with the reverse shots of Shaw in the flogging scene in *Glory*, the reverse shot of the white character is not from the perspective of the black character, forcing the spectator to identify with the white woman in this scene and rendering the black women as a point of alterity. Moreover, Odessa's approving gaze into the camera validates not only the colorblindness of Miriam, but that of the entire audience sutured into Miriam's perspective.

Furthermore, the presence of her daughter, Mary Catherine, who hardly appears in the rest of the film, at Miriam's side indicates that she and the rest of the white children of the civil rights era inherited the colorblindness of her mother, not the segregationist attitudes of her father and uncle. The tearful glance exchanged between father and daughter dramatizes a generational conflict of whiteness. As a sobbing Mary Catherine looks into and then away from the eyes of her father, the adult Mary Catherine's voice over states, "It would be years before I understood what standing in that line meant to my mother, and as I grew older, to me." Mary Catherine's concluding narration combines the essential role of a white woman in the civil rights movement and the lasting effect that involvement had on notions of whiteness. The immense sacrifice of colorblind white heroes is a key feature of all slavery and civil rights dramas of the nineties. In *The Long Walk Home*, Miriam sacrifices her marriage and risks her life for colorblind justice. In *Glory*, Shaw gives his life for abolition. In fact, the white heroes in all of these films, from the FBI officers in *Mississippi Burning*, to the white lawyers in *Ghosts of Mississippi* and *Amistad*, risk or sacrifice their lives, marriages, familial relationships, friendships, and careers for the cause of colorblind justice. Similar black sacrifice is portrayed as expected and therefore not

⁴⁵⁸ Roger Ebert, "The Long Walk Home," *Chicago Sun-Times*, Mar 22, 1991.
<http://www.rogerebert.com/reviews/the-long-walk-home-1991>

shown or not foregrounded. The interplay between selfless white colorblind heroes who propel racial justice and formal choices that glorify white privilege through editing, camera angle, and melodrama produce the essence of the colorblind aesthetics that emerged in the 1990s.

Lastly, white bigots are a central feature of and serve several functions in films like *The Long Walk Home*. First, it provides a culprit for the racism the black characters experience. In other words, if whites in these films were all colorblind there would be no slavery and no Jim Crow. These films rely on white bigots—like Mulcahy in *Glory* and Miriam’s brother-in-law Tunker in *The Long Walk Home*—to serve as a source of blame for past racial sins that does not implicate the colorblind hero. Secondly, actually representing the white racists, rather than keeping them off-screen, is a powerful cinematic device through which to display the heroism of our colorblind protagonist. In his article on *Glory*, Martin H. Blatt defends the film’s racial politics, because “the film quite openly and directly confronts the racism in American culture by characterizing many Union Army commanders as deeply prejudiced.”⁴⁵⁹ While there are, as mentioned earlier, numerous examples of racist Union commanders, the important point is that Shaw is not one of them. The racists, therefore, become the benchmark upon which the heroism of our colorblind protagonist is measured. To see how far removed they are from their racial brethren only amplifies their heroism. Finally, the representation of white racists provides a tomb in which whites can bury their racist past. The bigots represent the “dead” antebellum (*Glory*) or 1960s (in *The Long Walk Home*) articulations of whiteness. That identity dies with slavery or the civil rights movement, and what persists and always existed in opposition to explicit white supremacy, is a colorblind white heroism that spectators are invited to imagine they all inherit. Ultimately, then, these characters in civil rights dramas depict white bigotry as specific to and trapped in a particular moment in our nation’s history. Colorblind heroism, on the other hand, is transhistorical; it conquered slavery and Jim Crow, and endures to this day.

The Reagan Legacy

African Americans were overwhelmingly relieved to see the Reagan presidency come to a close. Whatever prosperity the Reagan revolution had brought, the vast majority of African Americans were excluded from it. Moreover, throughout his time in office Reagan aggressively sought to eliminate or undermine civil rights policies most civil rights leaders supported. Yet as he left the White House, Reagan played dumb to popular television news program *60 Minutes* regarding blacks’ generally negative attitude toward the president. In fact, he took the opportunity to launch one last salvo at the group he had so thoroughly battered throughout his years in office. When asked why the vast majority of African Americans felt so negatively toward him, Reagan suggested that he was, perhaps, a victim of a massive conspiracy concocted by black civil rights leaders hell bent on keeping the belief of racism alive for their own personal profit. “Sometimes I wonder,” queried Reagan, “if [black leaders] really want what they say they want because some of those leaders are doing very well leading organizations based on keeping alive the feeling that they’re the victims of prejudice.”⁴⁶⁰

Reagan’s *60 Minutes* remarks so dumbfounded the editorial board of the *Los Angeles Times* that the column they published in response to the interview—cleverly titled “Colorblind” which punned Reagan’s civil rights ideology and his “blindness” to the racial animosities and inequities those policies wrought—asked, “Where has the President been these past eight years that he can be so detached from the brutal reality of the effect of his policies and his programs

⁴⁵⁹ Blatt, “*Glory*: Hollywood History,” 225.

⁴⁶⁰ “Colorblind,” *Los Angeles Times*, January 17, 1989, 47.

and his leadership on black Americans?”⁴⁶¹ Blacks throughout the county held similar views as Reagan’s time in the White House ended. Walter Malone, a construction worker from Arlington, Virginia, told the *Los Angeles Times* that the Reagan Presidency “has set a bad tone for white people... [Reagan] wants to keep the black man down.”⁴⁶² Norman Amaker, a law professor at Loyola University in Chicago, echoed the blue-collar Malone. Reagan has done “a disservice to the American people,” Malone began, “He has sent signals to the community at large that the civil rights laws will not be taken seriously.”⁴⁶³ The evidence in 1989 substantiated these sentiments shared by the overwhelming majority of African Americans. By the end of his tenure, 80% of blacks, according to a nationwide survey conducted by the NAACP, considered the Reagan presidency not only unfriendly to African Americans, but “oppressive.” A similar poll found that only 29% of whites concurred.⁴⁶⁴

The Reagan years fundamentally altered the role of the federal government regarding civil rights. As the previous chapters illustrated, the two Reagan terms were characterized by a two-phase strategy in which, during the first four years, the Justice Department simply did not enforce those civil rights policies it did not agree with; during the second term, it launched an assault on those same programs. Prior to the Reagan presidency, the Federal Government served as the chief protector and enforcer of civil rights law. Ronald Reagan transformed the Federal Government into the primary aggressor *against* civil rights policy. As we have seen, many of the affirmative action hiring and admissions programs the Justice Department sought to eliminate were ones that employers and universities found effective and even supported. The Reagan administration used mounting white frustrations around affirmative action and school integration to spearhead a more aggressive assault on civil rights.

Reagan’s jab at his African American detractors during his *60 Minutes* interview highlights the civil rights discourse the president had established by the end of his two terms: a hostile environment for civil rights activists in which even suggesting the persistence of racial inequality was received with derision and charges of reverse discrimination. On the other hand, by the time he left office, a majority of whites had bought into the idea that anything but a colorblind approach to the law amounted to reverse-discrimination. As Reagan’s insult makes clear, in his view the only possibility for someone to believe in persistent racism against African Americans as the 1980s wound to a close was a massive conspiracy. Reagan’s comments also speak to the rhetoric of white victimhood that he and his supporters so effectively used in advancing their colorblind agenda both in thought and in practice.

Reagan’s assault on civil rights did far more than change the discourse and national attitudes about race, although as we shall see the legacy of that change was responsible for the significant curtailment of civil rights in the 1990s. Reagan left behind a country far more divided not only in terms of attitude but in material reality. The results of the Reagan years were massive reductions in social programs ranging from employment training, community health centers, legal assistance, housing, block grants for anti-poverty programs, and compensatory education, to name a few.⁴⁶⁵ Moreover, these cuts, which impoverished communities rely upon, affected blacks most significantly, as the black poverty rate rose to 33.1% during Reagan’s presidency.

⁴⁶¹ Ibid.

⁴⁶² May Lee, “Blacks Look Back With Anger at Reagan Years,” *Los Angeles Times*, January 20, 1989, B1.

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

⁴⁶⁵ For more on the economic impact of the Reagan Presidency, see Troy, *Morning in America*; Johnson, *Sleepwalking Through History*; Patterson, *Restless Giant*; Wilentz, *The Age of Reagan*.

White poverty, meanwhile, remained roughly the same. Therefore, the Census Bureau estimated that although blacks made up 11% of the population in the late 1980s, they received as much as 40% of the benefits of the social programs Reagan cut. Furthermore, during the 1980s, as black poverty rose, Food Stamp benefits fell 15% and over 400,000 families lost their AFDC benefits entirely.⁴⁶⁶ By 1987 median black family income was \$300 *less* than its 1970 level, \$900 less than 1978. Meanwhile, the white-black income gap increased, with black median family income comprising only 56.1% that of whites, 61.3% in 1970.⁴⁶⁷

The Reagan years were marked, then, by an assault on blacks across class. Although the black middle-class expanded during the 1980s, it appeared to occur in large part despite Reagan's efforts, not because of them. College-bound blacks saw programs designed to make sure they received equal consideration in the application process attacked; working and middle-class blacks witnessed agreements to ensure racial fairness in hiring thrown out; and the black poor saw the safety net programs they depended upon slashed. All of this was accomplished under the logic, or shadow, of a colorblind ideology that Reagan and his supporters aligned with 1960s civil rights leaders like Martin Luther King, Jr. Perhaps most importantly, by appointing 384 federal judges, the most by any president, virtually all of which, as we have seen, were vetted as to ensure their politics aligned with Reagan, and of which only seven were black, Reagan ensured that his colorblind anti-civil rights agenda would endure for decades.⁴⁶⁸

Moreover, a detailed report released in July of 1989 by the National Research Council further attested to the widening, rather than closing, of the racial gaps between whites and blacks. The study's author, Gerald D. Jaynes, concluded, "the major fraction of this improvement [in black equality] was in place by 1970. Since then, material measures of status relative to whites have not improved and many have deteriorated."⁴⁶⁹ The full integration of blacks into a "color blind society is unlikely in any foreseeable future," the study found.⁴⁷⁰ The report found that the gains made by African Americans "in the 1940s, 1950s, and 1960s were attributable largely to a growing economy and social policies such as the passage of civil rights and equal opportunity employment legislation."⁴⁷¹ Reagan's colorblind crusade masked the manner in which his policies had undone many of the gains toward racial equality in the decade and a half between the monumental civil rights legislation of the mid-1960s and his presidency.

Hollywood's heroic depictions, in films like *Glory*, *The Long Walk Home*, *Mississippi Burning*, *Ghosts of Mississippi*, *Forrest Gump*, and *Amistad*, of colorblind whites risking their lives to tirelessly to combat racial discrimination constitute what Friedrich Nietzsche defines as "monumental history." "The great moments in the individual battle form a chain," Nietzsche writes, "a highroad for humanity through the ages, and the highest points of those vanished moments are yet great and living for men; and this is the fundamental idea of the belief in humanity that finds a voice in the demand for a 'monumental' history."⁴⁷² For Nietzsche, this

⁴⁶⁶ May, "Blacks Look Back," B1.

⁴⁶⁷ George E. Curry, "Colorblind Economic Parity Urged," *Chicago Tribune*, January 25, 1989, 5.

⁴⁶⁸ Richard Nixon appointed 232, Jimmy Carter 262; George H.W. Bush 194; Bill Clinton 379; George W. Bush 328. "Judgeship Appointments by President," *United States Courts*, <http://www.uscourts.gov/JudgesAndJudgeships/Viewer.aspx?doc=/uscourts/JudgesJudgeships/docs/appointments-by-president.pdf>

⁴⁶⁹ Julie Johnson, "Blacks Found Lagging Despite Gains," *New York Times*, July 28, 1989, A6.

⁴⁷⁰ *Ibid.*

⁴⁷¹ *Ibid.*

⁴⁷² Friedrich Nietzsche, *The Use and Abuse of History*, Trans. by Adrian Collins (Indianapolis: The Liberal Arts Press, 1949), 13.

history is never and can never be entirely factual. Instead, it

will always bring together things that are incompatible and generalize them into compatibility, will always weaken the differences of motive and occasion...as long as the past is principally used as a model for imitation, it is always in danger of being a little altered and touched up and brought nearer to fiction. Sometimes there is no possible distinction between a 'monumental' past and a mythic romance.⁴⁷³

As Ronald Reagan left office, Hollywood began to demonstrate a similar inability to distinguish the past from mythic romance. The "will" to remember black freedom struggles on screen has imagined an enduring colorblind past that no historical record supports. Hollywood's take in the 1990s on America's racial past illustrates how memory can just as easily accommodate or "nourish" fiction as it can disregard facts, particularly in regards to slavery and civil rights.

Films like *Glory* and *The Long Walk Home* positioned colorblindness as an uncommon feature of American history yet an omnipresent characteristic of white heroism responsible for the triumphs of abolition and civil rights. The combination of this narrative structure, along with formal elements that suture the audience into white perspectives produced a uniquely colorblind aesthetics in the 1990s that, like the political work of the discourse, seeks to disguise white privilege as racial justice. This was a project begun during the Reagan Presidency, and taken over by Hollywood in its aftermath. The movies reimagined America's two most significant struggles for racial equality as driven by colorblind white heroes at the precise moment in which neoconservatives were using the rhetoric of King's colorblind Dream to attack civil rights programs like affirmative action. As one ad for *The Long Walk Home* read, "At a time in America when everyone else did what was expected, they had the courage to do what was right."⁴⁷⁴ Films like *Glory* and *The Long Walk Home* represent colorblind whites as both ubiquitous throughout American history and as the driving force in our country's racial progress. Doing so, in the context of the elimination of civil rights programs and growing racial inequality, was essential to neoconservatives' political agenda. It enabled them to both deflect charges of racism while simultaneously appeal to frustrated whites who could oppose programs like affirmative action while supposedly aligning themselves with the civil rights movement and abolitionists.

American audiences beginning in the late 1980s found cinematic portrayals of an invented colorblind more entertaining than a depiction of abolition or civil rights centered around the political agency of black activists. The latter, which far more favorably reflects historical reality, is illegible in the colorblind era. This process of imagination and memory is not merely a question of "entertainment." Colorblindness served as a cudgel by Reagan wielded against critics of his civil rights policies to justify of the re-articulation of white supremacy and that film in the late 1980s developed a colorblind aesthetics that performed indispensable work in building colorblind hegemony. Our historical imagination and memory provide a key site, perhaps the only site, where one can find evidence of a colorblind society, and film became the primary medium through which to imagine our colorblind past. As John Quincy Adams (Anthony Hopkins) states as he lobbies the Supreme Court to free captive African slaves in *Amistad* (1997), a film about the zealous efforts of two white lawyers to free African slaves, "We are what we

⁴⁷³ Nietzsche, *The Use and Abuse*, 15.

⁴⁷⁴ Display Ad., *The New York Times*, December 28, 1990, C10.

were.” With no colorblind past to look back on, Hollywood helped reinvent what we were in the Reagan era.

Chapter 6

“Lord, how dare we celebrate?”: Colorblind Hegemony and Genre in the 1990s.

“I think we’ve won.” - William Bradford Reynolds, June 1989⁴⁷⁵

Colorblindness would continue to gain influence as the nineties unfolded. Reagan’s successor, George H.W. Bush, offered mixed messages regarding his approach to racial inequality. The day after Reagan’s *60 Minutes* interview aired he publicly promised “that bigotry and indifference to disadvantage will find no safe home on our shores...” The Bush years would ultimately be marked by gentler rhetoric and a less aggressive Executive Branch on the one hand, and a Supreme Court that continued Reagan’s colorblind crusade, on the other. The Clinton years found much of the same—public support for affirmative action, appointment of people of color in high profile cabinet positions, but the inability, or lack of desire, to stop the momentum of the Court Reagan had built.

It was in 1996, however, that colorblindness achieved perhaps its most significant victory. In the Fall of that year, California voters passed Proposition 209, which banned considerations of race in college admissions and hiring. This marked a culminating moment in the movement by white conservatives who began using colorblind rhetoric to advance their anti-civil rights agenda in the 1970s. While colorblindness won several important *legal* victories beginning in the late 1970s, it is with Proposition 209 that a ballot initiative, passed by popular vote, explicitly outlawed considerations of race. Using the colorblind rhetoric of the civil rights movement to combat civil rights policy was no longer taken up *only* by groups of white suburbanites worried about bussing their children out of their local district or of busing inner-city black kids in, nor was it merely the ideology of Reagan Justice Department, the Supreme Court, or the editorial pages of the *Wall Street Journal*. Colorblindness, had, by the mid-1990s, won over the hearts and minds of a majority of voters in the country’s most populous state. And it did so not in the cradle of the Confederacy, or in one of the blue states like Massachusetts that had experienced nasty anti-busing battles, but in California, a state often referred to as the country’s “Left coast” because of its long history as a bastion of leftist politics, but nonetheless was also home to Ronald Reagan, Richard Nixon and right wing suburban communities in places like Orange County that provided each candidate’s base.⁴⁷⁶

Just as California voters turned to race and schools in the mid-1990s, so too did Hollywood. By then, the neoliberal revolution had matured. Not only were its effects felt in the realms of fiscal and civil rights policy, but in education as well. Hollywood produced a series of films about inner-city and disadvantaged pupils in the 1990s. While numerous other scholars have criticized the racial politics of films like *Lean On Me*, *Stand and Deliver*, and *Dangerous Minds*, my aim is to frame these films as a neoliberal colorblind genre.⁴⁷⁷ Just as the passing of

⁴⁷⁵ Paul A. Gigot, “Lone Wolf’s Work: A Constitution More Color-Blind,” *Wall Street Journal*, June 16, 1989, A6.

⁴⁷⁶ for more on the right wing populism of Orange County and its role in launching the New Right revolution in American politics, see McGirr, *Suburban Warriors*.

⁴⁷⁷ See, for example, Lipsitz, *The Possessive Investment in Whiteness*, ch. 7; Henry Giroux, “Race, Pedagogy, and Whiteness in *Dangerous Minds*,” *Cineaste*, Vol. 22, No. 4 (1997), 46-49; and Dale Bauer, “Indecent Proposals:

ballot initiatives marks the socio-political culmination of the racial project of colorblindness, so too does the emergence of generic conventions in mass culture, Hollywood in particular. The hegemonic moment of colorblindness, then, in the mid-1990s, was one in which colorblindness became “common sense” in law, policy, attitude, and cultural aesthetics.

This chapter analyzes the nature of Teacher Films as a neoliberal colorblind genre. To do so requires that I first trace the social history of colorblindness during the Bush years and Clinton’s first term. While neither president ascribed to the colorblind literalism of Reagan, that philosophy nonetheless dominated civil rights policy as a result of Reagan’s legacy in federal courts, which continued to overturn race-conscious programs designed to enhance racial equality yet nonetheless violated a rigidly colorblind standard. I then provide an overview of neoliberal education reform to illustrate the manner in which colorblindness as the racial politics of neoliberalism was implemented in areas far beyond college admissions and hiring procedures. From there I offer an analysis of Teacher Films themselves. Focusing on *Dangerous Minds* (1996), *Stand and Deliver* (1988), and *Freedom Writers* (2007), I argue how a series of tropes that include the welfare dependent pathological home-life of these films’ students, the militarization of their school environment, as well as the elimination of a race conscious approach to the world, and “bootstraps” self-determination create a narrative structure in which neoliberal colorblindness offers the only solution to the problems of urban poverty and racial inequality.

Civil Rights Under George H.W. Bush

As the George H.W. Bush Presidency began, there was reason for African Americans to be both deeply concerned and cautiously optimistic. During the 1988 campaign, Bush ran a now infamous attack ad on his opponent, Michael Dukakis. The ad featured William Horton, a black murder convict whom the ad referred to as “Willie” despite the fact he did not use that name. Two years prior, Horton was granted a weekend release as part of Massachusetts’ furlough program. Horton fled and almost a year later raped a Maryland woman and assaulted her fiancée. The ad successfully painted Dukakis, who was the Governor of Massachusetts at the time of Horton’s furlough, as soft on crime. More importantly, the image of a black murderer and rapist, whose skin the Bush campaign deliberately darkened in the ad, resonated with white voters who, in the aftermath of the Reagan presidency, felt fed up with the federal governments supposed coddling of undeserving minorities. The ad’s architect was Lee Atwater, Bush’s campaign advisor. This was the same Lee Atwater who designed the strategy of framing conservative ideology as protecting states’ rights and attacking forced busing and affirmative action as a replacement for conservatives who could no longer broadcast their racial bigotry to attract voters. As the Horton ad illustrates, he continued to build a Republican coalition grounded in white supremacy and anti-black racism into the nineties. However, despite deliberately fanning the flames of anti-black bigotry to attract white voters, once elected Bush made concerted efforts to distance himself from Reagan’s hostile opposition to civil rights, promising a “gentler” approach in the months leading up to his inauguration. Throughout his presidency, in fact, Bush would insist he supported affirmative action, so long as it did not come in the form of “quotas.”

Teachers in the Movies,” *College English*, Vol. 60, No. 3 (1998), 301-317; Adam Farhi, “Hollywood Goes to School: Recognizing the Superteacher Myth in Film,” *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*, 72.3, 157-159; and Barbara Beyerbach, “The Social Foundations Classroom: Themes in Sixty Years of Teachers in Film: Fast Times, Dangerous Minds, Stand on Me,” *Educational Studies: A Journal of the American Educational Studies Association*, 37:3, 267-285.

Scholar Imani Perry has written extensively on the ways in which “Media generally provide a powerfully influential narrative about race.”⁴⁷⁸ Pointing specifically to the immediate post-Reagan years, she notes the hyper-visibility of people of color in network news, overwhelmingly in stories of crime. She also points to the rise of what she calls “racial coding,” in which terms like “welfare queen,” “law and order,” “inner city,” “fatherlessness,” and “crack baby” were effectively used to speak about race without explicitly stating so. These code words established further protection against claims of racism when understood purely in terms of intentionality. The Willie Horton ad was paramount in this regard. According to Perry, the ad “did not simply say that Democrats can’t protect you; it said something about how to expect Dukakis to act if he were to be elected; that is, he would advocate furlough programs that let rapists and murderers come to communities like yours to commit violent crimes.”⁴⁷⁹ Similarly, Howard Winant noted that, “The 1988 Bush presidential campaign’s incessant hammering on the theme of law and order and its scurrilous use of the image of the black rapist to mobilize white voters exemplifies the ongoing efficacy of racial coding in the mainstream political process.”⁴⁸⁰

Yet while Bush may have offered a softer approach to civil rights in rhetoric, the reality was that even if he wanted to curtail some of the previous administration’s attacks on civil rights, the legacy Reagan left on the benches of the nation’s courts ensured a civil rights influence that lasted well beyond his days office. In June of 1989, the *Chicago Tribune* denounced the Supreme Court’s “‘retreat’ on civil rights” as a result of three rulings against affirmative action.⁴⁸¹ The *Los Angeles Times* warned, “The Supreme Court has handed Congress its civil rights agenda for the 1990s. In three out of four decisions just handed down, the court weakened the rights for minorities and women. It is now up to Congress to reaffirm the nation’s commitment to stamp out discrimination based on race or sex.”⁴⁸²

So while Bush promised a kinder and more gentle approach to civil rights, and despite the fact that he promised not to actively pursue eliminating existing affirmative action laws, he did not have to. The legacy Reagan left on the bench through his judicial appointments continued to do that work for him. In 1989, a case involving set asides for minority hires in Richmond, Virginia was thrown out. A “noose” was forming around the neck of affirmative action, hailed one conservative columnist.⁴⁸³ Several other similar cases resulted in similar rulings. It was apparent that now far more than under-representation would be required to prove racial or gendered discrimination.⁴⁸⁴ Instead, the burden of proof in discrimination cases was moved to plaintiffs, who would now have to prove that they were personally and individually discriminated against on the basis of their race, a virtual impossibility.

Reagan’s supporters, meanwhile, basked in their victory. George Will wrote proudly in 1989 that “The Court Reagan Built” was doing “Much to Roll Back the Racial Spoils

⁴⁷⁸ Imani Perry, *More Beautiful and More Terrible: The Embrace and Transcendence of Racial Inequality in the United States* (New York: New York University Press, 2011), 50.

⁴⁷⁹ Ibid.

⁴⁸⁰ Howard Winant, *The New Politics of Race: Globalism, Difference, Justice* (Minneapolis: University of Minnesota Press, 2004), 62; quoted in Perry, *More Beautiful and More Terrible*, 51.

⁴⁸¹ “The court’s ‘retreat’ on civil rights,” *Chicago Tribune*, June 19, 1989, 14.

⁴⁸² “It’s Up to Congress Now,” *Los Angeles Times*, June 16, 1989, 46. For more on the details of these decisions, see Anderson, *The Pursuit of Fairness*, chapter 5.

⁴⁸³ Anderson, *The Pursuit of Fairness*, 202.

⁴⁸⁴ Anderson, *The Pursuit of Fairness*, 204.

System.”⁴⁸⁵ In the wake of the anti-affirmative action *Richmond* decision, Will gloated, “Government may allocate benefits on the basis of race only to compensate identified individual victims of the government’s own past system of racial classification.”⁴⁸⁶ He concluded the piece as he did many others dealing with civil rights, “Rights belong to individuals, not groups, and least of all, races.”⁴⁸⁷ In June, William Bradford Reynolds, no longer serving as the country’s chief civil rights enforcers, told *Wall Street Journal* columnist Paul Gigot that “I think we’ve won... we wanted to get rid of group entitlements and equal results and move toward equal opportunity... I think that has been accomplished.”⁴⁸⁸ He also voiced frustration with the Supreme Court’s inability to go further in outlawing race conscious affirmative action policy. “We’re in [Justice Antonin] Scalia’s camp,” by which he meant a strictly and completely colorblind interpretation of the constitution. As Gigot argues, “The Supreme Court is shattering, in short, the pre-Reynolds orthodoxy that coercive racial preference is required to make amends for past racism. Mr. Reynolds came into office arguing that two creations of the 1970s— involuntary ‘affirmative action’ and forced busing—distorted the meaning of the civil rights movement led by Martin Luther King Jr.”⁴⁸⁹

Reynolds himself wrote a column in June celebrating his victory. “The Supreme Court is closing the 1988 term with a ringing reaffirmation of America’s unyielding commitment to civil rights for all its citizens, whatever their race, gender, religious, or ethnic background. The principle of nondiscrimination, for which so many marched in the 1960s, has at last been stripped of the quota barnacles that became an encrusted feature in the 1970s...”⁴⁹⁰ Praising the Supreme Court and the growing number of Americans who shared his civil rights views, Reynolds continues, “a solid and reliable majority has emerged to provide the kind of clarity of thinking and purpose needed to fulfill Dr. Martin Luther King Jr.’s dream...”⁴⁹¹ The Court “has recognized—as should we all—that the principle of nondiscrimination is indeed colorblind.”⁴⁹² More importantly, not only had Reynolds’ hostile stance toward civil rights entered the mainstream, becoming the party line of the Supreme Court, people like Gigot were beginning to lionize the most influential man in the fight against civil rights in the previous eight years. “Because Mr. Reynolds took the spears in the chest,” wrote Gigot, “[George H.W.] Bush can aim to consolidate a new, less divisive civil rights consensus based on colorblindness.”⁴⁹³

Yet despite the elder Bush’s “softer” stance on civil rights compared to that of his predecessor, that stance alienated him from the colorblind literalists of the Reagan years. The congressional struggle over the 1990 Civil Rights Bill highlighted this divide.⁴⁹⁴ The act was an attempt by the Democrat-led Congress to reinstate some of the “burden of proof” protections in employment discrimination the Supreme Court had eliminated in the preceding years. Although he eventually vetoed the bill, Bush’s reluctance to come out publicly against a civil rights bill,

⁴⁸⁵ George F. Will, “The Court Reagan Built Does Much to Roll Back the Racial Spoils System,” *Los Angeles Times*, 5E.

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid.

⁴⁸⁸ Gigot, “Lone Wolf’s Work,” A6.

⁴⁸⁹ Ibid.

⁴⁹⁰ William Bradford Reynolds, “Stripping Away the Quota Barnacles: Court Has Reaffirmed Commitment to Civil Rights for All,” *Los Angeles Times*, June 28, 1989, A7.

⁴⁹¹ Ibid.

⁴⁹² Ibid.

⁴⁹³ Gigot, “Lone Wolf’s Work,” A6.

⁴⁹⁴ For more on the Civil Rights Bills of 1990 and 1991 see Anderson, *The Pursuit of Fairness*, 206-213; and Patterson, *Restless Giant*, 241-254.

angered the Reagan loyalists. George Will used his column to criticize not only the bill's supporters but the president's hesitance to veto it. The Bill "mocks the core tenet of what was once the civil rights movement. That tenet is: rights inhere in individuals and do not derive from membership in government-favored minority groups," wrote Will, and the President's hesitance was unacceptable because it demonstrated his "minimal" interest in "achieving a colorblind society."⁴⁹⁵

The debates around the 1990 and 1991 Civil Rights Acts, the former of which was vetoed and the latter did relatively little, revealed two key issues in the field of civil rights and of colorblindness more specifically.⁴⁹⁶ The first of which, as previously mentioned, was the divide among Republicans over what I refer to as the "colorblind literalists" and the "colorblind pragmatists" in the party. The literalists were the Reagan loyalists who advocated a strictly colorblind approach to civil rights in all instances. As a result, their philosophy resulted in a much more hostile approach to civil rights issues like affirmative action and, as we shall see, race-based scholarships, than their more pragmatic counterparts. The pragmatists like Bush, believed in colorblindness in theory but were willing to make concessions in certain cases. Put another way, the literalists saw no difference between hiring or admissions "goals" and "quotas," whereas the pragmatists believed, however messy, there could be a difference between the two, and even, in the case of Bush, supported the former, to some degree.

The issue of race-based college scholarships became another battleground issue during the Bush year's where this distinction among conservatives played out. In December 1990, the Department of Education banned racially restricted scholarships on the basis that they violated the colorblind principle.⁴⁹⁷ The context for all of this was actually a college football game—the upcoming 1991 Fiesta Bowl. The organizers of the event received a significant amount of backlash for the game's location—Arizona. The state had repeatedly rejected the establishment of the MLK holiday, and as a result supporters of civil rights did not feel it appropriate venue for a major football game played largely by blacks. In response, the Bowl's organizers donated \$200,000 for college scholarships for blacks to honor Dr. King. That donation in turn angered many whites, who felt earmarking that money for blacks was reverse-discrimination.⁴⁹⁸

Days after the Department of Education's ruling, Bush, unaware of the Department of Education's plans until they were announced publicly, delayed the scholarship ruling, promising that no scholarships would be affected for the next four years. The reason for this was that Bush saw no issue with the suddenly outlawed scholarships; "I've long been committed to affirmative action," the President said.⁴⁹⁹ For Bush, these scholarships helped support improving diversity on college campuses without the "reverse-discrimination" of quotas. Therefore, although they were not technically colorblind, he saw no problem. Sorting all of this out turned into a mess for the president's administration, especially Education Secretary Michael Williams. The administration

⁴⁹⁵ George F. Will, "Mocking Civil Rights," *The Washington Post*, May 20, 1990, B7.

⁴⁹⁶ The 1991 Civil Rights Act sought to curb the increasingly burden of proof placed on plaintiffs, rather than defendants and corporations in civil rights lawsuits. It therefore expanded the use of jury trials in discrimination cases and added a new section to Title VII making it less difficult for plaintiffs to prove discrimination by their employer. It also capped potential punitive and compensatory damages. For more, see the EEOC's summary of the Act at <http://www.eeoc.gov/eeoc/history/35th/1990s/civilrights.html>. Also, Anderson, *The Pursuit of Fairness*, 209-213; Patterson, *Restless Giant*, 241-242.

⁴⁹⁷ Rowland Evans and Robert Novak, "Scholarships, Quotas..." *The Washington Post*, December 19, 1990, A23.

⁴⁹⁸ *Ibid.*

⁴⁹⁹ Kenneth J. Cooper, "Administration Revises Race-Based Grant Rule: President Denies 'Flip-Flop' on Scholarships," *The Washington Post*, December 19, 1990, A1.

saw no issue with private donations for minority scholarships, yet also supported colorblindness in general. This led to a confusing position whereby the Bush administration's stance on race-based scholarships became that it was illegal for universities to finance such scholarships, but not for private entities. Bush thought this was a reasonable compromise that prevented the government from using tax revenue to dole out race-conscious scholarships, which conservatives liked, but also left room for such efforts in the private sector, which he supported and hoped would satisfy civil rights activists without offending conservatives.

The colorblind literalists disagreed.⁵⁰⁰ At the end of 1990 George Will published another op-ed entitled, "Racial Spoils System." Will lambasted the organizers of the Fiesta Bowl for their donation. "This is a perverse homage to King," Will fumed, "whose dream was an America where people 'would not be judged by the color of their skin, but by the content of their character.'" "The country really does honor King," Will continues, because it "really does aspire to colorblindness." "Conservatives believe colorblindness is not just one among many competing values, it is a constitutional imperative." The refusal of Bush to fully endorse colorblindness made his administration a "donut" one, in Will's view, with fine material in the outer circle--conservatives who supported strict colorblindness--"but a hole at the center."⁵⁰¹

Will's criticism of the elder Bush's views on civil rights provide another illustration of the conservative strategy to unsuccessfully fight civil rights legislation, and then use that legislation to fight civil rights reform in the future. In his column, he takes issue with Bush, claiming the president's position on scholarships not only violates Title VI of the Civil Rights Act, but also the 1987 Civil Rights Restoration Act/*Grove City* decision.⁵⁰² The Act, in part, requires that every part of a university is subject to federal civil rights law if it receives federal funding of any kind, even the parts that receive no funding. What is striking about Will's issue here is the fact that Reagan, the founder of the colorblind literalism Will ascribed to and vehemently supported, tried, unsuccessfully, to Veto the 1987 Act because it went too far in enforcing civil rights, in his opinion. So what one finds in Will's maneuverings against the President's views on these scholarships is the hallmark of conservative civil rights strategy in the post-civil rights era. As with using the language and rhetoric of the movement and the Civil Rights Act of 1964, which conservatives opposed in the sixties, to fight against civil rights in the seventies and eighties, here Will uses an Act that he and Reagan opposed only three years prior to combat another civil rights issue—race-based scholarships—shortly thereafter.

It was also during the Bush years that a more vocal contingent of the American public in support of literal colorblindness emerged. By the 1990s, white affirmative action opponents frequently wrote letters to the editors of the country's major newspapers, insisting that the not only the Supreme Court, but the news media itself adopt a strictly colorblind approach to reportage. These affirmative action opponents derided journalists not only for writing about racial issues but for noting a subject's race in their columns. For example, in April of 1989, a reader of the *Chicago Tribune* wrote to the editors in protest of race-conscious affirmative action plans and organizations like Jesse Jackson's Rainbow Coalition that supported such programs. "If we want to be non-discriminatory, we should just not refer to skin color when describing a person... What we need in Chicago now is not a rainbow coalition, but a color-blind coalition."⁵⁰³ Another angry reader wrote *The Washington Post* in September, "Why do you

⁵⁰⁰ Michael Kinsley, "None So Colorblind...," *The Washington Post*, December 20, 1990, A23.

⁵⁰¹ George F. Will, "Racial Spoils System," *The Washington Post*, December 23, 1990.

⁵⁰² See Laham, *The Reagan Presidency*, part II.

⁵⁰³ Mike Ashe, "Be color-blind," *Chicago Tribune*, April 22, 1989, 10.

encourage racism and sexism by asking the people you poll if color and gender enter into their political choices?...Stop asking race and gender-related questions in your polls. Be colorblind.”⁵⁰⁴ By the end of 1991, Tom Wicker of the *New York Times* noted that many Americans had bought into the existence of “A level, colorblind, playing field.”⁵⁰⁵

The battles over Supreme Court nominations during Bush’s tenure illuminate the growing influence of colorblindness in the future of the judiciary. Upon the nomination of David Souter to the Supreme Court, George Will criticized the overwhelming support the nomination received in Congress and in the press and criticized the lack of interrogation of Souter’s views. In a September 1990 column, Will posed a number of constitutional questions to the nominee pertaining to the First and Second Amendments, *Miranda* rights, the death penalty, and abortion. Included in that list was the following: “Does the ‘equal protection’ clause require that government action be colorblind? If so, can ‘affirmative action,’ granting preferential treatment to individuals on the basis of race, be constitutional?”⁵⁰⁶ By including colorblind literalism alongside the most pressing issues of the Court, in other words, Will views Souter’s stances on colorblindness as equally important as those on the First and Second Amendment, abortion, and the death penalty. In Will’s view, the ultimate civil rights legacy of the Reagan years not merely ends with the colorblind efforts of the courts during the eighties, but would continue with colorblind hegemony on the Supreme Court in perpetuity.

Will found a much more favorable candidate in Clarence Thomas in 1991. While the Thomas nomination hearings, specifically the testimony regarding his relationship with Anita Hill, proved major theater, it also reiterated the centrality of colorblind philosophy in a Supreme Court Justice.⁵⁰⁷ Bush nominated Thomas as the successor to Thurgood Marshall, the civil rights titan and first black Supreme Court Justice. Yet Thomas’ similarities to Marshall began and ended with their race--both men were black. Politically, Thomas could not be further from Marshall, who supported affirmative action consistently throughout his time on the bench. As his time as head of the EEOC under Reagan proved, Thomas was an outspoken opponent of affirmative action and advocated a strictly colorblind approach to the law. In 1987, Thomas wrote in a letter to the *Wall Street Journal*, “I firmly insist that the Constitution be interpreted in a colorblind fashion. It is futile to talk of a colorblind society unless this constitutional principle is first established. Here, I emphasize black self-help, as opposed to racial quotas and other race-conscious legal devices that only further and deepen the original problem.”⁵⁰⁸ That same year he wrote, “The Constitution, by protecting the rights of individuals, is colorblind.”⁵⁰⁹ In hindsight, Thomas’ ardent defense of colorblind literalism read like campaign ads to replace Thurgood Marshall on the Supreme Court. The Thomas nomination revealed the central paradox of the colorblind literalists. The nomination of Thomas was entirely un-colorblind of Bush. Thomas was chosen because he both supported colorblind literalism *and* he is black. His race, therefore, exculpated his civil rights views from charges of racism. The nomination was purely racial politicking on Bush’s part. The *Wall Street Journal*, a steadfast supporter of Reagan’s civil rights

⁵⁰⁴ Ali Webb, “Don’t Ask,” *The Washington Post*, September 8, 1990, A19.

⁵⁰⁵ Tom Wicker, “Toward the Ideal,” *New York Times*, December 26, 1991, A25.

⁵⁰⁶ George F. Will, “Let’s Hear From Judge Souter,” *The Washington Post*, September 13, 1990, A23.

⁵⁰⁷ For more on the Clarence Thomas and Anita Hill hearings, see Toni Morrison, *Race-ing Justice, En-gendering Power*.

⁵⁰⁸ “‘I Emphasize Black Self-Help’: Thomas’ Thoughts on Quotas, the Work Ethic, and Conservatism,” *The Washington Post*, July 2, 1991, A7.

⁵⁰⁹ “Clarence Thomas in His Own Words,” *New York Times*, July 2, 1991, A14.

views, called the nomination a “deft political choice.”⁵¹⁰ But Thomas, like Reagan, believed in a strictly colorblind approach to the law in all instances. This made him the perfect Supreme Court candidate in the Reagan era--someone whose views aligned closely with Reagan and Bush and whose race insulated those views from charges of racism.⁵¹¹

On Martin Luther King Jr. day in January 1992, The President, who like his predecessor opposed the 1964 Civil Rights Act and was Vice President when Reagan reluctantly approved the King holiday, spoke at a celebration held at the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta. Like Reagan before him, Bush used the occasion to emphasize King’s commitment to colorblindness, and only colorblindness, as if the civil rights leader had said only a few sentences in his entire life. Bush praised King for his role in a “battery of laws dedicated to a colorblind society.”⁵¹² King’s daughter Bernice found no reason to celebrate, only cause to mourn. “Lord have mercy on us, for how dare we celebrate when the bank of justice has been robbed, the storehouse of knowledge has been contaminated and the citadel of truth has been raped and violated.” “How dare we celebrate,” the Rev. Bernice King rebuked, “when the ugly face of racism still peers at us.” “Lord, how dare we celebrate?” she repeated. The *New York Times* reported that Bernice’s ire seemed directed squarely at the President, who sat mere feet from the podium.⁵¹³

George H.W. Bush entered the Oval Office on the heels of one of the most racially insensitive campaigns in recent memory. Despite this fact, upon taking over the Reagan revolution he promised a less aggressive stance on civil rights than the man for whom he served as Vice President. During his one term as president, George H.W. Bush proved himself to be willing to compromise on colorblind approaches to civil rights in ways Reagan never did. He insisted he was a supporter of affirmative action. Despite his veto of the Civil Rights Act of 1990, he went against his political base and supported race-based scholarships. However, Bush’s departure from the presidency after only one term perhaps reveals how unpopular his “softer” view on civil rights had become in the GOP. Where did the party stand in the early 1990s? The racial demographics of the party’s leadership spoke volumes. On the eve of the 1992 Republican National Convention, the 165-member national committee (RNC) had only three blacks, all of whom were representatives from the Virgin Islands.⁵¹⁴ It appeared the GOP, and much of the country, had fallen in line with Reagan in adopting a literalist approach to colorblind civil rights policy, despite the unanimity of evidence to the contrary. In 1991 a book entitled, *Rethinking the American Race Problem*, written by Roy L. Brooks, a law professor at the University of Minnesota, illustrated the manner which civil rights reforms under Reagan and Bush had required plaintiffs to show incredibly stringent proof of discrimination in education, employment and housing in order to win a ruling.⁵¹⁵ The result is that policies like zoning laws that have

⁵¹⁰ Stephen Wermeil and Paul Barrett, “Bush’s Court Nominee, A Black Politician, is Deft Political Choice,” *Wall Street Journal*, A1; also “Clarence Thomas in His Own Words,” *New York Times*, 2 July 1991, A14.

⁵¹¹ For news coverage of Thomas’ nomination, see LaFraniere, Sharon. “President to Avoid ‘Quota System’ in Choosing Marshall Successor.” *The Washington Post*, 29 June 1991, A11; “Review & Outlook: Justice Thomas,” *Wall Street Journal*, 2 July 1991, A12; Wermeil, Stephen & Paul Barrett. “Bush’s Court Nominee, A Black Politician, is Deft Political Choice.” *Wall Street Journal*, A1.

⁵¹² John Yang, “‘Lord, How Dare We Celebrate?’: Bush Hears King’s Daughter Decry Setbacks for Blacks’ Progress,” *The Washington Post*, January 18, 1992, A1.

⁵¹³ Ibid.

⁵¹⁴ “Shaking and Shaping Up the GOP,” *The Washington Post*, April 12, 1992, C6.

⁵¹⁵ Roy L. Brooks, *Rethinking the American Race Problem* (Berkeley: University of California Press, 1992).

clearly discriminatory intent are able to escape conviction.⁵¹⁶ This is another element of the Reagan legacy and the impact of colorblindness on civil rights: under a strictly colorblind approach to the law and *interpretation* and *enforcement* of the law, it becomes nearly impossible to prove discriminatory intent unless there is a Jim-Crow era sign posted that reads, “whites only.”

Civil Rights Under Clinton

Bill Clinton went even further than Bush to *appear* far more supportive of civil rights and the needs of people of color than his predecessors, even if appearance was all he was willing to offer. Unlike Reagan and Bush, blacks and Latinos voted overwhelmingly for Clinton; 83% of blacks and 61% of Latinos voted for the former Arkansas Governor.⁵¹⁷ Clinton appointed several people of color to high-ranking cabinet positions—Reagan had appointed only one. His nominations, however, were not without protest from the Right. Most offensive, in conservative’s view, was Clinton’s nomination of Lani Guinier, a black law professor at the University of Pennsylvania, for assistant attorney general for civil rights. While none of Guinier’s published writings dealt with affirmative action, her advocacy of increasing minority political power led Republicans to slander her as the “quota queen.”⁵¹⁸ As a result, Clinton ultimately had to withdraw her nomination. The backlash to Guinier reveals the manner in which support for affirmative action, even if only perceived, had become not just a polarizing issue but a death sentence for political ambitions. In 1993, at the time of Guinier’s nomination, affirmative action was increasingly under attack as conservatives tried to ban it entirely and the Supreme Court continued to restrict its use. It was, nonetheless, still the law, but support of the law in the case of this civil rights issue was unacceptable for someone seeking to enforce that very law.⁵¹⁹

While Clinton offered platitudes to people of color through his appointments, he did little policy-wise to address their interests in the realm of racial equality. This was due in large part to the fact that although blacks and Latinos comprised key segments of Clinton’s base, so too did whites. In 1990, one sociologist noted an emerging population of working and middle-class white males fed up with affirmative action and felt they were discriminated against. By 1993, almost 60% of white men felt that affirmative action had resulted in “less opportunity for white men.” In 1987 only 16% of white men felt equal rights had gone to far. By 1994, half did. During his campaign, Clinton’s staff found that their polling data showed that a significant number of white Democrats believed their party was doing too much for people of color at the expense of white men. Clinton’s approach to civil rights, then, was an attempt to satisfy both white and nonwhite factions of his base. This dynamic marks one of the most significant features of the legacy of Ronald Reagan. His relentless attacks on civil rights may not have eliminated policies like affirmative action like he had hoped, but they nonetheless turned (white) public opinion against civil rights laws Reagan opposed which laid the groundwork for the realization of his civil rights agenda less than a decade after he left office under a Democratic president.

How then, was Reagan’s civil rights agenda realized in the eight years after he left office under two presidents who did far less, almost nothing, to advance his ideas? The answer to that lies in the Supreme Court. As we have seen, what Reagan left in his wake was an entire

⁵¹⁶ Robert Weisbrot, “The Future of Civil Rights in America,” *The Washington Post*, March 10, 1991, 3.

⁵¹⁷ “US Elections: How Groups Votes in 1992.” *Roper Center*, http://www.ropercenter.uconn.edu/elections/how_groups_voted/voted_92.html

⁵¹⁸ For more on the Guinier controversy, see Roopali Mukherjee, *The Racial Order of Things: Cultural Imaginaries of the Post-Soul Era* (Minneapolis, MN: University of Minnesota Press, 2006), 62-63.

⁵¹⁹ Anderson, *The Pursuit of Fairness*, 223.

reconstitution of federal courts that were now staffed overwhelmingly by judges who shared Reagan's politics. Together, Reagan and Bush turned over more than half of the Supreme Court, appointing five new justices between the two of them. This moved the court away from its heightened willingness to protect civil rights in the years since the *Brown* decision. As historian Terry H. Anderson argues, the protector role was replaced by "a more color-blind approach."⁵²⁰ Yet as we have seen, the colorblind approach was in no way as neutral as it appeared. It marked not just the movement away from the traditional protector role to a full-fledged assault on civil rights. Colorblindness afforded the two Republican presidencies of the 1980s and early 1990s the rhetorical ammunition to undermine and even eliminate key civil rights laws and the federal agencies responsible for enforcing them. As Anderson correctly assesses, however, is that the effect of the Bush and Reagan years was the shifting of the discourse of civil rights away from group rights and preferences to those of individual ones.⁵²¹ Colorblindness was key in this regard.

Throughout the Bush and Clinton years, the Supreme Court continued to throw out existing affirmative action programs and put greater restrictions on what constituted "narrowly tailored" considerations of race in hiring and college admissions. In 1995, The Court issued two rulings that while not banning affirmative action entirely, illustrated how near the end was for race conscious hiring and admissions policies. In *Adarand Constructors v. Peña* (1995), the Court upheld a ruling banning a scholarship program exclusively for blacks at the University of Maryland. In the ruling, the court continued to tighten the noose around affirmative action's neck, ruling that while racial preferences were acceptable, they were only rarely so, and had to be "narrowly tailored." The Court made other conservative rulings in the Spring of 1995 that prompted the *Washington Post* to remark that the Court had finally become what Reagan wanted it to be.⁵²² In the wake of *Adarand*, Clinton signed an Executive Order that mandated the review of all federal affirmative action programs. In order to remain in tact, they were required to meet four criteria: the programs could not be a quota, result in reverse discrimination, grant preferences for unqualified individuals, nor could they continue after equal opportunity was established.

The White House was not the only government body that was taking cues from the Supreme Court in considering the elimination of affirmative action entirely. White Backlash throughout the country in large part led to the GOP takeover of Congress in 1994, the first time Republicans controlled Congress since 1952. Almost two-thirds of white men voted GOP in 1994. With the GOP takeover in 1994, the new chairman of the Senate Judiciary Committee, Orrin Hatch, announced he would review Clinton's civil rights agenda, which would involve requiring the AG to testify at Senate Hearings. Hatch was a huge opponent of civil rights in the 1970s, one of the leading voices against affirmative action and busing to achieve school integration in the 1970s, now he was head of the judiciary committee and investigating not discrimination as Congress had during the civil rights era, but now investigating whether those rights had gone too far. The appointment of Hatch, along with others like Lee Atwater, to such high-ranking positions within the federal government reveals the manner in which the white backlash of the 1970s had moved from the fringe to the center. Republicans also revealed they would review whether all federal affirmative action programs should be ended entirely. Individual republicans announced hearings to prove that Clinton's civil rights agenda, which did nothing at all, had gone beyond the original intent of the 1964 Civil Rights Act. Another

⁵²⁰ Anderson, *The Pursuit of Fairness*, 215.

⁵²¹ Anderson, *The Pursuit of Fairness*, 216.

⁵²² Anderson, *The Pursuit of Fairness*, 240-243.

Congressman announced his intention to conduct hearings regarding the overhauling of the EEOC, and possibly the elimination of the 1964 Act.⁵²³

This massive victory for Republicans in 1994 continued into 1995. “Race and Rage” declared *Newsweek* in Spring 1995, characterizing the mood of the nation.⁵²⁴ As the newly elected GOP Congressman took office, California laid the groundwork for the first colorblind ballot initiative—CA prop 209. Called the “California Civil Rights Initiative,” the bill would outlaw all considerations of race in public employment, contracting, and education.⁵²⁵ Early in 1996, the initiative had received 700,000 signatures, enough to put it on the November ballot. “The summer of 1995 became the defining moment for affirmative action. The *Adarand* decision, Clinton’s speech, and the debate in California resulted in a national reexamination of the policy,” argues Terry Anderson.⁵²⁶ By the mid-1990s, he contends, the belief of “reverse discrimination” was fully ingrained in the minds of a significant number of white males, enough to result in a tipping point for affirmative action.⁵²⁷ One 1995 poll found that whites opposed affirmative action by a 79% to 14% margin.⁵²⁸ The vote on 209 was not the moment in which California began dismantling affirmative action. Governor Pete Wilson began that process earlier in the year. He signed an Executive Order that repealed previous orders that merely *encouraged* voluntary affirmative action programs. It also dismantled boards designed to provide assistance to agencies who wanted help establishing and implementing an affirmative action program, and cut the amount of money set aside for minority-owned contracts in half. In July University of California Regent Ward Connerly, one of the architects of Prop. 209, announced “Affirmative Action is dead” months before the vote on 209 even occurred. At their July meeting, the UC Regents voted to end affirmative action in employment and contracting at the University of California beginning in 1996. Pete Wilson was not just running a state. He was building a presidential challenge to Clinton. He was, like Reagan, a conservative Governor of California that built his platform largely on opposition to civil rights. Although his presidential run was ultimately unsuccessful, as governor he continued to develop the reach of colorblind literalism.⁵²⁹ In the Fall of 1996 a dozen other state legislatures submitted proposals for bills to ban affirmative action.⁵³⁰

In November Proposition 209 passed easily with 54% of vote. Two-thirds of white men and almost 60% of white women favored it. Moreover, only seven of the state’s fifty-eight counties voted against 209, and three of those did so by only a single point.⁵³¹ Those seven counties represented the major Bay Area counties and Los Angeles County. In other words, the suburban and rural counties voted overwhelmingly in favor of 209. The suburban opposition to

⁵²³ Anderson, *The Pursuit of Fairness*, 232.

⁵²⁴ “Race and Rage,” *Newsweek*, January 1, 1995; also in Anderson, *The Pursuit of Fairness*, 233.

⁵²⁵ CA Proposition 209, <http://vote96.sos.ca.gov/Vote96/html/BP/209text.htm>

⁵²⁶ Anderson, *The Pursuit of Fairness*, 246; also, George Derek Musgrove, “Good at the Game of ‘Tricknology’ Proposition 209 and the Struggle for the Historical Memory of the Civil Rights Movement,” *Souls: A Critical Journal of Black Politics, Culture, and Society*, 1:3, 7-24.

⁵²⁷ Terry H. Anderson, “The Strange Career of Affirmative Action,” *South Central Review*, Vol. 22, No. 2 (Summer 2005), 124.

⁵²⁸ Anderson, *The Pursuit of Fairness*, 125.

⁵²⁹ Anderson, *The Pursuit of Fairness*, 246-250

⁵³⁰ Anderson, *The Pursuit of Fairness*.

⁵³¹ San Francisco and Alameda County opposed 209 in the most significant margins, 70% and 60%, respectively. 54% of Los Angeles and Marin County voters voted against the proposition. Santa Clara, Santa Cruz, and San Mateo County all voted against 209 by a 1% margin. <http://vote96.sos.ca.gov/Vote96/html/vote/prop/prop-209.961218083528.html>

affirmative action in California in the 1990s mirrored that of the suburban opposition to busing in the 1970s out of which colorblind ideology was first articulated. The life of colorblindness, was, in other words, cyclical. It was born and reached its maturity in large part due to the activism of suburbanites in blue states.

The Supreme Court refused to consider the Constitutionality of 209, sending the message that states were free to ban affirmative action through ballot measures. The effects of 209 were immediate and severe. In 1996, Blacks, Latinos and Native Americans made up more than 23% of UC Berkeley's incoming class; the year after, when 209 went into effect, that number fell to 10%. UCLA witnessed similar results. The number of blacks admitted to UCB and UCLA's law schools fell by 80% in the first year, by 50% for Latinos. The University of Texas Law School had similar results in the aftermath of

Hopwood v. Texas, which banned the University of Texas Law school's affirmative action program.⁵³²

As George Derek Musgrove argues, "The key to the anti-affirmative action movement's victory in California was its strategic use of the discourse of a 'colorblind society' and 'equal opportunity' to appropriate the historical memory of the Civil Right Movement."⁵³³ The architects of the "California Civil Rights Initiative" took cues from the Reagan administration and successfully aligned their bill with the supposed colorblind ethos of the civil rights movement. The title of the bill is the most obvious piece of evidence in this regard. By titling an anti-affirmative action bill a "civil rights initiative," the backers of 209 took a page directly out Reagan's playbook by discursively positioning an attack on civil rights as upholding the legacy of and continuing the struggle of the civil rights movement. Moreover, the bill itself read like it was plucked straight from the 1964 Civil Rights Act. "The state shall not discriminate" it began "against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."⁵³⁴ However, it was not simply the bill's title or its text that borrowed from Reagan's civil rights playbook. In the months leading up to the vote, the bill's supporters, according to Musgrove, redefined, appropriated, and ahistoricized the civil rights movement to advance their anti-civil rights agenda.⁵³⁵ Ward Connerly, one of the bill's authors, insisted he was "acting on the basis of what [Martin Luther King] said and giving literal meaning to his words."⁵³⁶ Ads promoting the initiative paid for by the California GOP featured actual footage of King's "I Have a Dream Speech." In reality, the supporters of 209 consisted of some of the most strident opponents of King, including outspoken white supremacist and Louisiana Senate candidate David Duke, who came to California to speak at a state college in support of 209. Moreover, at least one of the major financial backers of 209 was also a donor to Duke's campaign.⁵³⁷ In fact, in the months leading up to the 209 vote, groups both in favor of and opposed to 209 ran television ads that tried to align their position on the bill with that of the civil rights movement. Supporters, like Connerly, borrowed King's colorblind rhetoric to position themselves as inheritors of his dream. Opponents tried to highlight the fact that many of 209's high-profile supporters had, at the very least, opposed civil rights in the 1960s and at worst, in

⁵³² Anderson, *The Pursuit of Fairness*, 266-269.

⁵³³ Musgrove, "Good at the Game," 9.

⁵³⁴ California Proposition 209. <http://vote96.sos.ca.gov/Vote96/html/BP/209text.htm>

⁵³⁵ Musgrove, "Good at the Game," 10.

⁵³⁶ in Musgrove, "Good at the Game," 14.

⁵³⁷ For more on David Duke's connection to 209, see Musgrove, "Good at the Game," 215-219.

the case of David Duke, had white supremacist ties while organizations like the NAACP that were largely responsible for the victories of the civil rights movement in the 1960s opposed the proposition.⁵³⁸ In either case, the fact that the fight to win votes for or against 209 centered largely around which side could more convincingly lay claim to the legacy of the modern civil rights movement highlights the weight of colorblind rhetoric by the 1990s. Ultimately, the debate around 209 can perhaps be understood more clearly if one views the efforts of the bill's supporters as an attempt to legitimize colorblind literalism and those of its opponents to refute that idea.

It should come as no surprise that ultimately the public support of Duke for 209 did little to derail either its alignment with the civil rights movement or its chances for ratification. Reagan, who opposed the 1964 Civil Rights Act, had mastered the strategy over a decade prior. And colorblindness more generally had successfully been taken up by opponents of civil rights to challenge civil rights policies like affirmative action for violating the spirit of the civil rights movement since at least the 1970s. What 209 marks, then, is the adoption and assimilation of the rhetorical strategies of the antibussers of the 1970s and the Reagan administration of the 1980s to pass anti-civil rights legislation in the 1990s.

By the time Reagan was in office, corporations had willingly adopted affirmative action programs and were often happy with the role such policies played in diversifying their workforce.⁵³⁹ By the time he left office he had put in place a court system and discourse that had begun to dismantle key civil rights programs implemented in the 1960s and would continue to do so in the decades after he left office. California became the first in what would be a series of states that began outlawing affirmative action entirely through ballot initiatives. And the Supreme Court would continue to assist this cause by further restricting or banning affirmative action in college admissions in places like the University of Michigan and the University of Texas.⁵⁴⁰ In 2000, the most definitive study of affirmative action to date was released, entitled "Assessing Affirmative Action." The authors, Harry Holzer and David Neumark, detail how affirmative action programs had significant "tangible benefits" for women, minority business owners, students of color, and the economy writ large. They estimate that affirmative action programs alone boosted the numbers of women and minorities working in those companies by 10-15%. The virtually all-white labor unions of the 1960s were 15% black by the mid-1990s; the number of black cops and electricians triples between 1970 and 1990. The percentage of Latino college graduates doubled between 1970-1990; it more than tripled for blacks. Black enrollment in professional schools rose from 1 to 7%, and the number of black med students rose from 2 to 8%.⁵⁴¹

However, the two authors found zero evidence that these programs had any detrimental impact on the job prospects and wages of white males. Instead affirmative action recipients received only a greater and more equitable share of new jobs added to the economy. In fact, although sizeable gains were made in many areas as a result of affirmative action programs, it is important to emphasize that white males maintained the lionshare of the country's economic largesse. Nearly ninety six percent of all federal contract money went to white owned businesses

⁵³⁸ For more on 209 television ads, see Mukherjee, *The Racial Order of Things*, 55-60.

⁵³⁹ Anderson, *The Pursuit of Fairness*, 277.

⁵⁴⁰ See *Grutter v. Bollinger* (2003), *Gratz v. Bollinger* (2003), and *Fisher V. Texas* (2013).

⁵⁴¹ Harry Holzer and David Neumark, *Assessing Affirmative Action* (Cambridge, MA: National Bureau of Economic Research, 1999); also, Anderson, *The Pursuit of Fairness*, 278-280; and Heidi Hartmann, "Who Has Benefitted from Affirmative Action in Employment?" In *The Affirmative Action Debate*, ed. G.E. Curry (Reading, Mass: Addison-Wesley), 77-96.

in the first half of the 1990s as affirmative action collapsed.⁵⁴²

Neoliberal Education Reform: A Historical Overview

In the midst of the death of affirmative action in the Bush and Clinton years, culminating with the elimination of affirmative action in California—a battle that centered around college admissions policies—Hollywood, through films including *Lean on Me* (1989), *Stand and Deliver*, and *Dangerous Minds*, directed their cameras toward school classrooms. Besides the connection between the struggles over who “deserved” to be admitted to the country’s elite universities, the appeal of schools for the silver screen was also informed by the dismal performance of American public schools, particular in inner-cities, which had increasingly garnered attention throughout the 1980s. But the erosion of America’s secondary education system was the result of neoliberal education reform that coincided with colorblind neoliberalism. Like colorblind neoliberal civil rights policy, neoliberal school reform ramped up in the 1980s, but has roots much earlier. An overview of neoliberal school reform is where I now turn.

For most of our nation’s history. The federal government played only a small role in the education of our children. School legislation--curriculum, class size, etc.--was left, for the most part, to the states. The primary and secondary public school system was understood as more or less functional and states were believed capable of addressing any structural issues. This changed, however, with Lyndon Johnson’s Great Society programs in the middle 1960s. Johnson’s War on Poverty brought to light gross inequalities in numerous segments of American life including education. In 1965, Congress passed the Elementary and Secondary Education Act (ESEA) which, for the first, time, established an active role for the federal government in the nation’s education systems. ESEA programs provided temporary measures to address the vastly inferior educations many students--the poor and people of color chiefly among them--received. Primarily, this entailed supplemental support for impoverished school districts in order to close the gap between wealthy and poor school districts. The ESEA was built on a model that sought to achieve equity across the nation. As a result, ESEA programs were popular for much of the 1960s and 1970s.⁵⁴³

This began to change, however, in the late 1970s and 80s alongside the larger revolt against Johnson’s Great Society programs. As we saw in chapter one, busing, Affirmative action, and stagflation turned large segments of the country against Johnson’s Great Society, its civil rights programs in particular; education was no different. By the end of the 1970s, the constituency that would elect Ronald Reagan to office, was fed up with what they felt was a massive overreach of federal power. The 1980 GOP platform called not just for a rolling back of federal power in education, but the elimination of the Department of Education altogether.⁵⁴⁴ In 1981, as part of Reagan’s “New Federalism” programs, Congress passed the Education Consolidation and Improvement Act (ECIA), which fundamentally altered many provisions of the ESEA. These included reducing the amount of federal funding for education by nearly 20% and increased flexibility for states on how to use those funds. Some estimate that as many as 85% of federal education mandates were nullified during the Reagan presidency. “Reagan hoped either to eliminate the federal role in schools or to redefine the nature of federal education policy regime by making privatization, choice, and competition—rather than equity—its guiding

⁵⁴² Louis Harris, “The Future of Affirmative Action,” In *The Affirmative Action Debate*, 328.

⁵⁴³ Patrick J. McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005*, (Lawrence, KS: University Press of Kansas), 28-34, 47-48.

⁵⁴⁴ McGuinn, *No Child Left Behind*, 41.

principles.”⁵⁴⁵

The important point here is not simply Reagan’s rolling back of Johnson’s Great Society Programs. Instead, as with civil rights, it is the manner in which he did so, and the alternatives he offered to those programs that are worth highlighting. In education, as with civil rights, Reagan replaced federal programs in which the government took an active role in eliminating racial and economic equality and replaced them with neoliberal alternatives that prioritized the free market over any measure of social equality. As I have argued in previous chapters, the election of Ronald Reagan marked the rise not just of neoliberal economic policy but of neoliberal governance. In the field of civil rights this meant strictly colorblind approaches to racial inequality, and in education this meant charter schools, an ever-increasing reliance on standardized testing, and privatization. By neoliberal education reform, I refer to the ways in which the federal government has introduced school reforms “which commodify public education by reducing learning to bits of information and skill to be taught and tested and marketize education through programs that promote privatization and user fees in place of free, public education.” More specifically, these reforms “emphasize opening up the educational services market to for-profit educational management organizations” and “focus on creation of curriculum standards (where the state defines the knowledge to be taught) and ‘accountability.’” The specification of curriculum standards is nearly always accompanied by accountability strategies.”⁵⁴⁶ Under neoliberal reform, schools do not need more money, they just need to become more efficient through market competition with other private, public, and charter schools.

Like his fiscal policy, Milton Friedman advocated for neoliberal education reforms long before Reagan entered office. In his 1962 manifesto, *Capitalism and Freedom*, he devoted an entire chapter to “The Role of Government in Education.” For Friedman, a key flaw in the public education system in the 1960s was the lack of distinction between what elements of education the government should finance, versus those it should administer. The purpose of education, in Friedman’s view, is to develop “citizenship,” “leadership” and “greater economic productivity.” He insists that reform “center attention on the person rather than the institution.” The primary way to do this is through school choice, vouchers, charter schools, and privatization. “Governments could require a minimum level of school financing,” he advocates,

By giving parents vouchers redeemable for a specified maximum sum per child per year if spent on ‘approved’ educational services...The educational services could be rendered by private enterprises operated for profit, or by non-profit institutions. The role of government would be limited to insuring that the schools met certain minimum standards...⁵⁴⁷

If properly implemented, he concludes,

The development of arrangements such as those outlined above (e.g. vouchers, privatization, market-based education models) would make capital more widely available and would thereby do much to make equality of opportunity a reality, to diminish inequalities of income and wealth, and to promote the full use of our

⁵⁴⁵ McGuinn, *No Child Left Behind*, 42.

⁵⁴⁶ Wayne E. Ross and Ross Gibson, “Introduction,” In *Neoliberalism and Education Reform*, eds. Wayne E. Ross and Ross Gibson (Cresskill, NJ: Hampton Press, Inc. 2007), 4.

⁵⁴⁷ Friedman, *Capitalism and Freedom*, 89.

human resources. And it would do so not by impeding competition, destroying incentive, and dealing with symptoms...but by strengthening competition, making incentives effective, and *eliminating the causes of inequality*.⁵⁴⁸

Overall, Friedman's neoliberal reforms replace the state with the private sector. By privatizing education, and therefore implementing a competition for profit, private enterprises would have no choice but to offer the best education possible at the lowest cost in order to remain economically viable. Students therefore get a better, and cheaper, education, and economic productivity increases; everyone wins.

The president was unable, however, to realize his party's goal of eliminating the Department of Education altogether. Early in his presidency, a disagreement between Reagan and his Secretary of Education, Terrell Bell, over the effectiveness of the nation's public school system prompted the president to commission a study of the country's education system. The resulting report, *A Nation at Risk: The Imperative for Education Reform*, released in 1983 depicted a public education system in crisis, plagued by declining test scores, rising graduation rates, and a student body that was performing at levels behind that of many other countries.⁵⁴⁹ As Education scholar David Hirsch argues, "*A Nation at Risk* explicitly blamed schools for the Reagan-induced economic recession of the early 1980s and the perceived failure of the United States to compete internationally."⁵⁵⁰ To that point, education was never really a major issue at the national level. That changed with *A Nation at Risk*. The report moved education, and specifically the need for the federal government to intervene in it, to the forefront of the domestic agenda. Interestingly, although the report made no recommendation of vouchers, tuition tax credits for private schools, or school prayer, the president used his press conference releasing the report to praise its call for all of those things. The report did not recommend the explicit neoliberal remedies championed by Friedman and Reagan, but he pretended they did.⁵⁵¹ As education scholar Pauline Lipman argues, "Beginning with *A Nation at Risk*...there has been a steady push for standards, accountability, and regulation of schools, teachers and students."⁵⁵²

Although ultimately unsuccessful, Reagan tried throughout his time in the white house to eliminate the department of education and the convert federal spending on education to vouchers. Though his efforts were unsuccessful, his attempts to make neoliberal reforms to education did succeed in substantially limiting the personnel, budget, and regulatory authority of public education, therefore undermining its ability to improve student achievement, which would set the stage for further neoliberal reform in the future as public school performance continued to decline. Reagan cut the Department of Education budget by 11% during his time in office, and the National Institute of Education lost 70% of its funding.⁵⁵³

Reagan's Vice President and successor, George H.W. Bush, continued the neoliberal

⁵⁴⁸ Friedman, *Capitalism and Freedom*, 107.

⁵⁴⁹ "A Nation at Risk: The Imperative for Educational Reform," National Commission on Excellence in Education, *The Elementary School Journal*, Vol. 84, No. 2 (November 1983), 112-130.

⁵⁵⁰ David W. Hirsch, "Marketing Education: The Rise of Standardized Testing, Accountability, Competition, and Markets in Public Education," in *Neoliberalism and Education Reform*, 18.

⁵⁵¹ For a more detailed assessment of the legacy of "A Nation at Risk," see James W. Guthrie and Matthew G. Springer, "A Nation at Risk Revisited: Did 'Wrong' Reasoning Result in 'Right' Results? At What Cost?" *Peabody Journal of Education*, 79:1, 7-35.

⁵⁵² Pauline Lipman, "'No Child Left Behind': Globalization, Privatization, and the Politics of Inequality," in *Neoliberalism and Education Reform*, 35.

⁵⁵³ Lipman, "No Child Left Behind," 45.

education reform agenda when he took the Oval Office. His America 2000 plan, introduced in the Spring of 1991, called for more stringent academic standards in core subjects in order to move the country towards national education goals. It also included a panel to create “American Achievement Tests” for all fourth, eighth and twelfth graders, as well as many other goals that placed a greater emphasis on testing and the privatization of public education. While the bill that ultimately passed did not contain many of Bush’s proposals, it did put in place national academic standards that continued the country down a path of increasing importance on standardized testing. Bush also favored vouchers. Despite fierce Democratic and Teacher’s Union Opposition, he put forward an aggressive voucher plan in ’92, entitled the GI Bill for Children, which sought to divert \$500 million in federal education funds to vouchers on public or private education.⁵⁵⁴ “Choice can open up opportunity” Bush argued, “For too long, we’ve shielded our schools from competition...it is time we began thinking of a system of public education in which many providers offer a marketplace of opportunity...”⁵⁵⁵

Bush’s maneuverings for more federal control over education through vouchers, standardized tests, and merit pay rather than increased spending on public education represented a compromise between Republicans and Democrats, and their battles over federal intervention in education since the 1960s. Conservatives, like those who supported Reagan’s “New Federalism,” wanted less federal oversight of schools and more state power and flexibility to address sluggish school performance. Democrats, on the other hand, sought a more active federal intervention and expansion of funding for education. What occurred then, under Reagan and Bush, is actually a compromise—federal oversight, but with a neoliberal ideology. Ultimately, America 2000 centered on three issues—national standardized tests, school choice, federal funding. As political scientist Patrick McGuinn argues, “The Bush administration represented the first concerted attempt to fundamentally shift the Republican Party’s approach to federal education policy and to create a new policy regime based on federal support for standards-based school reform.”⁵⁵⁶

Yet while Reagan laid the foundation and Bush began implementing neoliberal reform, the neoliberal restructuring of American public schooling was a bipartisan effort. During the presidency of Bill Clinton, Bush’s education vision was more fully realized. Clinton’s legislative contributions in education centered around two bills: Goals 2000 and the reauthorization, but amending, of the ESEA. Each of these bills placed a greater emphasis on testing and opened up further opportunities for privatization. More importantly, they completed the reversal of the federal government’s role in education begun under Reagan. With Goals 2000 and the reauthorized ESEA, the federal government’s education policy had wholly shifted from targeted educational inequality to addressing the needs of each student as individuals. And while the full neoliberal revolution in American education would finish with the 2002 passage of No Child Left Behind (NCLB), under George W. Bush, the central tenets of NCLB were first legislated with Goals 2000 and the ESEA reauthorization.⁵⁵⁷

Education scholars have documented the detrimental effects of neoliberal education reform on large segments of the nation’s public school populations, poor students and students of color in particular. As David Hirsch argues, the changes made in education over the last several decades “reflect policymakers’ greater faith in markets and competition than in teachers and

⁵⁵⁴ Lipman, “No Child Left Behind,” 65-68.

⁵⁵⁵ Lipman, “No Child Left Behind,” 68.

⁵⁵⁶ Lipman, “No Child Left Behind,” 71.

⁵⁵⁷ Lipman, “No Child Left Behind,” 100.

students.”⁵⁵⁸ The net result of this approach, according to Hursch, is not only increased inequality across schools, but rising inequality *within* schools. The ever greater emphasis placed on standardized testing forces teachers to teach to the test in order to enable the highest number of students to pass the tests. This often leads teachers to devote more attention to those students thought to be most able to pass the tests and obtain grades of a C or higher. This practice has had serious racial implications, as persons of color and ESL learners are already located towards the bottom of performance indicators.⁵⁵⁹ Hursch concludes,

since [the 1980s], we have witnessed in the United States, England, and elsewhere the increasing transformation of schools into institutions governed by market principles of accountability, choice, and efficiency...neoliberal policies promote corporate growth through increased trade and decreased taxation and regulation, and decreased public support for or even the privatization of public services such as health, transportation, and education. Furthermore, the shift toward promoting corporate over social welfare redefines the relationship between the individual and society. Because governments are less responsible for the welfare of the individual, the individual becomes responsible for him or herself.”

Hursch’s analysis points to a broader process of neoliberalization in the post-Reagan years that extends beyond fiscal policy. As Carolyn Hardin illustrates, this process has not simply meant the dismantling of the welfare state. It has instead witnessed the corporatization of the welfare state and the decline of governments’ ability to protect its citizens.⁵⁶⁰

Teacher Films

Education reform explains only part of the appeal of school dramas to Hollywood in the last decade of the 20th century. As we have seen, the racial and cultural politics of the 1970s and 1980s played an integral role in growing the popularity of notions of colorblind neoliberalism that led to neoliberal education reforms. Therefore, the appeal of school dramas to Hollywood filmmakers in the 1990s was likewise informed by the centrality of racial melodrama in the formal aesthetics of the American popular cultural canon. As Linda Williams notes, citing texts across medium, from literature to stage, film to television, and news broadcasts that include Harriet Beecher Stowe’s *Uncle Tom’s Cabin*, *Birth of a Nation*, the film version of *Gone With the Wind*, the television miniseries *Roots*, and the double-murder trial of O.J. Simpson, “it may not be accidental that the most innovative, form-breaking works of American mass culture have been what I call melodramas of black and white. Every time we are ready to bury the supposedly archaic mode of melodrama it has a way of rising from the ashes.”⁵⁶¹ As Williams elaborates, melodrama’s ability to consistently lend itself to racially-charged narratives because it “is not a static, archaic, stereotyping and non-realist form, but a tremendously protean, evolving, and modernizing form that continually uncovers new realistic material for its melodramatic project.”⁵⁶² For Williams, racial melodramas fall primarily within two traditions—“Tom” and

⁵⁵⁸ Hursh, “Marketing Education,” 15.

⁵⁵⁹ Hursh, “Marketing Education,” 17.

⁵⁶⁰ Carolyn Hardin. “Finding the ‘Neo’ in Neoliberalism.”

⁵⁶¹ Williams, *Playing the Race Card*, 296-297.

⁵⁶² Williams, *Playing the Race Card*, 297. For more on the nature of melodrama see Christine Gledhill, “The

“Anti-Tom.” The former, taking its name from Harriet Beecher Stowe’s novel *Uncle Tom’s Cabin*, uses the suffering and inhumane treatment of the enslaved African to write an abolitionist novel. The latter, mobilized most notably by D.W. Griffith’s *Birth of a Nation*, portrayed the savage black male as a constant threat to white womanhood in order to pose a narrative of white-victimization that justified brutality towards African Americans. It is no coincidence, in Williams’ view, that the “Tom” tradition paralleled the growing abolitionist movement of the mid-19th century, or that the “Anti-Tom” tradition coincided with the increased white backlash, most notably through the resurgence of the KKK, against blacks in the early twentieth century. Similarly, Lee Grieveson has noted how “White Slavery” films arose alongside the anxieties surrounding the increased presence of white-immigrants.⁵⁶³ In other words, throughout the twentieth century film, and racial melodrama in particular, offered a key site to represent, shape, and contest the racial anxieties of the historical moment. The 1980s, and specifically the emergence of colorblindness, necessitated yet another new form—nonetheless steeped in previous melodramatic modes. This new narrative is what I call the “Teacher Film.” It is a term that encompasses a series of films in which an optimistic, usually white, over-qualified teacher enters the inner city to teach students of color.

It was, I contend, the combination of growing national concern over the state of public schools—which as the previous discussion illustrated was not necessarily driven by a concern over the opportunities of poor pupils of color but of, in the context of neoliberal ascent and reform, of wasted tax revenue and the state’s inability to function properly or equal to that of private charter schools—combined with the ever-present allure of melodramatic renditions of social causes proved irresistible for Hollywood. It is important to distinguish here the difference between the racial melodramas of what I call Teacher Films in the 1990s and the slavery and civil rights dramas of the same era. In other words, one may wonder what distinguishes the Teacher Films of the 1990s from the historical dramas of the same period when analyzed within Williams’ framework of “melodramas in black and white.” My argument is that the historical dramas of the 1990s fit neatly within Williams’ taxonomy of melodrama. “Teacher Films,” however, require a more critical analysis of racial melodrama precisely because they illustrate what I believe to be the key *evolution* of the melodramatic form in the context of neoliberalism, colorblindness, and education reform. The conflation of these three issues in the post-Reagan era produced, ultimately, not merely the latest evolution of the “protean” melodramatic form in American mass culture, but mark the emergence of a genre in which neoliberal colorblindness is inherently embedded into the logic of the narrative and form itself. In other words, if Rocky Balboa was the first colorblind hero, ~~and~~ *Blue Collar* was the first neoliberal movie, and *Glory* and *The Long Walk Home* marked a colorblind revision of black freedom struggles, Teacher Films constitute the first colorblind genre.

What follows is an analysis of the generic conventions of Teacher Films that highlights the manner in which colorblindness and neoliberalism function generically in each of these films. They consistently use the tropes of the welfare-dependent pathological home, the white teacher as savior, and the militarization of the inner-city classroom to position race consciousness as the symptom of black and Latino pathology and colorblindness as the cure for dysfunctional family life as well as racial, social and economic inequality. The Welfare State, in Teacher Films is not

Melodramatic Field: An Investigation,” in *Home is Where the Heart is: Studies in Melodrama and the Woman’s Film*, ed. Christine Glendhill, (London: British Film Institute, 1987).

⁵⁶³ Lee Grieveson, *Policing Cinema: Movies and Censorship in Early-Twentieth-Century America* (Berkeley, CA: University of California Press, 2004).

only incapable of solving the problems of urban poverty, it is the cause of those problems. Teacher Films are neoliberal in part because they are based on the Reagan-era narrative that Great Society programs aimed at eliminating poverty and racial inequality had actually worsened it.⁵⁶⁴ Moreover, as Roopali Mukherjee argues, the individual “savior,” whose salvation comes through her own individual determination rather than state action, is a key feature of neoliberal narratives. The savior functions contradictorily, according to Mukherjee, to “deracialize subjectivities” through “logics of race and racial differentiation.”⁵⁶⁵ My interest here, unlike in previous chapters, is less in close readings of these texts. Instead, I will focus on how these three films—*Dangerous Minds*, *Freedom Writers*, *Stand and Deliver*—function generically; how key themes and tropes prevalent in all of these films work to ingrain in inherently colorblind neoliberal logic into these films.

It is important to note that teacher films in the late-1980s and 1990s differ significantly from other those made prior to the colorblind era, most notably *Blackboard Jungle* (1955).⁵⁶⁶ *Blackboard Jungle* is a prototypical social problem film. As the opening titles of the film state, “Today we are concerned with juvenile delinquency—its causes—and its effects. We are especially concerned when this delinquency boils over into our schools... We believe that public awareness is a first step toward a remedy for any problem. It is in this spirit and with this faith that BLACKBOARD JUNGLE was produced.” The film was made to bring awareness to an increasing social problem of urban education in the 1950s. Teacher films of the 1990s, on the other hand, are colorblind neoliberalism disguised as social problem films. Put another way, Teacher Films are only interested in urban education to the extent that they provide an important issue through which to illustrate the “reality” of colorblindness and the “necessity” of colorblind neoliberalism. For example, whereas the heroic teachers of nineties Teacher Films are entirely colorblind, *Blackboard Jungle*’s teacher Richard Dadier (Glenn Ford), at one point in the film, nearly uses a racial slur in reference to a black student, Gregory Miller (Sidney Poitier). In other words, *Blackboard Jungle* subtly depicts that even those dedicated to alleviating the social problem of urban education in the 1950s may be racists. The nineties iterations of this genre lack this distinction. The heroic teacher-saviors of the nineties cannot be racist. Such a character trait would undermine the credit colorblindness is afforded in these films for “saving” students of color.

Teacher Films nonetheless borrow significantly from racial melodramas previous incarnations, relying on several of its tropes, primarily the home and the victim-hero. For Williams, the home in racial melodramas marks “One of the key ways in constructing moral power... The icon of home helps establish the ‘space of innocence’ of its virtuous victims.”⁵⁶⁷ Thus from the cabin of Uncle Tom to the southern plantation of *Birth of a Nation*, the home is “essential to establish the virtue of racially beset victims.”⁵⁶⁸ The importance of the home is no less prominent in “Teacher Films.” However, the space of the home in the Teacher Film is not an actual home, but instead the classroom. The need for a surrogate home results primarily from the absence of a “good home” in the familial life of the students in these films. Delinquent home life is part of a larger trope within the Teacher Films—the pathological black or Latino family. As

⁵⁶⁴ See Nikolas Rose, “Governing Advanced Liberal Democracies,” In *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government*, eds. Andrew Barry, Thomas Osborne, and Nikolas Rose (Chicago: University of Chicago Press, 1996), 37-64.

⁵⁶⁵ Mukherjee, *The Racial Order of Things*, 8.

⁵⁶⁶ *Blackboard Jungle*, Dir. Richard Brooks (Warner Brothers, 1955).

⁵⁶⁷ Williams, *Playing the Race Card*, 7.

⁵⁶⁸ Williams, *Playing the Race Card*, 8.

we have seen, the “culture of pathology” thesis emerged in the 1960s as social scientist studying urban poverty concluded that “that a common, debased culture is what defined the ‘underclass.’”⁵⁶⁹ These projects, most prominently “The Moynihan Report,” popularized notions of cultural pathology among African Americans—specifically in the ability of black women to raise children. Tracing this discourse back further, Hazel Carby explains, “as early as 1905 the major discursive elements were already in place that would define black female urban behavior throughout the teens and twenties as pathological.”⁵⁷⁰ And as we saw in the previous chapters the delinquent black household headed by the welfare queen became the boogeyman of the Reagan Presidency.

Each of these films relies on this notion of cultural pathology of African Americans and Latinos in order to create the need for surrogacy that the teacher and classroom then fulfills. In *Dangerous Minds* and *Stand and Deliver*, the families of the students are unsupportive of their children’s education. In fact, in each film parents actually force their children to drop out of school. In *Dangerous Minds*, after two of her students, brothers Lionell and Durell, miss several consecutive days of class, a concerned Louanne Johnson visits the home of the brothers. Johnson arrives at the home to find the brothers on the front porch. After saying hello, the boys’ mother emerges from the house, instructs her sons to go inside, and has the following conversation with Johnson:

JOHNSON: Hi. I’m Louanne Johnson.

MOTHER: I know who you are. You’re that white-bread bitch messing with my babies’ minds.

JOHNSON: I beg your pardon?

MOTHER: My boys don’t go to your school anymore, and that’s gonna be it.

JOHNSON: You took them out of school?

MOTHER: You’re damn right I did. I saw what they were bringing home, poetry and shit. A waste of time. They got more important things to worry about.

JOHNSON: Don’t you think that finishing high school will be valuable to their future?

MOTHER: That’s not in their future. I ain’t raising no doctors and lawyers here. They got bills to pay. Why don’t you just get on out of here. Find yourself some other poor boys to save.

This is not the only instance in which Johnson attempts to convince the parents of her students of the value of education. After Callie, perhaps Johnson’s smartest student, becomes

⁵⁶⁹ Kelley, *Yo Mama’s DysFUNCTIONal!*, 18.

⁵⁷⁰ Hazel Carby, *Cultures in Babylon: Black Britain and African America*, (New York: Verso, 1999), 23.

pregnant and leaves school in order to transfer to a different school that has a “mother to be” program, Johnson visits her home to try and convince her to stay in Johnson’s class. Although she does eventually return to Johnson’s class, after the meeting at Callie’s apartment, the audience is left assuming that she will not return because her mother feels the “mother to be” program, which stresses practical training in motherhood over a formal education, is best.

Two similar scenes occur in *Stand and Deliver*. The first occurs after one of Jaime Escalante’s students announces she has to drop out of school to work full time. Escalante visits her family’s restaurant hoping to persuade her father to allow his daughter to stay in school. The tense and unsuccessful discussion concludes with the girl’s father insisting that earning money is more important than school. In the second instance, concerned that her daughter is spending too much time studying, a mother warns her daughter about becoming too intelligent, “Boy’s don’t like it if you’re too smart,” she says.

The lack of a functioning home in these films necessitates a surrogate home, one outside of their “ghettos” and headed by an outsider not plagued with the deficient morality of the communities of their students. The classroom in Teacher Films serves this function. In fact, in *Freedom Writers* one student even calls the classroom his home. However, while the space of the home operates similarly in Teacher Films as in racial melodrama in general, the narrative of the home is reversed. As Williams explains, in racial melodrama, “The narrative proper usually begins when the villain intrudes upon the idyllic space” of the home.⁵⁷¹ The reverse is true for the “Teacher Film.” In this case, the narrative begins with the idyllic hero entering the villainous space of the inner city. The struggle becomes, then, not over the external threat to the harmonious home but of the pathological home to the white female savior/teacher.

Beyond simply locating the inner city home, specifically the student’s parents, as a site in which education is devalued the reasoning for this devaluation takes on specifically colorblind rhetoric. During Johnson’s visit to the home of the two brothers in *Dangerous Minds*, their mother calls Johnson a “white-bread bitch.” Her racially explicit language suggests that race consciousness factors into this overall failure of the black family. Like many of the colorblind crusaders of the Reagan era, the film here suggests that it is race consciousness itself that limits the opportunities of people of color. Colorblindness is therefore, implied as the solution to their “pathology.” During one scene in *Freedom Writers* a girl’s father instructs her to lie to police about the identity of a person she saw murder another man. The girl’s father explains to his daughter that the two of them are engaged in a “racial war.” In fact, all of the student’s in Gruwell’s class are initially members of racially exclusive gangs (black, Latino, Asian) that outwardly hate all other racial gangs—called “tribes” in the disc menu. In encouraging his daughter to lie to police about the identity of the gunman—who is, like them, Latino—in a murder his daughter witnessed, he instructs her to change the racial identity of the shooter (specifically, to say that the shooter was black instead of Latino). He insists that it does not matter what actually happened because “In war you got to take your victories when you can...” For the girls’ father, having an African American take the fall for a Latino’s crime equates to a victory in the greater race war. In both instances, a race-conscious view of America is represented as the cause of their poverty and lack of social mobility.

If race-consciousness is the cause of social, economic, and educational inequality in these films, colorblindness is often presented as the solution. Specifically, Erin Gruwell is constantly portrayed as a colorblind individual, and further, convincing her student’s of the colorblind “reality” of the world in which they live is essential to her pedagogy. Gruwell takes several

⁵⁷¹ Williams, *Playing the Race Card*, 28.

actions in the film to facilitate this transformation from “misguided” race consciousness to colorblindness. In one instance, after several of her students levy racial slurs towards her—saying, among other things, “I hate white people!,” Gruwell responds by insisting, “It doesn’t matter what color I am.” In another case, Gruwell extends a strip of red tape from one end of her classroom to another and forces her students to play the “line game”—whereby Gruwell asks a series of questions, and students, standing on either side of the line, step up to the line if the question applies to them. The questions include basic ones like “How many of you have the latest Snoop Dogg album?” to more serious and personal questions like “Stand on the line if you have lost a friend to gang violence” and eventually if you have lost two, three, or four or more friends to gang violence. As a result of the game, the students realize that they share tastes in music and have similarly lost loved ones to gang violence, regardless of their race. The exercise reveals that despite their insistence that, as one student puts it, “It is all about color,” and because of color they are drastically different, the students, despite racial difference, are very similar. Ultimately, the “line game” is a pedagogical tool for Gruwell to demonstrate the “reality” of colorblindness. Yet all of the supposedly non-racial similarities that Gruwell tries to reveal are based on class and geographical locations. As Stuart Hall argues, race is “the modality in which class is ‘lived.’”⁵⁷²

What is perhaps most important about the representation of colorblindness in teacher films is the manner in which it is portrayed not simply as reality but as the *solution* to their misfortune. In both *Freedom Writers* and *Dangerous Minds*, as each of these students begins to buy into the colorblind discourse their teacher’s preach, as they begin to shed “pathological” race consciousness and allegiances, they begin to succeed academically. The solutions to the problems of inner-city schooling, then, are not increased funds, smaller class sizes, changes to standardized tests or curriculum, but a change in attitude. In fact, also implied is that these families are welfare-dependent. Their parents, or most commonly mothers, are seemingly always home. Therefore, we can assume they do not work, are no longer with their children’s fathers, and likely on welfare. The solution to all of this is, in other words, neoliberal and colorblind—no government action needed, instead a mere adjustment in racial attitudes will enable these students to succeed. Also, the catalyst of this change is again not structural change, but an individual—the teacher.

Equally important to the racial melodrama is the victim-hero. As Williams describes, “Melodrama focuses on victim-heroes and on recognizing their virtue.”⁵⁷³ Indeed all of the heroes, the teachers, of Teacher Films are constantly victimized, or perhaps more specifically, suffer as a result of their relentless moral action. For example, the teachers in these films are subjected to frequent racist and sexist slurs. Slurs like “white-bread bitch,” “I hate white people” and a number of inappropriate sexual innuendos are levied at the white female teachers in these films. Further, the personal relationships of the teachers suffer, and in some instances are ruined, as a result of the amount of attention their students require for improvement. Louanne Johnson has no social life whatsoever because teaching requires all of her time, Jaime Escalante’s wife grows increasingly hostile as a result of his neglect of his family. At one point she even points out that Escalante’s own son is struggling with math because his father, a math teacher, is never around to help him. In *Freedom Writers*, Erin Gruwell becomes increasingly estranged from her husband and the two eventually divorce. In addition, she takes on two extra jobs to buy books for her students. Finally, even Gruwell’s father, who was active in the Civil Rights Movement,

⁵⁷² Hall, “Race, Articulation, and Societies,” 55.

⁵⁷³ Williams, *Playing the Race Card*, 29.

disapproves of her teaching in the inner city. This sets up an important distinction between the civil rights leaders of the civil rights era and those of the decades afterwards. As we have seen, throughout the twenty-plus years between the busing battles of the mid-1970s and the culmination of colorblind hegemony in the mid-1990s with the passage of California Proposition 209, white opponents of civil rights and school integration used colorblind language to position themselves as the inheritors of the civil rights movement. They also successfully labeled defenders of these civil rights programs as opposed to the movement's supposedly core ideology of colorblindness. Gruwell's father's disapproval of her action personify that division

While the teachers in these films suffer in their quest to educate their students, in the end, they heroically save their students, convincing them of the value of education and accomplishing whatever academic goal the film sets out to achieve. Jaime Escalante's students all pass the AP Calculus exam. Louanne Johnson's students unanimously value their education by the conclusion of *Dangerous Minds*, Erin Gruwell's students graduate high school and live to see their eighteenth birthdays (which according to the film is a statistical anomaly in inner city Los Angeles). The heroism of the teachers in these films become recognizable through their determination to "save" their students, the sacrifice of their personal happiness to achieve the aforementioned salvation. Further, the savior role the teachers perform also provides surrogate parenting for their students. Just as the classroom serves as the surrogate home, the teacher serves as a surrogate parent to their students who lack proper parental figures as a result of their larger supposed debased culture. In addition to the obvious parental nature of the salvation mission, in each of these films students visit their teacher outside of class seeking guidance for personal non-academic issues.

As the aforementioned discussion illustrates, Teacher Films are deeply indebted to the preceding modes of racial melodrama. However, they have updated these modes in several key ways that have more closely aligned them with the politics of neoliberal colorblindness. While there is much that is new with these films, Teacher Films also engage in the far older binary of the civilized white settler/colonizer and the black savage/colonized whereby the inner-city becomes the unsettled jungle. Interpreted within the colonial dichotomy, the ghetto "savages" can only become civilized with the aid and instruction of the "civilized" white outsider/teacher. For example, in *Dangerous Minds*, the ability of Johnson's students to sit properly in their seats serves as a metaphor for their broader civilization. In addition, in both *Dangerous Minds* and *Freedom Writers* the teachers are English teachers. In each of these classes, the teachers conduct basic grammar exercises with their students in order to teach them proper English. Sentences like "Odysseus didn't have no since [*sic*] of direction" and "We _____ green beans today" are two of the examples of sentences Gruwell and Johnson, respectively, write on the board to use as tools to teach their high school students proper English. Setting aside the exaggerated elementary nature of these sentences, language, under colonial discourse, is often seen as the first step in beginning to curb the savagery of the colonized. In fact, forcing the colonizer's language on the colonized was one of the primary tools of subjection and domination during colonialism.⁵⁷⁴

However, as cultural studies scholar John D. Marquez argues, the work of representing the "savagery" of inner-city students of color does more than enable the heroism of the white savior.⁵⁷⁵ Rather than offer hope for and solutions to the problems of poor language, a proclivity

⁵⁷⁴ Toyin Falola, ed., *Africa, Volume 4 – The End of Colonial Rule: Nationalism and Decolonization* (Durham, NC: Carolina Academic Press, 2002), 170.

⁵⁷⁵ John D. Marques, "The Black Mohicans: Representations of Everyday Violence in Postracial Urban America." *American Quarterly* Vol 64. No. 3 (September 2012), 625-651.

for violence, loose sexual mores, and a lack of interest in their education, the representation of the colonizing process, in emphasizing the unnaturalness of the colonizing process, reinforces the natural savagery of, in this case, inner city communities of color. In popular imagination, the ghetto, for Marquez, is like the jungle for the African savage, the “state of nature” for poor communities of color. Therefore, “Because it is inhabited by the racial ‘other’ whose existence enacts its own *expendability*, this literal and figurative place is in need of conquest and violent control by the state, to allow for the construction of a rational and morally sound civil society, inhabited by the ‘middle-class’ family, the one to which a few *exceptional* blacks and Latinos are also welcome, in the postracial United States.”⁵⁷⁶ Further, Marquez continues, “Because this space/condition [the inner city] is natural—those who live there cannot change it at will—there is the need of persistent and vigilant policing by the state’ law enforcement and military apparatuses. The scene of nature grants those apparatuses their moral/ethical/legal legitimacy, which is drawn out discursively...” or what Marquez calls “*expendability*.”⁵⁷⁷

Indeed, the militarization of the students in teacher films, is another key trope of the genre. This militarization is necessitated by the inherently “savage” nature of the black and Latino men in particular. For example, in *Dangerous Minds*, as Johnson enters her classroom for the first time she is greeted with the shrill clamor of black and Latino students rapping and beatboxing at the front of class, others listening to music and finally others simply speaking boisterously. When Johnson inquires about her predecessor, Ms. Shepard, the class responds as follows:

BLACK FEMALE: Hey everybody, White-Bread wants to know about Ms. Shepard.

LATINO MALE: We killed the bitch! (The class erupts in cheers).

RAUL: Emilio ate her!

EMILIO: That's Bullshit! That bitch was too ugly to eat. I fed her to my dog (laughter). But I'll eat you.

Johnson’s first interaction with the class reveals their savage nature. The clever use of pun--“I’ll eat you”--illustrates both the murderous and cannibalistic as well as hyper-sexualized nature of these students.

Combating this savagery requires a highly militarized approach. Louanne Johnson is an ex-marine. Similarly, in one scene Jaime Escalante lines up his students and walks down the line like a drill sergeant asking each student a mathematical question. This militarism of the teachers, specifically through the discipline and pedagogical nuances it affords, is presented as integral to their teaching success. The best example of the militarization of students in the Teacher Film occurs in the 1989 film *Lean on Me*. The film takes place in Paterson, New Jersey’s Eastside High School and centers on its bat-wielding black principal, Joe Clark (Morgan Freeman). Like other “Teacher Films,” as George Lipsitz explains, the film portrays the predominantly black student body as “lazy, licentious, boisterous, and brutal,” and suggests that schools

⁵⁷⁶ Marques, “The Black Mohicans,” 629.

⁵⁷⁷ Marques, “The Black Mohicans,” 629-630.

can succeed by becoming prisons—or more precisely that prisons are more important to society than schools...Clark brings the model of the military and the penitentiary to urban education. It does not matter that such behavior cannot develop the intellectual and personal resources necessary for a lifetime of citizenship and work; what does matter is that it imposes a dictatorial and authoritarian model on the poor and presents people who have problems *as* problems.⁵⁷⁸

Ultimately, what these films seek more than educational success is the disciplining of the boisterous. Consistent with colonialism, these films work towards the eradication of the savagery of these uncivilized students. To offer an historical example, The Carlisle Indian Industrial School provided its founder, Richard Henry Pratt, a laboratory to remake Native Americans in “the white man’s image,” in the late nineteenth and early twentieth centuries.⁵⁷⁹

Consistent with the idea that discipline is more important than education, in *Freedom Writers*, the head of Gruwell’s department makes the following statement regarding how Gruwell should approach teaching, “You can’t make someone want an education. The best you can do is try to get them to obey, to learn discipline. That would be a tremendous accomplishment for them.” While Gruwell’s commitment to educating her student’s distinguishes her from her superior to an extent, in both cases the acculturation of these students is reliant upon white educators. In either case, one finds a neoliberal and colorblind solution to the problems of the inner-city. The highly militarized response is in line with neoliberalism tolerance of a large state military apparatus, and as we have seen the state, through welfare, along with the race-conscious attitudes of its inhabitants is implicated in the production of inner-city pathology. As Marquez concludes, “postracial discourse *naturalizes* ghetto violence, rendering it, once again, an expression of the intrinsic racial and cultural attributes of working-class and Latino communities.”⁵⁸⁰ In other words, if the project of a Teacher Film is to ultimately use the genre of racial melodrama to offer hope to inner city communities of color through heroic, “based on a true story” tales of white women “saving” a few young blacks or Latinos, that effort necessitates establishing a natural state of pathology among these communities. The exceptions, then, do little but reinforce the norm.

Finally, further compounding the neocolonial undertone of these films is the “tourist” nature of these protagonists. In each of these films the teacher is not from the community in which they teach, and in each film, with the exception of *Stand and Deliver*, they leave once they complete their saving mission. As in colonial discourse, the necessity of the outsider results from the plague of wretchedness in the communities of these students. An outsider becomes the only possible savior because he/she is not infected with the degeneracy of the urban community in which they teach. The Savior must therefore leave as soon as possible because staying too long will result in the destruction of the Savior. The other teachers in these films, who have taught at their respective schools for many years, exemplify this. Most of them make racist comments at some point in the film. Most illuminative of these racist comments occurs in *Freedom Writers* in which a white-male teacher has the following conversation with Gruwell in response to her

⁵⁷⁸ Lipsitz, *The Possessive Investment in Whiteness*, 142, 145-146.

⁵⁷⁹ For more on Carlisle, see Joel Pfister. *Individuality Incorporated: Indians and the Multicultural Modern*, (Durham, NC: Duke University Press, 2004).

⁵⁸⁰ Marquez, “The Black Mohicans,” 633.

optimism and idea to teach *The Diary of Anne Frank* in her class because she believes it to be a story to which her students can relate;

TEACHER: How dare you compare [these kids] to Anne Frank? They don't hide. They drive around in the open with automatic weapons. I'm the one living in fear. I can't walk out my door at night.

GRUWELL: And you blame these kids?

TEACHER: This was an A-list school before they came here. And look what *they* turned it into. Does it make sense that kids who want an education should suffer because their high school gets turned into a reform school? Because kids who don't want to be here and shouldn't be here are forced to be here by the geniuses running the school district? Integration's a lie. Yeah, we teachers, we can't say that or we lose our jobs for being racist. So, please, stop your cheerleading, Erin. You're ridiculous. You don't know the first thing about these kids.

In addition, other faculty members constantly try to undermine the work of the Savior. Most importantly, all of them have thrown away their belief that the students are capable of salvation. They have, in other words, all "caught" the virus of the inner city.

Conclusion

Writing in response to the anti-affirmative action and anti-immigrant ballot initiatives (Propositions 209 and 187, respectively), George Lipsitz labeled the Golden State "The Mississippi of the 1990s." He compares the leadership behind Proposition 209, which includes Governor Pete Wilson and UC Regent Ward Connerly, to Ross Barnett and James Eastland, the Mississippi Governor and Senator, respectively, who so ardently and violently defended Jim Crow segregation in the 1960s. Like Barnett and Eastland, California political leaders in the 1990s "deploy[ed] the same combination of racism and disavowal that proved so poisonous in Mississippi in the 1960s."⁵⁸¹ In his analysis of race-oriented ballot initiatives throughout California's history, Political Scientist Daniel HoSang concludes that "nearly every major civil rights and racial justice issue put before a vote of the people in California [in the postwar period] has failed."⁵⁸² HoSang finds that Californians voted against fair employment in the mid-1940s, repealed fair housing legislation in the 60s, overturned school desegregation orders twice in the 1970s, enacted "English Only" school guidelines twice in the 1980s, passed a "Three Strikes" law and banned undocumented immigrants from public services and benefits in the early 90s, and ended affirmative action in 1996.⁵⁸³ White California voters have consistently demonstrated what Lipsitz calls their "possessive investment in whiteness" and what HoSang terms "political whiteness." The latter works "as a kind of absent referent, hailing particular subjects through various affective appeals witnessed in claims to protect 'our rights,' 'our jobs,' 'our homes,' 'our kids,' 'our streets,' and even 'our state' that never mention race but are addressed to racialized

⁵⁸¹ Lipsitz, *The Possessive Investment in Whiteness*, 228-229.

⁵⁸² HoSang, *Racial Propositions*, 4.

⁵⁸³ HoSang, *Racial Propositions*, 1-12.

subjects.”⁵⁸⁴ Furthermore, as HoSang demonstrates, liberals, just as much as conservatives, have wielded the influence of “political whiteness” in California. Reaching a similar conclusion, Lipsitz argues that as with Mississippi in the sixties, California, “in a moment of crisis, element’s of the state’s past reappeared with a vengeance and undermined opportunities for peaceful, democratic, and egalitarian social change.”⁵⁸⁵

Yet it is my contention that one cannot fully grasp the weight and influence of California’s Mississippi-like actions in the 1990s without considering the substantive role Hollywood played in “hailing particular subjects through various affective appeals” on screen. It is the combination, then, of California Proposition 209 and the rise of the neoliberal colorblind genre of the Teacher Film in 1996 brought a hegemonic moment for colorblindness. Colorblind hegemony in the mid-1990s consisted of more than a ballot initiative in California. It wielded significant influence in the Supreme Court in the six years between the Reagan Presidency and Proposition 209 despite two presidents who in no way supported the colorblind literalism of Reagan. Most importantly, it was the new “common sense” in Hollywood social problem films. Hollywood had always been interested in the colorblind racial project. In fact, as chapter one illustrates, the re-emergence of Hollywood as the center of American popular culture occurred in large part because of film like *Rocky* that spoke to the anxieties of the larger racial project of colorblindness. By the nineties, however, Hollywood’s colorblind project had matured to an entire genre of films built upon the racialized logic of neoliberal colorblindness.

⁵⁸⁴ HoSang, *Racial Propositions*, 21.

⁵⁸⁵ Lipsitz, *The Possessive Investment in Whiteness*, 229.

Conclusion

The passage of Proposition 209 in California inspired numerous anti-affirmative action activists and politicians to try and adopt similar measures in other states throughout the country. In 1998, voters in the state of Washington passed Initiative 200, a bill so similar in construction to California's anti-affirmative action bill that it was routinely referred to as the "son of 209."⁵⁸⁶ Over the next decade, Nebraska, Connecticut, and Michigan passed similar measures. Moreover, like Proposition 209, Nebraska's Initiative 424 (2008), and Michigan's Proposal 2 (2006) appeared on the ballot as the "Nebraska Civil Rights Initiative," and the "Michigan Civil Rights Initiative," respectively. Proposition 209 not only demonstrated the feasibility of anti-affirmative action ballot initiatives to the rest of the country, it offered a blueprint of how to do so which included, first and foremost, the implementation of colorblind rhetoric and the co-optation of the discourse of the civil rights movement. Similarly, the Supreme Court has continued to tighten the noose around affirmative action admissions policies, outlawing them in several instances and limiting them to the strictest of scrutiny in others.

Ward Connerly was actively involved in the anti-affirmative action initiatives in both Washington and Michigan. He returned to California in 2002 as the official spokesperson for the state's Racial Privacy Initiative, which became Proposition 54. Though it ultimately did not pass, the initiative would have prohibited the state from even collecting racial data as well as from using race to merely classify students, employers, or contractors. Rather than addressing racial inequality, the bill would have made it virtually impossible to even measure racial disparity in social indicators. With Proposition 54, colorblind literalism, and the neoliberal white supremacist agenda behind it, was taken to an extreme California voters could not support. As Roopali Mukherjee argues, Proposition 54 "epitomized twin ideals of neoliberalism: it championed responsabilized, self-serving individuals who made no claim to racial or gendered identities in their pursuit of profit and pleasure, while it attacked the state and its capacities for racial categorization on grounds that such mechanisms perpetuated unfair entitlements and an unproductive class of racial dependents."⁵⁸⁷

The number of students of color in California's public higher-education system has plummeted in the aftermath of Proposition 209. In the first year 209 went into effect, the number of black admits at the University of California, Berkeley and the University of California, Los Angeles (UCLA), the two most competitive universities in the state, were half that of the year prior to the proposition's enactment.⁵⁸⁸ Today, nearly twenty years after it passed, black students comprise less than 3% of the student bodies at UC Berkeley, compared to a 1997 pre-209 level of 8%, roughly equivalent to the black population in the state.⁵⁸⁹ Underrepresented minorities on whole make up only 19% the entire nine-campus UC freshman class, despite comprising almost

⁵⁸⁶ In 1997, the city of Houston failed to pass an anti-affirmative action measure—Proposition A. However, as Roopali Mukherjee argues, Houston's bill failed in large part because they failed because it strayed from the model laid out by 209. See Mukherjee, *The Racial Order of Things*, 26.

⁵⁸⁷ Mukherjee, *The Racial Order of Things*, 46.

⁵⁸⁸ "The Legacy of Prop. 209," *San Francisco Chronicle*, November 6, 2006, <http://www.sfgate.com/opinion/editorials/article/The-legacy-of-Prop-209-2484479.php>.

⁵⁸⁹ Douglass Allen-Taylor, Jr., "Why Black Students Are Avoiding UC Berkeley," *East Bay Express*, November 6, 2013, <http://www.eastbayexpress.com/oakland/why-black-students-are-avoiding-uc-berkeley/Content?oid=3756649&showFullText=true>.

half of all high school graduates.⁵⁹⁰ As a recent *East Bay Express* article concluded, the rapid decline in the numbers of students of color at UC Berkeley was in large part to the elimination of the school's affirmative action program. However, by 2013 increasing numbers of students of color admitted to the UC-flagship were choosing to go to school elsewhere because of the perceived unwelcoming atmosphere of UC Berkeley as a result of its dismal number of students of color.⁵⁹¹ In other words, if Proposition 209 prevents many minority students from gaining admission to UC Berkeley who otherwise would have, the reputation the campus has earned as an unwelcoming environment to students of color as a result of the proposition's effects on its student body keep many of the rest out.

The combination of colorblind legislation and the resulting campus culture that protects white supremacy at one of the country's elite institution of higher education illuminates the machinations of colorblind hegemony in recent years. Colorblindness dominates not only the law but the hearts and minds of most Americans, irrespective of continuing racial inequality in virtually every social indicator. On a March 2007 episode of *The O'Reilly Factor*, Rebecca Hagelin, a fellow at the Heritage Foundation, a right-wing think tank, insisted, "The white Anglo-Saxon male today, the young teenage guy, is probably the most discriminated against kid on the face of the earth."⁵⁹² Despite her right-wing associations, Hagelin's views on race have actually moved to the mainstream. By 2007, a *USA Today/Gallup* poll found that 76% of Americans believed blacks and whites had equal educational and employment opportunities.⁵⁹³

The 2008 election of Barack Obama provided further proof to affirmative action opponents that America had moved beyond its racist past. According to a November 2008 *USA Today/Gallup* poll, 71% of Americans viewed the election of Barack Obama as at least "one of the three most important advances in terms of progress for all African Americans."⁵⁹⁴ And while most Americans may not share extreme ideas regarding "reverse racism" like those expressed by Rebecca Hagelin, a 2008 *USA Today/Gallup* poll found that 42% of whites believe racism against whites to be widespread, only 9% less than the amount of whites who in the same survey reported they felt the same to be true for blacks.⁵⁹⁵

So influential is colorblindness in the 21st century that even programs designed specifically to address racial inequality cannot use a race-conscious approach. Any program promoting racial diversity must do so without directly targeting specific racial groups. A key example of this was a March 2003 study released by the Office for Civil Rights, part of the US Department of Education, entitled, "Race-Neutral Alternatives in Postsecondary Education: Innovative Approaches to Diversity." The study was commissioned by President George W. Bush in order to develop ways of improving racial diversity at college campuses in the wake of plummeting numbers of students of color in the aftermath of the elimination of affirmative action programs without explicitly targeting racial minorities or developing race-conscious government policies.

Just as the racial project of colorblindness has continued to evolve in the twenty-first

⁵⁹⁰ "UC Berkeley Enrollment Data, Fall 2013," <http://opa.berkeley.edu/statistics/enrollmentdata.html>

⁵⁹¹ Allen-Taylor, "Why Black Students Are Avoiding."

⁵⁹² Bill O'Reilly, *The O'Reilly Factor*, (March 29, 2007; New York City: Fox News), Television.

⁵⁹³ "Black-White Educational Opportunities Widely Seen as Equal," *USA Today/Gallup Poll*, July 2, 2007, <http://www.gallup.com/poll/28021/BlackWhite-Educational-Opportunities-Widely-Seen-Equal.aspx>.

⁵⁹⁴ "Americans See Obama Election as Race Relations Milestone," *USA Today/Gallup poll*, November 7, 2008, <http://www.gallup.com/poll/111817/americans-see-obama-election-race-relations-milestone.aspx>. The other two advances were not specified in the poll or by respondents.

⁵⁹⁵ "A Downturn in Black Perceptions," *USA Today/Gallup Poll*, July 6, 2008.

century, Hollywood has similarly continued to develop its colorblind aesthetics in the twenty-first century. The narrative and generic conventions of the “Teacher Film,” as seen in the previous chapter with *Freedom Writers*, has continued well into the new millennium. Moreover, recent years have witnessed another rediscovery of black freedom struggles and re-imagining of white colorblind heroes at the center of that history. *The Help* (2011) and *Lincoln* (2012) were two of the most talked-about films of the past few years and each, like the slavery and civil rights dramas of the immediate post-Reagan era, look to the past to imagine white colorblind heroes in times of national crisis around race.

Steven Spielberg’s *Lincoln* (2012) sets up these dynamics in its opening frame. The film begins with a macabre tableau of Bluecoats and Greybacks engaging in hand-to-hand combat on a muddy battlefield. As the men fight for their lives on a non-descript rain-soaked plain, a Union soldier dodges amid the gore hoisting a pristine Star-Spangled Banner rippling as it catches the morning breeze. The film’s prologue provides a visual synecdoche of Spielberg’s Civil War; that what emerged out of the ghastly bloodshed of the War Between the States was a more perfect union; the institution of slavery crushed beneath the boot of emancipation. *Lincoln* takes up the man most responsible for that outcome, in the film’s view, introduced in the following scene seated in his monumentalized pose as he visits a Union rail station. As the remainder of the film dramatizes, slavery was the central cause of the Civil War, and Lincoln’s triumph over slavery, through his tireless efforts to enact the 13th Amendment and abolish the institution, was, in *Lincoln*’s view, the war’s most heroic victory. It elevated the country’s moral character from the mucky plains to higher ground, transforming it to the immaculate flag flapping above the muddy, blood-caked battlefield.

In addition to strong box office receipts, the film earned more Academy Award nominations than any other film. The film’s release sparked significant interest among historians, who generally praised the film as Hollywood’s best treatment of The Great Emancipator while also noting its more egregious historical inaccuracies.⁵⁹⁶ Similarly, *The Help* offers an entirely fictitious drama of a white woman who writes a book from the perspective of black female domestic workers in Jackson, Mississippi in 1961. It received similar interest from audiences, critics, award shows, and historians, who, as with *Lincoln*, accused the film of “whitewashing” history.⁵⁹⁷ The film was not without its staunch defenders, however. Most notably, black political commentator James McWhorter defended the film’s racial politics in an article entitled, “‘The Help’ isn’t Racist. Its Critics Are.” McWhorter argues that an alternative narrative centered

⁵⁹⁶ Harold Holzer, “What’s True and False in ‘Lincoln’ Movie.” *The Daily Beast*, November 22, 2012, <http://www.thedailybeast.com/articles/2012/11/22/what-s-true-and-false-in-lincoln-movie.html>; Kate Masur, “In Spielberg’s ‘Lincoln,’ Passive Black Characters,” *The New York Times*, November 12, 2012, http://www.nytimes.com/2012/11/13/opinion/in-spielbergs-lincoln-passive-black-characters.html?_r=0; Louis P. Masur, “Lincoln at the Movies,” *The Chronicle Review. The Chronicle of Higher Education*, November 26, 2012, <http://chronicle.com/article/Lincoln-at-the-Movies/135880>; James Grossman, “Lincoln, Hollywood, and an Opportunity for Historians.” *Perspectives on History* 50:8 (November 2012); Eric Foner, “Lincoln’s Use of Politics for Noble Ends.” *The New York Times*, November 26, 2012, <http://www.nytimes.com/2012/11/27/opinion/lincolns-use-of-politics-for-noble-ends.html>; and “Historians Respond to Spielberg’s Lincoln,” *Harvard University Press Blog*, Harvard University Press, November 30, 2012, http://harvardpress.typepad.com/hup_publicity/2012/11/historians-respond-to-spielbergs-lincoln.html.

⁵⁹⁷ For criticisms see Nelson George, “Black-and-White Struggle with a Rosy Glow,” *The New York Times*, August 9, 2011, <http://www.nytimes.com/2011/08/14/movies/black-and-white-struggle-through-hollywoods-rosy-glow.html?pagewanted=all>; Valerie Boyd, “‘The Help,’ a feel-good chick flick set in civil rights era,” *ArtsATL.com* August 11, 2011, <http://www.artsatl.com/2011/08/review-the-help-a-feel-good-chick-flick-set-in-civil-rights-era/>; and “An Open Statement to Fans of *The Help*,” The Association of Black Women Historians.

around black maids who write their own story “would be psychologically implausible, dramatically reductive, preachy, and not ‘The Help’ at all. I cannot accept that this would be preferable for any reason to the solid, affecting Hollywood drama that I took in.” That McWhorter finds a movie about the courageous actions of plebeian black folks in their struggle for civil rights in the face of murderous violence “psychologically implausible” suggests that the legibility and entertainment value of black freedom struggles on screen continues to rely upon narratives that situate heroic white protagonists at the center.

As McWhorter’s comments reveal, Hollywood’s dramatization of America’s racial past continues to have little to do with historical accuracy but has become increasingly aligned with the politics of colorblindness. The question remains whose interests the colorblind reimagining of black freedom struggles in films like *Lincoln* and *The Help* serve. In his criticism of *Lincoln*, a 2012 biopic of the 16th President directed by Steven Spielberg, noted historian Eric Foner writes, “Emancipation resulted from events at all levels of society, including the efforts...of slaves themselves to acquire freedom... Slavery died on the ground, not just in the White House and the House of Representatives. That would be a dramatic story for Hollywood.”⁵⁹⁸ As we have seen, and as *The Help* and *Lincoln* further illustrate, the facts of history matter little to the racial project of neoliberal colorblindness. Hollywood has consistently, over the past several decades, used the dramatization of black freedom struggles to imagine an omnipresent colorblind white heroism.

No film embodies the politics of neoliberal colorblindness more than *Crash* (2005). The film tries to take a progressive approach to race in America, arguing that everyone, rather than no one, is racist, but in so doing limits racism strictly to interpersonal interaction and negative attitudes towards members of other groups, thereby occluding the structural racism that has resulted in a vastly unequal America. Throughout the film, in confrontations between rich white characters and people of color the real differences of subject-position, opportunities, life chances, and experiences are cast aside. Instead, because each is capable of attacking the other with racial slurs, we are all equal(ly racist). The film conflates racism with prejudice, limiting the former to impoliteness and ignoring all power dynamics in the process. The result is a film in which each character is not a member of a particular racial group with a specific historical experience as a result of their race. Instead, *Crash* offers a world of individuals who act, work, and discriminate as individuals. *Crash*, then is the culmination of Hollywood’s colorblind neoliberalism, a project begun in the late-1970s. That it won the Best picture Oscar in 2006 only highlights Hollywood’s investment in neoliberal colorblind aesthetics.

From a legal standpoint, this dissertation has focused primarily on the influence of colorblindness in hiring and college admissions—affirmative action, in other words. This was due to the fact that, as we have seen, the emergence of colorblindness as a coherent racial ideology congealed, from a public policy standpoint, around white mobilization against the economic and educational opportunities won by the civil rights movement. I have chosen to focus on the historical battles out of which colorblindness emerged. This has, however, left significant blind spots in the ways in which seemingly colorblind laws have proven to have overwhelmingly disproportionate impacts on people of color. As recent headlines reveal, Stand Your Ground Laws, Stop and Frisk Policies, and so many others require further investigation into the role of colorblindness in shoring up white supremacy and controlling and disciplining black and brown bodies in the post-civil rights era. While the specifics of those histories and their impact on racial equality remains beyond the scope of this project, what is clear is that in

⁵⁹⁸ Foner, “Lincoln’s Use of Politics,”.

the years since the civil rights movement colorblindness has not produced the post-racial utopia Martin Luther King dreamed of. Instead, it has rolled back many of the gains of the civil rights movement, exacerbated racial inequality in many areas, and ensured the maintenance of white supremacy long after the dismantling of Jim Crow.

Also left out of this narrative is the consistent work of black independent filmmakers to contest colorblindness throughout its rise. Beginning in the late 1970s, black independent filmmakers like Charles Burnett in *Killer of Sheep* (1978) made films that spoke to the enduring racial inequality of the post-civil rights era. In the 1980s, when Hollywood looked to America's past to imagine white heroes at the center of black freedom struggles, black filmmakers did so as well in films like Spike Lee's *Malcolm X* (1992) and Charles Burnett's *Nightjohn* (1996) but to very different ends. I would also include Julie Dash's *Daughter's of the Dust* (1991) in this group. Although the film is not set during slavery or civil rights, it does look to the past in ways that align it with the other aforementioned films. Together, these films center on black agency and heroism in securing their own freedom and civil rights and the persistent white opposition that routinely turned to violence to defend white supremacy. There are no white heroes in these films that end up far more in line with the historical record than their Hollywood counterparts. Instead, I suggest that we think of these films as contesting Hollywood's attempts to reimagine a colorblind racial past. I would even argue that Spike Lee's 1989 opus *Do the Right Thing* can be read as an attempt to re-focus the national discussion of civil rights away from the past as Hollywood and Reagan had done, and back on to the racial violence and police brutality black in urban communities in the present. The work of black independent filmmakers to contest the consent of colorblindness has continued into the new millennium. Ryan Coogler's *Fruitvale Station* (2013) offers one important example. Moreover, in 2013 Hollywood finally allowed a black filmmaker to make a film about slavery. The result was Steve McQueen's *12 Years a Slave* (2013) based on the autobiography of Solomon Northup. The film provides a corrective to all of the other slavery films in Hollywood that came before it.

From the white enclave of the American suburb, to the newspaper columns of conservative commenters, to the pages of *The Black Panther Newspaper*, to the Reagan Justice Department, the voters of California and, most importantly, the silver screens of Hollywood, the racial project of colorblindness has required the consent of a wide variety of interests working at times in concert and at others in conflict. The consensus the ideology won over its thirty-year journey from the pulpit of the March on Washington to the ballot box of California consisted of a diverse group of people and interests groups whose politics often did not entirely align. Yet despite the occasional consent of black political leaders and more often that of white liberals, along with the consistent support of America's leading culture industry, colorblindness has solely served and benefitted the interests of whites. Until that fact is reckoned with—that colorblind policy and a colorblind approach to racial inequality will only guarantee the endurance of white supremacy—there is little hope for a more egalitarian future.

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