

# Good at the Game

## *of Tricknology*

*Proposition 209 and  
the Struggle for the  
Historical Memory  
of the  
Civil Rights Movement*

**George Derek Musgrove**

*Good at the game of tricknology, but I  
have knowledge of myself, you're not  
foolin' me.*

*--Grand Puba<sup>1</sup>*

Glenn Custred, a professor of anthropology at CalState Hayward, is by all measures a traditional liberal academic. He subscribes to the idea of America as a melting pot in which all peoples can assimilate and find individual success. When multiculturalism appeared on Hayward's campus in the mid-1970s, Custred received it skeptically. Over the years, as multiculturalists moved into decision making positions at Hayward and began to call for affirmative action policies and diversified curriculums, Custred's skepticism turned to open hostility. On many occasions, he could be found organizing his department against multicultural academic and policy reforms. Feeling outnumbered and outgunned at Hayward, Custred sought the company of other academics who still valued the Western canon on which he had been reared and on which he depended

for his intellectual identity. In the late 1980s, this search led him to the National Association of Scholars, an organization of academics determined to resist the onslaught of multiculturalism.

Thomas Wood, a graduate of U.C. Berkeley's philosophy department in the mid-1970s, had had no luck finding a full-time teaching position by 1984. The market for Ph.D.s was glutted, and few jobs existed within Wood's specialty, the philosophy of religion. When a position opened up at San Francisco State University that year, Wood jumped at the opportunity. After an interview, which Wood acknowledges did not go well, he was turned down for the position and an African-American woman was hired. Having no proof that he had been discriminated against—except a friend's passing reference to the department's need for a diversity hire - Wood decided that he had been turned down because he was a white male. "It didn't count that I was the most qualified," he explained.<sup>2</sup> By 1991, Wood had yet to find a

full-time teaching position. He was exasperated, fully convinced that his bad luck had been the fault of African Americans, Chicanos, women, and the misguided affirmative action policies that had catapulted them into college teaching positions ahead of better qualified white males. After reading a Newsweek article highlighting a National Association of Scholars member's opposition to affirmative action at the University of Wisconsin, Wood contacted the California Association of Scholars, which Custred had helped to form just a few years earlier. By the end of 1991, the two had begun to share their ideas about multiculturalism and affirmative action.

Within a year, Custred and Wood had produced the California Civil Rights Initiative (CCRI), a proposed state constitutional amendment that, if passed, would outlaw the use of "race, sex, color, ethnicity, or national origin" in California public life. They presented CCRI to the state legislature for a vote in 1994. Amid vigorous opposition, the bill died after a three-hour hearing in the House. The two academics, disappointed but undaunted, decided to "take it [CCRI] to the people" in the form of a statewide referendum in 1996.<sup>3</sup>

Pete Wilson, then governor of California, decided to help them.<sup>4</sup> In order to secure reelection in 1994, Wilson had exploited the anti-immigrant feelings mobilized by Proposition 187, a restrictive immigration initiative on the 1994 ballot. Wilson believed the issue of affirmative action would enable him to distinguish himself from the pack in the 1996 Republican primaries.<sup>5</sup> During the race, Wilson embarked on a wide-ranging plan to end affirmative action statewide, seeking the media attention that such

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a controversial move might provide.<sup>6</sup> To give his anti-affirmative action rhetoric more resonance with voters, Wilson used his power as head of the University of California Board of Regents to exhort its members to end affirmative action in the system's admissions practices.

Here, he found an eager ally in Ward Connerly.

Wilson had appointed Connerly to the University of California Board of Regents in 1993.<sup>7</sup> President of a multimillion-dollar housing and association management consulting firm, Connerly was already an outspoken opponent of affirmative action. Not long after assuming his position on the Board of Regents, he began to challenge the university system's use of affirmative action in its admissions processes. He charged that the University of California employed a system of unfair quotas that discriminated against Asian Americans and whites by privileging African Americans and Chicanos. Within two years, with Wilson's support, Connerly had introduced a proposal to end affirmative action at the University of California. The proposal passed the board by a vote of 14 to 10 in July 1995.<sup>8</sup> It was during this campaign that Connerly crafted the tactics he would later use to pass the CCRI and to promote his ongoing nationwide crusade to end affirmative action.

After Connerly's initial victory with the Board of Regents, Custred and Wood courted him for the top position in the campaign to pass the CCRI, later to be known as "Yes on Prop. 209." Connerly, fearing that his work in ending affirmative action at the University of California would be reversed if CCRI was defeated, accepted the position. Thus, the lives of two neoconservative academics and a "tough-love" black conservative businessman converged in Wilson's unsuccessful bid for the Republican

presidential nomination.

Despite Wilson's resounding defeat in the primaries and Bill Clinton's triumph in the November 1996 election in California, Proposition 209 passed by a 54 to 46 percent margin, effectively ending affirmative action in state employment, education, and contracting. How did this happen? How did the most ethnically diverse state in the country come to pass a constitutional amendment to end a program designed specifically to combat discrimination on the basis of race, ethnicity, gender, and disability in public life? The answers to these questions lie, to a large extent, in the anti-affirmative action movement's ability to manipulate Californians' historical memory of the Civil Rights Movement.

*History is important to this nation and its vision for the future. -Ward Cannerly<sup>9</sup>*

*The past is a ghost that can destroy our future. It is dangerous to dwell upon it. To focus on America's mistakes is to disregard its virtues. -Ward Cannerly<sup>10</sup>*

During and after the November 1996 referendum on Prop. 209, a substantial segment of California voters were confused about what it stood for.<sup>11</sup> Did it outlaw affirmative action? Was it anti-civil rights? Did it promote fairness, meritocracy, equality of opportunity? This confusion was not the result of a lack of public debate. The controversy over affirmative action and Prop. 209 received heavy coverage by all news media in California and the nation. However, after two years of public debate over affirmative action and the ballot initiative itself, a substantial segment of the California electorate failed to understand the significance of Prop. 209. Lydia Chavez, author of *The Color Bind*, a detailed account of the campaign to pass Prop. 209, notes that in March 1995, "many voters failed to understand that in voting for CCRI they

would be ending affirmative action." In fact, many believed that "CCRI was a civil rights initiative."<sup>12</sup> Nearly a year later, in June 1996, a majority of African Americans and Chicanos in Los Angeles, confused by the language of the initiative, were prepared to support it.<sup>13</sup> On the day of the referendum, *Los Angeles Times* exit polls showed that a majority of voters favored affirmative action.<sup>14</sup> These same voters had just voted to make Prop. 209 state law.

This state of confusion, this strategically engineered misunderstanding, gave the anti-affirmative action movement its victory in 1996. The public debate over affirmative action and Prop. 209, a debate initiated by the anti-affirmative action movement, served not to inform but to confuse a substantial segment of the voting public. These confused voters provided the margin of victory for Prop. 209.

The key to the anti-affirmative action movement's victory in California was its strategic use of the discourse of a "color-blind society" and "equality of opportunity" to appropriate the historical memory of the Civil Rights Movement. To borrow a phrase made popular by many Afrocentric hip-hop artists, the anti-affirmative action movement relied on "tricknology" to pass Prop. 209. They employed three distinct tactics: redefinition, appropriation, and ahistoricization. In an effort to divert accusations of racism, and as an attempt to outmaneuver their detractors, the anti-affirmative action movement redefined affirmative action as quotas and preferences by placing it within the liberal framework of individual rights. Simultaneously, it appropriated the liberal historical memory of the Civil Rights Movement through the discourse of "color-blind society"/"equality of opportunity." Last, the anti-affirmative action movement distorted its own history by camouflaging its racist and sexist roots in the New Right and neoconservative movements. The anti-affirmative action movement success-

fully used the issues of sex and immigration to further its agenda, despite Prop. 209's negative effects on women and the anti-immigration stance of the majority of its most vocal supporters. The anti-affirmative action movement devised an elaborate strategy of tricknology to mobilize the support of voters who might not have supported the initiative had it been presented in another way.

*Cash Rules Everything Around Me,  
C.R.E.A.M., get the money! Dolla Dolla  
Bill ya'll. -Wu Tang Clan*<sup>15</sup>

Although the object of this study is political discourse, it would be unwise to leave out some of the more material factors in a political campaign. By far, one of the most important variables in any political campaign is money, and the anti-affirmative action movement had more money than its opponents. At the end of the campaign, "Yes to Prop. 209," the largest anti-affirmative action organization, had spent more than twice as much money as the largest pro-affirmative action group, "Campaign to Defeat Prop. 209."<sup>16</sup> The anti-affirmative action campaign also received support from the state Republican Party; the Democrats offered nothing comparable to the other side.<sup>17</sup> The forces of anti-affirmative action, which were both better organized and established earlier than their opponents, used their substantial financial edge to shape the debate over affirmative action and gain access to the media.<sup>18</sup> They defined the issues early and often.

*We'll be the nation's first minority-  
majority state. So we don't need any  
sermons about tolerance and diversity.  
We're practicing it every day.  
-Gov. Pete Wilson*<sup>19</sup>

Affirmative action became a race (read: black) issue in the public debate over Prop. 209. Although white women, some non-black racial-

ized minorities, the disabled, and veterans (among others) benefit from affirmative action programs, the anti-affirmative action camp integrated these groups into the debate on its own terms, highlighting and ignoring them as it suited certain arguments. These activists cited California's diversity, created through immigration, as a reason to jettison the state's affirmative action programs. They used class to illuminate the inegalitarian aspects of affirmative action, and they elided sex altogether.

In a 1995 speech, Pete Wilson lauded the projection that "early in the next century, no single ethnic group will constitute a majority of California's population," declaring California "the nation's first minority-majority state." He also warned that such unmatched diversity, despite its benefits to the state, would cause some "serious challenges." Although he implied a plurality of challenges, Wilson focused only on one: the problem of implementing affirmative action among a diverse population. Who is a minority in a minority-majority society? How does a state allocate the privileges of affirmative action when the number of minority groups swells into the double digits? Wilson's solution? To "treat every citizen as an individual – acknowledging our differences, but cherishing above all else what unites us as Americans."<sup>20</sup> Wilson's resort to a pluralist conception of liberalism denies the existence of group-specific social inequalities, ignoring affirmative action's attention to "historical or actual" discrimination. Only one year earlier, he had campaigned for the de facto exclusion of Mexican and Asian immigrants from California, and the exclusion of many Chicanos and Asian Americans from the body politic.<sup>21</sup> His attitude toward diversity, it seems, depends on its political usefulness.

The issue of sex was just as important as the issue of immigration in the battle over Prop. 209. Section "c" of Prop. 209 legalizes sex discrimi-

nation in public life by amending the California constitution to allow for “bona fide qualifications based on sex which are reasonably necessary.”<sup>22</sup> This section drew fierce condemnation from the Feminist Majority and the National Organization of Women, both of which tried to bring attention to Prop. 209’s effects on women.<sup>23</sup> Neither of these organizations, however, managed to make sex a central issue in the debate, a move that would undoubtedly have influenced the election results.

As late as the fall of 1996, the leading anti-Prop. 209 organizations were struggling to inject sex into the public debate over the initiative. In September, this became even more difficult with David Duke’s arrival for a debate on affirmative action at Cal State Hayward. Duke, a modern day trope for racism within national politics, focused the public debate on race both through his presence and his unabashed race baiting. Patricia Ewing, head of the Campaign to Defeat Prop. 209, believing that she had found an issue with which to puncture the anti-affirmative action balloon, poured all of her organization’s resources into linking Duke with the initiative. Although Ewing’s strategy helped to reveal the anti-affirmative action movement’s historical roots, it maintained the focus on race, a move Ward Connerly secretly applauded. Hoping to keep the public’s focus on race, Connerly loudly condemned Duke in public but was privately grateful for his presence. He was counting on a racial focus so that he could continue to employ the historical memory of the Civil Rights Movement to confuse voters into supporting Prop. 209.<sup>24</sup>

Although the anti-affirmative action movement played down sex, it often played up class. In a March 1996 speech to the Heritage Foundation, Connerly employed class to discredit affirmative action: “Wealthy sons and daughters of ‘underrepresented minorities’ receive extra points on their admissions applications to the

university, based solely on their race, while higher-achieving Asians and whites from lower-income families are turned away from the university. Families are forced to mortgage their homes to send their children out of state to an institution comparable to Berkeley and UCLA.”<sup>25</sup> Despite such appeals to class antagonisms and notions of diversity to further its agenda, the anti-affirmative action movement maintained the focus on race throughout the campaign.

*[T]hey [the New Right] think they can change the name of “affirmative action” to “preferential treatment”* —**Louis Harris**<sup>26</sup>

Language is critically important to the anti-affirmative action movement. Through the manipulation and reconfiguration of language, the anti-affirmative action movement appropriated the historical memory of the Civil Rights Movement. The most striking example of this is the wording of Prop. 209 itself. In the November 5, 1996, election, voters did not reject the use of affirmative action in California public life. They voted down the state’s right to “discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.”<sup>27</sup> Prop. 209 makes absolutely no mention of affirmative action, yet based on the U.S. Civil Rights Commission’s definition, the initiative outlaws it.<sup>28</sup> Affirmative action was outlawed in California by majority vote without the words “affirmative action” ever appearing on the initiative.

The same is true of the official ballot pamphlet for Prop. 209. The title of the pamphlet, “Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities” and the summary that follows make no mention of affirmative action.<sup>29</sup> The attorney general of California, Daniel E. Lungren, wrote the pamphlet. In it, he painted the initiative as an attack

on a discriminatory system inherently unfair to whites and Asian Americans, also making sure to mention that affirmative action programs cost the taxpayers of California “\$125 million annually” (a claim for which he provides no proof).<sup>30</sup>

Several polls show that language was the decisive factor in California voters’ decision to end affirmative action. In two surveys of 1,437 voters nationwide and a statewide poll of 800 voters in California, esteemed pollster Louis Harris discovered that if Californians had voted on the language of Prop. 209 in the fall of 1996, without outside debate or influence, they would have supported it by a margin of 78 to 16 percent.<sup>31</sup> However, when those same voters were asked if they would favor the measure if it “outlaw[ed] all affirmative action measures for women and minorities,” its approval rating dropped to 31 percent, with 55 percent opposing it.<sup>32</sup> Comparisons of *Los Angeles Times* and Field poll results support Harris’s findings.<sup>33</sup>

Harris argues that this enormous swing (and the more modest swing uncovered in the *Times*/Field Poll comparison) resulted from the fact that many Americans understand affirmative action and preferences to be polar opposites. In a Harris poll in the autumn of 1996, a majority of white Americans defined “preferential treatment” as “giving an unqualified black a job over a qualified white man.” When the same group was asked what affirmative action meant to them, nearly 70 percent answered that it was “a program to help women and minorities who have not had an equal chance to have an equal opportunity in education or in a job.”<sup>34</sup> Although Harris’s methods are problematic, his conclusions are nonetheless insightful.<sup>35</sup> They explain the fear among the backers of Prop. 209 that the initiative would be construed as an attack on affirmative action, as opposed to an attack on preferences. Americans, a majority of whom seem to believe affirmative action

to be a fair and just program, might have voted down the initiative if such an association had been made.

Wood and Custred were aware of these trends long before Harris published his findings. They had studied public opinion polls in the early 1990s and discovered a widespread tolerance for affirmative action. “Preferences,” on the other hand, were roundly condemned by all Americans, regardless of race or sex. So the framers of the CCRI strategically manufactured a distinction between “preferences” and an imaginary form of affirmative action that did not take race, sex, color, ethnicity, or national origin into consideration from the beginning.

This fictive distinction is illustrated in the two lawsuits filed by the supporters of Prop. 209 in July 1996 concerning the language of the “Rebuttal to Argument in Favor of Proposition 209” and the “Argument Against Proposition 209” in the official voter pamphlet for the initiative. The first suit, filed in Sacramento County Superior Court, alleged that legislative analyst Elizabeth Hill was misleading voters by “perpetuat[ing] the myth that Proposition 209 will ban all affirmative action programs” in her opinion on the effects of Prop. 209 contained in the “Rebuttal to Argument in Favor of Proposition 209.” The backers of Prop. 209 further argued that “affirmative action” is not even a proper term to use in describing the initiative, “since the measure does not target all such programs and since it affects some unrelated areas.” Here one can see the attempted redefinition of affirmative action as a color-blind policy and the subsequent dissociation of affirmative action from “preferences.” The second suit, filed against the authors of the “Argument Against Proposition 209,” states that the authors were “intentionally misleading” when they alleged that Prop. 209 would prohibit some “nondiscriminatory and nonpreferential programs.” The charges were dismissed by Judge James T. Ford of the Sacramento Superior Court.”

*I have a dream, that one day my four little children will live in a world where they are judged not by the color of their skin but by the content of their character.*

**-Martin Luther King Jr.**

*The American Civil Rights Institute [a national organization dedicated to ending affirmative action in America] should be regarded as the most accurate reflection of a man who looked forward to the day when you [Martin Luther King III], as one of his "four little children," would be judged not by the color of your skin, but by the content of your character. -Ward Connerly*

*I am merely acting on the basis of what he [MLK Jr.] said and giving literal meaning to his words. -Ward Connerly*

Historical memory is far more than an inactive reminder of what has happened in the past; it is a constitutive element of a person's identity, understanding of justice, and political allegiances. As a result, present-day struggles over power, policy, and justice commonly focus on historical memory.<sup>40</sup> The struggle over affirmative action is no exception. The anti-affirmative action movement employed the historical memory of the Civil Rights Movement, as represented in the discourse of "color-blind society"/"equality of opportunity," in order to pass Prop. 209.<sup>41</sup>

This is possible, in large part, because of the nature of "discourse." Discourse will be used here to mean "a language delineating a community and its interests [that] arises in a specific historical and material context but subsequently acquires a myriad of meanings and uses as material or political circumstances change or as it is appropriated by different groups of people."<sup>42</sup> Activists of the Civil Rights Movement used "color-blind society"/"equality of oppor-

tunity" for purposes of African-American sociopolitical emancipation, in the context of de jure segregation and black disenfranchisement. Now, the anti-affirmative action movement is using it to normalize a racially stratified socioeconomic order.<sup>43</sup>

In the months leading up to the statewide referendum on Prop. 209, the California Republican Party proclaimed its intention to run an ad in support of the initiative, featuring footage of Martin Luther King Jr.'s "I Have a Dream" speech. In the commercial, King's famous musings on a world in which his children would be judged "not by the color of their skin, but by the content of their character" provide a ringing endorsement of Prop. 209.<sup>44</sup> Almost immediately, civil rights organizations, pro-affirmative action activists, and the family of the late Dr. King voiced their protests. In the furor over the announcement of the ad, Ward Connerly, chairman of the "Yes on Prop. 209" campaign, defended the anti-affirmative action movement's right to use the image of King in their campaign: "I think it is outrageous for Jesse Jackson and all of those from the past, from the 1960s, to somehow suggest that it is inappropriate for any of us to use Dr. King's memory.... He belongs to all of us."<sup>45</sup> In reference to his use of King in the crusade to end affirmative action, Connerly exclaimed, "They [contemporary civil rights leaders] say, 'How dare you.' Well how dare them .... The words that he said are right. And from now on I am going to be using them with far more frequency."<sup>46</sup>

The anti-affirmative action movement traces its historical roots by way of discourse, what I will refer to here as discourse genealogy. By using this method, the anti-affirmative action movement has located itself as the rightful heir of the second Reconstruction. Over the past thirty years, a host of neoconservative and neoliberal literati have employed discourse genealogy in their studies of post-1964 America.<sup>47</sup>

All of them conclude that they are carrying on the work of the Civil Rights Movement and that the advocates of affirmative action stand in direct opposition to their mission. Taking the lead from these writers, anti-affirmative action activists have linked themselves to the Civil Rights Movement through sound bites of deceased Civil Rights leaders employing “color-blind society”/“equality of opportunity” discourse. Not surprisingly, Ward Connerly is foremost among this group.

In the quote at the beginning of this passage, Connerly makes a direct and unequivocal connection between the Civil Rights Movement and the anti-affirmative action movement. He makes this connection through Martin Luther King Jr.’s “words”: “the content of their character.” The fact that Connerly is using King’s “words,” and a select few at that, gives him the right, he argues, to use his “memory.” To say the least, this is a huge leap. As Kevin Gaines has shown in *Uplifting the Race*, African Americans have often used the words of racist white Americans for oppositional purposes. Their appropriation of those words did not necessitate the assumption of the historical memories of their racist/imperialist authors.<sup>48</sup> The same holds true for Connerly. His adoption of the “color-blind society”/“equality of opportunity” discourse so prominent in Americans’ historical memory of King does not necessarily translate into access to King’s historical memory. King and Connerly have distinctly different political aims. King’s was the creation of the Beloved Community through the eradication of racism, poverty, and war. Connerly’s is the elimination of affirmative action.

In a speech to the U.S. Senate Committee on the judiciary in April of 1996, Connerly claimed that his understanding of civil rights as “individual rights guaranteed by the Constitution against encroachment by the government” was the product of his exposure to Mar-

tin Luther King Jr.’s “voice ... oratorical skills. .. [and] speeches.” I quote these select words and phrases from Connerly’s speech and letter in order to demonstrate his preoccupation with King’s public rhetoric. Connerly does not reference King’s extensive writings, nor does he examine King’s political project. Rather, he focuses on King’s strategic employ of “color-blind society”/“equality of opportunity” without acknowledging its strategic nature. Thus, King becomes, in Connerly’s mind, a liberal superpatriot desirous of racial ambiguity and full assimilation, an accurate characterization of Connerly, not King.<sup>49</sup> Connerly understands anyone who violates his conception of himself, as projected onto King, to have betrayed the Civil Rights Movement and its most celebrated leader.

The anti-affirmative action movement’s assumption of the legacy of the Civil Rights Movement, and its subsequent construction of the contemporary civil rights movement as racist, can only succeed if it is able to dissociate itself from its own racist past. Anti-affirmative action cannot be historicized and retain its ideological appeal. The campaign to keep David Duke from speaking in support of Prop. 209 at CalState Northridge, and subsequent attempts to distance the anti-affirmative action campaign from Duke, speaks volumes to the anti-affirmative action movement’s fear of being associated with racism and America’s racist past.

*[T]he face of Prop. 209 . . . is the face of David Duke. -Patricia Ewing<sup>50</sup>*

Upon returning to school in the late summer of 1996, the members of the student senate of CalState Northridge were worried about the upcoming vote on Prop. 209. Nearly one year before, the Board of Regents had voted to eliminate affirmative action in the university system. That fall, only one African-American student enrolled at the University of California Boalt

Hall Law School, down from twenty the previous year. The same trend was likely to develop when the regents' ban on affirmative action was applied to undergraduate admissions in the fall of 1998.<sup>51</sup> The student senators, concerned that Prop. 209 might affect the larger society in similar ways, decided that a debate on the initiative by "big name" political figures would help to raise awareness of the issue and help students and members of the community to, in the words of student senate president Vladimir Cerna, "make an educated vote on Nov. 5."<sup>52</sup> The senate invited several nationally known political figures and activists, among them David Duke, to debate the merits of the initiative on September 25. Duke, a "former" grand wizard of the Ku Klux Klan and founder of the National Association for the Advancement of White People, was at the time embroiled in a race for the U.S. Senate from Louisiana. He gladly accepted the invitation and the \$4,000-plus travel expenses offered him by the student senate, likely anticipating the free media coverage the event would offer him. Joe Hicks, a California civil rights activist, was booked to present the counterargument to Duke's. Many of the more famous political figures invited to the debate declined to attend—thus the odd pairing of a Louisiana white supremacist and a local civil rights activist.<sup>53</sup>

Almost immediately after the announcement of the debate, Regent Ward Connerly sent a letter to the president of CalState Northridge, Brenda Wilson, urging her to cancel the Duke-Hicks debate. In the letter, Connerly referred to Duke's invitation as a political ploy by the anti-Prop. 209 forces to portray the initiative as racist. He warned Wilson to call off the debate, "unless it is your choice to dishonor your university and the integrity of the issue before us."<sup>54</sup> Connerly also rejected the CalState Northridge student senate's invitation to appear along-side Duke in defense of Prop. 209, saying in the letter, "Duke and the Klan are despicable and I will

not be part of giving them a forum to articulate their hatred."<sup>55</sup> Wilson responded coolly to Connerly through the university's spokeswoman, stating that she was "proud of the fact the students are using their own funds and that the decision was reached through a democratic process."

Duke arrived in California nearly two weeks before the Northridge debate. During the interim, he was featured on four local radio talk shows; several TV talk forums, at least two syndicated nationally; a CNN report; and several national and regional newspapers. In his public appearances, Duke showed strong support for Prop. 209. He also exhibited the virulent racism that has made him so famous. On a Sacramento radio show, Duke alleged that "minority" men were raping white women "by the thousands ...."<sup>56</sup>

In the week before the debate, members of the California anti-affirmative action movement made a last minute attempt to distance themselves from Duke and attack the anti-Prop. 209 movement by alleging that Duke's appearance was engineered by opponents of Prop. 209 in an effort to discredit its supporters. Ward Connerly denounced the debate as "political trickery" and claimed to have a source at CalState Northridge who could produce evidence of a conspiracy. Neither Connerly's source, nor any evidence of a conspiracy ever surfaced. Patricia Ewing, in response to allegations of a conspiracy, commented that she had only heard of the Duke-Hicks debate after a reporter had called her to ask about it in early September. In an appearance on the *Tom Leykis Show*, Duke referred to allegations of a conspiracy made by Governor Pete Wilson as "stupid," stating that he had been invited by the students and no one else.<sup>57</sup>

Unable to stop the debate through bullying and political pressure within the university hierar-

chy and the press, the anti-affirmative action movement took its case to the courts. During the week of September 25, “Yes on Prop. 209” and several other anti-affirmative action groups requested a temporary restraining order on the debate from the Van Nuys Superior Court, alleging that the student senate was “using taxpayer funds to undermine the initiative.” Judge William McLaughlin dismissed the case without comment. Later in the week, anti-affirmative action activists were back in court, alleging that Duke’s presence was the result of a conspiracy to undermine any “reasoned debate” about Prop. 209 and to label the initiative racist. Their suggested solution was a court enforced cancellation of the debate and the replacement of Duke with a “qualified representative ... first approved by the ‘Yes on 209’ committee.”<sup>58</sup> Again, Judge McLaughlin rejected their request.<sup>59</sup>

Given all of the media attention and court activity surrounding the debate, the actual event was rather mundane. Duke and Hicks offered what one commentator referred to as “routine recitations” of the respective pro and anti-affirmative action arguments.<sup>60</sup> The overflow crowd in Northridge’s student union was calm, amid tight security. However, outside of the union, police wielding tear gas and exploding bullets violently dispersed students and pro-affirmative action protesters. Ten arrests were made, and at least one person was injured while being clubbed by police.<sup>61</sup>

In the wake of the Duke-Hicks debate, the Campaign to Defeat Prop. 209 issued a press release revealing that Robert Thum, a financial supporter of the “Yes to Prop. 209” campaign, had contributed \$500 to David Duke’s 1996 bid for the U.S. Senate. Ward Connerly, fearing yet another link between Duke and the anti-affirmative action movement, returned the \$2,300 Thum had contributed to his organization. In a public statement about the affair, Connerly

commented, “I’m not suggesting he is a bigot or klansman, but I don’t want there to be any doubt on what our campaign is standing for.”

The anti-Prop 209 organizations took advantage of Duke’s appearance, exploiting his support for the initiative. After the announcement of the debate in early September, Patricia Ewing, head of “Stop Prop. 209,” began to mention Duke’s support for Prop. 209 in media interviews.<sup>62</sup> On October 29, the Campaign to Defeat Prop. 209 debuted a million-dollar anti-Prop. 209 television campaign—aired in Los Angeles, San Diego, San Francisco, and Sacramento—that featured a burning cross and a white-robed image of Duke.<sup>63</sup> Proponents of Prop. 209 were infuriated. Ward Connerly called the Duke ads a “despicable reversion to the discredited tactics of guilt by association.”<sup>64</sup> California Republican Party chairman John Herrington called the ads “flagrantly misleading” and warned that the voters of California would not be bullied by “scare tactics and intimidation attempts.”<sup>65</sup> The anti-affirmative action movement’s reactions to the ads may have been a natural response to political mudslinging. They reveal, however, a deeper need for the anti-affirmative action movement to limit the debate to “equality of opportunity” versus “preferences.”

The anti-affirmative action movement’s Herculean efforts to dissociate itself from David Duke are symptomatic of its ahistoricism. Duke, a symbol of white supremacy, complicates the anti-affirmative action movement’s historical narrative of its origins. How could a “former” member of an organization that put a price on the head of Martin Luther King Jr. now support an initiative that claims to advance his ideals? Even Connerly’s conspiracy theory defies historical precedent. Why would a white supremacist help African Americans to sustain a system of “black” privilege? Duke contextualized Prop. 209. His presence was a

threat to the labors of all of the anti-affirmative action activists who had skillfully constructed a historical myth for their movement.

*Isn't that what this campaign against affirmative action is all about, so Wardell can bring down black people and forget his own blackness? -Elizabeth Stansberry<sup>66</sup>*

*America, land of opportunity, mirages and camouflages more than usually. -Mos Def<sup>67</sup>*

The personal is political. The personal lives of many anti-affirmative action activists not only have a profound effect on the movement but in many cases explicate it. Ward Connerly's memory of his own childhood is instructive.

In the words of political pundit Trevor Coleman, Ward Connerly is "the [anti-affirmative action] movement's most visible black face and probably the closest thing it has to a spiritual guru."<sup>68</sup> Connerly is now the leading voice in the nationwide struggle to end affirmative action and his organization, the American Civil Rights Institute, is the only one of its kind dedicated solely to the eradication of affirmative action nationwide. Connerly's personal views, and, more precisely, his own historical memory, have a profound influence on the way in which the battle against affirmative action has been waged. His narrative of his own family history contains the same historical silences, misconceptions, and outright falsifications that characterize the anti-affirmative action move-

ment's construction of American history.

Connerly's memory of his childhood informs and justifies his current political agenda. His is the story of a modern-day Horatio Alger, a testament to social mobility within the American system. In reference to his alleged ascent from poor boy to millionaire business owner, he remarks: "If I can do it, anybody can do it."<sup>69</sup> To Connerly's mind, America is a meritocracy, a place in which individual effort and strong family values can catapult industrious young people up the ladder of success regardless of race, class, or gender. His is a truly color-blind experience, a seeming refutation of affirmative action and all that it stands for.

Connerly was born June 15, 1939, in Leesville, Louisiana, the only son of Roy Connerly, a "black" man of mixed Irish and "black" heritage, and a Creole woman by the name of Grace Soniea, who was Choctaw, Irish, and French. When Wardell, as he was then called, was two, his mother and father separated. At the time, he was told that his father had deserted him and wanted nothing to do with him. Two years after his parents' separation, Connerly's mother died. He went to live with his widowed maternal grandmother, Mary Soniea, the owner of a diner and bar in downtown Leesville. Soniea would have kept Connerly in Leesville had it not been for his father's persistent pursuit of custody, a battle which took them all the way to the Louisiana Supreme Court.<sup>70</sup> After win-

**The anti-alternative action movement's Herculean efforts to dissociate itself from David Duke are symptomatic of its ahistoricism. Duke, a symbol of white supremacy, complicates the anti-affirmative action movement's historical narrative of its origins.**

ning custody of her grandson, Soniea sent Connerly to Washington to live with her sister and brother-in-law, Bertha and James Lewis.

Not long after Connerly arrived in Washington, the Lewises moved to Sacramento, California. There, they found relative prosperity, buying a house, a car, and even giving young Wardell a \$5 weekly allowance. Within the next eight years, five of Mary Soniea's children moved to Del Paso Heights in Sacramento, and she soon followed. Upon her arrival, she had a two-bedroom house built for herself and her grandson. Connerly, now twelve, moved in with his grandmother and lived with her until he went to college. Connerly fondly remembers his days with his grandmother but acknowledges that they were very poor: "Economically, my life went from ... a middle-class life by black standards, with an allowance every Saturday, to one with a single parent who had spent every penny she had on a house and had a mortgage of \$35 a month, which she couldn't always pay."<sup>71</sup> Connerly recalls having nothing to eat but sweet potatoes for some meals. He remembers his grandmother receiving relief from her church. He says he had to put cardboard in his shoes to plug the holes in the soles. It is a picture of dignified, but nonetheless acute, poverty.

However, some of Connerly's friends and family, most of whom have broken ties with him, remember his early years somewhat differently. Connerly's cousin, Elizabeth Stansberry; his uncle, Arthur Soniea; and William Lee, a childhood friend, all claim that Connerly's depictions of a poor childhood are much exaggerated. Also, many old friends and family members remember Mary Soniea as a color-prejudiced woman, and several called her an "out-and-out bigot." Although Connerly vehemently denies such charges, claiming that his deceased grandmother was "loving, wise and fair-minded," he does recall that when he announced his intention to marry a white woman,

Soniea disapproved, asking that he find a light-skinned black woman instead."<sup>72</sup>

Considering the history of Louisiana's "brown" population and its long legacy of color prejudice, it is likely that Mary Soniea was, in fact, prejudiced against darker-skinned African Americans.<sup>73</sup> Speaking on his now invalid father Roy Connerly's behalf, Louis Connerly voiced these sentiments exactly: "My father always told me it was more or less a race thing. In Louisiana, at a certain time, if you had a certain amount of white blood, you were inclined to think you were better than the next person." More to the point, Clementine Connerly, Roy's current wife, asserts "Roy was too black for the Sonieas; they was a high yellow people."<sup>74</sup>

Despite internal family feuding, which broke out soon after Connerly began living with his grandmother in Del Paso Heights, Connerly's extended family shared in the responsibility of raising him. The Lewises often bought him clothes and Arthur Soniea co-signed on Connerly's car loan when he graduated from high school.<sup>75</sup> The rest of the family, all of whom were well-off enough to own their own homes, tell similar stories of caring for Wardell both financially and emotionally.

Notwithstanding the objections of old friends and family members and even a conversation with Roy Connerly, Ward Connerly is sticking to his story. Seeing himself as the archetypal self-made man, Connerly conveniently—or strategically—forgets the particulars of his past. Toni Morrison, in *Race-ing Justice and Engendering Power*, notes that "[b]ecause race as class—that is, black equals poor—is an equation that functions usefully if unexamined, it is possible to advance exclusionary and elitist programs by the careful use of race as class."<sup>76</sup> Connerly invokes the equation of race as class in his discussions of his grandmother. Mary Soniea was the retired former owner of a bar

and restaurant, a financial position that would have ranked her among the elite of Leesville. Yet Connerly fashions her in the image of the poor, single black mother on “relief.” He is thus able to erase his middle-class origins by employing the image of the “black welfare mother” to justify his claims of humble roots. Just as important, when recalling his young adulthood, Connerly ignores the fact that his stint as liaison to the legislature for the Department of Housing and Community Development and his appointment (by his good friend Pete Wilson) to a staff job for the California Assembly’s State Housing Committee helped him to amass the connections and insider knowledge needed to outperform his competition in the housing consulting business. Also, Connerly consistently fails to mention that he registered his business as “minority” to obtain the benefits of affirmative action policies in state contracting.<sup>77</sup> Connerly, despite his appeals to meritocracy and opposition to affirmative action, benefited both from the “old boy network” and from affirmative action on his path to becoming a millionaire business owner. Thus, his historical memory is marked by the invention of poverty through race and the erasure of privilege in his construction of a meritocratic America.

This foray into Connerly’s past is in no way an attempt to uncover some “nefarious self-loathing in [Connerly’s] psyche,” as conservative journalist Debra Saunders might claim. Nor is it an attempt to prove that “Ward’s grandmother is a bigot and she raised him, so he must be a bigot also,” as Connerly himself has speculated.<sup>78</sup> Rather, it is an attempt to uncover and understand the strategy and tactics of the anti-affirmative action movement through an analysis of the historical memory of its strongest proponent. Connerly’s personal struggle with the past is strikingly similar to the anti-affirmative action movement’s struggle with its past. Both are filled with strategic silences, misperceptions, and outright lies.

Suppose it ‘s just another clever Jedi mind trick. -*Mos Def*<sup>79</sup>

As this study was being completed, the politics of tricknology, exported to Washington state by Connerly and other anti-affirmative action activists, aided in the passage of another anti-affirmative action ballot initiative: I-200.<sup>80</sup> I-200 contains near identical language to that used in Prop. 209 and performs the same functions. Affirmative action is now a thing of the past on Washington state public life.

The narrative of American history propagated by these campaigns, in particular that of the Civil Rights Movement, is a farce. Many of the voters of California and Washington state accepted it, nonetheless. As political actors, Americans must become critical historians. In this time of sound-bite politics, professionally tailored political campaigns, and a stubborn bipartisan opposition to campaign finance reform, it is imperative that we entertain the political messages we encounter with the supposition that they could very well be “just another clever Jedi mind trick.”

### Notes

Earlier versions of this paper were reviewed in two seminars held by Lisa Duggan and Robin D.G. Kelley at New York University. I would like to thank all who participated for their insightful comments and encouragement.

1. Grand Puba, “Wake Up (Stimulated Dummies Mix),” on *One For All* (Elektra Entertainment, 1990).
2. Dinesh D’Souza, *The End of Racism* (New York: Free Press, 1995), 10. Lydia Chavez, *The Color Bind* (Berkeley: University of California Press, 1998), 13-14. A private letter from Wood states that he applied for the position after the final candidates had already been chosen. Comments of the department head, James Syfers, refute Wood’s claim that the department was looking for a diversity hire. “We were just looking for the best person we could find,” re-

- calls Syfers. Regardless, in the late 1980s, the philosophy department at San Francisco State University was all white and all male, a clear indication of past white male privilege.
3. Terry Eastland, *Ending Affirmative Action* (New York: Basic Books, 1996), 173.
  4. Chavez, *The Color Bind*, 73-75. Proposition 209 did not get on the ballot because of overwhelming public support. CCRI was only able to collect enough signatures to put it on the November ballot after the Republican Party gave it the money to hire paid signature gatherers. This Republican support came not from a popular mandate within the party but from the political self-interest of Pete Wilson.
  5. *Ibid.*, 57.
  6. *Ibid.*, 58. The media frenzy created by the regents' vote on affirmative action was perceived as a boon by the Wilson camp. Prior to July, when the vote was taken, Wilson's campaign had been floundering-even in California.
  7. Barry Bearack, "Questions of Race Run Deep for Foe of Preferences," *New York Times*. July 27, 1997.
  8. Michael Lynch, "Racial Preferences Are Dead," *Reason* 29 (9) (February 1998):32-33.
  9. Ward Connerly, letter to Martin Luther King III, January 29, 1997.
  10. Ward Connerly, testimony before the U.S. Senate Committee on the Judiciary, April 30, 1996.
  11. Chavez, *The Color Bind*, 237. I have estimated that approximately 6-10 percent of California voters were confused by the wording of Proposition 209 and the way in which it was presented to them by the anti-affirmative action movement. This figure is based on the disparity between those Los Angeles voters who in November 5, 1996, exit polls said they favored affirmative action—54 percent—and those of that same group who voted for Proposition 209, also 54 percent. Similar disparities can be found in the Los Angeles Times, Harris, and Field Poll polls referenced below.
- Jerome Karabel, "A Win for Affirmative Action," *San Francisco Chronicle*, November 18, 1997; Julie Mason, "Houston Voters Reject Attempt to Kill Affirmative Action Policy," *Fresno Bee*, November 6, 1997. On November 4, 1997, the voters of Houston rejected an anti-affirmative action ballot initiative, Proposition A, by a margin of 55-45 percent. In this instance, voters were asked if they rejected "affirmative action" for women and minorities as opposed to "preferential treatment," and many of the major political figures in the city acknowledged that the initiative, if passed, would eliminate affirmative action. The Houston vote points toward a popular rejection of anti-affirmative action when the language in which the debate is expressed to the public differs from that used in California.
12. Chavez, *The Color Bind*, 117-118.
  13. *Ibid.*, 152.
  14. *Ibid.*, 237.
  15. Wu Tang Clan. "C.R.E.A.M.," *Enter the Wu Tang* (36 Chambers) (Loud Records, 1993).
  16. Trevor Coleman. "Affirmative Action Wars," in *Emerge: Black America's News Magazine* (March 1998):33.
  17. Chavez, *The Color Bind*, 161.
  18. Coleman, "Affirmative Action Wars."
  19. Pete Wilson. "The Minority-Majority Society," July 1995, in George Curry, ed., *The Affirmative Action Debate* (New York: Addison-Wesley Publishing Company, 1996), 167.
  20. *Ibid.*
  21. In 1994, Wilson strongly supported Proposition 187, a ballot initiative designed to make illegal aliens ineligible for public social services, public health care services (unless emergency under federal law), and public school education at elementary, secondary, and post-secondary levels. The initiative also requires state and local agencies to inform the federal government of their treatment of any persons they suspect to be illegal aliens, a de facto criminalization of Chicano and Asian American identity.
  22. Proposition 209. article C reads: "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting."
  23. Chavez, *The Color Bind*, 265-266. The Feminist Majority was the driving force behind "Stop Prop. 209," a statewide campaign to oppose Proposition 209. NOW was one of the main supporters of the campaign to defeat Proposition 209.
  24. *Ibid.*, 200-201. Connerly revealed these sentiments to Chavez in a March 31, 1997, interview. During their discussion, Connerly recalled thinking "Alleluia" when he realized that Duke would maintain the focus of the debate on a black/white binary.
  25. Ward Connerly, "With Liberty and Justice for All," a speech to the Heritage Foundation in Washington, D.C., March 8, 1996.

26. Louis Harris, "The Future of Affirmative Action," in Curry, *The Affirmative Action Debate*, 327.
27. Proposition 209, section A. The wording of Proposition 209 is nearly identical to that of the Civil Rights Act of 1964. Article A reads: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."  
Title VII, of the Civil Rights Act of 1964 states that "any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin" is unlawful.
28. Curry, *The Affirmative Action Debate*, xiv. The U.S. Civil Rights Commission defines affirmative action as any program "beyond simple termination of a disciplinary practice, which permits the consideration of race, national origin, sex, or disability along with other criteria, and which is adopted to provide opportunities to a class of qualified individuals who have either historically or actually been denied those opportunities, and to prevent the recurrence of discrimination in the future."
29. Ballot Pamphlet for Proposition 209. The two arguments against Proposition 209 found in the ballot mention affirmative action, as does the anti-affirmative action rebuttal to the second of those arguments.
30. Ballot Pamphlet for Proposition 209.
31. Curry, *The Affirmative Action Debate*, 297.
32. Harris, "The Future of Affirmative Action," 327-329.
33. The *Times* poll, using the official language of the ballot for Proposition 209, showed that 54 percent of Californians favored the initiative, as opposed to 31 percent who planned to vote against it, leaving 15 percent undecided. The results in the Field Poll differed slightly, with 46 percent of Californians supporting Proposition 209, 41 percent rejecting the measure, and 13 percent undecided. The words "affirmative action" created a 10-13 percent swing in voter's decisions on Proposition 209.
34. Harris, "The Future of Affirmative Action," 328.
35. Harris's available answers are raced and gendered in such a way as to illuminate the way in which the struggle over affirmative action has been waged, but they do not allow his polling participants choices that are not loaded with race and gender signifiers. The most stunning example of Harris's loaded language is the definition of preferential treatment chosen by a majority of the white Americans used in his study. In Harris's survey, the job given to an "unqualified black" was taken from a "qualified white male"—another part of the definition was "reverse discrimination against white men." Women both black and white recede from the picture, and the "black" in the definition is assumed to be male within the context of the sentence. Preferential treatment, in Harris's poll, becomes an unequal relation between males, with no mention of women, of any race or ethnicity. Just as important, Harris's questions assume the existence of a strictly meritocratic marketplace by making references to "qualified" and "unqualified" job applicants. Thus, he perpetuates the myth of American meritocracy, a myth that in and of itself undermines arguments for affirmative action.
36. Harris, "The Future of Affirmative Action," 266.
37. Martin Luther King Jr., "I Have a Dream," speech given at the Lincoln Memorial, August 28, 1963.
38. Ward Connerly, letter to Martin Luther King III, January 29, 1997.
39. *Ibid.* My italics, Connerly's underline.
40. See David Blight, "For Something Beyond the Battle Field: Frederick Douglass and the Struggle for the Memory of the Civil War," *Journal of American History* 75 (1989): 1159-1160, and George Lipsitz, *Time Passages: Collective Memory and American Popular Culture* (Minneapolis: University of Minnesota Press, 1990).
41. Kimberle Crenshaw, "Color Blindness, History, and the Law," in Wahneema Lubiano, ed., *The House That Race Built* (New York: Vintage Books, 1998), 280-288. The ideology of "color-blind" law was first enunciated by Justice Harlan in his dissent in *Plessy v. Ferguson*. It was strategically employed by civil rights attorneys from the NAACP Legal Defense Fund in their attack on Jim Crow in the myriad antisegregation cases that culminated in *Brown v. Board of Education* in 1954.
42. Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs* (Chapel Hill: University of North Carolina Press, 1996), 5. Brown is describing the Foucauldian concept of "discourse" found in *The History of Sexuality* by Michel Foucault. I am using her definition because I found it well tailored to the historical

- analysis that I am undertaking.
43. Lubiano, *The House That Race Built*; see essays therein by Toni Morrison, Stephen Steinburg, Wahneema Lubiano, Kimberly Crenshaw, and Cornell West for further discussions of the concept of a color-blind society.
  44. Dave Leshner, "Prop 209 Backer Defends use of King in Ad," *Los Angeles Times*, October 24, 1996.
  45. Ibid.
  46. Ibid. Although it can be argued that King was a radical democrat, the Left has been unsuccessful in claiming his legacy. This, I believe can be attributed to news and print media's selective coverage of only his more liberal public statements, the liberal civil rights establishment's refusal to associate itself with the Left, and the larger public's facile understanding of King as symbolizing the last couple of paragraphs of his "I Have a Dream" speech. Thus, his historical memory remains liberal, not so much out of the Left's inability to claim him but out of Liberals' reluctance to allow the Left to do so. For an in-depth discussion of the popular historical memory of King as created through print media, see Richard Lentz, *Symbols, the News Magazine, and Martin Luther King* (Baton Rouge: Louisiana State University Press, 1990), 307. Lentz argues that after King's assassination, all of the magazines that he studies "resurrected [him] as a gentile prophet" and a symbol of the liberal equality of opportunity/color-blind society discourse that he had employed during the early Civil Rights Movement.
  47. For examples of such scholarship, see the works of Shelby Steele, Nathan Glazer Thomas Sowell, Clarence Thomas, Steven Yates, Steve and Abigail Themstrom, Clint Bolick, and Terry Eastland.
  48. Kevin Gaines, *Uplifting the Race* (Durham: University of North Carolina Press, 1996).
  49. Ward Connerly, Testimony of Ward Connerly to the United States Senate Committee on the Judiciary, April 30, 1996. Connerly understands himself to be a liberal superpatriot desirous of color-blindness and full assimilation.
  50. Daniel Wood, "TV Ads Close Gap in California's Vote on Racial Hiring," *Christian Science Monitor*. November 1, 1996.
  51. Ethan Bronner, "Black and Hispanic Admissions Off Sharply at U. of California," *New York Times*, April 1, 1998. The Northridge student's fears were realized in the fall of 1998. Admissions for African-American, Native American, and Chicano students fell by an average of 14 percent at the top University of California schools in the fall of 1998.
  52. Sandy Bunks, "Judge Refuses to Bar Ex-Klansman from College Debate," in *Los Angeles Times*, September 24, 1996.
  53. Sharon Bernstein, "Storm Rises over Ex-Klansman in Debate," *Los Angeles Times*, September 11, 1996. Colin Powell and Willie Brown, among others, were invited to attend; they all declined.
  54. Anonymous, "Rejection of Ex-Klan leader in Debate Urged," in *Los Angeles Times*, September 6, 1996.
  55. Ibid.
  56. Bernstein, "Storm Rises over Ex-Klansman in Debate."
  57. Ibid.
  58. Banks, "Judge Refuses to Bar Ex-Klansman from Debate."
  59. Sandy Banks and Bettina Boxall, "Duke Debate Tickets Sell Out; Protests Rise," *Los Angeles Times*, September 25, 1996.
  60. Adam Pertman, "Duke Debates California's Affirmative Action," *Boston Globe*, September 26, 1996.
  61. Ibid.
  62. Bernstein, "Storm Rises over Ex-Klansman in Debate."
  63. Bettina Boxall and Dave Leshner, "Ads Against Prop. 209 to Debut," *Los Angeles Times*, October 29, 1996.
  64. Ibid.
  65. Edward Lempinen, "Furor over Latest Anti-209 Ad/TV Spots Feature Cross-Burnings, Hooded Klansmen," *San Francisco Chronicle*, November 1, 1996.
  66. Bearak, "Questions of Race Run Deep for Foe of Preferences," *New York Times*, July 27, 1997.
  67. Mos Def, "Thieves in the Night," on *Mos Def and Talib Kweli Are Black Star* (Rawkus Records, 1998).
  68. Coleman, "Activity on the Legislative Front," *Emerge* (March 1998):32.
  69. Ibid. See also A. Lin Newman, "Poor Ward Connerly," *Nation* 265 (3) (July 21, 1997):6.
  70. While the judges' reasons for awarding Wardell to his grandmother could not be ascertained, one would suspect that race had something to do with the decision. It is not common practice for courts to award children to their grandparents over their biological parents.
  71. Bearak, "Questions of Race Run Deep for Foe of Preferences."

72. Ibid.
73. James Dorman, ed., *Creoles of Color in the Gulf South* (Knoxville: University of Tennessee Press, 1996).
74. Bearak, "Questions of Race Run Deep for Foe of Preferences."
75. Newman, "Poor Ward Connerly," 6; Chavez, *The Color Bind*, 26.
76. Toni Morrison, ed., *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality* (New York: Pantheon Books, 1992), xxi.
77. Chavez, *The Color Bind*, 32. A case can also be made that Connerly's appointment to the Board of Regents was necessitated by Wilson's need to appoint a black person. Thus, Connerly's entire career has been advanced by some variant of affirmative action.
78. Debra J. Saunders, "Character Lynching," *San Francisco Chronicle*, August 17, 1997.
79. Mos Def, "Thieves in the Night."
80. Patrick Healy, "Foes of Preferences Try a Referendum in Washington State," *Chronicle of Higher Education*, October 30, 1998.