

“THE EXACT OPPOSITE OF EVERY PRECIOUS AMERICAN VALUE”:
NATIONAL IDENTITY AND POLITICAL STRATEGIES OF RACISM DENIAL IN THE
TERMINATION OF TUCSON’S MEXICAN AMERICAN STUDIES PROGRAM

by

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(Under the Direction of Amy Trauger)

ABSTRACT

Tucson, Arizona became a prominent educational battleground with the 2010 passage of ARS § 15-112, legislation used to terminate Tucson’s Mexican American Studies program. After a seven-year legal battle, the 9th circuit district court of appeals ruled that racial animus was key to the implementation and enforcement of the legislation. This project is concerned with the continuing effort to seize upon and (re)produce a particular national identity that rests in individualism and whiteness. Attempts to promote certain values and identities as “American” emerge from an entanglement between the scales of nation, state, school district, and classroom. In the border state of Arizona, the looming spectre of the Mexico-U.S. border provides a base for politicians and political institutions to build and maintain power through fears of white loss and victimhood. In particular, I consider how these racialized fears are used as political tools, and how accusations of racism or racial animus are evaded in a process that I call “appropriative evasion.” Appropriative evasion is informed both by Freyd’s (1997) DARvo (Deny, Attack, Reverse victim and offender) which she observes as a tactic that abusers use to silence and confuse victims and accusers, as well as by Haney López’s (2014) dog whistle politics, which

considers the use of racially coded political discourse as a tool to win political power while still evading accusations of racism. Appropriative evasion begins with an institutional betrayal that perpetrates racialized harm. It then involves a denial, followed by an attempt to undermine the standing of the victim or accuser. Finally, it appropriates the initial harm, casting both the accused politicians and institutions, as well as white America, as the true victims of racially-motivated attack.

INDEX WORDS: Race; education; nationalism; law; Mexican American; Latinx; Arizona; political discourse

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	iv
ACRONYMS AND ABBREVIATIONS	viii
CHAPTER	
1 INTRODUCTION	1
<i>Mexican American Studies</i>	4
<i>Research context</i>	8
<i>Overview of research questions, methodology, and methods</i>	10
<i>Analysis overview</i>	12
<i>Roadmap to the dissertation</i>	14
2 THEORETICAL FRAMING	17
<i>Understandings of race and racism</i>	19
<i>Race and the liberal concept of the US “nation”</i>	26
<i>The emergence of neoliberalism</i>	38
<i>Race and neoliberalism</i>	41
<i>Education and race in the United States</i>	45
<i>Appropriative evasion</i>	53
3 METHODS AND METHODOLOGY	62
<i>Finding the core of the research</i>	63

	<i>Study Design</i>	65
	<i>Data Collection</i>	67
	<i>Interpretation</i>	74
	<i>Study site: Tucson Unified School District</i>	79
	<i>Reflections</i>	87
	<i>Conclusion</i>	88
4	BETRAYAL	89
	<i>Appropriative evasion</i>	90
	<i>Arizona</i>	95
	<i>Tucson</i>	104
	<i>Conclusion: institutional betrayal</i>	124
5	DENIAL	128
	<i>The denial</i>	129
	<i>Conclusion</i>	151
6	UNDERMINING	152
	<i>Civility discourse</i>	155
	<i>Rudeness rhetoric and the MAS context</i>	163
	<i>Conclusion</i>	176
7	REVERSAL	178

	<i>Slander: personal offense</i>	180
	<i>(Re)producing one of multiple American national identities</i>	183
	<i>Enrolling white America as victim</i>	204
	<i>Conclusion</i>	209
8	CONCLUSION	212
	<i>Beyond the TUSD Mexican American Studies program</i>	216
	<i>Future avenues of inquiry</i>	219
	WORKS CITED	221
	APPENDICES	
	A KEY STATE-LEVEL POLITICAL PLAYERS	235
	B TIMELINE OF EVENTS RELEVANT TO ARS § 15-112	237
	C HUPPENTHAL INTERNET COMMENTARY DISCUSSED IN 2017 TRIAL ...	239
	D VERBAL RECRUITMENT AND CONSENT SCRIPT FOR INTERVIEWS	241

ACRONYMS AND ABBREVIATIONS

ADE: Arizona Department of Education

ARS § 15-112: Arizona Revised Statutes § 15-112. HB 2281 signed into law.

DARvo: Deny, Attack, Reverse victim and offender (Freyd 1997)

ELL: English Language Learner

HB 2281: Arizona House Bill 2281. Signed into law as ARS § 15-112.

MAS: Mexican American Studies

Prop 203: Arizona Proposition 203, *English for the Children*

PUSP: Post Unitary Status Plan

SB 1070: Arizona Senate Bill 1070, *Expanding Undocumented Immigration Enforcement*

TUSD: Tucson Unified School District

USP: Unitary Status Plan

CHAPTER 1

INTRODUCTION: “YOU’RE IN *OUR* COUNTRY”

On August 23, 2016, I walked into Duffy Elementary School to attend a Tucson Unified School District (TUSD) governing board meeting. Having never been to a school board meeting before, I was unsure of what to expect. I had a vague idea of a small auditorium with a small group of parents and teachers, and a school board comprised of the most dedicated among them. Maybe there would be light refreshments. What I did not expect was to find myself in a long line of people waiting to walk through a metal detector, ending with a guard searching my backpack. The elementary school boy waiting behind me, who I estimated to be around six or seven years old, received the same treatment, as did everyone else in attendance. A group of middle school band students walked their instruments through, leading me to ask in my field notes, “Did they search in that middle schooler’s tuba for a gun?” Within a week, I saw the following image in a Tucson book store depicting a young boy being searched on his way into a 2012 TUSD school board meeting:



Photo credit: Lupita Blancarte, 2012

From this very first interaction with the TUSD governing board, I understood that I was walking into a complex story that plays out in scenes like the one above in which small children are treated like suspects while accompanying parents or student groups to school board meetings.

As I toured TUSD K-12 public schools, I found that this is not a district with this level of policing in their schools, at least during regular school hours. The metal detector and bag searches were specifically for TUSD school board meetings. What they were protecting against was apparently not guns or other weapons, but rather instruments of disruption from student activists. In his article for *The Nation* (2011a), Jeff Biggers describes how students sat in the governing board members' chairs and chained themselves down in protest of a resolution to terminate the district's Mexican American Studies (MAS) program. A video of the school board protest posted to YouTube received 561 comments. While many commenters commended the students for their courage and offered support, others vilified the students, the program, Mexicans, and undocumented migrants with comments such as:

My family came to this country legally over 100 years ago, learned the language instead of expecting Americans to learn theirs, got a job and paid taxes, went to school and paid for their own education, and started a business and paid even more taxes. Now look at this crap we have today! Mexicans jumping the border illegally, popping out anchor babies, milking the system, demanding free healthcare and education, expect everyone to learn Spanish. PATHETIC. You're in OUR country assholes!¹

Many further comments called the students rude, disrespectful, uncivil, disgraceful. They accused the students of the program of being "illegals," of being anti-American, anti-white racists, and communists. They repeatedly called for the student protesters to be tazed, imprisoned, deported, and in at least one instance, murdered. Then-TUSD superintendent, John

¹ Comment on "UNIDOS takes over TUSD school board," YouTube video, posted by "Three Sonorans News" April 27, 2011, <https://www.youtube.com/watch?v=tPZxCDMbZec>

Pedicone, responded by hiring armed guards to monitor the next meeting. The guards were not there to protect students from these threats, but to protect the school board from being further disrupted by student protestors (Biggers 2011b). The policing of the meetings began in 2011 and still continued after I left Tucson for the last time in 2017.

This project examines how TUSD arrived at this moment, and what happened after. How did right-wing² talking points link MAS with disrespectfulness, illegality, communism, racism, and anti-Americanism? And how did right-wing politicians and the institutions that they work within deny anti-Mexican American sentiment even as they made the destruction of MAS a political rallying point? In essence, this project is concerned with the continuing effort to seize upon and (re)produce a particular national identity that rests in individualism and whiteness. Attempts to promote certain values and identities as “American” emerge from an entanglement between the scales of nation, state, school district, and classroom. In the border state of Arizona, the looming spectre of the Mexico-U.S. border provides a base for politicians and political institutions to build and maintain power through fears of white loss and victimhood. In particular, I consider how these racialized fears are used as political tools, and how accusations of racism or racial animus³ are evaded in a process that I call “Appropriative evasion.”

Appropriative evasion draws from both Freyd’s (1997) DARvo⁴ (Deny, Attack, Reverse victim and offender) which she observes as a tactic that abusers use to silence and confuse victims and accusers, as well as Haney López’s (2014) dog whistle politics, which considers the

² “In advanced liberal democracies, perhaps more than anything else the right has been defined in opposition to socialism or social democracy. As a result, the ideologies and philosophies of right-wing political parties have included elements of conservatism, Christian democracy, liberalism, libertarianism, and nationalism.” (Concise Oxford Dictionary of Politics 2009)

³ “‘Animus’ means a motive or intent to interfere with the exercise of a right; not hostility, ill-will or personal animosity.” *Pro-Choice Network of Western New York v Project Rescue Western New York* (1992)

⁴ Freyd refers to the acronym as DARVO in all capital letters. I use DARvo to show that there are three steps rather than five.

use of racially coded political discourse as a tool to win political power while still evading accusations of racism. Appropriative evasion begins with an institutional betrayal that perpetrates racialized harm. It then involves a denial, followed by an attempt to undermine the standing of the victim or accuser. Finally, it appropriates the initial harm, casting both the accused politicians and institutions, as well as white America, as the true victims of racially-motivated attack. Bringing these two together allows for a wider picture of what Ioanide (2015) refers to as the “emotional politics of racism.”

I. Mexican American Studies

At the center of this struggle is Tucson Unified School District’s Mexican American Studies (MAS) program. The MAS department was created in 1998, and the first classes began in 1999. MAS emerged from educational scholarship, history, and personal experience showing that schools in the U.S. fail to support Latinx students⁵. As Curtis Acosta, who formerly taught Latino literature for MAS, stated, the “MAS program was created to address and eliminate the achievement gap”⁶ between Mexican American students (and students of color more broadly) and white students. He expounded upon this in a 2007 article, writing that, for students who have internalized their own oppression, “it is crucial for the students in the beginning stages of their journey to look within themselves and their history to discover their humanity and academic identity” (Acosta 2007, 37). The teaching philosophy running through MAS was not designed to merely teach facts to students seen as empty vessels. It involved working alongside them to help them understand themselves, their contexts, and to learn to critically examine their world, while taking seriously the idea that the students bring their own knowledge, ideas, and opinions to the

⁵ I discuss this in greater detail in Chapter 3

⁶ Transcript of Proceedings, Bench Trial Day 1 at 42. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

space of the classroom, and further that they are meaningful and worthy, not just of acknowledgement, but of consideration.

This pedagogy and approach to students appeared to be successful as research showed that students enrolled in MAS courses were more likely to do well on standardized exams, graduate and go on to college (Cabrera et al. 2014). Further, students who took literature, history, and government MAS courses made gains in math as well, indicating that “taking an MAS course not only develops skills, but can also change a student’s attitude toward school that can translate into academic success in other areas of study” (Ochoa O’Leary et al 2012, 89). Evidence also showed that “low” and “very low” income students were especially benefiting from the program (*ibid*).

Rather than a standalone program, MAS is part of a larger ethnic studies movement. Ethnic studies first emerged in California in the late 1960s, with some pinpointing the first official curricula as being offered in 1968 at San Francisco State University (Hu-DeHart 1993; Sleeter 2011). The same year at the high school level, Chicax students walked out of 5 LA high schools to demand courses in Chicax history and culture, Chicax teachers and administrators, and an end to discrimination against Chicax students⁷ (Garcia 1977). Ethnic Studies emerges from a longer history of activism and community organizing (Daus-Magbual and Tintiango-Cuables 2016), and holds the goal of promoting “self-determination, or the ability for people to rely on their experiences to inform the processes by which their community operates and looks like” (Buena Vista 2016, xiii). It pursues a social justice-oriented approach which seeks to expose structures of domination and to resist “the reproduction of essentialist categories of race, class, sexuality, and gender” (Bautista, Martinez, and O’Brien 2016, 100) and push back against the

⁷ The original term used in the cited literature was “Chicano” rather than “Chicax”

centering of Euro-centric curricula (Hu-DeHart 1993). In ethnic studies, culture is not treated as a static fact to be dissected from a distance in the classroom. Rather, it is “viewed as complex and dynamic, and students’ everyday lived culture and language is part of the ethnic studies curriculum” (Sleeter 2011, 20).

Christine Sleeter (2011) found that ethnic studies programs benefited both students of color *and* white students academically. In classes “pitched primarily toward students who are members of the focal ethnic group,”⁸ (*ibid*, 8) she found that students tended to be positioned as knowledge “insiders” whose knowledge and experiences were woven into the courses, resulting in positive impacts in terms of both academic achievement and sense of agency. Furthermore, she points to research that shows that the ethnic studies approach in classrooms that include a diverse mixture of students produces “higher levels of thinking” (*ibid*, 19) through having students wrestle with perspectives that may be different from their own. She writes, “simply infusing representation of racially and ethnically diverse people into curriculum, based on the assumption that students will develop positive attitudes by seeing diversity, makes only a marginal impact on students’ attitudes” (*ibid*, 19). Such an approach is held up as preferable to an ethnic studies approach by the Arizona Department of Education and its representatives. And others, as I discuss throughout this work, are uncomfortable with anything other than a purely colorblind approach in public classrooms.

Arce (2016) writes that the MAS program at TUSD is unlike other K-12 public education programs because its “pedagogical foundation is based upon Xicana/o Indigenous Epistemologies. Specifically, the privileging and operationalization of the Mexican Indigenous epistemology of the Nahuatl Ollin” (31). The Nahuatl Ollin has four principles: 1) Tezcatlipoca, in

⁸ These classes do not bar members of other groups

which you gaze into the “Smoking Mirror” allowing for critical self-reflection. Here, one begins to “regain the historical memory at the individual and community collective levels, which leads to individual and community liberation” (32). 2) Quetzalcoatl, which takes the lessons from Tezcatlipoca and combines it with the work done to obtain knowledge resulting in “both a historical and contemporary understanding of our lived realities, which are consistently subsumed in the public schools” (33). 3) Huitzilopochtli, or the will to act. This principle is praxis, wherein students work to enact positive change for their communities and themselves. 4) Xipe Totec, or transformation as a result of three previous processes. This is a continuous cycle.

Another key element to MAS is a pedagogy based in love. Acosta writes, “Whether it is a love for our cultural heritage and the beauty of our gente⁹, a love for learning, or the respect and love within our classrooms, it is love that is the seed for the tree” (2007, 39). He explains that this love simultaneously manifests in both high expectations of students and an awareness of their individual needs in terms of both personal struggles and where they are in their academic journey when they enter the classroom. Acosta continues, “Above all else, it is a respect, an honesty that creates a bond and trust that will later fuel students' ability to take academic risks that they never had the confidence or motivation to embrace before” (*ibid*). In a 2012 interview for the Tucson Ethnic Studies Oral History Project, former MAS teacher José Gonzalez explained this approach:

[I]t's setting the high standards and then providing the scaffold for them to reach it. You know, it's not dumbing down the curriculum and saying, 'Oh, mi hijito, you can't do it. I love you, but you're not going to be able to do it.' It's setting those high standards and then creating a mentality of belief in them that they can obtain that.

⁹ People

Certain MAS courses began the class with a recitation of a verse from the poem *In*

Lak'Ech by Luís Valdez, which reads:

Tú eres mi otro yo. / You are my other me.
Si te hago daño a ti, / If I do harm to you,
Me hago daño a mí mismo. / I do harm to myself.
Si te amo y respeto, / If I love and respect you,
Me amo y respeto yo. / I love and respect myself.

Based on 2016 teacher interviews, some TUSD teachers continue to use it in non-MAS classrooms, viewing it as a way to begin every class on a note of mutual respect. However, this pedagogy of love was not part of the narrative picked up by right-wing politicians or media. As a teacher who worked with the MAS program for eight years explained to me:

It just wasn't sexy enough, it just wasn't explosive enough. You weren't gonna get any 'Breaking news: Teachers are organizing to teach a pedagogy of love.' It just doesn't happen. Our approach is very long term, and it's for the right reasons. It's very wholesome. And that doesn't grab people. As opposed to the rhetoric of 'They're trying to take over our country,' which does grab attention.

II. Research Context

In March of 2015 I interviewed TUSD governing board member Kristel Foster before my first trip to Tucson. She described Tucson as the country's "ground zero of the battle for ethnic studies." This statement requires some context. In 2010 Jan Brewer signed into law Arizona House Bill (HB) 2281, often referred to as the "anti-ethnic studies" bill or the "anti-Mexican American Studies" bill, becoming Arizona Revised Statutes (ARS) § 15-112. She signed HB 2281 within a month of the Arizona anti-immigration bill, SB 1070, which drew significant national controversy as the pinnacle of an onslaught of legislation that targeted migrant communities and impacted Latinx communities, regardless of citizenship. Then-state superintendent Tom Horne, who was also a staunch supporter of SB 1070, authored HB 2281.

Horne stated that he wrote the bill specifically to target MAS for termination, citing the idea that MAS courses promote racial division, communism, and disrespect for authority among students. However, because the legislation did not specify MAS in its language, he and supporters of the bill were able to argue that there was no anti-Mexican or Mexican American intent in its design or implementation. The actual language of ARS § 15-112 prohibited public school districts or charter schools from including courses that: 1) promote the overthrow of the Federal or state government or the Constitution; 2) promote resentment toward any race or class; 3) advocate ethnic solidarity instead of being individuals; or 4) are designed for a certain ethnicity. Despite its non-specific language, the TUSD MAS program was the only program targeted by this state-level legislation.

Horne and his successor, John Huppenthal, found TUSD in non-compliance with the legislation because of the MAS courses. ARS § 15-112 stipulates that failure to comply gave the State Board of Education or the State Superintendent the option to direct the Department of Education to withhold up to ten percent of the monthly apportionment of state aid that would otherwise be due a school district. Such a loss could cripple TUSD schools. Using the threat of funding loss, Horne and Huppenthal created a situation in which TUSD had to cut their Mexican American Studies program to protect the schools. This strategy allowed them to state that they did not technically terminate the program.

Years of legal challenges to the legislation followed¹⁰, ostensibly ending in 2017 when 9th Circuit Court Justice, Wallace Tashima, ordered that the state of Arizona could no longer enforce ARS § 15-112 due to evidence of racial animus directed against Mexican Americans in the development and implementation of the legislation. Yet right-wing politicians have since openly

¹⁰ Chapter 4 explores these in detail

discussed challenging the ruling in the near future, with similar challenges to Arizona education emerging in the time since Tashima's ruling.

As Jeff Biggers (2012) notes, other states are monitoring and parroting conservative Arizona legislation targeted at Mexican-American communities. Such legislation is also finding support internationally among anti-immigrant groups. Arizona therefore provides an important case study as tensions over national identity and immigration rise nationally and internationally. This work considers strategies right-wing politicians utilized to, on one hand, promote their targeted attack on MAS as part of their campaigns, and on the other hand deny racial animus in their roles in penning, promoting, and defending ARS § 15-112. I further consider what these strategies mean for the evolution of understandings of race, national identity, and the ideal citizen and how these understandings are promoted through education policy and curricula.

III. Overview of research questions, methodology, and methods

This dissertation considers the following questions:

1. What understandings of the nation and the ideal citizen are espoused in the political discourse surrounding HB2281 and MAS, and how are they linked to understandings of race?
2. What rhetorical strategies did politicians use to promote ARS § 15-112, and what strategies did they employ in response to accusations of racism?
3. What political work did these strategies do? How does political speech use both racial appeals and denials to shape space and reproduce power?

I take a qualitative methods approach to answering these questions. I rely on triangulation of multiple sources and methods that, taken together, provide a more detailed picture of the case and context. Each resource and method works to check and validate the data and interpretations drawn from the others, making a more robust analysis possible. I collected two types of data. The first I use as contextual data, to provide the story of Arizona's history and TUSD's background with MAS. This data comes from semi-structured interviews, school visits, participant and non-

participant observation, and descriptive mapping. The second group I use in political discourse analysis, a style of critical discourse analysis which studies political discourse for the reproduction of social and political inequality. This second group of data includes court observation, trial transcripts, trial evidence, court documents, archival documents and videos pertaining to ARS § 15-112, and analysis of internet commentary reacting to MAS and ARS § 15-112.

While I will discuss all of these further in Chapter 3, I would briefly like to turn my attention to my attendance the Xicanx Institute for Teaching and Organizing¹¹ (XITO), led by people associated with MAS and ethnic studies more broadly. XITO is an “attempt to carry on the legacy of the MAS program by offering professional development in the decolonial, barrio pedagogies” (Fernández 2016, 239). Both the idea of the pedagogy of love and the Nahui Ollin that I discussed previously are key to the XITO mission.

We spent significant time learning about the Nahui Ollin and discussing how it guides classroom principles. It, we learned, is not a four-step process; it is ongoing and requires moving back and forth between the pillars, with each new piece of knowledge and each moment of action requiring reflection and drawing out new understandings of self, community, and history. As much as a pedagogy of love may seem overly abstract, I saw in those workshops what it means: I saw dedicated, passionate educators who taught with kindness and respect, and who challenged everyone in the room to reflect inward and then outward while doing the work alongside them. There was no disparaging of other racial or ethnic groups, no ‘brown supremacy,’ no calls to overthrow the U.S. government. If that were their agenda, it seems likely that it would have emerged there among the many scholar-activists gathered specifically to learn

¹¹ When I attended the “X” stood for Xican@, but has since been changed to Xicanx to be more inclusive

from their work. So how did right-wing politicians come to paint the program with these brushes?

IV. Analysis overview

In 2017, *González v. Douglas* examined whether racial animus drove ARS § 15-112. Judge Tashima noted that there was little precedent in terms of cases involving racial animus without direct claims of racial hatred from any party. I consider the impasse that occurs when the plaintiffs representing MAS frame racism as systemic while the defense representing the state of Arizona frames it as an individual, hatred-based actions. I find that, in Arizona, political figures ranging from school board members, to state superintendents, to governors, use white anxiety about the border and specifically people of Latinx descent to support their campaigns, but also fervently deny and evade accusations of racism or racial animus.

ARS § 15-112 emerges within the context of the United States' racialized hierarchy, which scholars have noted is rooted in white supremacist notions of race (Wu 2003; Omi and Winant 1994; Bell 1992). Schools in the United States are linked to the maintenance of inequality among disparate racial and ethnic groups, both historically and in the present day (Welch and Payne 2018; Carter 2012; Gándara 2010; Adams 1995). Public education tends to promote equal opportunities via training non-white students in becoming "whiter" while denying their own backgrounds, thereby reproducing the established racial hierarchy which promotes whiteness as both superior and more "American" (Carter 2012, Adams 1995). Fernández and Hammer argue that ARS § 15-112 is exemplary of neoliberal racism, "a strategy that rejects (and claims to be offended by) older forms of racism grounded in claims of white superiority" (2012, 67).

In my analysis, I focus on how Mexican American Studies specifically, and ethnic studies in general, were framed as anti-white, anti-American, collectivist propaganda by conservative politicians and the attorneys representing the state of Arizona, and what it means that these arguments resonated with many members of the public. I contend that we can find not just a continuation, but even an evolution of dog whistle politics at work in this case. White supremacy is built into the fabric of American society, and we must contend with a long history of schools working to enroll students in this racialized hierarchy from off-reservation boarding schools designed to “whiten” indigenous students, to current school policies that mark natural black hair as a violation of dress code (Lattimore 2017).

I argue that, in the case of the Mexican American Studies ban, this history continues with an effort to enroll students into a narrow view of what it means to be American, upheld in part through a push for colorblind individualism that works to make white supremacy appear natural. Such individualism is structured by the racist history of the development of both classical liberalism and neoliberalism as I will discuss in Chapters 2 and 7. In addition to the American values listed by right-wing Arizona politicians (individualism, democracy, capitalism, rule of law), I further argue that the state of Arizona seeks to use public schooling as a tool to enforce whitened cultural ideals as part of what it means to be American, in part as a response to fear of the loss of white power in both the American southwest and the country overall, with specific anxiety centered around a “browning” or “Mexicanizing” territory.

I find that political actors and the institutions in which they are embedded rely upon a manipulation strategy to respond to accusations of racism and racial animus that I refer to as appropriative evasion. To analyze this strategy, I bring together elements of feminist psychology and critical race theory. In particular, I draw upon Freyd’s (1997) study of the tactic that abusers

use to confuse and silence victims and accusers, which she calls DARvo (Deny, Attack, Reverse Victim and Offender), as well as Haney López's (2014) "dog whistle politics" which demonstrates how politicians use veiled racial appeals for political gain. I add to this discussion an exploration of how tactics of interpersonal abuse designed to shame, confuse, and silence victims are used on a larger political and institutional landscape with regards to racism denial.

V. *Roadmap to the dissertation*

I divide this document into eight chapters. In chapter two, I lay out the theoretical framing that informs and structures my analysis. I start with a discussion of understandings of race and racism in the American context. I follow this with a discussion of the ways in which whiteness is tied to (neo)liberalism and American nationalism. I then consider the history of race and education in the US. Here I specifically look at the role of schools in (re)producing racialized hierarchies. Finally, I consider dog whistle politics and DARvo, two understandings of manipulation (one political, one personal) that inform my understandings of the political strategies I observed that I refer to as appropriative evasion.

In chapter three, I lay out both my methods and my methodological approach to this research. I discuss my use of triangulation, incorporating multiple types of data and methods to make my findings more robust. The data I collected through my research is divided into two categories: One that provides the history and context for the case study, and one that I use in Political Discourse Analysis.

Chapters four through seven provide the findings and analysis of this study. Appropriative evasion is a four-part iterative process that involves 1) a betrayal, 2) a denial, 3) undermining of the accuser, and 4) a reversal of victim and offender. In the case of this study, the first abuse or betrayal ends with the termination of the MAS program. But its scale is much

larger. It zooms out to the contemporary political targeting of Latinx communities in Arizona. It reaches back to the decades of legal struggle to desegregate TUSD schools. Chapter four both discusses this betrayal of students and Latinx communities and provides an in-depth context to understand how the TUSD MAS program came to be terminated.

Chapter five explores the various types of racism denial employed in the discourse around the politicized termination of the MAS program. I find five primary denial themes: 1) absence discourse; 2) framing racism around “extremes”; 3) helping discourse; 4) positive self-descriptions; 5) color-blind discourse. What is especially of interest in this case is not simply that any given politician would argue that they hold no racist sentiment. Rather, what is key is that others within their political institutions publicly confirmed their self-assessments, thereby protecting not just the individual actors, but the *institution* itself.

Chapters six and seven consider two key forms of evasion that reframe the conversation and distract from the original issue of racial animus. Chapter six focuses on the attempt to undermine the credibility of both those negatively impacted by the legislation and those who protest it. One of the primary means of dismissal is describing MAS students as “rude” and suggesting that the program taught them poor manners. Chapter seven explores the reversal of victim and offender, in which not only are the politicians responsible positioned as being slandered through accusations of racism, but that white Americans become the victim of the spread of a collectivist ideology that seeks to destroy “true” American values. In both the instance of the dismissal and the reversal, the evasion works to change the entire conversation in a way that not only avoids discussing the issue of racial animus, but also stirs up political support among those fearful of a change in the status quo. In chapter eight I conclude with a discussion

of anti-Latinx copycat legislation drawing from Arizona's, the contemporary successes of the broader ethnic studies movement, and directions for future research.

CHAPTER 2

THEORETICAL FRAMING

On June 29, 2017, in a packed Tucson courtroom, Judge A. Wallace Tashima reflected on the purpose and accompanying difficulties of *González v. Douglas*, the trial that would determine the fate of ARS § 15-112 after years of litigation. The inquiry at hand, he noted, was whether *racial animus* motivated the Arizona Department of Education in its enactment or implementation of ARS § 15-112. The trouble was deciding what exactly counted as evidence of racial animus. Specifically, how could the plaintiffs show that the legislators and public officials involved held racial animus, and how could the defense rebut it? He admitted,

Well, I don't think too many cases like this are tried, maybe thankfully, so there isn't much law or much standard of what kind of proof suffices, what standard of proof applies and all that. So, in a sense I think we're all kind of groping in the dark to just do the best we can.¹²

Racial animus is vaguely defined concept. Black's Legal Dictionary describes animus as merely "Mind; intention; disposition; design; will" (1910). In *New York State Organization for Women v Terry* (1989) the summary judgment stated, "[defendants] contend that 'the concept of animus is one of ill-will.' Yet animus merely describes a person's basic attitude or intention." And in *Pro-Choice Network of Western New York v. Project Rescue Western New York* (1992), the conclusion states, "'Animus' means a motive or intent to interfere with the exercise of a right; not hostility, ill-will or personal animosity." In *González v. Douglas* (2017), the defense attempted to paint the problem as one of proving *personal animosity* despite legal precedent showing no such requirement. I follow Haney López (2014) in his exploration of dog whistle

¹² Transcript of Proceedings, Bench Trial Day 4 at 116. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

politics to understand the workings of racial animus for political gain. As he notes, personal hatred is not a requirement for the use of racist narratives to advance political power. And, similarly, advancing law and policy that targets or harms a marginalized group and secures white power may be done without the involved political actors actively wishing ill on anyone.

The history of race and racism in the United States is not a simple one, nor is it a static one. There are numerous understandings of what racism is, what it looks like, who performs it, what underlies it, how it interacts with larger systems, and how it is (re)produced. Haney López (2014), for example, explains in great detail how dog whistling, or coded language containing a message for a target audience that is not explicitly said, emerged on the American political stage and evolved over time. How then, to prove racial animus in the face of such a political strategy?

This chapter has two primary concerns: First, I provide an overview of the pertinent background required to understanding and analyzing the racialized dynamics of the termination of the TUSD MAS program. Here, I contextualize the attempted decontextualization of the interlocking histories of race, education, and nationalism in Arizona and the United States as a whole. I begin with a review of literature on US nativism, (neo)liberalism, and individualism, and the development of “American” values, and how these have been, from the outset, based in whiteness. I then provide an overview of the history of race and education in the United States with a focus on Latinx experiences. I follow this with a discussion of the theory that the major analytical contribution of this research, appropriative evasion, builds upon. This seeks to bring understandings from feminist psychology about “institutional betrayal” (DeMarni Cromer, et al. 2018; Gentiel 2018; Pyke 2018; Smidt and Freyd 2018; Carroll 2017; Gomez 2015; Parnitzke Smith and Freyd 2014) and evasion of accusations of abuse together with an understanding of the evolution of racial dog whistles as political strategy.

I. *Understandings of race and racism*

Although the legal definitions of “racial animus,” which sat at the heart of the 2017 trial, do not necessitate *personal animosity*, it is important to understand how the (re)production of racialized hierarchies benefiting white supremacy are able to function without it. The varied attempts to reframe and redefine “racial animus” around feelings of personal hatred are key to understanding the termination of the TUSD Mexican American Studies program. Following a long history of scholarship on race in the United States, I reject the notion that racism and white supremacy are solely the hateful actions of individuals. I draw upon both the critical race theory of legal scholars and the recent studies of the spatiality of race by geographers to flesh out an understanding of racism and racialization that works on a much larger scale than that of the individual. Instead, racism permeates institutions, and white supremacy is primarily upheld, not solely by outspoken Nazis and Klansmen, but by the many daily actions taken to maintain the current structure of white advantage in the United States. The Nazis and Klansmen in fact solidify white supremacy by putting on a show of extremity, allowing others to point to them as examples of racism with the further understanding that anything less outwardly hateful cannot be considered racism. Race is used as a socially constructed category to not only spatially divide people, but to maintain uneven power relations. As I will discuss later, schools act as one of the primary institutions reproducing this racialized unevenness.

As recently as 2015, Laura Pulido noted that the terms “racism” and “racist” were no longer heard in mainstream political discourse. However, the campaign and eventual election of Donald Trump in 2016 swiftly brought discussions of racism back to the mainstream (Harris and Steiner 2018). One of many ideological rifts exposed, reinforced and, perhaps, worsened post-election is over racism and white supremacy and what they are and how (or whether) they

function in the present-day US. However, it is folly to assume that racism or racialized inequality disappeared in that brief in between moment when politicians perhaps used these terms less frequently or openly on the whole.

Racial bias can be engaged without a surface-level negative portrayal of a racialized group. Mendelberg (2001) performed an experiment to study the different impacts of explicit versus implicit racial messaging on white audiences. She showed white participants a manufactured television news story featuring the argument that welfare recipients are an unfair burden for American society. She created three versions of this story: one with a visual of black welfare recipients and a verbal reference to their race (explicit), one with a black visual and no verbal reference to their race (implicit), and one with a visual of white welfare recipients and no reference to race (counter-stereotypical). The participants were then asked questions pertaining to racial resentment, as well as their opinions in five policy domains: race, welfare, poverty, social welfare spending, and defense spending. She found that, of the three messages, “a message that white voters do not recognize as racial but that cues racial stereotypes elicits the strongest racial response” (200), further stating that “the largest and most consistent impact of implicitly racial messages about welfare is not to change opinions about welfare so much as to enhance the influence of racial resentment on opinions about race” (201). Here, white participants largely seemed to be turned off by *explicitly* racial appeals, and with the counter-stereotypical messages showing whites as welfare recipients, “the most [racially] resentful people lean closer to neutrality regarding policies such as affirmative action and spending to aid blacks than they do to strong opposition” (203). Mendelberg’s study shows that subtleties in political messaging concerning race directly impact opinions on policy. She suggests that white voters respond to implicit (or coded) racial messaging when they simultaneously want to adhere to the norm of

racial equality, and yet feel resentment toward nonwhite claims on public resources and hold negative stereotypical ideas about nonwhites.

a. Critical race theory

Critical race theorists are among those who argue against using race as a category by which to separate and evaluate “types” of people, considering it both problematic and an impractical avenue of inquiry (Peake and Schein 2000). Critical race theory (CRT) emphasizes the racialized aspects of advantage, which are often upheld by the law. It suggests that white privilege is the basis for the foundational hierarchy of society in the United States (Price 2010). While traditional civil rights discourse embraces incremental racial progress, CRT considers how racism is woven in to the very foundations of the liberal order, including aspects such as equality theory, legal reasoning, Enlightenment rationalism, and the allegedly neutral principles of constitutional law (Delgado and Stefancic 2012). CRT suggests that everyday exclusionary practices go largely unnoticed by the general public, and so mechanisms which (re)produce racialized hierarchies remain relatively concealed (Sibley 1995). It is not, therefore, the sensationalist, news-worthy moments of racial hatred and violence that are integral to upholding racist hierarchies. It is the very everydayness and dispassion that explains why systems supporting white supremacy and white privilege are so difficult to dismantle.

Haney López (1998) argues that legal legitimation and racial reification represent twin forces that constrain the imagination and lead individuals to embrace current hierarchies as the natural order. He argues that the seemingly progressive idea of color blindness “ironically targets not the harmful effects of racism, but the efforts to ameliorate such harms” (178). In his later 2014 writing, Haney López notes that the term “colorblind” originated in Justice John Marshall Harlan’s dissent in *Plessy v. Ferguson*, which upheld “separate but equal” segregation laws in

1896. Harlan wrote in his dissent, “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.” Haney López argues that the original intention has been stripped by conservatives for political gain, writing:

conservative advocates of colorblindness use this term as a short-hand for their opposition to affirmative action. They contend that colorblindness means government should never take race into account, not even as a way to promote racial equality (80).

CRT is critiqued for focusing too narrowly on a black-white binary, either ignoring the experiences of people falling into neither category or grouping together all non-white people as “people of color” in scholarly practice, thereby oversimplifying diverse experiences (Price 2010). Latino Critical Theory (LatCrit) teases out the nuances of the U.S. racial experience outside of the black-white binary (Olden 2015). The Latinx experience in the southwestern United States is one that must be understood by considering the multiple histories of settler colonialism in the region (Gonzales and Shields 2015). The perspectives on the Latinx-specific experience derived from LatCrit are necessary for adequate engagement with the specificities of this history and how it interacts with the MAS-targeted ethnic studies ban in Arizona.

Like CRT, LatCrit emerges from legal scholarship, or as Valdes (1998) writes of its development, “almost from the outset we have sought to develop a theory about legal theory” (6). He goes on to state that “LatCrit theory’s bedrock conviction presently seems to be that legal theorizing must operate (at least) on four levels simultaneously” (*ibid*, 7): 1) It must produce knowledge advancing a socio-legal understanding about Latinx people and the law; 2) It must have a commitment to the material social change that improves the lives of Latinx and marginalized people; 3) The knowledge and action produced must work in context with both the multitude of Latinx identities and with the struggles of others, ultimately aiding in the pursuit of the end of all forms of oppression; 4) Those engaging in LatCrit work within a community, and

their work is part of a larger collective collaboration reaching toward the first three goals. I take lessons from LatCrit in terms of how I conduct my research and toward what ends I shape it.

b. Geographic approaches to race

Geographers are increasingly adding to scholarship on race in the United States by exploring the spatialized aspects of race, racism, and white supremacy (Kobayashi and Peake 1994; Holloway 2000; Kobayashi and Peake 2000; Peake and Schein 2000; Pulido 2000; McKittrick 2006; Gilmore 2007; Price 2010; McKittrick 2011; Inwood 2015; Pulido 2015; Bonds and Inwood 2016; Pulido 2017). Much like CRT, geographers' understanding of white privilege tends to underline the everydayness over explosive moments. White privilege is an explanation of how the US landscape continues to be characterized by unevenness stemming from racialized inequality even without necessitating individual ill will on the part of those that benefit from it.

Pulido (2000) notes that white people may take actions (such as voting) to maintain structures of white privilege out of a desire to cultivate the best opportunities for themselves and their children in a racialized capitalist society. However, the contemporary story of race in the United States does not end with white privilege. White supremacy emerges from many of the same feelings of entitlement as white privilege and involves the belief that white people *deserve* more than others (Pulido 2015). "White supremacy," although typically associated with those who announce hate-filled racism publicly such as Klansmen and Nazis, refers to attitudes, ideologies, and policies associated with "blatant forms of white or European dominance over 'nonwhite' populations" (Fredrickson 1982, xi). We can see the narrative of "deserving" play out in discussions about affirmative action wherein white students take the default position of assuming that they are academically superior and are being pushed out of their rightful spots in

college by inferior minority students.¹³ Individualistic (neo)liberal ideology combined with colorblindness allows white people to believe that they exist within a landscape of fair and equal competition until the moment that they are met with a policy designed to address long-term racial inequality. As Pulido (2015) notes, this leads us to a point of white anxiety in the face of a transition away from the US being a white majority nation.

Gilmore (2007) provides a telling example of the uneven sociospatial landscape with her discussion of the growth of the California prison system. She argues that prisons act as the state's partial spatial fix to political economic crisis. She shows that uneven, white dominant landscapes are not mistakes, or the results of hard work and good behavior on the part of white communities and bad behavior on the part of non-white communities. Gilmore documents the economic restructuring of the early 1980s that led to the loss of well-paying jobs that had previously employed large numbers of modestly educated black and Latino men. At the same time, the restructuring saw rural communities with surplus land, and wealthy investors in need of something to invest money in: what they landed on was prisons to deal with surplus land, labor, and capital. In the late 1980s and early 1990s, black and Latino prisoners respectively overtook Anglo prisoners. Gilmore defines racism as the "state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death" (28). The state could claim innocence when charged with racism for disproportionate imprisonment by describing imprisonment as *individualized* criminality, while still reinforcing racist narratives about criminality in the media and through its own surveillance of Black and Latino communities.

McKittrick (2011) however cautions against such stories leading us to a narrative of urbicide in which "some live and some die because this is what nature intended, and there are

¹³ See, for example, *Fisher v. University of Texas*.

good cities and bad cities, spaces for us, and spaces for them” (955). The “condemned” in this urban narrative are then rendered as “too destroyed or too subjugated or too poor to write, imagine, want, or have a new lease on life” (955). We must instead ask how and why uneven landscapes are formed and seek to address the inherent inequity.

Racialized neighborhood segregation is also explicitly spatial. Holloway (2000) noted that conceptual frameworks underpinning understandings of American segregation tended to oversimplify complex situations and were often based on the experiences of European immigrants to North American cities from the late 19th century through the early 20th century. This, Holloway argues, leads to the uncritical casting of “segregation as function to a process of socio-economic assimilation necessarily mirrored by spatial dispersal” (201). Segregation is thus seen as something that inevitably happens to new arrivals to the country who, over time, will assimilate and become enmeshed in the larger society. Segregation itself is not seen as problematic until it lasts longer than the “typical” European immigrant model. Holloway argues that scholars of segregation should engage with social constructivist and contingency perspectives to focus on how race and identity are constructed and embedded within segregated spaces.

Transatlantic slavery and colonialism are prominent features of the racial landscape of modernity (McKittrick 2011). Settler colonialism in particular is central to many geographers’ understandings of racialized North American landscapes. Settler colonialism “focuses on the permanent occupation of a territory and removal of indigenous peoples with the express purpose of building an ethnically distinct national community” (Bonds and Inwood 2016, 716). Both slavery and settler colonialism have been key to producing racialized socioeconomic hierarchies. However, the racialization involved in each is dissimilar in a few key ways. Slavery was key in

the racialization of black people in the United States. They were targeted as people whose reproduction and forced labor was key to increasing both the wealth of their owners and the wealth of the nation. Indigenous North Americans, on the other hand, were cast as people who stood between settlers and their desired land. Their racialization furthered a logic of elimination through murder, movement, dispossession, encirclement, and sometimes via attempted assimilation (Wolfe 2006). Questions about who the country ultimately “belongs” to and whose histories and perspectives should be taught as the history and culture of the United States in US classrooms are, essentially, questions as to how we should treat our settler colonial past, present, and future. Bonds and Inwood (2016) argue both that geographers must work to develop “geographically sensitive theorizations of white supremacy as the animating logic of racism and privilege” (715) and that understanding settler colonialism as an ongoing process is key to studying racialized geographies. Key to individualist, colorblind ideology is an ahistorical, ageographical understanding of a complex landscape. In what follows, I attempt to recontextualize this landscape.

II. Race and the liberal concept of the US “nation”

The broad, nearly tautological definition of liberalism is that it is the tradition of thought that is centrally concerned with the liberty of the individual (Losurdo 2006, 1). But what is intended by the idea of liberty? The main features of liberalism, according to Bonilla-Silva (2010), include individualism, universalism, egalitarianism, and meliorism. The bourgeoisie of early modern capitalism, he writes, used these components to construct the cores of emerging nation-states. Individualism was conceived of as being attributed to white, male, middle-class property owners. Goldberg (2002) argues that classical liberalism is the key to racial reasoning’s centrality in framing modernity’s social and legal realms. Racist political-economic exclusions

were instrumental in sustaining the supremacy of liberalism in modern state formation, because it is only via these exclusions that white domination could be readily maintained. Any ideology or movement attempting to truly unsettle white power structures would not have gained traction. European humanism and liberalism typically meant that only Europeans were fully human, an idea that translated in the United States to include only those of European descent (Bonilla-Silva 2010). In this way, modernity, liberalism, and racial exclusion are all interlocking pieces of the same movement.

Liberty in this conception represents freedom specifically from government coercion and interference. One of the main markers of classical liberal democracies is the notion that a government should do as little as possible to intervene in economic or social issues. Instead the ‘invisible hand of the market’ is expected to adequately address any major ills without government interference (Bonilla-Silva 2010). The assumption that a society based on liberal principles will function in a way that promotes fairness and equality of opportunity relies largely on the idea of ‘nation’ and a similarity and shared history among the people who make up the nation. The idea of the nation provides rationale for certain people belonging together as ‘*the people*,’ or citizens, of a particular state. The fictional 1:1 match-up between nation and state as “the nation-state” has historically both been the basis for the loyalty among those within the state that are also seen as a part of the nation, and of ignoring or discriminating against those who are seen as not belonging to the nation, and therefore the state. Liberal understandings of citizenship and the political obligations of the citizen depend upon a presumption of common nationality in order to assume some level of solidarity among individuals within the nation-state (Calhoun 2006).

Based on this understanding of liberalism's presumption of a certain variety of sameness, Losurdo (2006) asks if it is possible to accept both the definition of liberalism that is primarily concerned with the liberty of the individual, and the fact that most of the historical figures now regarded as champions of liberty included only white men in their definition of "individual." Liberty is historically tied to whiteness, maleness, and property ownership, providing a legacy that cannot be cleanly disentangled from the current context. While many people can be, have been, and are denied liberty within liberal thought, I focus in this work on racialized minorities and the ways in which white supremacy is woven into notions of liberty.

a. Multiple nationalisms

Liberty is tightly woven into American nationalism, but from where did the distinctive version(s) of American nationalism emerge? Doyle and Pamplona (2006) suggest that nationalism's origins were "benign." Nationalism, they write, was tightly tied to "a liberal humanitarian movement for liberty, equality, and self-rule" (3) of which the United States served as a model. The idea that social change should occur through a logical and democratic process and *not* through the coercive capacity of the government represents a significant part of the American mythology and is based in liberal thought (Bonilla-Silva 2010).

However, understandings of nationalism are far more varied and contested than the above suggests. Kohn (1944/2017) divides styles of nationalism into "civic" and "ethnic." This perceived split between forms of nationalism is key to the construction of the outwardly de-racialized nationalism espoused by multiple varieties of right-wing political actors in the United States, including in the case of ARS § 15-112. Scholars have argued for decades that this civic/ethnic divide represents a false dichotomy, but they must continually revisit this argument due to how deeply entrenched Kohn's binary is in nationalism scholarship (Smith 1991; Brown

1999; Brubaker 1999; Kauffman 2000; Kuzio 2002; Schulman 2002; Jensen 2014; Fozdar and Low 2015; Larksen 2017). It is important to our understanding to contemporary debates to see the division between these two ideal types as taken up by Kohn and later scholars before moving on to the contemporary academic critiques.

Civic nationalism, as an ideal type, represents a nationalism emerging from a belief in the political creed of a nation (Ignatieff 1993; Schulman 2002). This nation represents a community of citizens bearing equal rights regardless of race, ethnicity, gender, or language (Ignatieff 1993; Schulman 2002; Spencer and Wollman 2002) “united in patriotic attachment to a shared set of political practices and values” (Ignatieff 1993, 3). Civic nationalism relies upon the idea that being part of the nation is voluntary: it should be open to foreigners of any background if they agree to uphold the values and practices of the nation (Brown 1999; Schulman 2002; Jensen 2014). It is also suggestive of a sense of not only community, but the ethical duties demanded by loyalty to the territory and its institutions (Brown 1999). While civic nationalism further stresses ideological commitment to a common destiny (Fozdar and Low 2015), it demands relatively little in terms of non-political beliefs (Schulman 2002). Based on these characteristics, civic nationalism is categorized as “liberal, voluntarist, universalist, and inclusive” (Brubaker 1999, 56). Kauffman (2000) suggests those who understand the United States as an archetype of civic nationalism see it as a nation whose values are largely based upon eighteenth century liberalism.

Kohn (1944) associated “civic” nationalism with the “West,” by which he referred to the United States and specific Western European countries. He aligned “ethnic¹⁴” nationalism with the “East,” referring primarily to Central and Eastern European countries and India, looking far more favorably upon the civic than the ethnic (Brown 1999). As opposed to the liberal,

¹⁴ Some scholars refer to this as “cultural” rather than “ethnic” nationalism, but the term “ethnic” dominates the literature so I use it here. For an argument against the use of “ethnic,” see Brown 1999.

voluntarist character of civic nationalism, ethnic nationalism is characterized as “illiberal, ascriptive, particularist, and exclusive” (Brubaker 1996, 56), being based upon common ancestral, racial, and ethnic descent (Schulman 2002; Goldstein 2012; Jensen 2014). Rather than a nation based on allegiance to political goals, ethnic nationalism focuses on myths of common ancestry (Brown 1999) with cultural identity being composed of, and validated by, collective similarities in terms of physiognomy, language, religion, and traditions (Brown 1999; Shulman 2002). Ethnic nationalism moves beyond community based around shared histories, myths, language, and combines these elements with “deterministic logic of boundary construction” (Jensen 2014, 564).

Kuzio (2002) argues that Kohn was not wrong in identifying *tendencies*, but rather in drawing up sharp divisions between ‘civic Western’ and ‘ethnic Eastern’ nationalisms, agreeing with Smith (1991) that such distinctions are purely theoretical and that all nations and nationalisms have elements of both. Brubaker (1999) suggests that even the idea of a civic/ethnic nationalism binary creates a dilemma of definition. To restrict either category enough to be a meaningful designation in such a dichotomy leaves the other half to mean every other imaginable element of nationalism. If both are well-defined, there will be few, if any, actual examples of either with most nations falling into neither category. Yet, if both are defined broadly, we find a most (if not all) nations actually fall within both categories so that civic and ethnic nationalisms can no longer be considered mutually exclusive. Ultimately Brubaker shows the problematic nature of the oppositional binary. Shulman (2002) analyzed survey data from 15 countries that should theoretically fit a side within the binary, finding that the differences in national identity between “East” and “West” are greatly exaggerated. He goes on to note that a primary issue with this distinction is the inference of national identity based on state policies. Such policies, he

writes, “embody the views of a very narrow segment of the state’s population: the political elite in power at the time the policies were enacted” (560). The binary also fails to account for the cynical ways in which powerful political actors use and shape discourses around national identity to suit particular agendas (Jensen 2014). Further, not all members of a nation will hold the same values or understandings of national identity, and even the stories of nationhood held as true by the majority will change over time (Larksen 2017).

Even placing aside the distinction between the political elite and the rest of the citizenry, or the competition for national narratives within a given population, archetypes of both types of nationalism do not fall neatly within the bounds of either. One of the primary identifiers of civic nationalism is its voluntary nature. However, no existing “civic” nation-state is entirely voluntary. Access to a nation-state is granted through citizenship, but citizenship is exclusionary as well as inclusive. A truly civic nation should be relatively open to foreigners of all backgrounds (Shulman 2002). Yet there is nowhere that citizenship is immediately accessible to all people of all backgrounds, should they agree to the terms of the nation, even if it is theoretically open to all races, ethnicities, and original nationalities. Brubaker (1999) writes that civic exclusion is exceptionally powerful: “On a global scale, it is probably more important in shaping life chances and sustaining massive and morally arbitrary inequalities, than is any kind of exclusion based on putative ethnicity” (64). As he notes, it is little comfort to a refugee that others of their background could become members of a nation-state if they are barred from even applying for citizenship to an allegedly “civic” nation based on quotas.

While voluntarily renouncing such a nation-state is typically simpler than joining one, there remain strategies in place to prevent masses of people from leaving should they begin to disagree with political ideology beyond the immediate difficulty uprooting one’s life entails.

Such nationalisms “embed their citizens within myths of historical community” (Brown 1999, 292). These myths reach back for generations and stretch into the future.

The individualism/collectivism binary drives the civic/ethnic nationalism binary. As Brown (1999) notes, the idea that the ethnic bond is by default collectivist underpins the argument that it is inherently illiberal. Yet, there remains the argument that individual fulfilment is impossible without membership in a cultural community. He goes on to say that ethnic, or cultural, nationalism often carries with it minority rights and social justice “most noticeably in its manifestation as contemporary claims by indigenous or minority ethnic communities for enhanced political autonomy and special rights” (287) which he describes as key to both the individual development and liberty for which civic nationalism receives credit.

Liberalism is regularly defended through illiberal means, which often link race or ethnicity with perceived values. One such illiberal method is “more or less forced resocialization of minority group members” (Olsen 2017, 817) when minority groups are indeed deemed capable of being resocialized or assimilated. Halikiopoulou, Mock, and Vasilopoulou (2013) detail how radical right movements use the liberal language of civic nationalism to advocate for racialized exclusion. They find that, paradoxically, the radical right increasingly identifies the values of tolerance, liberalism, and diversity as the unique values of their nation, undergirding their national identity. They warn that foreigners and racialized outsiders will threaten “their” nation by refusing to assimilate to its liberal identity, mobilizing an ethnic exclusionary agenda around tolerance and diversity. In the case of Australia, Fozdar and Low (2015) find that the normative category is typically Anglo-Christian, and certainly non-Muslim. They write that this demographic tends to view themselves as “the ‘true liberals’ who feel themselves under siege, being pushed around by the inflated problem of the illiberal (typically Muslim) migrant figure

attempting to “challenge the law with illiberal practices, or to change the law altogether” (529). They further found that respondents in their interviews used civic nationalist language to justify racialized and ethnicity-based anti-migrant sentiment.

Brubaker (1999) notes that the many violent and xenophobic tensions in Western Europe show that there can be no uncritical view of “essentially ‘civic’ quality of West European nationalism” (56). Similarly, the United States post-1776 is traditionally characterized as a civic state by scholars (*ibid*). However, countless groups were excluded from full membership within the nation (Kuzio 2002; Spencer and Wollman 2002). Exclusions, both old and new, continue to reinforce hierarchies within citizenship. In Shulman’s aforementioned study, he found that “a majority of respondents in every Western country except Spain desires assimilation of minorities into the dominant culture” (575). Such a finding does not align Western countries with civic nationalism, which is supposed to make few demands on the beliefs and practices of members of the nation. As Kuzio (2002) points out, a nation is only likely to sway more in favor of a civic brand of nationalism “after the core ethnic group is self-confident within its own bounded territory” (38) to not fear its dominance being overtaken by other groups.

Kauffman (2000) provides a historical explanation for how white Anglo-Saxon Protestants came to represent this core ethnic group in the United States. Haselby (2014) complicates this by showing the tensions between regional versions of religious nationalism that emerged across the country. Rather than the easy ascendancy of one ideological strain of nationalism, there were complex struggles over the meaning of “America.” The strongest strain of nationalism emerging from New England advocated for a hierarchical and theological America that promoted racial equality. However, the Jeffersonian liberalism model of American nationality that ultimately won out was evangelical, egalitarian (among white men), and white

supremacist. Various strains of Protestantism played a major part of the battle to dominate and dictate the soul of the country. One major Protestant movement came in the form of a Reformed Protestant Northeastern elite composed of capitalists who founded a nationalist mission movement to spread their ideals. The other was a popular frontier revivalist Protestantism favored by small farmers and those who were pushing westward (Haselby 2014). After the Civil War, however, Northeastern Protestants, once the champions of racial egalitarianism, became invested in reunification with their white Southern counterparts at the expense of hopes for racial equality. Northern Protestant Christianity ultimately “played a critical role in reuniting northern and southern whites, in justifying and nourishing the social and spiritual separation of whites and blacks” (Blum 2005, 3) by spinning a unifying narrative of the country that tied together religion, nationalism, and whiteness that ultimately provided moral righteousness to US imperialist ambitions. While the post-Civil War Reconstruction period could have theoretically been a time for Northern Protestants to push their former anti-racist agenda, Protestant leaders chose to instead solidify white supremacy as the basis of American nationalism. Religious tensions notwithstanding, the core “ethnic group” around which American nationalism has primarily formed is white, English speaking, and Christian. This dominance, often upheld through violence and territorial theft, cannot be divorced from the institutions that form the alleged civic nationalism of the United States.

Adam Smith argued that it is easier to abolish slavery under a despotic government than it is under a free one. In many ways, the adherence to liberty for those white men who could be deemed “individuals” or true members of the liberal state lay at the root of oppression for those not given the full rights of membership and citizenship (Losurdo 2006). In the United States and Europe, the liberal state developed with built-in exclusion of all but white men from the rights of

citizenship. Native Americans and African Americans were classified not only as outside the realm of citizenship, but as subhuman (Bonilla-Silva 2010; McKittrick 2006). Along with the black slave trade, the rise of England and the United States as liberal countries on either side of the Atlantic involved a process of systematic theft of land and murder of the Irish on one side and of Native Americans on the other (Losurdo 2006). Slavery, the removal of indigenous peoples from their lands and sequestration on reservations, the exploitation of Latinx and various Asian groups as contract laborers, Jim Crow, and the myriad other violences perpetrated against racialized minorities, are all important parts of the ‘liberal’ history of the United States (Bonilla-Silva 2010). Still, liberalism’s engagement with race tends to either deny the importance of race or ignore it altogether (Goldberg 2002), a tendency that continues in both contemporary liberal and conservative colorblind discourses.

Goldberg (2002) writes that, while liberal states claim to promote heterogeneity, they actually carry a homogenizing imperative. Language such as “managing diversity” or “unifying in difference” emerges from this directive. This tendency works to render passive through restriction what could be the energizing creativity of diversity and difference. The liberal state is, according to Goldberg, “all about institutionally reproductive homogenization” (30). This homogenization results in the model of the proper American citizen having historically been consciously and overtly portrayed as white.

While liberalism *can* be progressive, such as in the case of liberal rhetoric being used to advance social and legal reform for disenfranchised groups (Bonilla-Silva 2010), history also provides many examples of how actually-existing liberalism works to produce white liberty at the expense of, and based on the exploitation and oppression of, those constructed as other than white, male, and citizen. Habermas (2005) goes further, suggesting that classical liberalism

“threatened to reduce the meaning of equal ethical liberties to a possessive-individualist reading of subjective rights, misunderstood in instrumentalist terms” (2) breaking important linkages between members of a political community. It can be argued that white supremacist liberalism represents a poisoning of “pure” liberal thought, the product of a supposedly bygone era in which racialized hierarchies were blatantly structured by and written into law. However, racism and racialization, while less acceptable as overtly observable attitudes and processes, have not been extricated from the systems that (re)produce the state, or those that the state (re)produces. As Lipsitz (2006) writes, “It is a mistake to posit a gradual and inevitable trajectory of evolutionary progress in race relations; on the contrary, our history shows the battles won at one moment can be later lost” (5).

Rather than being erased, racist systems and hierarchies change to suit the developments of the state and society. Lipsitz (2006) in fact argues that contemporary racism emerged anew in one of the most dramatic fashions via the purportedly race-neutral and liberal reforms associated with the New Deal Era. The restructuring of racism in this instance was on par with the race-conscious neoconservative reactions against liberalism under Nixon (*ibid*). New Deal liberalism reimagined the rights that should be afforded to the American citizen and suggested that the government should support Americans in obtaining them. Yet the New Deal saw a bargain between the Democratic Party at large and racially conservative southern whites. Even party members who were in favor of minority rights put other priorities first to keep the political peace. Katznelson (2005) writes,

By not including the occupations in which African Americans worked, and by organizing racist patterns of administration, New Deal policies for Social Security, social welfare, and labor market programs restricted black prospects while providing positive economic reinforcement for the great majority of white citizens (29).

Further, as Goetz (2013) details, public housing projects emerging from New Deal reform were originally designed with white “deserving poor” in mind, with the idea that it would help them get on their feet and eventually move out of public housing to become productive members of society. However, public housing became increasingly stigmatized, ghettoized, and dismantled as it became associated with poor minorities instead of white families. Once again, liberalism in practice primarily reflected and represented white interests out of political expedience, providing echoes of the Northern Protestant racial bargain to reunify with the south.

The Civil Rights Movement did not divorce the state or its apparatuses such as the school from the workings of white supremacy. Inwood (2015) argues that in the 1970s the state’s relationship to race in the US was not severed, but materially transformed as productive capacity idled. White politicians used the economic tension and crisis to build white resentment against minorities for gains made during the civil rights struggle for their own political advantage. Promoting the idea that minorities were taking what rightfully belonged to white citizens and were therefore the cause of socioeconomic problems that whites faced became a viable political move; one that was used to great effect with the Republican Southern Strategy to bring about national level reforms.

Bonilla-Silva (2010) argues that a new form of racism has emerged: color-blind racism. He contends that, in an effort to maintain white supremacist hierarchies, color-blind racism has appropriated and reshaped central tenets of liberalism such as individualism, work ethic, equality of opportunity, and reward based on merit. In education, this often comes in the form of accusations that affirmative action gives preferential treatment to non-whites in college admittance, while the statistics about underfunded majority-minority K-12 schools go ignored. Instead, a baseline of equality of opportunity is assumed, presuming that individual merit is what

stratifies society, and that stratification is appropriate and desirable as it promotes a strong work ethic. Bonilla-Silva suggests that whites more heavily rely on cultural instead of biological tropes to explain racialized socioeconomic hierarchy. They can then blame a culture's supposed poor work ethic or a "culture of poverty" for inequality instead of examining the systems that support and recreate inequality.

III. The emergence of neoliberalism

The central tenets of liberalism do a great deal to explain how a racialized, white supremacist hierarchy that promotes whiteness as more "American" can be perpetuated even in an era of colorblindness. However, to understand the contemporary context it is important to acknowledge the changes under neoliberalism. To do so, we must consider the economic aspects of liberalism and neoliberalism. "Embedded liberalism" involves market processes and entrepreneurial and corporate activities that are surrounded by a network of social and political constrictions. Regulations, in this case, are sometimes restrained but at other times do significant work in directing the mechanisms of industry. While it still involves a significant level of "liberation" from government involvement, there are checks in place to avoid the more destructive tendencies of capitalism. The *neoliberal* project is to free capital from the governmental constraints that are still imposed even in a liberal state (Harvey 2007). Here, I discuss neoliberalism and how it interacts with race and the promotion of white supremacy.

The term "neoliberal" is derived from a combination of: 1) neo-classical economics, which focuses on how individuals interact with the market, and 2) liberalism focusing on a fundamental commitment to the ideal of personal freedom as discussed in the previous section. Neoliberalism displaces classical economic theory that primarily focuses on how goods and services are produced in favor of neo-classical. However, it maintains allegiance to Adam

Smith's idea of the "invisible hand of the market" (Harvey 2007). Neoliberal theory can be traced back to postwar writings of Hayek and Friedman (Brenner and Theodore 2003; Peck and Tickell 2003) but first gained widespread prominence during the late 1970s and early 1980s as a strategic political response to the sustained global recession of the preceding decade (Brenner and Theodore 2003). Neoliberalism emerged from contestations to Fordism (Leitner et al. 2007). It supposes that human well-being is best promoted "by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade" (Harvey 2007, 2).

According to Harvey (2007), the neoliberal understanding of the state's purpose is to work towards producing and maintaining this institutional framework. Neoliberal governance was largely solidified by responses to the New York fiscal crisis that led Reagan and the International Monetary Fund's (IMF) to push neoliberal policies in the 80s. These policies emphasize "that the role of government was to create a good business climate rather than look to the needs and well-being of the population at large" (49). The state should also be responsible for the creation and maintenance of military, defense, police and legal structures and functions "required to secure private property rights and to guarantee, by force if need be, the proper functioning of the market" (2). However, "actually existing" neoliberalism has not always adhered to these principles, especially government disinvolvement in matters of the market. The general evolution of neoliberalism has thus far proceeded as follows: 1) Abstract intellectualism as seen in Hayek and Friedman's work; 2) "roll-back" neoliberalism in the 1980s which was primarily concerned with the destruction and discrediting of Keynesian-welfarist and social-collectivist institutions; 3) "roll-out" neoliberalism in the 1990s that focused on constructing and consolidating neoliberalized state forms, governance, and regulatory relations. This last step of

roll-out neoliberalism included significant social intervention on the part of the government that should not have happened under theoretical neoliberalism. The purpose of this interference has been, and continues to be, the perpetuation of neoliberal governance (Peck and Tickell 2003).

There are, according to Sites (2007), generally two main approaches to understanding neoliberalism: 1) Neoliberalism as an ideology, which involves political discourse that reconfigures liberal conceptions of freedom, markets, and individualism to suit the demands of intensifying contemporary capitalism; 2) As an “actually existing” situation that involves financial deregulation, flexible labor, free trade, and state policies designed to enable those tendencies. As the progression of neoliberalism and the different approaches to understanding it reveal, the neoliberal state is not a static, solid entity with clear and bounded rules. The neoliberal state can indeed be read as both unstable and contradictory (Harvey 2007).

Peck and Tickell (2003) propose a process-based understanding of neoliberalism that they term “neoliberalization.” Neoliberalization represents an “historically specific, unevenly developed, hybrid, patterned tendency of market-disciplinary regulatory restructuring” that, rather than extracting government from market relationships, depends upon governance and a state-economy relationship that works to impose increasing marketization and commodification (Brenner, Peck, and Theodore 2010, 330). Ong (2006) suggests that this leads to American neoliberalism being viewed internationally “as a radicalized capitalist imperialism that is increasingly tied to lawlessness and military action” (1). There is a disparity between the professed aims of theoretical neoliberalism, which revolve around increased freedom from state interference, and how neoliberalism actually plays out in the world. The reality involves coercive, disciplinary forms of state intervention “to impose market rule upon all aspects of

social life” (Brenner and Theodore 2003, 5). So, rather than increased liberty, Harvey (2007) argues that the actual consequence is the restoration of class power.

A main political-economic requirement of neoliberalization requires the construction of a market-based populist culture dependent upon both “differentiated consumerism and individual libertarianism” (Harvey 2007, 42). It is this notion of individualism that I would specifically like to focus on as a key component of neoliberal citizen formation. Ong (2006) argues that the new alignments of citizenship elements in neoliberalizing states are a result of decoupling of citizenship components that were previously linked, such as rights, entitlements, nation, and territoriality. She suggests that these elements are “rearticulated with governing strategies that promote an economic logic in defining, evaluating, and protecting certain categories of subjects and not others” (16). Exceptions to neoliberalism-in-theory in the scope of actually existing neoliberalization work to maintain the normative order and to articulate and reinforce regimes of citizenship and belonging. Ong discusses how exceptions to neoliberalism are invoked in the political realm to exclude “undesirable” populations and places from being recipients of the perceived benefits neoliberal choice, and can extend as far as “stripping away all forms of political protection” (4).

IV. Race and neoliberalism

To consider how neoliberalism and race are more deeply tied together, it is important to first explore the concept of the “racial state.” Omi and Winant (1994) conceive of the racial state as “historically constructed by racial movements; it consists of agencies and programs which are institutionalized responses to racial movements of the past” (86). Goldberg (2002) suggests that Omi and Winant structure their proposed theory of the state and race in a way that, despite writing of the inherent raced-ness of the state, still presumes a conceptual discreteness between

the two. Goldberg argues that, with the racial state, race is integral to the emergence and transformations of the modern nation-state. Furthermore, race guides the workings of the nation-state and state projects. He writes that, “the apparatuses and technologies employed by modern states have served variously to fashion, modify, and reify the terms of racial expression, as well as racist exclusions and subjugation” (4). One mode of racist exclusion, he argues, is the rhetoric of “racelessness.” The rhetoric of racelessness represents a neoliberal attempt to move past the exploitative and dominating racial structures that dominant society now believes are morally untenable (at least in their extreme examples, such as slavery or legal segregation) while doing little to alter their legacy or address continued, somewhat more covert, raced practices that support white supremacy.

Sandoval (2000) describes seven poses by which citizens who do not see themselves as racist may ultimately enact the domineering class’s racism. Each of these poses, she suggests, “calls up possibilities and prohibitions for thought and behavior that typify the ‘good citizen-subject,’ one who is capable of functioning well under the imperatives of nationalist state formation” (118). Taken together, these poses work to institute a constructed reality, in this case one with a white supremacist racialized hierarchy, as both true and common sense. One of these poses she calls “neither-norism.” Neither-norism enables the citizen-subject to develop an independent “neutrality.” In doing so, they can appear reasonable by merely affirming what already exists. In this situation, a citizen-subject could contend that new affirmative action policies would promote unfair racial preferences that would harm white people and said policies would therefore be racist. Goldberg (2002) argues that in doing so, whites can deny responsibility for the history and legacy of white supremacist domination and exploitation.

Through state rule, the powerful are then able to “reinstate the invisibility of the subject positions of the presently marginalized” (70).

Roberts and Mahtani (2010) warn that scholarship that examines only the racialized *outcomes* of neoliberal policy results in a limited analysis. Instead they suggest that neoliberalism must be discussed as a fundamentally raced project, and the production of racialized bodies emerging from it should not be written off as epiphenomenal to the structuring of capital. Omi and Winant (1994) disagree with relying upon the explanation of states as racially interventionist to explain racialized hierarchies that emerge within them, in large part because doing so depicts the state as *structuring* but not *structured*. The state, they suggest, is *inherently* racial. “Far from *intervening* in racial conflicts,” they write, “the state is itself increasingly the pre-eminent site of racial conflict” (82).

Looking specifically at the U.S. context, Omi and Winant claim that, for the majority of the country’s history, there has been a preoccupation with racial repression and exclusion. The first attempt by Congress to define American citizenship, the Naturalization Law of 1790, restricted naturalization to ‘white persons’ only (Omi and Winant 1994; Haney López 1996). Whether one is legally or socially coded as white has historically depended largely on other elements of identity and continues to do so today. Early US Courts struggled to determine who counted as white, often making seemingly arbitrary decisions about whiteness, though justices tried alternately to appeal to common knowledge and scientific evidence. When scientific evidence did not provide or promote racial divisions as expected, they began to disparage science rather than re-examining beliefs about race, and instead elevated common knowledge about what “whiteness” meant. Courts regularly flip-flopped on rulings about who counted as white for the purpose of naturalization. For example, in 1913 Asian Indians were ruled white. In 1917 the

ruling was changed to not white. In they became 1919 white once more, and in 1923 they resumed their status as not legally not white (Haney López 1996).

The example of the frequently contested nature of who legally possesses whiteness shows that whiteness is not a biological truth based on ancestry and physiology. Instead it is a social construct that brings with it tangible benefits, power, socio-political inclusion, and citizenship. With power structures largely emanating from constructed whiteness firmly intact, erasing racial “difference” and its legacy without taking steps to redress it is a powerful tool that allows for the maintenance of white supremacist racialized hierarchies. Omi and Winant (1994) cite neoliberalism’s promotion of false universalism as one of neoliberalism’s main flaws due to its masking of underlying racial conflicts.

But what to some might be seen as a flaw would be to others an asset. Lipsitz (2006) argues that public policy works with prejudiced racial sentiments to create what he calls a “possessive investment in whiteness” based on the market value attached to whiteness. White Americans are encouraged to continue investing in whiteness as it provides benefits and profits in realms such as housing in discriminatory markets and unequal education for students of different races. When those individuals coded as white receive access to more desirable commodities, opportunities, etc., it is treated as an individual result based on the work, or perhaps luck, of the *individual*, despite the long history of the state and its policies set up to promote not just white success at the expense of (and based on the exploitation of) racialized minorities, but whiteness as the very basis for inclusion and citizenship.

Going beyond even nationalism, Mize (2008) describes the recent developments in state-society relations along the U.S.-Mexico border as “neoliberal nativism.” According to Varsanyi (2011), nativism is an inherently American idea that emerged in the mid to late 1800s out of a

hatred of foreigners, Catholics, non-whites, and radicals, all of whom represented a dangerous challenge to certain conception of the American way of life. Nativism therefore goes beyond nationalism to suppose that there is a way of life that is inherent to the territory of the United States and that supposed “outsiders” represent an immediate threat. De Oliver (2011) argues that support for neoliberal policies depends upon metanarratives of national exceptionalism that are becoming obsolete in the face of economic stress and stagnation, and as such, is forcing subnational anti-immigration groups to consider returning to nativist rhetoric alluding to cultural superiority. Varsanyi (2011) further contends that subnational nativist policies actually act in opposition to the unintended consequences of national and supranational neoliberal policies, such as increased undocumented migration and a perceived porosity of borders.

V. Education and race in the United States

The school plays a vital role in citizen production, making it a key site of conflict over what makes a “good” citizen and the proper ways to produce a “good” citizen. Schools do not act as a site and system for a unilateral (re)production of a one-dimensional, unified state and citizenry. There are continuous moments of tension and conflict as individuals and organizations acting at all political scales struggle over the meanings of education, of the ideal citizen, and of the nation. Here I discuss the ways in which the school is utilized in these processes, specifically with regard to racialized citizenship and the maintenance of white supremacy.

Since the establishment of American public schools in the mid-1800s, one of the primary goals of public education has been to teach and promote democracy and to produce citizens capable of participating in the state (Ravitch and Viteritti, 2001). However, understandings of proper citizenship production have varied over time. Ravitch (2001) provides an overview of the thinkers who have impacted American education policy and the different understandings of what

education is for in relation to democratic citizenship. According to Ravitch, Noah Webster, an educator in the late 1700s, believed students were instruments that schooling could mold in order to serve the needs of the state. At the same time, Thomas Jefferson was working to pass legislation to create public schools, laboring under the belief that education was the basis for fostering an informed citizenry who would be able to resist tyranny.

In the 1830s, Horace Mann, considered the father of the American common school, argued that schools should distribute knowledge through the population evenly. This would require centralized governmental control of schools. He considered this the best way of promoting large-scale investment in the nation's human capital, leading to economic growth. However, early 1900s school reformers operated under the belief that some children (particularly black children and the children of immigrants) lacked the intelligence to study subjects such as algebra and chemistry, and that democratic society would best be served by schools sorting and differently educating students for their assumed future vocational roles, rather than for informed citizenship. Philosopher John Dewey reacted against this school reform movement. He remains one of the most influential thinkers in terms of the nature of the relationship between education and democratic participation. Dewey stressed that different groups must be brought into contact through the school, thus creating a more unified (and arguably homogenized) society (Ravitch 2001).

Althusser (1970) cites schools as one of the primary types of ideological state apparatus (ISA). His conception of the ISA concerns institutions and organizations that work with one another in a system promoting the dispersal of state ideology. Althusser recognizes 8 main ISAs, with the scholastic ISA holding the "dominant position in mature capitalist formations" (143). The scholastic ISA became dominant because, as he writes, no other ISA "has a *captive* audience

of *all the children of the capitalist social formation* at its beck and call (and—this is the least it can do—at no to cost to them) *for as many years* as the schools do, eight hours a day” (146).

Today, Macris (2011) argues, schools act as sites of reproduction of neoliberal principles.

Schools, Althusser (1970) suggests, provide knowledge and information in forms that ensure student subjection to the dominant ideology. Even if they do not believe the dominant ideology, they are taught how to act within it. Bowles and Gintis (1976) write that schools, as institutions of the modern state, participate in the perpetuation of economic dependence necessary to the maintenance of capitalist relations of exploitation and class domination. I argue that this can be applied generally to the creation of a national identity as well. According to Apple (1995) the scholastic ISA selects, certifies, and creates a hierarchy out of the student body. However, Apple and Althusser suggest that this occurs specifically to assist in 1) the creation of conditions that are favorable to capital accumulation, and 2) the legitimation of capitalism through maintaining a meritocratic ideology and, therefore, “legitimate the ideological forms necessary for the recreation of inequality” (Apple 1995, 13) and maintenance of its structural bases. This is somewhat insidious as it delegates the power of maintaining already present hierarchies to the schools. In this way “the privileged classes are able to appear to be surrendering to a perfectly neutral authority the power of transmitting power from one generation to another” (Bourdieu and Passeron 1977, 143). They can therefore further press the notion of individual merit and make invisible the hereditary transmission of social, political, and economic power.

The objective of the school based on school reforms between 1850-1920 has been, according to Carnoy (1974), to instill faith in the capitalist system, and to place people within it. He argues that it is based on the philosophy that “the rich and powerful are cleverer than the poor

and weak, and therefore have the right to be rich and powerful. And society is better off for that division and ordering of power” (255). The supposed meritocracy, which is meant to be considered open and objective, ultimately works to assign students to unequal economic positions (Bowles and Gintis 1976). The meritocracy can be seen today in school tracking, which puts students on a path such as honors or compensatory (formerly remedial) education. These paths are incredibly difficult to change, and often have a racialized aspect to it, with white students more likely to be put into honors or gifted tracks. Tracking is one of the primary ways that spatial racial segregation persists in so-called “mixed” schools (Modica 2015).

Carnoy (1974), describes the scholastic apparatus as training non-whites in performing the roles that whites in the dominant class choose for them. Even self-described “radical” humanitarians, he writes, meant for education to bring non-whites “into a modern industrial ‘meritocracy,’ in which their race would not be a factor in the social role they played” (272). The individualist meritocracy can be considered an American myth, part of the story of who we are as a nation. Barthes (1957) writes that one of the ways that a rhetoric of supremacy is promoted is via the privation of history in myth. It disconnects ideas from time, makes them context-free objects that may be taken up as Truths. With our national myths, we are detached from the production of the current state of things: our nation, as is, is inevitable.

Studying Mexican American history without accompanying white-centered American myths and legends undermines the idea of the exceptional and inevitable nation. In her study of how Mexican American youth are disadvantaged by U.S. schools, Valenzuela (1999) discusses the stages of economic racism. The first stage includes violent conquest accompanied by the promotion of a belief system that situates the conquering group as culturally and intellectually superior. The second step occurs when the colonizers consolidate and stabilize control over the

colonized and their land and integrates them into the labor force in subordinate positions. She argues that, “schools are an instrument of the maintenance of colonial relationships in that they constitute an arm of the state through which belief systems and cultural relationships are taught” (xvii). Schools, then, perpetuate colonial relationships that maintain economic racism in favor of the dominant class, members of which possesses whiteness.

The structural Marxist readings of the work schools do in producing citizens who fulfill the roles necessary to capitalist accumulation describe a division and sorting that is in line with the descriptions of scholastic discipline provided by Foucault¹⁵, even if the rational is not entirely the same. The study of disciplinary power is about understanding the coercive link with the apparatus of production instead of the exploitation of the product (Foucault 1975). Beginning in the 18th century, Foucault writes, control focused on subtle coercion at the level of movements, gestures, and attitudes rather than control via fear of punishment. According to Foucault, normalizing judgment is a key instrument of disciplinary power. Normalizing judgment involves *corrective* disciplinary punishment. Institutions, including schools, frequently come with (not always explicitly) defined parameters for membership, or for what makes a “good” member (Parnitzke and Freyd 2014). Anything non-conforming is potentially punishable.

Observable processes, such as the exam, are the basis of normalizing judgment. Institutions frequently come with (not always explicitly) defined parameters for membership, or for what makes a “good” member. In the case of the school, a student who fails exams is considered ignorant, lazy, or in some other way deficient. A failing student might be “corrected”

¹⁵ While there is tension between Althusserian and Foucauldian readings, see Resch (1992) for a discussion of how they can be read together. He goes so far as to call Foucault a “renegade Althusserian” (229). He writes that their differences center on historical materialism as a scientific discourse, but that both come from a starting point of seeing similar issues and limitations in historical thought. However, it is in their response to these issues and limitations that they diverge. Despite their tensions, the two theorists have been used together fruitfully in work on resistance (Sandoval 2000) and education and subjectivity (Youdell 2006).

through taking another exam or having their hierarchical ranking lowered. This works within a gratification-punishment double system, making students more likely to buy into a meritocratic system if they perceive rewards for “good” behavior and performance. (Foucault 1975).

However, Mexican American students have historically been positioned as unintelligent in what Urrieta (2010) refers to as “whitestream” schools, before behavior and performance are even evaluated. Bradbury (2013) follows Foucault to analyze the discourse of the “good learner.” In contemporary classrooms, “good learner” discourse shapes who is perceived as successful and creates a model of what each child is capable of and should therefore strive toward. It allows predictions as to who will be excluded from positions of success.

While public schools present themselves as 'great equalizers,' they deny most children the chance to acquire the most elite knowledge and skills. Examinations are one tool by which these knowledge and skills can be given or denied. The examination, according to Bourdieu and Passeron (1977), imposes the school's vision of worthy knowledge for social reproduction and imposes the values of dominant culture. Katz (2004) argues that schools use 'commodified' knowledge to conceal the process of sorting children into different levels. She writes that “the school exam not only works as a floodgate controlling the number of members of society 'qualified' for particular roles, but it naturalizes their selections” (116). Apple (1995) argues that schools in this way promote a distinction between mental and manual labor. Those who reject or are rejected by this particular system, as determined by performance (often as determined by teachers who may hold prejudices about who is understood as a “good learner”) are “placed” “through the internal guidance and curricular programs of the school, in a trajectory that allows surplus labor to be extracted from them later on in the form of service and/or manual labor” (46).

These understandings of the examination's purpose have traction in the context of the Arizona ethnic studies ban. We cannot take examinations and other spatio-temporal sorting techniques to be about "individual merit" in a vacuum. They are instead concerned with who can rise to the "top" in the society in which they are embedded. In a society that values whiteness as a major component of national identity, an apparent increase in aptitude based on examinations and other sanctioned tools of ranking among those who do not possess whiteness raises concerns. This is especially the case when this apparent increase in aptitude is based upon the teaching of non-white-washed history. I argue that these concerns, coupled with fears about non-white group solidarity eventually leading to a rebellion against the White supremacist social order, is part of the story of the political decision to terminate the MAS program.

Schools in the United States have a long history of coaching non-white students in whiteness as part of reforms that were, at the time, seen as progressive. An infamous example of this is the off-reservation boarding schools that sought to "kill the Indian to save the man" (Adams 1995). These schools focused largely on "individualizing" indigenous students and undoing cultures of community and interdependence, just as we see in the case of the contemporary Arizona ethnic studies ban. There is a tendency in public schools, Valenzuela (1999) writes, to use a "subtractive process that divests youth of important social and cultural resources, leaving them progressively vulnerable to academic failure" (3). This is especially the case for students who are not on the "gifted" or "honors" track. She adds that schools frequently adhere to assimilationist policies and practices designed to divest Latinx students of their culture and language.

According to Nasaw (1971), in the 1800s and 1900s, debates concerning what to do about "wild" or "problematic" youth generally revolved around poor, non-white, and immigrant

children. There is an especially interesting dichotomy between well-off and poor children in the United States. While (white) children in the United States were generally encouraged to be independent and granted freedom to the point of shocking European visitors, impoverished children displaying similar independence from their parents were seen as delinquents. Lower-class children were valued very differently than their more prosperous peers. For example, they were routinely blamed for their own deaths when they were hit and killed crossing a street (Zelizar 1985). Immigrant, non-white, and poor children “were not only aesthetically and morally displeasing, they were also *potential recruits for the revolutionary and radical movements* building support throughout the country” (Nasaw 1979, 99; emphasis mine).

In positioning white supremacist hierarchy as a failure of culture (or a culture of failure) for non-whites, it becomes easy to avoid systemic reworking that may disrupt the position of whites at the top. The “model minority” myth frequently applauds a perceived cultural affinity among Asians for hard work. This myth is used as evidence that institutional racism does not play a part in socioeconomic positioning and that success or failure is truly a result of individual behavior. This does the work of broadly rendering Asians less threatening to white power, demonizing other minority populations, and pitting non-white people against one another for greater recognition within a white supremacist power structure (Pulido 2006; Wu 2003). In the realm of education, this in part explains pushback against the teaching of Mexican American history, which is associated with a culture that is imagined as not adhering to the values associated with a white-dominant American culture. Furthermore, Bonilla-Silva (2003) suggests that, since adhering to the aforementioned tenets of liberalism can make whites seem reasonable, logical, and moral by suggesting that affirmative action policies represent preferential treatment, issues such as segregated schools can easily be explained away. The doctrines of individualism

and “choice” are used as justification for sending children to racially and economically segregated schools, rather than having to discuss the issues of race and class themselves.

The American public school system has a long and continuing history of training non-white students in “whiteness” as part of the process of creating American national identity. The United States and its westward expansion have long centered a white, Eurocentric idea of what it means to be a part of the nation. This is at times hidden in popular discourse behind adherence to colorblindness. The current political moment has raised questions of who is truly “American” and what our collective understandings of the national ideals actually are. Whose histories are taught in the public school system, and what their framings are, fundamentally shape young people’s understandings of who belongs and who does not, and simultaneously reflects voter’s values.

VI. Appropriative evasion

Appropriative evasion is informed by Haney López’s dog whistle politics (2014) and Freyd’s concept of DARvo (Deny, Attack, Reverse Victim and Offender). There is conceptually useful overlap between the three steps of racial dog whistle politics as described by Haney López (2014) – the jab, the parry, and the kick – with the abusive tactic of DARvo as developed by Freyd (1997). Together, they provide a way to explore the duality of racism in politics in terms of both its usefulness as a political tool and the evolving manipulations required to both silence victims and confuse or appease larger political audiences. The result is a four-part response to accusations of both racism and racial animus as seen in Figure 1.1: 1) the initial attack or betrayal that is called out, 2) the denial, 3) the attack to undermine credibility of the accuser and, finally, 4) the reversal of victim and offender.

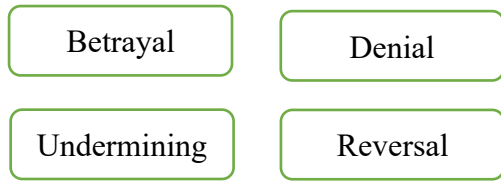


Figure 1.1: Phases of appropriative evasion

The figure is not in a straight line and includes no directional arrows because these four steps do not need to occur in a set order. Those being held accountable may shift effortlessly between one step and another, even from sentence to sentence. I provide explanations of how each part is represented in key political discourse surrounding termination of TUSD’s Mexican American Studies program. Aligning these DARvo and dog whistle politics within this framework explores not just how but also *why* these strategies work at different levels.

a. DARvo: An Overview

Feminist psychology considers the role of power in interpersonal relationships (Freyd 1997). The concept of DARvo (Deny, Attack, Reverse Victim and Offender) emerges from this tradition as a means of describing a pattern of behavior that perpetrators of abuse use to confuse, and ultimately silence, those impacted by their behavior (Freyd 1997; Veldhuis and Freyd 1999; Harsey, Zurbriggen, and Freyd 2017). Dr. Jennifer Freyd pioneered the term in 1997 and continues to study this patterned response. A study of victims’ experiences confronting an individual who mistreated them found that the individual elements of DARvo are significantly positively correlated, confirming the pattern Freyd observed (Harsey, Zurbriggen, and Freyd 2017). Rather than focusing on victim dynamics, DARvo looks at how abusers wield and protect power (Freyd 1997). Abusive strategies such as DARvo can ultimately lower awareness of the abuse even for the target (Veldhuis and Freyd 1999). In Freyd’s (1997) first publication outlining DARvo, she writes that not all types of denial are the same. An innocent person is, of course, likely to deny their wrong-doing. She suggests that “indignant, self-righteous, and overly stated”

(29) denial of abuse, especially when coupled with manipulation tactics, more likely indicates that the allegations against them are truthful. Another denial tactic is minimization, suggesting that the whistle blower is overreacting to something small or unintentional (Veldhuis and Freyd 1999). Freyd's (1997) observations of abusers faced with a person or group attempting to hold them accountable show that they tend to "attack" in such a way as to chill the accusations against them through threats or attacking the accuser's credibility. She writes that the latter "will likely focus on ad hominem or ad feminam instead of intellectual/evidential issues" (30). When reversing victim and offender, the abuser argues that they are actually the ones who have been hurt. This can range from saying that their feelings or reputation have been harmed by unfair allegations, to attacking society for its hurtful norms or views if the abuser cannot hide or minimize what they have done (Veldhuis and Freyd 1999).

While DARvo is often used to describe interpersonal abuse, I argue that it can also be applied to public rhetoric designed to confuse the voting public, shift blame, and, ultimately, silence dissent. DARvo emerges from betrayal trauma theory that specifically considers oppression or mistreatment "by powerful others" (Freyd 1997, 29). Key to betrayal trauma is a violation of trust: A stranger creates different wounds than those created by a person or entity which the abused is close to or is meant to rely upon.

But betrayal trauma is not limited to one-on-one interpersonal harm. Work on betrayal trauma increasingly considers systemic or "institutional betrayal," which occurs when "an institution causes harm to an individual who trusts or depends upon that institution" (Parnitzke and Freyd 2014, 578), either through deliberate acts targeted against the individual in question, or negligence (Smidt and Freyd 2018). Here, depriving the target of power is key (*ibid*). Gentile (2018) argues for closer and further study of institutions, not just as containers of individuals, but

active agents in betrayal. We can see an example of this in higher education, wherein the stage is often set for “inequity, discrimination, bullying, and retaliation” (Pyke 2018, 5) while lacking an appropriate avenue to adequately defend employees or students harmed in these scenarios, often by the workings of the institution itself.

Furthermore, institutional betrayal may not always emerge from the institution itself, but may be government mandated, such as in the case of Ohio HB 658 requiring government entities including teachers to disclose a child’s gender identity in writing to their parent or guardian, or the betrayal of asylum seekers who are mistreated at the southern border and detention centers (Smidt and Freyd 2018). But even with government-mandated institutional betrayal, there is room for resistance from both the institution receiving the orders and those outside the institution. There is much to be learned about both an institution, and the institutions and individuals surrounding it via the responses to government mandated institutional betrayal. Aside from governments mandating institutional betrayal in realms such as schooling, government itself can be recognized as an institution capable of betrayal. As Demarni Cromer et al (2018) point out, governments should, theoretically, act in the best interests of the governed; “therefore, government policies that forced American Indian dependence on the government and which enforced oppression and ethnic cleansing are examples of institutional betrayal” (101) wherein the U.S. government itself represents the betraying institution.

It is important to note the impact of *racialized* institutional betrayal. Gomez (2015), for instance, discusses racist microaggression as a form of institutional betrayal, and how this systematically harms black Americans within the mental healthcare system. Carrol (2017) argues that, to truly confront institutional betrayal we must ask both how institutional betrayal is sustained by the status quo and who benefits from betrayal. In systems which uphold whiteness

as either neutral or superior, it is whiteness that benefits. In the case of the MAS program, the neutrality of whiteness and the reproduction of whitened stories about national history and culture were challenged. The betrayal, in the form of terminating the program, firing teachers, taking books away from students, and demonizing students, teachers, and protesters, can be read as directly upholding a whitened status quo.

The intent behind such action in the realm of education system can be seen explicitly in the case of indigenous children taken to off-reservation boarding schools. There, caregivers within the boarding school system who harmed children through physical or psychological abuse, as well as through the attempted stripping of their identity explicitly to “whiten” them, represents betrayal trauma (DeMarni Cromer et al. 2018). This example is unambiguously in the service of upholding white supremacy within the territory they sought to command complete control over, despite ideas that such boarding schools were a progressive alternative to contemporary treatment of indigenous peoples by whites. Bryant-Davis (2007) argues that the concept of race-based trauma allows a more precise reading of “the psychological consequences of interpersonal or institutional traumas motivated by the devaluing of one’s race” (137).

b. Dog whistle politics

Dr. Stephen Pitti, a Yale historian with a focus in Mexican American history, testified as an expert witness in *González v. Douglas*. One of the key points of his testimony was his description of how racially coded language is used against Mexican Americans. Judge Tashima wrote in his decision that, while he independently concluded that politicians used coded racial language in this case, Dr. Pitti’s testimony corroborated his view. To delve into the coded language of this case, I draw heavily from Ian Haney López’s discussion of dog whistle politics (2014). As I described earlier in this chapter, the “dog whistle” refers to coded language meant

for a target audience, but that maintains plausible deniability of the intended meaning. In this case, Haney López focuses specifically on dog whistling that stirs up and plays upon racial animosity for political gain that allows the politician employing the dog whistle to claim that they have done nothing racist. He notes that “modern racial pandering always operates on two levels: inaudible and easily denied in one range, yet stimulating strong reactions in another” (3). Further, it allows the politician to then accuse others of “playing the race card” when racist undertones are pointed out, or even of hurting the politician’s feelings with such accusations.

The *main purpose* of the dog whistle is *political gain*. Haney López (2014) argues that it requires no ill will toward a group on the part of the politician, only that they act on the ability to “manipulate racial animus in pursuit of power” (113). He refers to this willingness to use racism for personal advantage as “strategic racism,” comparing it to three other understandings of racism: 1) “Racism-as-hate,” which amounts to “discrete acts of bigotry by malicious individuals” (42). He explains that conservatives on the Supreme Court have, for decades, held this first definition of racism up as the true definition of racism, making systemic discrimination difficult to prove in court; 2) “Structural racism,” which focuses on power structures that reinforce inequality rather than individual racists, stressing how past mistreatment drives current inequalities. He warns that this can lead to the idea that nobody should be held accountable for contemporary racialized unevenness. He writes, “There’s nothing especially revolutionary in suggesting that social dynamics frequently continue through inertia. Indeed, insofar as it eschews identifying contemporary culprits, a structural account sometimes can be politically safer than the hate model” (44); and 3) “Implicit bias” referring to the idea that we form automatic judgements based on race “virtually automatically, long before our conscious minds have a chance to recognize, let alone object to, the errors” (44). The implicit bias understanding of

racism can lead to the feeling that there is little anyone can do, and even to the idea that it is natural to favor your own race. He responds to this with what he calls “commonsense racism,” which stresses that the origins of racial biases lie in culture and social structures. All of these understandings help tell part of the story of our racialized landscape, but it is strategic racism that helps us to understand dog whistle politics.

The idea that political rhetoric deals in coded language with different levels of messages directed at different audiences is not new. In 1981, Alexander Lamis conducted a now-infamous interview with Republican strategist Lee Atwater. In it, Atwater spelled out the evolution of the “Southern Strategy,” a Republican strategy designed to appeal to a specific white, racist portion of the electorate. He notes that the way politicians discussed race had to change over time:

You start out in 1954 by saying, “Nigger, nigger, nigger.” By 1968 you can’t say “nigger”—that hurts you, backfires. So, you say stuff like, uh, forced busing, states’ rights, and all that stuff, and you’re getting so abstract. Now, you’re talking about cutting taxes, and all these things you’re talking about are totally economic things and a byproduct of them is, blacks get hurt worse than whites. “We want to cut this,” is much more abstract than even the busing thing, uh, and a hell of a lot more abstract than “Nigger, nigger.”

His description reveals the strategic racism and coded language described by Haney López directly at work. However, Haney López (2014) reminds us that dog whistling is not only utilized by Republicans, and in fact became a key part of Bill Clinton’s presidential campaign in the 1990s.

Omi and Winant (1994; 2014) write that *all* elements of society are in some way racially coded. In the wake of the minority movement upsurges of the 1950s and 1960s that managed to create a sustained paradigm shift in terms of the social meaning of race, it was no longer politically viable to promote explicit racism. They demonstrate how this was worked around via coded language to promote policies that would be beneficial to the white racial majority over the

minority. Showing the evolution of coded language, they demonstrate that the “anti-busing” rhetoric Atwater described became “pro-family” when its political power weakened, and phrases such as “reverse discrimination” became prominent calls to arms, especially for working class whites.

The language of the dog whistle evolves to meet the political needs of the time. Haney López (2014) explains that the September 11 attacks in 2001 and a fear of demographic changes as the Latinx population grew led to a racialized fear of those perceived by the white majority as outsiders. He writes that, during the George W. Bush’s presidency, “many Republicans searched for electoral gold in warnings about the Hispanic threat.” (121) This, of course, did not end with Bush. Lasch (2016) shows how Fox News and then-candidate Donald Trump used the 2015 killing of Kathryn Steinle by Juan Francisco Lopez-Sanchez to stir up anti-Latinx migrant sentiment for political gain with a white conservative base. Interestingly, some have suggested that during the 2016 presidential campaigns and into the Trump presidency the subtleties of dog whistling were replaced in certain political arenas by a “megaphone” (Brodin 2017) or even a “scream” (Filimon 2016). In 2018, for example, Georgia gubernatorial candidate Brian Kemp stated in a commercial, “I got a big truck, just in case I need to round up criminal illegals and take ‘em home myself.” His win led to questions concerning how many voted for him *despite* this explicitly anti-migrant rhetoric, and how many voted for him *because of* this rhetoric.

The spatialization of race, racism, and white supremacy in the United States takes on many forms. It intersects with politics, economics, gender, and myriad other factors in such a way as to make it impossible to make a linear narrative about the way racialization works in the United States. It is this complicated fabric of race that makes it difficult for many who subscribe to individualist ideologies to believe that race meaningfully impacts peoples’ lives or

opportunities in the current moment or has since the Civil Rights era. Race weaves together with understandings of the nation, down to who truly belongs as a member of the nation and whose identity should be reflected in the national identity. Schools represent one of the key sites in which understandings of the nation and what it means to be a citizen are passed on and propagated, and as such, represent a major site of struggle in the long-running debate over national identity. This project provides a view into the political strategies that are currently being employed in the fight over school curricula and programming that is perceived to further threaten the status quo.

CHAPTER 3

METHODS AND METHODOLOGY

During an interview that I conducted with TUSD governing board member Kristel Foster in March 2015, Foster called Tucson the country's "ground zero of the battle for ethnic studies." Study and analysis of HB2281 and the ensuing legal battles surrounding it is important not just for understanding a slice of education politics in Arizona. Greater understanding of this case is useful in understanding school policy decisions not only in Arizona, but also in other states that are making decisions about ethnic studies. Other states monitor and copy conservative Arizona legislation targeted at Mexican-American communities (Biggers 2012; Loyd, Mitchelson, and Burrige 2012). Such legislation also finds support internationally among anti-immigrant groups (Biggers 2012). Arizona therefore provides an important case study as tensions over national identity, race, and migration rise nationally and internationally.

With this study, I ask the following questions:

- 1) What understandings of the nation and the ideal citizen are espoused in the political discourse surrounding HB2281 and MAS, and how are they linked to understandings of race?
- 2) What rhetorical strategies did politicians use to promote ARS § 15-112, and what strategies did they employ in response to accusations of racism?
- 3) What political work did these strategies do? How does political speech use both racial appeals and denials to shape space and reproduce power?

I use qualitative methodology and triangulation of methods in order to answer these questions. I spent roughly four months in Tucson, Arizona from August through December of 2016, attended two summer institutes in Tucson in 2015 and 2016, and returned to Tucson for two weeks in summer the summer 2017 for the what is likely to be the last trial to decide the fate of MAS. In

Georgia, I remotely analyzed numerous examples of political speech and text related to HB2281 and MAS.

In this chapter I describe first how I came to the core questions and methodology of this research. Next, I detail my study design. Then, I discuss my methods of data collection. I follow this with a description of my approach to data analysis. The next section describes my study site and provides context for the rest of the dissertation. I end with some reflections of elements of my field work that were unplanned but impacted both the flow of my work and the very data that I had available to me.

I. Finding the core of the research

There is enough to consider and analyze in the Mexican American Studies case to fill numerous dissertations and journal articles, all with varying foci. Baxter and Jack (2008) note that one of the key pieces to formulating a case study is deciding how to bind the case – or how to determine what *not* to study. And, indeed, one of my greatest struggles in carrying out this project was narrowing its scope. It seemed impossible to do justice to the story, its context, and its implications while carving out ever smaller portions to focus on. As is often the case, the project I proposed was not the project I ultimately completed. I initially imagined myself doing focus groups with K-12 students taking the “culturally relevant” replacement classes and graduated students who had taken the original MAS courses, and interviewing activists involved in the effort to bring MAS back. I imagined myself as giving them a microphone to tell their stories while doing analysis about how the ban came to be in the first place. I also saw a theme of my work as an exploration of resistance at various scales and to various levels of power. But a few things changed the trajectory of this project: The first was that I realized that plenty of

people were already telling the story of MAS through journal articles, news reports, blogging, documentaries, and oral histories, and many from a first-hand perspective.

The second piece to change my research trajectory was a methodology course taught by my advisor, Dr. Amy Trauger. Here, I reconsidered the role of the researcher and research itself. I found many of my uneasy gut feelings about research validated and saw how other scholars grappled with the extractive, exploitative, and power-laden nature of “doing research” (Bryan and Wood 2015; Donald 2010; Goodwine 2015; Nagar 2014; Sandoval 2000; Smith 2012; Trauger and Fluri 2014). In one reading, Howitt and Stevens (2010) describe a situation involving the study of Aboriginal claims to land that companies hoped to open for mining. Originally, the study focused on studying the local land rights claims. The researcher, however, was told by the local Aboriginal people that doing such a study would only provide useful information to the mining companies about them. Instead, they asked him to study the mining companies so that the local people could instead learn about their strategies. This anecdote illustrates the potential usefulness of “studying up,” and flipped a lightbulb on in my head regarding how I saw myself as most effectively doing research without exploiting other people’s stories in order to make a name for myself in academia.

“Studying up” describes an asymmetrical relationship where those being studied are in positions of influence as compared to the researcher (Dowling 2010). It involves a systemic analysis of power, which acknowledges that researchers could make more sense of injustice by shifting our perspective in order to expose mechanisms of oppression rather than focusing primarily on the results of oppression (Farmer 2002). This realization about the type of research and analysis I wanted to do led to my engagement with critical discourse analysis (CDA), specifically political discourse analysis (PDA). Van Dijk (1993) explains that a scholar choosing

to use CDA is inherently taking a sociopolitical stance, and the “critical targets” of their work will be “power elites that enact, sustain, legitimate, condone or ignore social inequality and injustice” (252). I will discuss both CDA and PDA further later in the chapter.

From there, I reformulated my project to focus on the narratives about the MAS program as articulated, utilized, and spread by those holding varying degrees of political power in Arizona as well as the institutions that they represent. I write all of this because, during the course of my research, I was often asked who I would be interviewing, whether I had heard the stories about interpersonal issues or clashes, whether I would tackle issues of gender in the activist movement that grew in the wake of the ban. Through those questions, I realized my aim is not to analyze the program itself. Others are ably telling the stories of what MAS meant and what work it did in their own ways. I had, after all, first heard of the termination of the MAS program through an NPR story across the country in North Carolina. My goal is not to share their stories or reveal the strategies of activist movements: it is to unravel how understandings of the nation, race, and what education is for are mobilized politically, and which narratives win political favor in a border state.

II. Study Design

a. Case study

Case studies, understood simply, explore an event, an activity, or individuals within a bounded time and place (Creswell 1998). Thomas (2011) notes that scholars have had difficulty in arriving at a common definition of what exactly a case study entails, but that it involves a holistic approach to understanding a *subject* (“persons, events, decisions, periods, projects, policies, institutions, or other systems” that have a historical unity [ibid, 513]). He suggests that method choice is not what defines the case study, but rather that “analytical eclecticism is the key” (ibid, 512). Case studies allow for the use of an assortment of data sources, providing “a

variety of lenses which allows for multiple facets of the phenomenon to be revealed and understood” (Baxter and Jack 2008, 544).¹⁶

A case study is not a simple description of a subject. While the subject of the case study is that which is being analyzed, the object is the accompanying analytical framework (Thomas 2011). Stake (1995) draws a distinction between intrinsic and instrumental case studies. Here, intrinsic case studies emerge from an interest in a particular case, but do not set out to answer a broader question not bound within that specific case. Instrumental case studies, on the other hand, use the case to help increase our understanding of a larger theory or phenomena occurring in other contexts or at other scales. While there is overlap, this project can be better categorized as an instrumental case study as I look for ways to understand broader questions about nationalism, race, and political strategy through the lens of this case.

b. Interpolation/Triangulation

Triangulation is central to my research approach. It is a research principle that seeks to find “at least three ways of verifying or corroborating a procedure, piece of data, or finding” (Yin 2016, 87) in order to increase the study’s credibility. Triangulation may be accomplished through using multiple sources, methods, investigators, or theories (Stratford and Bradshaw 2016). I rely on multiple sources and methods that, taken together, provide a more detailed picture of the case and context. Analysis of the strategies used by politicians to first promote and then justify ARS § 15-112 would be incomplete with only one style of source or one method of data collection. Furthermore, each resource and method works to check and validate the data and interpretations drawn from the others, making a more robust analysis possible. In the next section I will detail the various methods and sources that I employ.

¹⁶ For an extensive overview of the research context of this case study, please see Chapter 4.

III. Data Collection

My field work was funded by a National Science Foundation Doctoral Dissertation Improvement grant and two University of Georgia Geography Department travel grants. The University of Georgia Institutional Review Board approved my research plan and provided me the identification code "STUDY00002062." As I explain in greater detail in the Data Analysis section of this chapter, I collected two types of data. The first I use primarily as contextual data, to provide the story of Arizona's history and TUSD's background with MAS. I use the second group of data in Political Discourse Analysis, a concept I will also discuss further in the Data Analysis section. The Data Collection section will be broken into two parts to reflect these two categories of data: 1) Contextual Data, and 2) Data for Political Discourse Analysis. Some forms of data fall within both categories.

a. Contextual Data

While I originally collected much of these data with the intent to analyze them within a CDA framework, my change in focus as described in previous sections of this chapter led me to treat this information as straightforward and contextual. It will inform Chapter 4. Here I look at four different types of contextual data: 1) Meeting data, 2) Formal interview data, 3) Informal field notes, 4) School observation data, and 5) Descriptive GIS mapping.

1. Observation

For three days in June 2015, and once again for three days in July 2016, I traveled to Tucson, Arizona to attend the Xican@ (now Xicanx) Institute for Teaching and Organizing (XITO) summer institute. XITO is run by educators associated with MAS and ethnic studies more broadly. According to the official XITO website, the summer institute is:

an opportunity to engage in and learn about the decolonizing and rehumanizing theories and methodologies behind the successes of the former Tucson Mexican American Studies Program. This gathering is not a conference but rather an intensive professional development opportunity with applicable, goal-oriented work participants can bring back to their own communities (XITO 2018)

Friday and Saturday the workshops ran from 9:30 AM to 4PM, and on Sunday the workshops ended at 2:30PM. Through attendance at XITO I was able to learn from educators involved with MAS what their programmatic goals were. I also saw how dynamic they were as teachers and how fully they embraced a “pedagogy of love.” I spent the six days interacting with scholars, educators, and activists from around the country who both wanted to learn about ethnic studies and who wanted to learn to act within a student-oriented approach to education that centered student experiences as a means to collectively build knowledge. Among the attendees and institute leaders were former MAS students who spoke about how they were impacted by the program.

I was invited to attend a workshop for educators featuring Dr. Angela Valenzuela at the Isaac School District in Phoenix, Arizona, and I was able to attend a roundtable discussion held by one of the candidates for TUSD governing board. At the workshop, I took field notes on the parts of the lectures and discussion that directly related to MAS and ethnic studies. I also learned a great deal about the inner-workings of the Arizona public school system through discussions with local teachers with whom I interacted during the workshop breakout sessions. Similarly, I noted the input of educators, concerned parents, and voters interested in education politics at the roundtable discussion. The roundtable discussion shed significant light on the TUSD Desegregation Order, the Unitary Status Plan, the politics around both, and how they relate to MAS. At both of these meetings I took bullet point notes during and fleshed them out directly after. The teachers I spoke to at my table at the Phoenix workshop were aware that I was a

researcher and felt comfortable providing me information and opinions, although I chose not to record their names. I introduced myself as a researcher and explained my interest in the meeting at the roundtable discussion as well. Once again, I chose not to record individual names.

The final type of observational data occurred at TUSD schools themselves. I was invited to tour an elementary school and a middle school in TUSD and speak to teachers and faculty at both. I took down no names, aside from the three people I formally interviewed. I also spent time in two high schools before and after events held there. While I did not receive a tour or have interviews, I was able to note the physical differences in the schools, and later compare their funding (including their Parent Teacher Organization funds) and demographics.

2. Interviews

My interactions at XITO and the Phoenix workshop allowed me to formally interview eleven people involved with TUSD, including a former MAS student, two former MAS teachers, two retired non-MAS TUSD teacher, two current TUSD staff, a current AZ principal taking lessons from MAS, a TUSD parent-activist, a lawyer representing former MAS participants in court, and a TUSD governing board member. Prior to my first trip to Atlanta, I interviewed another TUSD governing board member via phone, bringing the total number of formal interviewees to twelve. All of these interviews were semi-structured and lasted between 35 minutes to over three hours, with the majority lasting over an hour.

I recorded these interviews with written and verbally recorded consent of the participants and transcribed them. I offered all formal interview participants the chance to use a code name or to leave out identifying information. All but one chose to have their name on the record. Still, when it is unnecessary, I avoid using names in the dissertation. I also told each participant that if, at any time during the interview, they wished to strike something from the record, I would do so.

Further, if they remembered anything after the interview ended that they would prefer stricken, they could contact me to do so. Participants received no payment or reward for their interviews.

Outside of formal interviews, during the nearly five months I spent in Tucson overall, I found myself having many informal conversations about MAS and TUSD. I took field notes on seven such conversations that concerned TUSD. Five happened with Uber drivers that drove me to or from TUSD Governing Board meetings, and two happened at coffee shops where I was writing in one case or preparing for an interview in another. I did not take down the names or any identifying information for any of these individuals. None of these conversations involved interview questions, only another person volunteering their opinion about MAS/TUSD after asking about the work I was doing or why I needed to go out to an elementary school in the evening, in the case of school board meetings. Tucsonans seemed far more in tune with the goings on of the school district and school board elections than I have noticed in other places. Whether this is because I was bringing up the school district more often than I would elsewhere, or because of the higher profile controversies TUSD is and was a part of (to be discussed in Chapter 4), I can only begin to speculate. The information contained in these field notes will serve to thicken the contextual data but will not be involved in political discourse analysis.

3. Archival

Six interviews with former MAS teachers conducted by Génesis Lara for the Tucson Ethnic Studies Oral History Project (TESOHP) further provide contextual data to explain how and why MAS was conceived, and its meaning to the people originally involved. I was provided hard copies of the six interviews for TESOHP by a XITO director as they were not yet available on the University of Florida website where they will be housed for the public. After reading through the interview hard copies, I saw that the questions that I would have asked the same

teachers were already addressed in the oral histories. I am sensitive to the fact that people associated with MAS may, at this point, have interview fatigue and chose not to push further for contextual interviews.

4. Descriptive Mapping

My final piece of contextual data is a mapping project involving the creation of five maps exploring: 1) the demographics of Tucson and TUSD census tracts, 2) the average income associated with Tucson census tracts, 3) the location and AZ Learns ratings of TUSD schools, and 4) the locations of schools that were subject to school closures between 2010-2016. These maps and the unpacking of their meanings falls within the realm of analysis. However, because the core of this project is the political discourse analysis, the mapping and accompanying analysis serve primarily to provide greater context to the story of ARS 15-112.

I began each mapping exercise by collecting shapefiles and spatial datasets from the U.S. Census Bureau, including the American Community Survey, and the City of Tucson's GIS department. I gathered data on race and income from the University of Minnesota Population Center, and information on schools from the TUSD official website. The latter included information on each currently running school in the district, as well as schools that have closed since 2010 and the current status of the property. All mapping was done in ArcMap version 10.2.1.

b. Data for Political Discourse Analysis

Political discourse analysis (PDA) analyzes political discourse for the reproduction of social and political inequality (Wang 2016). I will describe PDA in greater detail in the Data Analysis section of this chapter. While the contextual data primarily informs Chapter 4, the following data informs Chapters 4 through 7. Chapters 4 through 7 represent this study's

analytical core and the space where theory and empirics meet. There are five categories of data for PDA: 1) Meetings, 2) 2017 trial, 3) Documents, 4) Public statements by politicians, 5) Online commentary.

1. Meetings

The “Meetings” category includes seven TUSD governing board meetings that I attended personally, two TUSD governing board meetings that I watched via live stream, the audio of one governing board meeting from 2012, two TUSD governing board candidate forums, one Pima County Superintendent candidate forum, one Education and Economic Success for All accountability session, and video of the AZ Senate Committee on Education Accountability and Reform hearing and vote on HB2281. The League of Women Voters held one governing board candidate forum, and the Hispanic Chamber of Commerce held the other. Although HB2281 was signed in 2010, the subsequent court battles and activism around ethnic studies kept MAS a relevant topic of discussion for people involved with education while I was in Tucson. I took extensive notes during each meeting in a field notebook and transcribed them within 24 hours. I acquired the audio from the official TUSD governing board website of the 2012 TUSD governing board meeting in which members voted on whether to abandon MAS after public commentary. I obtained the video of the AZ Senate Committee on Education Accountability and Reform meeting from the official Arizona State Legislature website. I transcribed all portions of both meetings directly related to MAS and HB2281.

2. 2017 Trial

The “2017 Trial” category includes my written notes from the court room for each of the ten days of the González v. Douglas trial, official court transcripts, and plaintiff evidence available as PDFs. A plaintiff attorney provided me with the official court transcripts and 232

plaintiff exhibits. I did not receive the video evidence used in the trial, only those that were available in text and PDF format. I only use those pieces of evidence that could be considered “political discourse,” or those that speak to the intentions behind specific political discourse for the purpose of analysis.

3. Political Materials

There is some overlap between the “documents” and “public statements by politicians” category. Together they include relevant court documents prior to the 2017 trial, legislation, campaign materials, websites for TUSD governing board members and politicians involved in the creation and implementation of HB2281, materials from the Metropolitan Education Commission, meeting minutes from TUSD governing board meetings, interviews with political figures, political advertisements, and commentary on Arizona talk radio.

4. Public Commentary

The final type of data that I analyze in this study is public internet commentary. This commentary comes from comment sections of relevant news articles and blog posts about MAS. I include over 800 internet comments that I uncovered. The point of including these comments is to learn which themes espoused by politicians in their public political discourse are also present in the narratives non-politicians use to understand MAS and HB2281. To the degree possible, I trace whether an idea originated with a politician and was picked up by non-politicians, or whether the politician repeated back beliefs already held by constituents. I initially considered including Facebook comments, but ultimately chose not to based on the lack of anonymity and the accompanying potential ability to trace the comments back to individuals.

IV. Interpretation

a. Qualitative Analysis

According to Creswell (1998), qualitative research holistically explores human and social problems in the settings in which they actually occur. He describes qualitative research as distinct from quantitative in that it works with fewer cases and delves more deeply into each, allowing the researcher to move beyond simple categorization of subjects and to see the story behind the data. In this vein, Yin (2016) describes one of the greatest strengths of qualitative research as its “ability to capture social life as others live and see it, not as researchers hypothesize or expect it to be” (107). Yin’s claim that “most qualitative data follows an inductive approach” (ibid, 100) is thus unsurprising as the inductive approach allows the researcher to collect data before arriving at an explanatory theory. However, in much actually practiced research such as my own, the process is iterative with the theory and field approaches informing each other and both shifting over time. In what follows, I outline my approach to analysis with political discourse analysis, and then detail the steps I took in the data analysis process.

b. Political Discourse Analysis

I use a political discourse analysis (PDA) approach to understanding my data. To understand PDA, I will first introduce discourse analysis and then critical discourse analysis (CDA). According to Rose (2001), the meaning of “discourse,” when taken in a Foucauldian sense, refers to statements, language, and knowledge which structure how the world is perceived and what actions people take based on these created perceptions. Waitt (2016) argues that Foucault’s understanding of discourse is inherently geographical due to his “interest in the role of knowledge production in making and remaking the co-constitutive relationships between people and place” (289) and further that geographers can use discourse analysis to consider the

ways in which the normative categories present in various discourses work to maintain inequality.

CDA is located within the broader category of discourse analysis. Wodack (2013) writes that CDA is influenced by both Gramsci's writing on the idea that contemporary power structures are normalized through everyday practices rather than relying solely on coercive force, and Althusser's work linking ideology and action within the realm of the ideological state apparatus, as well as ideology's role in (re)producing and positioning subjects.

Jones and Collins (2006) level critique at CDA for focusing too deeply on linguistics and not enough on empirical investigation to make credible claims about real world phenomena, but Wang (2016) responds that this critique is unfair given the diverse ways that CDA is taken up by researchers. Indeed, it is not held within the domain of any one discipline and has no set theories or research methods. Rather, it is a "problem-oriented interdisciplinary research program, subsuming a variety of approaches, each drawing on different epistemological assumptions, with different theoretical models, research methods and agenda" (Wodak 2013, xix). The problem that it is oriented around is that of how discourse interacts with power, dominance, and social inequality, specifically focusing on the "role of discourse in the (re)production and challenge of dominance" (van Dijk 1993, 249). The political critique inherent to CDA is systemic; even when focusing on the words of individuals, the analysis considers how those words fit within larger discourses that impact the ways in which people move through space and society (ibid).

Political discourse analysis (PDA) is a type of CDA which analyzes political discourse for power, dominance, and the underlying ideologies that reproduce social and political inequality (Wang 2016). Politics and associated discourses do not exist in a vacuum, produced and consumed only by professional politicians. Rather, much of political discourse is produced

for the public sphere and is adjusted based on public response. Furthermore, private citizens who participate in the political process also actively participate in political discourse (van Dijk 2001). This casts quite a large net for potential participants in political discourse. Van Dijk (*ibid*) seeks to create a boundary around what is meant by *political* discourse analysis. He writes that the discourse itself has political functions and implications, with the context of the speech or text itself a factor in whether it can be considered political. He writes that PDA does not

treat such forms of discourse-with-possible-political-effects as political discourse. That is, corporate, medical or educational discourse, even when public and even when affecting the life of (many) citizens, will here not be included as forms of political discourse. [...] This excludes the talk of politicians outside of political contexts, and includes the discourse of all other groups, institutions or citizens as soon as they participate in political events. (15)

This still leaves considerable room for decisions about what constitutes political discourse and what does not. For example, John Huppenthal's anonymous blog posts and online commentary¹⁷ relating to race in Arizona and HB2281 do not appear to count as political speech in Huppenthal's own estimation. However, I would argue that they do because they are produced online and meant to sway the opinions of voters about political issues, even if done without the power of his political office behind it. I will therefore include it in my analysis. However, had it come out that Huppenthal had said these same things behind closed door to a friend, I would not count it as political discourse. In this study, my primary object of analysis is speech and text produced by Arizona politicians involved with the drafting, implementation, and defense of HB2281, concerning HB2281 and their ideas about race, education, and understandings of the nation, as well as their testimonies concerning said speech and text in court. My secondary concern is the ways in which the discourse about HB2281 presented by these politicians is taken up, altered, or rejected by other politicians, members of the media, and private citizens.

¹⁷ See Appendix C

PDA will be reserved for public statements made concerning HB2281, race, and understandings of the citizen and the nation. All statements made by individuals holding a political office that were not made in private, whether they be in court, in commercials, through internet commentary, in a speech, or via legislation, will be subject to PDA. Public commentary on HB2281 by private citizens through online commentary, or media commentary, will also be considered data that is open to PDA in this study.

c. Coding

I iteratively coded the data collected for Political Discourse Analysis (as opposed to the contextual data gathered through methods such as interviews with individuals associated with MAS). Coding is the process of identifying and highlighting themes and categories within the data (Cope 2010). Stake (1995) notes that instrumental case studies have a greater need for data categorization than intrinsic case studies because they need to tease out what it is within the case study that is important to understand about larger phenomena or relationships.

In the field, I came up with eight categories that repeatedly came up in school board meetings and during TUSD school governing board and superintendent campaigns, and coded field data accordingly: 1) The effects of state-level budget cuts, 2) Teacher and principal autonomy, 3) Discipline in schools, 4) TUSD Desegregation, 5) Latinx students and the wider Latinx community, 6) Encouraging employment and local business growth through education, 7) The Mexican American Studies program, 8) Charters and the drive to privatization. However, as I spent more time with my project and read more court documents, my research questions and concerns morphed and solidified. With more data and new concerns in hand, I developed a new, shorter list of overarching themes that pertained to my research questions, including race, the ideal citizen, and the purpose of education. From here I chose to focus on political discourse

specifically. I mention this change in direction to illustrate the iterative nature of qualitative field research. While the researcher may come in with theories and ideas about what they will find, I argue that it is important to be able to adjust research questions, themes, and even styles of data collection based on new information.

I began coding a second time by reading over my data and looking for specifics within the three themes I had landed upon to create my codes. I focused on lessons from Derridean deconstruction, noting the oppositional binaries and hierarchies set up in the language. Dixon and Jones (2005) argue that Derrida paved the way for geographers to dispute the binary logics embedded both within the structures they study and the discipline itself. With this in mind, I sorted my data based on four main categories: 1) The hierarchy of racism, as described by anti-MAS conservative politicians. The worst, in their eyes, was Klan-style racism, followed by “race card”/anti-white racism, with colorblindness/racial irrelevance viewed as the answer to racism. 2) The individualist/collectivist binary, with collectivist ideas seen as being anti-American, and individualism being seen as a key part of U.S. national identity. Politicians argued that MAS promoted collectivist ideology rather than individualism. 3) The oppressor/oppressed binary, which anti-MAS politicians discussed as a negative framework that undermines what they consider to be core American values. 4) The rudeness/civility binary, in response to styles of student protest.

I used Atlas T.I. software’s “Word Cruncher” feature on the official court transcripts to determine the number of times certain terms were used during the 2017 trial. This was done to help further identify themes and patterns as well as to confirm those that I noted in the courtroom itself. I began by searching for words based around my themes for analysis, and then searched for related words. For example, I not only looked at the number for the term “oppressed,” but

also oppress, oppresses, oppressing, oppression, oppressive, oppressor, and oppressors. The word cruncher feature allows users to see every word used within a document listed alphabetically, and the number of times each was used.

After the initial sorting, I coded for each step of a given hierarchy or binary. For example, in the hierarchy of racism, discourse about “Klan-style racism” would be a separate code from “colorblindness/racial irrelevance.” The data, once coded, were then analyzed around these themes based on the theoretical frameworks discussed in the literature review, focusing specifically on systemic issues of dominance and inequality as laid out in PDA.

Following this second round of coding, a picture emerged in the data that came to structure my work. I saw that the discourse was built around denying racism and racial animus. I broke the data down further, searching for forms of denial. I then noted that the previously coded binaries (collectivist/individualist, oppressor/oppessed, and rudeness/polite disagreement) were all used as evasion tactics, maneuvering conversations away from racism or racial animus and instead focusing them elsewhere. I also saw within these binaries a reversal: the accusers were being painted as villains, and the politicians involved in the termination of the MAS program were painted as victims. I then coded a third time for reversals, looking for ways in which teachers and students were portrayed as the ones causing harm and found that, not only were politicians cast as victim, but that white Americans too were enrolled as victim in this narrative.

V. Study site: Tucson Unified School District

As I will discuss in Chapter 4, Tucson’s long road toward school integration began in 1973 when the U.S. Department of Health, Education and Welfare reported on TUSD’s unequal and segregated schools. As late as 2011, the Ninth Circuit Court of Appeals declared that TUSD still had yet to meet all of the necessary goals to achieve integration. In 2013 a unitary status plan

(USP) was drafted requiring that TUSD use the following strategies to assign students to schools: 1) attendance boundaries¹⁸; 2) pairing and clustering of schools; 3) magnet schools and programs; and 4) open enrollment. The 2013 USP defines an integrated school as one in which “no racial or ethnic group varies from the district average for that grade level by more than +/- 15 percentage points, and in which no single racial or ethnic group exceeds 70% of the school’s enrollment.” It further defines a “racially concentrated” school as any in which “any racial or ethnic group exceeds 70% of the school’s total enrollment” (7). Appendix C of the USP looks at school demographics to determine which fell into the “racially concentrated” and “integrated” categories in the 2012-2013 school year. 37 TUSD schools were still racially concentrated, while only 22 were integrated by the USP’s definitions. 33 schools fit into neither category. While TUSD had a previous USP¹⁹, these numbers show that it did not work to integrate the schools.

In this section, I use descriptive mapping to demonstrate some of the racial, economic, and educational unevenness of Tucson and TUSD that existed during the effort to push through and enforce ARS § 15-112. The 2013 USP numbers show school integration to be far from achieved in TUSD. As one teacher explained to me, TUSD represents a “typical urban type of setting where kids of color are separated and sent to schools that are underfunded.”

TUSD was, and remains, Tucson’s largest school district with roughly 53,000 enrolled students in 2011. In 2011, TUSD had 13 high schools, 17 middle schools, four K-8 schools, 62 elementary schools, one K-12 school, and 14 alternative education programs. 1,343 middle and high school students were enrolled in MAS courses. The overall demographic makeup of the TUSD student body was: 60% Hispanic, 24% White, 5.6% African American, 3.9% Native

¹⁸ Also known as school catchment areas, attendance boundaries “define the geographic extent served by a local school for the purpose of student assignments” (National Center for Education Statistics 2019).

¹⁹ See Chapter 4 for more details

American, 2.6% Asian American, and 2.4% Multi-Racial. The demographic breakdown of the students enrolled in MAS was 90% Hispanic, 5% White, 2% Native American, 1.5% African American, and just under 0.50% each for Asian American and Multi-Racial students (Cambium Learning Inc, 2011).

Figure 3.1 shows income distribution across Tucson in 2010:

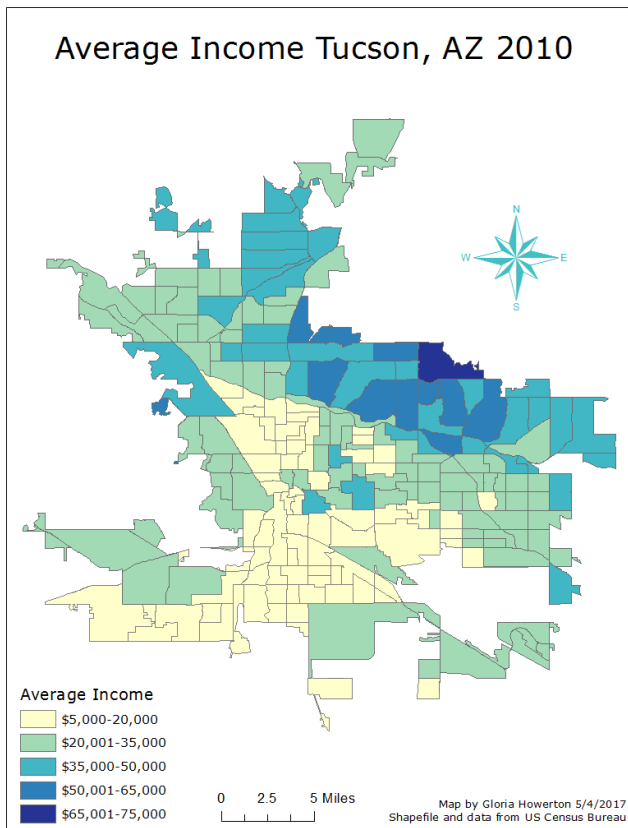


Figure 3.1

While the average individual annual income for a Tucson Census tract tops out at \$75,000, figure 1 shows that the majority of the relative wealth is concentrated in the North and West of the city. This was corroborated by my field work and interviews. Comparing figure 1 with figures 3.2 and 3.3 shows that areas with higher percentage Hispanic²⁰ populations fall exclusively into the two

²⁰ I use the term “Hispanic” here due to the categories offered by the Census Bureau

lowest earning brackets. White residents dominate the Northern and Eastern portions of the city as well as the tracts with the highest average incomes. As a former TUSD student that I interviewed said when describing the socioeconomic landscape of Tucson, “Class is a predominant factor in where people live of course, and then race is not separate from that.”

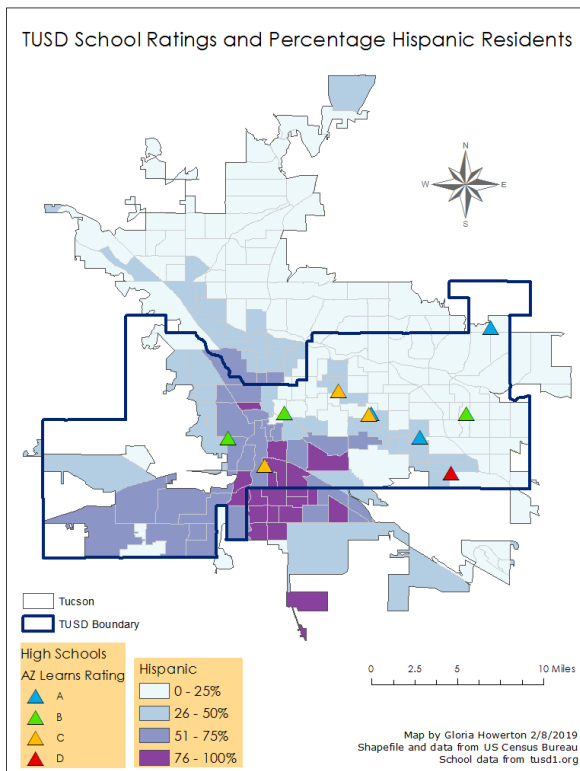


Figure 3.2

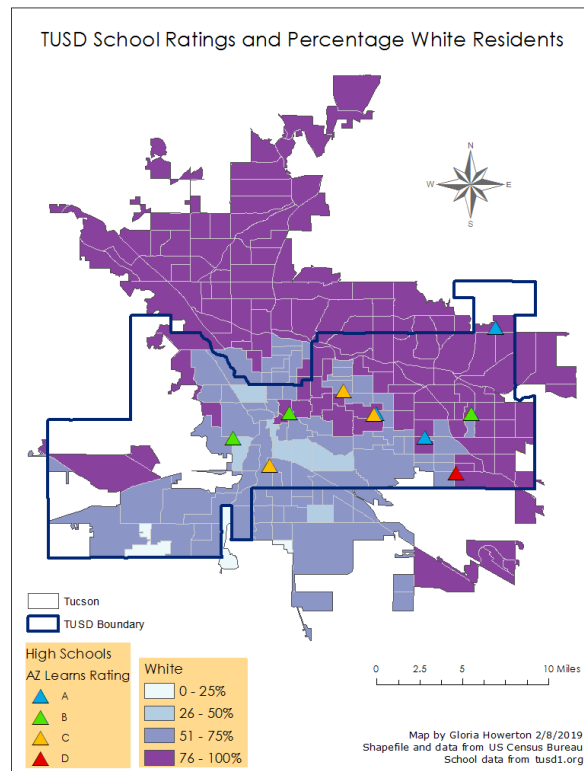


Figure 3.3

This supports the idea brought up in one interview with a Latino parent, in which he told me that Parent Teacher Organizations (PTOs) in predominantly Latinx areas were unable to raise as much money to make up for lack of school funding as PTOs in whiter and wealthier parts of the district. He further explained that some parents from wealthier parts of the district looked down on parents from South Tucson for, in their view, not doing enough for their schools, saying:

I’ve heard that over and over again, ‘You guys just need to go out and raise money. *We* do it.’ Like, yeah, but most people in your community make over \$100,000 a year. Most of the people in my community make about \$15,000 a year. Even the businesses that we’re associated with are small mom and pop

businesses and there's no real fund-raising possibility there. We'll have a fiesta at the end of the year and raise \$1,000 to \$2,000, and that's a huge thing we do every year and we put so much energy into it. But it's not like we can charge our community \$10 a plate like in other communities. We can't. We have to make it affordable. It's sad, but we still get the 'We did it, why can't you?' I think that's part of the big picture of America: Pull yourself up by your bootstraps and if you can't do it, it's your fault.

Two respondents also brought up other aspects of Tucson's uneven landscape. They both mentioned the fact that Cholla high school in South Tucson is located within a mile of a jail. One, a former Cholla student, said that the school's paint matched that of the jail, and that the physical education outfits were orange, resembling the orange jumpsuits of the incarcerated. They both also described the fact that Southwest Tucson was subject to toxic dumping of Trichloroethylene that leaked into the water supply decades ago, with lasting impacts to the Southwest Tucson community, including cases of Lupus and infertility. One explained:

In the south side it's generally underdeveloped. You go up to the foothills of Tucson²¹ and it's a total antithesis of what our students are accustomed to at Cholla. If you look at Tucson, you'll see that the airport, that's where Raytheon, that's where industrial plants are at. That's where all the environmental hazards, or chemical dumping are occurring, primarily on the south, southwest side of Tucson. Nothing like that affects the foothills.

The Arizona Legislature created the A-F Letter Grade accountability system in 2010. The school grading system is referred to as "AZ Learns." The A-F Letter Grades are "designed to place equal value on current year achievement and longitudinal academic growth, specifically the growth of all students as well as a school's lowest achieving students" (Arizona Department of Education 2011, 6). Figures 3.2 and 3.3 show these rankings. While the lowest performing school falls in a tract that is in one of the two lowest income brackets, so does one of the schools that received an A rating. On the other hand, all three schools with A ratings fall within tracts that are 76-100% white.

²¹ The whiter and wealthier area in the Northeast part of town

However, these maps cannot show us a second piece of this story: wealthy white residents pulling their children out of the public school system all together, or moving to nearby lower-minority districts, leaving behind non-white students to deal with issues like cuts in overall funding and teacher pay. The idea of a white flight from the public schools was described as a reason for public school funding difficulties in three interviews. One parent said:

I think [private schools] are playing a huge role right now in dropping enrollment. What we're seeing right now in the district is white flight. We're seeing a lot of the Anglo students leaving the district to go to charter schools and private schools and the kids that are staying in public are the minority students. It's taking money from the schools in the district. I can see the charters and the privates taking over in the future. I see a lot of money from Phoenix coming in to make that happen.

In two other interviews, respondents told me that they suspected that part of the reason MAS was shut down was that it was making gains for the public school system, while Arizona conservatives with political power, primarily from outside of Tucson, were pushing for privatization. They suggested that the ultimate goal was to make public schools fail in order to justify replacing them with private and charter schools.

No tract had more than 750 black or Asian residents, with multiple tracts falling into the single digits for these two groups. Three tracts (two of which fell outside of the TUSD boundary) in Southwest Tucson had between 1,000 and 3,200 individuals who self-reported as Native American. This is due to the Tohono O'odham Reservation in Southwest Arizona that stretches up into Pima County where Tucson is located. However, they numbered very few in all other tracts.

Figure 3.4 shows the distribution of publicly funded schools throughout TUSD. The red "other" category includes combined schools such as K-8 schools or combined middle and high schools. Figure 3.5 shows the 19 TUSD school closures that occurred between 2010 and 2016 to ostensibly deal with a budget deficit. In addition to these, other public schools were suggested

for potential closure in 2016 that, at the time of this analysis, have yet to be decided on. As the map shows, the closures have primarily impacted elementary schools and follow the general spread of currently open publicly funded schools rather than clustering in one area.

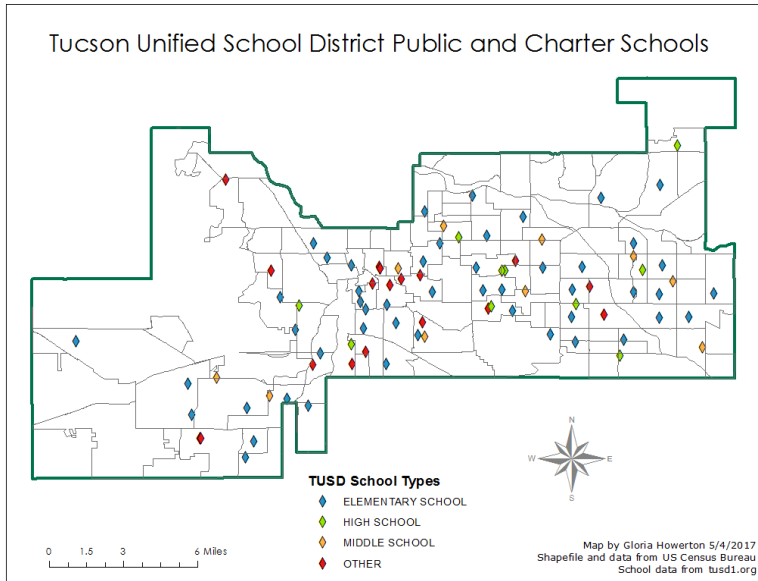


Figure 3.4

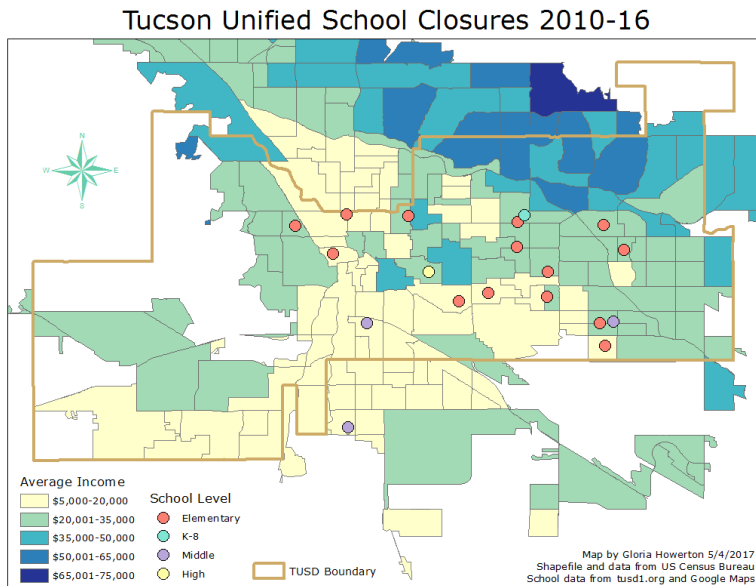


Figure 3.5

These maps reveal a few patterns. The majority of wealth in Tucson is concentrated in the North, and the lowest average income tracts are clustered in the middle of the city and the Southwest. This corresponds to the uneven racialized landscape, with wealth concentration in tracts that have the highest percentage of whites, while Hispanic populations are concentrated in the lowest average income tracts. We also see 18 school closures throughout the district between the years 2010 and 2016. This is representative of a school district that is already struggling to maintain its schools.

While in Tucson, it was repeatedly suggested to me that they are experiencing a push towards privatization and, alongside it, a disinvestment in the public schools leading to a high level of closures. Under such pressure, the threat to withhold 10% of state funding from TUSD should ARS § 15-112 not be followed becomes a threat to swiftly close even greater numbers of public schools. Parents explained in both interviews and at public meetings how proud they were to support the public school system rather than switching to private, the implication being that doing so was a common choice. Along with the previous quote addressing white flight, another connection came from a parent who suggested that school privatization and the increase in private prisons go hand in hand. He told me:

They want to make education only accessible to certain kids. And while they're blocking certain kids from getting an education, they're also making money off of those kids going to prison. There's a huge private prison industry in Arizona alongside trying to privatize the schools. You've got the developers who want to buy land in areas where the schools have been closed and the property values are really low, buy out big chunks of land, increase property value, gentrify the neighborhood. You've got developers working behind the scenes with politicians along with moneyed interest, business. It's mostly Republican. But to me the Democrats are sitting in that same boat, it's all one big money machine. But the reality is there's a huge shift to privatization in education and limiting access to certain kids. It's all about privatizing, making money, that's the big shift I've seen in education right before my eyes. And it's sad.

VI. Reflections

a. The role of Facebook

While I ultimately chose not to incorporate information found on Facebook based on issues of anonymity, the platform played an important background role in my research. It allowed me to follow pages that provided updates on what was occurring regarding ethnic studies when I was away from Tucson. I also became Facebook friends with a number of individuals associated with MAS, including former teachers and current activists. I was also privy to arguments about MAS and the continuing role of race in education and the United States more broadly that occurred when political commentators and TUSD governing board members engaged with people criticizing them on social media.

I never sought to disguise my own biases when interacting with people at XITO or at workshops, where the data I was collecting was not part of my political discourse analysis. Being supportive of MAS in those situations resulted in a number of social media friendships that would likely not have occurred were I neutral in those arenas. This allowed me insight into much of what was developing behind the scenes as people pushed for a repeal of ARS § 15-112, and is likely responsible for the access I was granted to plaintiff evidence as well as the court transcripts before they became publicly available. However, it also likely closed me off from seeing the conservative take on the same events that may have taken place in more private spaces of Facebook.

b. Access to educators

While in Tucson, people who were either interested in the fate of MAS specifically, or in the goings on of TUSD in general, would sometimes note that I was often in the back of a school board meeting or a courtroom taking notes and would ask me what I was writing about. They

typically mistook me for a journalist. I've found in the process of writing this dissertation that journalists who are not already known and trusted within a community are often viewed with suspicion. One man explained to me that people associated with MAS are careful of journalists due to negative experiences with the ways in which their words or stories were presented.

More often than not, people warmed to me when they found out I was instead a graduate student. I found that educators, at least in this study, were keen to help a graduate student, either reminiscing about their own difficulties obtaining interviews when they were in graduate school, or out of a sense of duty to advance learning however they could. The only exception to this general rule was one principal and a TUSD governing board member who is also a professor at the University of Arizona who described MAS as "cult-like" and publicly opposed the program. Neither responded to my e-mails requesting an interview.

V. Conclusion

From the first conception of this project through the final analysis, my understandings of what this project is about, and its intended impact have evolved significantly. It is the unfortunate fact of research that every angle cannot be considered, that every type of data cannot be collected. There were many relevant stories and pieces that I chose not to explore in-depth, such as the political dynamics of the TUSD governing board itself and its internal struggles with MAS. My methods and methodology look very little like those initially proposed. The larger goal is still broad: to add to an understanding of how power reproduces itself through the spaces of education in the United States. What I have now, despite the fact that I have two categories of data with five types of data each, is far more focused on what small slice I can add to that larger understanding. In the next chapter, I describe appropriative evasion and discuss its first phase: betrayal.

CHAPTER 4

BETRAYAL

“That’s why we trip out sometimes when they’re demonizing our students, because our students are crying over their books being taken. For not being able to learn. They’re just these great academic warriors. But you know, in some funny private moments, we’ll sometimes go, ‘Man, why do you hate us? We’re just nerds!’ ‘You guys are just nerds, you’re crying for books.’ We’re geeks. But it’s beautiful, isn’t it?”
Curtis Acosta, 2012, Tucson Ethnic Studies Oral History Project

I left the courthouse in Tucson Arizona one swelteringly hot late afternoon in the summer of 2017 to see a commotion across the street. People handing out flyers, holding up signs, all in support of ethnic studies. Signs held slogans such as “Education Not Hate,” “Eliminate HB 2281 and No Copycat Laws,” “Restore Mexican American Studies and Expand the Education,” “No Criminalicen Nuestra Educacion,” and “No History is Illegal.” The rally organizers came prepared with kiddie pools full of water and sports drinks for participants standing in the Arizona midday heat. The rally was organized in part by U.N.I.D.O.S. (United Non-discriminatory Individuals Demanding Our Studies) and featured emotional speeches from primarily young people. They expressed outrage, sadness, and hope, and made appeals concerning the injustice they saw in the decision to terminate the Mexican American Studies (MAS) program and the underlying legislation designed for this very outcome.

I stood in the small crowd, exhausted from a full day in the court room. There I heard back and forth arguments over racial animus in the implementation and enforcement of the anti-MAS legislation. In the court room, hearing lawyers make arguments and pick at small issues of phrasing, the issue at hand can start to feel abstract. But out there, I was reminded of the real

consequences of the ban, of who actually lost something, what that loss meant, and how they saw and felt it.

This chapter has two functions: 1) To provide an overview of the context surrounding the program and ultimately how the program was terminated; 2) To delve into the first stage of appropriative evasion – the initial betrayal, which plays out not just in the termination of the program, but in the longer history of attacks and betrayals on the Latinx community in Arizona and Tucson in particular. I begin with an overview of appropriative evasion. Then I focus on the first piece, beginning with a broader picture of Arizona. I then scale down to Tucson, where I first discuss the decades old Federal Desegregation Ruling and its relevance to the politics of Tucson Unified School District (TUSD). I then look broadly at the major events that led to the disbanding of MAS, followed by a short legal history of what followed the initial legislation behind the ban.

I. Appropriative evasion

Both DARvo and dog whistle politics require an initial attack, abuse, or betrayal. Dog whistle politics involves the attack as a step (the rhetorical jab), whereas DARvo represents a manipulative response by an abuser to confuse and silence victims and accusers. In this step, I draw from both the initial attack and the covert insertion of race into the political narrative for political gain, particularly among anti-immigration and border security advocates. Opposition to the termination of MAS came in reaction to not just the termination itself, but the ways in which it was used politically, both in stirring up further anti-Latinx resentment among certain Arizona voters and, in a directly connected way, advancing political campaigns.

Huppenthal and Horne both used the termination of MAS in their political campaigns, with slogans like “stop la raza²²” featured in campaign ads. “La raza” here is a direct reference to Mexican American Studies, as one of the previous names had been Mexican American/Raza Studies. It is important to note that both Horne and Huppenthal frame “la raza” as a racist and “brown supremacist” term. Even though it appears to be a white supremacist call to arms on its face, they argue in court that saying “stop la raza” is not racial and is in fact a call to *stop* racism. In this way, even more overt racial language can be promoted as race-neutral or even anti-racist. Political dog whistles rely on coded language, in which one idea stands in for another. Omi and Winant provide examples such as Reagan’s “welfare queen” being an idea that was, on its face, race neutral, but was heard as anti-black by a voting base with anti-black sentiments. Over and over in the case of Mexican American studies ideas of anti-Americanism, radicalism, communism, rudeness, and disorderliness, have been associated with the program, its students, and its teachers. The disrespectful anti-American is never given a racial or ethnic identity in these discourses, but the linkage between Latinx (particularly of Mexican descent) and illegality was already formed in much of the public imagination and did not require much work to hint at.

But it went beyond simple hints. The linkage was purposefully made. For example, Horne, when running for re-election as state Attorney General in 2014, used his history with MAS during a town hall on border security and immigration issues where he spoke alongside Sheriff Joe Arpaio who was there in large part to support Horne’s campaign. Horne is quoted as saying, “I went on a crusade against it and destroyed the entire program. Now they're trying to

²² Former MAS teacher, Curtis Acosta, explained the term “la raza” thusly: “La Raza means- it's a synonym for the people, or in Spanish, la gente. That's how Spanish speakers hear it. [...] It's an inclusive term because it's more akin to like the Panethnic term "Latino" or "Latina." Later in the trial, former MAS teacher Sean Arce explains that the term “raza” was included in the program name to expand past a lone focus on Mexican American experiences. From Transcript of Proceedings, Bench Trial Day 1 at 71. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

revive it, but as Attorney General, I'm fighting it." He further went on to say that classes should be "teaching these kids to be patriotic American citizens" (Ingram 2014). These statements were not in the service of a bid for a role in education. Rather, he used his record with MAS to prove that, as Attorney General, he would continue to be tough on matters of immigration and the border. When asked about this on the stand in 2017, he evaded discussion of why he chose to bring it up in this specific context, instead rehashing the line, "this profoundly is a race-based program, which teaches kids to value what race they were born into, rather than their individual qualities."

More so than what was said, it is the reaction to it that is important. The job of dog whistle politics requires that race be inserted into the conversation in a way that leaves room for denying that race played a role at all. Yet the rhetoric we see targeted against MAS plays off growing fear of a "browning" southwest and US. Internet articles and videos about the termination of Mexican American Studies received comments such as:

Pretty scary when you have schools teaching radical ideals (remind you of any other country?) Pretty scar [sic] when you have undocumented people killing police offices and citizens, dirving [sic] without insurance, coyotes ransoming [sic] undocumented people and keeping them in the most terrible conditions.²³

and

La Migra! La Migra!²⁴

and

The dangers of excessive immigration, especially Latino and Muslim, for each are very, very passionate about their people's culture, whether good or lousy and usually reject Western, Caucasian-based cultures.²⁵

²³ Comment on Cooper, Anderson. 2010, May 13. "Must-See AC360: AZ ethnic studies discussion," CNN. <http://ac360.blogs.cnn.com/2010/05/13/must-see-ac360-az-ethnic-studies-discussion/>

²⁴ A reference to border patrol. Comment on "UNIDOS takes over TUSD school board," YouTube video, posted by "Three Sonorans News" April 27, 2011, <https://www.youtube.com/watch?v=tPZxCDMbZec>

²⁵ Comment on Hawkins, Awr. 2017, Dec. 29. "Judge blocks Arizona ban on Mexican American Studies." Breitbart. <https://www.breitbart.com/politics/2017/12/29/judge-blocks-arizonas-ban-mexican-american-studies/>

Along with this, I read numerous comments that echoed the following: “If the Mexicans want to learn about their Mexican heritage, let them go back to Mexico to learn it. Problem solved.”²⁶

While there are many internet commenters who are supportive of the program, comments such as the above show that some held outright anti-Latinx sentiment and formed a linkage between MAS and undocumented immigration, at least in part supporting the termination because of this linkage. This support in a context of growing anti-immigrant and anti-Latinx sentiment in Arizona helped produce wins for politicians willing to ride or add to this wave. However, when asked on the stand about the use of coded language, Horne responded, “I never used a racial code word in my entire life.”²⁷ The attorney for the state of Arizona agreed with this idea and added to it by telling Justice Tashima, “Code words are a convenient way to cry ‘racist.’ You only mean what you say when self-appointed experts whose conclusions are immune to proof or disproof say so.”²⁸

This initial attack goes beyond the termination of the Mexican American Studies program and the demonization of the teachers, students, and material that went with it. It also involves their larger histories of supporting policy and legislation that targets the Mexican American and Latinx community in such a way as to appeal to a right-wing, anti-immigrant base in Arizona for political gain. These include support for anti-bilingual education measures, SB 1070 (*Expanding Undocumented Immigration Enforcement*, known colloquially as the “Papers Please” bill), a smattering of bills focused on migrants, and Horne’s repeated introduction of anti-ethnic studies

²⁶ Comment on Hawkins, Awr. 2017, Dec. 29. “Judge blocks Arizona ban on Mexican American Studies.” Breitbart. <https://www.breitbart.com/politics/2017/12/29/judge-blocks-arizonas-ban-mexican-american-studies/>

²⁷ Transcript of Proceedings, Bench Trial Day 7 at 166. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

²⁸ Transcript of Proceedings, Bench Trial Day 10 at 80. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

bills in the vein of HB 2281. Horne bragged on CNN to Lou Dobbs that “I’m the guy who eliminated bilingual education in Arizona. Kids aren’t taught in Spanish anymore, they’re taught in English.” Still, in court he deflected questioning about this statement by saying, “To suggest that I did it because it benefited bilingual Hispanic students is ridiculous.”²⁹ Key to the initial attack in dog whistle politics is *strategic* racism (Haney López 2014). It requires no particular feeling of animosity by the person, group, or entity making the initial attack, only that they have an interest in using it to their political advantage.

Yet it does not simply fall on Horne and Huppenthal: both men communicated on behalf of the Arizona Department of Education. And it was the Arizona Department of Education and the institution of the State of Arizona that officially protected and defended these men and their decisions and brought forward other members of these institutions to vouch for them. While members of these institutions were not personally impacted by these decisions, they promoted moral and legal correctness of removing educational choice from communities who protested, as well as wresting local control from a school district to conform with identities and ideals associated with higher levels of government.

More than just MAS, I argue that the initial betrayal goes further: It incorporates the longer history of government-mandated and general institutional betrayal of Latinx communities in Arizona, which I will describe in greater detail in this chapter. As Parnitzke and Freyd (2014) note, institutional betrayal occurs “when an institution causes harm to an individual who trusts or depends upon that institution” (578). Racialized institutional betrayal occurs in Arizona in myriad overlapping ways, from persecution of Latinx community members based on anti-immigrant legislation to creating an uneven educational landscape that is detrimental to Latinx

²⁹ Transcript of Proceedings, Bench Trial Day 7 at 102. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

students in particular and non-White students in general. I delve into Arizona's institutional history of betraying Latinx communities in the following section.

II. Arizona

Arizona has acted as a “testing ground for neoliberal policies, practices, and rhetoric” (Fernández and Hammer 2012, 65) for decades. It is often held up as an extreme example of a state inundated with anti-immigrant legislation, whose anti-immigrant fervor is racially directed at Latinx communities regardless of citizenship and includes families who have been in the territory before the United States wrested control of it. In 2005 alone, Arizona lawmakers introduced nearly 30 pieces of anti-immigrant legislation targeted at Latinx communities (Ochoa O’Leary et al. 2012). Arizona’s significance reaches beyond state borders: there is anti-immigrant copycat legislation in states like Georgia, Utah, and Alabama (Chin, Hessick, and Miller 2012; Loyd, Mitchelson, and Burrige 2012) and such legislation garners among international anti-immigrant groups (Biggers 2012).

Further, Arizona’s geographical context makes it interesting both as an individual study site and as a representative of larger national political tensions surrounding race and racialized migration concerns. Arizona is a border state, with a great demographic and political diversity. There is no one understanding of Arizona, just as there is no one understanding of the United States. Arizona politics are highly contested. As González de Bustamante (2012) notes,

A political Grand Canyon has deepened over the past two decades between the more populated and conservative county of Maricopa (essentially the Phoenix metropolitan area) and southern Arizona, mainly less conservative Pima County (essentially the Tucson metropolitan area). Because state politics and money have been controlled in the state capital of Phoenix, no matter what their ethnic backgrounds, many Tucsonans and southern Arizonans frequently have spoken of feeling alienated from state-level decision making. (36)

ARS § 15-112 exacerbated this divide. Multiple respondents described to me the feeling that outsiders from Phoenix were attempting to control the way Tucson schools run, from terminating the MAS program to trying to impose conservative regulations on their sexual education instruction. Ochoa O’Leary et al (2012) further explain that Maricopa County saw the second highest growth in Latinx residents between 2000 and 2006, and suggest that Arizona state-level legislative actions, which emerge from Maricopa, “are responses to the recent growth of immigrant populations in the state and greater nativist anxiety about the new demographic reality” (83).

Because of Arizona’s geography and history, as well as contemporary political tensions around immigration, the passage of ARS § 15-112 and reactions to it provide an important case study on the interplay of race, neoliberalism, and education policy. Politicians like Tom Horne and John Huppenthal insist that their targeted termination of the TUSD MAS program has connection to neither contemporary racism (except against white people) nor the complex and violent history of race in the Southwest. I, however, read ARS § 15-112 as deeply embedded within the history of the actions and policy targeted against Mexicans since the first Americans pushed westward in search of territory. Not only does this legacy inform ARS § 15-112, but the ban is itself part of this history.

Spain claimed and colonized the territory of Mexico from 1519 to 1820. In 1540, the first explorers from Mexico entered what is today the US Southwest but would first become part of Mexico. Both the arrival of the Spanish and the trajectory Northward resulted in a mixing of the population between the Europeans and indigenous peoples. In 1821 Mexico established independence from Spain, but mere decades later, white settlers coming from the East swept into the territory on the wings of Manifest Destiny, which was undergirded by racial theories of

Anglo superiority (Menchaca and Valencia 1990). As a result of the ensuing Mexican-American War, Mexico ceded Arizona, Colorado, New Mexico, Texas, California, and parts of Utah and Nevada with the 1848 Treaty of Guadalupe-Hidalgo (Garcia 1977).

The decision to take Mexican territory was not supported by everyone in positions of power in the United States. Former Vice President John C. Calhoun argued that doing so could have disastrous consequences for maintaining a pure and white territory. He delivered a speech on the matter in which he stated,

To incorporate Mexico, would be the first departure of the kind; for more than half of its population are pure Indians, and by far the larger portion of the residue mixed blood. I protest against the incorporation of such a people. Ours is the Government of the white man. The great misfortune of what was formerly Spanish America, is to be traced to the fatal error of placing the colored race on an equality with the white. That error destroyed the social arrangement which formed the basis of their society (Calhoun 1848)

This tension between incorporation and isolation was resolved in part when the territory that is now Arizona officially became part of the United States with the 1853 Gadsden Purchase. Of course, not all Mexicans living in the ceded territory fled their homes to start over south of the new border. The twice-colonized (Gonzalez and Shields 2015) living in the (newly) US southwest were subjected to a new state force that sought the annihilation of “Mexican-ness” through violence, forced movement, or assimilation.

The contemporary landscape for Latinx people in the southwest and Arizona in particular is shaped by this longer history and more recent anti-immigrant policy and legislation. While it could be (and is) argued that anti-immigrant policy emerging from the Southwest is about ideas such as “law and order” and “national sovereignty” rather than race, the rhetoric from anti-immigrant groups and even politicians like Huppenthal and Horne quickly reveal that their anti-

immigrant stances are deeply tied to race and a vision of preserving a white “European” America.

One example is the Minuteman Project, a vigilante organization focused on ending “illegal immigration” and controlling the US-Mexico border. In 2005 they sent volunteers to patrol the Arizona-Mexico border for a month to make up for what they saw as a lack in governmental policing, ultimately declaring that they had prevented the crossing of 60,000 undocumented migrants in that time (Stine 2005). On its website, The Minuteman Project claims to be a “multiethnic immigration law enforcement advocacy group” that is not about racism but rather about upholding the rule of law. On the same website, however, co-founder Jim Gilchrist writes as recently as January 12, 2017:

There is a concerted effort underway in our nation to literally change our culture, our common bond of language, our geographical borders, our state and national sovereignty, and many other elements that comprise our nation’s unity. As English-speaking European-based white America is replaced with alternative ethnicities speaking non-English languages and practicing non-American traditions, the America we have known for the psst [sic] 200 plus years will be morphed into something completely in conflict with our tradition and history.

The goal of the Minuteman Project, by its co-founder’s own admission, is to fight changes to “our” culture. He creates a clear definition for the category “American culture” that suggests it is English-speaking, European-based, and white. Despite the fact that American settler colonialists pushed westward into and essentially built the border around Mexicans, he situates anyone who is neither appropriately white nor English-speaking as having a culture that is alien to the territory that used to be Mexico. Jim Gilchrist is not a lone wolf racist. The extralegal attempts by Minuteman Project volunteers to police the border have been praised by Arnold Schwarzenegger, Sean Hannity, Tom Tancredo, and other public figures. George W. Bush, however, went on record denouncing the group as vigilantes.

What was happening in Arizona that created the environment for groups like the Minuteman Project to not only practice extralegal border patrolling, but also receive praise for it? Chavez (2008) connects the Minuteman Project to a crisis in the contemporary meaning of citizenship. He writes that “The Minuteman Project’s activities in Arizona in 2005 were [...] decrying what they perceived as the dilution of the rights and privileges of U.S. citizenship because of massive immigration,” (4) and that these concerns are based on a Latino Threat Narrative. That Latino Threat Narrative posits that Latinos refuse to integrate to the national community as conceived of in white supremacy. “Rather, they are part of an invading force from south of the border that is bent on reconquering land that was formerly theirs (the U.S. Southwest) and destroying the American way of life” (*ibid*, 2). If a group that they perceive as undermining America itself are given the same or similar rights as U.S. citizens, this makes their own rights and citizenship less valuable.

Perhaps the contemporary crisis over citizenship in the American Southwest began in the late 1990s, when southern Arizona became “the nation’s epicenter for both federal boundary enforcement practices and unauthorized cross-boundary migration” (Borderland Autonomist Collective 2012, 191). During this time, Joe Arpaio, Maricopa County Sheriff from 1993-2017, promoted the idea that he was “America’s toughest sheriff.” In the 1990s, his Tent City jail (which he openly referred to as a “concentration camp”), his reinstatement of chain gangs, and the poor conditions of his jails sparked controversy. Yet it was not until the 2000s that he truly ramped up his anti-immigration agenda that both promoted and was informed by racism. In fact, according to a U.S. Department of Justice (DOJ) expert working on a DOJ investigation of Arpaio, he “oversaw the worst pattern of racial profiling by a law enforcement agency in U.S.

history”. Furthermore, attorney Thomas Perez told reporters that Arpaio and his commanders created a culture of abusing the rights of Latinos in Maricopa County (Stern 2011).

According to Lawston and Murillo (2012), Arpaio and anti-immigrant vigilante groups emerging in the southwest at the time (they cite the Minuteman Project, Ranch Rescue, American Border Patrol, and the Civil Homeland Defense Corps among these) sought to “intimidate and instill fear in migrants and Latino/as, who, even when U.S. citizens, are racially profiled. However, Arpaio and vigilante groups insist repeatedly that they only aim to enforce the law” (182). What is most interesting, in my opinion, about Arpaio’s legacy is that he won six elections in large part due to his tough on crime and anti-immigrant platforms despite multiple civil rights law suits and accusations of racial profiling and abuse of power in the overwhelmingly white Maricopa county. In an August 25, 2017 Tweet, President Donald Trump praised Arpaio and announced his pardon for the charge of criminal contempt, writing “I am pleased to inform you that I have just granted a full Pardon to 85 year old American patriot Sheriff Joe Arpaio. He kept Arizona safe!” Both the action taken by Trump and his tone enforce the idea that Sheriff Arpaio and vigilantes are heroes for “doing the job of law enforcement that the nation refuses to do” (Lawston and Murillo 2012, 186). As I previously discussed, Arpaio supported Tom Horne, standing with him as he recounted how his role in terminating MAS proved that he would be tough on immigration as Attorney General.

Jenna Loyd (2012) interviewed Luis Fernandez, professor of Criminology and Criminal Justice at Northern Arizona University, and relayed his description of the changing dynamic in Arizona since the early 2000s. Fernandez notes that, while there is a long and obvious history of white supremacy emerging from the colonization of the territory, a “particular wave started in 2003 or 2004 as part of a very deliberate white supremacist strategy. In 2003, white supremacist

militia groups began to point to Arizona as their new battleground” (228). Fernandez goes on to describe how legislators such as Russell Pearce (R) ran and won on anti-immigrant messaging and support from white supremacist groups. Anti-immigrant legislation that they pushed were often vetoed by Governor Napolitano (D).

When Napolitano left office, Pearce and new governor, Jan Brewer (R), were able to pass SB 1070, the strictest anti-undocumented immigration bill the state had seen. SB 1070 created state-level immigration policy designed to end undocumented immigration into Arizona (Chin, Hessick, and Miller 2012; Santa Ana 2012). It also required that Arizona law enforcement officers ask for documentation status during a stop, detention, or arrest if they believed they had “reasonable suspicion” that the individual was undocumented (Chin, Hessick, and Miller 2012). This, Santa Ana (2012) notes, “raised the specter of racial profiling” (10)³⁰. Based on SB 1070, Arizona gained the moniker the “Show Me Your Papers State” and Brewer gained popularity in the polls (González de Bustamante 2012).

At the same time as Arizona’s borders were being “defended” from those who would undermine real “American” culture, so too were its schools. Both Gilchrist and John Huppenthal openly advocate for English to be the language of the land and see language (Spanish in particular) as a key cultural flashpoint. Arizona was one of 23 states that passed measures in the late 1980s and early 1990s to make English the official state language. Of these 23, Arizona was arguably the most restrictive, requiring that state and local government employees act only in English, down to requiring welfare workers and state park rangers to give aid and directions in

³⁰ While proponents tended to deny that racial profiling could occur legally, there is precedence: In 1975 *United States v. Brignoni-Ponce* (1975), the Supreme Court declared that the U.S. Constitution allows race to be considered in immigration enforcement: “The likelihood that any given person of Mexican ancestry is an alien is high enough to make Mexican appearance a relevant factor.” For a more in-depth discussion of the legality of racial profiling, see Chin, Hessick, and Miller (2012)

English only. The measure passed by less than 1% and many elected officials refused to comply, citing federal and state court battles over the amendment (Terry 1998). In 1998, the Arizona Supreme Court ruled the initiative unconstitutional for several reasons, including that it denied the constitutional rights of non-English speakers. (Terry 1998; Chin, Hessick, and Miller 2012).

Despite the contestation, the will of the slim political majority in Arizona pushed through educational legislation and policy seeking to promote “American” culture through discouraging the use of Spanish in the classroom. In Arizona, roughly 81% of English language learners are Latinx (Gándara and Orfield 2010). K-12 education in the state has experienced decades of unequal education for English Language Learners (ELLs) and outright restrictive language policies (Mackinney and Rios-Aguilar 2012). In 1992 Miriam Flores sued the Nogales Unified School District for failing to provide adequately prepared teachers, adequate instructional materials, or sufficient funds to ensure ELL students an education as guaranteed by the Equal Educational Opportunity Act. Despite a federal district court order, Arizona refused to address the issue for over a decade. After the court began issuing a \$50,000 a day fine to the state for failing to follow orders, Arizona appealed. In 2009, the case became *Horne v. Flores* and the Supreme Court overturned the federal district court’s decision, ruling that the state of Arizona could determine its own ELL requirements (Gándara 2012).

In 2000, Arizona passed Proposition 203, “English for the Children” which stipulated that “no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English” (Arizona Department of Education 2010, 1). As state Representative, Tom Horne took credit for championing Prop 203 in the House Education Committee, using it in further political campaigning (Gándara 2012). In 2008, Arizona adopted a four-hour English Language Development block in which English language

learners (ELLs) would spend four hours focusing on the English language itself, rather than focusing on other subjects using English (Mackinney and Rios-Aguilar 2012). This suggests that cultural assimilation itself is more important in Arizona education policy than the subjects such as math, science, social sciences, or arts. There is also concern from parents, teachers, and researchers that segregating ELLs from their English-speaking peers in such long blocks is detrimental to the students' overall ability to make academic progress (Gándara and Orfield 2010). Furthermore, Arizona saw little to no improvement in the achievement gap between ELL and non-ELL students in the year following implementation (Garcia, Lawton, and Diniz de Figueiredo 2012).

The past two decades saw a renewed disregard and hostility toward Latinx people in Arizona, built off of a racialized fear of the country being “taken” and its cultures and values changed. This positions white Americans as those with the true claim to the territory while even Latinx citizens become part of the invasion narrative. Chin, Hessick, and Miller (2012) write of growing fear in Arizona:

that Mexican immigration is part of a metaphorical (or, perhaps, actual) war of reconquest by Mexico, seeking to regain its former territory. On this view, Arizona is near a dangerous tipping point, where there is little time left to prevent political and cultural domination of the state by non-Americans, along with a potentially permanent and negative change to Arizona society. (66)

Less than a month after Jan Brewer signed SB 1070, she also signed Tom Horne's brainchild, HB 2281, the bill designed to first ban Mexican American Studies and then eventually all ethnic studies from public schools.

III. Tucson

a. Federal Desegregation Ruling/Unitary Status Plan³¹

1954's *Brown v. Board of Education* ruling did not immediately result in full school integration across the United States. In 1973, the U.S. Department of Health, Education and Welfare reported that the Tucson Unified School District (TUSD) was racially unbalanced and lacked equal educational opportunities for minority students. Haney López (2014) notes that in the late 1960s, civil rights lawyers began to push, not for colorblindness as they previously had, but for actively taking race into account in order to achieve integration. Their rationale was that "outlawing mistreatment was a step in the right direction, but by itself would not significantly correct settled disadvantage" (82). It was with this backdrop that, in February of 1974, the U.S. Office for Civil Rights directed TUSD to remedy this imbalance by making sure that no school had more than fifty percent minority enrollment. In April of the same year, the TUSD governing board voted to oppose mandatory bussing in the district despite the directive from the U.S. Office for Civil Rights (Tucson Unified School District 2018). The history of TUSD's legal issues with desegregation helps us to understand how the district has (and has not) dealt with issues of race. As I will describe, a directive to support and expand MAS was also part of the attempt to correct the long-standing ills of segregation in TUSD.

A briefing for *Fisher and Mendoza v. Tucson Unified School District* (2011) provides a basic background for the resulting federal desegregation ruling directed at TUSD. This desegregation ruling took nearly four decades to resolve. In May of 1974, the National Association for the Advancement of Colored People (NAACP) sued TUSD on behalf of black elementary and junior high students in the district. The NAACP argued that TUSD was

³¹ See Appendix B for simplified timeline

segregating and unconstitutionally discriminating against the students, known as the “Fisher plaintiffs.” In October of the same year, the Mexican American Legal Defense and Education Fund (MALDEF) similarly charged TUSD on behalf of Mexican American students, known as the “Mendoza plaintiffs.” In 1975, the two cases were consolidated for trial, with Fisher and Mendoza acting as class representatives for both black and Mexican American students. In 1976, the US became a plaintiff-intervenor³², and in 1977 the cases were tried in the US District Court of Arizona. This became one of many cases in the second half of the twentieth century in which federal courts began supervising the process of public school desegregation (Moore 2002).

In 1978, the district court ruled that TUSD acted with intent to segregate in the past, that some TUSD schools were still segregated because of those past actions, and that TUSD must act to remedy segregation within the district. The same year, the district court approved a desegregation plan that included specific tasks required for TUSD to achieve “unitary status,” referring to achieving an equal and integrated district (*Fisher and Mendoza v. Tucson Unified School District* 2011). Until unitary status is achieved, TUSD would still be subject to Court supervision. Moore (2002) notes that in 2001 more than 400 school districts around the U.S. were still under federal court supervision based on similar unitary status plans (USPs), making “the federal bench the largest school district in the country” (311). The concept of “unitary status” arose in *Green v. County School Board of New Kent County* (1968), where the court opinion described a “transition to a unitary, nonracial system of public education” as “the ultimate end to be brought about” (436).

It was not until 2005 that TUSD finally petitioned for unitary status. In 2008, pending court approval of a Post-Unitary Status Plan (PUSP), Judge David Bury of the US District Court

³² An individual or entity not already a party to an existing lawsuit but who makes themselves a party by joining with the plaintiff (Burton 200

of Arizona granted TUSD unitary status. In December of 2009, Judge Bury approved the PUSP, and ended the judicial oversight that TUSD had been under since the 1970s with the original unitary status plan (Tucson Unified School District 2018). One of the provisions of the PUSP was that it “called for an expanded Mexican American Studies (MAS) Department at middle and high school levels, and expanded services at the elementary school level, with a variety of course offerings in middle and high schools” (*Fisher and Mendoza v. Tucson Unified School District* 2013, 5).

However, the original plaintiffs appealed on the grounds that the district court had improperly given up oversight while TUSD had yet to fully address educational disparities. In *Fisher v. Tucson Unified School District* (2011) the Ninth Circuit Court of Appeals overturned the decision of Arizona’s district court. TUSD once again found itself under court oversight. In 2012, the district court appointed a special master³³ to oversee development of a new Unitary Status Plan along with input from “District employees, PUSP Committee or Independent Citizens’ Committee members, parents, students, teachers, and any other interested parties” (*ibid*, 6). The new USP was officially filed in 2013. In keeping with ARS § 15-112, the new USP no longer mentions MAS courses. Rather it promotes “culturally relevant courses” (Unitary Status Plan 2013). I will return to the P/USP as I discuss how these court orders interacted with ARS § 15-112 later in the chapter.

b. Terminating the TUSD Mexican American Studies Program

Witnesses for both the plaintiffs and defense describe a speech given by Dolores Huerta as the catalyst for HB2281. Huerta, labor leader and co-founder of the National Farmworkers Association, was invited to speak at Tucson High School in April of 2006. Former MAS teacher,

³³ A "special master" is appointed by a court to carry out an action on its behalf. (Legal Information Institute 2019)

Curtis Acosta, explained on the stand that a coalition organizing events for the week surrounding Cesar Chavez’s birthday invited Huerta with approval from the Tucson High School principal. He added that students were not required to attend her talk, but that the principal issued an open invitation. Acosta provides interesting insight into Huerta’s key statement that triggered right-wing ire: “Republicans hate Latinos.” Acosta states:

There was a lot of tension in our community around the Sensenbrenner bill that was in Congress, which was an immigration bill. And her take during the speech was that the Sensenbrenner bill and these subsequent immigration bills were a distraction from the current war efforts in the Middle East and Afghanistan. But I hadn't heard that take before, so it stood out to me. Then as she was articulating that point, she said, ‘Take a look at who is sponsoring this legislation, it's Republicans.’ And then she said the infamous phrase, ‘Republicans hate Latinos.’³⁴

To provide context, the “Sensenbrenner bill” refers to the *Border Protection, Antiterrorism and Illegal Immigration Control Act* of 2005 (HR 4437) that passed in the U.S. House of Representatives on December 16, 2005 by a vote of 239 to 182 with 92% Republican support and 82% Democrat opposition (Office of the Clerk of the US House of Representatives 2018). It ultimately did not get through the Senate. Provisions of HR 4437 would have, among other things, criminalized “illegal presence” in the U.S, given Department of Homeland Security funds to border enforcement activities, constructed new fencing along the Mexico-U.S. border and funded research into a wall at the Canada-U.S. border, expanded employment verification requirements and penalties for hiring without meeting these requirements (National Conference of State Legislatures 2018), and defined sentencing for U.S. citizens found aiding a non-citizen in the course of unauthorized entry. The House further passed, among other amendments, Amendment 650, which would eliminate the visa lottery program (U.S. Congress 2018).

³⁴ Transcript of Proceedings, Bench Trial Day 1 at 78. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Aside from Acosta's discussion of Huerta's statement with regard to HR 4437, there is little further contextualization of the statement in *González v. Douglas*. On May 2, 2006, Bill O'Reilly spoke with Huerta on his show, *The O'Reilly Factor*. Before the interview, he played a clip from the speech which further contextualizes her statement. Huerta stated:

I'm going to be suggesting that we do a postcard campaign. And that we send it to the Senate Republican National Committee in Washington, D.C. because they are responsible to get as many Republicans elected to office as possible. And we have to let them know, and this, of course, would be from the Latino community specifically, and all of those who think that is really unjust what they're doing. And our tema, our theme, will be: Republicans hate Latinos.

After playing the clip, O'Reilly asked Huerta, "Do you really believe that all Republicans hate Latinos?" She responded, "I believe that this is a free speech issue. When I was speaking to students I was telling them what was going on with the immigration debate, telling them about some of the Republicans that have really done things against the Latino community." She went on to allude to the fact that her actual speech referenced various pieces of Republican-sponsored legislation before the clip that O'Reilly played. O'Reilly tells her that "scores" of Democrats also voted for Sensenbrenner, suggesting that it is wrong to pin animosity on Republicans but not Democrats. It is true that 36 out of 200 House Democrats voted for HR 4437 (Office of the Clerk of the US House of Representatives 2018), but this is shy of scores.

O'Reilly's description sets up a narrative of an unfairly maligned Republican Party and a Democratic Party that is not being held to a similar standard. This is noteworthy because it was one of the moments that launched Huerta's speech into the public eye. Acosta said about Huerta's speech, "It went viral, yes, it did. I remember Bill O'Reilly on the O'Reilly Factor was talking about it. So, it was a pretty big moment."³⁵ The presentation by O'Reilly to his wide-

³⁵ Transcript of Proceedings, Bench Trial Day 1 at 78. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

reaching audience worked to shape the narrative of unfairness toward Republicans from the very beginning, and, despite Huerta’s attempts during the interview, did little to insert an understanding of the impacts of recent legislation on Latinx communities into the public discourse.

Tom Horne served as Arizona Superintendent for Public Instruction at the time of Huerta’s speech. He was not present for her talk but learned of it after receiving “all these calls about people telling me I needed to stop having controversial speakers at the schools,”³⁶ adding that he disagreed with the idea that students should not be exposed to controversial speech. However, he wanted to bring another speaker to the school to represent “the other side.” Acosta agreed that this was how Horne framed his thought process at the time. Despite the placid tone of the “both sides” argument, Horne put out an official press release from his office on April 14, 2006 calling Huerta’s statements “hate speech.”

On May 12, 2006, ten days after Huerta’s comments had been featured on *The O’Reilly Factor*, Horne brought his deputy, Margaret Garcia Dugan, to Tucson High School to deliver a speech. Acosta noted that the campus was “buzzing” about it because Huerta’s comments had gone “viral.” Dugan began her speech by acknowledging its circumstances:

The last time you gathered in an assembly of this kind, things were said that attracted the attention of the news media and legislators. This has been an opportunity for you to see first-hand how ideas and words have tremendous power. [...] I am aware that you probably know why I was asked to speak here today. The statement you heard several weeks ago, ‘Republicans hate Latinos’, is nothing more than a political statement designed to incite an emotional response. (Arizona Daily Star 2006).

Her talk goes on to warn students that stereotypes of political parties are “just as much prejudicial and bigoted” (*ibid*) as racial and ethnic stereotypes. From there, she describes her

³⁶ Transcript of Proceedings, Bench Trial Day 1 at 14. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

identity and upbringing as both Republican and Latina, and provides the students with lessons from her father. One such lesson was “never rely on other people or government to take care of you financially. Do not assume the attitude of self-identified victims, who must be cared for because they cannot, or will not, take care of themselves. Such people are not self-sufficient” (*ibid*). Her speech continues to admonish students to be productive, self-reliant individuals, and argues extensively for requiring English proficiency among non-native speakers and for students to take the state standardized exams in English.

Following Huerta’s speech, students were allowed to ask questions, but the same was not true following Dugan’s. Acosta recalled the list of rules for students attending Dugan’s talk:

There was like no signage, no backpacks. Those are the ones I remember off the top of my head. A lot of nos. And one of the nos that was the most upsetting to the students was no dialogue with the students. They weren't going to have a question and answer period at all.³⁷

Students protested during Dugan’s presentation. Understandings of what this student protest meant vary. For some, it represented a protest over students being denied their free speech as there was no opportunity to ask questions or respond to what Dugan told them. For Horne, it was a rude display by MAS students coerced into doing so by their MAS teachers.

Acosta described the protest in the following exchange with one of the plaintiff’s attorneys:

Acosta: It was a silent protest, where students stood up at a particular part of the speech, removed outer shirts to reveal T-shirts with slogans on it. One of the slogans that I remember -- you can silence my voice, but never my spirit. The students also put blue duct tape over their mouths and stood quietly, pretty politely during the rest of her speech.

Attorney: How did Mr. Horne react?

Acosta: He got pretty angry. He got red, I should say. And then he leaned over in an aggressive manner.

Attorney: Were the students who were protesting limited to students who were involved in the Mexican-American studies program?

Acosta: No, it wasn't.

³⁷ Transcript of Proceedings, Bench Trial Day 1 at 79. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Attorney: Describe other students that were involved in the protest.

Acosta: All different types of students ethnically, from what I could tell. And students that I didn't recognize, so that's why I knew they weren't in our program. Because at that time I was teaching the classes and I knew who was in our program.

Attorney: Was this protest organized or encouraged by the faculty of the MAS program?

Acosta: Not at all.³⁸

Acosta's understanding of how and why the student's protested during Dugan's speech differed from Horne's. In Horne's estimation, the student protesters were MAS students coerced by MAS teachers like Acosta, and that MAS courses effectively produced propaganda that brainwashed students into certain political opinions. Furthermore, he does not support extending the First Amendment to protests taking place on public school property during school hours. He repeats these understandings of the situation during his time on the stand in 2017, but the following exchange with a plaintiff's attorney explains his thinking most succinctly. The attorney begins by confirming with Horne that students silently protested with tape over their mouths, turned their backs on Dugan, and eventually walked out. Horne interjects:

Horne: And they raised their fists in the air.

Attorney: And some of the students raised their fists?

Horne: Raised their fists in the air, which is a pretty extremist thing to do.

Attorney: It's part of their -- it's part of their First Amendment precious right, isn't it, sir?

Horne: Not in that context. They have a right to demonstrate, and I support that, and I actively supported teaching them that, but being rude to a guest speaker is the wrong context. And I thought that what they were taught to do was rude, and I thought it was educationally dysfunctional, because what I learned over the times that I did my investigation was that they were teaching to deal with problems by getting in people's faces. And I think success as an adult depends on learning to deal with disagreements civilly. And so I thought educationally what the teachers had them do was very dysfunctional, and I was concerned about that.

Attorney: But, apparently, it's your view that only certain kinds of demonstrations are appropriate. Is that right?

Horne: No, that only -- that only in certain context demonstrations are appropriate. It's not appropriate to demonstrate in class. It's not appropriate to create a negative environment when a guest speaker comes. You can ask hard questions, but that kind of rude behavior I think is inappropriate for students in a school.

Attorney: But, sir, they were not allowed to ask hard questions, were they?

³⁸ Transcript of Proceedings, Bench Trial Day 1 at 82. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Horne: No.

Attorney: In fact, you knew that the students had taped their mouths precisely because they were told they couldn't ask any questions, isn't that true?

Horne: I viewed that as an excuse. I don't think anybody was that upset about asking questions. Lots of speeches are given without asking questions. They seized on that as a way of having their teachers create a negative atmosphere toward a different point of view, which is a very consistent pattern for these teachers, and I can give you a lot of evidence of that.

Attorney: You have repeatedly said, both publicly and here in this courtroom, that the teachers somehow taught this behavior. Is that your view?

Horne: That's my view, yes.³⁹

In Chapter 6 I will more deeply focus on the charge that students were taught rude behavior by MAS teachers and how that narrative was useful in evading accusations of racism and racial animus.

The student protest during Dugan's speech is widely regarded as the moment that Tom Horne decided to try to terminate the TUSD MAS program. Over the next year, he gathered evidence that he would use to make a case against the program in *An Open Letter to the Citizens of Tucson* (Horne 2007) that he released under his official capacity as state superintendent. The first subheading of his letter describes the intent of the release, reading, "I. The TUSD Ethnic Studies Program Should be Terminated" (1). He admitted that he never visited the classrooms at all and is adamant that doing so would have been a pointless exercise because the teachers would likely change their teaching styles and subject matter the moment he entered the room. In the 2017 trial, he repeatedly referred to this as a likely "Potemkin village"⁴⁰ scenario. He primarily

³⁹ Transcript of Proceedings, Bench Trial Day 7 at 18. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁴⁰ When asked to explain what he meant by a Potemkin Village, Horne said, "In the 1780s, Catherine the Great conquered Crimea, and the area was utterly devastated. The Russians were bragging to other countries that they were rebuilding it. And so she took a tour on a raft in the Dnieper River to see the rebuilding. Well, there had been no rebuilding. So, Potemkin, who was one of her lovers and was in charge of the rebuilding, developed movable prosperous villages. [...] And as soon as the raft went on down the river, they would rush the movable village to the next village. And behind these movable villages was utter devastation and poverty and misery. So, a Potemkin Village is a show to indicate one thing when in fact it's the fact opposite." (Transcript of Proceedings, Bench Trial Day 7 at 155. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT))

relied upon his conviction that MAS teachers taught students to behave rudely, a few lines from two textbooks (*Occupied America* and *The Mexican American Heritage*), a teacher who complained of having been described as “the white man’s agent” by a MAS teacher, and reporting by Doug MacEachern for *The Arizona Republic* wherein he reports that teachers and counselors in TUSD are fearful of being labeled racists by progressives. He chose not to speak with MAS teachers, students, or anyone in support of the program before writing his letter in support of terminating all ethnic studies at TUSD, nor did he choose to visit the classes themselves.

TUSD did not follow Horne’s recommendation to terminate the MAS program, leading Horne to attempt to force the issue through legislation. He first attempted to legislatively dismantle ethnic studies in 2008 via working with Republican Senator Russell Pearce to create SB 1108. It was proposed as an amendment to a Homeland Security Bill and was “strategically linked to anti-immigrant sentiment” (Ochoa O’Leary et al. 2012, 82). Romero and Arce (2009) note that SB 1108 backs a racial order in Arizona. Here we find a direct and overt political linkage in Arizona between race and immigration that is directed at the school system. Senator Pearce agreed to introduce this bill because he believed that MAS represented “very anti-American hateful hate speech” (Arizona State Legislature House Appropriations Committee 2008). SB 1108 would prohibit any organization from operating in or around a school campus that was in any way concerned with race (Ochoa O’Leary et al. 2012) and further declares that “a primary purpose of public education is to inculcate values of American citizenship” (AZ Senate Bill 1108, 1). It would have prohibited any courses or school sponsored activities that

promote, assert as truth or feature as an exclusive focus any political, religious, ideological, or cultural beliefs or values that denigrate, disparage or overtly encourage dissent from the values of American democracy and western civilization, including democracy, capitalism, pluralism, and religious toleration.

When S.B. 1108 did not pass, Horne drafted SB 1069, which Republican Senator Jonathan Paton introduced. The language of SB 1069 is very similar to that of HB 2281, which he drafted almost immediately after SB 1069 also failed to pass. Although this bill failed to pass, a similar bill was proposed a year later as SB 1069. SB 1069 proposed to grant further enforcement power to the Arizona state superintendent, allowing them to withhold 10% of state funding from school districts with programs that violated of the law (Ochoa O’Leary et al. 2012), a control mechanism that would resurface in HB 2281.

Horne drafted HB 2281 in 2010. Subsection A of section 1 of HB 2281 specifically prohibits school districts or charter schools from including courses that: 1) promote the overthrow of the Federal or state government or the Constitution, 2) promote resentment toward any race or class, 3) advocate ethnic solidarity instead of being individuals, or 4) are designed for a certain ethnicity. Yet, the language used to describe these limitations is vague. I will provide an analysis of the language of HB 2281 in Chapter 7. Here I will note that Horne claimed on the stand in 2017 that he did in fact mean to target MAS specifically with the legislation, but that his ultimate goal was to eventually end all ethnic studies programs.

Horne asked Republican Representative Steve Montenegro, who he refers to as “a Central American immigrant,”⁴¹ to introduce HB 2281 because “the fact that he was a Hispanic was a plus in trying to get the bill passed”⁴². Montenegro agreed, and Horne worked closely with him to get the bill passed without major alterations. Arizona’s then-governor, Republican Jan Brewer, signed Horne’s bill into law as ARS § 15-112 in May of 2010. While the language of

⁴¹ Transcript of Proceedings, Bench Trial Day 7 at 59. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁴² Transcript of Proceedings, Bench Trial Day 7 at 54. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

ARS § 15-112 does not outright ban MAS, it stipulates that, should TUSD fail to come into compliance with the law, the State Board of Education or the state superintendent may direct the Department of Education to withhold up to 10% of the monthly apportionment of state aid that would otherwise be due the school district or charter school. In 2010, Horne ran for Attorney General of Arizona and ultimately won with a campaign relying in part on his fight against MAS. For instance, he posted a video to his campaign website in which he said: “I fought hard to get the legislature to pass a law so that I could put a stop to the Raza Studies program. And as the Attorney General, I will give legal aid to the Department of Education to be sure that we do put a stop to it”⁴³.

On December 30th, 2010, just before evacuating the office of superintendent, Horne released a finding that TUSD was in non-compliance with ARS § 15-112 due to MAS. The finding suggested that there were three non-MAS courses that could have been found in violation, but that MAS was the only program that he heard complaints about, and therefore the only one he would pursue action against. Key here is that Horne admits to using the same evidence from his 2007 *An Open Letter to the Citizens of Tucson* in his finding rather than relying primarily on more recent information to bolster his finding. In 2017 Horne had the following exchange concerning the non-compliance finding with an attorney for the plaintiffs:

Horne: I admit to having plagiarized myself.

Attorney: You kind of cut and pasted the letter, right?

Horne: Yes.

[...]

Attorney: And so basically the same information is displayed in your finding, correct?

Horne: Yeah.

Attorney: This is all information that was somewhat dated, isn't it?

Horne: I don't consider it dated.

Attorney: It's old.

Horne: There was no -- there were no changes made during those years.

⁴³ Transcript of Proceedings, Bench Trial Day 7 at 112. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Attorney: How would you know that? You never went to a classroom.

Horne: Because I was -- I had teachers who were reporting to me, and I was reading materials, and as time went on, they kept reinforcing each other.⁴⁴

Another key piece of information about Horne's finding is that the statute was not yet in effect on December 30th, 2010 when it was issued. In *Arce v Douglas* (2015) the panel of judges state that Horne's finding was "prematurely issued" (10). Republican John Huppenthal, an Arizona state senator from 2005-2010, was elected to replace Horne as superintendent in 2011. While in the state senate, he was asked to sponsor HB 2281 and initially refused, citing an interest in maintaining local control over education. However, he ultimately decided to support the bill after concluding that MAS "planted evil ideas"⁴⁵ in the minds of students. Neither Horne nor Huppenthal investigated other ethnic studies programs in the state, reinforcing the idea that, despite the broader language, MAS was bill's intended target. In *Arce v. Douglas* (2015), the 9th Circuit judges' opinion specifically stated that the "statute was enacted almost entirely with the Mexican American studies program in mind" (3).

Huppenthal added two amendments to the bill: one to give the state superintendent the ability to enforce the bill, and the second to delay the law's enforcement date until January 1, 2011, effectively giving himself full enforcement power as he was sworn in at the beginning of January. Huppenthal testified that he met with Horne in December of 2010, asking him not to issue a finding regarding MAS. Horne said that he did not remember the conversation, but that he did not deny that it happened as stated. Huppenthal, however, was also no friend to the MAS program. He made "stop La Raza" (a direct reference to MAS) an integral part of his superintendent campaign platform, going as far as to center the phrase in a radio advertisement

⁴⁴ Transcript of Proceedings, Bench Trial Day 7 at 83. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁴⁵ Transcript of Proceedings, Bench Trial Day 1 at 158. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

on which he spent approximately \$40,000 (Biggers 2017; González v Douglas 2017). On the stand, he discussed the decision to do so:

Attorney: And in your campaign for superintendent of education, you campaigned on a platform to stop La Raza, right?

Huppenthal: Yes.

Attorney: That was an important part of your campaign, right?

Huppenthal: Yes.

Attorney: And by "La Raza," what did you mean?

Huppenthal: La Raza, the specific meaning of the words, means "the race." But its meaning in the context of a Republican primary campaign, it became shorthand for stop the slandering of the founding fathers, stop the unbalanced examination of the founding fathers, stop indoctrination of students into a Marxist oppressed/oppressor framework. So it just became a shorthand for a – it was a way of communicating with Republican primary voters.⁴⁶

Interestingly, in this exchange he claims to somewhat reverse the typical political dog whistle by using racial language to signal non-racial information to Republican voters.

Huppenthal's understanding of what takes place in a MAS classroom is largely based on a single classroom visit he made while in the senate. This visit occurred during a day that the ACT exam was being administered, resulting in shortened class periods. Instead of covering new material as they would have on another day, they decided to hold a class discussion with Huppenthal so that "he could hear directly from the students"⁴⁷ about what they learned in the class. He goes on at length about his dismay at seeing a Che Guevara poster on a wall and hearing Benjamin Franklin referred to as a racist in the classroom, although he does admit that their teacher, Curtis Acosta, seemed respectable, well-liked, and well-dressed. That same year, Huppenthal began posting anti-MAS and anti-Spanish language commentary online under

⁴⁶ Transcript of Proceedings, Bench Trial Day 1 at 177. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁴⁷ Transcript of Proceedings, Bench Trial Day 1 at 85. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

pseudonyms⁴⁸, giving insight into his thought process as he attacked MAS both as a senator and as the superintendent.

On January 4, 2011, superintendent Huppenthal decided to adopt now-Attorney General Horne's finding without reading it. Huppenthal testifies "I think I was orally briefed on it. But I think you're correct, that I did not -- to my recollection, I don't recall reading it, but I may have, but I don't recall reading it."⁴⁹ In his official statement in support of Horne's findings, Huppenthal wrote, "I have not had the opportunity to review all the facts and evidence he has compiled in this matter" (Huppenthal 2011).

Perhaps based on this, prior to taking direct action Huppenthal commissioned an audit of TUSD MAS courses by Cambium Learning Inc. (which subcontracted the work to National Academic Educational Partners) to independently determine whether or not the classes were in compliance with ARS § 15-112. Their audit included 1) focus groups with school board members, district leadership, school administrators, teachers, students, parents, and community members; 2) classroom visits ranging between 20 – 30 minutes for 34% of MAS courses; and 3) analysis of curriculum materials. Their audit found MAS courses did not violate the statute, and further complimented the program, stating "Every classroom demonstrated all students actively engaged and when asked to work together, they all worked collaboratively with each other across various sociocultural backgrounds and academic abilities" (Cambium Learning Inc. 2011, 19).

While the audit found compliance with ARS § 15-112, Huppenthal and his staff disagreed with the findings and directed the Arizona Department of Education (ADE) to make a separate short notice investigation that, unlike the Cambium audit, included no classroom visits.

⁴⁸ Appendix C lists the internet commentary discussed in the trial

⁴⁹ Transcript of Proceedings, Bench Trial Day 1 at 180. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

One of Huppenthal's staff, Elliot Hibbs, testified that they reached the conclusion that TUSD was not in compliance on May 9th, before Cambium released its final report on May 15th and *before the ADE investigation even occurred*. Rather, the ADE investigation ensued after the conclusion was reached. With evidence quickly gathered to support the conclusion they reached on May 9th, Huppenthal issued an official finding that MAS violated A.R.S. § 15-112 (González v Douglas 2017). His finding did not discuss Cambium's conclusion.

After having issued at least three resolutions in support of MAS (Huppenthal 2011), TUSD appealed Huppenthal's findings with an independent administrative law judge, but the judge affirmed them, adding that "the Department shall withhold 10% of the monthly apportionment of state aid until the District comes into compliance with A.R.S. § 15-112" (Kowal 2011). TUSD was given only 60 days to come into compliance with the vaguely-worded ARS § 15-112. Under threat of funding loss that could have devastated the district, the TUSD governing board voted 4-1 to cut their MAS program. MAS was the only program to be found in violation of the law (*Arce v. Douglas* 2015).

c. The Legal Aftermath

The enactment of ARS § 15-112 was not the end of the story, nor was the TUSD's governing board's vote to disband MAS. Rather, ARS § 15-112 marked the beginning of seven years of legal battles. There is some indication from Republican Diane Douglas, who replaced Huppenthal as superintendent in 2015, that there may be more to come. Here I will provide a brief overview of the legal challenges to ARS § 15-112 and TUSD's decision to cut MAS. Important to note is that there are two strings of challenges occurring between 2010 and 2017: 1) those from the Fisher and Mendoza plaintiffs arguing that TUSD cutting MAS violates the PUSP

and 2) those from students and parents against the sitting state superintendents and members of the Arizona Board of Education over ARS § 15-112 itself.

1. Fisher and Mendoza and the Post Unitary Status Plan

In February of 2012, the Fisher and Mendoza plaintiffs filed a request that TUSD reinstate the MAS courses on the grounds that terminating the courses violated the PUSP. The district court denied the request. The special master tasked with overseeing the development of a new USP issued a memorandum stating that the MAS courses as previously structured were not likely to be a part of the new USP, alluding instead to the development of different ethnic studies courses. The plaintiffs asked for a reconsideration of their request based on this new information from the special master. Ultimately the special master requested to develop the new USP without additional input, noting that there would be an emphasis on culturally relevant courses and multicultural education requirements (*Fisher and Mendoza v. Tucson Unified School District* 2013).

On May 10, 2012, with Tom Horne now acting as Attorney General, the State of Arizona filed a motion to intervene. They argued that it was their right to defend their educational policy against federal interference. The State of Arizona's concern was that the new ethnic studies curricula that may be a part of the new USP could potentially violate ARS § 15-112, causing harm to the state. On June 14, the district court denied the state's motion for intervention as there was, as of yet, no evidence that the special master would propose anything that would violate Arizona law. The state tried to intervene again in July of 2012 and was once again denied by the district court (*ibid*).

The special master submitted an initial version of the USP in September 2012. TUSD objected to culturally relevant courses being offered as *core* courses specifically. The state of

Arizona, acting as *amicus curiae*⁵⁰, also filed objections to the new USP. Arizona objected to the requirement that TUSD establish culturally relevant courses at all, as well as to the requirement that TUSD develop a multicultural curriculum. Arizona filed another motion for reconsideration to be granted the status of intervenor on December 20, 2012 and was once again denied. The court noted that the state could simply enforce their laws if they were violated by any new classes. In response to an appeal on this decision, the district court responded, “the court appropriately rejected Arizona’s motion as the State failed to meet a requirement courts have imposed for intervention in desegregation cases: an interest in the achievement of desegregation itself” (ibid, 20).

Ultimately, neither the plaintiffs nor the State of Arizona entirely prevailed. In 2013, in accordance with the new USP, the district developed the new ethnic studies courses alluded to by the special master, called “culturally relevant classes.” Changes to the classes were not in name only: books were removed from TUSD classrooms and placed in a storage facility (Huicochea 2012). Interviews discussed how certain titles that were offensive to the State of Arizona, such as Friere’s *Pedagogy of the Oppressed*, were taken from the classrooms during class, frightening students. In an interview that I conducted with a former teacher, they also noted that teachers with no background whatsoever in ethnic studies replaced the former MAS teachers in the new culturally relevant courses. The idea that these new courses amounted to “watered down” versions of MAS classes came up repeatedly in interviews and during observation. However, a former MAS teacher was more nuanced in his understanding, telling me:

Mexican American Studies classes have always been watered down. Now let me explain that. If I was to walk into Curtis Acosta’s class and see him teach

⁵⁰ Latin for "friend of the court." Frequently, a person or group who is not a party to an action, but has a strong interest in the matter, will petition the court for permission to submit a brief with the intent of influencing the court’s decision. Such briefs are called "amicus briefs." (Legal Information Institute 2017)

Mexican literature, or if I walked into a different Mexican American Studies class with other teachers, they wouldn't be the same. If I was to walk into a class right now that's run by a student who was with the program and now is teaching these classes, that's not watered down. But if I walk in across the hall to another teacher teaching a culturally relevant class, it might be watered down. It just depends, you know, who's teaching the class. Why that was thrown out that they were watered down is that they weren't hiring the old teachers. At one point, TUSD was bringing back these classes, and they weren't asking us to be involved. My thing is, if there's a teacher in there that knows what they're doing and knows Mexican American or African American literature, that's not watered down. Now some teachers are being told, 'You're gonna teach this class.' Now tell me, how effective are they gonna be? They're not gonna be very effective. So, is it watered down today, though? Absolutely. There are some teachers around the district being told to teach it, and many of them, their heart's in the right place, but we'll see if they're up to the task. I think we'll get there. But it's gonna take time.

Despite the changes and efforts by TUSD to become compliant with ARS § 15-112, Huppenthal's opinion remained unchanged. During his final week as superintendent, Huppenthal issued a notice of non-compliance to TUSD. In addition to multiple Mexican American Perspective courses he cites as being in violation, for the first time he cites a non-MAS class as being noncompliant: English from a Culturally Relevant African American Perspective. The issue here is the use of An Introduction to Hip Hop Presented by KRS-One. He points specifically to a short portion that states

Hiphop Kulture is the manifested character, patterns, beliefs, sciences and arts of OUR collective consciousness; it is our reality and mental landscape, Hiphop Kulture is an international community of specialize urban people. Hip Hop is defined as the artistic response to oppression.

It was An Introduction to Hip Hop alone that he cited to show the class was in non-compliance with ARS § 15-112 (Huppenthal 2015). He further accused TUSD of not presenting ADE with sufficient curriculum materials in a timely manner. At this point in the legal history the cases that attack ARS § 15-112 directly also becomes important to the Fisher and Mendoza case.

2. MAS versus the Arizona Board of Education

In October of 2010, ten teachers and the director of TUSD's MAS program first filed a case asserting that "§ 15-112, as enacted and enforced against the MAS program, violates their constitutional rights under the First and Fourteenth Amendments" (*Arce v. Douglas* 2015, 7). Their case rested on Fourteenth Amendment equal protection and void-for-vagueness claims, and First Amendment overbreadth and viewpoint discrimination claims. Maya Arce, a TUSD student was later added with her father as plaintiffs. The claims of the teachers and director were dismissed for lack of standing, leaving Maya Arce and her father, Sean Arce, as the only plaintiffs. The case was originally *Acosta v Huppenthal* when brought by teachers. It became *Arce v Huppenthal* when Maya and Sean Arce became the plaintiffs, and ultimately ended as *Arce v Douglas* when it continued into 2015 under new superintendent Diane Douglas.

In July of 2015, the 9th Circuit Court of Appeals upheld in part and reversed in part ARS § 15-112 in *Arce v Douglas*. The panel of judges affirmed the district court's ruling that § 15-112(A)(3) violated the First Amendment. This provision states that "A school district or charter school in this state shall not include in its program of instruction any courses or classes that are designed primarily for pupils of a particular ethnic group." However, they found (A)(3) severable from the rest of the statute, meaning that the rest of the statute could stand. They ultimately remanded the First Amendment viewpoint discrimination claim back to the district court for further proceedings and remanded the equal protection claim under the Fourteenth Amendment back for retrial.

In the summer of 2017, Judge Wallace Tashima heard *González v Douglas*. González represented students and their parents against the current Arizona Superintendent of Public Instruction, Diane Douglas, and members of the Arizona State Board of Education. The key

question to be decided was whether the plaintiffs' First and Fourteenth Amendment rights were violated in the course of the enactment and enforcement of ARS § 15-112. Tashima concluded:

Plaintiffs have proven their First Amendment claim because both enactment and enforcement were motivated by racial animus. The same evidence supporting the conclusion that defendants violated plaintiffs' Fourteenth Amendment rights also supports the conclusion that defendants enacted and enforced A.R.S. § 15-112 for illicit reasons, rather than out of pedagogical concern. (40:19-23) [...] Viewing the issue from another perspective, plaintiffs have proven their First Amendment claim by proving that no legitimate pedagogical objective motivated the enactment and enforcement of A.R.S. § 15-112 against the MAS program.⁵¹

Tashima cited coded language aimed against Mexican Americans that Horne, Huppenthal, and other elected officials used during legislative hearings, Huppenthal's internet commentary⁵², the fact that the statute was targeted against MAS, and "thin and one-sided evidence" used in investigations by Horne and Huppenthal.⁵³ He further found that there was evidence of Huppenthal and Horne using their attacks on MAS for political gain. On December 27, 2017, Tashima issued an injunction that the superintendent and the AZ State Board of Education are "permanently restrained, enjoined and prohibited from enforcing § 15-112 of the Arizona Revised Statutes."⁵⁴

IV. Conclusion: institutional betrayal

I view a need for an increased study of how individuals and institutions shape what is possible for each other in an iterative process. Institutions from schools to governments shape their cultural spaces over time and across cohorts, becoming bigger than the whims of any individual. Indeed, they provide pathways for certain ideas to arise, for certain speech and processes to permeate, for certain individuals to assert authority. We must both take seriously

⁵¹ Memorandum of Decision at 41. *González v. Douglas*, 269 F.Supp.3d 948 (2017)(No. CV 10-623 TUC AWT)

⁵² See Appendix C

⁵³ Memorandum of Decision at 33. *González v. Douglas*, 269 F.Supp.3d 948 (2017)(No. CV 10-623 TUC AWT)

⁵⁴ Memorandum of Decision at 2. *González v. Douglas*, 269 F.Supp.3d 948 (2017)(No. CV 10-623 TUC AWT)

that some individuals shape law and policy more than others and that their goals are elevated through various means of authority granted their voices, and *also* that these individuals neither emerge in a vacuum nor are they able to act without institutions willing to support them. There is a complex back and forth. Without John Huppenthal, ARS § 15-112 may never have been enforced against TUSD. Without voters who are favorable to or neutral toward racist messages to “stop La Raza” and a system designed to uphold his stances as superintendent, John Huppenthal would have no authority. And further, their messages emerge from a long history of similar messages, messages that are palatable and legible as shorthand for a longer discussion. When Horne or Huppenthal talk about collectivism, they reach back to language pulled from anti-New Deal conservatives that have remained in the public consciousness. It is also important to consider what ideologies and what style of rhetoric is raised up to a position of authority within an institution and why. A complete understanding of institutional betrayal should consider the iterative construction process between individuals and the institution itself.

The case of the termination of the MAS program can be considered institutional betrayal because students who were performing the role of “good” student in terms of standard measures of academic achievement were punished by institutions they depended on, including the Arizona Department of Education and ultimately the TUSD governing board, when they took away the courses and texts that helped them succeed in the meritocracy upheld by that very school system. We not only can read the harm caused to MAS students and teachers as government-mandated institutional betrayal, but also the political response to accusations of racism as a political form of DARvo aimed at both the accusers and an audience of voters. In a 2017 piece for the *Boston Globe*, Fitzgerald and Freyd extended Freyd’s concept to discuss Donald Trump’s public

response to accusations of sexual harassment. They write about Trump and other political figures:

Perpetrators use DARVO because it works. Clarence Thomas does, in fact, sit on the Supreme Court; Donald Trump is the president of the United States; and Roy Moore came within a hair's breadth of the US Senate. DARVO affects how the victim responds as well as how observers interpret both the actions of the perpetrator and the victim. Unchecked, DARVO frightens victims, confuses observers, and supports the perpetrator's denial by allowing him to define the situation.

So too were Horne and Huppenthal allowed to remain in the political world, and even advance within it, despite being accused of racism. DARVO, when taken to the political realm does not have to convince *all* constituents. It needs only cause enough confusion within the body politic to avoid large-scale blame.

The case was ultimately decided in favor of MAS in 2017, but it did not restore the program. The injunction did not require the program or classes to be restored, only that ARS § 15-112 no longer be enforced. Some teachers associated with MAS no longer work in the district. The TUSD school governing board, at the time of this writing, did not push to bring MAS back. Furthermore, current superintendent Diane Douglas stated that she wanted to meet with lawmakers to potentially restore some of the law. House Speaker J.D. Mesnard (R) and House Education Chairman Paul Boyer (R) are reportedly open to this renewed political fight (Pitzl 2017).

While the original MAS courses with the original teachers, books, and exact curriculum may no longer be found at TUSD, claims that the program's pedagogy, curriculum, and spirit are "dead" hide the many ways in which it lives on (Martinez, Cruz, and Howerton 2018). After the state of Arizona and TUSD took actions against the program, dedicated teachers and students held MAS classes on a college campus. Former MAS teachers and others associated with the

program and the fight for ethnic studies run the Xicanx Institute for Teaching and Organizing (XITO) and hold regular multi-day institutes to spread the history, ideas, and pedagogy that was at the heart of the original classes. And, as former MAS teacher José Gonzalez explained to me, even in the culturally relevant replacement courses one can see the original movement with the right teachers.

The background provided in this chapter is, in many ways, an oversimplification of a story with far more layers. It is important to note that many other important dynamics, such as the division among the board members over whether to support MAS, the role of TUSD superintendent Pedicone in ending the program, and the activism of groups like U.N.I.D.O.S. are left out. However, this chapter gives insight into the racialized betrayal of Latinx students and communities in general that weaves through multiple institutions. Here, I provide both a scope of the “betrayal” aspect of appropriative evasion and the background necessary for the analysis in upcoming chapters in which I detail the next steps in the evasive political maneuvering key to this case.

CHAPTER 5

DENIAL

The second stage of appropriative evasion is racism denial. Tucson Unified School District's Mexican American Studies program cannot be considered as a stand-alone moment. Rather, it is part of a larger context in Arizona of legal and political racialized hostility focused not just on brown bodies, but stereotyped understandings of "brown" culture. In light of Arizona's SB 1070, undocumented students in TUSD courses expressed feelings of being "petrified," and those with citizenship felt similar fear for family members without documented status (Acosta 2013). Against the backdrop of SB 1070, and the further racialized context described in Chapter 4, the TUSD MAS program offered students an alternative. Students in these courses reported that they developed an academic identity, resulting in a feeling of overall academic achievement and possibility for still greater achievement in both the classroom and within society at large (Romero and Arce 2009). Alumni of the MAS program describe the impact of the education they received as life changing (Fernández and Hammer 2012). Research showed that this translated directly into increased academic achievement on measures such as standardized tests and graduation rates (Cabrera et al 2014). Yet this program was targeted for termination by politicians with little to no interaction with, or first-hand knowledge of, the classes themselves.

Wanberg (2013) refers to the use of ARS § 15-112 for a targeted attack on MAS as "racial neoliberalism" (27), while Fernández and Hammer (2012) call it "neoliberal racism," described as "a strategy that rejects (and claims to be offended by) older forms of racism grounded in claims of white superiority" (67). In response to push-back in the realms of both

legal and direct action, the response of individual political actors and state institutions was to first deny any racist motivation. They then attack the character of people associated with Mexican American Studies as anti-white racists, communists, anti-American, and all-around “rude” people. And finally, they described themselves, white people, and America itself as the victim of insult and attack. Here, I focus on the second piece: the denial.

The “denial” stage is where DARvo and dog whistle politics first officially converge, although DARvo can only occur in response to an initial aggression, such as the “jab” of dog whistle politics. DARvo, however, does not require the initial aggression to be coded. Haney López (2014) notes that key to the dog whistle is that deniability must be built in to the racial political pandering. There must be a way for the politician, their supporters, or their institution, to say, “Of course they didn’t mean it like *that*” while doing nothing to actively critique those they sought to reach who did, of course, take it like *that*. Similarly, Freyd (1997) argues that DARvo works in part because an abuser can utilize “the confusion we have in our culture over the relationship between public provability and reality” (30), going on to write that it is possible that “the offender may well come to believe in his innocence via this logic: if no one can be sure he is guilty then logically he is not guilty no matter what really occurred” (*ibid*).

I. The denial

Before describing how the “denial” stage played out in this case study, I will first discuss racism denial itself. Contemporary racial discourse is marked as different from older forms of racial discourse by an accompanying denial of prejudice or racism (Augoustinos and Every 2007; Fernández and Hammer 2012; Haney López 2014). Although certainly not relegated to the past, explicit hate-based racism and white supremacist discourse have fallen out of favor in mainstream political discourse. However, racism is linked in popular understandings to those

“extreme” versions, leading US and European narratives about racism to focus on fringe groups and extremist “others” (van Dijk 1992) or forms of racism relegated to the past in the public imagination such as slavery and *de jure* segregation (van Dijk 2000). Those practices seen in the mainstream as true racism tend to be narrowly defined and require an avowal of racist intent from an individual or organization. The erosion of these formal and “extreme” structures and practices of racist discrimination led to a new reliance on discourse and ideology to maintain racialized hierarchies, arenas offering wide, varied, and subtler strategies (Pulido 2015). Because racism is now seen as a negative trait, racism denial acts as a “strategy of positive ingroup presentation” (van Dijk 1992, 98). Even a political candidate who plays directly on white racial anxieties and who is supported by vocal white supremacists may use what Saul (2017) refers to as a “racial figleaf”: “an utterance made in addition to an otherwise overtly racist one, that serves the function of calling into question the racism of the speaker and the utterance” (98). Aligning with Freyd’s (1997) observation that more over-stated denial tends to align with actual transgression, van Dijk (1992) found that, the more racist the actual discourse, the more disclaimers and denials that tend to go along with it.

While racism denial can occur in the form of a simple repudiation, there are a number of other ways that scholars have observed it functioning. Nelson (2013) finds four strategies of racism denial: 1) absence discourse, or outright denial; 2) spatial deflection, which suggests that while there may be racism elsewhere, there is no racism in that particular location; 3) temporal deflection, which focuses on the idea that things are better for racialized minorities today than they previously were; and 4) deflection from the mainstream, which agrees that there may be pockets of “true” racism, but that there is no mainstream, structural, or systemic racism. These tendencies are not limited to the United States. Kobayashi’s (2009) observation of an anti-racism

rally in New Zealand designed by Asian migrant organizers to focus on everyday racism is an example of both spatial deflection and deflection from the mainstream. City residents effectively ignored the initial message, instead denying that their city was racist and calling up more extreme forms of racism to prove this point.

Augoustinos and Every (2007) conducted a meta-study of work on racism denial and found five primary discursive repertoires used by those engaging in negative race talk who still argue that it is not rooted in racism. The first of these was also absence discourse. The others include 1) arguing that racist statements are merely truthful representations of the external world, but not rooted in hateful stereotypes; 2) positive self-presentation and negative other-presentation; 3) suggesting that racist statements don't reflect views about *race*, but about something else such as culture; 4) and using liberal arguments for "illiberal" ends, such as policing religious dress. De Wet's (2001) study of South African media discourse related to racism in schools found similar themes, but also added political discourse based around apartheid in which the speaker uses apartheid as the "true" racism around which to pivot, ignoring the racial realities of the post-apartheid country. Van Dijk (1992) finds a total of eight different styles of racism denial, including the already-discussed absence discourse. The other seven include:

- 1) Control-denial, suggesting the racist statement was accidental
- 2) Intention-denial, suggesting that the listener misunderstood their intention
- 3) Goal-denial, suggesting that the speaker intended no negative consequences as a result of their statement;
- 4) Mitigation, suggesting that what was said wasn't as bad as it was made out to be;
- 5) Justification, wherein the speaker argues that the statement was either not negative or was justified;
- 6) Excusing, where the blame is put on special circumstances or someone else, perhaps even the victim;
- 7) Reversal, which argues that it is the accuser that is the racist.

This last falls within the “Rvo” of DARvo and the last stage of dog whistle politics as well. Van Dijk refers to the reversal as the discursive “stock-in-trade of the radical right” (94).

A key point van Dijk (1992) makes is that racism denial isn’t simply a means of saving face in a world in which racism is no longer seen as a positive or neutral attribute in mainstream society. It is also a key strategic tool in sociopolitical management. Racism denial can be utilized to minimize resistance by making intent unclear. In this way, a politician can effectively dog whistle to a group that either actively holds racist sentiments or doesn’t mind a negative impact to another group if they perceive it as helpful to their own cause. Additionally, by minimizing the impacts of racist discourse or by denying the racism altogether, anti-racism can be characterized as paranoia, conspiracy theory, or ideological blindness to an allegedly race-neutral truth.

In my reading of the political discourse emerging from right-wing opponents of MAS, I find five main themes of racism denial: a) Absence discourse; b) Framing racism around “extremes”; c) Helping discourse; d) Positive self-descriptions; e) Color-blind discourse.

a. Absence discourse

Absence discourse is the most straightforward form of racism denial, which simply states that the accused has committed no racist act or holds no racist feelings. When asked whether bias against Latinos impacted his actions, Huppenthal utilized absence discourse, stating, “No. I am the reverse of biased. If I could help these kids, I would lay down in the mud and let them walk over my back.”⁵⁵ Horne made a similar denial, explaining, “I’m an extreme antiracist. I fight against racism wherever I find it, and I have my whole life.”⁵⁶ Both political actors not only deny, but take a step further, suggesting that they are, in fact, the opposite of racist, that they

⁵⁵ Transcript of Proceedings, Bench Trial Day 2 at 189. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁵⁶ Transcript of Proceedings, Bench Trial Day 7 at 153. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

fight racism and care deeply for the students that they are accused of harming. As Haney López (2014) argues, however, dog whistle politics doesn't require any particular belief on the part of the political actor, merely that they choose to utilize antipathy toward a racialized group for political gain. Huppenthal could very well lay in the mud for Latinx students, but that does not actually speak to whether or not he used white fear of Latinx people in his campaign for the position of superintendent.

What is especially of interest in this case is not simply that Horne or Huppenthal would argue that they are not racist. Rather, what is key is the way that others on their "team" publicly affirmed their self-assessments. This team includes both people who worked under them as superintendents, as well as the attorneys representing the state of Arizona, showing two forms of institutional solidarity.

Mark Anderson (R) joined the Arizona House of Representatives in 1994. He worked for the Arizona Department of Education (ADE) as Director of Rules and Procedures while Tom Horne was superintendent. One of his primary duties with the ADE was to act as a lobbyist, particularly for bills Horne was interested in, including HB 2281. Regarding MAS, Anderson said, "my analysis of it is that was that it was a bad thing,"⁵⁷ despite admitting that he not only never visited a class, but never went to Tucson to investigate the program at all. While working on HB 2281, he wrote an e-mail to a member of the Arizona Legislative Council (ALC) trying to work out language in the bill. The trouble they were having concerned provision three of HB 2281, which in the final draft stated that courses that "are designed primarily for pupils of a particular ethnic group" would be banned. Horne described his ideal language in an e-mail to Anderson, stating "After removing primarily, I would add at the end of the sentence 'even if

⁵⁷ Transcript of Proceedings, Bench Trial Day 3 at 21. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

students of other races are permitted to attend.”⁵⁸ Representative Crandall, who worked with Horne on this legislation, disagreed on the wording. Anderson wrote to the ALC member,

I am working with Rep. Crandall and Superintendent Horne on HB2281. We are trying to come up with an amendment to ARS § 15-112 A #1. This one sentence is the sticking point. We need to satisfy Tom Horne who wants to be able to get rid of the La Raza program in Tucson and Rep. Crandall who thinks the sentence is too broad. (*ibid*)

The ALC member responded with minor linguistic suggestions, reassuring them that language in another paragraph “would still capture the La Raza program” (*ibid*). Anderson could describe such an exchange as race-neutral because the direct language did not describe hatred for Latinx students, no matter what the ultimate impact on the students would be. When questioned on the stand in 2017 by the state’s attorney about whether Horne had ever expressed any racial or ethnic animus Anderson replied, “absolutely not.”⁵⁹ When further asked whether he had any reason to believe Horne harbored any racial or ethnic bias, he responded, “Not at all” (*ibid*). And again, he responded in the negative when asked whether Horne had pursued HB 2281 out of bias against Latinx or Hispanic students. Later he describes his interactions with state legislators, saying, “I can tell you that in my conversations with the ledges, as I remember them, which is a little weak, but nobody expressed to me any kind of racial animosity or anything to that effect.”⁶⁰

Others similarly defended both Horne and Huppenthal through outright denial.

Huppenthal appointed Elliot Hibbs to be his chief operating officer. While Hibbs denied ever seeing any indication that Huppenthal held racist or prejudiced views, when questioned on Huppenthal’s online commentary⁶¹, he said,

⁵⁸ Plaintiffs Exhibit 033. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁵⁹ Transcript of Proceedings, Bench Trial Day 3 at 43. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁶⁰ Transcript of Proceedings, Bench Trial Day 3 at 48. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁶¹ See Appendix C for a selection of Huppenthal’s online commentary

I was flabbergasted, to say the least, when I first heard about it and saw some things in the newspaper, and did approach John, because I thought this is not the person that I've come to know over the 20-some years before that; and talked with him about it, asked him if it was true, which it was, asked him what in the world he was doing. His response basically was that he liked to go on the liberal blogs and, I'm going to say, create controversy, put digs in, try to get the other liberal side to be upset about things. And I asked him if he had said the things that he said on his blogs that were being reported. His response to that basically was: Those were portions of blogs that he had written. He was unhappy that he did not have the blogs in full that he had written, because there was a lot more to what was in the blog than what those little excerpts that were taken. And the excerpts were taken out of it, evidently, in his mind, and I think then I would see his point, that they were meant to harm him in his reelection bid.⁶²

Rather than suggest that the blogging activity may have been evidence of racial animus or even outright racism in his approach to MAS, Hibbs continues to deny this possibility and instead ultimately re-direct to discuss how the public discussion of his blogs were perhaps meant to politically harm Huppenthal. Stacey Morley, a research analyst for the Arizona Senate Education Committee who worked “directly” with Huppenthal while he was in the senate, and subsequently worked for ADE when Huppenthal became superintendent, reacted with even more straightforward use of the absence discourse. When asked whether she believed that Huppenthal’s blogging indicated a discriminatory animus against Mexican-Americans, she flatly replied, “No.”⁶³

Kathy Hrabluk acted as associate superintendent from 2008 to 2014, working with both Tom Horne and John Huppenthal. She similarly defended both Horne and Huppenthal on the stand, outright denying that she saw any evidence of racial animus from either. When later read the online commentary Huppenthal had posted under a pseudonym, Hrabluk stated, “I was completely unaware of his blogs while I was working at the department. [...] So my statement

⁶² Transcript of Proceedings, Bench Trial Day 9 at 97. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁶³ Transcript of Proceedings, Bench Trial Day 6 at 165. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

was correct, that I did not witness any undue behavior or writings by the superintendent.”⁶⁴ She never gives her opinion as to whether or not Huppenthal’s writings suggest that he held any racial animus. Instead, she works to protect both him and the institution of ADE through a technical denial based on her direct observations while she worked with him.

Hrabluk herself injected fringe voices into the Cambium audit. One included Sue⁶⁵, a Tucson resident unaffiliated with the school system, who wrote to Elliot Hibbs to alert him to the ills of the MAS program, ending her e-mail by writing,

BY THE WAY, ‘AZTLAN’ is based only on myth & legend. In some map someone found, it has a statement that Aztecs lived there but in all my readings, there is no substantiation for them any Mexican indigenous having been here thousands of years ago.⁶⁶

Hibbs forwarded the e-mail to Hrabluk, who then forwarded the e-mail to a member of the Cambium audit team, writing, “Would you please review the material she has forwarded and also include her in the interview process?”

The Cambium interviews were designed to determine 1) the program’s effectiveness, 2) whether the program was aligned with Arizona state standards, and 3) the impacts of MAS on student achievement, none of which the writer had any first-hand knowledge. Hrabluk had the following exchange on the stand concerning her choice to bring Sue into the audit process:

Attorney: What was Sue’s point of view?

Hrabluk: It was a very critical point of view against the Mexican-American Studies Program.

Attorney: Fair to say her point of view was racist gibberish?

Hrabluk: Well, it was inflammatory.

Attorney: But you, nevertheless, received information from Sue that you forwarded to Cambium, right?

Hrabluk: Yes. That was on the request of Elliott Hibbs.

Attorney: Right. And you did that on more than one occasion, right, Ms. Hrabluk?

⁶⁴ Transcript of Proceedings, Bench Trial Day 6 at 45. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁶⁵ Pseudonym

⁶⁶ Plaintiffs Exhibit 072. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Hrabluk: Yes.⁶⁷

Hrabluk later went on to explain that pushing for Sue's inclusion was a way to guarantee that all sides of the MAS "controversy" were able to have their voices heard. Hrabluk combines both outright denial and minimizing techniques to not only describe actions taken by Horne and Huppenthal, but the functioning of the institution of the Arizona Department of Education as a whole. What is key here is that, in an institutional setting, denial is required from other members and from the entity of the institution itself, working as an active agent as Gentile (2018) describes. Horne and Huppenthal both required a supportive institution that would work to shield them from accusations of racial animus. It is important to note that the denials tend to dodge around the fact that nobody on the stand directly heard Horne or Huppenthal say anything explicitly racist.

b. Framing racism around extremes

"Framing racism around the extremes" involves the minimization that Veldhuis and Freyd (1999) and van Dijk (1992) discuss from the realms of abuse denial and racism denial. Critical race theory (CRT) further discusses minimization as a mechanism of contemporary racism, suggesting that the association between racism and high-profile, shocking events and organizations that publicly espouse a straight-forward racist agenda allows everyday exclusionary practices to go largely unnoticed, and therefore unchallenged, by the general public (Sibley 1995). This emerges in part from a new right rearticulation of the goals of civil rights as being concerned with an immediate avowal of colorblindness, leaving two types of racism: 1) hateful, individual racism espoused by those who proclaim their own racism, and 2) systemic "reverse racism" against whites (Omi and Winant 2014). The former is important in this form of

⁶⁷ Transcript of Proceedings, Bench Trial Day 5 at 90. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

denial. The individual racist must have a goal of harming members of a hated racialized group in mind. Without these elements, there is no racism. An attorney representing the state of Arizona aptly describes the problem of proving either racism or racial animus with this framing of the operation of race and racism in his opening statement:

That leaves whatever evidence the plaintiffs can muster on two surviving fact theories. First, that the Arizona legislature enacted a statute with the mentality and motivation of racists. Starkly and irreducibly, that's what they have to prove. [...] They have to do it despite no evidence of any overtly discriminatory statements during the relevant time span.⁶⁸

A framing that relies on overt, individual attempts to harm racialized minorities and declarations of discriminatory intent is a simple tool for anyone who sees the political gain to be had in racial pandering, or simply sees the political losses they may face from overt racism. Here, it becomes enough to state “I am not racist” or “I don’t hate X group” to avoid a significant portion of the backlash they would receive for the *same actions* without the added racism denial. The attorney continues this framing in the opening statement:

You'll find that [Horne] took measured evidence-based actions, as an attorney would, which of course he is, that he gathered information and sorted through it, which is not what a racist would do. [...] And you'll see from [Huppenthal's] testimony, as confirmed by Hrabluck and Hibbs, that he did what a goal-oriented racist would not do.⁶⁹

Here, the attorney defines the problem for the plaintiff as needing to give evidence of “what a goal-oriented racist would do.” There is no clearly-defined list of things that racists do. But more importantly, it suggests that there is no racism without an individual vocal and hateful racist, essentially erasing the possibility for systemic racism, and further, steering the conversation away from the legal definition of racial *animus* itself, which requires no racial hatred on the part

⁶⁸ Transcript of Proceedings, Bench Trial Day 1 at 23. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁶⁹ Transcript of Proceedings, Bench Trial Day 1 at 30. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

of the actor. As Fernández and Hammer (2012) note, racism in this logic is defined as immoral feelings with an added insistence that “racism not be understood in terms of its measurable social impacts, such as uneven educational opportunities” (67). Later, the defense attorney further seeks to minimize the racialized language of Huppenthal’s blogging⁷⁰ which the plaintiffs could draw upon as evidence of this individual, “goal-oriented” racism, as well as its potential harm. They argue:

[Huppenthal] may have overstated his pedagogical views, and he may have occasionally phrased them in questionable terms in the rhetorical street fighting known as blogging, but you'll learn when he testifies that he's anything but a racist.⁷¹

In this framing of racism, when one can deny individual, goal-oriented racism, they can also deny *any* race-centered critique. This leads to a denial or minimization of racialized harm, and ultimately to a suggestion that those who describe racialized harm are paranoid or “playing the race card” for their own gain.

c. Discourse of helping

The “discourse of helping” argues that law and policy critiqued as creating racialized harm actually *benefits* the group(s) that critics claim they harm. Typically, this discourse ignores actual outcomes, as well as the accusations from those impacted. Instead, it focuses on an alleged intent to help.

In the 2017 trial, the plaintiffs moved beyond simply the scope of the MAS program and attempted to establish a history of racial animus connected more broadly to the context of larger anti-Latinx sentiment taken advantage of and stoked by rightwing politicians and accompanying legislation. Historian Dr. Stephen Pitti wrote in a report as an expert witness in the trial that,

⁷⁰ See Appendix C

⁷¹ Transcript of Proceedings, Bench Trial Day 1 at 31. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Politicians and activists working on behalf of ballot initiatives and legislative acts created a political atmosphere that encouraged opposition to Mexicans and Mexican-Americans by white voters in 21st century Arizona.⁷²

The state of Arizona defense attempted to dismiss conclusions based on readings of history as not based in hard science, and therefore unprovable. The plaintiffs further discussed directly the history of policy and legislation advanced and supported specifically by those with key roles to play in ARS § 15-112. The defense responded that such law and policy was not designed to harm Latinx communities, but in fact designed to help them succeed in the United States, an idea predicated upon the supposition that assimilation produces beneficial outcomes. This denial's logic is based in paternalism and a naturalization of white hegemonic structures.

The plaintiffs scrutinized Horne's record on bilingual education in particular. When campaigning as the Republican candidate for superintendent, Horne partnered with supporters and defenders of Arizona's 2000 Prop 203, also known as *English for the Children*. Prop 203 sought to end bilingual education in the state of Arizona and instead enforce English language immersion. Prop 203 was the brainchild of Ron Unz, a right-wing, out-of-state businessman who hoped to use victories in defeating bilingual education as a means to jump start a political career. He was savvy enough to know the importance of having local chairs for a group called English for the Children Arizona to make the prospect feel like a state-level grassroots movement (Wright 2005). The chairs included Horne's eventual deputy, Margaret Garcia-Dugan, as well as Hector Ayala, a man Horne would come to rely on and quote extensively as a local source telling him about the dangers of MAS. Prop 203 passed with 63% of the vote in 2000. However, Horne later used concern that it was not being appropriately administered to his campaign's advantage, stating in a television advertisement that he would "enforce the ban on bilingual education, so

⁷² Transcript of Proceedings, Bench Trial Day 7 at 164. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

every student learns English.” He couched this in terms of making students better prepared by giving them a key to success: English fluency.

Still, Horne’s approach to selling his support of Prop 203 does not always ring with tenderness and compassion for students. For example, in an interview on CNN with Lou Dobb discussing his involvement with Prop 203, Horne boasted, “You’re about to have the world’s toughest sheriff. And now you have the world’s toughest state superintendent of schools.” The sheriff he compares himself to here is the controversial Joe Arpaio. Wright’s (2005) analysis of the proposition itself as well as the politics that accompanied its passage and enforcement found that, rather than a pure-hearted attempt to help students succeed, its intent and implementation were primarily political spectacle.

Further still, Prop 203 can be read as what Omi and Winant (2014) describe as a *racial project*, or an effort “to shape the ways in which human identities and social structures are racially signified, and the reciprocal ways that racial meaning becomes embedded in social structures” (13). It does this in a straightforward manner by working to naturalize white hegemony through prioritizing the English language at all costs, despite pushback from communities who prefer bilingual education, and despite the lack of any official language in the United States, English or otherwise. Prop 203 is one piece in the larger puzzle of creating the whitened citizen through the education system.

Still, Horne defended his involvement with Prop 203, denying any racist intent by arguing that he was helping students. On the stand in 2017 he described ending bilingual education as something he was “very proud of,” going on to state that “the sole motive was to improve their academic performance.”⁷³ When questioned about whether Prop 203 works to

⁷³ Transcript of Proceedings, Bench Trial Day 7 at 102. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

detach students from their cultural identities, he gave an anecdote about a US-born witness in a courtroom who needed a translator as evidence that his goal was merely to help. He dismissed any critiques as coming from activists and insisted that his approach was very popular with Hispanic communities such as in the following exchange:

Attorney: And you mentioned a plaque presented to you by English for the Children. Do you remember that?

Horne: Yeah. That's one of the plaques on my wall. It has a picture of a bunch of Hispanic students and their parents. It was an organization called English for the Children, and it expressed thanks to me for what I did for the education of Hispanic kids.⁷⁴

He added, “I think once the student becomes proficient in English, I'm all for them learning academic Spanish”⁷⁵ in order to argue that his intention was not to completely separate students from their culture and language but simply to take an English first approach. He later summed up his denial succinctly by arguing,

I have never eliminated any program that benefited Mexican-Americans. The two programs I eliminated, this one and the bilingual program, were done because I was very concerned about that we improve the education of Mexican-Americans, and I had a tremendous amount of academic support for the idea that the English language learners needed to have English immersion.⁷⁶

Huppenthal similarly supported an end to bilingual education, echoing Horne during the trial with, “If I talked about the need for students to be fluent in English, that's because personal experience told me that, that fluency in English -- the research says that fluency in English is the number one predictor for success for immigrants and for everybody.”

Both Huppenthal and Horne similarly frame opposition to MAS through a discourse of helping. Throughout the trial, in the media, and in public statements, they list the ways that MAS

⁷⁴ Transcript of Proceedings, Bench Trial Day 7 at 126. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁷⁵ Transcript of Proceedings, Bench Trial Day 7 at 158. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁷⁶ Transcript of Proceedings, Bench Trial Day 7 at 99. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

is harmful to both Mexican American students and non-Mexican American students alike, suggesting that removing the program helps everyone. They describe the program as “pedagogically unsound,”⁷⁷ or “chaotic,”⁷⁸ with Horne even likening it to “Old South segregation.”⁷⁹ They argue that Mexican American students are being hurt through learning to see themselves as victims and white students are being hurt by being thrown into the role of oppressor. In their supposition MAS students faced harm in the “real world” by learning to deal with problems by being “in your face” and protesting rather than calmly stating their concerns within the appropriate pathways of power. Worst of all, they were being radicalized through unfair narratives about the nation and led down the path of collectivism rather than individualism. Huppenthal in particular relies on a description of the process of terminating MAS as “giving [TUSD] every chance to heal,”⁸⁰ suggesting that MAS was a disease or wound that he hoped to help the district recover from. To remove the option of these classes was to help the students succeed in America, or at least the America they seek to (re)produce.

By framing racism denial as helping, Horne and Huppenthal neutralize and naturalize the idea of English language superiority and whitened “American” culture. Horne in particular shows no interest in the critiques leveled at him for his role in eliminating either program, steadfast in his resolve that assimilationist policies are best for Latinx communities and the white power structure alike. Removal of choice is key here. They take on paternalistic roles, suggesting that they better know the needs of the students than do the impacted communities by no longer

⁷⁷ Transcript of Proceedings, Bench Trial Day 7 at 24. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁷⁸ Transcript of Proceedings, Bench Trial Day 10 at 50. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁷⁹ Transcript of Proceedings, Bench Trial Day 7 at 77. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸⁰ Transcript of Proceedings, Bench Trial Day 2 at 85. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

giving them a choice in the matter of education. Here, they reveal the tension between the announced desire on the right to limit government interference in local and personal matters and the desire to use government to reinforce a very limited understanding of national identity based in white supremacy.

d. Positive self-descriptions

Denial through positive self-descriptions typically involves anecdotes painting oneself in a good light, as well as discussions of personal morality. With racism denial through positive self-descriptions, the response to “Is this motivated by racism or racial animus?” is “I can’t be a racist, I do x or think y.” This requires the racism through extremes framing to suggest that racism is the sole purview of hate-filled individuals who announce their own racism. A person with good qualities who says they are not racist cannot then be racist, nor can they participate in upholding white supremacy, as that is something that “goal-oriented racists”⁸¹ do.

Positive self-description through anecdotes primarily takes the form of recounting situations in which the speaker helped non-white students or participated in an event that promoted racial equality. The former, unsurprisingly, pulls directly from the discourse of help. Horne denies racial animus in terminating MAS by explaining that, while he was superintendent, school standards required that the “contributions of minority groups be included”⁸² in the curriculum and that he even went so far as to provide “specifics that they had to include in their teaching” (*ibid*). He argued that this allowed all students to learn each other’s backgrounds in a group setting instead of being cordoned off from each other, with the implication that this meant more students would hear these minority contributions than they otherwise would have. A hate-

⁸¹ Transcript of Proceedings, Bench Trial Day 1 at 30. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸² Transcript of Proceedings, Bench Trial Day 7 at 90. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

filled racist would not, of course, want more white students to hear positive things about Mexican Americans.

Huppenthal similarly describes his work with non-white, low-income students:

Huppenthal: I've started teaching classes to at-risk students first at a school for the homeless and then at an at-risk school in South Phoenix.

Attorney: Do you know the ethnic makeup, the approximate ethnic makeup, of the students in your current class?

Huppenthal: I teach students from the highest crime rate Zip Code in the state, and my class is 50 percent African-American and 50 percent Latino, roughly within plus or minus 10 percent.⁸³

He discusses in the same manner his work with non-white homeless sixth graders in south Phoenix and adds that he spent \$3,000 of his own money to fund the work. He further explains his feeling that even *these* students can go on to Harvard, Stanford, and Yale if you can simply motivate them. He describes his primary role here as motivator. The attorneys for Arizona asked similar questions of Kathy Hrabluk, leading her to explain that she worked with a K-3 literacy program with high levels of poverty and “certainly significant populations of English language learners, of Hispanic children.”⁸⁴ Furthermore, she “worked with many schools on a Native American reservation, so those schools would have had, of course, high populations of Native American students” (*ibid*). Once again, these are not things that hate-filled racists would be expected to do or think. This underlines the reliance on the framing of racism as based on extremes, and typically something emanating from an individual, rather than something systemic and rooted in a social fabric woven from the entire history of the nation.

In addition to discussing their work with (poor) students of color, they also seek to portray their readiness to work with Latinx adults. Haney López (2014) notes that, “under a

⁸³ Transcript of Proceedings, Bench Trial Day 2 at 106. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸⁴ Transcript of Proceedings, Bench Trial Day 5 at 9. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

rightwing version of affirmative action, conservatives push forward nonwhite spokespersons as a shield against accusations of racism” (137). This is apparent in a number of instances, such as when Horne sends his deputy to give a speech to students centered around her identity as a Latina Republican to refute Dolores Huerta’s assertion that Republicans were behind a variety of legislation negatively targeting Latinx communities. He repeatedly mentions two Latino teachers and community members who expressed concern about MAS, one of whom he makes sure to clarify is Hispanic. He pursues Representative Montenegro to bring HB 2281 forward, even admitting that he saw his background as politically useful, in the following exchange:

Attorney: You asked Representative Montenegro and several others to introduce it.

Horne: Yeah, Representative Montenegro, who is himself a Central American immigrant.

Attorney: And you thought the fact that he was a Hispanic was a plus in trying to get the bill passed, right?

Horne: Yeah.⁸⁵

He further relies heavily on an anecdote in which he marched with Martin Luther King Jr. This does the double work of making Horne appear to not be racist, as well as allowing him to juxtapose MLK Jr. with the students and teachers associated with MAS to attack the program.

He goes so far as to declare that the march was “in contrast” to the “rudeness”⁸⁶ he saw associated with the MAS program. Here, the logic suggests that a person cannot be involved in a racist project or exhibit racial animus if they are willing to work with members of the impacted group on it, or if they are willing to uphold MLK Jr. as a positive model. Once again, this relies on the assumption that racism requires an individual to revile all members of a given group, and further that racial animus requires individual racism. As Haney López (2014) details, politicians

⁸⁵ Transcript of Proceedings, Bench Trial Day 7 at 54. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸⁶ Transcript of Proceedings, Bench Trial Day 7 at 123. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

do not need to feel personal hatred toward a group in order to politically profit from attacks on them.

Less frequently these positive self-descriptions take the form of attempts to diminish their own privilege. On the stand Huppenthal and the state attorneys promote an image of him as a poor kid from the wrong side of the tracks who lived among non-whites growing up. He describes himself as a “tough kid”⁸⁷ from a poor south Tucson neighborhood, living out in the desert, and being one of the very few white students in an “almost all Hispanic school.”⁸⁸ He describes how his father built their desert home for only \$500. One example he provided of his background was:

I know all about what it's like to come from the poor side of town. When I went to my high school, the first girlfriend I had said, "I can't date you because you're from the south side of the tracks." So I know what it's like to experience those experiences. You just can't let them get you down.⁸⁹

Huppenthal paints himself as scrappy and capable of pulling himself up by the bootstraps to live the American dream. He also calls upon his time going to an “almost all Hispanic school” to intimate that he cannot be racist due to that experience, without explaining what about that experience prevented him from being racist. Most importantly, he uses these stories of his background to strip himself of privilege despite his current status, allowing him to argue that he knows best what can help students succeed because he pulled himself up without help.

Horne also relies on narratives about his youth to make a case that he better understands what Latinx students need than they or their families do. He brings up the fact that his parents

⁸⁷ Transcript of Proceedings, Bench Trial Day 2 at 103. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸⁸ Transcript of Proceedings, Bench Trial Day 2 at 117. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁸⁹ Transcript of Proceedings, Bench Trial Day 3 at 68. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

were Polish-Jewish refugees during World War II. The attorneys for the state of Arizona lead him to disclose that he is himself an immigrant from Canada. They argue that these experiences lead him to understand racism, and further what it takes to take advantage of the American dream as an outsider. In these framings, success is actively taken by rising above hardship and relying on yourself to make your own way in a difficult world. Horne and Huppenthal become portrayed by both themselves and the state as good men who learned how to deal with life's difficulties and now hope to pass those skills on to Mexican American communities. The way they hoped to do this in this narrative was through removing crutches such as bilingual education and courses that could make them resentful of the status quo, such as MAS.

e. Colorblind discourse

Colorblind discourse relies upon the assertion that race, i.e., visible physical characteristics, means nothing to them. Colorblind discourse aligns with positive self-descriptions. It understands that an overall “good” and “moral” person in contemporary society should not hold racist views. Colorblindness at once *feels* like a positive response to racism (it is after all, proclaiming that you see no difference based on race and will not treat people differently based on physical differences), and simultaneously works as a useful strategy to neglect or overtly undermine work aimed to address racialized inequalities.

The idea of colorblindness emerges out of Justice Harlan's dissent in *Plessy v. Ferguson* in which he wrote, “There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.” Martin Luther King Jr. echoed this sentiment when he declared, “I have a dream that my four children will one day live in a nation where they will not be judged *by the color of their skin, but by the content of their character.*” Tom Horne again called upon his fondness for MLK

Jr. to repudiate ethnic studies by referencing this line *An Open Letter to the Citizens of Tucson*, writing,

Martin Luther King stated that he wanted his children to be judged by the content of their character rather than the color of their skin. That has been a fundamental principal for me my entire life, and Ethnic Studies teaches the opposite.

Some may consider colorblindness aspirational, an element of a future post-racial society.

Leaving aside the possibility of a race conscious society which has effectively dismantled harmful racialized hierarchies and continues to be watchful of their re-emergence, I will briefly consider this aspirational colorblindness. It seems in a certain light a logical step to turn toward racially neutral education policy to undermine the reproduction of racialized inequality in schools. And, indeed, race-neutrality is wide-spread in US education policy and curricula (Schofield 2010; Wells 2014; de lo Ríos, López, and Morrell 2015).

Colorblindness is espoused by conservatives and liberals alike as a positive personal trait. Yet colorblind ideology does not address the insidious roots of racialized disparity or discrimination. It acts as erasure, hiding histories of domination, exploitation, and dehumanization with a context-free denial of responsibility among the powerful for contemporary racialized unevenness (Goldberg 2001). Divested of a historically located responsibility, the relatively powerful of society alongside and indeed *through* state rule are readily able to maintain hierarchies through a slippage of terminology that purposefully goes undetected: “Savages become the permanently unemployable, the uncivilized become crackheads, the lumpenproletariat the underclass” (*ibid*, 70). The end goal is to erase race itself as a category for either identification or analysis, ultimately suggesting that ignoring race fixes the problems of racism.

The race erasure goes further than blindness: it villainizes those who try to challenge systemic racism (Crenshaw 1997). Educational strategies centered around colorblindness or race neutrality effectively re-write history to reflect those stories and points of view most important to dominant white culture, and to whitewash or erase those that do not fit within that paradigm (de lo Ríos, López, and Morrell 2015). Colorblind ideology leaves no avenue to challenge these claims about the nation without transgressing against the race-neutral rules embedded within the space of the classroom. Further, the taboo nature of even acknowledging race in colorblind education culture tends to lower the chances of constructive action being taken to address disparities within schools (Schofield 2010). Orozco (2011) discusses, for example, how Tom Horne's *An Open Letter to the Citizens of Tucson* describes white experiences and understandings as neutral, effectively prioritizing whiteness and elevating white authority in education even while describing it as a race neutral approach.

Even if society as a whole became colorblind, that simple fact would not serve to undermine the myriad ways in which racialized hierarchy and white supremacy are built into the social fabric. Colorblindness is an incredibly useful strategy for maintaining white supremacy specifically *because* it ignores race. It refuses projects designed to address racialized harm past and present. It scorns those very attempts as racist in and of themselves for bringing race up in the first place (Omi and Winant 2014). Discussing MAS directly, Fernández and Hammer (2012) describe neoliberal colorblind racism as first shunning recognition of systemic and institutional forms of racism, and second promoting already existing racialized hierarchies “by demanding the use of the institutional capacities of an increasingly authoritarian state to surveil, criminalize, and crush anti-racist, reparational, and unequivocally democratic projects” among which they count MAS. Further it provides an imaginary level playing field in which all negative race-based

feelings are equally injurious, allowing Horne to declare, “One of the things I believe in is logic, and if it's wrong for white people to be prejudiced, it's wrong for anybody to be prejudiced.”

Within his colorblind logic, there is no power differential worth considering, no history or context worth knowing. There are only individuals who either do or do not hate a person based solely on the color of their skin, and then use this hatred as a basis for discriminatory action.

II. Conclusion

This phase of appropriative evasion involves a denial of racist intent. Anti-MAS legislation benefited politicians through coded appeals to particular right-wing voters fearful of a coming “browning” of the United States and an accompanying overtaking of “their” (white) American culture. At the same time, it was not politically viable for politicians to promote *explicit* anti-Latinx resentment as not enough voters were in favor of such rhetoric to make it worthwhile, requiring the denial. Here, I outlined five primary forms of racism denial that emerged in this case. Such an understanding may be useful in analyzing other political denials of racism, especially in the current political era. In the following chapter I consider the character attacks designed to undermine the credibility of those associated with MAS.

CHAPTER SIX

UNDERMINING

“It’s not right to call these students ‘kids’ ‘cause they’ve seen and experienced more than a lot of teachers and politicians talking about them.”
-Former MAS student

Undermining those negatively impacted by abuse or betrayal is key to appropriate evasion. This part of the process combines the attack of DARvo and the “kick” of dog whistle politics. It is an important moment that sets up the reversal of victim and offender by first making the victim seem untrustworthy in order to undermine their credibility with others, while also maneuvering the spotlight away from indictments against the accused. In this case, the attacks distract from the issue at the center of the 2017 trial: determining whether or not racial animus was involved in legislation design or implementation. The distraction is key to the evasion because it changes the entire conversation. In this case, I find that a primary style of undermining the victim is through accusations that MAS students are rude and that it was specifically the MAS program that trained them to be that way.

On June 11, 2007, then-superintendent Tom Horne issued *An Open Letter to the Citizens of Tucson* as an official document from the State of Arizona Department of Education. The first section of this letter is titled “The TUSD Ethnic Studies Program Should be Terminated.” For the next five pages he urges Tucson citizens to turn against the Mexican American Studies (MAS) program and demand that it be ended. He ends by admonishing them that “TUSD can intimidate its employees. But it cannot intimidate you, the citizens. You are in a comfortable position. You can speak out.” The instance of employee intimidation he describes is one teacher being pulled from class and being called a “racist.” There is a great deal to unpack in Horne’s letter, but I

want to focus here on his insistence that the MAS students were rude and that they were taught to be rude in their classes. He writes:

My Deputy, Margaret Garcia Dugan, who is Latina and Republican, came to refute the allegation made earlier to the student body, that “Republicans hate Latinos”. Her speech was non-partisan and professional, urging students to think for themselves, and avoid stereotypes. Yet, a small group of La Raza Studies students treated her rudely, and when the principal asked them to sit down and listen, they defiantly walked out.

By contrast, teenage Republicans listened politely when Delores Huerta told the entire student body that “Republicans hate Latinos.” In hundreds of visits to schools, I’ve never seen students act rudely and in defiance of authority, except in this one unhappy case. I believe the students did not learn this rudeness at home, but from their Raza teachers. The students are being ill served. Success as adults requires the ability to deal with disagreements in a civil manner. Also, they are creating a hostile atmosphere in the school for the other students, who were not born into their ‘race’.

This passage is important to the story of the termination of the MAS program for a few key reasons. First, it created the narrative that this alleged rudeness was in fact the reason that the state (by way of its representative, Tom Horne) turned its attention to the MAS program in the first place. Second, it constituted the first major signal to the public that one of the key areas of concern with MAS was that it taught rudeness and disobedience, turning perfectly ordinary students defiant and disrespectful. This turned out to be one of the key strategic political responses: A rhetorical strategy of repetitive association of “rudeness” and “disrespect” with students connected to the Mexican American Studies program. The suggestion that MAS students were “rude” or “disrespectful,” especially in the realm of political resistance, was used by those who sought to dismantle Mexican American Studies as a strategy to avoid discussion of student concerns and instead shift public attention to perceived bad attitudes and behavior.

Rude young people, in this reasoning, could not have a stance worth considering. More importantly, however, it moves the conversation away from public scrutiny of the possibility of racial animus in the ban and its implementation while still firing off a racism-laden dog whistle

to those who support racist, white nationalist, and xenophobic agendas. I refer to this specific ad hominem attack strategy as a “rudeness rhetoric.” At the time of this writing, the news and social media are rife with examples of this strategy being employed to discredit protesters targeting issues such as gun violence and racism. The attack on the character of activists as an obfuscating tactic has worked to great, but not unlimited, effect.

Using Atlas T.I. software, I found the number of times that certain terms were used during the 2017 trial. There are likely to have been phrases pointing toward rudeness that were not caught by the simple “word cruncher” feature of ATLAS.ti not listed in this table. The numbers here work to show a continued pattern of focus on the behaviors Horne and his colleagues associated with MAS and demonstrate the prevalence of the rudeness rhetoric extending through the entire decade that has passed since Horne’s Open Letter.

Table 1

Term⁹⁰	Variations	Instances
Rude	Rudeness, Rudely	39
Offensive	Offending, Offended, Offend	26
Attitude	Attitudes	9
Disrespectful	Disrespect	4
Inflammatory	N/A	3

In what follows I will first describe the work that civility discourses do to discipline people into behaving within the bounds that dominant society considers “good” behavior, as well as how this works to maintain racist and otherwise oppressive hierarchies without the use of

⁹⁰ The terms disruptive and disregard also appeared once each.

physical force. I will then turn my attention more directly into how such discourses played out specifically in the context of MAS with what I refer to as a “rudeness rhetoric.” Through this discourse another element of the ideal citizen-subject emerges: one that is first and foremost respectful of authority.

I. Civility discourse

Herbst (2010) studies civility not as a phenomenon to measure and define, but as a straightforward political strategy. Accusations of rudeness and incivility works hand in hand with other tactics to allow policymakers to evade discussions of systemic racism in the space of the school, or at the scale of the state or country. When politicians and members of the institutions they represent are questioned on potential racial animus involved with the legislation and similar policies, they frequently sidestep with a rudeness narrative. I argue that accusations of rudeness, incivility, or disruptiveness levied against activists and change makers, particularly those who cannot access “democratic” streams of intervention, is a powerful strategy that maintains hierarchical relationships in space. The power to define civility and incivility allows for the designation of which people and what behavior is allowed within a space. Further, it provides a convenient means of dismissing the arguments and ideas of anyone deemed “uncivil,” or in the case of MAS, “rude.”

The concept of “civility,” one that I argue is purposefully vague, does considerable work in shaping spaces and human interactions within them. I follow Susan Herbst’s (2010) call to analyze the strategic uses of civility rather than document it as a phenomenon with rising and falling patterns, a practice which she describes as a distraction. She writes, “thinking about the uses of civility and incivility boosts our self-consciousness about the nature of political talk, reflection that is absolutely essential for a healthy nation” (10). Herbst primarily focuses on how

politicians strategically portray themselves as civil or uncivil to win support. Here I would like to take her discussion of strategic uses of civility in the direction of analyzing how accusations of incivility work as a tool used to shut down dissent, evade critique of the status quo, and further works to inscribe hierarchies in spatial relationships.

In 2014 the University of Illinois withdrew Dr. Steven Salaita's conditional offer of employment after receiving complaints about his Twitter comments criticizing Israel (Schmidt 2014). The official rationale was that his commentary was disrespectful and uncivil (American Association of University Professors 2015; Chandler 2015; Schmidt 2014) The American Association of University Professors (AAUP) came out in support of Salaita, questioning the University of Illinois' justification. They write, "Challenges to normative beliefs, in other words, are deemed uncivil, whatever the tonality of their delivery" continuing, "Moreover, it is always the powerful who determine its meaning—a meaning that serves to delegitimize the words and actions of those to whom it is applied" (14).

Civility, as the AAUP notes, is a difficult to define category: What is civil? Who is civil? How do the behavior and attitudes of civility shift temporally and spatially? Who defines civil behavior? Despite the many contemporary suggestions that we have turned away from a more civil past, "there is in fact no period in the past when civility was fully established and secure from challenge" (Bybee 2016, 3). Rather lies, half-truths, mud-slinging, violence, and literal duels to the death are a part of the history of American politics (Zerilli 2014). Yet the idea of civility in public and political discourse is still a very powerful one. Here, I briefly outline the normative structuring power of appeals to civility and the accompanying accusations of rudeness, disruptiveness, disrespectfulness, etc.

Shils (1992) defines civility as stemming from a concern for the common good of the larger society. Describing the behavior of a “civil” person, he suggests that in time of conflict such a person thinks “primarily of the civil society as the object of his [sic] obligations, not of the members of his [sic] family, or his [sic] villager, or his [sic] party, or his [sic] ethnic group, or his [sic] social class, or his [sic] occupation” (1). A primary issue with this seemingly benign approach to disagreement can be seen even in the way Shils attributes civility to a male actor, whether by convention or based on an assumption of who might be called to behave civilly in a public debate surrounding contentious matters. In practice, civility upholds hierarchies and norms concerning whose voices, bodies, and ideas are to be present in public discourse, and how differently positioned people are to behave in public spaces. As Zerelli (2014) writes, “the practice of civility itself has often-times worked to mask relations of power in a thin veneer of politeness” (16)

Civility’s power relies on a hierarchical understanding of what behavior is appropriate, when, where, and by whom. It is frequently used as a tool of the powerful to “express and reinforce their dominant social position” (Westacott 2012, 49) and to “subdue and control everyone else” (Bybee 2016, 28). Being civil, courteous, polite, etc. “has a propensity to conceal the violence that underlies it, leading the materially disadvantaged to be blamed when violence visibly erupts” (Burgess 2013, 209). Bybee traces the various social movements that were deemed “uncivil” by those interested in maintaining the contemporary power dynamics, including Anti-Federalists, abolitionists, suffragettes, civil rights activists, feminists, Black Lives Matter protesters, and anti-war activists. He writes, “in each of these instances accusations of blatant rudeness and outright barbarism were deployed to intimidate those contesting the status quo” (29). He further describes the backlash against the Civil Rights Movement and its framing

by the powerful as involving inappropriate public behavior, beginning with a rejection of the rules of proper conduct dictating racial etiquette that demanded that whites be treated as racial superiors:

From the perspective of those steeped in the old racial etiquette, King's egalitarian demands were gross violations of good manners that were to be sharply criticized and quickly surpassed. King and other 'outside agitators' were castigated for being ill mannered and for refusing to keep to their appropriate station in the racial order. (17)

Goldberg (2001) further links a bourgeois conception of civility to "the dual movement of importing and alienating racially fashioned sensibilities in and from their respective colonies" (22). The allegation of incivility has long been a tool used to protect the powerful from critique and to maintain power structures, and further that it works to position certain voices and bodies as (in)appropriate in certain spaces.

Allegations of rudeness, impoliteness, disrespect, etc. fall within the realm of allegations of incivility overall. Civility is linked to both politeness and courtesy, all three representing codes of public conduct (Bybee 2016) that vary temporally, spatially, and positionally. It is impossible to truly set hard limits between the various concepts, with the three being used interchangeably. Westacott (2012) describes rude behavior as a violation of social convention that, if the behavior were deliberate, would "indicate a lack of concern for another person's feelings" (19). This does not necessarily mean rudeness requires a slight against a particular person. For examples, he cites refusing to stand for the National Anthem as rude (though morally acceptable) because doing so would both violate social norms and offend others. "People who refuse to go along with some widely accepted convention" he writes, "are often viewed from the vantage point of the mainstream as difficult, self-important, attention-seeking boat-rockers" (41).

Caldwell (1999) links to rudeness what Bybee links to civility, describing the hierarchized racial etiquette inscribed into “good manners” during and after Reconstruction. Incivility and rudeness are a part of the same rules of decorum that inform people of their place.

Much has been written on the good that civility in public discourse can do for advancing society, particularly in an “ideal speech situation” that works only toward a “cooperative search for truth” (Habermas 1983, 89). Even among believers in the deliberative democracy ideal, civil disobedience is upheld as a means of persuasion that does not undermine deliberative democracy itself but is rather an appeal to the political community’s sense of justice (Edyvane and Kulenovic 2017). Civil disobedience takes an optimistic view of the functioning of a deliberative democracy, with excusable law breaking being that which: 1) is meant to be a persuasive stand about a particular law or policy, 2) acts within the bounds of “civility,” and 3) is not coercive (Aitchinson 2018).

Aitchinson (2018) argues that such an understanding of the “correct” approach to disobedience does not take seriously the level to which power and material interests shape policy and political institutions. Rather, they assume error or oversight in an otherwise well-functioning system, presuming that “existing channels can be relied upon to bring about change through collective democratic reasoning once the injustice of the status quo is brought to public attention” (667). Zerilli (2014) notes that, while those with access to power may do well to speak up using existing democratic institutions, American history tells a repetitive story of minorities being “accused of incivility just by virtue of daring to show up in public and press their rights claims” (108). There is little “civil” recourse left when inequality itself is systemic and those with power either refuse the space for the marginalized to speak or find no problem with inequality. Smith (2004) states that deliberative institutions can be challenged morally when they

“fail to be sufficiently inclusive, or fail to channel all relevant information and opinions, or prove susceptible to power inequalities” (377). This is, of course, often the case.

Because rules of civility maintain a status quo that is comfortable to those who possess power, activists have often used incivility or “rudeness” as a strategy to make their voices heard. “Rude dissent,” writes Susan Burgess, “can expose the role that violence, exclusion, and material disadvantage regularly play in upholding courtesy and the rule of law in the United States and in other rule-of-law systems” (2013, 207). She describes how rudeness became a central tactic in the organization ACT UP during the AIDS crisis of the 1980s and 1990s. Despite “polite” lip service to the necessity of dealing with the AIDS crisis, the Reagan administration did little to address it. “In response, ACT UP members organized numerous actions that were rude by design to express their rage at government inaction and to call attention to a problem that was not often discussed in polite circles at that time” (*ibid*, 212). Their actions disrupted the New York Stock Exchange, a sermon at St. Patrick’s Cathedral, and live news broadcasts; they occupied a National Institute of Health office, and they put a giant condom over Senator Jesse Helms’ home. While George H.W. Bush considered their political actions to be in bad taste, they grabbed national attention and made their voices heard in a situation in which “polite” society attempted to ignore them.

Similarly, Bugandan rebels in 1940s colonial Uganda deliberately used rudeness as a tool to interrupt British efforts to maintain their hold. They saw the power of the ritualized decorum, how it kept inequality and violence behind closed doors. Their rude, disruptive behavior worked “to move clashes from private, mannerly negotiations among the powerful, to public struggles within a wider range of the population” (Summers 2006, 743). Multiple countries today criminalize insulting speech aimed at heads of state, including Uganda. Stella Nyanzi, partially

inspired by the “radical rudeness” of resisters under colonial rule, posted a comment online calling President Yoweri Museveni a "pair of buttocks,” leading to her arrest for cyber harassment and offensive communication. Twitter users rallied behind her with the arguably rude hashtag #PairOfButtocks until her release (McMullen and Sheff 2018).

Youth are particularly treated as having voices that do not belong in decision making processes, and certainly not public discourse. That, however, has not stopped youth from maneuvering within, and at times breaking, the constraints placed upon them. The recent case of Parkland survivors speaking up nationally about gun violence and organizing large-scale protests led to considerable discussion about the role of young people and public policy. Many gun advocates wrote them off as mere children who could not understand what they were advocating for, or puppets of (adult) gun control advocates, the Democratic party, ANTIFA, or George Soros (Grynbaum 2018). Others accused them of being crisis actors (Janick 2018). While ad hominem attacks not silence them, these attacks did allow their critics to publicly put forward a pro-gun agenda without addressing the concerns of the survivors.

Youth movements and youth organizing is not a new phenomenon. While perhaps student protest is more commonly associated with college campuses, younger students also have a long history of pushing back. To name just a few examples: On May 2, 1963, roughly 1,000 students from elementary through high school participated in what became known as the Birmingham Children’s Crusade in support of civil rights, marching in the face of jail time and police violence. Hundreds more did the same the next day (McKinnley 2008; NMAAHC 2008). Also in 1963, a group of students wore black arm bands to school in Des Moines, Iowa in protest of the Vietnam War, leading principals across the city to ban arm bands in school and suspending three students who refused to remove them. As a result, the Supreme Court ruled in

Tinker v. Des Moines Independent Community School District that students maintained their free speech rights on school grounds, and school administrators could only curtail speech that infringes on the rights of others or that is materially disruptive (Tsesis 2018). In March of 1968, approximately 15,000 high school students walked out of predominantly Mexican-American schools in East Los Angeles in protest of racial inequality and the inferior education they received as compared to their white peers (Solorzano and Delgado Bernal 2001). In the current moment, youth access to public debate and narrative shaping is increasing with the widespread use of social media for both discussions of ideas and as a space for political organizing, leading to interesting possibilities for their voices to be amplified.

Schools have particularly represented environments where there is little officially sanctioned space for students to object to the status quo. Students, however, have also taken that space as they were able outside of the more mainstream understanding of “protest” or “resistance,” often in the form of behavior that would be considered “rude,” “disrespectful,” or “disorderly.” For example, indigenous students taken from their families to live on white-run off-reservation boarding schools designed to strip away their culture resisted by running away, setting fires, disruptive pranks, work slow-downs, refusing to participate in class, “misusing” school resources, keeping and circulating “contraband” related to non-Christian spirituality, and general nonresponsiveness (Adams 1995; Surface-Evans 2016). Reports about indigenous students forced into Canadian boarding schools at the time highlighted the fact that students would continue to speak their languages outside of classes rather than operating solely in English. They “framed children, who could be viewed today as resisting the linguicidal goals of their institution, as instead ‘obstinate’ and ‘diffident’” (Griffith 2017, 778).

A study on how the intersection of race and gender impacts responses to oppressive institutions found that Latino males in the study were more likely to feel that they were policed and treated as criminals within their schools than their female counterparts. A common response to feeling that their bodies were being criminalized at school was to resist by skipping class (Cammarota 2004). Yet whether through vocal political protest or smaller acts of disobedience, youth resistance is regularly diminished as kids being on bad behavior without addressing their actual concerns. This strategy works well when youth are barred from many “democratic” decision making processes, even concerning issues that directly impact their day-to-day lives.

II. Rudeness rhetoric and the MAS context

The ad hominem attacks on “rude” and “disrespectful” students worked to shift the goal posts of the debate around MAS. The questions were not the typical ones asked of an educational program addressing student achievement. Instead, the questions became about the *type* of person who would emerge from such a program. It is worth mentioning that MAS teachers noted on the stand that, not only was the student protest that Horne found so tasteful not organized by MAS teachers, but that non-MAS students participated, suggesting that Horne saw faces he presumed to be Latinx and associated them with MAS. Whether protesting students were part of the MAS program or not, being rude was not listed as one of the provisions for terminating an educational program in Horne’s House Bill 2281, yet it still became a useful justification. As I will describe, the rudeness rhetoric provided something that people in both major political parties appear to agree is wrong: disruption and disrespect.

Politeness and rudeness can be read as adhering or not adhering to given societal norms. But key here is that those norms and adherence to them work to maintain societal structures and hierarchies, and often work to mask the true thoughts and concerns of people harmed by those

hierarchies. Cresswell's (1996) discussion of what it means to be "in place" and "out of place" helps to understand how rules of politeness and rudeness can be used to reinforce boundaries and hierarchies located both within a given space and outside of it. He writes that there is an implication of what is proper in certain spaces: what, and who, does or does not belong in that space, what behavior is or is not acceptable there. *Place*, then, is the marriage of the spatial and the social. Cresswell suggests that the hegemonic meaning of place is often made explicit when an act of transgression (or what some might call "rude" behavior) threatens a shift from "our place" to "their place."

Walton (2000) notes that "Personal attack arguments have often proved to be so effective, for example, in election campaigns, that, even while condemning them, politicians have not been able to stop using them" (103). As described in Chapter 4, both Horne and Huppenthal used their stances against MAS and roles in bringing down the program as campaign fodder. While the public attacks on MAS worked as dog whistles to nativists and white nationalists, this initial call to see students as rude (due to their MAS courses) cloaked these attacks, and was something easily drawn upon when questioned by people outside of their immediate political circle. Why is focusing on rudeness such a powerful rhetorical tool? I suggest two primary reasons. First, it plays into the prominent liberal ideal of individualism as discussed in Chapters 2 and 7. Success or failure is the result of an individual's actions, and societal issues come down to the behavior of individuals rather than the systems that they operate within. If an individual is seen as having bad behavior, it becomes easy to dismiss their concerns. The connected supposition is that a person with bad behavior is seen as likely to have brought misfortune on themselves.

The second, related point, is that targeting the individual "bad behavior" of disruptive protesters can quickly amass political favor among those who only see and feel the disruption of

the protesters, but not the underlying issue causing the disruption that they perceive. In this view, the rules of society (down to its etiquette) are more important than harm done to those marginalized by them. The one being rude or disruptive must be brought to order, even if it is that very order (such as in the case of white supremacy) that is the problem. This understanding complies with the understanding of the liberal citizen subject whose main concern should be advancing their individual agenda. This leads, for example, to anger and resentment directed towards protesters who interrupt the flow of day to day life, be it through making commute times longer or making school assemblies run less smoothly. The protesters become problems for the individual attempting to go about their day, while the problems the of the protesters are also individualized concerns that others should not be made privy to.



Photo by Lindsay A. Miller of the Arizona Daily Star

The above picture is what Horne is referring to when he describes “this rudeness.” Students silently stood up with tape over their mouths during Dugan’s speech. The tape was in protest of the fact that they were not allowed to ask questions of Dugan as they had been of Huerta. Some students raised their fists. This was especially offensive to Horne, who came back

to the image of the raised fist time and time again on the stand. He likened the student protest in TUSD to 1930s Germany in the following exchange with the plaintiff's attorney:

Attorney: You thought what was particularly rude was that the students -- some of the students raised their hand in a fist. Right?

Horne: They put their fists in the air. I read your proposed finding of fact that they put their hands in the air. You put your hand in the air if you're in class to ask a question. You put your fist in the air as a -- I mean, I've seen a lot of movies about the 1930s in Germany where people put their fists in the air.⁹¹

The idea that rudeness was the ban's catalyst was widely circulated, largely because Horne specifically pushed that narrative in various arenas. However, in 2006 Horne was also receiving letters from rightwing activists who disagreed with what students were learning about US/Mexico history, and objected to "un-American" books being used in the classrooms. One example, from October 19th 2006, shows how such complaints were passed around. It is addressed from Horne's executive assistant, Gail Jackson on behalf of Horne, to Margaret Dugan. Jackson simply writes "Here's the latest from Sarah⁹²" before forwarding the following:

Subject: NEWEST REPORT ON THE MEXICAN BORDER FROM THE HOUSE COMMITTEE ON HOMELAND SECURITY:

<http://hsc.house.gov/PDFs/InvestigationsSubcommitteeereport.pdf>

A LINE IN THE SAND: CONFRONTING THE THREAT AT THE SOUTHWEST BORDER

BY THE HOUSE COMMITTEE ON HOMELAND SECURITY
MIKE MCCAUL, TX

THIS IS A NEW REPORT ABOUT HOW SERIOUS THE THREAT HAS BECOME AT THE MEXICAN BORDER FROM DRUG CARTELS, ETC. IT IS 39 PAGES BUT VERY IMPORTANT

MEXICO HAS A HIDDEN AGENDA: DRAIN THE U.S. AND TAKE IT OVER STARTING WITH THE 7 SW U.S. STATES (KNOWN AS "AZTLAN", MEXICO FOR 24 YEARS). AZTLAN IS THE RADICAL TAKEOVER ("RECONQUISTA") MOVEMENT THAT MEXICO HAS BEEN PUSHING FOR YEARS NOW. THEY HAVE THEIR RADICAL BRANCH IN ALL OUR SECONDARY SCHOOLS IN THE SOUTHWEST OF THIS COUNTRY AND MANY CHICANO POLITICIANS ARE FERVENT SUPPORTERS OF THIS GROUP CALLED M.E.C.H.A. (CHICANO STUDENT MOVEMENT FOR "AZTLAN".) NOW WITH THOUSANDS TO MILLIONS OF MEXICAN ILLEGALS IN THE SW STATES (CA HAS MILLIONS OF THEM), THEY NOW HAVE A MAJORITY IN 6 OUT OF THE 7 STATES

EXHIBIT

PX-017

**WHERE THEY WANT TO START THEIR "RECONQUISTA"! WAKE UP, AMERICA!
IN AZ, RAUL GRIJALVA RECENTLY HELPED MECHA CELEBRATE THEIR 30TH ANNIVERSARY IN OUR SCHOOLS AND HIS DAUGHTER IS THE HEAD OF THE TUCSON UNIFIED SCHOOL DISTRICT AND I HAVE BEEN TOLD HAS JUST ADDED 8 NEW MECHA CLUBS.**

⁹¹ Transcript of Proceedings, Bench Trial Day 7 at 181. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹ Pseudonym

As Jackson's comment implies, her e-mail was not a one-off. Not only was this just another in a series of e-mails from her that continued on for years, but the state of Arizona, in performing its audit on the MAS program, pushed for her and others with similar messages to be included in the interview process. Kathy Hrabluk, who became Deputy Associate Superintendent in 2006 and was Associate Superintendent from 2008 to 2014, was part of the team responsible for launching the audit and reviewing its results. In the following exchange between Hrabluk and an attorney representing the plaintiffs in 2017, we see the level to which her input was specifically sought for inclusion:

Attorney: But you, nevertheless, received information from Sarah that you forwarded to Cambium, right?

Hrabluk: Yes. That was on the request of Elliott Hibbs.

Attorney: Right. And you did that on more than one occasion, right, Ms. Hrabluk?

Hrabluk: Yes.

[...]

Attorney: This is from Sarah, to Elliott Hibbs: Dear Elliott, important, from Sarah, give these attachments to your ind. auditor (especially the middle attachment). And then it continues on the next page: Yesterday I got this info from Raza studies after an information demand. Check out the middle attachment and see the books they are using, such as "Occupied America," "Mexican-American Heritage." Right?

Hrabluk: Mmm-hmm.

Attorney: And then if you flip back to the preceding page, middle e-mail, from you to Luanne, you say: Hi, Luanne. A constituent, Sarah, contacted ADE and forwarded this information regarding the MASD studies. I believe she participated in a 2007 review as a paralegal. Would you please review the material she has forwarded and also include her in the interview process? Right? You wrote that to the Cambium auditors, right?

Hrabluk: Yes, that was on a request -- by request.

Attorney: Request from Mr. Hibbs?

Hrabluk: Yes.

Attorney: Now, let's look at Plaintiffs' Exhibit 73. [...] Again, that's an e-mail from Sarah: You may wish to check out this class also. "Occupied America" is one of the worst books. Right? And then if you go up the chain, that next e-mail is from Mr. Hibbs to you: FYI, Kathy, please forward this and the following e-mails to the investigating team. Right?

Hrabluk: Mmm-hmm.

Attorney: And then moving up to the next e-mail, in fact, as Mr. Hibbs requested, you then forward this to the auditors, right?

Hrabluk: Correct.

Attorney: Right. Hi, Luanne. The individual I e-mailed you about yesterday, Sarah, has sent some additional materials to ADE that I would appreciate your team taking under consideration. I'll be forwarding you several additional documents. You may already have some of this information, but if not, please include it in your review process. Right? You wrote that?

Hrabluk: That's correct.

[...]

Attorney: And so you write, Friday April 29th, it's an e-mail from you: Hi, Luanne. I appreciate you taking the time to speak with Sarah this week. And then we continue on: The string of e-mails I sent you April 6 and 7 include numerous attachments, all originating from Sarah with her contact information and a request to please include her in your community interviews.

Hrabluk: Correct.

Attorney: So you're sending the auditors all these things being sent by Sarah, who, to put it charitably, has a fairly extreme point of view, right?

Hrabluk: She has an extreme point of view, yes.⁹³

The attorney asks Hrabluk about an e-mail from a member of John Huppenthal's executive support team. The e-mail brings to their attention a blog post written by former chairman of the Arizona Board of Regents, John Munger, providing his thoughts about the "Raza Ethnic Studies Program." The e-mail reads, "I highly suggest reaching out to [Munger] to ascertain what materials he independently gathered and the time frame in which he gathered them."⁹⁴ In his quoted blog post, Munger describes the classroom materials as "classical Marxist oriented indoctrination of cultural and political oppression, incessant deprecation of anything not 'Chicano,' including the US Constitution, capitalism, and European culture." He goes on to write that, "students are taught that they are part of an oppressed minority of 'indigenous' people (how those who are principally Mexican in background are 'indigenous' to the Southwestern US is not explained)." His final paragraph reads, "The results of this indoctrination are astounding. I have a photograph of one student of this program carrying a sign and protesting recently. The sign

⁹³ Transcript of Proceedings, Bench Trial Day 5 at 93. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁹⁴ Plaintiffs Exhibit 083. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

held by this student shouts in bold letters: ‘Dumb F*** Gringos. You Are Standing in Mexico Right Now!’” The sign Munger describes represents some of the “rudest” protest behavior described by opponents of MAS. Instead of showing the public emails like the ones described above as justification for the ban, it was much more politically viable to point to rude, disruptive students and the teachers who taught them the rude behavior.

I focused on Horne primarily thus far because he is the first prominent politician to start this narrative, kicked off with his *Open Letter*. However, I want to stress that what is important to this analysis is not Horne’s personal thoughts on the matter. Rather, it is that his association between MAS and rudeness stuck, and spread beyond him, making it a useful strategy rather than mere words. In Chapter 7, I discuss how the program is painted as one that promotes hate and resentment towards white people and turns students into radicals and revolutionaries. Though related ideas, the rudeness rhetoric is something that should be teased out. It works where the narrative of anti-white, anti-American extremism doesn’t. Many who are not inclined to give credence to the idea of MAS classrooms as being radical anti-white training grounds could discuss the idea that there may be some rude behavior encouraged. This is not to say that everyone bought into the rudeness rhetoric, but it was an easy enough charge that it could gain wider traction as a much more broadly agreed upon negative. It was therefore a politically viable strategy to discredit people associated with MAS for a broader audience.

When Horne spoke before the Senate Committee on Education Accountability and Reform to promote HB 2281 in 2010, he said to the gathered senators,

And let me just say with respect to success, and this is one of my most profound objections to this program, if the students are taught that the way to deal with disagreement is to be rude in the way that I observed, they will be unsuccessful adults. Because to be a successful adult, you must learn to deal with disagreement in a civil way. And if you are taught by these so-called teachers that the way to

deal with disagreement is to be rude in that way, that is a prescription for an unsuccessful adulthood.

What is interesting is not that Horne said this, as this is characteristic of the way he discusses MAS from 2007 to 2017, but rather how the idea is taken up. For example, Senator Paula Aboud, a Democrat who ultimately voted against HB 2281, began her explanation of her vote by saying,

Actually, and I'll disagree with many of the things you've said, I don't think it is appropriate in a public... whatever that setting was... for students to present that kind of behavior. It reflects poorly on the school. It reflects poorly on them. And I don't really think that the teachers, I hope and pray that they're not encouraging that.

Senator Aboud was discussed two days prior to the Senate vote in an e-mail between Mark Anderson and Art Harding, lobbyists for HB 2281 from the Arizona Department of Education. In the e-mail, they discuss meetings with senators to convince them to vote in favor of various bills. Anderson writes of Senator Aboud, "She was not supportive of HB2281 (surprise)." As the following 2017 exchange between the plaintiff's attorney and Anderson shows, it was expected that Democrats would largely vote against the bill outright:

Attorney: And the reason you put in, facetiously, "surprise" was, in fact, you did not expect her to support the bill, did you?

Anderson: Correct.

Attorney: And that was because she was actually -- her district was down here in Tucson, right?

Anderson: There's probably a number of different reasons why I would not expect her to support the bill.

Attorney: But that was one of them, right?

Anderson: Not just because she's from Tucson. I don't think that was the --

Attorney: Was it also because she was a Democrat?

Anderson: Most of the Democrats that we talked to were not supportive of the bill.⁹⁵

Based on Aboud's other comments about HB2281, Horne's rudeness argument was the only line of reasoning that she agreed with at all. As Tucson's representative, Aboud had a better

⁹⁵ Transcript of Proceedings, Bench Trial Day 3 at 37. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

understanding of their school districts than most people in the meeting. She explained how her understanding of MAS students was very unlike Horne's, reporting that TUSD teachers told her that MAS students "are excelling because of their camaraderie, their connection with their culture, with their classmates, with a part of themselves that they have never acknowledged and appreciated before." She further likened MAS to women's studies, going as far as to end her explanation of her vote against HB2281 by saying,

Throughout all of history, women have been invisible. And what our lives are about and what has been meaningful to us has been wiped out of the history books. And history books are written by men. And they're written by men about men, and women are not taught what we are about, what our own individual power is about. And our own strength and what we bring, whether it's to our legislature, to our families, to our communities, is critically important. And to deny us the ability to be empowered, personally empowered, that's the basis of fear. We're empowered, and we empower those around us. And on that basis, because I hear so much fear coming out of this, I vote no.

Senator Aboud was clearly ideologically opposed to what she perceived as the purpose of HB2281. She states that she sees the legislation as coming from a place of fear, and her explanation alludes to her understanding that a MAS ban would amount to an unacceptable erasure and a step back toward history being written by dominant groups alone. But she will agree on the point that students should show respect for authority figures. The rudeness rhetoric is often not enough in and of itself to convince people who support ethnic studies in general to turn against the program, but it provides a hook to get people on both sides of the aisle agreeing that there is indeed something to fix.

Horne's idea of the "rude behavior" of students associated with MAS made it past politicians to the news media. In a 2012 interview with John Huppenthal for NPR's *Tell Me More*, host Michael Martin begins with:

So, let's talk about the law. [...] Now, I just want to clarify one thing about the origin of this. Is it true, as has been reported, that the genesis of this was that a

Republican official was treated rudely when she appeared before a group of students and that the behavior of the students, which by all accounts was rude, I mean she was interrupted and, you know - that there was a feeling that somehow this was motivated by what they were being taught - is that true?

The next day, Martin interviewed Adelita Grijalva, the lone TUSD governing board member who voted against dismantling MAS when the state of Arizona threatened to cut 10% of their state funding for noncompliance. Martin asked why she thought the classes became an object of concern. Grijalva responded with Horne's oft-told story about Dugan's visit to TUSD, ending with "They put tape over their mouth and stood up during the presentation and he felt that was incredibly disrespectful and tied it back to these classes and the things that they were learning." Martin prodded, asking, "You think that, all these years later, it's about that one assembly?" Grijalva responded, "I do. I think that that started it. It started the ball rolling." Horne's reaction to what he perceived as rudeness by what he assumed were Mexican American Studies students being coached to be rude by their teachers was solidified as the starting point of the story of the ban. This happened not just through Horne's own repetition of the idea, but by it being picked up and spread by others. The narrative was not that racist and xenophobic letters from rightwing members of the public pushed Horne into action, but that it was a simple case of rude student behavior.

The protest during Dugan's speech was not the only moment of student activism that people dismissed as bad behavior without addressing the reasons behind it. In May of 2010, Horne held a press conference in the Tucson state education office. Dozens protested outside. Among those, fifteen people, primarily TUSD high school students, were arrested for refusing to leave the building. As Hing (2010) reports:

Inside, Horne pointed to the protesters outside, and said that it was the Mexican-American, African-American and Native-American history and literature courses that the Tucson school district offers, that were to blame for promoting a "radical

separatist agenda,” teaching a “revolutionary curriculum” and encouraging students to protest.

Similarly, Biggers (2011) describes how at a TUSD governing board meeting students sat in the governing board members’ chairs and chained themselves down in protest of a resolution to terminate the MAS program. A video of the school board protest posted to YouTube by Three Sonorans received 561 comments. While many commenters commended the students for their courage and offered support, more tore into the students, the program, Mexicans, and undocumented migrants; They accused the students of the program of being “illegals,” of being anti-American, anti-white racists, and communists. They repeatedly called for the student protesters to be tazed, imprisoned, deported, and in at least one instance, murdered. In somewhat less vitriolic commentary, many people suggested that the students had gone about things incorrectly by being disruptive with comments such as:

WTF! So let me get this straight; they get their class back by breaking the law and making their class look bad (It made them look like a bunch of extremists). They could have been civilized and simply reason with the board, but no instead they came barging in like a bunch of baboons. Another thing if they cared so much why didn't they write a politician or something of the sort, then perhaps get the class into other schools (which would be a bad idea btw do to the barbarianism it seems harbor).

and

Playing fair? These people are whining and crying because they didn't like the decision that was made through a proper, democratic process. They VOTED on this. And this isn't about fighting educational injustice, this is about attention-getting.

and

This is NOT how you go about getting your way. Force? Sit-ins? Public disturbance? How did these adults and children think that shouting was going to be more effective than peaceful discourse? Passion doesn't have to mean what these people did. I think a well constructed, passionate speech from each of these children would've spoken volumes more than a rowdy crowd.

Many further comments called the students rude, disrespectful, uncivil, and disgraceful. Such commentary as shown above seems to emerge from a belief in an ideal of deliberative democracy, in which people logically state their case in a straightforward discussion. Yet, those most deeply impacted have little to no voice when it comes to decision making. There is no student representative on the TUSD school governing board. While there is a call to the audience during meetings that allows individuals to make extremely short statements, passionate pleas from community members to save the program in the “appropriate” context did nothing to sway the majority of the board members in the face of the power of the state to withhold school funding should the program be maintained. The power in these “deliberations” was always with the people least impacted by the decisions. The call for “civility” and decorum amongst the students is essentially a call to make their voices and concerns simpler to ignore.

It further acts to mark the space of the school board meeting as one in which certain hierarchies are to be upheld through inherently spatial mechanisms. The students should not sit in the chairs facing the audience and address the crowd. They should not, as a group, take up time with speeches about their own education. They should allow adults who do not take the classes to make decisions about them while they sit quietly in the larger group of folding chairs in the audience. Perhaps they can, in the matter of a few minutes, plead their case to the board, who do not have to acknowledge their arguments if they choose not to. In this space, civility dictates that students have no power over their own experiences. While many wrote their transgression off as rude or disruptive and refused to engage with their concerns, such an “uncivil” tactic made the news and gave the students a chance to speak to a larger audience than they would had they acted “civilly” and relegated themselves to a brief commentary during a call to the audience.

Although the rudeness rhetoric is a useful diversion strategy, it is not always taken up consciously and cynically *as* a diversion tactic. Feelings about respect and how it ought to be performed are tied to ideological and even moral codes. Tom Horne, for example, was pressed during the 2017 trials on his thoughts on free speech and where the line between acceptable and unacceptable protest should be drawn. When an attorney for the plaintiff asked Horne if a raised fist in protest is part of a student's "First Amendment precious right," he laid out his feelings on when, where, and how protest is acceptable, stating:

Only in certain context demonstrations are appropriate. It's not appropriate to demonstrate in class. It's not appropriate to create a negative environment when a guest speaker comes. You can ask hard questions, but that kind of rude behavior I think is inappropriate for students in a school.⁹⁶

Perhaps under the assumption that a man who regularly referred to his admiration of Rev. Martin Luther King Jr. and his style of protest would also be supportive of the silent protest in the form of a salute by black medalists at the 1968 Olympics, the plaintiff's attorney questioned Horne on the matter. This led to the following exchange:

Attorney: Well, when those two African-American athletes raised their fists in the air in 1968 in the Olympics in Mexico City, do you think that was rude, or were they simply having a protest?

Horne: I thought it was rude as heck. They were representing this country, and they did that. I was -- I was not pleased with that.

Attorney: One last question. Isn't it true that --

Horne: They had benefited in this country. They had been -- they had the honor of being Olympic athletes, and they were -- they were downgrading their country in an international forum. You think that's good?

Attorney: And, as Americans, they had the right to protest, didn't they?

Horne: I'm not saying that the government should prosecute for them for it. I have a First Amendment right to criticize them for it.⁹⁷

⁹⁶ Transcript of Proceedings, Bench Trial Day 7 at 19. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

⁹⁷ Transcript of Proceedings, Bench Trial Day 7 at 181. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

This exchange shows a consistency of thought for Tom Horne. He has rules about what is rude and what is not, what is acceptable and unacceptable, what is in place and what is out of place, and how good Americans should behave in public. There appears to be a thread among those, like Horne, who sought to dismantle MAS: They had a similar understanding of what constitutes “bad behavior” and their attempts to address it went hand in hand with a general “law and order” approach to maintaining spaces.

III. Conclusion

During his testimony at the administrative appeal hearing, Mark Stegeman, a TUSD governing board member, called MAS classroom practices “cult-like” based on what he learned about cults in the book *The True Believer* by Eric Hoffer. Stegeman goes on to say that the program should not be preserved. He writes on his website that “I strongly endorse the MAS program’s traditional goal of providing supplemental curriculum in Mexican-American history and culture, but we should change the current practice of delivering this curriculum only through the MAS courses.” He suggests instead that the district “should create curriculum which can be incorporated throughout TUSD’s social-studies core courses.” When running for reelection to the school board, one of his pieces of literature explained his plan for the first hundred days. According to the handout, his intention was to “Bring order to classrooms. Provide regular training in fair and effective classroom management. Support teachers’ statutory rights to remove disruptive students.” During the Hispanic Chamber of Commerce forum he brought up discipline in schools so many times that it became his key talking point.

The scholarship on both race and education shows that schools are places in which social orders are learned and performed, where children of all backgrounds are taught to emulate a specific brand of whiteness, where ideas about what the US is, has been, and should be are

passed on to a new generation, and where concepts of what it means to be a citizen develop. In this case, students staging “rude” or “transgressive” demonstrations in the space of the school does the work of making explicit the expectations of what school is for by different parties. The Arizona ethnic studies ban presents a clear example of the school being used as a tool to produce, not just a “whitened” citizenry, but a citizenry that is largely unaware of histories aside from whitened national and regional myths. Doing so allows for the perpetuation of the current, largely racialized, hierarchies because members of the dominant culture are free to deny responsibility for not only the past, but also present and future inequality that benefits them. One of the strategies used by rightwing politicians to convince other politicians and the public at large that this was a just move in the best interest of students was relying on a rudeness rhetoric that focused on perceived bad behaviors of students and suggested that their teachers and classes were making them “rude.” This strategy worked – for a time. But, as judge Wallace Tashima permanently barring Arizona from upholding their anti-MAS legislation in 2017 shows, the current hegemonic context is not inevitable. Student resistance could not be completely undermined by this strategy, and their efforts to disrupt the order of white supremacy in their schools helped lead the way to legal change.

CHAPTER 7

REVERSAL

“How can you be superintendent of a school district and believe your students are so stupid and apathetic that they would need adults to “brainwash” them enough to care about their own education?”

– Guest opinion by TUSD seniors Mayra Feliciano and Daniel Montoya for *The Arizona Daily Star*, May 2011

It was the second day in court in June of 2017. Former state superintendent, John Huppenthal, sat in front of a crowded court room, packed with spectators. So many people were coming to watch that on multiple days the court provided a spillover room. Huppenthal had testified the previous afternoon and was the sole witness that day. Just as noon recess approached, the plaintiff’s attorney asked one last question:

Attorney: But in fact, Mr. Huppenthal, you said your war with MAS was a battle that never ends, right? Right?

Huppenthal: It’s eternal. It goes back to the plains of the Serengeti, you know, when we were evolving as a human race, the battle between the forces of collectivism and individualism. It defines us as a human race.⁹⁸

Here, Huppenthal succinctly captured one of the key underlying currents of the tensions over MAS: it was part of a larger fight to claim a single American identity as individualist and in direct opposition to collectivist principles.

In this chapter, I describe the last portion of appropriative evasion: the reversal. This relies on a combination of the “reversal of victim and offender” as outlined in DARvo and an aspect of the “kick” of dog whistle politics. Freyd (1997) observes offenders “rapidly” (30) work to create the impression that they are actually the wronged party. This can cause confusion not

⁹⁸ Transcript of Proceedings, Bench Trial Day 2 at 87. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

only within the mind of the victim, but also among outside observers. Haney López describes the strategy of the kick thusly: “When accused of racism, turn the tables and accuse your accuser of injecting race into the conversation” (133). Stemming from the framing of racism as an individual act of evil and hatred is the idea that calling out racism and uneven racialized outcomes of law and policy is a terrible slander, often equally as bad as or worse than what is being called out. It is an especially useful deflection strategy for accusations that enter a public arena as it works to both garner sympathy for the accused and diminish sympathy for the accuser.

This dynamic works particularly well when it comes to accusations of racial unfairness. Haney López (2014) notes that “the claim to have been slandered as a racist frequently crops up on the right in response to liberal efforts to focus on troubling racial dynamics” (135) which also helpfully changes the issue at hand. It’s no longer about addressing inequality, and instead about merely repudiating invented charges of Klan or Nazi membership. Instead of focusing on racial animus in the legal sense, or whether the rights of the students or the Mexican American community were infringed upon, the defense for the state of Arizona strategically attempted to change the discussion to whether or not Horne and Huppenthal were “goal-oriented racists.”⁹⁹ And from there, it became simple to not just deny it, but to take theatrical offense at the very implication.

The MAS court battle in 2017 revolved around whether or not racial animus was at work in the ban and its implementation. Right-wing political actors behind the ban were required to justify it in non-racial terms, while also evading accusations of racial animus. In this chapter, I consider the strategy of the reversal. Political actors attempt to make themselves look like the

⁹⁹ Transcript of Proceedings, Bench Trial Day 1 at 30. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

victims of slander, while also enrolling white Americans into the victim narrative. They claim that they are being harmed by the dangerous ideologies espoused by the Mexican American Studies (MAS) program. They do so by aligning MAS with communism, anti-whiteness, and anti-Americanism.

I begin with a discussion of the slander narrative, and then end with a consideration of white Americans-as-victims. Key to this strategy is the construction of *what* America values and *who* is the valued American. Part II of this chapter, therefore, provides an overview of the construction of values and the valued, tracing the structuring ideologies back generations. Both of these rely on a fear of the encroachment of what lies on the other side of the border as much as they do a celebration of what lies within US borders. As John Huppenthal wrote, “The rejection of American values and embracement of the values of Mexico in La Raza classrooms is the rejection of success and embracement of failure.”¹⁰⁰

I. Slander: personal offense

This performance of offense is integral to the reversal of victim and offender. Once again, it does not matter how the accused actually feels about the accusation, but what they are willing to say about it, and what they anticipate saying certain things will do for them. The grander the performance of being offended, the more question is thrown on who represents the guilty party. Haney López (2014) writes that “racial ideas perpetually adapt to reassure members of the dominant group that, however unjust the social arrangements and whatever the attendant violence, they are good and decent folks” (136). This leads to a situation in which challenging white supremacy becomes an attack on white people, especially those who are in positions of power within institutions being directly challenged. Yet state apparatuses, such as the school

¹⁰⁰ See Appendix C: December 15, 2010

system, normalize racialized inequality. And so, Goldberg (2001) notes, racialized exclusions “become the mark of social belonging, the measure of standing in the nation-state, the badge of social subjection and citizenship” (10). However, now that explicit hate-based racism is no longer tolerated in mainstream political discourse, to suggest that the status quo upholds racialized inequality, exclusion, and white supremacy becomes a personal affront to those who maintain it.

As I discussed in Chapter 4, many cited Dolores Huerta’s comment that “Republicans hate Latinos” as the starting point for the ethnic studies controversy. Her comment was in reference to the multitude of policy, bills, and legislation that seemed to target the Latinx community, predominantly drafted and favored by Republicans. This is not to say that some Democrats did not also join Republicans in such votes, but it was clear that stirring anti-immigrant and anti-Latinx sentiment became a platform piece for the Republican party in part as a way to distinguish themselves from the Democratic party, who they dismiss as weak on immigration and border issues. After Huerta uttered the phrase “Republicans hate Latinos,” Horne swiftly flipped the narrative, publicly declaring it “hate speech” in an official press release from the AZ Department of Education (Horne 2006). When asked about his framing of the statement as “hate speech” on the stand in 2017, he responded, “I didn't remember it, but I stand behind it.”¹⁰¹ Painting Republicans as the victims of hate speech became the first step in a reversal of victim and offender that involved an array of victims, including politicians, white people, and “true” Americans.

Horne leaned into the performance of personal offense in response to his actions against MAS being implicated in racism. On the stand he took Dr. Pitti’s testimony concerning coded

¹⁰¹ Transcript of Proceedings, Bench Trial Day 7 at 12. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

language and re-worked it to be a personal slight against him, despite Pitti never alluding to him holding a personal racial hatred. Horne retorted, “If I say I observed the students being rude, which was an observation that I had, they say “rude” is a code word, and therefore I am being racist, which is a despicable smear on my character and an illustration of the distortion of language.”¹⁰² When asked at another point whether he made race-based assumptions about student protesters when he presumed they were all MAS students and that their families behaved a certain way at home, he responded,

And to say that – students, like all the other students I had observed throughout the state, learned to be polite at home but learned this from these MAS teachers. To say that that’s race-based is a slander. That is – that is an observation that has absolutely nothing to do with race. And I think it’s despicable.¹⁰³

Rather than addressing the issues that may have arisen from his actions and considering the stance of those who claim harm from them, he goes on the offensive, describing himself as a victim of “despicable smears” and “slander.” In fact, “smear” comes up five times, while “slander” and “slandering” come up 17 times in the 2017 trial. Although, interestingly, one instance of “slandering” came from Huppenthal referring to the Founding Fathers being the victims of slander when Benjamin Franklin’s actions and attitudes toward non-whites were discussed as racist in a MAS classroom.

Huppenthal concerned himself less with slander and more with describing himself as a victim of a tough job that he was getting too little empathy for. He even went so far as to retract his tearful public apology for his anti-MAS and generally white supremacist internet commentary¹⁰⁴ while on the stand. He said,

¹⁰² Transcript of Proceedings, Bench Trial Day 7 at 142. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹⁰³ Transcript of Proceedings, Bench Trial Day 7 at 162. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹⁰⁴ See Appendix C for specific internet commentary discussed in the 2017 trial

I was basically working 18 to 20 hours a day, and had been doing that for months, and I was just completely and totally exhausted. So I wasn't prepared to deal with the controversy over the blogs at that point. I was just sort of physically collapsing. It was -- you know, it was about as stressful as a public policy environment can be.¹⁰⁵

He followed this statement by saying, “Now I believe -- I've had a chance to sort of get rested and look back at it, and I don't -- I don't apologize for any of it.”¹⁰⁶ In an earlier quote, Elliot Hibbs also paints Huppenthal as a victim concerning his online activity, suggesting that the quotes were publicized in order to harm his reelection bid.

An attorney for the state of Arizona quoted at length from a rap that former MAS teacher, Curtis Acosta, wrote but never performed. He used the rap to show that various political figures, including Horne and Huppenthal, were victims of ridicule from the MAS program. He described the language as “highly derogatory”¹⁰⁷ and “extremely disrespectful.”¹⁰⁸ One line pulled from the rap read, “I call out mentirosos like Horne and Huppenthal / any Neanderthal that needs another Geritol” (*ibid*). The attorney then asks whether Acosta intends to make fun of them for being old, pushing it a second time after Acosta explains that he had a hard time finding a rhyme for “Huppenthal.”

II. *(Re)producing one of multiple American nationalisms*

The idea that “good” Americans were also victims of the MAS program requires certain parameters to be placed around “correct” American ideals. This leads to the question: What understandings of the nation and the ideal citizen are espoused in the political discourse

¹⁰⁵ Transcript of Proceedings, Bench Trial Day 2 at 102. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹⁰⁶ Transcript of Proceedings, Bench Trial Day 2 at 103. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹⁰⁷ Transcript of Proceedings, Bench Trial Day 1 at 129. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹⁰⁸ Transcript of Proceedings, Bench Trial Day 1 at 131. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

surrounding ARS 15-112 and MAS? In order to make their case for the termination of MAS, political actors rely on the language of a particular brand of liberal civic nationalism, which Kohn (1944/2017) sets up as the positive half of a civic/ethnic¹⁰⁹ nationalism dichotomy. Here, civic nationalism espouses liberalism and voluntary association based on alignment with national ideals, while ethnic nationalism is based on ethnic and racial heritage. However, scholars of nationalism have argued for decades that the dichotomy set up between “civic” and “ethnic” nationalism is false outside of ideal types, and that all actually existing nationalisms have an “ethnic” component (Smith 1991; Brown 1999; Brubaker 1999; Kauffman 2000; Kuzio 2002; Schulman 2002; Jensen 2014; Fozdar and Low 2015; Larksen 2017).¹¹⁰ While Horne and Huppenthal tout classical liberal values in defense of ARS § 15-112 that act as the backbone of this particular brand of civic nationalism, these ideals cannot be pulled apart from a nationalism built upon White supremacy which remains entangled in our current systems and institutions.

a. Individualism/collectivism and the multiple views of American identity

Anti-collectivism is not a new political rallying point. Here I briefly discuss movements designed to lead Americans toward a national identity based on individualism and away from collectivism, with an oppositional binary set up between the two. Anti-collectivism is encircled by a set of values that together form a specific idea of the nation. Such adjacent values include capitalism and rule of law. However, this has never been the only understanding of what it means to be American. If it were solidified and uncontested, it would not require advocacy on its behalf. Rather, tension over what values are “American” have been, and remain at the heart of, political clashes. It is perhaps this tension that makes it most useful as a political rallying point. The more afraid people are of having “their” America taken from them, of being victims of a cultural shift

¹⁰⁹ Other times referred to as “ethnonationalism”

¹¹⁰ I give a greater overview of various understandings of nationalism in Chapter 2

that changes the country from “our country” to “their country,” the more likely they are to throw support behind a politician who vows to stop such a shift.

Kohn (1944/2017) writes that national identity and nationalism involve the “identification with the life and aspirations of uncounted millions whom we shall never know, with a territory which we shall never visit in its entirety” (9). How then, can a broad sense of national identity develop across wide terrain and numerous and varied people? Appleton (2002) notes that the “local” scale, while shifting and non-concrete, is important to narratives about American identity, including who and where are considered representative of America – narratives which spread, not through people traveling and coming to know their fellow countrymen, but through media interpretations of the nation’s values. Further, media articulates national identity by constructing the “other”: one example Appleton points to is *Reader’s Digest* posing American identity as adversarial to the USSR during the Cold War. It may also articulate common bonds with other nations with which we are allied. Media, however, is also shaped by larger-scale social shifts and changes in broader public sentiment. In moments of national identity crisis, such as in post-9/11 America, legislators at the state level often attempt to legislate their understanding of American identity in order to solidify it or may push “material expressions of banal nationalism” (Airriess et al 2012, 51) through tactics such as linking God and country on state license plates. Nationalism may not even be considered the possession of only citizens and may further extend to non-citizens (Koch 2016). Nationalism and national identity cannot be treated as natural, or even something that occurs exclusively at the scale of the nation. Rather we must consider the ways that ideas about any given “nation” are developed and reproduced, the tensions between competing national visions, and the context (spatial and temporal) within which these visions emerge.

1. Right-wing movements and the struggle to define American values

Goldstein (2012) describes the emergence of two opposing understandings of American national ideals in the New Deal Era: One centered on adherence to (particularly economic) individual liberty, and one centered on the general prosperity of the population (though still, of course, limited based on who was considered a full citizen). Haney López (2014) describes this as liberty *from* government versus liberty *through* government. The latter, New Deal liberalism, emerged in the wake of the suffering of the Great Depression, and was based on a vision in which “government gave individuals the realistic power to make their own choices by tempering market abuses and liberating citizens from the dire constraints of need” (67). New Deal liberals saw government not as an enemy of liberty, but rather as an institution that could open up pathways for citizens to pursue their goals.

Right-wing movements built around a stance of anti-collectivism emerged to push back against them. Goldstein (2012) argues that movements from the American Liberty League (ALL) of the 1930s to the contemporary Tea Party are united by an adherence to a form of civic nationalism known as Constitutional nationalism, or “the conviction that the Constitution defines and embodies the nation's fundamental values” (289). These movements argue that “self-reliance, individualism, hard work, property rights, and freedom from government” (*ibid*) are the core values expressed in the Constitution and are therefore the true basis of American national identity. On the other hand, anything that could be construed as “collectivist” or socialist is deemed un-American.

In the 1930s, ALL emerged as the first major group to challenge the administrative state as both unconstitutional and un-American, paving the way for future movements such as the John Birch Society, Barry Goldwater Republicanism, and the Tea Party. ALL was led by

prominent businessmen, both Republican and Democrat, with the goal of opposing business regulations. However, their appeals to the public did not focus on economics, but rather employed a nationalist rhetoric which painted New Deal worker protections and assistance for the unemployed and elderly as anti-American and at odds with constitutional ideals. Goldstein (2012) quotes an ALL pamphlet that explains this position by stating, “the weak should not be artificially maintained in wealth and power” (301). Although their push to defeat Roosevelt in 1936 and undermine the New Deal were unsuccessful, ALL solidified a rhetorical and philosophical approach used in later similar political movements seeking to crystallize this particular understanding of what it means to be American. However, Goldstein points out that the New Deal and the enumeration of workers’ rights were also considered representative of “true American values” (290) by other segments of the US population. Again, the necessity of these movements arises precisely out of a tension with other visions of American identity, leading to different approaches in American governance. As Rudolph wrote in 1950, “The Liberty League was as indigenously American as the New Deal which it was determined to destroy” (20).

In the late 1950s into the 1960s, the John Birch Society (JBS) continued the tradition of ALL, with strains of McCarthyism to enhance their particular anti-collectivist agenda. Members referred to themselves as conservative, anti-communist, and Americanist and hit a peak membership of roughly 100,000 (Mulloy 2014). Broyles (1963) noted that there was a “proliferation” of groups with similar aims at the time, but that JBS was “most rationally organized” (51). While New Deal liberalism found broad consensus with the looming specter of the Great Depression still fresh in the mind of the populace, by the 1960s it began to suffer in large part due to the feeling that government overreach was pushing civil rights and integration

on unwilling whites. This made way for a right-wing resurgence around the freedom to exclude along racial lines (Haney López 2014), combined with fear of communists.

Like ALL, JBS was primarily concerned by what they saw as the “creeping collectivism” (Mulloy 2014, 6) forced upon American society by Roosevelt and the New Deal and feared a distinctly internal threat of communism emerging in its wake. JBS reached further than a focus on deregulating business and added an opposition to socialized medicine, federal aid to education, and federal housing (*ibid*). Their efforts were “motivated by the conviction that most of the leaders of our major economic, religious, educational, and political institutions are willing or unwitting Communist agents” (Broyles 1963, 51). The founder of the JBS, Robert Welch, said in a speech at the founding meeting of the society,

Stopping the Communists, and destroying their conspiracy, or at least breaking its grip on our government and shattering its power within the United States, not only must occupy the front spot and most important spot in all of our thinking; It is the driving danger which should determine our thinking about almost everything else, and most of our actions too, for the foreseeable future. For unless we can win that battle, the war for a better world will again be carried on through long and feudal Dark Ages, after we have been killed, our children have been enslaved, and all that we value has been destroyed. (Welch 1958)

Mulloy (2014) further describes Welch’s adherence to the idea that there was a war happening within the United States between the forces of individualism and the forces of collectivism. Paul Ryan repeated this idea in a speech given to the Atlas Society in celebration of Ayn Rand in 2005, when he said, “the fight we are in here, make no mistake about it, is a fight of individualism versus collectivism” (Atlas Society 2012). And in 2017, Huppenthal repeated it almost word-for-word in his description of such a fight dating “back to the Serengeti” quoted at the beginning of the chapter. Haney López (2014) traces this oft-repeated phrasing back to JBS.

JBS members were attracted to the group for varying reasons: most obvious was anti-communism, but businessmen concerned about tax rates and the expansion of worker’s rights,

and those resistant to government attempts to “legislate equality” also joined. JBS did not take an official racist stance, with Welch suggesting that *de jure* segregation should be abandoned. However, he believed that *the Brown v. Board of Education* decision was a result of communist interference, and JBS promoted the right of citizens and business owners to racially segregate themselves. Similarly, JBS viewed the Civil Rights Movement as a communist plot to throw the United States into unrest, suggesting that many involved were not communists themselves, but were unwittingly tricked into participation through empty promises of societal advancement (Mulloy 2014).

In 1954 the Citizens’ Council formed, in reaction to *Brown v. Board of Education*. It worked specifically to block desegregation efforts and minority voting rights (Rolph 2018). JBS, on the other hand, did not have an official stance opposing desegregation, should citizens freely choose it (Mulloy 2014). The conflicting conservatism of both the Citizens’ Council and JBS both work to uphold white supremacy, despite the latter not explicitly promoting it as an objective. Racialized inequality taken as a neutral outcome of liberty materially upholds white supremacy as mere will of the (individual) people. Government interference and collectivist ideals are held as a greater threat (and even greater moral evils) than racism, something which senator Barry Goldwater of Arizona seized upon in his 1964 presidential bid. While Goldwater voted for federal civil rights legislation in 1957 and 1960, he came to see support of white racist sentiment and fear of collectivism and government coercion as his dual keys to political success. He began to espouse a political rhetoric about an Orwellian state in which private citizens would tell on each other to the government if they suspected racism, an idea reflected in the espoused fear by key TUSD “informant” teachers that they feared being called “racist” by students or teachers. Despite Goldwater’s previous voting record, in 1964 he voted against the Civil Rights

Act, touting his vote as taking a stand for state's rights and freedom of association in the face of an overreaching federal government (Haney López 2014). JBS, perhaps unsurprisingly, played a significant role in strategizing for his presidential bid (Mulloy 2014). Goldwater's rhetorical legacy can be seen in various avenues and scales of Arizona politics, including the reluctance to uphold the tenants required by the federal desegregation ruling placed upon TUSD as described in Chapter 4.

Right-wing approaches to education coming out of this values system seek to undermine accommodation of cultural or religious difference and situate this resistance within rhetoric concerning national identity (Olsen 2017). Again, there are many strains of right-wing politics. However, in their approach to education, there have been a few key points of cohesion that align directly with the ideals of movements like ALL and JBS: 1) Schools must not denigrate Christianity; 2) Schools should instill patriotism, or at least must not push students away from love of country; 3) Schools should teach students to appreciate capitalist principles, or at least not lead them to be wary of capitalism (Laats 2015). As Olsen (2017) writes, schools are intended to avoid practices "which are at odds with the fundamental identity of the society" (816). However, the values of the right-wing are not the only values held within American society, which places schools as a sites of conflict in the struggle over formation and reproduction of national identity.

While right-wing school reformers have upheld public schools as a key space to instill proper national values and morals in young people, it also acts as a rallying point for anti-government conservatives and white supremacist nationalists alike. It provides many of the classic dog whistles such as 'forced busing,' which alert white parents to the idea of racial mixing within schools without explicitly mentioning race (Omi and Winant 1994; Haney López

2014). Haney López (2014) writes that, as education becomes increasingly re-segregated, and in some areas, whites move out of the public school system all together, public education is “recast as exemplifying white tax money being wasted on unruly minority youths” (213). In the case of MAS, key right-wing political actors are able to use both the ideals encapsulated by right-wing school reformers and more straight forward racial dog whistles to their supporters to make the case against MAS. In all of this, the individualism/collectivism oppositional binary provides both a non-explicitly racial or ethnic justification for terminating the program, and helps politicians evade accusations of racism. In the next sections, I will detail how these political actors relied upon this key binary and related ideas stemming from classical liberalism and civic nationalism, first in the legislation itself, and then in its justification.

b. Focus on Mexican American Studies

1. Individualism/collectivism binary in ARS § 15-112

Powerful right-wing political actors couch arguments against MAS in terms of favoring an individualistic society. They express concern over a perceived promotion of collectivist ideas in the MAS curriculum, and Mexican culture more generally. Individualism is touted by ARS § 15-112 proponents as one of the primary identifiers of American culture, while group solidarity is considered “anti-American.” Here, I discuss the house bill itself and the oppositional binaries set up within it.

Subsection A of section 1 of ARS § 15-112 specifically prohibits school districts or charter schools from including courses that:

- 1) promote the overthrow of the Federal or state government or the Constitution,
- 2) promote resentment toward any race or class,
- 3) advocate ethnic solidarity instead of being individuals, or
- 4) are designed for a certain ethnicity

ARS § 15-112 acts as a structure that delineates the boundaries of “appropriate” education. It is a decree limiting both what can be taught and how it can be taught in the state of Arizona. The statute ultimately works to limit the agency of actors including students, teachers, and district school board members. Yet, the language used to describe these limitations is vague and the restrictions appear close to meaningless. I argue that this is not a flaw, but a feature of the language, as it allows increased room for interpretation in enforcement.

Perhaps the clearest way to observe the ambiguous nature of the classroom restrictions outlined in the bill is to pay attention to the exceptions to the rules: the course topics they must explicitly state in the text of the statute that subsection A is not intended to ban. The fact that they must, for example, state “Nothing in this section shall be construed to restrict or prohibit the instruction of the Holocaust” (2) reveals that the authors of the bill understand that subsection A is written in such a way that a class dealing with Holocaust history could conceivably be banned in Arizona. What, then, is the purpose of ARS § 15-112 if it can be read as a document that bans teaching the history of the Holocaust without a clear statement specifically allowing it? It is worth noting that ARS § 15-112 also lists “Courses or classes for Native American pupils that are required to comply with Federal law” as an exception to subsection A. This wording, while nebulous, suggests that such classes are only tolerated due to federal law, not that indigenous history represents a common sense “good” as is implied in the Holocaust course example.

The oppositional binary represents a powerful linguistic tool that organizes two ideas or concepts antagonistically, with one posed as superior and the other inferior. Derrida (1972/1981) describes this organization of ideas not as a “violent hierarchy” where one idea is given the “upper hand” (41). One of the most apparent oppositional binaries undergirding ARS § 15-112 and its use in the subsequent ban on MAS statewide is individualism/collectivism, or

individualism/ethnic solidarity. Here, the concept of individualism is endorsed while ethnic solidarity is denigrated. This binary is first set up on page 1, lines 6-7, which read “public school pupils should be taught to treat and value each other as individuals.” This support of individualism among students is reinforced again in lines 15 and 16 of page 1, which state that school programs cannot include classes that “advocate ethnic solidarity instead of treatment of pupils as individuals.” The stated preference for individualism over solidarity in ARS § 15-112 is unequivocal; the reasons for holding individualism above solidarity in this text are, on the other hand, quite ambiguous.

It is worth noting that HB 2281 was collaboratively written and passed by the collective that is the Arizona state legislature. This supports the notion that a collective has power that is typically denied an individual. The suggestion that individualism is preferable to group solidarity serves to simultaneously hide and reveal the power of the collective. It is hidden because it is never explicitly mentioned, but still emerges as we ask, “why should the unified Arizona House of Representatives and even the Tucson Unified School District refuse to tolerate the unified Mexican-American students of Arizona?” We can turn to the long-held right-wing attitude toward collectivism that poses it as oppositional to American national identity and, further, threatening to the American way of life. And still, these right-wing ideals gained power through their representative collectives such as the ALL or JBS.

Perhaps the preference for individualism relates to point 2 of subsection A, which prohibits the promotion of resentment toward a race or class of people. While not stated in ARS § 15-112, the US 9th Circuit’s response to Arizona’s second appeal for reconsideration of the desegregation rulings noted that MAS was terminated because State Superintendent Huppenthal believed the classes promoted resentment toward white people while promoting Latino solidarity

(State of Arizona v. Tucson Unified School District). ARS § 15-112 specifically bans courses that promote resentment, not simply hatred or dislike. Returning to the exception for teaching about the Holocaust, we can ask what the differences are between this type of study and MAS. Is it that teaching the Holocaust is acceptable because the United States, and Arizona in particular, are not directly responsible and would do no damage to students' perception of the state or country? Is it perhaps an issue of time? Is the Holocaust considered a remote, encapsulated event that can be taught with historical clinicalness while the oppression of Latinx people in the United States is ongoing? The words become nearly meaningless upon consideration. What is "resentment"? How is it measured? When does a classroom of students shift from individuals to a resentful, ethnically solidified group?

The individual/collective binary set up in ARS § 15-112 seeks to undermine or hide the positives that come with association with a non-white background, and particularly a Mexican American background. Group identity provides a history and a communal context. Pushing individualism over critical engagement with this history and context promotes a substituting in of the whitened history told in "American" history courses. This binary ultimately suggests that the power of a unified minority student group can only be negative. It does not take into consideration the positive changes that can be achieved by a group working together. The negatives of group solidarity are also not directly stated. It is conceivable that we are to intuit that a group of minority students acting in solidarity would be likely to overthrow the government given that this is the only possible negative outcome outlined in the document.

It is not fear of having minority students in a group, but rather the power they possess in realizing their shared history and circumstances. This is made obvious by the way in which ARS § 15-112 upholds segregation based on academic performance that, by their own admission,

“may result in a disparate impact by ethnicity” (line 43 of page 1). This is an acknowledgement that the academic tracking supported in this instance serves to put students on different life paths, reproducing disparities. This is particularly troubling when taken with the fact that MAS classes have been shown to improve overall student academic achievement even outside of MAS classes themselves (Cabrera et al. 2014). While the stated mission of ARS § 15-112 is to promote learning to “value each other as individuals” (1) the language of the document reveals another potential narrative: a state government wresting local control from school districts and terminating classes proven to promote success on state and federal measures of academic success, all for the sake of discouraging minority students from finding the collective power to make systemic challenges. The process of othering Mexican American students and drawing boundaries around “American” that precludes “Mexican American” as a viable subset worth celebrating or empowering in any politically meaningful way once again underlines a powerful political idea: You (white America) are victims of their (Mexican American students and teachers) agenda to undermine your country and your culture.

ARS § 15-112 gives a superintendent the power to restrict what school districts can or cannot do through punishment: particularly through withholding state funds from school districts or schools that do not comply. But what does it mean to punish a school? Even the term “school” breaks down upon consideration. What is a school? Is it a campus and its buildings? You cannot punish or discipline bricks and concrete. So, we must instead ask *who* is a school, for there must be *someone* to be disciplined. Who are the state of Arizona and the state board of education disciplining? I argue that teachers, principals, and district school board members are among the primary recipients of this discipline. Students too are inheritors of the state’s punishment should these aforementioned actors not respond correctly to state threats. Power,

here, emerges from capital. It is the only thing truly disciplining these “schools.” Teachers will not be arrested for promoting group solidarity. But they will suffer from pay cuts or reduction of the educational labor force through loss of state funding to the school district. And the students will suffer as their classrooms become underfunded. The students, faculty, and staff at these schools are held hostage by the actions of those imbued with greater power in this political fight.

2. Individualism/Collectivism dichotomy in anti-MAS justification

I argue that the reliance upon both the individualism/collectivism rhetoric and tropes of civic nationalism as strategic dog whistles signal a racially charged message about who makes up the core ethnic group of the United States and simultaneously avoids speaking explicitly about race or ethnicity. This is not to say that political actors like Huppenthal and Horne don’t actually hold these values personally. They may very well feel strongly that the United States is a civic nation whose national identity is built around a core value of individualism. What places these within the realm of dog whistles is the strategic way they are used to speak to a primarily white base and warn them of the dangers to their privilege and way of life associated with the collectivist machinations of Mexican American Studies. As in past uses of similar rhetoric shown in the previously reviewed literature, it signals the idea that racial/ethnic “others” are opposed to true American national ideals and instead want to replace American liberalism with Marxism and collectivism.

This data in the table below serves to show discursive patterns but does not provide context for each use of the word. For example, I leave out the word “left,” which is used 45 times during the trial. While there are moments when it was used to mean politically left, there are many non-political uses of the term. I leave such vague terms out. Table 2 shows instances of use of key phrases:

Table 2

Term	Variations	Instances
Indoctrination	Indoctrinate, Indoctrinated, Indoctrinating	39
Radicalism	Radical, Radicalization, Radicalize, Radicalized, Radicals	34
Marxism	Marx, Marx's, Marxist	28
Liberal ¹¹¹	Liberals	21
Propaganda	Propagandism, Propagandist, Propagandistic, Propagandized, Propagandizing	18
Solidarity	N/A	18
Communism	Communist, Communists	13
Individualism	Individuality/ Individual, Individually, Individuals	7/87 ¹¹²
Socialism	Socialist	7
Collectivism	Collective, Collectively	4/11 ¹¹³
Liberty	N/A	3

This table supports the narrative I encountered in my analysis, in which right-wing political actors painted themselves as champions of liberty, individualism, and similar values, while they position MAS as promoting un-American ideas like communism and ethnic solidarity through propagandistic means. Such a narrative falls directly in line with the previously discussed narratives of right-wing political discourse that seeks to align itself with a civic rather than ethnic

¹¹¹ It's important to note here that "liberalism" here is aligned with ideas of open borders and globalism, leftist ideals, and, ironically, undermining the value of American individualism

¹¹² I separate out individualism and individuality from the others and receive a count of 7. Like "left," the others could be used in other meanings. However, "individual" was regularly used to refer to the idea of treating each student as an individual rather than as a member of an ethnic group and is worth including.

¹¹³ Collective and collectively can once again be used for other meanings. They provide a count of 7.

nationalism, despite the work it does in upholding the privileged status of the dominant, “core ethnic” group.

The representatives of the state of Arizona, including attorneys, and various public servants including Horne, Huppenthal, and those who worked with them on pursuing ARS § 15-112, emphasize that students should learn to “think for themselves” rather than falling for the leftist or collectivist propaganda they purport to be a part of MAS curriculum. TUSD governing board member, Mark Stegeman, stated, for example, that MAS was reminiscent of a “cult” (Arizona Office of Administrative Hearings), citing the unity clap¹¹⁴ that some teachers used to begin classes. Yet there are repeated instances of those same actors and members of the public who followed the media coverage of MAS deciding that students have thought incorrectly. The classroom acts as a space in which student identity is formed, and so it is unsurprising that the space of the classroom must itself conform to the particular nationalist values of those holding political power.

From posters, to books, to music, to language, right-wing political actors in Arizona sought to control the space of Tucson classrooms. An attorney for the state of Arizona framed the scene that Huppenthal found when he entered the one and only class any of the politicians and public servants working against MAS ever attended in the following manner:

A teacher who honored Che Guevara with a poster on the wall next to true icons of American history, administrators who provided one-sided views of Benjamin Franklin, and students, whose discussion of oppression raised troubling questions in his mind about what was being taught.¹¹⁵

¹¹⁴ The unity clap originated with the United Farm Workers as a way to bridge the communication gap between Latino and Filipino Farm workers without a common language.

¹¹⁵ Transcript of Proceedings, Bench Trial Day 10 at 63. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Beginning with poster, the fact that an image of Che Guevara was on the wall of one classroom became a key point in justifying the entire program's termination. In fact, Guevara's name came up *60 times* in the 2017 trial. Although it was Huppenthal who saw the poster in the attorney's example, Horne also commented on it. While he discussed it more than once, he most succinctly described his attitude toward both the poster and his position on American national identity in the following exchange with the plaintiff's attorney:

Attorney: And you make reference to the fact that the director of the ethnic studies program, the MAS program, kept a portrait of Che Guevara on the wall of his classroom. Right?

Horne: Yes.

Attorney: And that troubled you somehow?

Horne: Very, very much.

Attorney: Did you know that the posters that were put up were put up at the request of students, not the teachers?

Horne: Well, I think the teachers should have -- should have talked to them about values. I think Che Guevara stands for the opposite of American values. America believes in democracy, individual liberty, rule of law, mutual tolerance. Che Guevara is adamantly opposed to all of those things. He shoots people who disagree with him. And I think it's pretty bad to be teaching people at taxpayer-funded public schools to hold up as a hero someone who believes the exact opposite of every precious American value, such as democracy, individual liberty, rule of law, and mutual tolerance.¹¹⁶

While Horne repeatedly explains that students should learn to think for themselves when justifying his legislation, when he finds that students make a choice that he believes represent un-American ideals, he argues that the teacher's role is to step in and explain true American values as he sees them. Huppenthal has a similar conversation with the attorney at another point after arguing that Guevara should not have a place on the wall of an Arizona public classroom:

Attorney: So you personally were not a fan of Che Guevara, right? But you understand, do you not, that large swaths of the world, South America, view Che Guevara as a hero? You're aware of that, right?

Huppenthal: I am.

Attorney: Okay.

Huppenthal: And I think it's toxic.

¹¹⁶ Transcript of Proceedings, Bench Trial Day 7 at 146. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Attorney: You think it's toxic, right?

Huppenthal: I think the evidence suggests strongly as toxic.

Attorney: But you also acknowledge that there are significant populations all throughout Central and South America that have a different view, right?

Huppenthal: Yes.¹¹⁷

Both Horne and Huppenthal object to the values that they see written in the space of the MAS classroom due to a Che Guevara poster requested by students. The rationale for the removal of books from the classroom fell along similar lines. Horne testified that his opposition to the book *Pedagogy of the Oppressed* being taught in TUSD classrooms was based on the idea that Paulo Freire was a “well-known Brazilian communist” and that the book included sources like Marx and Che Guevara. In Horne’s 2007 *Open Letter to the Citizen’s of Tucson* he writes,

Another textbook is *The Mexican American Heritage* (2nd ed.). One of the chapters is *The Loss of Aztlan*.¹¹⁷ Aztlan refers to the states taken from Mexico in 1848: Arizona, California, New Mexico and Colorado. This chapter states: ‘Apparently the U.S. is having as little success in keeping the Mexicans out of Aztlan as Mexico had when they tried to keep the North Americans out of Texas in 1830.’ (P. 107.) In other words, books paid for by American taxpayers used in American public schools are gloating over the difficulty we are having in controlling the border.

The justifications for the termination of MAS are rife with single lines decontextualized from larger texts in an effort to portray MAS as openly taunting American values. *Live from Death Row* by Mumia Abu-Jamal is repeatedly referred to as a book by a “cop killer,” or even expanded to “books written by cop killers”¹¹⁸ during the trial. Interestingly, Huppenthal claims “really, hardly any book out there that would raise concerns for me. It's always about how the material is being used.”¹¹⁹ A point repeatedly made throughout the trial, however, is that neither

¹¹⁷ Transcript of Proceedings, Bench Trial Day 1 at 165. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹¹⁸ Transcript of Proceedings, Bench Trial Day 10 at 52. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹¹⁹ Transcript of Proceedings, Bench Trial Day 3 at 75. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Huppenthal nor Horne, nor anyone working with them to terminate MAS, actually knew how the materials were being presented, which both Horne and Huppenthal acknowledged was the case. Opposition to the assumed values expressed in books had material consequences: books used in MAS that were perceived as not aligning with right-wing, anti-collectivist ideals were not just taken from classrooms and warehoused, but they were taken while students were in the classroom looking on and, as multiple interview participants informed me, crying.

In addition to things that should *not* be found in the classroom, Huppenthal and Horne were clear on what *should* occur within a public school classroom: respect for American national myths and heroes, the Pledge of Allegiance, and English-only education. Here we move out of the realm of civic nationalism and into the realm of ethnic nationalism, built on themes of shared national histories, myths, and language. In the notice of noncompliance that Huppenthal aimed at TUSD, he ends by stating that some classes are also in violation of ARS § 15-506, “which requires that time be set aside each day for those who wish to recite the Pledge of Allegiance.” Here, Huppenthal enshrines honoring the flag and a particular American vision within Arizona public schools.

Based on the results from Atlas.ti, “founding” came up 20 times, and “father/fathers” came up 26. “Franklin/Franklin’s” came up 30 times. Earlier I discussed the outrage over the statement by one MAS teacher that Benjamin Franklin was racist. Huppenthal insists on a primarily positive portrait of Franklin and the other Founding Fathers in schools, stating:

If you don't know all of the facts about Benjamin Franklin, you've really been poisoned against America. Because Benjamin Franklin is core to understanding America. He was almost the, the writer of our freedom of religion and freedom of speech. As a publisher, he was the champion of those, which are at the core of all. So, when I say an infected teacher, that's shorthand for saying somebody who's learned at the university level a history that isn't all of the facts.¹²⁰

¹²⁰ Transcript of Proceedings, Bench Trial Day 2 at 100. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

As Brown (1999) notes, “to refer to the national community, albeit colloquially, as [...] descended from founding ‘fathers’ [...] means] the civil culture of civic nationalism is being intertwined with the ethnic culture of cultural nationalism.” (293) The book *Occupied America* also caused concern based on the way it portrayed the Alamo:

Attorney: And you talk about a textbook called *Occupied America*, right?

Horne: Yeah. The mere title is -- I think shows what kind of propaganda it is.

Attorney: You're aware that *Occupied America* is a textbook that is used all over the United States.

Horne: I am not aware of the extent to which it's used. I was sent it by the Tucson district, and I read it and I was shocked by it.

Attorney: You mentioned that one of the things that shocked you was that you found it strange to find a textbook in an American public school taking the Mexican side of the Battle of the Alamo.

Horne: Yeah. Celebrating the fact that the United States lost that battle and everybody there was murdered afterwards when they tried to surrender.

Attorney: In fact, the Americans lost the battle, right?

Horne: Everybody teaches that. But nobody else celebrates the fact that the Mexicans won and murdered the people that were in the fort. In Mexican public schools, I would expect it, but not in taxpayer-supported American public schools --

Attorney: And again --

Horne: --unless you give both sides. If you want to be controversial, that's fine, but not as a means of propaganda.¹²¹

This exchange constructs the type of information and perspective that is welcome within the borders of the United States and those that are expected outside of it. What students on the Mexican side of the border could conceivably learn is placed in opposition to what students on the US side of the border should learn. While Horne admits to having no first-hand knowledge of how this or any moment in American history was taught, he argues that he has a “wealth of evidence” (*ibid*), including the books themselves, and teachers he spoke to who were not fans of MAS for reasons that mirrored his own and Huppenthal’s. Unsurprisingly for a former state Attorney General, Horne is incredibly careful in court not to appear biased. When confronted on

¹²¹ Transcript of Proceedings, Bench Trial Day 7 at 36. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

most issues surrounding values, he tactfully says that he is only interested in “both sides” (*ibid*) being taught and suggests that he is sure that that was not the case with MAS. The issue, however, is that he only targeted Mexican American Studies courses, rather than doing a curriculum sweep to determine if, say, other history classes were giving the Mexican experience of the Alamo, or black experiences with and in the time of the Founding Fathers, or experiences of indigenous people whose territory was forcibly claimed on behalf of white settlers. He further stated that his ultimate goal was to put an end to *all* ethnic studies courses, not simply ones he determined were not balanced to his liking. While this can be argued from the vantage point of civic nationalism and promoting individual liberty, it is impossible to separate out the way such a stance has materially upheld, and continues to materially uphold, white supremacy.

One example that shows the linkages between the right-wing understanding of what values schools should teach and a decidedly ethnic version of nationalism is the push for English-only education in schools that I discussed in Chapter 4. In a move reminiscent of the off-reservation boarding schools that sought to force indigenous children to speak English only as a means of removing their cultural ties and, explicitly, to “whiten” them (Adams 1995), Horne also eliminated Arizona’s bilingual education program¹²². He explained the decision in the following exchange:

Attorney: You did, in fact, eliminate the bilingual education program, right?

Horne: Yes.

Attorney: And most of the folks that were involved in that program were of Hispanic origin, correct?

Horne: Most, but not all. I actually cut off funding to the Window Rock district because they were using English language funding for Navajo immersion, and I cut off their funding. I had a big fight with the governor about that, but I did it.

Attorney: But most of them were Hispanic, and most of those were Mexican, correct?

¹²² In a political speech Horne previously bragged, “I’m the person who put a dead stop to teaching bilingual education in schools” and argued for the end of bilingual education on Lou Dobbs’ show on Fox News.

Horne: Yes.¹²³

He justified this move on the stand by explaining that removing bilingual education and pushing English immersion would ultimately be for the benefit of bilingual students in terms of succeeding in the United States. Brubaker (1999) argues that the promotion of a national language, and the requirement that teaching be done in that language is one of the “paradigmatic manifestations of ethnic nationalism” (63). Further, it explicitly draws lines around what America values and who is valued in America.

III. Enrolling white America as victim

More so than any individual politician, it was white people as a whole who were cast in the role of victim in the reversal that placed MAS as something of an enemy of the people. Enrolling white people as victim builds on the history of linking individualism and whiteness in national identity previously discussed. White-people-as-victim included the majority of the political actors involved in terminating MAS and extended the victimization to a particular white voting public already primed to fear “Mexicanization” and “browning” of the southwest and the US in general. Those who worry about white “American” culture and values being supplanted or demonized became the ultimate victims in the scenario, adding significantly to the political gain to be garnered for the politicians who could frame themselves as both being part of, and protecting, the true victims.

The victim narrative is upheld by members of the public who politicians like Huppenthal and Horne frequently quoted as a way of showing why MAS needed to be terminated or who Huppenthal’s team specifically asked Cambium to include in their audit. One was a TUSD teacher who sent Dugan a string of e-mails expressing concern about MAS because she felt that

¹²³ Transcript of Proceedings, Bench Trial Day 7 at 99. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

students were turning against her for her political beliefs. In one, she complained of a MAS teacher telling her that “anyone who is for racial profiling or closing the borders or deporting illegal people in the US is a racist” and in another email, “Students all over campus think that the AZ Bill to control the borders is a racist bill and have been taught this by many teachers, but, especially Raza teachers.”¹²⁴ She thanked Horne and Dugan for “continued efforts to rid our schools of a program that fills student minds with hatred toward their country, white people and the public school system.” She explains that she is upset that Raza teachers brought politics into the classroom, but also describes telling a student about her own support of anti-immigration legislation. She then complains, “Mr. Acosta told me in front of this student that I am not a nice person, when I expressed my support for the bill” (*ibid*). Dugan responded to her by writing back, “Hopefully, the bill will pass regarding the Ethnic Studies” (*ibid*). This teacher’s initial correspondences became one of the main reasons that Horne initially chose Dugan to deliver her pro-Republican speech at TUSD.

Similarly, Horne frequently quoted two other people to make the case that MAS harmed white people. One of these two is Hector Ayala, a chair for English for the Children Arizona and a teacher at TUSD. In particular, he quotes Ayala in multiple arenas, including his *Open Letter to the Citizens of Tucson* (2007) as saying that white students were “dissed for being white” in these classes and generally instructed “not to fall for the white man’s traps.” The other is a former teacher who retired from TUSD in 2002 and had little contact with the program. When discussing MAS in an interview with *the Arizona Republic*, he stated, “TUSD uses taxpayer-funded programs to indoctrinate students, based primarily on ethnic divisions into the belief that there is a war against Latino culture perpetrated by a white racist capitalist system.”

¹²⁴ Plaintiffs Exhibit 052. González v. Douglas, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

The idea of the classes building “resentment toward white people” was key to the narrative of why MAS should be terminated. I discuss the fear of an oppressed/oppressor dichotomy in greater detail later in the chapter but will also discuss briefly here the fear of anti-white resentment as it is important to changing the narrative of who is the victim. Of course, provision A2 of ARS § 15-112 states that there shall be no classes that “promote resentment toward a race or class of people.” In Horne’s *An Open Letter to the Citizens of Tucson* (2007), he describes what is taught in MAS as “destructive ethnic chauvinism that the citizens of Tucson should no longer tolerate” (2). He also described discussions of racialized privilege on the stand in 2017 as “the most vulgar type” of stereotyping and racism.

While these statements can be read as very general, when discussed publicly the narrative always centered around resentment toward *white* people. The defense for the state of Arizona argued in their opening statement that Horne and Huppenthal were simply protecting children from courses in which they “were learning to become angry and resentful at authority in general and white people specifically.”¹²⁵ In fact, the defense brings up how Horne and Huppenthal ended the program in order to stop anti-white resentment five times in the opening statement alone. In their closing statement, they state that the courses “made white students believe that they were the oppressors.”¹²⁶

When Dr. Angela Valenzuela is brought in as an expert witness on pedagogy, the defense attorney questions her on the use of indigenous knowledge in MAS curriculum, leading to the following exchange that sets up white people as, once again, left out and resented:

Attorney: This is from page 2, and it talks about in that first highlighted snippet: In a spirit of holistic teaching that is rooted in spirituality and indigenous knowledge and wisdom,

¹²⁵ Transcript of Proceedings, Bench Trial Day 1 at 28. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹²⁶ Transcript of Proceedings, Bench Trial Day 10 at 55. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

this unit is centered on self-reflection. Whose indigenous knowledge is reflected here?

Valenzuela: It would be the indigenous knowledge of the community that that is there. I mean, we're here next to reservations.

Attorney: Is it *white* indigenous knowledge?

Valenzuela: No.

Attorney: No?

Valenzuela: No. I don't think we know very much about white indigenous knowledge.

Attorney: Oh. I thought the whole problem was that we knew too much. Okay.¹²⁷

This fear of victimizing white people through anti-white resentment was not only targeted at MAS. *An Open Letter to the Citizens of Tucson* included a section entitled “Teaching the Wrong Things About Literature” Horne writes,

When I began speaking out publicly against ethnic studies, one of the ethnic studies teachers had his students write me letters. One of these letters states: “All that the English classes teach is mainly about some dead white people.” I believe schools should teach the students to judge literature by its content and not by the race or gender of the author. (3)

It came out in the 2017 trial that this letter was not actually from a MAS student, despite the focus on MAS in particular in the letter, but a black student in another type of ethnic studies class. When questioned on the stand as to why he neglected to mention this was not a statement from a MAS student when the letter was overall geared to target MAS, he responded, “The bill I wrote was directed at all of these programs.”¹²⁸ Public online commentary on MAS ran with this feeling of anti-white resentment with messages such as:

DIVERSITY means, as few white people as possible. Yes, we know what the racist word DIVERSITY means.¹²⁹

and

¹²⁷ Transcript of Proceedings, Bench Trial Day 8 at 186. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹²⁸ Transcript of Proceedings, Bench Trial Day 7 at 38. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

¹²⁹ Comment on “UNIDOS takes over TUSD school board,” YouTube video, posted by “Three Sonorans News” April 27, 2011, <https://www.youtube.com/watch?v=tPZxCDMbZec&feature=youtu.be>

Do you really want arizona kids growing up being taught by your MAS studies to hate white people and their country?¹³⁰

and

You are racist, when you call a white American racist, just because they are white. You are attacking white Americans with the racist racial slur "racist", because of the color of their skin. Racist lost its real meaning, a long long time ago. "Racist" now means, white person who does not agree with you or will not bend to your will.¹³¹

and

Glad this incredibly counterproductive, racist course has been rejected.¹³²

The narrative that MAS was racist and hateful toward white people became useful in getting certain members of the voting public to not only see politicians as victims of slander, but *themselves* as being victimized by the courses.

Horne further quoted the teacher who retired in 2002 as stating that the classes taught “the kids to be against western civilization.”¹³³ I discuss elsewhere in this chapter how whiteness and “western civilization” or “American culture” become linked in this logic. These classes are first cast as anti-white and then anti-American. One person commented on a video about students protesting against the termination of MAS saying, “America hating assholes that belong in prison.” Another wrote:

I resent paying taxes to enable an anti American agenda to be taught in the public school system. The only people being represented to any degree are Mexicans. When the general public is forced to pay for a 'special group' to receive classes who's teachings are against the interest of the common good, and advocate La

¹³⁰ Comment on Smith, Dylan. 2012, Jan. 10. TUSD axes ethnic studies. *The Tucson Sentinel*.
http://www.tucsonsentinel.com/local/comments/011012_tusd_ethnic_studies/

¹³¹ Comment on “UNIDOS takes over TUSD school board,” YouTube video, posted by “Three Sonorans News” April 27, 2011, <https://www.youtube.com/watch?v=tPZxCDMbZec>

¹³² Comment on “TUSD Board Members Bored with Public Opposed to Mexican-American Studies,” YouTube video, posted by “ShortForOrdinary” June 2, 2011, <https://www.youtube.com/watch?v=-5PIb8wZXh8>

¹³³ Transcript of Proceedings, Bench Trial Day 7 at 146. *González v. Douglas*, 9th Circuit D. Ariz (2017) (No. 4:10-cv-00623-AWT)

Raza and dissent against the US, a crime is being committed against the majority of American Citizens. Stop these anti American propaganda fests now.¹³⁴

Numerous comments showed resentment that their tax dollars went to such a program, enrolling themselves in the victim narrative as well.

To reiterate, understandings about what MAS classes taught primarily filtered through a few key political actors into the media, most of whom had no first-hand knowledge of the program. Yet many felt this was more credible than the first-hand accounts from those directly involved in the courses. Others felt that the fact that some students protested was proof in and of itself that the teachers brainwashed and radicalized them against the (white) nation. This reversal of victim and offender has many layers, beginning with the victimization of the politicians involved in penning and promoting the legislation, then white people, then the country itself. For those primed toward concern about the maintenance of a white American national-cultural landscape in the face of a “browning” society, it became an easy step to begin seeing themselves as a victim of these courses as well.

IV. Conclusion

In this chapter I have considered the rhetorical reversal of victim and offender that adds the final piece to appropriative evasion. The reversal is not limited only to individual politicians or the governmental institutions they within which they work. “Good” (white) Americans are also enrolled as victim, with MAS cast in the role of villain who would undermine “real” American values and take away “their” way of life.

¹³⁴ Comment on Herreras, Mari. 2011, Aug 20. Day one (part one) of the ethnic studies appeal: Stegeman describes classes as ‘cult-like.’ *Tucson Weekly*. <https://www.tucsonweekly.com/TheRange/archives/2011/08/20/day-one-of-the-ethnic-studies-appeals-stegeman-and-cultss-remind-stegeman-of-description-of-cult-like-behaviors>

I further examined the oppositional binary of individualism/collectivism as it pertains to right-wing political rhetoric and legislation surrounding Mexican American Studies. I argue that this emerges from a long history of such right-wing rhetoric aimed at solidifying one of multiple visions of American national identity which abhors collectivism and values individualism, particularly individual economic liberty. Right-wing movements of all stripes have found success in mobilizing power and capital through directly employing the language of civic nationalism and classical liberalism. In doing so, they can use language that appears race-neutral on the surface, but that reinforces white supremacy by marking it as a neutral result of individual choices. While individualism and abhorrence of collectivism may indeed be closely held values of political actors, they provide a simple and politically viable means of avoiding discussions of race in their efforts to make the space of the public school classroom conform to and reinforce their vision of American national values.

The particularities of the brand of civic nationalism that right-wing nationalists uphold as intrinsic to American national identity feed directly into contemporary right-wing objection to Mexican American Studies. At the core, they favor individualism over collectivism, with associated values such as capitalism. Movements such as the American Liberty League and the John Birch Society adhere to the stances of classical liberalism explored more thoroughly in Chapter 2. They tend *not* to *explicitly* promote racism in their official stances. However, they still tend to draw overt racists to their movements through a conception of liberty that both includes the freedom to exclude, including along racial lines, and a freedom *from* government interference designed to minimize racialized inequality¹³⁵ (Haney López 2014). This is a value structure that suggests that the government ought to treat everyone equally and as individuals but should not

¹³⁵ Refer to Chapter 2 for a deeper discussion of the ways in which classical liberalism and racism interact.

redress its own past ills, and the ideological string dating back to the 1930s can be followed straight through to this contemporary case. While politicians responsible for the termination of MAS seek to soften this ideology through descriptions of personally tutoring underprivileged minority students, their rhetoric still relies on the idea that there can be only individualist fixes to problems of racialized inequality. If a program such as MAS is considered to have collectivist goals, no matter how well it addresses a racialized academic gap, then under these values it has no place in public schools – spaces designed, ironically, to instill collective American values as described in Chapter 2.

CHAPTER 8

CONCLUSION

On August 23rd, 2016, I sat in on my first TUSD school governing board meeting. After passing through the metal detectors and showing the attending officer that there was nothing in my backpack aside from materials to take notes, I took a seat toward the back. The meeting went on for three and a half hours. Among the topics of discussion was how to best incorporate the business community into K-12 education. They considered business sectors that Tucson wanted to attract and discussed how students would then be trained to work in these sectors. A board member proclaimed, “The business community is REALLY needing qualified workers.” I received a brochure on Career and Technical Education, extolling the virtues of a jobs-based approach to education. The brochure read,

Students who complete CTE (Career and Technical Education) programs tend to have higher test scores and are ready for their next steps to career and college. The CTE/JTED (Joint Technical Education) classes have a 98 percent graduation rate, making it clear that these classes make a difference.

This logic appealed to the TUSD governing board, a board that still included two of the members who originally voted against maintaining the MAS program. But the TUSD MAS program showed similar academic results to those seen in CTE/JTED: higher test scores, higher graduation rates. The support for CTE/JTED that I witnessed against the backdrop of the termination of MAS was the first of many moments I would come to see revealing the highly political nature of education debates in Arizona. The question is not truly “which programs provide the best academic results?” but rather “which programs produce the type of person we most value?”

With this work, I considered the how racial resentment, especially anti-Latinx sentiment, was politically utilized in the case of the ARS § 15-112 and the subsequent strategies of denial and evasion. I consider the attack on the MAS program as well as the teachers and students to be an instance of racialized institutional betrayal, wherein the students relied on the very institutions and figures that negatively impacted them and targeted them for political gain. Further, the program's termination occurred within a larger context of policy and legislation targeting Arizona's Latinx community.

However, it is not politically viable to explicitly admit racialized wrong-doing. I observed a pattern in response to allegations of racism and racial animus that I refer to as appropriative evasion: after the initial attack, there came a denial, then an attempt to undermine the credibility of the wronged party, and finally a reversal of victimhood. In the reversal, not only did the politician become the victim of slander, but white America was enrolled as victim of a hateful anti-white, anti-American ideology that politicians claimed MAS perpetuated despite having no first-hand evidence to support this idea. This strategy is informed by both Haney López's (2014) racial dog whistle politics and Fredy's (1997) DARvo (Deny, Attack, Reverse victim and offender). These political tactics mirror tactics used in abusive relationships to confuse the target and ultimately paint the abuser as the victim, but work here on a larger political landscape.

I further find that the two most commonly used tactics to undermine the credibility of MAS involved 1) associating the program with collectivism and communism while advocating for an individualistic, capitalist society as part of the state-approved American value system, and 2) associating the program and the students with rudeness and disrespectfulness. These two strategies allowed the conversation to be maneuvered away from the question of whether and how the Latinx community is being targeted and/or harmed by ARS § 15-112, to whether the

people associated with MAS are “good” people and “good” Americans. As I show, these understandings of “good” Americans are rooted in a longer white supremacist history that cannot be untangled from the current moment. In fact, to discuss these American values as unrelated to race is ahistorical and ageographical. It assumes no context and further assumes the current racialized power structures are not only neutral, but correct.

I argue that appeals to race-free, US civic nationalism act as a dog whistle, concealing the material impacts of racialization behind lip service to, or perhaps even closely held belief in, the theoretical egalitarianism of an ideal type nation that exists nowhere. Politicians who advocated an end to the program leaned in to fears of a “browning” country for political gain, yet evaded accusations of racism and racial animus through obfuscating narratives. Political discourse surrounding the termination of MAS included vehement support of the Founding Fathers and an insistence upon the repetition of national stories that paint the United States and its leaders as either hero or victim, but never violent aggressor. Looking at these figures and histories through a critical lens is considered both disrespectful and dangerously anti-American.

The significance of the termination of the TUSD MAS program ranges from the scale of the classroom to the scale of the nation-state, with the level of the state (Arizona specifically) maneuvering between the two. It considers the extent to which each is, and can be, used to (re)produce the others as well as to resist pressures from below and above. This is the story of the attempted maintenance of a contested status quo rooted in white supremacy. And key here is that the status quo *is indeed contested* – across time, across scales. The concepts of the “ideal American” or “American ideals” are not the same throughout the country and have not been identical throughout its history. This is precisely why the classroom represents such an immensely important space as the country grapples with questions of values and national

identity, because it is here that young people are exposed in depth to different understandings of who we are and what our history means, or even what our history consists of. What does learning “American” ideals look like? From whom did these ideals emerge and who have they excluded? Why is it important for the school system to enroll students in a particular way of thinking and of seeing American history and culture? Which people and what ways of life will be negatively impacted if schools don’t promote those values? Ethnic studies, including TUSD’s Mexican American Studies program, acts as lightning rods for these questions, especially when their value, or place in schools, are themselves contested.

Ethnic studies has always been inherently political insofar as it has always been associated with fighting for rights and against the whitewashing of the American education system which “systematically espouses a narrative of white dominance and the invisibility or inferiority of racially minoritized communities” (Buenavista 2016, viii). It provides students the tools to critically analyze power dynamics both in and out of school (Daus-Magbual and Tintiangco-Cuables 2016). Perhaps then it is no wonder that both state systems and individuals invested in maintaining the status quo would choose to spend state resources to fight it. Perhaps it is even less surprising that opposition to it could become part of political campaigns that pander to a fear of a “browning” country.

As a result of its political beginnings ethnic studies has a close relationship with struggle. The history of ethnic studies in the United States spans decades. The National Association for Ethnic Studies (NAES) dates all the way back to Wisconsin in 1973 with the leadup work from scholars beginning even earlier. The work that led to the NAES built upon student movements that took hold in the 1960s (NAES 2019). Included among these were the week-long Chicano Blowouts, also known as the East L.A. Walkouts, in which thousands of Chicana high school

students walked out of school to protest inadequate resources, educational opportunities, and representation. College students and the Brown Berets joined in, acting as monitors to protect the high school students (García and Castro 2011; Pulido 2006). This work built upon, and further informed, the ongoing Black student movement (García and Castro 2011).

Growing out of this history of struggle, political engagement, and specifically questioning the white supremacist status quo directly turned MAS into a perfect political punching bag for a right-wing growing directly out of the traditions set forth by the American Liberty League and the John Birch Society. For these groups, defeating collectivism was the main goal, while stirring up racial resentment represented an acceptable side effect if not a useful tool.

I. Beyond the TUSD Mexican American Studies program

The case of Mexican American Studies is not only important to our understanding of this *particular* political struggle over building and preserving a particular whitened national identity and value system. It also plays a part in two other stories: 1) the legislation disproportionately negatively targeted at Latinx communities in Arizona and its spread to other contexts, and 2) the larger battle for the expansion of ethnic studies generally. Beginning with the former, Biggers (2012) notes that other states and even right-wing groups in other countries copy and monitor Arizona anti-immigrant legislation that targets Latinx communities in ways that are harmful even to those whose families have been in the territory for generations (in some cases even before the US claimed the territory). He specifically notes that SB 1070, the “show me your papers” bill signed within a month of HB 2281, inspired copycat legislation in Alabama, Georgia, and Virginia, and found international support from Italian fascists. The UCLA School of Law (2019) adds Michigan, South Carolina, Minnesota, Pennsylvania, Rhode Island, Missouri, and Louisiana

to the list of states with copycat legislation. In addition, they point to anti-immigrant bills and initiatives out of Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Mississippi, Nebraska, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming that follow in Arizona's footsteps. Biggers (2012) notes that the perceived "browning" of Arizona led to SB 1070, while the "browning" of the schools led to HB 2281.

Fear of potential spread in ARS § 15-112 copycat legislation led attorneys from outside of Arizona to join together to seek to have the statute ruled unconstitutional. Anjana Malhotra of the Seattle University Korematsu Center for Law and Equality explained,

We have asked the Department of Justice to intervene because HB 2281 may, like SB 1070, invite copycat legislation that will have a chilling effect on curricular innovation and programs to promote educational equity (Seattle University School of Law 2012).

This concern was not unfounded. In 2017, Republican members of the Arizona House of Representative, Robert Thorpe and Mark Finchem, introduced HB 2120. The language of HB 2120 is lifted almost directly from HB 2281, but greatly expanded. They sought to prevent any "program of instruction any courses, classes, events or activities that do any of the following":

1. Promote the overthrow of the United States government.
2. Promote division, resentment or social justice toward a race, gender, religion, political affiliation, social class or other class of people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate solidarity or isolation based on ethnicity, race, religion, gender or social class instead of the treatment of pupils as individuals.
5. Violate state or federal civil rights laws.
6. Negatively target specific nationalities or countries.

These provisions would have impacted not only Arizona K-12 public school districts and charter schools as ARS § 15-112 had; this also targeted universities "under the jurisdiction of the Arizona board of regents" or community colleges. The bill did not make it very far.

However, in December of 2017, current Arizona Superintendent of Public Instruction, Republican Diane Douglas, declared an interest in pushing to reinstate certain provisions of ARS § 15-112. At least two Republican House members stated willingness to join her in that move (Pitzl 2017). Further, Republican Arizona House member Mark Fincham recently introduced the first education bill of the 2019 legislative session, HB 2002. HB 2002 seeks to prohibit any political or ideological advocacy by teachers in a tax-funded classroom, including any which “single out one racial group of students as being responsible for the suffering or inequities experienced by another racial group of students,” recalling the discourse of HB 2281.

Arizona is part of a much larger national struggle over ethnic studies. While there have been many fights and setbacks, ethnic studies has had its share of recent victories as well. In 2017, Oregon became the first state to require ethnic studies in K-12, with full implementation scheduled for 2021 (June 2017). That same year, Governor Eric Holcomb of Indiana signed Act 337 into law, requiring that all Indiana high schools offer ethnic and racial studies courses (The Recorder 2017). While California governor Brown ultimately vetoed AB 2772 in 2018, which would have made ethnic studies a requirement for high school graduation (California Legislative Information 2018), California school districts are taking the issue up on a smaller scale. The El Rancho Unified School District and the Los Angeles Unified School District passed resolutions requiring both independently adopt ethnic studies as a graduation requirement (Caesar 2014; LAUSD 2015). In Texas in 2018, the State Board of Education approved a K-12 Mexican American Studies course to be offered as an elective after years of struggle (Paquian 2018). While Kansas lawmakers rejected a bill requiring the state’s Department of Education to create ethnic studies courses and standards in 2016 (Zubrzycki 2016), in 2017 Democrat Representatives announced plans to try to introduce ethnic studies legislation once again (Deines

2017). The current political climate may play a role in the successes. Ravi Perry, president of the National Association for Ethnic Studies, noted that ethnic studies has “gained momentum, frankly, with the election of Donald Trump” (Deppenbrock 2017). California Assemblymember Jose Medina similarly explained that the 2016 election of Donald Trump “adds to the impetus” for pursuing ethnic studies legislation (Steinmetz 2018). Our current political backdrop makes it difficult to predict the fate of ethnic studies in the coming years.

II. Future avenues of inquiry

Further avenues of research on this subject are plentiful. Questions arise concerning how new struggles over a border wall and the policing of both migrants and Latinx communities will impact curriculum and what is taught in terms of American history, culture, and ideals. As ethnic studies successes begin to amass, there is also need for comparative political geography research analyzing where ethnic studies has gained footing and where it is either facing resistance or not being championed at all. Outside of ethnic studies specifically, work on K-12 racialized institutional betrayal is lacking as work on schools is primarily focused at the college level. Work on political manipulations around race must continue to follow its evolution. While I conceive of appropriative evasion as a political technique to respond to accusations of racism, similar patterns can also be examined in other realms, such as accusations of sexism.

I also consider a more direct continuation of research in Arizona. Thiem (2009) detailed the need for geographers to begin to study education as not simply an isolated sector, but to examine the ways in which educational practices, systems, and institutions can help us develop a deeper understanding of the workings of advanced capitalist political economy, paving the way for the budding subfield of critical geographies of education. My dissertation field notes and interview data tell a second story that is also tangled together with that of the termination of the

MAS program. This story is one of a state working to privatize its education system. Here, I follow Thiem in considering what changes in educational systems and structures can tell us about the current processes and tensions of neoliberalization. A main political-economic requirement of neoliberalization requires the construction of a market-based populist culture that embraces individualized libertarianism (Harvey 2007), an idea which was key to the political rhetoric surrounding the anti-MAS legislation. What is of interest to me is the smaller-scale moments and mechanisms by which the erosion of the public education system occurs, how proponents of privatization utilize those moments to work toward state-level goals, and the differing impacts of erosion of public education on differently racialized students and students of varying socioeconomic backgrounds. Roberts and Mahtani (2010) warn that scholarship that only examines racialized outcomes of neoliberal policy results in a limited analysis. Instead they suggest that neoliberalism be discussed as a fundamentally raced project, and the racialization emerging from it should not be written off as epiphenomenal to the structuring of capital. I agree with the need to foreground the role of race and the struggles over the maintenance of white supremacist power structures in such an analysis.

The state of Arizona and its representatives argue that MAS had to be stopped, in part, because it politicized the classroom. I argue, however, that classrooms are inherently political spaces and, further, can never *not* be political spaces. The very project of education is part of the larger project of citizen formation, with one of the primary rationales for the public school being to create citizens prepared to participate in the political life of the state. It is up to all of us to determine how we will shape these institutions that in turn shape our nation.

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APPENDICES

A. KEY STATE-LEVEL POLITICAL PLAYERS

Anderson, Mark: Worked for the Arizona Department of Education (ADE) from 2009-2010 under Horne. One of his roles was to act as liaison or lobbyist for the ADE, particularly to promote bills Horne was interested in, including HB 2281. Was a member of the Arizona State Legislature for 14 years prior. In his last four years he acted as the chair of the House Education Committee.

Brewer, Jan: Served as Governor of Arizona from 2009 to 2015. Signed ARS 15-112 into law.

Hibbs, Elliott: Huppenthal brought Hibbs to work under him as a deputy superintendent in the Arizona Department of Education starting in 2011.

Horne, Tom: Wrote the first draft of HB 2281. Member of the Arizona State Legislature from 1997 until 2001 where he chaired the Academic Accountability Committee and served as vice-chair of the Education Committee. Served as superintendent for public instruction in Arizona from 2003 to 2010. Served as Arizona Attorney General from 2011 to 2015.

Hrabluk, Kathy: Served in the State Department as a program specialist attached to a federal grant focused on K-3 literacy. In 2004, she became director of the state-wide Reading First grant. In 2006, she became deputy associate superintendent. In 2008 became associate superintendent of education. Served under both Horne and Huppenthal.

Huppenthal, John: Served in the Arizona Senate from 1992 to 2000 and again from 2005 to 2010. Between these two stints in the Senate, he served in the Arizona House of Representatives.

From 2009-2010 he chaired the education committee. Became superintendent for public instruction in Arizona in 2011 and served until 2015. Found TUSD in violation of ARS 15-112.

Montenegro, Steve: Member of the Arizona House of Representatives from 2009 to 2017.

Introduced HB 2281 and acted as a prime sponsor of the bill.

Pearce, Russell: Served in the Arizona Senate from 2006 to 2011. Worked with Horne to create a precursor to HB 2281, SB 1108.

B. TIMELINE OF EVENTS RELEVANT TO ARS § 15-112

- 1954 – *Brown v. Board*
- 1973 – U.S. Department of Health, Education and Welfare reports that TUSD is racially unbalanced and lacks equal educational opportunities for minority students
- 1974 – *Fisher v. Tucson Unified Sch. District*: NAACP files a lawsuit on behalf of African-American TUSD students, charging that the District was segregating and otherwise engaging in unconstitutional discrimination against black elementary and junior high students.
- 1974 – *Mendoza v. United States*: The Mexican American Legal Defense and Education Fund charges TUSD with segregation and various acts of discrimination against Mexican-American K-12 students
- 1975 – Fisher and Mendoza are certified as class representatives for these both groups of students and the cases are consolidated for trial to take place in 1977
- 1978 – District court rules TUSD is still segregated and must integrate
- 1978 – 1st Unitary Status Plan to achieve an equal and integrated district
- 1998 – TUSD MAS department created
- 2005 – TUSD petitions for unitary status
- 2006 – Dolores Huerta gives a talk at TUSD and Horne brings his deputy, Dugan, in to refute the idea that “Republicans hate Latinos.” Dugan’s speech is met with silent protest.
- 2007 – Horne begins to openly attack MAS, starting with his *Open Letter to the Citizens of Tucson*
- 2008 – Unitary status granted, with Post-Unitary Status Plan caveat including expansion of MAS
- 2008 – AZ SB 1108 is attached to a Homeland Security bill, attempting end ethnic studies programs in the state and to establish that a primary purpose of public education is to “inculcate values of American citizenship”
- 2009 – Horne’s AZ SB 1069 introduced, designed to prohibit “Arizona schools from instruction in ethnic studies aimed at a particular group or that advocate ethnic solidarity”
- 2010 – Jan Brewer signs HB 2281 into law as ARS § 15-112
- 2011 – The Ninth Circuit Court of Appeals overturns TUSD’s unitary status
- 2011 – Huppenthal declares TUSD noncompliant with ARS 15-112 based on MAS
- 2012 – TUSD school governing board votes to cut MAS to avoid losing state funding as stipulated under ARS § 15-112.
- 2013 – New unitary status plan developed without mention of MAS
- 2013 – In accordance with the 1978 federal desegregation ruling, TUSD resurrects some aspects of its Mexican-American studies program, calling the courses “culturally relevant” instead of “ethnic studies” classes
- 2013 – *Acosta v. Huppenthal* dismissed for lack of standing
- 2015 – Huppenthal issues a notice of non-compliance directed at TUSD for their culturally relevant courses
- 2015 – *Arce v. Douglas*: continuation of *Acosta v. Huppenthal* with new plaintiff and defendant. 9th Circuit Court of Appeals upholds in part and reverses in part ARS § 15-112. They find provision A(3) in violation of the First Amendment, but find it severable from the rest of the statute. Remand First Amendment viewpoint discrimination claim to district court for further proceedings and the equal protection claim under the Fourteenth Amendment for retrial.

2017 – *González v. Douglas*: Judge Tashima rules in favor of plaintiffs based on First and Fourteenth Amendments. He issues an injunction against enforcing ARS § 15-112.
2018 – TUSD granted partial unitary status

C. HUPPENTHAL INTERNET COMMENTARY DISCUSSED IN 2017 TRIAL

December 14, 2010: "No Spanish radio stations, no Spanish billboards, no Spanish TV stations, no Spanish newspapers. This is America, speak English."

December 15, 2010: "The rejection of American values and embracement of the values of Mexico in La Raza classrooms is the rejection of success and embracement of failure."

December 16, 2010: "I don't mind them selling Mexican food as long as the menus are mostly in English."

January 4, 2011: "La Raza means 'The Race. ' It doesn't mean the Mexican race, unless you use it as a shorthand for that. But it's also shorthand for classroom studies that depict America's founding fathers as racists, poisoning students' attitudes towards America."

October 3, 2011: "The Mexican-American Studies classes use the exact same technique that Hitler used in his rise to power. In Hitler's case it was the Sudetenland. In the Mexican-American Studies case, it's Aztlán."

January 14, 2012: "No book whatsoever has been banned. Just that MAS skinheads can't run classrooms."

January 15, 2012: "Pedagogy of the Oppressed and Occupied America are hateful books and are being taught as belief systems in Mexican-American Studies. The books aren't the problem. The infected teachers are the problem."

January 23, 2012: "They're having an orgasm over the claim that their book was banned. Now maybe a student will read it."

March 8, 2012: "Yes, MAS equals KKK in a different color."

May 20, 2013: "All these Marxist textbooks are bizarre. Karl Marx was a white European. Why worship him? Curtis Acosta's teaching created vibrancy, but Mexican-American Studies in total is a wasteland, a dead end for students intellectually. The behaviors of teachers in these classrooms are bizarre and wouldn't be tolerated by anyone when exposed to daylight. Notice the subtext here. Curtis is getting rich off this controversy. Is he now one of the oppressors?"

D. VERBAL RECRUITMENT AND CONSENT SCRIPT

Hello. I am a graduate student under the direction of Professor Amy Trauger in the Department of Geography at The University of Georgia. I would like to invite you to participate in a research study concerning K-12 education in Arizona and more specifically in the Tucson Unified School District. The purpose of this study is to examine issues of educational inequality as well as the termination of the Tucson Unified School District's Mexican American Studies program.

To participate in this research you must be 18 years or older.

Your participation will involve answering a series of open-ended questions and may take as little as half an hour. It may take longer depending on the length of the answers you provide.

If yes, continue with the remaining elements of informed consent:

Your involvement in the study is voluntary, and you may choose not to participate or to stop at any time. You may withdraw your consent during or after the interview, in which recordings or transcriptions of your answers will be destroyed. You may also choose to withdraw portions of your response and leave the rest intact. You will not be identified by name in the research. Direct quotes will be attributed to a pseudonym. Your identity will not be associated with your responses in any published format.

There are no known risks or discomforts associated with this research. There will be no compensation for participation.

If you have any questions about this research project, please feel free to contact me or my faculty advisor. Questions or concerns about your rights as a research participant should be directed to the University of Georgia Institutional Review Board.

By proceeding with the interview, you are agreeing to participate in the research project.

The researcher will answer any further questions about the research, now or during the course of the project, and Dr. Amy Trauger can be reached by telephone at: [] and by email at atrauger@uga.edu, while Gloria Howerton may be reached by email at: gjhowert@uga.edu.