

Catherine Albiston

Irene Bloemraad

Judith Butler

Cybelle Fox

Ann C. Keller

Neil Fligstein

Denise Herd

Zeus Leonardo

G. Cristina Mora

Raka Ray

Joel C. Sati



TRUMPISM
AND ITS DISCONTENTS

EDITED BY

Osagie K. Obasogie

WITH A FOREWORD BY **john a. powell**

Trumpism and its Discontents

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Osagie K. Obasogie

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Foreword

john a. powell

The problem with contemplative reflection on this current American political and societal moment is regarding it as exactly such—as a moment. Too often, Donald Trump’s rise to the office of president of the United States is boiled down to a single point—a momentary lapse of judgment or the culmination of a period confined to rising tensions independent of long-standing patterns and trends with through lines to the country’s past. When the accepted premise is that the journey toward justice is an inexorable and linear progression, power and dominance—and individual autonomy to either sustain or resist structures of power and dominance—are obscured. Moments of cultural reckoning then end up being rendered anomalous, ruptured from a history, described and understood as a temporal singularity. Any analysis that lands at this conclusion is thus a misinterpretation of the troubles and times in which we now live. Donald Trump did not come out of nowhere. He is the product—whether or not he is the culmination is up to us—of a long fomenting and incubating project. He and the politics he represents are a part of a time-weathered struggle for power—for the right to dominate—over identity, over who belongs.

Trump’s politics, strategy, and rhetoric can be traced to President Nixon’s Southern strategy and to George Wallace’s demagoguery which dates back to the Civil War, Reconstruction and Redemption. Even as Wallace staked out his platform on defending the South’s right to defend its formalized, racially hierarchical society, his

battle cries brought him significant support throughout the industrial Midwest (even reaching the level of a Michigan primary victory in his 1972 bid for the presidency). This region is a prominent seat of Trump's political base, and his and Wallace's rhetoric bear striking resemblances. Wallace capitalized on the political backlash against civil rights gains for Black Americans and other people of color, promising to shore up the cachet of white identity for a group of people feeling a sense of economic and social loss. Wallace's insulting and disparaging language targeting Black people, his calls for violence, and his sympathy for a forgotten people are mirrored in Trump's "Make America Great Again" slogan, his strongman calls for increased police use of force, and his demagogic anti-Muslim and anti-Mexican slander and policies. During his 1968 presidential run, Wallace lamented, "It's a sad day in this country when you can't talk about law and order unless they want to call you a racist," words Trump echoed decades later by proclaiming himself the "law and order candidate." Couched in terms that imply standing up for and protecting the white working class, calls for law and order actually represent a violence toward and repression of intruding people of color for the purposes of drawing hard lines of division, giving shape to the "other" and the "we," and generating a value in whiteness for a group eluded by material gains. Contained in these words are not only a promise of violence but also a reassurance that bolstering white identity through the dehumanization of others is a legitimate and reasonable political proclivity.

This context needs to be understood in order to democratize power, to do away with dominance, to reinterpret the self, and to expand the circle of human concern to all including the earth and non-humans. If the rise of Donald Trump is not grappled with critically, we will not release ourselves from the social corrosion we are all acutely experiencing. The work will be difficult—for many reasons, the least of which is not that it demands a look inward. We must reconsider who we are and who we think we are, and think more carefully about how we have tried to answer those questions through the creation and exploitation of othered beings instead of by searching for ourselves in relationship with those believed to be the "other." If we are to together forge a society in which a Trump phenomenon would not be possible, the conversation must be contextualized on these terms. This interrogation is not just about Trump but about America from our very beginning. This is the groundwork on

which to build effective solutions and courses of action. The essays in this volume are urgently needed to advance this effort.

Tribalism

Much of the dialogue attempting to describe and diagnose the current political environment advances the idea that the divisions plaguing society are tribal in nature. This line of argumentation suggests that the United States is composed of equally situated and equally influential adversarial factions at odds with one another. Another version of this same argument focuses its attention on the polarization between the Republican and Democratic parties in the United States Congress and extrapolates their incapacitating antagonism toward each other to the entire country. There are a number of issues with this reasoning. The first is that the political divide in Congress—the so-called conflict between the red and blue tribes—is not a form of tribalism at all but rather a symptom of a gridlocked political system increasingly incapable of meeting the responsibilities of governance necessary to manage today's global economy. Calling the broken nature of Congress tribalism masks the strategic and intentional capture of the government by and for corporate interests. The global economy demands the weakening of labor and environmental protection laws and the constriction of the social safety net to feed its insatiable and rapacious craving for ever-greater profit. National corporate tax rates are dodged and avoided with the use of tax havens. Countries are left with very few policy options to reclaim the fleeing revenue to reinvest in their populations. From the perspective of the global corporate elite, there is no home nation. A sense of allegiance does not exist. The only commitment is to profit and self-enrichment. Communitarity, a devotion to the people, the institutions, and the infrastructure of the country that multinational corporations call “home,” is scoffed at and dismissed. The elites have transcended the nation-state, and having limited use for it, have sought to disentangle themselves from it and diminish its influence except to protect its interest. Consider the government's fight over intellectual property on behalf of the elites. Multinational corporations that depend on unaccountability and the ability to dictate—as opposed to obey—the internal policies of nations do not want a competent government system. Adherents to the doctrine of neoliberalism

do not want government competing with the market for control over the public sphere. Domestically in the United States, the polarization of Congress has less to do with a form of tribalism than it does with elected officials placing fealty to their corporate donors over their responsibility to legislate.

However, corporate capture of the country's legislative apparatus is not the only force at play driving partisan recalcitrance. The politics and politicking of the last half century have created conditions for extreme partisan divides in Congress. Prior to the Great Society reforms and the passage of civil rights legislation during the Johnson administration, both the Republican and the Democratic parties had liberals and conservatives within their tents. This ideological diversity within each party allowed for cross-party coalitions and compromise. Bipartisan legislation was possible because there was greater ideological overlap straddling the party labels.

Following what was seen as unacceptable encroachment into social and material status reserved exclusively for whites through the legislative advances of the 1960s, conservative Democrats bent on preserving white racial hierarchy allied with the wing of the Republican party representing corporate interests. This coalition pushed a narrative linking regulation of economic excesses and the provision of previously denied rights to people of color under the header of the government's overreach into arenas of life in which it had no business interfering. Stemming from this realignment was the ideological consolidation of the two parties. Since the Civil War, the United States had three parties; Democrats, Republicans, and the South. The South's major issue was racial dominance of Blacks. The South aligned with the Democrats for many years under the banner of "Dixiecrats." After the civil rights movement's success in passing a number of laws and challenging formal Jim Crow, Dixiecrats moved to align with the Republicans. This created tension between moderate Republicans and the Dixiecrats. Eventually the Dixiecrats being the anti-Black and anti-immigrant wing of the Republican party were able to consolidate under an anti-Black pro-white nationalist and pro-corporate banner. They became the conservative white people's party. This coincided with the rise of the Tea Party, but this became more robust under Trump.

As gerrymandering techniques have become more sophisticated, polarization

has intensified as districts are now drawn with ever-greater precision around ideological, homogenous voting blocs. Very few incumbents are now challenged from the other side or from the middle. Elected officials are now more vulnerable to facing an opponent from the extreme wing of their party, what's known as being "primaried." These factors have led to an environment in which politicians and their parties are more polarized than the population is. The tribalism analysis is also inaccurate in its definition of *tribalism* as equally situated antagonistic factions. This framework decontextualizes the relational positionality through which society's tensions are occurring.

The problem being misidentified as a politics of tribalism is actually a politics of breaking. *Breaking* is used here to describe the dynamic process of constructing the stories and practices that mark certain people as being outside of the "we"—that is, outside of the group of people who see themselves as one. Those within the "we" receive and regard themselves as deserving of the resources and spoils of society and concoct stories that justify their belief that those outside the "we" are different, undeserving and possibly a threat. These rationales, which not only explain the logic in denying the "other" but also simultaneously create the "other," are the practices that constitute breaking. Breaking is often used to constitute a small exclusive "we." And this has become a central strategy of Trump that takes the country beyond the bounds of neoliberalism. The formation of a demarcated group defined as being outside of and irreconcilable with the "we" is the process of *othering*. It is the making of a group whose identifiable characteristics are imbued with social meaning that firmly separates its members from the "we."

This explanation of group relationship may sound like tribalism, but it differs from that concept in several important aspects. Put in different terms, *othering* is "a set of dynamics, processes, and structures that engender marginality and persistent inequality across any of the full range of human differences based on group identities." The crucial difference between tribalism and othering is evident in an analysis of power's impact in determining group positionality and relationship. The tribalism perspective relies on a false sense of group symmetry. But the *other* is constructed for the purpose of establishing an exclusivity around social access and advantages as well as creating an identity of worthiness and superiority for the *in-group*—the "we." What we are experiencing in the United States is not equally situated fractured

groups but rather the dynamic of breaking centered on the distribution of power. The othering that is occurring is for the purpose of maintaining and sharpening dominance by strengthening the in-group's sense of identity through the restriction of social capital, access, and benefits for those on the outside. Dominance in the United States takes many forms, including Christian, male, cisgender, and heterosexual dominance. But its central and foundational manifestation is in the form of an ideology of whiteness fueled largely by anti-blackness.

By extending the misreading of political polarization as tribalism to all societal division, the function of power is removed from the understanding of society's fault lines. The application of the term *tribalism* allows its purveyors to subsume tensions resulting from racial hierarchy and subordination under the category of disputes based on political ideology. It also understates the role of the elites. This action is a conflation of convenience because it excuses a serious interrogation of white racial hierarchy as well as self-interrogation about one's location within this arrangement and one's unearned advantages that may be accruing because of it. This attempt to wrap together racial dynamics and divisions along lines of political ideology is also a product of white identity construction.

Writers like Edmund Morgan, Steve Martinot, Michael Omi, Howard Winant and Theodore Allen explain, through the example of group formation and cohesion in colonial Virginia, that in order to forge a bond that would hold the enslavement-based economy and society together, the landowning elite enlisted the free labor working class of European descent in slave patrol efforts. The slave patrols involved instances of unrelenting violence and terror directed against the enslaved African population, but they also acted as the source of group unity, peace, and stability in the formation of a new group that bonded the elites to the working class, joined under the banner of whiteness. Through the exclusion of enslaved Africans from the colonial polity, working-class whites accepted their materially disadvantaged socioeconomic position to be a part of the body politic built around white identity. Whiteness gave them a reason to accept this arrangement. Therefore, it can be argued—as W. E. B. Dubois and Martinot do—that whiteness and the formation of a white class structure depend on the exclusion, on the othering, of Black people and other people of color.

This understanding of the formation of not only white identity but also the

white socioeconomic class structure is what is lacking in the tribalism analysis. Even though it is assumed that when issues of class are being invoked people of color are fully included and represented in such a deliberation, in order to maintain the white in-group's implicit understanding of class arrangement and its commitment to the current economic order, people of color must be to an extent constituted outside of that vision. The concept of working class came to be seen as an ideological stand in for white. So class in the United States was racialized from its inception as described by David Roediger's work, *Wages of Whiteness*, the title playing off a central frame developed by Dubois.

Here, at this location, lies the problem with conflating the racial grievances of people of color with the political ideology battles that are labeled as *tribalism*. Disagreements about left versus right and the role of government in wealth redistribution are mostly differences in opinion about class relationships. Demands by people of color to be fully accepted as members of society are likely to be interpreted—whether unconsciously or not—as threats to the class structure itself. (This threat is why many whites have abandoned their opinions on wealth distribution to avoid the prospect of sharing resources with nonwhites.) The framework of tribalism seeks to include people of color within the ideological spectrum of the polity, whereas the construction of the polity around the identity of whiteness necessitates that people of color remain outside of it. This result leads people of color and their demands to appear to be at the extreme end of or a distortion of the spectrum and not grievances external to the spectrum. People who espouse the tribalism explanation thus perceive a deep polarization in situations in which there are actually calls for greater belonging being met by refusals to hear them as such.

Identity Politics

A similar misrepresentation is also at the center of the discussion of identity politics. Following Trump's election, as the Right was doubling down on stoking racial resentment and the fear of others, some voices on the Left began calling for a return to what they deemed universal political issues. According to this line of reasoning, the election had been lost because the fringe issues of minority groups had received too much attention and had caused regular working-class voters to disengage.

What these conclusions seemed to miss is that the extent to which an issue can be perceived as universal depends on one's situatedness, or relationship based on social location, to the issue. However, these conclusions also require an ignorance of other groups' situatedness. An issue can only be called "universal" if due time and attention have been given to understanding whether other groups have had the same experiences and relationship to the issue. Climate change can scarcely be called a universal problem when pollution plants have a higher likelihood of being zoned in poor neighborhoods or communities of color than in other areas. Health care can hardly be thought of as a universal issue when there is a categorical assault on women's health and reproductive rights or when Black women's level of fatal interactions with the health-care system is higher than that of any other demographic group. Also lost is the fact that a call to abandon identity politics is actually a participation in breaking. Most of the demands made by groups labeled as toiling in identity politics—women of color calling for a disaggregated look at the gender wage gap to capture the intersectional effects of sexism and racism, transgender rights groups fighting against their deliberate exclusion from public spaces executed through restrictive restroom policies—could more accurately be described as othered people demanding full human dignity. To say these issues do not matter, to support pivoting away from them because they have been deemed mere distractions, is to endorse a posture of breaking and to accept the continued constitution of the in-group's identity upon the exclusion and diminishment of marginalized people.

It is through these considerations that it begins to become evident that what is thought of as the universal is generally a description of an issue seen from the situatedness of the white male identity and that the "regular working class" is implicitly understood to be the white working class. This view elucidates the false choice between identity politics and the universal and reveals that what is thought of as the universal is in fact white identity politics.

When pollsters and politicians encourage a return to the issues important to the white working class, what are they really calling for? When the claim is made that this group has been ignored, what does that assertion mean without an understanding of the construction of whiteness and the cohesive properties binding the working

class to elites as a white in-group? As mentioned in the earlier discussion on the colonial era's construction of whiteness, people of European descent accepted their contemporary economic arrangement in exchange for the psychological payoff of white identity. This payoff is commonly referred to as "the wages of whiteness." To mitigate the loss and diminishment of monetary income or material benefits, payment in the form of white group membership was accepted in lieu of them. And these "wages" were happily paid by the elites, who continued to accumulate a greater concentration of wealth in their own hands. Throughout the history of the country, following times of lower levels of economic inequality—the New Deal and Great Society eras—were periods characterized by an abandonment of policies that promoted shared prosperity in the name of a return to the wages of whiteness. This strategy is chronicled by Ian Haney Lopez in *Dog Whistle Politics*. Part of these "backlashes," the term itself grounded in racial origins, was fueled by the perceived inclusion of Black and Brown people and the corresponding improvement in social mobility for these groups. The relative progress of Black people and other people of color was read as a threat to the identity of the white in-group. Perception of this threat was enough for the project of broad prosperity to be discarded.

For elites, the arrangement was always to deprive the white working class of material gain in exchange for their receipt of the psychological benefits of whiteness. Now that the deprivation has grown so egregious, proclamations that the white working class is being ignored and neglected have increased. But absent the context of white identity construction, what do calls to return to addressing the needs of the white working class mean? Do they mean meeting the working class's material needs, or do they mean meeting these people's identity needs? Will their identity needs be catered to on the basis of an exclusionary white identity, or will an inclusive identity of broad belonging be forged and advanced? How do members of the white working class perceive their needs? Just as people of color contend that their situatedness needs to be understood before "universal" issues can be addressed (with situatedness being labeled as "identity politics"), whites make the same request. This situation is part of the reason why Trump won every category of white voter. The question is often raised as to why working-class whites have voted against their own self-interest. But they have not. They have voted for tending to

their identity first before tending to their material interests (what have been described as “universal” interests) takes place.

Since at least the *Lochner v. New York* era of the early twentieth century, there has been a deliberate conflation on the part of elites of their economic freedom with the ruggedly individualistic freedom of the rest of the white in-group. This tactic has resonated particularly strongly within the public imagination because the idea of individual liberty is so central to the notion of the Western self, a relationship that means individual liberty or more poignantly, organic or sovereign freedom which is predicated on the whiteness and the right to harm the other. Recent attacks on the Green New Deal fueled by Big Agriculture’s fear of diminished profits have sought to link a curtailment of large-scale factory farming to threats to take away livestock from individual farmers and ranchers. The National Rifle Association’s preoccupation with regulations that would reduce the revenue of gun manufacturers is repackaged as an effort to steal individual people’s guns. Environmental regulations are painted as an assault on freedom. The social safety net is reframed to be an assault on self-reliance. By linking these issues to individualism and liberty, the corporate elite have managed to turn these issues of material well-being into issues of identity. What goes unnoticed in the specious identity politics analysis is that the white working class is asking that its members’ identity-based situatedness be addressed before their material needs are put on the table—the same request that critics disparage marginalized people for making. One of the more powerful recent examples is the call opening up the economy in the middle of the pandemic and the right not to have to wear a mask in public. This is framed as freedom. But it is predicated on the right to harm others. The problem is that so much of white identity as it is currently constituted is based on breaking.

Anxiety and Despair

The era of Trumpism has been strongly marked by rage, resentment, anxiety, and despair. Theorists like Richard Wilkinson and Kate Pickett explain these reactions as the results of inequality. They claim that high levels of economic inequality lead to social competition and division, which in turn create high levels of anxiety,

stress, mental illness, and dissatisfaction. But if this situation were the case, if the results of high levels of economic inequality were simply competition and division and the resultant stresses, the question still remains why suicides, drug overdoses, and alcoholism—what Anne Case refers to as deaths of despair—impact whites at a higher rate than they impact others. The answer likely has to do with a combination of factors, including the wages of whiteness and notions of identity. As regulatory and market capture by private actors intensifies, the corporate elite have only become more brazen in their profit-maximizing demands and have shown that they will stop at nothing to squeeze the captive class for all it is worth. Perhaps we have reached a point of such arrogance, power, and unaccountability among the corporate global elite that they feel no obligation to ensure that whiteness retains value for those who depend on it to commit to the social order. Monopsony power – when a single firm can exercise buying power – has depressed wage growth. Monopoly power causes consumers to face unaffordable prices for needed goods, ubiquitous and exorbitant fees add an additional layer of exploitation, and the erosion of the social safety net leaves people with nothing to fall back on. It may not be that the wages of whiteness are no longer being paid so much as it is that the exchange rate has rendered the wages nearly worthless. This situation has in turn fueled the rage and resentment.

With the decline of the value of the wages of whiteness, the value has to be produced somewhere else. And where else to turn besides to the well that has always enhanced white identity—the violence and terror exacted upon people of color to harden and sharpen the delineation between the white in-group and all others and to mark those outside as inferior. This process of attempting to strengthen the meaning and value of white identity is responsible for the rise in hate crimes against Black people, rampant Islamophobia, and rabid enthusiasm for repressive border security. Donald Trump provides the higher returns, so desperately pleaded for, to white identity, even as he hands over ever-greater monetary and material returns to the global corporate class. Any proposal that fails to account for these dynamics of identity and their influence on political outcomes will fail to pave a way forward that is not at risk of reproducing the conditions that have led to Trumpism.

The Way Forward

A world free of Trumpism will require that identities built not on dominance and exclusion but on belonging are advanced. Just as breaking is the dynamic fuel of othering, bridging is the dynamic fuel of belonging. New stories and narratives can be created that celebrate human difference and recognize the shared humanity of all, even as we recognize and engage each other's differences. Doing so is the process of belonging, which is the method of expanding the circle of human concern to encompass all. As whiteness is currently constituted, it is a break from spirituality, from the self, from the other, and from the environment, as has been illustrated in these pages. A question that is often asked is why would whites give up the privilege and wages associated with whiteness. The answer in part was given by Dubois. They gain the possibility of a democracy where the wages material and otherwise are much higher. There has always been a cost for whiteness that non-white and white in an asymmetrical way have paid so the elite can enjoy the material benefits that should belong to society. The cost for whiteness has continued to escalate. If we can reimagine a true democracy where all belong, we can claim the benefit of our economy, a real democracy and our humanity.

As was articulated at the outset of this foreword, Trumpism is more than just a phenomenon pinpointed to a single period in time. It is also more than just a phenomenon pinpointed to a single place. Trumpism is a manifestation of anger and hostility activated to defend identity that is based on dominance. However, whiteness is not the only form of dominance. Dominance-based identities exist across the globe and are being activated in repressive and authoritarian forms in every region and reach of the planet. The struggles against these forms of intense othering have to be linked worldwide. With the global integration of an exploitation-based economy, the same pressures and responses can be found in nation after nation. The fight is to ensure the correct response. The goal is not to replace one form of dominance with another. The goal is to replace dominance.

Yes, we are all highly influenced by our situatedness, but we are not imprisoned by it. Conservatives would have us believe that our situatedness is irrelevant; liberals maintain that it is essential and fixed. Neither view is true. Through the acknowledgment, as opposed to the neglect, of each other's situatedness, we can begin

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the project of improving everyone's upward mobility, relationship to material needs, and sense of belonging. Such a project calls on an engagement with spirituality—in the sense of self-discovery through engagement with and rediscovery of those we have long thought of as other and through establishing a closer relationship with the planet and the environment. We must do the work necessary to encompass everyone in our idea of the “we.” Further exploration of the concepts I have briefly discussed here as well as solutions to building a more inclusive tomorrow await the reader in the pages of this book.

Introduction

OSAGIE K. OBASOGIE

Like the Apollo 11 moon landing in 1969 or the Challenger space shuttle that tragically exploded 20 years later, many of us remember exactly where we were the moment we learned the outcome of the 2016 election. I have a general rule of watching election results and sporting events that I care about alone; unexpected outcomes – whether they are favorable or not – can sometimes be too much to bear in the midst of company. I spent that November afternoon and early evening on my couch in front of the television, watching the likelihood of Hillary Clinton’s victory start well above 90% and slowly tick down . . . tick . . . tick . . . tick . . . until the newscaster finally called it: Donald J. Trump would be the 45th President of the United States.

I sat there staring at the screen with a glass of bourbon in my hand. Earlier in the day, I ran into a colleague at work in the hallway. We exchanged banter about the election, and I voiced some skepticism at his confidence in a victory for Democrats. He said, “There’s no way Hillary loses this, right?” I just shrugged. I could tell from the look on his face that he thought I was being ridiculous. I knew what the numbers on FiveThirtyEight and the *New York Times* Presidential forecast said. But I also know America. And I had a gut feeling that Trumpism and all of its vulgarities – the slander of immigrants, the sexual assault allegations, the birtherism – appealed to more people than many realized.

As I watched the television pundits attempt to explain what they believed to be

an inexplicable outcome with buzzwords such as ‘economic anxiety’ and ‘suburban voters,’ my eyes just glazed over. This really happened. I wasn’t surprised as much as I was disappointed that the cynicism that I have at times for American politics had been validated. After eight years with a Black President, the Empire had struck back. And while it is clear that the Trump campaign welcomed assistance from Russia and perhaps other foreign countries, one thing is also certain: this backlash was as American as apple pie.

Trumpism as a theory or practice of politics is difficult to pin down. Unlike most political standpoints such as progressivism, conservatism, or liberalism, Trumpism has no real principles in the traditional sense. Republican pundit Ron Christie has characterized Trumpism as “what the president believes on any particular moment on any particular day about any particular subject.”¹ Former federal judge Mayrannne Trump Barry, the President’s older sister, confirmed this sentiment when her niece secretly recorded her saying, “All he wants to do is appeal to his base. He has no principles. None. None.”²

While Trump’s approach to politics and governing is demonstrably self-serving and transactional, one can discern patterns and loosely linked ideologies that come to resemble something that begins to look like a worldview. This volume is an initial attempt to bring greater clarity to the tendencies and impulses that coalesce to approximate what Trumpism might be if we take it as a serious political project.

The authors of the essays that comprise this volume share an affiliation with the University of California, Berkeley. As such, it is a demonstrably “Berkeley” project: progressive in its vision, a richness in theory that is only matched by its seriousness in method, and rigorous to the bone. The volume emerged out of a working group on Trumpism at the Othering and Belonging Institute on the Berkeley campus that came together shortly after the 2016 election and included Kathryn Abrams, Denise Herd, Taeku Lee, Osagie Obasogie, Angela Onwuachi-Willig, Joel Sati, and Leti Volpp. The project grew to include a partnership with the Institute of Governmental Studies, also on the Berkeley campus, which has served as the volume’s publisher and has been wonderfully supported by Christine Trost and Kelly Jones. The authors of these essays hail from disciplines as varied as law, education, public health, and sociology and examine aspects of Trumpism that include its reformulation of the liberal

order; transformations in race speech; shifts in the politics of gender, undocumented status, and immigration; fusing of antistate and antiscience approaches in regulatory policy; demographic shifts and the politics of resentment, and many other topics.

This collection is far from the first effort at understanding the politics and political imagination of the Trump presidency. But these essays offer a fresh look at Trumpism by closely examining its sensibilities as a particular political ordering inasmuch as its apparent incoherence and self-service are reshaping the country and world in ways that need thoughtful attention. The contributors to this volume offer this engagement, and it is our hope that the essays can provide a critical lens from which to understand the political world that has emerged around us.

Endnotes

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The Trump Presidency, Post-Color Blindness, and the Reconstruction of Public Race Speech

ZEUS LEONARDO

With the election of Donald Trump, the United States finds itself in a political crisis that scholars are scrambling to understand. Trump's campaign to "make America great again" (abbreviated as MAGA) mixes the old Right and its white working-class resentment with a new and alternative Right dressed in Banana Republic metrowear. The immediate question is "What happens when we mix old racism with new racism?" As this chapter argues, the result is that racialized speech undergoes another transformation. From the transparency of Jim Crow to the opaqueness of color blindness, new race speech is articulated with the platform of free speech some fifty years after the first free speech movement. Trump may be the convenient figurehead and Trumpism the new label; therefore, this book puts appropriate emphasis on both the man and his manipulation of right-wing ideology. However, the political moment is less about the president, his aspirations, and his antics, and more about an ideology that subsumes him, even if his name graces its title. Therefore, Trumpism is not about Trump per se (although he might wish it were) but instead about a new historical condition of race relations.

This chapter takes the truism of this basic premise and outlines the contours of new racial speech after color blindness, a type of race talk that, on the surface, harkens back to Jim Crow speech but cannot be equated with it. Its overtness, both linguistic (e.g., "build the wall" and "Muslim ban") and symbolic (e.g., white men

brandishing Tiki torches), recalls Jim Crow whiteness only at the obvious level. It is unabashed, brazen, and unapologetic. But at the semiotic level, new racial speech inaugurates whiteness in an unparalleled way precisely because it interpellates an acknowledged racial subject, an identity politics of whiteness. Of course, we may argue that people of color have always known that whiteness was a type of identity politics, a dynamic to which whites have been oblivious.¹ The difference in the current conjuncture is that new whiteness is white public assertion of its own racial identity **as** white. Whereas Jim Crow whiteness equated whiteness with the “human,” it demoted people of color to the status of racialized humans (in fact, as not human at all on many considerations). It forms a continuous arc with Bacon’s Rebellion, when white workers revolted with African slaves against the American government. A racial cut between oppressed “white” workers and slaves inaugurated a social distinction that divides an all but now unbridgeable difference between white humans and nonhuman blacks.² The ensuing practice was decisive and allowed an important difference to be established by law, stipulating that only blacks could be punished in public for infractions of which they were convicted, literally and racially marking their bodies through the history of public whippings, other cruelties, or death for centuries to come, including Jim Crow.

Suffering a legitimization blow during the civil rights movement, Jim Crow institutions crumbled—and with them went Jim Crow discourse—because American claims to democracy faced contradictions with the media images circulated around the world of white cruelty toward blacks. Jim Crow had to change, but white supremacy (in the sense of an assumed white superiority) continued. Jim Crow’s replacement came in the form of color blindness, or racialized speech that refuses overt references to race in a specious assertion of race neutrality and neoliberal individualism.³ Deserving to be quoted at length, Eduardo Bonilla-Silva writes,

These explanations emanate from a new racial ideology that I label *color[-] blind racism*. This ideology, which acquired cohesiveness and dominance in the late 1960s, explains contemporary racial inequality as the outcome of non-racial dynamics. Whereas Jim Crow racism explained blacks’ social standing as the result of their biological and moral inferiority, color-blind racism avoids

such facile arguments. Instead, whites rationalize minorities' contemporary status as the product of market dynamics, naturally occurring phenomena, and blacks' imputed cultural limitations. . . . In contrast to the Jim Crow era, [when] racial inequality was enforced through overt means (e.g., signs saying "No Niggers Welcomed Here" or shotgun diplomacy at the voting booth), today racial practices operate in "now you see it, now you don't" fashion. . . . Much as Jim Crow racism served as the glue for defending a brutal and overt system of racial oppression in the pre-Civil Rights era, color-blind racism serves today as the ideological armor for a covert and institutionalized system in the post-Civil Rights era. And the beauty of this new ideology is that it aids in the maintenance of white privilege without fanfare, without naming those who[m] it subjects and those who[m] it rewards.⁴ (*italics in original*)

According to color blindness, there might be talks of blackness but not blacks, whiteness but not whites. Discourses of proxy became the dominant way to "talk" about race without talking about "race." Coded phrases such as "bad choices" that people make or "bad values" that make people, become racially charged references to blacks without overt modifiers. Coated terms such as neighborhood or school "preferences," become stand-ins for second-generation housing and educational segregation. In fact, the term *color blindness* is misleading since white speech is not blind to color or race at all as much as it *selectively sees* it.⁵ It is what Bonilla-Silva calls a condition of "racism without racists,"⁶ whereby the agents of racialized acts are removed.

As such, employing color blindness is a way of feigning disregard for race, an action all the while betrayed by a clear preference for a racialized worldview. To be clear, the term *color blindness* is a tongue-in-cheek designation for a race discourse that distorts the actual machinations of racialization rather than confirms that the United States is blind to race or color. In that sense, color blindness is an ironic classification and not a literal one. However, as a term, *color blindness* comes with the unfortunate consequence of connoting ableism in that it forms a disparaging association with people who have the actual or medical condition of color blindness, uncovering racial contradictions while covering ability-related others. Of course,

its users, usually racially liberal to radical, do not intend this derision, but it is conscripted into ideological ableism nonetheless, with both real and imagined effects on unintended targets, in this case people with visual disabilities. To the chagrin of critical disability scholars, “color blindness” comes at the expense of people with color blindness through politics of representation.

Trump speech (not to be associated only with Trump) exceeds color blindness without returning to Jim Crow. It uses explicit racial references but inaugurates a) the ordinariness of whiteness, b) whiteness on its back foot, and c) the admission of whiteness as a public identity. These trends make *new whiteness* distinct from both Jim Crow and color blindness, a racialized speech that I call “post-color blindness,” a hybrid form of race speech that blends aspects of Jim Crow **and** color blindness through the explicitness of the first and the denial of existing race structures of the second. Post-color blindness is also not postracial because it resorts to raciology as a last-ditch effort to assert white right, this time through an appeal to ordinariness accompanied by a “right to exist” discourse. In other words, post-color blindness affirms a racial worldview by constructing whiteness as just another race deserving of respect and recognition. It appropriates the identity politics discourse of the Left and leverages it in what Kristen Buras might call “Rightist multiculturalism.”⁷

Finally, although it would be difficult to deny that the rise of Trump is a form of white victory, I want to call attention to its sense of desperation. Insofar as post-color blindness inaugurates white raciality as a *public identity*, it represents a radical break from virtually all eras of race speech that equated whiteness with “humanity,” as something beyond racial affiliation. Even past enunciations of “white power” are convenient uses of racial tropes to designate whites as human, that is, whites as representatives of the human race. Because it postulates that only whites are human, evoking white power reminds nonwhites of their status as nonhumans and restores whites’ humanity, which they felt was threatened. By contrast, whites’ recent admission of racial affiliation is no small transformation in race discourse as whites finally emerge as racial beings from their assumed and generalized humanity, something previously avoided at all cost. This is what I mean about the desperation of post-color blindness and the emergence of whites qua whites represent a rupture. It amounts to whites’ admission of the reality of being white

and acknowledges that being white is in fact a racial experience. White becomes a marked category.

The Rise of New Whiteness, New White Speech

As defined here, *white supremacy* represents the institutional largesse of whiteness, even as white speech feigns accommodations to people of color in the US context. Following Roediger, changes in whiteness represent alterations in whites and the way they speak, but it does not change the *ideology of whiteness* to something other than what it can withhold from others.⁸ Transformations in race speech generally, and in white speech specifically, provide discursive information that is symptomatic of the changing nature of what it means to be white as well as the shifting dynamics of US race relations. In this sense, new whiteness and white speech are absolutely crucial to understand as constitutive moments in race contestation as well as continuity.

Associating new white speech as coterminous with white supremacy makes sense only in the most obvious way. Its nationalist fervor, nativist impulses, and invocations of “Birth of a Nationhood” fear and mongering (after all, the root word *nati* means “birth”) articulate well with worries over a previous and cruel era of race relations. But as Bonilla-Silva suggests, color blindness, or *laissez-faire* racism, has always been white supremacist in its own right, with racial outcomes.⁹ That is, color-blind speech is the public discourse, which, despite being preferable to Jim Crow for several good reasons, more effectively hides white social advantage behind the veil (and not in Du Bois’s sense).¹⁰ It is white supremacist in its orientation, even if it denounces white supremacist discourse as its convenient *alibi* for racist transgressions.¹¹ That is, white supremacist discourse is color blindness’s hidden shame from which it likes to distance itself, like Mr. Rochester hiding his mad wife in the attic in Charlotte Brontë’s novel *Jane Eyre*.¹² As color blindness’s alibi, white supremacy assumes the guilt from which color-blind whiteness is now absolved without fundamentally disturbing race subordination and despite important changes in race relations over time. By building an alibi for itself in the form of transparent white power, *color blindness* becomes a temporal–spatial term. It hails from a different time and marks a different place for white consciousness.

On the face of it, new whiteness and speech are white supremacist. Yet this is not the Klan, as satirized by popular comedian Dave Chappelle in the first episode of his celebrated TV show, *Chappelle's Show*, where Clayton Bigsby is the figure of a black white supremacist.¹³ To his genius, Chappelle plays with themes of color blindness because Bigsby is physically blind and apparently does not realize his “fact of blackness.”¹⁴ To repeat, any play on color blindness faces the danger of association with ableism, a situation that does not deny that Chappelle’s gambit produces deep insights into whiteness, including a not-so-veiled knowing wink to whites’ co-optation of black conservatism for white supremacy, an inverted and twisted reference to Bacon’s Rebellion, and the overall contradictions of raciology. In this case, I would like to focus on Bigsby’s antiblackness, which is useful to the cause of white supremacist ideology as long as his white hood and cloak hide his “true” racial identity from his white constituency—that is, until he removes his hood at the urging of the “brotherhood.” Chappelle’s show’s episode one belies the aspirations for race neutrality in color blindness, understood as a discourse built on a naïve assumption that blind people are somehow oblivious to race.¹⁵

Through interviews with blind whites, Osagie Obasogie uncovers a rather typical portrait of antiblackness from people who otherwise cannot “see” the ostensive facticity of race that rests first and foremost on the obvious plane of sight, skin color being paramount. Their race speech is hardly distinguishable from that of whites with vision, and their lack of sight does not prevent them from seeing race in more or less typical ways. White supremacy comes in many shapes and forms, even occurring in situations in which whiteness and blackness are not physical facts on the first order of obviousness, the first premise upon which so many race works are built. Against race’s *ipsa loquitur* status, Obasogie’s research should go a long way to dispel the notion that color blindness is an idealized species of speech based on the aspiration of disregard for race. If actually being blind does not prevent antiblackness, the preferred metaphor of color blindness comes with certain spurious assumptions about blindness as a state of racial enlightenment.

If racial blind people’s nonrecognition of race becomes a problematic aspiration for color blindness espoused by people with sight, then Obasogie’s data point to the fallacy that blind people are more neutral in their racial attitudes than people

with sight are. Once this finding has been established, the metaphor of color blindness is revealing insofar as Obasogie's data refutes its claim to being a preferable alternative to recognizing race. Furthermore, as a legal scholar, Obasogie questions the soundness of color-blind jurisprudence since at least *Plessy v. Ferguson*, where in 1896 the US Supreme Court ruled that racially segregated facilities, like restrooms, or institutions, like education, were legal as long as their quality was equal, known simply as "separate but equal."¹⁶ Based on the data that blind people are not in fact "color-blind," the biopolitics of color-blind understanding is revealed as ideological and as part of the rebiologization of race.

This being the case, recent upticks in white supremacist speech are less the reappearance of white supremacy as such but rather the externalization of decades of built-up white *ressentiment*, hidden effectively behind color-blind speech. Differing from Nietzsche's original meaning of the term *ressentiment*, or the resentful feelings and actions of a previously dominant group that is being eclipsed, the new Right's *ressentiment* lacks any creativity to respond with a higher standard of humanity.¹⁷ As Wendy Brown argues, the new Right's attitude finds expression in a debilitating nihilism that is a zero-sum game. Or simply put, if white men cannot rule the Earth, there shall be no Earth to rule, with denial of global warming being only one symptom of this kind of thinking. As an affective politics, new white speech lacks the ability to turn inward, to sublimate its perceived injuries, and would rather turn violently outward toward Muslims, Mexicans, and Marxists. It is an alternative Right, resulting in the confluence of new technologies, a new-found confidence, and a new-bie politician-president whom it considers a card-carrying member of the club, even if he appears to disavow its followers when it suits him to do so. Kristen Buras's and Michael Apple's study of the hegemonic process (applicable to either the Right or the Left) has never been more useful.¹⁸

Antonio Gramsci's study of hegemony is more relevant than ever as we witness the alliance between neoliberal, neomacho, and neofascist discourse incarnate in Donald Trump.¹⁹ Gramsci's framework reminds us that nothing makes this triumvirate naturally hold together outside of a flimsy conjuncture that coheres for mutual political benefit, just as President Barack Obama's election saw young voters, people of color, and white liberals break political bread with one another. While Obama

stood for civil society and its institutions as protections against authoritarianism, the new Right wants not only to squander civil society but also to scorch the Earth in the process.²⁰ New whiteness is starting to show its desperation, pushed out of the brightness of the white cave upon which it has depended for so long. Against all measures, whites were accustomed to deploying the humanist discourse of man, the specific content of their whiteness rarely having to make an appearance, particularly to themselves since to blacks and others the matter of whiteness is quite obvious. Nonwhiteness was the *modus operandi* of whiteness's claims to entitlement despite their contradictions. More and more, this discourse is breaking down, and whites are entering a new stage of speech wherein the fact of their whiteness becomes visible, and not just to people of color but increasingly also to whites. This new development is an existential upheaval and political transformation.

It appears that whites may have discovered the errors of their color-blind ways. As white speech evolves again, whites have found an alternative in post-color blindness. As an alibi for post-color blindness, color blindness is tantamount to white admission of another guilt. As a less evolved species of white race discourse, color-blind race consciousness becomes the inferior cousin to post-color blindness that makes new concessions, including the appropriation of identity politics learned from people of color. Now, white is a race, a public identity that is weaponized not so much as a form of entitlement for the *unum* but rationalized as part of the *pluribus*.

The Turn to Post-Color Blindness

The transformation of race speech dates back at least to the Tea Party's insurgence, prefigured by the neoconservative turn of the 1980s. As a general reaction to several decades of liberal progress, we witnessed the whitelash against eight years of Obama, twenty-five years of multiculturalism, forty years of affirmative action, and fifty years of civil rights legislation. For the first time in several administrations, the presidential cabinet does not contain any Latinx members. As far as education is concerned, Trump's appointment of Secretary of Education Betsy DeVos, a vocal proponent of educational vouchers and part of the billionaire family that owns Amway, gestures as much in this direction. Having very few members with credentials or experience in educational policy, her office seems bent on excoriating public schools. This development

follows on the heels of racial resentment signaled by the 2003 Michigan affirmative action case, *Gratz v. Bollinger*, that questioned the use of race considerations in admissions,²¹ an inspiration for the *Fisher v. University of Texas*²² case in which the plaintiff claimed that her whiteness was used against her admission application to the University of Texas (UT)–Austin.

The 2019 *Students for Fair Admissions v. Harvard* case brought by Asian American students regarding the university's use of subtle racial considerations in admissions²³, was represented by the same legal backers of Abigail Fisher. As the proclaimed model minority, Asian Americans are once again racially triangulated between white and black anxieties, poster children for the possibilities and failures of color blindness.²⁴ As they wave protest signs declaring that they will not be used as a "wedge," Asian American students at Harvard are articulated with whites in a kind of complicated interest convergence, this time an alignment between Asian Americans' and whites' interests against blacks' and Latinx's interests.²⁵ One wonders if this case is *prima facie* evidence of a fear that some Ivy League schools will soon look more like the University of California, Berkeley and other elite public universities with high Asian American student populations if subtle criteria with race consequences are not put into place at the point of admissions at private universities.

Post-color blindness differs from color blindness precisely because it does not turn a blind eye to race. This time, white America uses race as a public weapon to address its grievance as a targeted group, not unlike the strategy used to advocate for affirmative action for people of color. Whether or not there is good evidence for Whites to claim such target status is beside the point as the Fisher case seems to overlook the many instances of students of color with better credentials than Fisher had who were also turned away by UT. The Fisher case sits well with post-color blindness's claim of white victimhood, which asserts Fisher's whiteness as a prerequisite to understanding the case's appeal. Yet this development also differs from Jim Crow's assumed white superiority that victimized people of color. In fact, in Fisher, white returns as victim, turning the proverbial table. White victimhood during Jim Crow could not be tolerated as a possibility because it smacked of weakness; therefore, the "real" perpetrator had to be stamped out, usually quickly and brutally

(e.g., by lynching). Whiteness could not simultaneously occupy the spaces of supremacy and victimhood. With Fisher, whites emerged as injured victims of race relations at the hands of a university system perceived as pandering to people of color. Her case's argument represents not a blindness to color or race but rather a certain obliviousness to whiteness.

We should note that the Fisher case's example reminds us of other white events in history. For instance, in the mid-1950s, the young Emmett Till fell to the accusations of a white woman, Carolyn Bryant, in an incident that led to his brutal lynching at the hands of a white mob in Mississippi. We now know that part of her accusation was false since Bryant recanted crucial details and embellishments decades later. The tie that binds both Fisher and Bryant is not only their whiteness but also their positionality as white women within race and gender relations. Therefore, we must account for the "victimology" that some white women are able to leverage as part of their race privilege. As "injured injurers," whereby white women are injured by gender relations and do the injuring in race relations, they occupy a political space that allows them to weaponize their appearance of "weakness."²⁶ In Fisher's case, her gendered race performance allowed her to injure while claiming injury by questioning the "merit" of phantom students of color who were presumed to have "taken her spot."

This argument differs from Robin DiAngelo's framework of "white fragility," in which whites lack the strength (what she calls "stamina") to withstand honest race dialogue or a direct confrontation with race history.²⁷ My point is that it is precisely this performance of fragility that allowed Fisher to reach the Supreme Court as a "racial victim" in what amounts to a feminine form of whiteness. Rather than a form of microaggression, it is more accurately described as a species of micropassive aggression, or a compromised power that nonetheless accomplishes its goal. With that point established, my larger point is that the discourse of white victimhood has reached normalcy, and what before may have been considered unacceptable white complaining has now become a weapon. In general, whites are more comfortable mobilizing white victimhood as they appropriate the discourse of the Left absent its historical referent and overall racial injury. At the core, it is white entitlement, but not because of an overt argument for superiority but rather a more subtle pleading for fair consideration of a felt minoritized identity, that is, whiteness.

One senses that white America has had enough of the only several-decades-old minority identity politics. WWA, or Whiteness with an Attitude, shall not be eclipsed. Or as its Tiki-torch-bearing spokespeople in Charlottesville chanted, “They will not replace us.” This defiance is indicative of the new whiteness’s apocalyptic discourse and Armageddon mentality, as if Jews, Mexicans, Muslims, blacks, indigenous people, and immigrants were out to replace them. Unable to hide behind the previously opaque veil of whiteness, the Trump election was clearly about the assertion of and possessive investment in another kind of identity politics, this time white.²⁸ Whites, particularly rural and white working-class voters, not only spoke up by voting, but also spoke up as an *interest group*. This situation differed from the earlier images of “Joe the Plumber” from Ohio during Obama’s first bid for the presidency. Joe had universal appeal as the common, hardworking family man, and that was precisely his power and effectiveness. Now, Joe’s whiteness was surely an issue; indeed, it was an identity that was weaponized by the Right. It would have been different had he been José the Plumber. For this reason, the shift in race discourse is not simply a return to a previous white chauvinism disguised as universal humanism. This time, white does not equate with human, even if to be human means to be white. From neighborhood selection, to job placement, to school choice, the new whiteness wants what “any” reasonable American wants, a right to exist and be left alone. It wants symmetrical rights with blackness to assert “white pride,” “white nationalism,” and a “white homeland.”

Post-color blindness is only the recent shift in white race discourse, owing itself to several trends. More and more whites are being challenged by the growing tide against whiteness as globally people of color catch up to standards of living previously available only to whites, even to working-class whites. When more whites suffer from economic restructuring and job insecurity, resentment over their lost entitlements grows. In comparative terms, whites have experienced a decrease in their standard of living made possible by economic recessions and the exporting of jobs. As capitalists scour the globe for profits, the average white worker has not been shielded from their ravages. So white workers’ complaints are not without merit, even if their targets of criticism miss the mark by blaming immigrant and black labor for their woes. This trajectory makes possible a new discourse of white victimization

that necessitates naming whites' experience as "white," but this time as a source of injury rather than exultation. The white protesters of Charlottesville surely remind us of "white pride" parades, but their chant that they shall not be replaced speaks to a different or added sensibility marked by *ressentiment* as desperation sets in. This development makes whites quite dangerous, as we know from even anecdotal understandings of desperate people who feel they have nothing to lose . . . but everything. In their minds, theirs is a hymn of survival, and they assert that they merely want to "be free to be me," like everyone else. On the face of it, there is something ordinary about their request, less *Hidalgo* and more *All God's Children*.

However, the road to making whiteness ordinary is filled with many potholes. It is lined with cracks in reasoning when whites attempt to put forward an understanding of whiteness as somehow being racially like any other race, black or otherwise. Although much of antiracist discourse attempts to flatten racial differences in terms of the power accorded to the races, it proceeds by acknowledging the already existing power accorded to whiteness that anoints most things white or European with more worth or higher status. Or to paraphrase Saul Bellow's unreflective chauvinism, "Show me the African Proust or Zulu Tolstoy."²⁹ If we proceed from this vantage point, there is no way to upend the racial contract because attempting to do so only ends up being judged by the very terms of the contract—that is, to come out the other end as mad by pointing out the insanity.³⁰ Yet we cannot be surprised at this outcome when we set up a racialized world where *this* is a result of *that*. From the rarefied culture of Bellow to the common culture of Joe the Plumber, whiteness's forgetfulness about its own *hidalgo*, or son-of-god, status means that the move to make it ordinary comes with elisions that the ordinary white subject is unable to counteract without an extraordinary effort.³¹

Furthermore, including whiteness in the rainbow discourse as just another difference confuses whites with whiteness. Whereas whites from abolitionist John Brown to former California governor Jerry Brown have shown us examples of antiracism, it is less clear that the ideology of whiteness inheres this capacity. As Roediger never tires of reminding us, the history of whiteness makes it difficult to find examples when whiteness was neither false nor oppressive.³² As a result, Noel Ignatiev agrees that the most unreasonable act—that is, to abolish whiteness—may

be the most reasonable one to take.³³ This means that the argument to reconstruct or resignify whiteness in order to redeem it may qualify as a reasonable act but the most unreasonable one to take. The problem of symmetry—that white is a race like any other—becomes a form of mystification in the order of Marx and Engels’s concept of the *camera obscura*, in which the racial world appears rather inverted.³⁴ It is a bit like arguing that the capitalist class is a social experience, experientially different from but politically similar to the working class. Whiteness is special, but not in the way that whites wish it were. In its desperate zeal to project whites’ perceived injured status, new white speech, or post-color blindness, fails to grasp this important distinction.

The prefix *post* in post-color blindness should not be taken literally to mean “after” color blindness. I may be arguing that post-color blindness is a challenger discourse, even an assumptive one in its embryonic stage, but it does not suggest the disappearance of color blindness, just as the latter did not signal the end of traditional Jim Crow discourse, which went underground or was confined in private white spaces. Trump’s arrival allowed Jim Crow to return in an altered way, combining with color blindness to produce post-color blindness. It is more helpful to define the *post* as a spatial rather than a strictly temporal prefix. That is, as with many varieties of *post* theories, from postmodernism to postcolonialism, it is helpful to frame the shift as a way of marking a new space from which to theorize.³⁵ It is helpful to recall that as the harbinger of the turn to *post*, Jean-Francois Lyotard’s *The Postmodern Condition* admits that the postmodern is still part of the modern project, but only after it reckons with the postmodern turn, including the incredulity toward metanarratives like scientific or technological progress.³⁶ Post-color blindness is less about marking a new time when something new has replaced something old and more about the marking of a new coordinate in racial contestation in Gramsci’s sense of a war of position.³⁷ It is in this sense that the *post* is like a new stake driven into the racial terrain.

The Alt-Right Goes to College: The University and a Second Free Speech Movement

The threats to higher education in President Trump’s use of flagrant misogyny, racism, and xenophobia are already clear to some scholars. It is part of a reaction to an overall white emasculation since at least the twice-elected President Obama. This felt

emascularity is intense as more citizens outside of the white male worldview insist on and fight for their share of the social contract, which they perceive to be in jeopardy. Amidst this threat of retreat from civil rights and democratic institutions, the university sits in the uncomfortable position of promoting cherished notions of academic freedom and freedom of speech, indeed of freedom of thought. Trump has already threatened to pull federal funding from universities that violate free speech standards when they disinvite or show bias against certain speakers or speech content that, for all practical purposes, expresses sentiments that sympathize with the Far Right. For instance, the Right in the United States finds its inspiration in the “Dangerous Faggot Tour” of the unlikely and inimitable Milo Yiannopoulos—unlikely in the sense that as a gay man, he does not exude patriarchal masculinity (a factor that does not prevent him from machoing up). Yiannopoulos covers or covers up many things at once. He is gay, so the better to mask the Right’s homophobic tendencies; he claims to be Jewish, so the better to deflect attention from Trump’s courting of neo-Nazis when he claims that the Charlottesville event was the fault of “both sides”; Yiannopoulos claims to partner with black men, so the better to tokenize blacks in a politics of antiblackness; and finally, he is handsome and hip, so he minimizes ties to a curmudgeon whiteness of the past. In many ways, the tragicomic figure of the charismatic Yiannopoulos represents the new Right.

Yiannopoulos’s national university campus tour is filled with hateful speech, even if it is below the legal standard of “hate speech.” He throws into frenetic frenzy his college Republican supporters, including those on my own campus of University of California, Berkeley. He has appeared multiple times at Sather Gate and Sproul Plaza on the Berkeley campus, a site emblazoned in people’s minds as the beginning of the US student free speech movement of the 1960s. Mario Savio, the figurehead of Berkeley’s free speech movement, would likely turn in his grave. Yiannopoulos’s ties to Steve Bannon and Ben Shapiro at Breitbart News should not be underestimated, despite his public falling out with them. To the tune of several million dollars, Shapiro and Yiannopoulos alone cost the Berkeley campus and UC system money that could have alleviated undocumented and other students’ financial challenges in these times of austerity. Most of this money was spent on beefed-up security to help protect the speakers from Berkeley protesters who included

students, faculty, staff, and community members, some of whom had driven to the campus from hundreds of miles away. To this media circus, Shapiro has responded that rather than protect him from Berkeley's rage, the money would have been better spent protecting us all from the black criminals who pose a bigger threat to people's safety.

It is not without some sense of irony that the process of "making America great again" has spawned such lowbrow racialized and macho speech. It is a reminder that whiteness controls not only the means of production but also the production of meanness.³⁸ Outraged faces of students and faculty have been seen protesting Yiannopoulos's campus visits to test Berkeley's limits of and fidelity to free speech, which is not free or particularly worthy of the label "speech" since on at least one occasion the Alt-Right's darling only appeared for a few minutes before being whisked away, and Anne Coulter and several others never actually made their appearances despite being on the invitee list. It has been instructive to learn that the Right has found a vulnerability in the university's policies regarding the extension of invitations to campus speakers, especially at public institutions that pride themselves on shared governance that includes student groups' ability to advocate for their speaker choices. For example, the Berkeley College Republicans (BRC) who invited Yiannopoulos and company were granted their wish despite violating due dates and other policies involving outstanding invitations to campus speakers. Private universities may have more freedom to exert pressure on their students and to exact stricter interpretations of free speech, but student protests at the University of Chicago and Middlebury College in Vermont suggest that the publics are not the only ones that struggle with the ramifications of free speech.

Trump's populism is very serious. He was able to pull together the white vote in a way that exceeded the efforts of other Republicans in recent elections who had regularly relied on the white vote. Part of Trump's success was voters' reaction to the "establishment politics" represented by Hillary Clinton and others, but it seems equally a desperate attempt for whites who felt under threat to come together. Post-color blindness is the place where white desperation meets politics. Frederic Jameson leveraged the phrase "late capitalism" as a description of capitalism's attempts to deal with economic crises in the twentieth century but also as a temporal way to mark capi-

talism's struggle with the fact of exploitation that has become more obvious.³⁹ Contrary to Trumpism's being a sign only of white victory—and yes, it was a victory in a manner of speaking—one wonders if post-color blindness signals the beginning of *late whiteness*, or whites' increasing anxiety about the glaring contradictions about being white in US society. The university's ability to engage with late whiteness is key, and policies concerning acts of free speech and academic freedom are two important wars of position in the cultural struggle against white supremacy.

A second free speech movement is brewing in universities, fifty years after its first iteration. But rather than involving militant student activists, the conservative sequel combs over its paradoxes by building a flimsy partnership among factions of the Right. Its political glue is not obvious outside of an apparent animus toward difference. In fact, it was telling that the Right abandoned Yiannopoulos precisely when he showed vulnerability by opening up about his difficulties as a young man coming out as gay to older men. The resulting characterization of Yiannopoulos as just another pervert with pedophilic tendencies exposed fissures in the Right among those who were perfectly content as long as Yiannopoulos victimized Mexicans and Muslims but who became uncomfortable when he projected a conflicted portrait of himself as a young man. If this is free speech, the Right sells it as free of contradictions, complexity, and contentiousness, making it unlike any other kind of speech we know. Trumpism, post-color blindness, and responsibility-free speech make for an interesting cocktail, but their ideology reeks of desperation.

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Resentment and Revenge

Internal Colonialism, the Decline of Fordism, and the Trump Vote

RAKA RAY

The victory of Donald Trump in the 2016 presidential election came as a nasty surprise to many of us, especially on the two coasts of the United States. It heralded new forms of political motivation that we would do well to consider. In this chapter I combine my assessment of two core groups of Trump voters—people from Southern states such as Louisiana (based largely on my previously published reflections on Arlie Hochschild’s powerful book *Strangers in Their Own Land*) and working-class white men—to examine how a politics of resentment and revenge can become a mobilizing force.¹

Several years ago, determined to understand the heightened polarization between liberals and those on the Right—and between the red and blue states of the United States—sociologist Arlie Hochschild decided to cross what she called the “empathy wall”² from liberal Berkeley, where she lived and worked, to right-wing Tea Partiers in Louisiana. The result of this journey was the book *Strangers in Their Own Land*, in which over several years of research and writing, she came to understand Louisiana’s Tea Party movement.³

In *Strangers*, Hochschild shows us a grim world in which older white Christian men and women, some of whom barely cling to the middle class, have learned to survive. Despite her differences from them and her discomfort with their often racist beliefs, she pays them respectful attention. The beauty of the book lies in its ability to

render sympathetic and intelligible a group many liberals find simply unintelligible, if not abhorrent.

If we look more closely at the land at the heart of the book, we see the ecological and human development tragedy that is Louisiana. The specific area she studies is “ground zero for production of American petrochemicals.”⁴ The state is hugely dependent on the oil and petrochemical industries. Jobs are hard to come by, levels of pollution are horrifying, there are sinkholes into which trees and roads disappear, and species of fish and birds go missing. In the great waterways and bayous, little bubbles of methane erupt, and hurricanes with disastrous environmental and socioeconomic consequences visit the land. The list of companies operating in Louisiana includes every major polluter that has made the news—Monsanto, Exxon, Shell, Texaco—and some others that have not. As Hochschild spends time with the people who inhabit this wretched polluted space where on some days people cannot leave the house for fear of breathing the air, where birds and trees and human beings are dying and diseased because of the disasters wrought by these companies, she finds the guiding paradoxes of her book: Why do these people who suffer terribly not want the government to help? Why do these people who face great pollution resist regulation, protect the polluters, and blame the government for the results? And why, above all, do these people vote for Trump, as almost 60 percent of the voting population of this state did?

VOTING FACT 1

“The [fewer]-than-five hundred counties that Hillary Clinton carried nationwide [in the 2016 presidential election] encompassed a massive 64 percent of America’s economic activity as measured by total output in 2015. By contrast, the more-than-2,600 counties that Donald Trump won generated just 36 percent of the country’s output—just a little more than one-third of the nation’s economic activity.”⁵

VOTING FACT 2

Fifty-nine percent of men voted for Trump as compared with 46 percent of women and 63 percent of white people who voted for Trump. When you add the element of whiteness to the statistic about men, white men’s votes were 63 percent for Trump. When you add education (as a proxy for class) to the statistic about white men, we see that *71 percent of white men with no college degrees voted for Trump*.⁶

The question of why people in Louisiana would vote for Trump, as Hochschild asks, or why the working class, and the white working class in particular, voted for him has obsessed liberals in the United States. The ways in which the question is posed presupposes a paradox, or false consciousness, particularly a false class consciousness. It assumes that as a group, these people are voting against their class interests, whether they realize it or not. It replicates the sort of question Thomas Frank asks in his 2004 book, *What's the Matter with Kansas?*⁷ It presupposes that these groups are practicing what Ann Orloff, Evren Savci, and I have elsewhere called a “perverse politics,” a contrarian politics that works against group interests.⁸

The answer is often that it is their culture (which leads these people to a false consciousness) that trumps what should be their true economic interests. In this chapter I consider both the states that voted for Trump and the specific segments of the population (working-class white men) that did so. Although I stick with Louisiana, my analysis is also broadly relevant for other Southern states that voted heavily for Trump, such as West Virginia, Alabama, and Oklahoma. In my analysis I attend to the nexus of the history of the US state and capitalism—with an analysis of capitalism that understands that in the United States, it is a system that is simultaneously raced and gendered as well as internally differentiated by state. I suggest that in order to actually understand why downwardly mobile, older white men and women in Louisiana lurch to the Right, we have to understand that a) they live in a colonial state, b) they are the losers in an era of financialized capital, and c) the nature of their loss is something more than economic. By this I mean that we need to avoid making the recurring mistake of thinking that we can separate class interests from other interests. In other words, rather than thinking about whether explanations can be sought in culture or economics, or both, we need to move to an understanding of the economic as always already more than the economic.

Not a Liberal Democratic State

In the story Hochschild tells of these people from Louisiana, and of the Tea Partiers in particular, it is the state that they resist. In her assessment, because they *feel* left behind although they have done the right things all of their lives (that is, they have worked hard, been good neighbors, and gone to church) and because it *feels* to them

that the state is not on their side, they have turned against the state. And in doing so, they have turned against their own interests. Despite her empathy and affection for her subjects, Hochschild's analysis is ultimately one that assumes that these Louisianans have false consciousness because a more accurate analysis would lead to their awareness that the enemy is capitalism, not the state.

In Hochschild's theory of the American state, the governing system can be unfeeling and can often fail, but under it all she sees a liberal democratic, even pluralistic, state. For Hochschild and other American liberals, the US government may not be perfect, but the real problem is the private sector (the one from whom to seek protection) while the state is the solution (the protector). The conventional understanding of the United States in political science, and indeed in the social sciences in general, is that the country is a prototype of a liberal democratic capitalist state. It may be a liberal democracy in crisis, as Bowles and Gintis pointed out almost forty years ago,⁹ or it may be one in retreat or under threat both externally (from China or Russia) and internally from populism. Or it could be under threat from the political rationality of neoliberalism.¹⁰ But this pluralistic, liberal democratic state is assumed to be the modern norm to which states such as Turkey, China, or Rwanda are unfavorably compared. It is also compared with states that are "better"—such as the social democratic Norway. The problem arises, for Hochschild, when the state is under the wrong governing regime (Republican), but even so, there is always the possibility of good in the state—something to work toward—for that is what one does in a liberal democracy.

But Hochschild's respondents in Louisiana feel more betrayed by the state than by capitalism. The state is not seen as their own. It is seen, rather, as a being that overregulates, breaks promises, and helps others who are not "of them," and it is represented by officials who live off their taxes. Where Hochschild sees an open-and-shut case for more (good) government, her respondents see a need for less government and increasingly vote Republican. To Hochschild, these Louisianans have become strangers in their own land. Through it all she sympathetically and lovingly shows us their point of view, but the implication is that they are practicing a *perverse politics*, one that ultimately works against their interests, because they do not recognize their enemy.

But what if we were to relax the assumption that the United States is a liberal democratic state—or always acts like one? What if we were to think of the US state, in the case of Louisiana, as a neoliberal version of a historically colonial, extractive state? I suspect that we would then conclude that Louisiana is indeed being governed by outsiders who do not have their interests at heart.

Louisiana used to be the number-one producer of crude oil in the nation as well as the number-two producer of natural gas. Much of this production has dropped in the past decade, but Louisiana is still one of the top oil- and natural gas-producing states in the country. In terms of Louisiana's economy, oil, gas, and their byproducts are unquestionably the most important sources of revenue, followed by gambling. In 1982, more than 40 percent of the state's revenue came from oil and natural gas. Alas, no more. With a fall in oil prices, hundreds of millions of dollars' worth of chemical plant expansions and construction projects are on hold. When oil prices fell, most of the country rejoiced because it gained, but the states most dependent on oil suffered—as Louisiana has been suffering now. Louisiana ranks forty-ninth in the country in human development and last in health. In investigating Louisiana further, I discovered that it is also the state with the highest incarceration rate in the country and is one of five states that does not have a mandated minimum wage.

States with similar rates of voting for Trump, such as Alabama and West Virginia, are the states with the lowest Human Development Index—health, education, economy, infrastructure.¹¹ One could read the phenomenon with relative ease into a framework of colonialism. Typically, colonialism involves exploitation of land, raw materials, labor, and other resources of the colonized nation. The extractive type of colonialism occurs in places that are rich in resources such as cotton, minerals, and oil. Indeed, Louisiana bears the hallmarks of *extractive colonialism*—a slash-and-burn attitude toward raw material, weak systems of property rights, poor educational systems, and no credible exit option for the masses of people. Although it is true that Louisianans get to vote for their government, unlike those people in actually colonized situations, there is no credible exit option for them because both Democrats and Republicans have operated with a similar logic in Louisiana. This system operates by banning unions, lowering wages, and offering corporate tax rebates.¹²

Economists Acemoglu, Johnson and Robinson (2001) have found that development has been slowest in areas where extractive institutions were established for the financial gain of the colonizing country.¹³ I think we could well consider Louisiana to be a case of extractive, internal colonialism.

Analyses of colonialism further tell us that there is always a cultural narrative that accompanies colonialism. As the colonizing world benefits economically from colonization, it often justifies its colonial rule by advertising the benefits of civilization that they have brought to the colonized. Thus, just as England grew rich from India's natural resources and its preexisting industry and advertised its civilizing mission in emancipating India's women, so too can we think of the financial centers of the US North benefiting from the raw material of Louisiana—through fracking and the rapacious extraction of oil and natural gas from a state with weaker regulations than, say, California—while maintaining civilizational superiority over Louisiana inhabitants, especially the rural, whom they consider rednecks, hicks, bigots, or white trash. These people have not traveled much, do not eat sushi, do not tell their children not to eat sugar. They are rooted in their place while the elite are cosmopolitan, from anywhere.

Against an assemblage of colonialism and extraction, how should we understand the political subjectivities of Hochschild's subjects? Would we still see the story as one of false consciousness? Faced with a neoliberal, extractive colonial state—one that seems to regulate ordinary people but not the rich—why would these people look to it for help? Following their self-interest might well mean refusing to trust the state government and its alliances with Northern elites because it has not historically been *for* them. Think of Hillary Clinton and her close ties to the financial capital—she, not Donald Trump, was the preferred candidate of Wall Street—and think of the rise of the economies of California and New York.

The Decline of the Fordist Compact

Not all Louisianans are the subjects of Hochschild's book. Her book is not about black, immigrant, young, or educated Louisianans but rather about older white working-class Louisianans, mostly men but also some women. Let me now shift to this demographic group and consider their understanding of the world they inhabit.

To do that, we need to understand the nature of the compact between capitalism and the US state during the twentieth century a little further.

Between the first and the last quarter of the twentieth century in the United States, the organization of the economy that is called *Fordism* provided good jobs that involved assembly-line manufacturing of standardized goods, paid higher wages so that workers could afford to buy the products they made, and promised relatively continuous employment. Fordism was built on an understanding of the nexus between productivity, wages, and consumption. Nancy Fraser (2016) refers to this period as “state[-]managed capitalism,”¹⁴ a historical achievement that emerged out of democratic struggle. But Fordism, by definition, meant more than that. Premised as it was on large-scale industrial production and domestic consumerism, Fordism was never just a feature of the capitalist economy. It simultaneously reflected patriarchy: the ideology of Fordism subsumed within it the family wage—the idea that one income alone, the man’s income—could support the entire family. The family wage assumed a certain family form and a division of labor in which men took care of production while women took care of consumption (and also subsidized the nourishment and social reproduction of workers). The belief that men rather than women would work the good jobs stemmed from gendered assumptions about the right place for men and women and also from the fact that (in the absence of any provision for equal pay for men and women) it made sense for women, whose earning capacity was far lower than men’s, to be the ones to stay at home. Thus, at the very heart of many men’s understanding of themselves as men was their capacity to provide for their families. This also being an era when state investments were being made in health care, education, and old age, a good life was imaginable and well within the grasp of most working-class men.¹⁵

But there is more: Fordism was linked to the suburbanization of homes in which mass production and mass consumption were linked via government-backed mortgages.¹⁶ It also involved the elimination of left-wing elements from the labor movement and other political organizations.¹⁷ All of these things occurred within a frame in which America was becoming a world hegemon. And all these also occurred within a framework of the protection of white interests. Suburbanization was a white phenomenon, as was much of the solidarity on the assembly lines of the

Fordist workers. The stable, solid working-class identity, the loss of which is today mourned by so many progressives, was also solidly white and was built on the backs of the labor of a nonunionized, more poorly paid, other working class. Excluded from the family wage compact were men whose wages were not high enough: blacks and immigrants. Also excluded were women who were not attached to men and women whose men would never earn enough to support their families by themselves.

The family wage ideal, then, was a reality for a privileged few.¹⁸ As early as the late 1940s, black women such as Claudia Jones wrote furiously against the assumption that only men could earn a family wage, given that black women were often the only breadwinners in their households and the lowest paid workers in the nation, and about their concentration in the lowest paid segments of the job market.¹⁹ The workers Jones wrote about were not part of the assembly-line skilled working class, they were enclaved and segregated in domestic work or agricultural work, the sorts of labor ignored by Fordism.²⁰ More contemporaneously, ideals of good motherhood have still assumed that good mothers stay at home. The power of this idea is such that women continue to pay a wage penalty for motherhood, whereas men earn a wage premium for fatherhood.

Thus, the Fordist economy created a two-tiered system in which white men received certain assurances and benefits, and most other people worked in a lower paid, unstable, and insecure labor market. The newly created welfare state was similarly two tiered. One element of the welfare state was based on insurance for earned income (old-age insurance and unemployment compensation)—these were considered *deserved* benefits. The other strand was for nonworkers, the poor and dependents, who were increasingly seen as the *undeserving*. But not all workers received insurance and benefits; for example, employment sectors in which people of color dominated, such as the domestic and agricultural work discussed by Jones,²¹ were excluded from these insurance policies. These workers therefore became increasingly dependent on the government policies for the poor and dependents. Despite being workers, they too came to be seen as those who received “unearned handouts” or as the undeserving poor.²²

To be clear, then, the organization of the economy that marked much of twentieth-century America was one that privileged white male workers, even those in the

skilled working class. The ability to live a certain American life was not, as the American Dream promised, the result of individual hard work but rather a result of the US state providing subsidies to encourage the buying of homes and suburbanization, of wiping out radical politics, and encouraging an ideology that divided the population into the deserving and undeserving poor while maintaining that most powerful of all ideologies about meritocracy, the American Dream.

The slow decline of Fordism, starting in the late sixties and continuing through the seventies, coincided with waves of social movements claiming, on the one hand, for brown and black people and for women, the right to consume and live stably that Fordism had provided exclusively for white workers.²³ On the other hand, these movements fought for sexual freedom and for rights for gays and lesbians—demands against the sexually normative framework of the family wage.²⁴ Occurring simultaneously with the decline of Fordism and the decline of the family wage, then, came the rise of dual-earner families and a challenge to the very ideology of the family wage. As the possibility of the family wage began to slip, and the “two-earner” families became the norm even for middle-class families, the New Right (composed of the new social conservatives and evangelicals) began to build its agenda based on the need to return to the good old days. In doing so, they pitted the very poorest of the poor, black women, characterized as those who took advantage of the system, against honest wage workers.

The post-Fordist new economic order involved the turn to a neoliberal form of capitalism. Within the present regime of globalized, financialized capitalism, manufacturing has been relocated to low-wage regions of the world, and many skilled blue-collar jobs have simply disappeared because of automation. The new regime has both recruited women into the paid workforce (especially with their increase in the service sector) and promoted state and corporate disinvestment from social welfare.

For the past forty years, white men’s median income, adjusted for inflation, has remained virtually stagnant while that of white women has nearly doubled. Median incomes of black women have more than doubled, and black men’s median incomes have gone up somewhat. Even despite the Great Recession of 2008 and modest economic growth, white women, black men, and black women have made some progress. But any increases in white men’s incomes have gone mainly to the wealthy.

As global production has become feminized and masculinity delinked from work across the world, some observers suggest that a new era has begun, heralding, as journalist Hanna Rosin puts it, the “end of men.”²⁵ This new era is marked by the loss of traditional men’s jobs and the simultaneous rise of women’s employment in fields previously dominated by men.²⁶ Today one in seven men in their prime is unemployed, compared with one in twenty in 1950.²⁷ And poor whites report having much less hope for the future and more stress than poor African Americans and Hispanics do (despite the fact that the latter two groups face higher objective disadvantages).

I want to be clear that I am not saying that white men are no longer dominant. White men still dominate the power positions in transnational corporations. Women’s entry into paid work in large numbers has not ended occupational sex segregation or the glass ceiling.²⁸

But because Fordism was simultaneously about class and race and gender, the reaction to the decline has been premised on all three: when white working-class men lost their jobs (due primarily to the momentum of capitalism), they lost their sense of masculinity, their control over women, and some of their previous advantage over people of color—the race advantage that prevented them from really being poor. They lost who they thought they were, not just their jobs. When Joan Williams (2017) warns that we should not mistake the economic resentment of members of the white working class as racism,²⁹ she is only partly right. The very model of their good life depended upon certain exclusions, and thus their resentment cannot but be simultaneously about race and class. In addition, those who lived in what Marc Edelman has called “sacrifice zones,”³⁰ those rural, exploited, internally colonized areas, faced with their immiseration and the increasing affluence of the nodes of financial capital, thus faced a crisis that encompassed all aspects of their lives, and the politics that followed had to address the complexity of this loss.

The Politics of Resentment

What kinds of politics, then, does this moment produce?³¹ Let us accept that it is a moment of the rise of right populism. By *populism*, I accept Ernesto Laclau’s and Chantal Mouffe’s understanding of populism not as an ideology but rather as a strategy that divides the world into two political camps of the underdogs and those

in power.³² How, then, can we account for the rise of the populist Right in the United States? And can we do so without assuming that the adherents of right-wing populism, the populations we have been discussing thus far, are purely irrational, uneducated, and atavistic?

It is useful to think about this question via a return to the question posed earlier in this chapter about whether the explanations lie in culture or in economics. Philosopher Nancy Fraser's description of two sorts of recent political struggles in the United States—struggles over redistribution and struggles over recognition³³—provides a useful way to think about the politics stemming from these losses. Fraser defines *struggles over redistribution* as struggles over material inequality—income and property ownership, access to paid work, education, and health care. Redistribution, then, refers to socio-economic injustice. *Struggles over recognition*, on the other hand, refer to symbolic injustice such as cultural domination, lack of recognition, and disrespect as marginalized groups—those who are gay, trans, black, or women—struggle for inclusion.

What I have been arguing thus far is that while Fraser analytically separates struggles over redistribution and struggles over recognition, in practice, in people's lives, these things are always already intertwined.³⁴ In a wonderful book, *Landscape for a Good Woman*, historian Caroline Steedman writes eloquently of her British working-class mother's rage at the world in which she could not afford a "new look skirt."³⁵ Steedman's account of her mother makes clear that economic injustices are experienced in a deeply embodied way, that her mother experienced a particular form of gendered shame when social workers came to their house and thus that for her mother, the injuries of class were therefore never just about class. Neither middle-class feminists nor Marxists were able to address the desires of a working-class woman who was the breadwinner of the family and who also had to be on the dole. Her mother became a working-class conservative whose primary politics was a politics of envy, a politics that derived from her experience of being a white working-class woman in 1950s and 1960s Britain.

In order for the politics of envy ("I wish *I* had what they have") to turn into a politics of resentment ("Why should *they* have what they have?"), more needs to happen. It needs to come into contact with particular political discourses. And here we

come to the question of why, at this historical moment, rural white Louisianans and white working-class men moved toward the discourse of the Right rather than that of the Left.³⁶

To begin with, although the Left has presented many strikingly accurate critiques of the state, in its political actions, it continues to make claims on the state as if it is liberal and democratic. In the writings of the dominant forces of the Left, there is no consideration of the effects of uneven development or internal colonialism. In terms of redistribution and recognition, the Left has viewed these two sorts of demands with considerable tension. Despite periodic calls for a united Left in which both sorts of struggles can be integrated, the Left's understanding of the current problems remains caught between perceived oppositions between economic and cultural hurts, between a politics based on interests versus a politics based on identity. Social movements involving economic justice, cultural justice (for example, trans-friendly bathrooms), and the environment are often hostile to each other. Groups such as Black Lives Matter that do combine the politics of recognition and redistribution had not, until very recently, resonated with a wide audience. The events of the Spring of 2020, post the death of George Floyd, however, indicate that this is beginning to change.

The Right in the United States has been far more adept at understanding the interweaving of redistribution and recognition than the Left has, is quick to identify the state as an enemy rather than an ally, and has been able to capitalize on and to promote available American cultural narratives with deep roots—narratives that simultaneously harken back to the ideal of the family wage and to the glory of the American empire—to create a powerful politics of resentment.

Narrative 1: The American Dream. This, one of the driving narratives of America, claims that if you work hard enough in America, you will be successful.³⁷ Pulitzer Prize-winning author Viet Thanh Nguyen calls the myth of the American Dream the signal example of America's successful colonization.³⁸ For this myth to work, one must believe that hard work pays off and that one must be self-sufficient. The corollary myth, therefore, is that of the deserving versus the undeserving poor. The deserving poor are those like the working-class whites in Louisiana who have had jobs that were taken away from them. The undeserving poor are those who

simply do not want to work and whom the state assists. And we have seen how the perception of who the undeserving are came to be.

Narrative II: The American People. The Right has tapped into a deep core of nativism—a construction of “the people” in a way that excludes numerous categories of them. Here, the Right can capitalize on people’s anxieties that immigrants are not just taking away jobs from the deserving but also, through their numbers, turning America into a less white place. Trump’s popular slogan “Build the wall” reflects this deep core.

Narrative III: The American Family. Undergirding the idea of the American nation and the American dream is the American family. The mythic structure of the American family, forged through the history of capitalism, is that men should be the breadwinners (implying that women who try to lead or compete should be put back in their place). These ideas do not, of course, originate with capitalism and also have deep roots within Christianity.

The highly funded cultural entrepreneurs of the right wing, both evangelicals and others, heighten these three elements that enable the transformation of the politics of envy into the politics of resentment: resentment of immigrants and other nonwhite groups who can only make it with the state’s help, resentment of women who appear to be making it, and above all, resentment of the state that has once again turned its back on them. In asserting their right to be resentful, ordinary right-wing populists in the United States deploy what Jennifer Sherman has called *moral capital*³⁹—the capital that a person turns to when he or she has nothing else, a moral superiority that says, “We did it ourselves. We are not like those people who need handouts. We are superior. This is the American way.”

There is, however, one further final step: the Nietzschean understanding of *ressentiment*⁴⁰ derived from Nietzsche’s analysis of those who felt powerless and weak. It is true that many Louisianans felt powerless and excluded. Yet we must also consider that for some there was a particular resentment born of dethronement—the decline of racial and patriarchal capital. The resentment of the dethroned in the absence of alternatives provided an opening for the politics of revenge. And it just so happens that in Donald Trump there arrived a leader with a will to power, a person who above all is driven by the need to seek revenge. In Wendy Brown’s words, to his

supporters, it does not matter what policies he pursues, only that he opposes those they hold responsible for their suffering.”⁴¹ This heady brew, this concatenation of factors, both long-term and contingent, caused the sufferers of internal colonialism and the losers in the New World Order to become absorbed in the promises of the Right and to hail as their answer Donald Trump.

Endnotes

1. Arlie R. Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: New Press, 2016).
2. Ibid., 5.
3. The analysis of Hochschild was previously published in Raka Ray, “A Case of Internal Colonialism?: Arlie Hochschild’s *Strangers in Their Own Land*,” *British Journal of Sociology* 68, no. 1 (2017): 129–133.
4. Hochschild, *Strangers in Their Own Land*, 21.
5. Mark Muro and Sifan Liu, “Another Clinton–Trump Divide: High-Output America vs. Low-Output America,” *The Avenue* Nov. 11, 2016.
6. I am not going to explore why affluent white men voted for Trump. That was a vote for a Republican status quo and less complicated to explain.
7. Thomas Frank, *What’s the Matter with Kansas?: How Conservatives Won the Heart of America* (New York: Metropolitan Books, 2007).
8. Ann S. Orloff, Raka Ray, and Evren Savci, “Introduction: Perverse Politics?: Feminism, Anti-Imperialism, Multiplicity,” in *Perverse Politics?: Feminism, Anti-Imperialism, Multiplicity* (Bingley, UK: Emerald Group, 2016), 1–17.
9. Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life* (New York: Basic Books, 1976).
10. Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (Cambridge, MA: MIT Press, 2015). “This type of political order rests on the republican principle, takes constitutional form, and incorporates the civic egalitarianism and majoritarian principles of democracy. At the same time, it accepts and enforces the liberal principle that the legitimate scope of public power is limited, which entails some constraints on or divergences from majoritarian decision making.” See William A. Galston, “The Populist Challenge to Liberal Democracy,” *Journal of Democracy* 29, no. 2 (2018): 10.
11. Social Science Research Council, “Measure of America: Mapping America,” Retrieved from <http://measureofamerica.org/maps/>.
12. In turn, these companies, paying virtually no taxes, give back to the community as charity or largesse—to the Audubon Nature Institute, for example—thus earning the gratitude of the people of Louisiana.

13. Acemoglu, Daron, Simon Johnson, and James A. Robinson. "The colonial origins of comparative development: An empirical investigation." *American Economic Review* 91.5 (2001): 1369-1401
14. Nancy Fraser, "Contradictions of Capital and Care," *New Left Review* 100, no. 99 (2016): 117.
15. There is some debate about how it came to be (whether it was for the interests of capitalists or working-class men or also a preference of working-class women). Either way, when we think about the impact of the decline of Fordism, the corresponding decline of "good" jobs cannot then be seen as simply an issue of class.
16. Richard L. Florida and Marshall M. A. Feldman, "Housing in US Fordism," *International Journal of Urban and Regional Research* 12, no. 2 (1988): 187-210.
17. It became the state's role to ensure the conditions for capitalism (privately owned economic growth) and to ameliorate the extreme distributional inequities produced by it. See James O'Connor, *The Fiscal Crisis of the State* (New York: St. Martin's, 1973); Lindlom, C. E. "Politics and Markets: The World's Political-Economic Systems." (1977) New York: Basic Books ; Bob Jessop, *The Capitalist State* (New York: New York University Press, 1982), 9-12.
18. Patricia Hill Collins, "It's All in the Family: Intersections of Gender, Race, and Nation," *Hypatia* 13, no. 3 (1998): 62-82; Laura R. Martin, (2017). "Historicizing White Nostalgia: Race and American Fordism," *Blind Field: A Journal of Critical Inquiry* (Aug. 3, 2017 <https://blindfieldjournal.com/2017/08/03/historicizing-white-nostalgia-race-and-american-fordism/>)
19. Claudia Jones, *An End to the Neglect of the Problems of the Negro Woman!* (New York: Jefferson School of Social Science, 1949).
20. Ibid. Aware of the importance of the image of black women, she decried that black women in film and media were not portrayed "in [their] real role as breadwinner, mother[,] and protector of the family but as a traditional mammy who put the care of families and children of others above [their] own." Ibid., 5.
21. Jones, *End to the Neglect*.
22. See Martin, "Historicizing White Nostalgia."
23. Ibid.

24. Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (New York: Zone Books, 2017), 21.
25. Hanna Rosin, "The End of Men," *Atlantic* 306, no. 1 (2010): 56–72.
26. Raka Ray, Jennifer Carlson, and Abigail Andrews, *The Social Life of Gender* (Thousand Oaks, CA: Sage, 2018).
27. "Men Without Work: A Global Well-Being and Ill-Being Comparison," <https://wol.iza.org/articles/men-without-work-a-global-well-being-and-ill-being-comparison/long>.
28. Women still only make up 4.6 percent of Fortune 500 CEOs and sit on 16.9 percent of Fortune 500 corporate boards, the key decision-making positions in global industry (see Judith Warner and Danielle Corley, *The Women's Leadership Gap* (Center for American Progress, 2014). <https://www.americanprogress.org/issues/women/reports/2017/05/21/432758/womens-leadership-gap/>. Even fewer of these are women of color.
29. Joan C. Williams, *White Working Class: Overcoming Class Cluelessness in America* (Cambridge, MA: Harvard Business Review Press, 2017).
30. Marc Edelman, "Sacrifice Zones in Rural and Non-metro USA: Fertile Soil for Authoritarian Populism," *Open Democracy* (February 19, 2018). <https://www.opendemocracy.net/en/sacrifice-zones-in-rural-and-non-metro-usa-fertile-soil-for-authoritarian-populism/>
31. Chantal Mouffe suggests that the hegemonic neoliberal formation is under attack from both right and left populisms.
32. Chantal Mouffe, *For a Left Populism* (New York: Verso Press, 2018).
33. Nancy Fraser, "From Redistribution to Recognition?: Dilemmas of Justice in a 'Post-Socialist' Age," *New Left Review* 212 (1995): 68–93. Though Fraser has since modified this formulation to add the concept of representation, I refer to the original essay here.
34. One of the few analysts who insists on seeing Fordism as a compact that was simultaneously about class and gender, Melinda Cooper suggests that part of the problem with politics today is that the Left's nostalgia for a return to Fordism is simultaneously and unconsciously a nostalgia for the patriarchal system of the family wage. In other words, the Left has not absorbed the understanding that

Fordism was simultaneously about class, gender, and race, and thus the politics that responds to the decline of Fordism is also about class, gender, and race.

Cooper, *Family Values: Between Neoliberalism*.

35. Caroline Steedman, *Landscape for a Good Woman: A Story of Two Lives* (New Brunswick, NJ: Rutgers University Press, 1987).
36. While I do not address the question here, there is a long history of the rise of evangelical and other discourses of the Right as well as a long history of their financial backing that must also be considered. Here I consider only why the discourse of the Right was attractive at all to this group of men.
37. The latest Pew study shows that the American Dream no longer means equality of opportunity but now means freedom to live life the way one wants. Samantha Smith, *Most Think the "American Dream" is Within Reach for Them* (Washington D.C.: Pew Research Center, Oct. 31, 2017). <https://www.pewresearch.org/fact-tank/2017/10/31/most-think-the-american-dream-is-within-reach-for-them/>
38. Viet Thanh Nguyen, Keynote address, Asian American and Diaspora Studies Program 50th Anniversary (University of California– Berkeley, Berkeley, CA, Nov. 2, 2019)..
39. Jennifer Sherman, "Coping with Rural Poverty: Economic Survival and Moral Capital in Rural America," *Social Forces* 85, no. 2 (2006): 891–913.
40. Friedrich Nietzsche, *Nietzsche: On the Genealogy of Morality and Other Writings*. (1887; Cambridge, UK: Cambridge University Press, 2017).
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Trumpism and the Crisis of the American Liberal Order

NEIL FLIGSTEIN

President Trump has been making astonishing foreign policy claims since beginning his term in office. He has followed up these claims by seeming to embrace dictators and offend longtime allies. He has gone quite far in calling those allies “enemies.” His embrace of Russian president Vladimir Putin has been one of the key inexplicable puzzles of Trump’s administration. At the same time, Trump has repeatedly attacked his North Atlantic Treaty Organization (NATO) allies. He has managed to offend the Australian, German, Canadian, and French prime ministers, who have historically been among the United States’ staunchest allies. He has attacked both Mexico and Canada repeatedly. The president went full bore to end the North American Free Trade Agreement (NAFTA). He has repeatedly referred to Mexicans as “bad guys” and “rapists” and promised to have Mexico pay for a thirty-foot-high border wall between the United States and Mexico to keep them out. His performances at international gatherings and his assertion of “America First” have led to his isolation at such events.

The way that the liberal press has portrayed all of this behavior is to intimate that Trump is somehow “crazy.” They view his rants as evidence that he is ill-tempered and misinformed and is acting like a bull in a china shop. But I argue that he has actually adopted a very coherent set of positions, positions that are tailored to appeal to the base constituency that elected him US president. My argument has

three parts. First, I present a stylized view of “Trumpism,” by which I mean Trump’s foreign policy positions. I discuss who Trumpism is for, who it is against, and what Trump’s analysis is.

In the second part, I try to understand why Trump is taking these positions. I consider the structure of the existing world order. All of the important institutions and organizations that make up the world order are in fact American in their origin. That order was essentially constructed by the United States after World War II, and it was established to reflect this nation’s political, military, and economic interests. These institutions were remarkably successful between 1945 and about 1980.

But since the deep economic crisis of the 1970s, those institutions have failed to deliver returns for most Americans. The political solution to that crisis involved deregulating the economy, undermining the power of organized labor, and cutting taxes for the well-off and corporations. None of these actions helped workers or the middle class. All set the stage for increasing income inequality and, more importantly, a decline in economic opportunities for working-class Americans who had less than a college education. The shareholder value revolution in corporate control changed the way that corporations operated. Managers came to shift tactics to engage in actions to raise share prices and benefit shareholders. These tactics included downsizing and outsourcing, with the general result being the hollowing out of the American manufacturing base. Global supply chains evolved to take advantage of lower wages paid to workers in other countries. This action reinforced the impact of the policy changes on the opportunities of working-class Americans and meant that blue-collar jobs began to disappear. American wages stagnated, and with the increased income going to top management and shareholders, there was an increase in the concentration of their income and wealth.

The international institutions that emphasized free trade persisted and expanded. But now, instead of trade causing an increase in wealth for all in the United States, this trade expansion has produced a long-running crisis for many Americans and windfall gains for those at the top. Trumpism is a direct response to this crisis. Trump’s critique of the liberal world order articulates beliefs that for many Americans ring true.

The third issue I discuss concerns the kind of pushback Trump has gotten on this agenda. These constituencies have many very powerful actors who support them, including the US military, the largest US corporations, the right-wing foreign policy community, and potentially, American farmers (who Trump has carefully worked to buy off). But Trump has been persistent in pushing his agenda, and certainly the tone of what is going on in the organized world order has already changed. If Trump gets the world he wants, what will it look like, and what will happen to the existing institutions? What will happen to the UN, NATO, WTO, World Bank, IMF, and NAFTA?

What we have actually been seeing is that Trump has engaged in a symbolic politics in which he uses inflammatory language to demean immigrants, threaten allies, and embrace former enemies. Its strongest impact has been to legitimate and encourage those who were previously viewed as pariahs by US foreign policy, dictators such as Kim Jung Un (North Korea), Vladimir Putin (Russia), Recep Erdogan (Turkey), and Abdel Fattah el-Sisi (Egypt). These leaders have embraced Trump's talk of "fake news", nationalism, and populism, in order to secure their positions.

But Trump's ability to attain his agenda has frequently had to confront organized forces in the U.S. who support the existing institutions, Trump has walked back many of his positions. His redone NAFTA treaty, for example, has changed little of the overall structure of relations among Mexico, Canada, and the United States. Nonetheless, Trump has declared his renegotiation of that treaty a victory. This does not mean that he has not undermined the American created international order. After all, he is the president of the United States and can issue executive orders to control American participation in international affairs. However, while many of these institutions are in crisis because of Trumpism, there are still plenty of very powerful actors, including corporate America, the military, and sometimes Congress, telling Trump, "You cannot do this."

What Is Trumpism?

The parts of Trumpism that are relevant to international affairs begin with a critique of political and economic globalization and the political and economic elites who have benefited from globalization. That critique is aimed at his core constituents, who believe that these elites have prospered while they have been left behind. Trump

has four ideas here, all of which blame political and economic elites for favoring policies that benefit the elites materially or, even worse, benefit other countries and thereby hurt most Americans. The first is anti-immigration. Trump has been arguing that elites have opened doors to legal immigrants for political reasons and turned a blind eye towards illegal immigration. He maintains that they have let both legal and illegal immigrants come into the United States and take jobs from Americans and that in doing so, they have depressed wages for Americans. Trump's policy initiative is to build a wall at the United States–Mexican border and to throw illegal immigrants out of the country, even sometimes suggesting he would also like to remove legal immigrants.

The second big idea Trump espouses is opposing free trade. Trump has continuously argued that all of the trade pacts into which the United States has entered have been bad for America. He maintains that these treaties have been tilted in favor of other countries, which then get access to our markets without letting us into theirs. He also feels that the pacts work to produce unfair competition by letting US corporations locate jobs in countries with few labor or environmental standards. The first thing Trump did when he came into office was to get rid of the Trans-Pacific Partnership (TPP), a trade agreement that involved most of the countries of the Pacific Rim. He subsequently railed against NAFTA and pushed for a renegotiation. He is not a big fan of the World Trade Organization (WTO). In fact, he's not a big fan of any of the existing trade agreements, including ones to which the United States does not belong, like the European Union (EU). Again, Trump's objection is that these trade pacts benefit political and economic elites and are unfair to American workers. In the case of the EU, he views that organization as diminishing national sovereignty.

The third idea in Trumpism is a critique of corporations. The main US economic elites that have been complicit in creating this world of open borders and open immigration are the large corporations that take advantage of this openness to locate production and jobs outside the United States. Trump has been directly saying to the chief executive officers (CEOs) of these corporations, "You have to bring those jobs back here." During the first few months after Trump took power, he took several CEOs to task and got several others to engage in publicity stunts whereby they appeared to be keeping jobs in the United States. Subsequently, most business leaders have tried to stay off his radar screen.

Finally, Trump sees one outcome of these political and economic projects to be economic growth in other countries at the expense of US jobs and workers. This critique focuses less on gains made by political and economic elites at the average American's expense and more on what other countries are getting. This kind of critique is mostly about trade agreements in which Trump views the United States as the loser, such as in its relations with China. In this analysis, China gets rich by taking American jobs and technology, and we get nothing in return but a trade deficit. In the case of NATO, his attack is couched in the idea that European countries should pay more for their defense. Here, the Western Europeans have gotten a free ride by having the United States provide their defense. He repeatedly argues that European countries should pay the United States directly for the protection they receive under the NATO umbrella.

Trumpism's main ideas form an ideology. An ideology is a coherent set of ideas that give us policies to change the world and make it work in a different way. Trumpism identifies who the enemies are (immigrants, elites, corporations, other governments) and specifies the victims (native-born white Americans). It offers proscriptions for actions like engaging in trade wars; pulling out of treaties; stopping support for international organizations; and demanding renegotiation of existing political, military, and economic arrangements, particularly those that seem to benefit other countries at the expense of the United States. It creates a symbolic politics that is very powerful and appeals to his core voters, who share his critique.

The Rise and Fall of the American Liberal World Order

It is important to locate Trumpism in the actual development of postwar international military, political, and economic arrangements and to identify whom they benefited and why. By the end of World War II, most of Europe and Japan had been destroyed. The American government decided that it was going to construct some international architecture and programs to encourage democracy and capitalism in these countries. The goal was to restore the economies and economic growth in these countries but to do it in a way congenial to American notions of what was right. What happened was that a whole series of institutions and organizations came into

existence to promote this project. Equally as important as stimulating other countries' economies was making sure that communism would not spread, and that capitalism would thrive. The Soviet Union very quickly became the main enemy when the Cold War started.

It is useful to examine how these institutions and organizations created a system whereby the United States acted as enforcer, peacemaker, and provider of rules to govern and expand trade. The United States retained military bases around the world. The American government established these bases in Europe, Asia, and the Middle East. Having these bases provided a kind of hard power that could be used if necessary. The North Atlantic Treaty Organization (NATO), the most important military alliance, was created at the beginning of the Cold War. It was a pact between the countries of Western Europe and the United States to defend Western Europe against attacks from the Soviet Union. The idea of NATO was that if any one of the member countries was attacked, the Americans would come in to help. This agreement was a really important part of creating stability in Europe. Throughout the Cold War, NATO proved to be an effective deterrent to Soviet Union aggression. The Soviets never decided to test NATO's alliance in Europe through invasion.

The US government worked to jump-start both the European and the Japanese economies. The Marshall Plan (1948) provided funds to nations so that they could rebuild their infrastructures. The US government also engaged in state-building after World War II in many countries, particularly in Germany and Japan. In both countries, they tried to dissolve the prewar corporate order and replace it with one that more closely resembled the US economy. The U.S. government was very interested in trying to create liberal democracy. The American government did this both overtly and covertly around Europe and in the rest of the world. The U.S. supported politicians they liked, and, of course, the American government would try to keep politicians they did not like from getting elected.

The United States also worked to found the United Nations (UN). After World War I, President Woodrow Wilson had proposed creating the League of Nations, an international organization that would meet to discuss world issues. However, the American Senate voted to prevent the United States from participating in that proposed organization, and it never materialized. After World War II, one of the main

ideas was to create such a political forum to try to bring countries together routinely to talk.

The United Nations, the international forum consequently established in 1945, does two things. One is that it provides a talk shop from which there is the possibility of collectively deploying UN peacekeepers made up of soldiers from the armies of different countries for humanitarian intervention in sectarian battles around the world. What the establishment of the UN did was to allow governments to come together; to bring troops in; and, when situations really became horrible in some places, to bring in peacekeepers to attempt to solve problems. The UN has been more or less successful in that endeavor during the postwar era.

The second function of the UN is to convene the Security Council, which is composed of the five large, great powers in the world (the United States, the United Kingdom, Russia, China, and France) and ten rotating members. This council also provides a more focused forum for discussion about world conflicts. However, sometimes the members of the Security Council agree, and sometimes they do not. In addition, the United Nations has never acted as a constraint on US power. If the United States cannot convince other countries to enlist in a security project that it favors, it can fall back on its military and go it alone.

One can argue about the degree to which the UN has actually achieved any of these goals in the postwar era. However, the existence of the UN has meant that there has been a forum where issues can be aired and discussed before war becomes the final outcome. Obviously, getting the support of other countries makes legitimating intervention easier. The United States still finds this option useful as it can always decide to instead pursue its foreign policy goals without that support. For example, in 2015, the UN Security Council helped broker a deal to get Iran to give up its nuclear weapons program. In 2018, Trump tore that agreement up, removing the United States' participation, the kind of thing American presidents have done on occasion in the postwar era. He tried to force all of the United States' allies to go along with his desire to punish the Iranians more directly by cutting off the Iranians' access to the world banking system and by preventing Iran from exporting oil.

The economic institutions that were put into place after World War II were invaluable for forging the postwar recovery in the developed world and, to a lesser

degree, in the developing world. There were a large number of problems coming out of World War II that were on the agenda of matters to address. The first was to restore world trade. Before World War I, world trade was something like 15 percent of the gross domestic product (GDP) in the world. By the end of World War II, world trade was approximately 4 percent. World trade had been decimated by the policies that governments had pursued during the Great Depression and, of course, World War II.

The idea of creating more trade was that if a nation stimulated trade, that effort would jump-start economic activity. At the core of this matter was the problem of establishing what currency would guide trading. In the nineteenth century and into the twentieth, there was something called the *gold standard*, which meant that people used gold as a way to pay for goods that were purchased from other countries. If I bought something from you, the amount I had to pay you in your currency was determined by the exchange rate of your currency for gold. This situation created massive problems for trade since the price of gold routinely rose and fell, and the supply of gold was not determined by the level of world economic activity but rather by the cost of finding and mining gold.

At the end of World War II, U.S. gathered together representatives of many of the world's largest economies in 1944 in Bretton Woods, New Hampshire to try and build a postwar financial architecture for the world. One important proposal on the table was the idea the United States had to create a single world currency, a kind of currency that would be a market basket of a lot of currencies. The reason for this action was that a single currency would not be as open to the kind of fluctuations in prices for any given country that would result if each country used only its own currency for trade. Most of the countries that would have participated in that trade at that time were not ready to adopt a single currency as doing so seemed to imply too much pooling of national sovereignty for them.

Instead, what emerged was the Bretton Woods Agreement.¹ This document established the US dollar as the currency of trade. The United States agreed to exchange those dollars for gold at the price of \$35 an ounce. However, in 1971, the US government stopped selling gold for \$35. As a result, we now have floating exchange rates. The dollar remains at the core of the system as the reserve currency for trade.

To this day, many of the world's most important commodities are priced in dollars. For example, oil and almost all mineral commodities are priced in dollars.

The second idea that the United States supported was the creation of the World Bank. After World War II, most of the infrastructures of countries in Europe had been destroyed. If a nation is going to have economic growth, it needs to have roads, electricity, water, and sewage systems. What nations did was to create an organization that was collectively owned by different countries that helped loan money to a country to rebuild its infrastructure. In the beginning, many of these loans were made to European nations, but later they went to the developing world. This effort promoted economic growth. Citizens were hired to undertake construction projects, an arrangement that offered an immediate economic stimulus. Once a country's infrastructure had been restored, its people could use it to engage in economic activities.

The third institution that the United States established was the International Monetary Fund (IMF). One of the big problems in the world before World War II was that governments were constantly having fiscal crises. They would run large budget deficits, but they were not able to tax enough or borrow enough to cover those deficits. Governments would rise and fall on their abilities to pay for their activities. Therefore, the decision was made to create a bank that would come in at the last instance when things became really difficult and loan money to governments to keep them stable.

In 1948, a treaty called the General Agreement on Tariffs and Trade (GATT) was negotiated. The GATT was a way to lower tariffs around the world so that there would be more movement of capital and goods. The treaty was expanded in 1995 to create the World Trade Organization (WTO), which sets rules for trade around the world. The GATT and the WTO have successfully led campaigns to lower tariffs and provide the conditions for rules of trade around the world.

If you are considering what the US government wanted in its foreign policy after World War II, the main goals were to create a stable world where capitalism flourished and where regimes were enduring. The UN provided a place to discuss potential national conflicts and legitimate intervention if necessary. The military deployments created the ability to respond quickly in the event that conflict broke out. During the Cold War, the US government also did not want other countries to ally with the Soviet Union. This desire meant that the United States was prepared to

prevent countries becoming communist by supporting authoritarian regimes and using military force to intervene in conflicts.

But promoting economic growth to produce stability was key to the future of the US liberal world order. The US government pushed for economic growth by promoting capitalism and free trade as policies that would give citizens in many countries more freedom from economic need. These institutions gave the United States a set of levers to push to advance its vision of the world order. When people critique these institutions, they do not quite appreciate how they all have worked together to produce a world that has in many ways come to resemble the American policy preferences.

One important organization that is not controlled by the United States is the European Union (EU). It was founded in 1957 under the document called the Treaty of Rome. The European Union established a custom union across six countries, a development that meant one could move goods and services around from country to country without having to pay any customs or duties. That organization proved to be so successful that eventually twenty-eight countries joined it (although Great Britain has recently left the European Union). The EU subsequently has gone on to foster more cooperation among its members that includes the completion of the single market and establishment of a single currency.

The European Union is the most open trade zone in the world. It was built on the philosophy that if people are trading, they are less likely to go to war with each other. Trading makes nations interdependent, and this relationship gets them to view things more as win-win rather than win-lose. In Europe, the EU worked spectacularly well until the financial crisis of 2008. The creation of the EU was done with the blessing of the US government. Although this country did not create it, from the United States' point of view, the EU created part of a liberal world order consistent with the US vision.

The US liberal world order worked wonderfully. It established a democratic Europe and Japan and created wealthy societies in both places. In 1991, the Soviet Union collapsed, and the people who promoted the American model could rightly claim victory. One author, Frances Fukuyama, declared the end of history.² Liberal democratic capitalism had won. From 1945 to 1991, the American world order provided institutions that worked in America's interest by helping to create a liberal

world order in which democracy, free trade, and capitalism had established a core economy in which all was well and a military apparatus that was used as a last resort to preserve that order.

But this liberal world order stopped working to benefit average citizens of the United States. Indeed, I would date the beginning of that decline as 1973, which was the first year of the tripling of world oil prices. Although the liberal world order chugged along until the collapse of the Soviet Union in 1991, it was already creating problems in the core of the core: the US economy. The principal beneficiary of this new world order in the United States from 1945 until 1973 was the emerging American middle class. Those who worked in blue-collar occupations and worked in factories benefited dramatically. These agreements opened up world markets, and American corporations went everywhere to sell American-made goods. Part of that success was tied to the destruction of much of the economic base in the rest of the world during World War II. But US goods were also technologically sophisticated and well made. Paul Baran and Paul Sweezy ended up calling the American workers the “labor aristocracy” of the world because of their relatively privileged position as high wage earners.³

But then things began to fall apart. The reasons why they did are complicated, but basically the 1970s brought about a long period of a stagnant US economy with high inflation. Wage growth stopped during this period, and by the late 1970s, income inequality had begun to rise in the United States. This combination of slow economic growth and high inflation affected US corporations by lowering their profits and producing low stock prices throughout the 1970s. The political and economic solutions to this crisis in the United States favored the well-off over the middle and working classes. The international institutions continued to expand free trade (NAFTA was signed in 1993, and the WTO formed in 1995), but the principal beneficiaries in the U.S. were the wealthy. Free trade stopped looking like a good deal for middle-class Americans and started to look like one of the main ways in which their job opportunities were being undermined.

In 1980, Ronald Reagan, a conservative Republican, started to put into place policies that favored corporations through deregulation and that worked against the organization of workers. Unions came under attack, and by the late 1980s, their membership had fallen to levels well below those of the early twentieth century. Reagan also cut taxes

for the wealthy and corporations. All of these measures worked to decrease opportunities for working-class Americans and increased income inequality.

The economic crisis in the United States was addressed by the rise of the shareholder value social movement. Managers were blamed for the poor performance of corporations based in the United States. They were replaced by new managers who would privilege shareholders over stakeholders. In practice, this shift started with a large merger movement that broke firms up and sold them off in pieces. Plants were closed, and workers and managers were laid off. Union workers in particular were targeted. Investments were made in technology to further diminish the power of workers.

The only things that mattered were the share price and corporate profits.⁴ The shareholder value movement helped hold down wages and income for most of the population and redistributed that income to the top earners and those who owned stock. The shareholder value revolution promoted the idea that economic globalization was one way to increase shareholder profits. By creating supply chains around the world to take advantage of wage differences, firms could return higher profits to their shareholders. The NAFTA and the WTO cemented those tactics by ensuring a rule-driven order that favored corporate interests over workers and the environment.

All of these changes to the US economy have favored shareholders over stakeholders (workers, communities, and employees). Top managers received stock ownership to incentivize them to raise a company's share price, thereby increasing inequality as well. On every front, political and economic, the rise of the 1 percent and the increasing wealth and income inequality were the result.⁵

Since the turn of the twenty-first century, the relative advantages of the 1 percent and those who own stock more generally have been reinforced by a couple of trends. First, firms have continued to use technology to reduce their need for labor. Second, beginning in 2001, when China joined the WTO, US manufacturing firms have continued to lose jobs to China. It has been estimated that most of the job loss was concentrated in the Upper Midwest and totaled between two and four million jobs.⁶ These job losses map directly onto many of the places that President Trump won handily in 2016. Lastly, the decline of the fortunes of the American middle and working classes coincided with a large increase in immigration from Latin America

and Asia that began in the 1970s but really took off between 1990 and 2010. The presence of new waves of immigrants offered Americans who were seeing their wages stagnate a new scapegoat for their problems.

These changes explain the appeal of Trumpism. By blaming immigrants, elites, corporations, and free trade, Trump has put his finger on the ways that working and middle-class white Americans understand how their privilege has eroded. That he has attacked the world order that had been created by America after World War II makes perfect sense. The arrangements that had brought peace and prosperity to Americans in the past now increasingly appear to work for corporations and economic elites and for immigrants who take American jobs. But they do not appear to help average citizens.

Around the world, we observe similar debates. There are somewhat different causes for the economic problems in Europe and the United Kingdom, but those problems have been met with similar rhetoric. Anti-immigrant sentiment runs high across Europe. Politicians with populist agendas appear to be on the rise in many places. But this rise in populism is very much related to the exposure of citizens to the downsides of free trade. European welfare states remain strong and generous in many places. Right-wing parties have emerged, but so far, they have not taken power in any country in Western Europe. In France, Marine Le Pen, a populist politician, got 21.3 percent of the vote in 2017. In Germany, the Alternative for Deutschland, a populist party got 12.60 percent of the vote in 2017. If you go to Scandinavia, populist parties routinely get between 10 and 20 percent of the votes. The appeal of these politicians has been felt more in Poland and Hungary, where nationalism is running high even though migration has not been significant.

What Has Happened?

Trumpism is essentially an American reaction to the fact that the existing world order that had once benefited the United States' workers and middle class has stopped doing so. The liberal world order continues to provide the conditions for free trade and economic and military stability and to work well for corporations and the upper middle class. But within the United States, the gains from that stability have disproportionately gone to the top 20 percent of the income distribution and mostly to the top 1 percent.

When Trump came into office, he took the United States out of the Trans-Pacific Partnership (TPP) as one of his first acts. Then he began to call out business executives in order to convince them to keep jobs in the United States. Soon thereafter, he told Mexico and Canada he wanted to renegotiate NAFTA to better advantage the United States. He also began criticizing immigrants from various countries. He has been working on funding a “wall” on the United States–Mexican border. He then proceeded to declare a trade war on China. He blamed China for engaging in unfair trade practices that cost American jobs and created a large trade deficit. All of these acts are consistent with an analysis that regards the current world order as not benefiting American citizens enough.

Trump’s actions have impacted international institutions and work to undermine those institutions. The WTO, for example, has ground to a halt because of Trump’s refusal to approve new members for its dispute governing board. His withdrawal of the United States from the TPP and his declaring a trade war on China have already altered the world trading system. However, there are many groups in the United States that do benefit from the existing world order. So, for example, Trump’s much ballyhooed attempt to revise NAFTA created a new trade agreement that is known as the United States, Mexico, and Canada Agreement (USMCA). Most observers see little change in the new agreement which went into effect in 2020, with marginal increases in automobile content for US producers and small changes to Canadian milk tariffs.⁷ Similarly, Trump’s trade war with China has ended, at best, in a draw and at worse, in a loss. Moreover, American corporations have little intention in moving their manufacturing activities back to America.

Trump’s efforts have been contested at every turn. If he has not been able to use executive power to do something, the roadblock has usually caused him to change the subject. His courtship of Putin also appears to have receded as evidence has mounted that Putin tried to interfere in the 2016 US presidential election and Putin’s annexation of Crimea produced international outrage. However, these developments do not mean that Trump will not continue to push his agenda. From December 22, 2018–January 25, 2019, Trump shut down the government to force the issue of the funding of his “wall” on the Mexican–U.S. border. When he did not get the appropriations he asked for, he declared a national emergency and moved Pentagon funds

to continue work on the “wall.” In 2018, Trump began a trade war with China by placing tariffs on Chinese imports. The conflict lasted until 2020 when a deal was signed to remove the tariffs with the promise of China agreeing to buy more American agricultural products. Most observers view the deal as giving Trump cover to declare victory even though he did not attain most of his goals. It is also seen as a victory for China which withheld making real changes to the way they do business.⁸

One area where you can see that Trump has really backed off is in his criticism of corporations. During Fall 2017, the Republican Congress lowered corporate taxes substantially. Instead of vowing to levy taxes on corporations that are importing goods instead of producing them in the United States, Trump signed a bill giving corporations the largest tax cut in postwar history. They have used this tax cut to reward shareholders by buying back stocks. Shareholder value capitalism is still alive, well, and flourishing.⁹

Now, this outcome does not mean that Trump will stop trying to use Trumpism as a wedge issue to appeal to voters. He will undertake both symbolic and real acts to convince his core supporters that he is working in their interest. When it suits his interests, he will continue to criticize individual corporations. The crisis of the middle class, particularly whites without a college degree, is still out there, and Trump will continue to use Trumpism to speak to the real issues important to his main constituency. But the Republican Party and the large corporations both have interests embedded in the existing economic order. I expect Trump to continue to push his anti-immigrant, anti-international agreements, and anti-free trade agenda. But, he will be met by some resistance from corporations that have a stake in the existing trading system. So, although the US liberal world order now only benefits the few, these entities are organized and remain powerful and vigilant in their efforts to protect their interests. His best moves will be to declare symbolic victories when his agenda is thwarted by other organized interests. His real victories will be confined to the parts of his agenda that do not threaten the privilege of powerful economic actors like corporations.

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What's So New about the #MeToo Movement?

CATHERINE ALBISTON

In 1991, Anita Hill challenged the Supreme Court appointment of Justice Clarence Thomas by disclosing his sexually harassing behavior while he was her supervisor at the Department of Education and the Equal Employment Opportunity Commission (EEOC). Much ink was spilled discussing how these hearings represented a watershed moment in recognizing sexual harassment at work. At the time, *Meritor Savings Bank v. Vinson* (1986),¹ the landmark Supreme Court decision that recognized that sexual harassment was discrimination under Title VII of the *Civil Rights Act of 1964*, was a few years old. Twenty-five years and many Supreme Court decisions on sexual harassment later, we are reliving that watershed moment in the #MeToo movement. Trump's candidacy and presidency have withstood multiple accusations of sexual assault and harassment and has given rise to a Department of Education led by Betsy DeVos that has spearheaded concerted efforts to undermine policies promoting greater accountability among college campuses and perpetrators. Given this new era of discourse on sexual harassment and sexual assault contextualized by Trumpist dismissiveness of these claims, what, if anything, has changed during those twenty-five years, and what might be the future of sexual harassment as a theory of discrimination?

When *Meritor* was decided, courts were still struggling to understand sexual harassment in the workplace. Was it private behavior beyond the reach of employer

liability under antidiscrimination statutes? Or was it unequal treatment with regard to the terms and conditions of employment for which employers could be liable? Even after *Meritor* found sexual harassment at work actionable, courts struggled for decades to define what constitutes harassment. Was harassment a form of sexual desire, humiliating and demeaning bullying directed at disfavored groups, or the policing of stereotypes and norms about men and women? How far did employers' responsibility go? Were they responsible for the harassing behavior of supervisors, coworkers, or customers? And to what extent, if any, should the targets of harassment be held responsible for their behavior in response to alleged harassment? Over the years, the Supreme Court has resolved these questions to develop a jurisprudence of sexual harassment. Compared with the stark questions about liability raised and resolved in *Meritor*, this jurisprudence offers a remarkably nuanced and sophisticated understanding of power and sexual harassment in the workplace, albeit an imperfect one with which not all commentators agree.

The #MeToo movement has now focused attention on sexual harassment again. #MeToo revealed that on the ground perhaps not much had changed despite the developing law. By exposing egregious behavior by powerful actors in Hollywood, Washington, and elsewhere, the #MeToo movement highlighted how power and sexual harassment are closely connected. Many of these powerful actors denied or minimized the accusations against them. They aggressively attacked their accusers and framed the systemic claims of the movement as individualized, sordid he said–she said squabbles. Media coverage also shifted the narrative. By focusing on salacious details, the media hypersexualized sexual harassment and obscured how harassment creates systemic structural barriers to advancement at work. The aggressive counter-attack also reframed accused men (and their families) as the victims of serious (and implicitly unfounded) charges that threatened to destroy their careers and lives. This narrative ironically acknowledged the seriousness of sexual harassment accusations while simultaneously undermining the legitimacy of those who made them.

This chapter reviews how sexual harassment law has developed since Anita Hill's testimony in the Clarence Thomas hearings. It then contrasts the systemic conception of sexual harassment in doctrine with the emerging framing and narrative of the #MeToo movement and the response to that movement – much of which has

occurred in the shadow of and in response to Trumpism. Through this contrast, the chapter illuminates how the #MeToo debate legitimates arguments long since rejected in doctrine. The chapter closes with cautions about the limits of #MeToo and the pitfalls ahead in developing sexual harassment doctrine.

Doctrinal Developments since *Meritor*

Meritor represented the Supreme Court's first major foray into sexual harassment jurisprudence, just a few years before Anita Hill raised the issue during Clarence Thomas's Supreme Court confirmation hearing. This opinion began decades of line drawing about the meaning and harm of sexual harassment as well as about the limits of employers' responsibility for their employees' conduct. Although heralded as a major advancement in sexual harassment jurisprudence, *Meritor* both repudiated and reinforced stereotypes about gender relations and sexual conduct. It rejected arguments that short of rape, so-called voluntary sexual conduct in the workplace was private behavior for which the employer had no responsibility.² It also held that tangible economic injury was not required for the harassing behavior of a supervisor to be actionable if that harassment created a hostile work environment that affected the terms and conditions of the plaintiff's employment.³ In this way, the Court placed sexual harassment squarely within the definition of *discrimination* prohibited by Title VII.⁴

Even so, *Meritor* reflected and reinforced cultural stereotypes about sex and gender relations. For example, *Meritor* set out a legal standard in which the plaintiff bears the burden of demonstrating that the allegedly harassing conduct was unwelcome.⁵ Burdens of proof typically reflect assumptions about the ordinary state of the world, with the burden of proof placed on the party arguing that the ordinary state of affairs does not obtain in the case at hand. Placing the burden of proof on the plaintiff thus presumes that absent evidence to the contrary, women ordinarily welcome the sexual advances of men, even in the workplace.⁶ The Court went further to suggest, in dicta, that the plaintiff's conduct and dress would be relevant to whether she welcomed the harasser's attentions.⁷ These dicta opened up intense scrutiny of plaintiffs in sexual harassment cases and refocused the inquiry away from the harasser's behavior toward whether the woman made sufficiently clear that sexual overtures were not

wanted. This interpretation ignored how power disparities between men and women in the workplace might discourage victims from complaining. Instead, the stereotype of the scorned and vindictive woman raising sexual harassment accusations against her former lover lurks in this doctrine. The doctrine subtly reinforced the stereotype that women lie about rape and sexual assault.

Meritor made clear that sexual harassment constituted discrimination, but it left open several important questions about the scope and consequences of that discrimination. *Harris v. Forklift Systems* (1993) resolved one such question by holding that conduct that was both subjectively and objectively offensive was sufficient to support a claim and that tangible psychological injury was not required.⁸ In *Harris*, the plaintiff's supervisor not only sexually propositioned her, but also belittled her with abusive, gender-specific language such as "dumb-ass woman."⁹ *Harris* thus reveals that sexual harassment may not be about sexual desire but can be about demeaning women and undermining their performance by treating them as mere sexual objects rather than as valued employees.¹⁰ The Court recognized this dynamic, noting that "an abusive work environment . . . that does not seriously affect employees' psychological well-being . . . can and often will detract from employees' job performance, discourage employees from remaining on the job, or keep them from advancing in their careers."¹¹ *Harris* thus moves away from conceptualizing sexual harassment as workplace dating gone wrong to understanding harassment as a concerted effort to undermine women in the workplace and encourage them to leave. Indeed, some of the most egregious examples of sexual harassment target women attempting to integrate male-dominated occupations such as mining; investment banking; construction; and the science, technology, engineering, and mathematics (STEM) fields.¹² Sexual harassment in this conception is a form of social closure to keep women out of jobs traditionally held by men.¹³

The Supreme Court established a third major principle in *Oncale v. Sundowner Offshore Services, Inc.* (1998), in which it recognized that same-sex harassment could be actionable under Title VII.¹⁴ *Oncale* involved an oil platform worker who "was forcibly subjected to sex-related, humiliating actions against him," including physical assault and threats of rape.¹⁵ Both the harassers and the target of the harassment were men, raising the question of whether same-sex harassment was actionable

under Title VII. Building on *Harris*, the Court held that actionable harassment “need not be motivated by sexual desire” and could also be “motivated by general hostility to the presence of women in the workplace.”¹⁶ The Court also suggested that same-sex harassment when there was “credible evidence [that] the harasser was homosexual” would also be actionable.¹⁷ Nevertheless, the Court did not recognize harassment as a form of policing gender identity and behavior, even though the facts of *Oncale* suggested as much.

At the time of *Oncale*, legal scholars produced substantial work that broadened the understanding of sexual harassment to include nonsexual forms of gendered harassment (such as that addressed in *Harris*) and cases of same-sex harassment targeting men who failed to conform to traditional masculine gender performance (such as *Oncale*).¹⁸ This scholarship moved sexual harassment as a concept beyond Catharine MacKinnon’s gender dominance theory¹⁹ at its origins to a more capacious understanding of power, gender, and workplace discrimination and exclusion. This new conception of sexual harassment was not limited only to men dominating women, or to sexual desire, or even to sexually explicit language and conduct. Instead, following *Oncale*, it conceptualized harassment “because of sex” to include sexualized harassment, nonsexual forms of gender harassment, and, importantly, harassment directed toward policing gender identity and gender performance.²⁰ In this last theory, sexual harassment dovetailed with other Title VII precedent that held “we are beyond the day when an employer could evaluate employees by assuming or insisting that they matched the stereotype associated with their group.”²¹

Modern campaigns against systemic sexual harassment build on this foundation. Long before Ashley Judd accused Harvey Weinstein of sexual harassment, investigative reporting had revealed widespread and long-standing sexual harassment, including rape, of women working in the janitorial industry.²² Far from one-off instances of boorish behavior, these accounts documented systemic sexual abuse of isolated and powerless women dependent upon their jobs. But this abuse of power in the employment relationship represents only one of many forms of systemic harassment. A second form focuses on undermining and excluding women who make inroads into traditionally masculine occupations. Although this behavior has often been characterized as a particular problem with blue-collar occupations such as mining or

construction, a recent report by the National Academies and Sciences, Engineering, and Medicine documents systemic discrimination and harassment in the professional STEM fields as well.²³

A third form of systemic sex-based harassment enforced gender identity norms on the basis of stereotypical assumptions about appropriate workplace demeanor, appearance, and even social associational behavior outside of work. When sexual harassment first emerged as a theory of gender discrimination, courts struggled with how to theorize this form of harassment, hindered in part by early precedents such as *Meritor* that had been based on overt, heterosexual, explicitly sexualized harassment. After *Harris* and *Oncale* established that harassment need not be sexualized or involve the opposite sex in its manifestations, sexual harassment doctrine came to recognize harassment's gender-norm-policing function as akin to prohibited gender stereotyping already well recognized as discriminatory in both Title VII and constitutional doctrine.²⁴ Most recently, in a dramatic and unexpected decision in *Bostock v. Clayton County* (2020), the Supreme Court held that Title VII's prohibition against discrimination (and therefore also harassment) because of sex included discrimination on the basis of sexual orientation or gender identity.²⁵

Thus, by the time the #MeToo movement came into public consciousness, legal doctrine and theory had moved far beyond the narrow idea of boorish sexualized behavior or requests for dates gone wrong as the template for understanding sexual harassment. Instead, sexual harassment represented, in both doctrine and theory, a sophisticated form of gender discrimination and gender-identity policing deeply implicated in power relationships at work and in the broader society.

Doctrine has not always developed in more protective directions, however. Indeed, this conception of sexual harassment as a much more serious and systemic workplace problem led to a series of decisions that began to both delineate and cabin employer liability for harassment at work. These include *Faragher* (1998) and *Burlington Industries* (1998), two decisions that created a defense for employer liability for harassment by supervisors, even when the plaintiff proved the harassment had taken place.²⁶ These decisions held that an employer had an affirmative defense to liability for sexual harassment by a supervisor if "the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior and . . . [if] the

plaintiff employee unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to avoid harm otherwise.”²⁷ Although this rule arguably incentivized employers to create policies and structures to prevent sexual harassment, it also focused attention on whether women had done enough to object to harassment. This shift once again ignores the sharp power inequalities between harassing supervisors and their targets that might discourage women from complaining. This defense also enables employers to create policies and structures that signal compliance to courts but do very little to change interactions on the ground.²⁸ In this way, employers can protect themselves from liability even if women prove actual harassment on the part of their supervisors. Nevertheless, even these problematic defenses put some obligation on employers to protect their employees from sexual harassment in the workplace.

#MeToo and What Is (Not So) New

The start of the #MeToo movement is often attributed to Alyssa Milano’s Twitter tweet on October 15, 2017, suggesting that “women who have been sexually harassed or assaulted” write #MeToo in response.²⁹ Not many people know, however, that an African American woman named Tarana Burke started the #MeToo movement years before.³⁰ Burke’s focus was on creating an organization and a community to help victims of sexual harassment and assault. After the #MeToo movement exploded in 2017, however, the narrative took on a life of its own, with unpredictable twists and turns following the Brett Kavanaugh Supreme Court confirmation hearings in 2018 and revelations about powerful men in politics, Hollywood, and business. Unfortunately, the media storm about the current iteration of #MeToo has produced a backlash and a narrative at odds with Burke’s original focus on supporting victims of harassment and sexual abuse.

Three narrative themes in particular have emerged that are in marked contrast to the nuanced and relatively sophisticated developments in the law designed to prevent harassment. First, there has been a resexualization of what *harassment* means, with a focus on the salacious details of harassment accusations and with little to no attention paid to how sex-based harassment exploits, belittles, and undermines women in the workplace. Second, contentious debates over #MeToo have resuscitated

the “lying witness” stereotype of women who accuse men of harassment or rape and have generalized that stereotype such that all women are now potential false accusers. Third, rather than focusing on the harm and systemic effects of harassment, commentators have questioned whether the harassing conduct, even if true, is serious enough to warrant punishing privileged and accomplished men. I next discuss each of these themes and how they contrast with doctrinal developments in more detail.

Sexual Harassment Is Not Always about Sex

One of the fundamental theoretical developments of sexual harassment law in recent decades has been to recognize that sexual harassment is not always, or even usually, motivated by sexual desire. Time and again, scholars have shown how harassers often combine sexualized comments and groping with gender-derogatory statements designed to undermine women’s competence and status in the workplace. Harassment is often a way to signal that women do not belong in a particular workplace and that their appropriate role is sexual rather than professional. Indeed, harassers often target women who are tokens or minorities in their professional settings as a means of putting them in their place.³¹ The most common form of harassment is gender harassment motivated by hostility toward individuals who violate gender ideals.³²

By contrast, the #MeToo movement has resexualized sexual harassment. Media, both social and traditional, have something to do with this development because salacious details make for good copy. Empirical research about the aspects of sexual harassment considered newsworthy documents that the media disproportionately report classic examples of sexual harassment: senior men harassing junior or subordinate women.³³ Media also focus on overtly sexualized conduct and particularly on scandalous allegations³⁴ and disproportionately report successful litigation, exaggerating the threat of sexual harassment litigation.³⁵ By contrast, media accounts seldom report on sexual harassment as a systemic issue or as an example of broader gender inequality.³⁶ Instead, typical media coverage promotes narratives of sexual harassment as incidents of individual aberration, most often the actions of one individual against another.³⁷

To the extent that media coverage—especially the extensive and feverish media coverage of the #MeToo moment—influences our understanding of gender

relations in the workplace and the broader community, current media frames threaten to undermine the hard-won legal and social recognition that sexual harassment is a systemic problem that recreates gender inequality. Moreover, by promoting images of sexual harassment as physical touching, overtly sexualized behavior, and individually motivated and directed behavior, this narrative normalizes and excludes from popular understandings of sexual harassment the taunts, verbal abuse, and competence undermining actions such as those recounted in *Harris* that courts have long recognized as actionable.

#HimToo: All Women Are Potential False Accusers

The #MeToo movement, originally begun to support survivors of sexual harassment and assault, has generated a #HimToo backlash that paints men as the victims of a climate of false accusations by feminists. Although it is difficult to verify the exact origin of #HimToo as a response to the #MeToo movement, one example is the tweet of the mother of Pieter Hanson, who claimed her son “won’t go on solo dates due to the current climate of false sexual accusations by radical feminists with an axe to grind.”³⁸ When the tweet went viral, the embarrassed Hanson disavowed his mother’s assertion that he avoids dating for fear of being falsely accused of sexual misconduct and emphasized that he supports the #MeToo movement and not its #HimToo opposition.³⁹ The original tweet generated a malleable and entertaining meme, but the underlying stereotype of dangerous, lying women falsely accusing innocent men of sexual misconduct reasserted itself in the popular consciousness as the #HimToo backlash spread.

Prior to this exchange, #HimToo had gained traction during the Kavanaugh confirmation hearings as a way to discredit the nominee’s accusers. Conservatives tweeted #HimToo to show their support and to chastise women whom they believed had falsified sexual assault claims to defeat his Supreme Court nomination. This narrative echoed derogatory characterizations of Anita Hill as untruthful and vengeful during the Clarence Thomas confirmation hearings decades earlier in 1991, but it also went further. It generalized that narrative to an assumption that *all* women who accuse powerful and accomplished men of harassment are untruthful. In this sleight of hand, powerful and accomplished men, not the targets of their alleged

harassment, became the victims. This framework aligns with a tactic seen in other aspects of Trumpism – namely, to attempt to discredit the source of an accusation of misbehavior in a manner that positions the rich and powerful male as the victim of alleged liberal bias.

Generalizing the lying accuser stereotype also helped depersonalize the claim that sexual assault accusations were false. Senators had learned from the Thomas hearings fallout that their personal attacks on women claiming sexual harassment could backfire. At the Kavanaugh hearing, they appeared unwilling to directly accuse witness Christine Blasey Ford of lying. Instead, allies of Kavanaugh weaponized gender in the battle for his nomination by relying on Rachel Mitchell, an Arizona prosecutor, to ask challenging questions⁴⁰; producing a supportive letter from female contemporaries of Kavanaugh in high school the morning after the Blasey accusations surfaced⁴¹; keeping the nominee's wife constantly before the camera⁴²; and circulating pictures of Kavanaugh with his daughter's sports team.⁴³ The message: this was a man who supported and was supported by women— as if men who support women could not also be harassers (remember Bob Packwood?).⁴⁴ Weaponizing gender in the general outcry over the Kavanaugh hearings was a way of displacing the target of harassment as the victim. If, as Kavanaugh's supporters claimed, the wife and family of the accused harasser are the true injured parties, then the woman bringing forth the claim was victimizing women and children. This approach neatly blames the accuser, not the harasser, for the fallout from his alleged conduct and sidesteps serious consideration of the veracity of her claims. Sadly, this technique of attacking sexual harassment and violence victims is so well-documented that it has a scientific name, DARVO, which stands for deny, attack, and reverse victim and offender.⁴⁵

Somehow the notion that men who have significant power might be in a position to harass women without consequence and also might be able to cover up that fact and get away with the harassment is lost in this “powerful-men-as-victims” theme. Related to this idea are powerful men's claims in response to #MeToo that they no longer can be alone with women in the workplace, such as comments made by Vice President Mike Pence.⁴⁶ A 2019 survey reported in the *Harvard Business Review* found that 19 percent of men said that they were reluctant to hire attractive

women, 21 percent said that they were reluctant to hire women for jobs involving close interpersonal interactions with men (such as jobs involving travel), and 27 percent said that they avoided one-on-one meetings with female colleagues.⁴⁷ The idea that men themselves are victims, especially powerful men who have the most to lose from false accusations, takes the focus away from their own agency and behavioral choices in refraining from the objectively offensive behavior that constitutes sexual harassment.

Ironically, while in the Anita Hill era sexual harassment was a means of excluding and undermining women in the workplace, now in the #MeToo era the mere theoretical potential for false claims, which are exceedingly rare, has become a justification for excluding and avoiding all women in the workplace. No longer is actual harassment required to exclude women; merely suggesting that any woman might at any time (falsely) accuse a man of harassment is a justification for avoiding women altogether in professional settings. Decades after *Harris* recognized how harassment undermined women's progress in the workplace, this new narrative generates yet another headwind for women's advancement as a second-order effect of sexual harassment.

Time's Up? The Entitlement of Powerful Men

Perhaps the most disturbing theme to emerge from the #MeToo debates was an implicit weighing of the accused's stature against the seriousness of the accusations. This narrative suggests the consequences for the privileged and accomplished accused should depend on the seriousness of his actions, from groping and propositions to rape, because he has so much to lose. Discussions about the accusations against Al Franken, some of which were captured in a photograph, questioned whether a pantomime grope of a sleeping woman should be enough to bring down a senator.⁴⁸ More ominously, the father of a Stanford student athlete convicted of raping an unconscious woman suggested that a six-month sentence (already controversially light) "was a steep price . . . for twenty minutes of action."⁴⁹ And Donald Trump bragged about kissing, groping, and trying to have sex with women, stating, "When you are a star, they let you do it."⁵⁰ Legally, the identity and stature of the accused is irrelevant to the fact that unwanted touching constitutes assault and battery, and rape is, of course, a serious crime.⁵¹ Nevertheless, the high-profile identities of

men accused in the #MeToo movement have become fodder for questioning whether harassment, even physical touching, is enough to warrant consequences for powerful and accomplished men.

Catharine MacKinnon argues that as a result of #MeToo, women are being listened to in a new way, but she also acknowledges this undercurrent of dismissiveness in the face of entitlement. She notes that Judge Kavanaugh's Supreme Court confirmation hearing "presented Christine Blasey Ford's sexual assault as a long-familiar dialogue between her facts and his resume. As framed by him, the question was whether someone as valuable and accomplished as he would be denied advancement over something as dubious and negligible as the abuse against Dr. Blasey."⁵²

Earlier, MacKinnon had argued that, at least initially, the #MeToo movement had looked like a shift from the bad old days when "[e]ven [in a situation in which a woman] was believed, nothing [a man] did to her mattered as much as what would be done to him if his actions against her were taken seriously. His value outweighed her sexualized worthlessness. His career, reputation, mental and emotional serenity[,] and assets counted. Hers didn't. In some ways, it was even worse to be believed and not have what he did matter. It meant she didn't matter."⁵³

Indeed, powerful men, many of them, are facing accusations of sexual misconduct, and a not insignificant number of them are facing consequences for that behavior.⁵⁴ But so are the women who accuse them. Ironically, #MeToo, which began as a movement to support survivors of sexual assault and harassment, has provoked the vilification of women who have come forward. Although more women are disclosing their experiences of abuse at the hands of powerful men, one would be hard-pressed to say that those women have been overwhelmingly accepted and supported. Christine Blasey Ford, who had initially asked Senator Diane Feinstein for confidentiality, received death threats, had to hire private security, went into hiding, and was unable to return to her job as a college professor.⁵⁵ Unfortunately, Blasey Ford is not alone in facing backlash; women across the globe who have spoken up not only are experiencing verbal threats but are also being sued for defamation.⁵⁶ But why are people so surprised to hear about sexual harassment? Studies show that at least one in four women has been sexually harassed at work⁵⁷ and that two-thirds of those who report workplace mistreatment experience retaliation.⁵⁸ Not surprisingly, most

sexual harassment goes unreported.⁵⁹ The current high-profile backlash against #MeToo accusers is unlikely to improve that statistic as women see the consequences of speaking out.⁶⁰

Why is there so much vitriol and outrage against women who speak up given the documented widespread occurrence of sexual harassment, including behavior by powerful men who not only admit having harassed women but sometimes even brag about having done it? Here is where the systemic, power-based nature of harassment becomes apparent. Sexual harassment is simultaneously a privilege of powerful men; a means of keeping uppity, accomplished women in their place; and a key tool for maintaining gender hierarchy. Threatening that hierarchy, especially when doing so would affect powerful brethren, is far more than the sordid he said–she said story media tend to present. This perspective may help explain why people who have never met or perhaps even heard of the men accused in the #MeToo movement or the women who have accused them nevertheless feel that their own quite ordinary sons are endangered by its existence. The backlash is likely to discourage reporting of sexual harassment, leaving sexual harassment plaintiffs vulnerable to the defense that they unreasonably failed to take advantage of corrective measures provided by their employers, however ephemeral those measures might be.

The Future of Sexual Harassment Law

This chapter began by asking what, if anything, has changed during the twenty-five years since the Clarence Thomas/Anita Hill hearings and what the future of sexual harassment as a theory of discrimination might be. Legally, much has changed. Sexual harassment doctrine and theory has moved beyond regarding harassment as boorish behavior driven by sexual desire to a much more nuanced understanding of harassment. This nuanced understanding views harassment as social closure meant to undermine women and drive them from the workplace (especially in traditionally male-dominated jobs), as policing of gendered stereotypes about appropriate behavior for men and women, and, most importantly, as discrimination actionable under civil rights laws. Harassment is not merely rude; it represents the exercise of power to maintain hierarchy.

Sadly, despite the best efforts of advocates in the #MeToo movement, this is

not the narrative we see today, although in some ways the new narratives derive from the success of advocates so far. After decades of doctrinal development, no longer is sexual harassment seen as unproblematic. We take harassment seriously—so seriously that when powerful men are accused, their supporters seek to discredit accusers as quickly and thoroughly as possible. Popular narratives continue to discount or question allegations against powerful men, even though the record shows that power is closely connected to harassment. And we continue to focus on and vilify the victim because challenging the hierarchy of power and gender relations is too destabilizing to contemplate and would give far too much power to those who have long been subordinate.

This vilification of accusers only amplifies the challenges of coming forward. The generalized assumption that anyone who complains of harassment is probably lying and the popular image of accusers as dishonest and politically motivated raise the bar for women deciding whether to come forward. Women who complain about sexual harassment risk being characterized by this stereotype of the lying, vindictive woman. Any women who watched #MeToo unfold, especially after the Kavanaugh confirmation hearings, will fear retaliation rather than anticipate support if they were to come forward with accusations against powerful men. What the law recognizes as actionable harassment—conduct that is objectively and subjectively offensive—can nevertheless be undercut by cultural presumptions that powerful and accomplished men should not be brought down by the complaints of their insignificant victims. Moreover, women who have been subjected to a different kind of gender-based harassment, one centered on gendered insults, taunts, and threats, are hard-pressed to see their experiences reflected in the #MeToo narrative. Finally, the generalization of the lying accuser stereotype threatens to undermine the advancement of all women if Vice President Pence's avoid-women-at-all-costs policy becomes the norm.

The individualized he said-she said narratives of the #MeToo movement risk losing sight of the hard-won legal principle that harassment can be a tool for maintaining power and gender hierarchy. Who is missing from this narrative illustrates why this is so. Janitors raped on the night shift are nowhere to be found.⁶¹ After *Bos-tock*, LGBT workers may no longer be fired because of their sexual orientation, but the popular narrative of #MeToo has yet to address harassment on the basis of sexual

orientation or gender identity. And pioneering women in male-dominated fields from construction to STEM continue to be driven out by demeaning and harassing behavior based on their gender nonconformity in choice of profession. For these workers, it is too soon to say that the downfall of a few powerful men for their sexually explicit behavior represents a watershed change in gender relations and sex-based harassment. Recapturing the systemic and many-faceted nature of harassment will require more variation and nuance in how the media cover it and how the courts understand it. Understanding the divergence between popular narrative and doctrine, however, is the first step toward closing the gap.

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24. *United States v. Virginia*, 518 U.S. 515, 531–34 (1996) (reviewing historical stereotyping of women and constitutional challenges to the same); *Price Waterhouse* 490 U.S. at 251 (noting “Congress intended to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes” when it enacted Title VII).
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Demography is not Destiny

CYBELLE FOX

The face of America is changing. In 1965, the United States was 84 percent white. Today, non-Hispanic whites represent closer to 60 percent of the population, and if current trends continue, they will make up less than half of the total population by 2050. This growing diversity has come about almost entirely through immigration from Asia and Latin America. The Asian population was just 1 percent in 1965 and could reach 14 percent by 2065. And the Latino population was just 4 percent in 1965 and could hit 24 percent by 2065. These demographic changes are largely the result of the Hart–Celler Act of 1965, which eliminated the discriminatory national origin quotas that had been in place since the 1920s.¹ The United States, of course, is not the only country undergoing profound demographic shifts. In Canada and Europe migration is also reshaping the population in significant ways.²

Ever since the late 1990s, when these demographic shifts were becoming more apparent, scholars and pundits alike have blamed diversity or changing racial and ethnic demographics for a host of societal ills. These include the decline of trust, altruism, civic engagement, social capital, and social solidarity.³ Robert Putnam famously said that, at least in the short run, “people living in ethnically diverse settings appear to ‘hunker down’—that is, to pull in like a turtle.”⁴ Scholars have also blamed increasing diversity for the resurgence of white nationalism,⁵ growing white support for conservative policies,⁶ the defection of whites to the Republican Party,⁷ the rise of

right-wing populism or Far Right parties,⁸ the United Kingdom's passage of Brexit,⁹ and the election of Donald Trump.¹⁰

Variations on this scholarly narrative appear in the media, too. Writing for *The Atlantic*, Derek Thompson called this phenomenon “the doom loop of modern liberalism.”¹¹ In his version of this story, low birthrates lead to calls to increase immigration, and that growth increases xenophobia, raising support for right-wing parties, which in turn decreases support for the welfare state. Thompson concludes that “pluralist social democracy is stuck in a finger trap of math and bigotry, where to pull on one end (support for diversity) seems to naturally strain the other (support for equality).”¹²

A strikingly different narrative, however, sees changing racial and ethnic demographics as our country's salvation. In this narrative, expanding diversity breaks down social barriers, leading to higher rates of interracial friendships and intermarriage, and eventually blurring racial and ethnic boundaries.¹³ The political version of this narrative was popularized in 2002 when John Judis and Ruy Teixeira published their book *The Emerging Democratic Majority*.¹⁴ In it, they argue that “the country's shifting demographics were giving rise to a strong new Democratic-voting population base.”¹⁵

Shifting demographics will enable this new Democratic coalition because over the last few decades, Asians and Latinos have joined blacks and some progressive whites to form a stable Democratic coalition.¹⁶ Estimates of the Latino and Asian American votes in the 2016 presidential election vary, but according to some estimates, 89 percent of blacks, 79 percent of Latinos, and 69 percent of Asians cast their votes for Clinton as compared with just 37 percent of whites who did.¹⁷ As the proportion of Asians and Latinos increases, the Democratic coalition will continue to expand. In the long run, this increase will spell doom for the Republican Party, especially if it continues to promote a Far-Right nativist agenda, which has pushed Asians and Latinos toward the Democrats.

Both viewpoints—diversity as responsible for all that ails us and diversity as what will save us from ourselves—treat demography as destiny. And they lead to opposing policy solutions. The first view suggests that all immigration (or perhaps especially that of low-skilled workers) should be stopped or slowed in order to save

modern liberalism and liberal democracy. The second suggests that immigration should be increased or kept at the same rate while we await the inevitable demographic transition.

Demography, however, is not destiny. Neither of these perspectives—one that blames diversity for the rise of white nationalism or the other that sees diversity as the answer to all of our problems—is appropriate. The first belief, sometimes stated explicitly and at other times far more subtly, places the blame for what ails us on immigrants or people of color. Doing so, however, obscures the real sources of the problem: whites' racism.¹⁸ Meanwhile, the second belief—the one that frames people of color as our salvation—too often obscures the importance of power: the power that white people have to either maintain the status quo or reverse the gains of the last fifty years through such means as redistricting and voter suppression—and the power of people of color (and progressive whites) to resist these shifts and to alter the poisonous political dynamics at play. Indeed, a survey of the literature in social psychology, political science, and sociology, suggests that there is ample evidence that white racial attitudes pose a significant threat to liberal democracy. There is also ample evidence—much of it based on experiments—that exposure to information about changing demographics leads whites to experience fear and a sense of a growing threat that can increase their support for the Republican Party and right-wing nationalism. But there is far less conclusive evidence that actual diversity has all the negative effects that some attribute to it. And there is also increasing evidence that changing demographics alone may not bring about a permanent Democratic majority.

* * *

Various studies have now demonstrated quite conclusively that out-group antagonism, prejudice, and ethnocentrism among white Americans pose serious problems for modern liberalism. These factors predict support for immigration restriction and anti-immigrant policies.¹⁹ They also predict opposition to welfare,²⁰ income redistribution,²¹ and government-sponsored health insurance.²² And they predict support for or defections to the Republican Party,²³ voting for Republican candidates,²⁴ support for the Tea Party,²⁵ and support for Donald Trump. Specifically, scholars have demonstrated that anti-black, anti-immigrant, and anti-Muslim attitudes were among the strongest predictors of support for Trump during the 2016 election.²⁶ John Sides,

Michael Tesler, and Lynn Vavreck argue that xenophobia helps to explain the small number of whites who voted for Barack Obama in 2012 and for Trump in 2016. The authors show, for example, that “Clinton retained almost all of Obama’s white voters with positive views of immigration. But she lost about a third of white Obama voters whose attitudes on immigration were at the negative end” of the scale.²⁷

There is also a growing body of experimental research that examines the effects of people’s exposure to information about the nation’s changing demographics. Compared to a control group, those whites who are exposed to information about their impending minority status express greater anxiety,²⁸ more anger toward and fear about racial minorities,²⁹ more sympathy for whites, greater preference for racial homophily in social settings and interpersonal interactions,³⁰ and more negative evaluations of racial minority groups.³¹ They also express lower support for race-related policies like affirmative action and immigration and more support for (race-neutral) conservative policies, including those related to defense spending and health-care reform.³² And they express greater opposition to government spending on welfare³³ and for taxes to fund K–12 education.³⁴ Exposure to information about changing demographics also predicts people’s greater support for the Tea Party³⁵ and for Donald Trump.³⁶

Although racial attitudes do matter and exposure to information about changing racial demographics can lead some whites to perceive these changes as threats to their standing and status, the effects of actual diversity or demographic change on attitudes about racial or immigrant issues, policy preferences, and support for political figures or parties are far more mixed.³⁷ After surveying the vast literature on this topic, one finds that there is no consistent effect of diversity on social trust³⁸ and no consistent relationship between diversity or demographic change and attitudes toward immigrants, immigration, or Latinos.³⁹ One study, for example, found that Americans living in US counties with more foreign-born residents than others have had more positive feelings toward immigrants.⁴⁰ Another found that rapid growth in the size of minority populations may fuel feelings of being threatened, but only when national rhetoric is politicizing immigration.⁴¹ There is no consistent relationship between diversity or demographic change and the adoption of anti-immigrant policies.⁴² There is also no consistent relationship between diversity and support

for or spending on social welfare programs.⁴³ And there is no consistent relationship between diversity or demographic change and support for Trump. Some studies suggest that it is whites who live in racially isolated communities who have the highest levels of support for Trump⁴⁴ while other studies show that Latino population growth is correlated with vote-switching for Trump, especially among white working-class Democrats and Independents.⁴⁵

Why do we see such mixed results in the literature on the effects of demographic context or demographic change when the literature is far less ambiguous about the importance of out-group antagonism and the effect of information about changing demographics? One reason for these mixed findings has to do with divergent interpretations of the data. Maria Abascal and Delia Baldassarri, for example, revisited Putnam's theory about the trade-off between diversity and social trust. They argue that the negative relationship between diversity and trust that Putnam has observed is the result of a compositional effect. It is not that diversity lowers social trust, as Putnam argues. Rather, nonwhites and immigrants report being less trusting than whites are, and they live in more heterogeneous communities. In other words, the negative relationship between diversity and trust is "an artifact of nonwhites' lower levels of trust combined with their overrepresentation in diverse communities."⁴⁶

A second reason is that proximity or exposure to racial and ethnic out-groups can stimulate a threat response among whites.⁴⁷ Some whites who live near large numbers of blacks, for example, may feel a greater sense of physical, political, or cultural threat. But living among diverse neighbors can also stimulate a contact response in which attitudes toward out-groups become more positive under the right circumstances.⁴⁸ Whereas the threat hypothesis assumes that prejudice is the result of real or perceived conflict over resources or status, the contact hypothesis assumes that prejudice is irrational and learned at a young age and that it thrives on ignorance. The more whites get to know nonwhites, the more they will discover that their stereotypes have been misguided, and they will adjust their beliefs accordingly.⁴⁹ In other words, diversity can stimulate opposing reactions among whites. Larger group size or a sudden increase in the number of nonwhites can feel threatening to whites. But the increase in size can also increase the probability that whites will have meaningful intergroup contact, which can decrease their feelings of being threatened.⁵⁰

Adjudicating between the threat and the contact response is difficult because most studies that examine the consequences of diversity rely on cross-sectional data, making causal inference difficult. There is also reason to believe that some people may choose to live or remain in more or less diverse neighborhoods based on their levels of prejudice. Experiments are useful to get around these sorts of problems, but for understandable reasons, few people would consent to being randomly assigned to live in a neighborhood just so that social scientists could properly test the effects of neighborhood racial composition.

To get around this problem, political scientist Ryan Enos conducted an experiment. He sent two Spanish-speaking Latino confederates to sit on commuter trains coming from racially homogenous—or predominantly white—communities. He wanted to see whether white commuters would feel threatened by the presence of nonwhites on those trains. To measure the effect, he used pretreatment and posttreatment surveys to estimate the effect of contact with nonwhites on whites' attitudes toward immigrants and other issues. He found that exposure to Spanish-speaking Latinos increased anti-immigrant attitudes among these white commuters. "Treated subjects were far more likely to advocate [for] a reduction in immigration from Mexico and were far less likely to indicate that" undocumented "immigrants should be allowed to remain in" the United States. This response was obtained after just three days of the commuters having ridden on slightly more diverse commuter trains. Interestingly, Enos also found that these effects declined somewhat over time—within just ten days, in fact—a finding that suggests that initial exposure can produce threat effects, but repeated exposure over time can "mitigate initial negative reactions."⁵¹

A third reason is that in any given context, some out-groups appear to be more threatening to whites than others, and different studies use different measures of diversity. Combined, these two factors help to explain some of the mixed results. Some studies measure diversity by looking at the percentage of Latinos, nonwhites, or immigrants who live in a given community. Many other studies, however, use a measure of ethno-racial fractionalization. *Fractionalization* measures the probability that any two randomly chosen individuals belong to the same ethno-racial group. This kind of a measure treats all ethno-racial groups as functionally equivalent.⁵² According to this measure, a community that is 70 percent black and 30 percent white is just

as fractionalized as a community that is 70 percent white and 30 percent Asian. A measure that treats all groups as functionally equivalent is problematic, however, if not all diversity is actually functionally equivalent in terms of its effects or consequences. And there is good reason to believe that it is not.⁵³ The content of white stereotypes about Asians and blacks, for example, differs significantly. Abrajano and Hajnal note that “Asian Americans are often viewed as an intelligent, hardworking, law-abiding[,] and successful model minority.”⁵⁴ Blacks, by contrast, are often stereotyped by whites as being less intelligent, prone to violence or crime, dependent on welfare, and poor.⁵⁵

In the US context, there is very clear and consistent evidence that whites feel threatened by large black populations.⁵⁶ However, the presence of large Asian, Latino, or immigrant populations—those groups that are fueling demographic change—has never produced those same consistent responses. In my own research, I found that anti-Latino stereotypes were stronger in communities with fewer, not more, Latinos.⁵⁷ I also found that not all diversity has the same effect on redistribution. In research that I conducted with Irene Bloemraad and Christel Kesler, we examined social welfare spending across American states. While there was a negative relationship between diversity and social welfare spending, the results were driven entirely by black racial context.⁵⁸ Some scholars have even found that larger Asian American populations are associated with more liberal rather than conservative views.⁵⁹

A fourth reason is that there is evidence that the effect of diversity may not be the same for all ethno-racial groups. In their study on diversity and social trust, Abascal and Baldassarri found that it was “only for whites” that “living among out-group members predicts lower levels of trust.”⁶⁰ Blacks and Latinos did not have the same negative reaction to living in more diverse communities. The authors speculate that this situation is true because living in more diverse communities usually means living alongside more coethnics for racial minorities in the United States while the reverse situation is usually true for whites.

Finally, we often see mixed results for actual diversity because out-group political power is often greatest in areas where out-groups are more numerous. Abrajano and Hajnal found that “in states with larger Latino populations, public goods provision drop[s] significantly, and funds for welfare, health[,] and education all

decline.” But “once the Latino population passes a threshold[,] . . . policy outcomes become more pro-Latino.”⁶¹ Political power matters because it gives out-groups a voice in the policy-making process and in the selection of political leaders. They can elect their own to public office, thereby increasing descriptive representation. They are also more likely to have their voices heard, especially in competitive electoral districts where every vote counts.

* * *

Instead of fretting over immigration levels, then, we would be better off by first addressing white bias. This is a point that Abascal and Baldassarri make: if we think that diversity is the problem, then we should aim for social policies that preserve or promote homogeneity. But if the real problem is white bias, not diversity, “then policy makers should contemplate group-specific interventions.”⁶² To be sure, reducing or combating white racial bias will not be easy,⁶³ but it is necessary work. “The only way to make progress on racial issues,” explains noted racial attitudes scholar Lawrence Bobo, “is to face them directly and honestly.”⁶⁴ One way to do so is to call out racism where it exists. We know that white racial attitudes can be primed by news stories or campaign advertisements that contain implicit racial appeals.⁶⁵ But when the subtext of coded racial appeals is made plain, white voters who adhere to a norm of racial equality tend to reject such appeals.⁶⁶

Second, the literature suggests that information and framing matter and that we can alter the way information about immigration and demographic change is framed to “reduce its most divisive effects.”⁶⁷ For example, if one tells whites that, despite demographic change, their status in the racial hierarchy is likely to remain unchanged, then the effects of information about changing demographics disappear.⁶⁸ Such framing devices may be less effective if and when real efforts are made to dismantle racial hierarchies and inequalities.

Third, elites matter. Although context and social geography may play a role, they are not deterministic.⁶⁹ Elites, including politicians and the media, help make some group differences salient in certain times and in certain places.⁷⁰ Abrajano and Hajnal find that the tone of media coverage on immigration—including that in liberal outlets like the *New York Times*—is largely negative and focused on Latinos, helping to create and sustain a narrative of immigrant threat.⁷¹ This media-generated threat

narrative affects partisan beliefs among the US public, lowering the percentage of Democratic identifiers. Similarly, René Flores's work suggests that anti-immigrant laws can have important symbolic effects, increasing anti-immigrant behaviors and hardening group boundaries.⁷²

Fourth, there is some evidence that promoting integration and intergroup contact can be helpful.⁷³ Enos argues that segregation is an important dimension of social geography that affects intergroup relations. Segregation makes intergroup attitudes "more negative and their political consequences . . . more severe."⁷⁴ Promoting integration and intergroup contact, then, may help mitigate some of the tensions that can arise in diverse societies.

Last, increasing the political power of people of color is critical for demographic shifts to have any real effect on the political situation.⁷⁵ This is especially important if Republicans are able to effectively suppress the minority vote through voter ID and felon disenfranchisement laws, voter roll purges, or redistricting.⁷⁶ Asians and Latinos are much less likely to vote than whites and blacks are, however.⁷⁷ Part of this voting gap is due to either lack of citizenship or the age distribution of the Latino population in particular—that is, many Latinos are still too young to vote. Consequently, although the United States might become a majority–minority nation by 2043, "the share of the eligible electorate that is minority lags behind the estimates for the entire population" by at least a decade and a half.⁷⁸ But even controlling for citizenship and age, Asians and Latinos are still less likely to vote.⁷⁹

As a result, progressives cannot wait for demographic change to generate political change. They need to build movement power, sponsor naturalization drives, support automatic voter registration laws, and promote voter mobilization efforts to speed things along. Officials need to do what they can to reduce language barriers to political participation. Political parties and civic organizations need to do more targeted outreach to minority communities to increase their voter participation rates.⁸⁰ Parties will also need to run candidates that speak to the concerns of people of color if they want them to turn out to vote or to vote for their candidates.⁸¹ Minorities are more likely to turn out if they believe that their vote matters. Absent changes that decrease the "minority–white turnout gap," "non-Hispanic whites will continue to be a dominant force across the country for decades to come."⁸²

California may be instructive here. As Allan Colbern and Karthick Ramakrishnan explain, for most of its history, California was a leader in anti-immigrant mobilization and policy adoption.⁸³ Anti-immigrant mobilization in California helped produce the Chinese Exclusion Act and other immigrant exclusions.⁸⁴ Local communities in California led the way in repatriating more than a hundred thousand Mexicans and Mexican Americans during the Great Depression.⁸⁵ In the 1990s, voters passed Proposition 187, which barred undocumented immigrants from most nonemergency services and required cooperation between service providers and immigration officials. Although the measure was blocked by a federal district court before it was ever implemented, it is widely credited with helping to inspire anti-immigrant legislation in other states and at the federal level in the decades that followed. And when Bill Clinton first ran for president in 1992, he could not count on California to vote for the Democratic candidate. Indeed, between 1952 and 1988, California had only once voted for a Democrat for president, choosing Lyndon Johnson over Barry Goldwater in 1964.⁸⁶ Fast-forward to 2018, and California has styled itself as a leader of the Trump resistance. It is now a safely blue state, and one of the most progressive states in the country for immigrant rights.⁸⁷ Republicans, the *Sacramento Bee* reported in 2018, now rank third in the state among registered voters, behind both Democrats and those who have no party preference.⁸⁸

This change in California did not come about simply through a demographic transition. A couple of factors appear to have been critical for the shift in politics in the state. The first is the increasing political power of the Latino community.⁸⁹ Latinos naturalized in large numbers, registered to vote, and elected their own to public office, actions that helped to give Democrats a supermajority in the state legislature. Latinos were motivated to do so partly because of their sense of being threatened as a result of a series of ballot initiatives that targeted immigrants and racial minorities more generally,⁹⁰ as well as by the Republican Party's hard-right turn on immigration-related issues.⁹¹

Second, advocates were able to capitalize on that sense of threat because they organized. Although advocacy groups were not able to thwart the passage of these ballot propositions, many of these groups chose to play the long game and to prioritize increasing immigrant political power instead.⁹² With the support of philanthropic

organizations, labor groups, multi-racial coalitions, and immigrant rights organizations built their organizational capacity, honed their protest and lobbying skills, and pushed state officials to pass more pro-immigrant policies.⁹³ They sponsored naturalization campaigns, voter registration efforts, and get-out-the-vote drives.⁹⁴ By doing so, they helped to change the politics of the state, altering the incentives of politicians who ran for office there.

Third, some white voters also changed their views. Shaun Bowler, Stephen Nicholson, and Gary Segura argue that in addition to alienating Latinos, Propositions 187 and 227, which limited bilingual education, seemed to have alienated some Anglo voters, too, who came to regard the propositions as racist. This development in turn decreased their desire to identify with the Republican Party. “The cumulative effect” of the initiatives was “a 7.4 percent decline in Republican identification among whites.”⁹⁵ This shift among whites, the authors argue, was strongest for “new voters” under age thirty, who were “forming partisan attachments during this period” and who “perceived the Republicans as antiminority and thus moved toward the Democrats.”⁹⁶

Ultimately, change came to California not from limiting immigration or simply waiting for a demographic transition. Change came from broad-based organizing and from the increasing political power of the Latino community. It was spurred along, too, by those young white voters who chose to reject racism and the politics of hate.

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On Trumpism and Illegality

JOEL C. SATI

Illegality is not merely a political phenomenon. Illegality has personal effects that impinge on one's agency and reasoning. The purpose of this chapter is to explore, through an analysis of Trumpism more generally, the link between illegality as a political phenomenon and illegality as a dimension of personhood. Given the relatively scant attention the issue of unauthorized immigration receives in theoretical treatments, it is not surprising that the literature does not account for the element of emergency that I argue is central to illegality. Section 1 is on emergency, section 2 is on hermeneutics, and section 3 is on reconceptualizing illegality through the previous two frames.

This chapter begins with the premise that Trumpism is a state of affairs that have coalesced around a demagogic figure. Moving from that, the chapter examines the social dimension of noncitizenship. In particular, it focuses on "illegal alien" status, the dimensions of which are central components in understanding Trumpism as a general matter. This situation is even more true given that Trump began his campaign, and has maintained his presidency, through the fomenting of xenophobia and through operationalizing it in his administration's approach to combating undocumented immigration. With these points in mind, I argue that understanding what an *emergency* is and how it is manipulated by those in power is critical in understanding both Trumpism and the notions of illegality that it relies on.

This chapter proceeds in three sections. Using the work of Elaine Scarry, I argue in the first section that there is a political dimension to the declaration of an emergency. Furthermore, there is a political dimension to those whom we deem to be the threat. In the time of Trump, we need to think about who the threats are. In the sphere of immigration, the threat is the illegal alien, and there Trumpism inheres in making the “illegal” status of the twelve million undocumented people in the United States all but permanent.

One of the consequences of Trumpism has been the amplification of migration discussions in such a way that undocumented immigrants have been deemed the threat in a particularly naked way. Such a framing of the threat has consequences, which I examine in the second section. I use the work of philosopher Miranda Fricker, particularly her work on hermeneutical injustice, to note that the purpose of illegality in the contemporary context is to create a hermeneutical shift. The rescission of Deferred Action for Childhood Arrivals (DACA), and its pending rejection in the courts, makes the situation such that people who lack status are fundamentally considered illegal as a matter of law. The hermeneutical effects exist in Trump’s foreclosing of any potential for those who lack documentation not only to have legal status but also to become part of the polity more generally.

In the third and final section, I take insights from the first two sections and apply them to the contemporary struggle around DACA. The pernicious consequences of illegality are more pronounced in light of the litigation. There has been a shift from merely marginalization to blatant, forthright injustices. Focusing on DACA makes the difference between the policies of Presidents Obama and Trump particularly clear. Whatever possible paths of redemption were available to DACA recipients have now been foreclosed through its rescission. This foreclosure further extends to all immigrants. Consequently, the rescission of DACA jeopardizes the ability of illegalized individuals to make claims in the public sphere without threat of violence or deportation.

The aim of this chapter is to examine the relationship between claims of emergency and the ways in which they affect how the targets of these claims—in this case, undocumented immigrants—see themselves. More importantly, it is critical to examine what illegality means in the context of Trump. The purpose of this chapter is to make clear just how much illegality—or the manipulation of concepts of citizenship more

generally—is a necessary component for understanding Trumpism more generally. Furthermore, for those who are interested in developing projects that resist Trumpism, it is important to understand the very phenomena that brought him to prominence.

Emergency

Before I argue for illegality as a salient concept in the Trump era, I note that one can view illegality from two vantages—coercion and normativity—both of which clarify the distinct contribution that examining illegality brings to contemporary discourses on citizenship. The coercion subthesis posits that legal institutions both determine and enforce who is and who is not illegal; furthermore, legal institutions reserve the capacity to change the content and application of legality or illegality. Examining normativity allows us to account for the value that officials and most laypeople attach to legal conduct.

The coercion and normativity concerns are a part of contemporary discussions of immigration.¹ More specifically, emergency can explain why the political Right's response to the presence of twelve million unauthorized immigrants is to “enforce the laws already on the books.”² This argument calls on American legal institutions to flex their coercive power to enforce the laws they view as already normatively ideal. In other words, current laws that mark its violators as “illegal” need not be changed; they just need to be enforced. Claims of emergency, on this construction, are important because they frame the response to an imminent threat to the body politic. The imminence of the threat, moreover, makes extralegal actions justifiable. For Scarry, this conceptualization results in an inverted relationship to laws and legal actions—while the normativity of the anti-immigrant view calls for the enforcement of existing law, emergencies call for the suspension of or outright abrogation of existing law.

In explicating the social determinants and effects of emergency, I discuss the work of Elaine Scarry. Scarry rejects the assumption that deliberation harms our ability to respond to emergency. Scarry then argues that responding to emergencies need not be immediate, reflexive, or thoughtless. Though she uses four examples, I focus on one: Switzerland's extensive network of nuclear fallout shelters (hereinafter “the Swiss System”). The insight theorists should draw from this example, I will

argue, is this: the presence and content of rehearsing for emergencies indicate the normative value governments place both on themselves and on those they govern. Further, responses to emergencies need not (and should not) overlap with the actual timeline of emergencies. Put differently, planning responses to emergencies *while in nonurgent contexts* is a central duty of any legitimate governing body. To Scarry's view I turn.

Scarry's view is that conventional attitudes toward emergency engenders two *seductions* (her term): first, there is an opposition between thinking and acting, and second, there is an opposition between thinking and rapid action.³ In the context of democracy, deliberation, a value considered important to democratic governance, becomes the very thing that endangers it. The specter of emergency, on this view, provides justification for anti-deliberative (and anti-democratic) measures such as entering into armed conflict without the imprimatur of the legislature or to detain "enemy combatants" at Guantánamo Bay for indefinite periods without charging them with crimes.⁴

Another dimension of appeals to emergency becomes clear: deliberation requires procedures, and procedures take time. Not only do procedures take time, but these processes also can possibly invite skepticism, which is said to hamper responses to emergencies. Ordinary political division and discussion, otherwise taken to be characteristics of a healthy and active democracy, become yet another manner in which democracy may be threatened during a state of emergency. As such, the time required to enact procedures and sustain critical conversations concerning legislative choices is considered to be too hefty a risk to take. In other words, protecting the continued existence of a democracy requires suspending central components of the democratic process.

Thus, constant appeals to states of emergency end up dulling the populace's capacity to recognize and respond to the manufactured ubiquity of such states of emergency. And, as Scarry explicates, such appeals have a directed political purpose. She writes that "a political leader who brings about chronic emergencies may have these same motives: to stun the mind, to immobilize, to bring about a genuine enslavement of attention. But he is unlikely to author a political treatise on this subject, for it would arm the reader with the very scepticism that enables resistance."⁵

The question of political legitimacy is therefore one that must be considered at this juncture. If Scarry is right in thinking that constant appeals to emergencies have such deleterious effects on the populace and the state of democracies as a whole, then such appeals to emergencies undermine the political legitimacy of the governing body. Such emergencies, it seems, serve only to erode the foundations of democratic procedures.

However, appeals to emergency do not *necessarily* introduce such pernicious effects. Rehearsing for emergencies can mitigate the dulling effects of constant appeals to states of emergency, if not eliminate them altogether. Scarry introduces the example of the Swiss Shelter system, emphasizing how a governing body may alter its relationship to an emergency. That is, a prepared reaction to an emergency can substantially minimize a country's vulnerability to emergencies. In the Swiss Shelter system, there is a comprehensive set of procedures to be followed that protect both the Swiss people and their cultural artifacts. According to Scarry, each house is required by law to have a working fallout shelter, and male citizens from young adulthood to middle age (upper and lower bounds depend on exigencies) are tasked with particular responsibilities in the event of nuclear warfare.

Of the many benefits of this model, the most important is that such a system allows Switzerland to retain its political autonomy.⁶ Swiss preparations for the possibility of nuclear warfare subsequently alter the very nature of Switzerland's relationship to the emergency. Scarry contrasts the Swiss system with the American system, in which there is no analogous emergency preparedness framework. According to Scarry, the government leaders of the United States, the very individuals who had the nuclear arsenal at their disposal[,] continued to spend billions of dollars on an extensive shelter for themselves[,] . . . a man-made cavern large enough to contain three-story buildings and a lake—"a lake," as one journalist observed, "large enough for water-skiing."⁷

Though staggering in its own right, the fact that no similar set of protections exists for the general US populace should invite worry. Further yet, whereas the Swiss rehearsals for such emergencies involve the populace, no such analog exists in the American case.

The purpose of presenting the Swiss shelter example and its juxtaposition to the American one is to illustrate that a government's attitude toward its populace

tracks eerily well with the scope of its emergency planning and with the level of contribution expected of the populace in rehearsing and—if an emergency requires it—carrying out such plans. It is important to note that the US government does think rehearsals for emergencies are useful. However, *who* it considers worth protecting is quite evident given that it has spent more money on a shelter for a select few than it has for all civil emergency defense measures allocated for the general population.⁸

The inclusion of Scarry's material in this section should illuminate two things. The first is that an emergency can be, and usually is, a tool to dull the critical faculties of the citizenry—and this reaction is *especially true when the response is made in the people's name*. Whip up enough fear about the prospect of an invasion of malcontents at the United States' southern border, and the fact that a large chunk of wall funding is taking away money from funds earmarked for natural (read: *actual*) disasters becomes less open to critique. Second, the accessibility and comprehensive-ness of emergency planning, including considerations of the scope of such planning, can mitigate political misuses of appeals to emergency. Thus, according to my construction, the existence of norms can serve a purpose in articulating the importance of rehearsing certain democratic functions, making it less likely that claims of emergency can abrogate or otherwise undermine political legitimacy in *actual* states of emergency.

Illegality, for Trumpism, as a Hermeneutical Injustice

Having set up the argument of emergency thanks to Scarry's work, I move to explore the effects illegality has on those to whom the label is attached. The purpose of this exploration is to argue that the notion of illegality captures the systemic denial of a legal forum for marginalized groups. Moreover, given legal recognition's important role in constructing a person's self-understanding, examining the importance of legal recognition behooves us to explore its hermeneutical dimensions.

Hermeneutics, generally construed, deals with meaning and interpretation. Deriving from its normal use—that is, hermeneutics as textual interpretation—hermeneutics in this context captures how we, as social beings, interpret our lived experience as well as how we find the best methods by which we interpret that experience. In that sense, insofar as we human beings are engaging in a

hermeneutical project—that is, living in the world—we engage in a constant process of meaning-making, of creating and negotiating our notion of self.⁹ On the converse, to argue that some people are suffering hermeneutical injustice is to contend that people are unfairly inhibited in understanding themselves as human beings. And although an epistemic notion, hermeneutical injustice contains a constitutive moral premise: being able to make sense of one's experience is an important part of what it means to be a human. Full legal recognition is not just a hermeneutical breakthrough; it is also a moment in which a significant epistemic injustice has been overcome.¹⁰

Miranda Fricker, in her book *Epistemic Injustice: Power and the Ethics of Knowing*, draws a distinction between hermeneutical *marginalization* and hermeneutical *injustice*. Fricker defines *hermeneutical marginalization* as occurring “when there is unequal hermeneutical participation with respect to some significant area(s) of social experience.”¹¹ She intends the notion to possess a moral-political component in that marginalized people are subordinated and excluded from a practice that would have value for those excluded. Separate from the notion of hermeneutical marginalization is the notion of *hermeneutical injustice*, which she defines as “the injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource.”¹² Though similar in content to hermeneutical marginalization, there are important differences between the two concepts. For one, the concept of hermeneutical marginalization speaks to the general state of inequity in hermeneutical participation among groups. That is, when some have outsized influence in developing meaning, and others are unjustly denied their ability to participate in social generations of meaning, the latter group is hermeneutically marginalized.

Hermeneutical injustice, on the other hand, focuses on instances in which meaning-making for marginalized people is obscured. There is a vicious feedback loop: hermeneutical marginalization facilitates hermeneutical injustice, and hermeneutical injustice solidifies certain people's positions as hermeneutically marginalized because their contributions are thus not seen as useful for public processes that generate meaning. The difference is much smaller than the distinction implies, but to review, hermeneutical marginalization describes the deficit in hermeneutical

resources owing to certain groups' exclusion from social generations of meaning, whereas hermeneutical injustice describes how marginalization negatively affects how those oppressed perceive their experiences in a particular *instance*.

Illegality folds into the previous analysis in the following way: Just as Fricker describes hermeneutical marginalization as the background conditions that make it difficult for marginalized people to make sense of their experiences, I situate illegality as the background legal conditions of hermeneutical marginalization in which hermeneutical injustice occurs in the instance. That is, *illegality* describes the background legal conditions that render certain people illegal and deny them legal recognition. The inability of marginalized people to make sense of their experiences as a function of legal hermeneutical injustice exposes marginalized people to further marginalization as well as to isolation from the social generation of meaning, of which law is an integral part.

Illegality further relates to hermeneutical injustice in the following way: bearing illegal status means that the person so labeled is denied access to the process of legal generation of meaning since that process requires that all who take part see co-participants as full, capable interlocutors. In other words, what the law finds salient and, by extension, what judges take to be useful tools for judicial decision-making systemically leave out the experiences of marginalized groups. The normativity subthesis then plays a role in that judges and the laity conflate existing law (which excludes marginalized people) with normatively desirable law.

Conversely, systemic hermeneutical disadvantage for marginalized groups necessarily entails illicit hermeneutical advantage for more advantaged groups. As Fricker notes, certain kinds of material advantage generate epistemological advantage. She writes, "If [one has] material power, then [she] will tend to have an influence in those practices by which meanings are generated."¹³ The myriad negative effects of illegality include an inability for marginalized people to fully make sense of their experiences owing to their exclusion from the spheres in which legal meaning is produced. The structural nature of hermeneutical marginalization conceptualizes the law as an engine of collective social meaning, and its continued rendering of certain bodies as illegal means that the law is geared to exclude certain persons and their experiences.¹⁴ Thus, I fold in Fricker's concepts of *hermeneutical marginal-*

ization and *hermeneutical injustice* because these terms capture an understudied component of lacking legal recognition: to lack legal recognition means to be unable to make sense of one's experience in a way that affirms one's status as an equal normative authority.

In sum, illegality is an important lens through which to examine hermeneutical injustice because it acknowledges the importance of legal recognition and sheds particular light on instances in which such recognition is systemically absent. The structural, institutional focus of illegality places our analytical crosshairs square on legal institutions, its actors, and their promulgations, all of which have coercive power and all of which benefit from the normativity law enjoys among the laity. Illegality, thus, *occurs when law is structured in such a way that a member of a marginalized group is, through denial of her status as a capable legal interlocutor, prevented from understanding an experience that is in her interests to be legally intelligible in such a way that it can be articulated as legal argument*. Emergency, I further maintain, is the pretext by which those who lack documentation are continuously made illegal. Illegality thus puts into clear focus the legal institutional processes that render people illegal. "Making people illegal" represents illegality's coercive subthesis in action, manifested in the violent denial of someone's status as a speaker in the legal realm.

As it relates to Trumpism, this section shows the design of illegality, which makes valid making differential claims about the moral capacities of citizens in relation to noncitizens. Thus, folding in a Frickerian analysis firmly places illegality in the realm of the morally wrong. The racialized, nonwhite subject of the injustice is disrespected by not being seen and heard as a capable knower, a condition that Fricker argues is an essential component of human value. Therefore, full recognition as an epistemic agent is inextricably linked to full recognition as a legal person, a status that itself possesses a moral dimension. The link between being made illegal and being considered not *immoral* but *amoral*—indicating not only a lack of concern about being moral but *a lack of capability to be moral as well*—structures the citizen's vantage toward the illegalized. And since I contend that the law's recognition of a person as an interlocutor possesses a moral component, the conflation of nonwhite status with the charge of amorality necessarily entails a denial of interlocutory status.

In the next section, I make more explicit the links among illegality, emergency, and hermeneutical (in)justice. I use the struggle over the rescission of DACA as a case study to argue that Trumpism's mission with DACA is to use the emergent threat of illegal immigration to position DACA recipients—and undocumented people more generally—as unable to take part in the meaning-making process that is American citizenship.

Illegality and Emergency in America

Having used Scarry's work to set out the notion of *emergency* in the first section and having developed an account of illegality through a hermeneutical lens in the second, I suggest that emergency necessitates a threat: the made-illegal alien, whom I argue is the target of exclusion in environments of political emergency. My strategy at this juncture of my argument is to use current events as an illustrative tool. More specifically, I examine the ways in which policies such as Deferred Action for Childhood Arrivals (DACA) enable those eligible to surmount the hermeneutical challenges illegality brings forth. Once we understand the relationship between DACA and hermeneutical injustice, we can better understand what is at stake in the legal and political battles surrounding its rescission.

To understand Trumpism's relationship to DACA, it is important to examine the milieu that brought Trump to power in the first place. When then-candidate Donald Trump launched his campaign for the presidency by attacking Mexican immigrants, whom he deemed to be "rapists," he was not focusing on the immigrants who are already in the United States so much as he was focusing on those outside the country. Illegality is thus attached to the prospective migrant before the act of migration if the possibility of being illegal can be transmuted to a certain body.

Using the American context as an example, consider comments President Trump made to the Republican Jewish Coalition in Las Vegas, Nevada on April 6, 2019. Trump additionally mocked asylum seekers, calling the asylum process a "scam." Further yet, he said that most asylum seekers more closely resembled UFC (Ultimate Fighting Championship) contenders than people who can legitimately seek asylum.¹⁵ His rhetoric has transformed the situation from the practical impossibility of finding duplicitous criminals and separating them from legitimate asylum seekers

into the unilateral declaration that the whole asylum system *tout court* is a scam. This equivalency, of course, is not to mention that it represents the height of irony that Trump's declaration that the asylum system is open to corruption was made to a group of people who had been refugees in the past.

Ignoring ironies such as those noted above is a mark of contemporary politics, encapsulated in the manufacturing of crises to make palatable policies that detain and deport "illegal aliens." Further, this process does not just happen in relation to political rhetoric but also as official legal promulgation. On January 25, 2017, President Trump issued an executive order expanding the federal government's immigration enforcement powers against "aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas [and] present a significant threat to national security and public safety."¹⁶ Though the executive order states that it places a heightened focus on "aliens who engage in criminal conduct in the United States," it was not too long until this pretense toward priority was dispensed with. The executive order defines as *deportable* those who have been convicted of any criminal offense; have been charged with any criminal offense, where such charge has not been resolved; have committed acts that constitute a chargeable criminal offense; have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency; have abused any program related to receipt of public benefits; are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or *in the judgment of an immigration officer, otherwise pose a risk to public safety or national security* [italics added].¹⁷

Though the executive order spends time gesturing at a definition of *criminal immigrants* as a select few with high deportability, the final clause of this excerpt, for all intents and purposes, invalidates all that precedes it by giving complete deference to the immigration officer. If a person of interest does not fit into the stated categories of having a chargeable criminal offense or being a ward of the state, for example, the immigration officer is allowed—even *implored*—to use his judgment as a backstop from which to characterize the illegal alien as a threat to public security. When all else fails, the immigration officer becomes an enforcer, a soldier in the manufactured war against illegalized immigrants.

Nevertheless, *illegality*, as I have set out so far, does not exhaust the problems

that impinge on the efficacy of full legal recognition. It might be that, in combating illegality and expanding the realm of legally significant experiences through the legal inclusion of marginalized groups, the law surreptitiously restricts the autonomy that members of marginalized groups have as equals in society.¹⁸ To explain the problem motivating this qualification, I present the examples of undocumented “Dreamers” endorsing candidates for president and of the narratives surrounding the September 2017 rescission of the Deferred Action for Childhood Arrivals immigration policy. The example of undocumented or “illegalized” immigrants gives us a glimpse into the challenges marginalized groups have in making their experiences legally intelligible, thus presenting a very useful object of analysis.

On September 5, 2017, Attorney General Jeff Sessions announced that the Deferred Action for Childhood Arrivals policy would be discontinued in a process the Department of Homeland Security termed an “orderly wind down.” Prior to the official announcement, many prominent (liberal) figures demonstrated their support for DACA recipients through the #DefendDACA campaign. Many of these defenses of the executive order painted DACA recipients as children who had entered the country through no fault of their own. A *Miami Herald* editorial arguing in favor of retaining DACA featured Larissa Yanin Martinez, the valedictorian of her high school graduating class.¹⁹ Leon Panetta praised DACA recipients as patriotic and amenable to military service.²⁰ He argued that one reason why DACA recipients should remain protected is that “they provide an outstanding pool of young women and men who can engage in . . . military service.”²¹

DACA recipients represent a contentious point of distinction. By this, I mean that they are recognized, but in some bastardized way. Lack of recognition insofar as that means complete ignorance or suppression of a group may not apply here; what is occurring is misrecognition. When arguments to maintain DACA are premised on grounds that its recipients make great cannon fodder or are otherwise valued only for their contributory potential, it becomes less likely for illegalized immigrants to be recognized as people and thus shed their illegalized status. Far from a struggle to obtain papers alone, the immigrant rights struggle brings to the fore an important point: being misrecognized is as much a part of being denied due recognition as normative equals as being outright ignored.

In conclusion, developing an account of Trumpism to accurately focus on illegality's systemic origins is important because, according to Harald Bauder, "[terminology] can imply causality, generate emotional responses, and transmit symbolic meanings."²² Thus, illegality as systemic epistemic injustice indicates a dynamic process that is faithful to the illegalized person's experience. Illegality as the denial of legal recognition is the product of a historical, social, and epistemic process that is dynamic. Historically, illegality speaks to the many ways in which whiteness has violently regarded some people as not being human and has determined—usually by force—what the standards of humanness are.

Socially, illegality indicates how noncitizens have been and continue to be not only robbed of the ability to make sense of their social experiences but also excluded from the public, social process by which legal, moral, and cultural meaning is produced. Epistemically, illegalized persons are not seen as people capable of knowledge; such epistemic injustice constitutes a moral wrong in that it has been deemed permissible to disregard this capacity, one that is essential to how all persons view themselves. Lack of legal recognition brings to the fore the fact that legal disadvantage is constitutive of epistemic disadvantage, and epistemic injustice is indicative of social disadvantage.

This situation solidifies my contention that it is not the act that is illegal but rather the person who is illegalized, regardless of whether a particular person actually moves across borders. Even though rendering people illegal has a global reach, the fracture that prevents a transnational analysis of illegality focuses on the outcome of particularized processes and thereby conceals the process itself. Terms like *illegal*, *undocumented*, *nonstatus*, or *alien* are byproducts of localized, US-centric immigration discourse and are provincial in their analysis, not to mention myopic in their political objectives. Therefore, epistemic injustice through illegality facilitates discussions on the global nature of the contemporary crisis of noncitizenship through delocalizing discourse and offering expansive critique of its policy aims.

Endnotes

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2. Steven Camarota, "Enforce Immigration Laws Already on the Books," NPR, March 30, 2006, <http://www.npr.org/templates/story/story.php?storyId=5311282>.
3. Elaine Scarry, *Thinking in an Emergency* (New York, NY: W.W. Norton & Company, 2012), 15.
4. *Ibid.*, 5. As Scarry writes, "In the United States, the dissolution of law in the second half of the twentieth century accelerated in the twenty-first. In the first eight years of the new century, the claim of emergency and the momentum toward unconstrained executive power became increasingly legible, with a presidential office that sanctioned the practice of torture, detention without charge, widespread surveillance of its citizens[,] and a private mercenary army answerable only to the President."
5. *Ibid.*, 14.
6. *Ibid.*, 57. Given that Switzerland does not have the leverage necessary to compel nuclear states such as the United States and Russia to stop referencing the use of nuclear missiles that may cross over Swiss airspace, the country's ability to protect all of its people obviates the ill effects of this lack of leverage and, more importantly, protects them from associated blackmail.
7. *Ibid.*, 57–58.
8. *Ibid.*, 60.
9. By "negotiating," I focus on the distinct process by which a person reacts to her surroundings, including, but not limited to, other selves.
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Latinx Politics and the Census in the Trump Era

G. CRISTINA MORA

For Latinx individuals working within civil rights organizations, the 2020 census promised to be the most complete enumeration of their community to date. The count would mark fifty years since community stakeholders, from Latinx politicians to academics to Spanish-language media, had worked together to ensure that Latinx people were fully counted. Groups like UnidosUS (formerly the National Council of La Raza), the National Association of Latino Elected Officials, Univision Media Corporation, the National Hispanic Chamber of Commerce, and many others had worked with the US Census Bureau for decades to help develop the agency's messaging and enumeration plans within Latinx communities. This effort was necessary because Latinx individuals are hard to count. Indeed, farmworkers, immigrants, and the poor have a higher probability of being missed by census efforts, and over time this factor has negatively affected the Latinx count. To improve this situation, community groups have worked closely with the Census Bureau, even committing their own resources to independently reach out and communicate to Latinx individuals the importance of being counted. Gradually, these collaborative efforts have paid off as the Latinx undercount estimate has shrunk from about 5.5 percent in 1980 to 1.5 percent in 2010.¹

Advocates understand that a complete count translates into more financial resources for their community *and* provides the political tools to shift the narrative about Latinx in the United States. Since helping the Census Bureau to develop a

distinct “Hispanic/Spanish Origin/Latino” category in the 1970s, Latinx community organizations have used census figures to show that the growing Latinx population is sizable and thus a force to be reckoned with on a national scale.² Indeed, post-2000 demographic forecasts about the increasing “browning of America” hinge in large part on a complete count of the Latinx population.³ Such a thorough enumeration, stakeholders anticipate, can show that Latinx people are the demographic future of America and can no longer be ignored.⁴

Elected officials in progressive areas with large numbers of Latinxs also recognized the critical importance of the 2020 count. In California, which is home to about 30 percent of the nation’s Latinx population, the state legislature allocated about \$90 million for census outreach efforts, up from just \$2 million allocated in 2010.⁵ Officials in New York City also allocated close to \$5 million for census efforts, marking the first time that the city had ever created an official budget for enumeration.⁶ Moreover, governors in places with high or increasing Latinx populations have formed coalition boards that are helping with Latinx census outreach.⁷

The actions of the Trump administration, however, threw much of the Latinx census momentum into a tailspin. This chapter examines the issue of Latinx census politics in the Trump era to show how the policies and practices of the administration represent a severe escalation of a more historic type of census racial politics that aims to curb minority rights. Such politics target minority data collection efforts and destabilize Census Bureau and community stakeholder relationships. Specifically, this chapter focuses on two issues: (1) the decision to dismiss the combined Race and Ethnicity question and (2) the proposal to include a citizenship question. Each issue has the potential to depress Latinx enumeration, drive a wedge between Latinx community advocates and census officials, and influence the overall census count.

To be sure, the administration’s abrupt actions reflect a longer-term political backlash directed toward Latinx communities and immigrants more generally. The backlash sees census data manipulation as an opportunity to curb minority representation and curb the Latinx community’s political momentum. In the following sections, I first provide an overview of the relationship between Latinx community stakeholders and the Census Bureau. I then describe the decision to eliminate the combined Race/Ethnicity question and proposal to implement a citizenship

question, showing how these two actions effected decades of research and outreach toward Latinxs. I conclude by discussing how recent census politics fit into a broader effort to delimit Latinx political power and influence the discourse on race and diversity in America.

Unlikely Bedfellows: Census Bureau Officials and Latinx Advocates

The relationship between Latinx stakeholders and Census Bureau officials has never been without tension, in part because of the complicated political and even damaging ways that minority census data has historically been used. The first recorded interaction between stakeholders and Latinxs came in 1930 when census officials inserted a “Mexican” racial category on the decennial census form. Until then, Mexican Americans, like all other Latinxs in the country, had been categorized simply as “White,” placing them in a category with the descendants of European migrations. The decision to create the category was motivated in large part by congressional interest in curbing Mexican migration, which had spiked after the Mexican Revolution.⁸ Indeed, in a congressional hearing in late 1928, Senator William James Harris argued that Mexican immigration was hurting American workers and that the undocumented were entering the country in unprecedented numbers. He inserted two items in the Congressional Record: a letter asking for census counts of Mexican immigrants, describing them as illiterate and undocumented, and a news clipping that noted that Mexicans, who were mostly of “Indian Blood”, were depleting local and state resources in California.⁹ At the time, Harris’s inclusions echoed much of the anti-immigrant and anti-Mexican sentiment of the 1920s, and calls for Mexican deportation were common in Depression-era newspapers. In their seminal work *Decade of Betrayal: Mexican Repatriation in the 1930s*, Francisco Balderama and Raymond Rodriguez¹⁰ contend that the calls coincided with federal and local-level actions that ultimately deported more than one million Mexicans, some of whom were American citizens.

The Mexican consulate quickly vocalized its disapproval of the new category, marking the first time that a foreign nation would meddle in Census Bureau affairs.¹¹ Mexican American political leaders also criticized the Bureau’s actions. They complained that the category was meant to single out Mexicans at a time of Americans’

increased fear and unjust state violence. Stakeholders likely surmised that the Census Bureau's new category would also exacerbate fear and mistrust of the government among Latinxs.

Additionally, organizations like the League of United Latin American Citizens and the American GI forum accused census officials of instituting the Mexican racial category to question the citizenship and belonging of this community. They saw the distinct "Mexican" racial category as an affront to Mexicans' official "White" status that had been negotiated during the Treaty of Guadalupe and that had provided Mexicans with US citizenship and property rights. Stakeholders reasoned that classifying Mexicans as nonwhite would call into question this historic agreement and would also make the Mexican community an easier target for racial discrimination. At the time, Latinxs were already subject to rampant discrimination and were even targets of racialized terror campaigns and lynching in areas such as Texas and New Mexico.¹² Latinx advocates feared that an official status as nonwhite for Latinx individuals would exacerbate this anti-Latinx sentiment.

The pressure from groups and foreign officials seems to have worked. By the 1940 Census, the Census Bureau had returned to categorizing all Latinxs as "White." Over the coming years, however, the Bureau would develop uneven indicators of Latinx nationality. In 1950, for example, it developed a "Spanish Surname" category but only for respondents who lived in the Southwest and parts of the Northeast. And in 1960, the Bureau asked a sample number of respondents to indicate if they were "Spanish Speaking."¹³

With the advent of the Civil Rights Movement and the rise of minority rights politics, new organizations emerged to focus on the conditions of Mexicans, Puerto Ricans, and even Cubans in the United States. These stakeholders, some with links to the Johnson administration, would eventually come to envision Latinx panethnically and would call for the development of a national "Hispanic" lobby.¹⁴ Spanish-language media reinforced these efforts when they covered the movement and simultaneously attempted to connect their own audiences across the country through new United States-produced cultural programming that communicated a unified Hispanic identity.¹⁵

Data quickly became a key part of the "Hispanic" panethnic movement of the

1970s. By then, Mexicans, Puerto Ricans, and others realized that without census data they could not make credible claims about underrepresentation and the social ills that plagued Mexicans, Puerto Ricans, and others. Census Bureau reports on poverty, for example, mixed Latinx data with that of Irish and Italians and thus reported only on Black and White income trends. Similarly, the Bureau of Labor only reported on Black and White unemployment trends, thus disguising Latinx realities. Community leaders quickly called on the Census Bureau to find a way to distinguish Latinx people from “Anglos” and those of European descent. Groups like the National Council of La Raza and the Mexican American Legal Defense and Education Fund, for example, began threatening legal and protest actions against census officials for classifying Latinxs separately.¹⁶

The Census Bureau was initially reluctant to reclassify Latinxs, even though it acknowledged that its “Spanish Surname” and “Spanish Speaking” categories were imperfect. Nevertheless, it soon began working with activists once it was pressured by the Johnson administration to deal with the issue. The Bureau created an advisory committee for the Spanish speaking in 1972, marking the first time that minority group stakeholders would be allowed to advise it. Working closely with this committee, the Bureau implemented its first question on “Hispanic/Spanish Origin” on the decennial short form in 1980.¹⁷

Over time, Latinx advocacy groups would come to see their work with the Census Bureau in two ways. First, they helped the Bureau develop a set of best practices by consulting on issues like question wording and Spanish language–form translation and by advising officials on how to develop a more culturally relevant Latinx public relations strategy. Second, advocacy groups have become ambassadors for the census count. They use their own resources to develop unique census messaging campaigns, and in so doing, they legitimize the count itself. In effect, Latinx groups hope that their organizational support will help Latinxs overcome decades of mistrust and suspicion vis-à-vis the government. Thus, advocates reiterate the issue of census privacy laws and use their credibility to debunk arguments that census data will be shared with the Department of Homeland Security.¹⁸

However, despite these efforts, the relationship of Latinx advocates and the Census Bureau still contains some tension. Latinx advocates prefer that the Bureau

dedicate more resources to eliminating the undercount, but such extensive canvassing is usually tied to overall census budgets, which are often held hostage politically. Following historical precedent, the Republican-led Congress initially refused to significantly increase the Bureau's budget in 2017, thus inhibiting the agency's ability to do more to alleviate the undercounting of minorities. In addition, in 2018, Latinx census advocacy efforts were further tested in a more radical manner. The Trump administration imperiled the 2020 Latinx count by making abrupt decisions about the combined race/ethnicity question and the census citizenship question issue.

Latinx and the Question of Race and Ethnicity

Since its implementation, the Hispanic, Latino, or Spanish origin category has always been tallied as a count of ethnicity distinct from race. Census respondents first answer whether they are Hispanic, Latino, or Spanish origin and then mark a category to indicate whether their race is White, Black or African American, Native American or Alaska Native, one of seven Asian (such as Chinese or Korean) or Pacific Islander categories, or "Some other race." Such a configuration of two separate questions has historically suggested two things. First, it implies that Hispanic/Latino ethnicity is not a race and that this population can be slotted into the various racial categories. Such a view has been promoted by those who argue that Latinxs can be of any race—and thus point to those who describe themselves as Afro-Latino on the one hand and those who describe themselves as White Hispanics on the other. This view has received push-back from advocates who argue that the Latinx identity is itself a mixed, mestizo racial identity. They contend that Latinx are not simply White or Black but rather are inherently mixed and that Latinxs have been historically and systematically racialized. Although skin tones can vary, the identity of being Latinx is connected to minority, outsider status. The second issue that the two questions suggest is that there is a real difference between ethnicity and race. Those advocates who claim that Latinxs are *ethnoracial*, meaning that their ethnicity is often racialized *and* that the population is composed of different racial identities, resist the two-question format.

Although these views could have remained components of theoretical debates, the issue of the two census questions has had real consequences that pose problems for the Census Bureau. The first issue is that about 50 percent of Latinxs consistently

mark the “Some other race” (SOR) box on census forms.¹⁹ Moreover, “the overwhelming majority” of the SORs write a Latino/Hispanic panethnic term or nationality in the space provided.²⁰ Following its policy, the Census Bureau responds to this missing data by reclassifying all SOR Latinxs as “White,” a practice that coincided historically with the idea that Latinxs should mark the “White” category on census forms.

The issue was first addressed in the late 1990s as the Bureau held a series of hearings with Latinx community stakeholders. At these hearings the Bureau noted the difficulties presented by the SOR category and asked community leaders for assistance. Community advocates responded positively as by now nearly every major Latinx advocacy group viewed census enumeration as a central Latinx political issue.²¹ The Bureau had considered developing a new combined question that would include “Hispanic/Latino” as an option among other racial identities. Advocates’ responses to this proposal, however, were mixed because stakeholders were unsure about how such a change would affect the count. On the one hand, several stakeholders acknowledged the confusion and difficulties that the current two-question format had caused for some respondents, especially those who considered *Latinidad* to be a mixed, *mestizo* racial identity.²² On the other hand, these community advocates had invested various resources in helping the Bureau to legitimate and popularize the two-question format; advising individuals to “check Hispanic first and race second” had become common practice. Stakeholders understood that any change in the questions would require a dramatic shift in messaging and practice. Importantly, some Afro-Latinx organizations emerged as advocates of the two-question format during this time. They feared that the combined question could weaken the Black/Hispanic count and consequently could undermine Afro-Latinx representation. Nevertheless, all Latinx community stakeholders called on the Bureau to continue studying the issue as it prepared for future counts.

The Census Bureau returned to the issue after the 2010 count when it held a series of public meetings to discuss the new question, tested the combined query extensively on the American Community Survey (ACS), and expanded the Hispanic/Latino advisory board, with a focus on solving the SOR dilemma. Latinx advocates participated in hearings and on the advisory board and awaited the Bureau’s conclusion after its testing, still unsure how any change in format would affect the overall Latinx count. The Bureau released a report on the SOR issue in 2017, stating that

“the combined question formats had significantly lower percentages of respondents reporting Some Other Race or invalid responses, as well as significantly lower percentages of missing responses than the Separate Questions format” had garnered.²³ Moreover, the report noted that Hispanic respondents identified themselves as “Hispanic” alone at significantly higher rates when responding to the combined question formats as compared with their responses in the Separate Questions format. Additionally, the Bureau found that all minorities, not simply Latinxs, were more likely to respond to one combined question than to two questions. Last, the single question format also greatly reduced the number of nonresponses to the Hispanic question itself. Thus, by late 2016, the Bureau had moved ahead with a strong recommendation to use a new combined question format.

The Bureau had finished most of its testing on the issue when President Trump came into office in 2017. Still finishing a term he had started under President Obama, Census Director John Thompson intended to use the single (combined) question on the November 2018 pre-census trials. However, his plans were cut short when the Office of Management and Budget, under Mick Mulvaney, suddenly stopped the momentum on the issue.²⁴ This decision went against the research and the majority of community recommendations to date. In June 2017, Director Thompson announced his retirement, and President Trump did not appoint a replacement in his absence. Instead, responsibility for the census officially fell under the jurisdiction of Wilbur Ross, the Secretary of Commerce. In January 2018, the Census Bureau announced that the 2020 Census would resume using the two-question format.

Latinx advocacy groups quickly criticized the decision. Arturo Vargas of the National Association of Latino Elected Officials contended that the abrupt decision had overturned years of inquiry and testing and impeded scientific progress.²⁵ Kenith Prewitt, the former head of the Census Bureau, echoed this concern and noted that the decision went against academia’s best recommendations.²⁶

The elimination of the combined question, while abrupt and surprising, reflects more historical top-level administrative tactics to curb efforts to improve minority undercounts. Indeed, during the 1980s, arguments about undercounts of minorities had led Census Bureau statistician Barbara Bailar, then head of the American Statistical Association, to study the issue of adjustment. Bailar developed

an analytical strategy that could help impute the number of missing persons, mainly the poor and racial minorities. Republicans quickly pushed back against this effort and lobbied to use unadjusted numbers for reapportionment in 1990. Soon after, the Commerce Department under President George H.W. Bush announced that it would not use “hotdecking” or any other adjustment techniques to account for missing minority data. Bailar then quit, denouncing the Bush administration for ignoring years of government and academic research and recommendations.²⁷

At the same time, the SOR question controversy has incited conservative criticism about racial classification, led perhaps most vocally and visibly by Ward Connerly and Mike Gonzalez of the Heritage Foundation. They contend that the Bureau should eliminate racial categories altogether because such classifications tend to “straightjacket” Americans, especially those of mixed descent, into Black/Hispanic/White racial categories. They also argue that racial classification encourages a divisive understanding of American identities.²⁸ In effect, the new issue of the combined question was used to drum up an old argument used frequently by the advocates of color-blind politics. Latinx and many other minority advocates see this development as a dangerous proposition used to undermine data collection efforts and hide the discrimination and underrepresentation trends that census data can reveal.²⁹

There was little further engagement on the subject after January 2018. Latinx leaders believed that the Bureau’s own report on the question spoke for itself and that some hidden maneuvering at the level of the Trump administration—likely motivated by racial animus and employed in an attempt to curb Latinx representation—was at work. But with fewer than two years remaining until the count and finding little recourse to overturn the administration’s decision, there was not much they could do. Moreover, Latinx advocates were preparing themselves to face a much bigger controversy that would officially unfold only weeks later.

The Census Citizenship Question

On March 26, 2018, Secretary of Commerce Wilbur Ross announced that the 2020 Census would now include a new question on the decennial short form: “Is this person a citizen of the United States?” Such a question marked a radical departure from census protocol. The Census Bureau had not asked all Americans about their

citizenship since 1940, when the nation was embroiled in World War II and had established the national registry. The question was subsequently removed in 1950 after the war had ended, and since then the question has either been excluded from census enumeration efforts or included only on sample long forms.³⁰ However, in 2000, the citizenship question was added to the American Community Survey.

The introduction of the new citizenship question on the 2020 Census came as a surprise to many, including Latinx advocacy organizations, for at least three reasons. First, the request for the question came at the behest of Wilbur Ross, the head of the parent body, the Department of Commerce, and not from anyone within the Census Bureau. There had been no public support from within the Bureau to implement the question. Moreover, there had been no official discussions with the Latinx Advisory Commission on the issue. Like the sudden decision to eliminate the combined race/ethnicity question, the addition of the citizenship question seemed to come from the top, bypassing the work of the Census Bureau and advocates.

Second, the insertion of the question contradicted institutionalized census practices of vigorously testing and analyzing the effects of new questions. Although the Bureau had a practice of experimenting with different types of questions for the ACS, the decennial count was approached differently. The figures estimated in the decennial count were tied to resources, apportionment, and a variety of other representation issues, so it was unprecedented for the Bureau to insert a new question without testing it first.

Third, the insertion of the citizenship question was surprising because census directors had long contended that such a question on the decennial form would compromise an accurate enumeration. In 1980, the Federation for American Immigration Reform brought a lawsuit, which was ultimately unsuccessful, against the Census Bureau, calling the enumeration effort unconstitutional because it did not have a citizenship question and did not produce an alternative way to identify “illegal” immigrants. The Bureau, however, contended that “Any effort to ascertain citizenship [through the census] will inevitably jeopardize the overall accuracy of the population count.” Moreover, census officials declared that “questions as to citizenship are particularly sensitive in minority communities and would inevitably trigger hostility, resentment[,] and refusal to cooperate.”³¹

Within days of the 2018 announcement, several Latinx civil rights advocacy groups as well as cities and states with large Latinx populations filed suits against Secretary Ross and the US Census Bureau. These suits were combined, with the New York and California lawsuits maintaining the highest profiles. Plaintiffs claimed that the new citizenship question represented animus against Latinxs and immigrants in general and was designed to produce a chilling effect on these individuals' participation in the census. The plaintiffs contended that in the current era of anti-immigrant sentiment, such a question could lead noncitizens and their relatives to not report on Bureau documents. This consequence would have deleterious downstream effects on federal funds and other forms of representation within the Latinx community.³²

In his March 2018 memo and in a written statement in June 2018, Ross maintained that the decision to institute a citizenship question had come at the behest of the Department of Justice (DOJ), which he claimed had asked for the question in order to better enforce the Voting Rights Act. However, the discovery process in the New York case (*State of New York v. Department of Commerce*, 2019) revealed that Ross had spoken with presidential advisor Steve Bannon and Kris Kobach, then secretary of state of Kansas, about adding the citizenship question long before he had received such a request from the DOJ. Additionally, about a month before the Ross memo, the Trump Re-election Campaign had sent supporters an email asking them if they agreed with the Trump administration's desire to have a citizenship question on the 2020 Census form.³³ And soon after the Ross citizenship question memo had been published, the re-election team sent a second email citing the addition of the citizenship question to the upcoming census as an accomplishment of the Trump administration. This political maneuvering, plaintiffs argued, coupled with several anti-Latinx and anti-immigrant statements from the administration, constituted proof of racial animus.

Kris Kobach, as Kansas secretary of state, along with other state officials in the South and Midwest, filed briefs supporting the addition of the citizenship question. They argued that states needed block-level citizenship data to protect individual voting rights and to ensure proper representation in Congress. They also rejected the notion that the question would produce a chilling effect on respondents, stating that no comprehensive study of the issue existed and that the implementation of the question on the Census Bureau's American Community Survey (ACS) suggested that the

Bureau itself regarded the citizenship question as valid. On May 21, the state of Alabama filed its own suit against the Trump administration to challenge the Bureau's policy of including undocumented immigrants in the decennial count.

Support for the plaintiffs in the combined cases was strong. Latinx advocates and immigrant rights groups across the country filed briefs contending that the Bureau's decision to include the citizenship question was racially motivated and was designed to suppress the Latinx count. Five former directors of the US Census also filed briefs, stating that ACS and administrative data have long adequately supported Voting Rights Act (VRA) enforcement needs and that the citizenship question "seriously jeopardizes the accuracy of the [census] count."³⁴ Moreover, several academic organizations, including the American Statistical Association and the American Sociological Association, followed with similar statements of support for the plaintiffs.³⁵

On January 15, 2019, Judge Jesse Furman of New York ruled that the Census Bureau could not move forward with the 2020 Census citizenship question because doing so would have a disparate impact on minority and immigrant communities. The California case was later decided in favor of the plaintiffs on March 6. Judge Richard Seeborg decided in that case that the citizenship question would have deleterious impact on Latinx communities *and* that Commerce Secretary Wilbur Ross had breached the Administrative Procedures Act by capriciously and arbitrarily adding the question.³⁶ Latinx advocates hailed both decisions as an initial victory, but they also cautiously awaited the Supreme Court's assessment.

As the cases progressed, Latinx advocacy groups found themselves in a difficult situation. After fifty years of campaigning to make sure that Latinxs were fully counted, the addition of the new citizenship question threatened to undermine their efforts and credibility. Given the increased visibility of deportations in the Trump Era, Latinx advocacy groups would only be able to ensure a complete count if they could also assure Latinxs that their information would indeed remain confidential. Some groups continued their efforts as usual, noting the disastrous economic and political effects that a depressed count would have on their communities. In public these groups pointed to Title 13, which prohibits the Bureau from disclosing information for 72 years. Others took comfort in a 2010 memo from the DOJ stating that the Patriot Act cannot override the confidentiality of the census.

Yet much uncertainty still remained. In May of 2018 Jimmy Gomez (D-CA) submitted a written question to the DOJ asking if it still agreed with the 2010 Patriot Act memo. Court filings now show that DOJ officials discussed how to answer Gomez's question in a way that would leave the issue open for future debate.³⁷ The email findings became part of the court documents filed in California. Moreover, many acknowledge that the citizenship question controversy had already inflicted much damage. The issue had already created a media stir within the Latinx community, and issues about the confidentiality of census responses, citizenship, and government trust had already been primed. Whether or not the courts ruled in favor of Latinx advocates, much had already been done to stoke suspicion about the census within the community.

In June of 2019, the Supreme Court issued its opinion on the matter. In a ruling of 5-4 Justice Roberts ruled that the administration had insufficiently made an administrative procedure case for the question. They invited the administration to revise its arguments and bring the case back to the courts.³⁸ Yet soon thereafter, the Trump administration held a press conference and stated that the administration would no longer pursue the citizenship question issue.

The Trump administration placed decades of Latinx census efforts in peril. Advocates' work to assist the Census Bureau in developing new question formats that would improve minority response rates has been disregarded. Moreover, the years of efforts to legitimize enumeration and convince communities to trust the Census Bureau have been jeopardized by the proposal of a new citizenship question, which stokes decades-old fears of government betrayal.

Offhand, the efforts seem new. They represent actions taken at the administrative level and encourage a sharp break in Census Bureau protocol. However, upon deeper reflection, it is obvious that the Trump administration's decisions reflect more historical racial politics that target data in an effort to depress minority rights. For decades, conservative administrations have meddled with census budgets and contested enumeration strategies in an effort to curb the minority count. The Trump administration's actions concerning the combined race/ethnicity question showed that administrative appointees were also now willing to intervene in question wording and configuration. Moreover, as described previously, almost forty years ago,

right-wing anti-immigrant groups attempted to raise the issue of including a citizenship question in the courts, and it was dismissed. Such talk has been revived countless times through the efforts of Republican congressional leaders. Since the 1980s, conservative congressional leaders have repeatedly asked census directors to testify on the issue of including a citizenship question. And in each previous instance, census directors have rejected the idea, citing internal research and expert opinion.³⁹ The Trump administration's actions have followed these historic race politics. However, this time the pressure for a citizenship question came from within the administration itself.

The efforts to attack data on minorities have a two-fold effect. First, they weaken the empirical evidence that minority groups have about their conditions. This situation, in turn, denies stakeholders the data that they need to mobilize on behalf of minority rights. By eliminating the combined question, which would have improved minority response rates, and by calling for a citizenship question, the Trump administration has weakened Latinx political power. Second, such census manipulations reinforce a particular image of the racial landscape of America. This is one in which the voices of racial minorities are not fully represented and in which their undercounting provides a less Black and Brown picture of the American landscape. As one Latinx census advocate, Representative Jimmy Gomez (D-CA), recently stated, “[The administration’s actions] threaten to erase [Latinx] from our country’s records.”⁴⁰ Such tactics ultimately play into the national image of who is genuinely American and reinforce the second-class citizenship of Latinx and other minorities more generally.

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Immigration Policy, Presidential Action, and the Politics of Debasingment

IRENE BLOEMRAAD

US politics toward immigration have been a contest between welcome and exclusion since colonial times. Then and now, significant numbers of voters, joined by various interest groups, have pushed political decision-makers to restrict or eliminate immigration, or to let only certain types of migrants settle in the United States. Other voters and interest groups instead marshal arguments about promoting economic growth, upholding family unity, and living up to humanitarian obligations to advocate for more expansive and generous immigration policies, ones that increase and diversify the number of newcomers as well as provide immigrants with a decent life once they are in the country. The immigration tug-of-war has often divided political parties. Restrictionist labor unions have at times joined with socially conservative politicians to curtail immigration or block amnesty for migrants without legal status. Conversely, pro-immigrant business groups have formed alliances with progressive, cosmopolitan politicians to open up immigration policy. The institutional system of the United States further shapes the politics of migration, notably through its division of powers, judicial review, and federal structure. The immigration tug-of-war has thus pitted state, county, and local governments against the federal government, and it has divided the branches of government as Congress disagrees with the president, and courts step in to overturn decisions made by the federal executive branch or by state legislatures.

Significantly, during many of the past battles over immigration policy, the president has repeatedly held a more pro-immigrant position than the general public or the majority in Congress has, even when an individual president was sympathetic to nativist or exclusionary views. Presidents from both major parties have vetoed restrictionist policies passed by Congress. They have taken executive actions to facilitate special entry pathways for certain types of migrants such as temporary workers or exiles fleeing regimes that the United States opposes. Other presidents have used executive authority to shield people from possible deportation or to provide them with temporary protected status.

Why have presidents at times bucked public opinion or congressional (in)action to advance more expansionist immigration policies than voters or Congress support? This chapter highlights two reasons. The first is the perceived importance within the White House of “higher-order” foreign policy considerations that trump populist sentiments. A second reason is the presidential belief that the president upholds a higher moral order. Before World War II, this moral vision was often articulated in metaphors concerning the Statue of Liberty: the United States as a beacon of democracy, freedom, and refuge. After World War II, the moral vision embraced the ideal of the United States as the leader of the “free world,” a nation that upholds human rights and freedom and advances American values in the world. The United States has regularly fallen short of its ideals, both abroad and at home, but the presidency has long brought together both an orientation to hard-nosed foreign policy calculations—sometimes against domestic pressures—and aspirations to lofty values.

This chapter argues that on both grounds, Donald Trump and his administration have made a radical break with previous presidential history. The reasons for this break lie both in the peculiarities of Trump and his administration and in broader trends that go beyond Trump. In terms of foreign policy, “Trumpism” is characterized by protectionism, admiration for authoritarian regimes, and a go-it-alone mentality that rejects international cooperation. This Trumpism is set in a broader shift in the ways in which the United States approaches foreign relations in a post–Cold War world that fears terrorism, especially by Islamic radicals, and no longer seeks multilateral partnerships to oppose Communism. In terms of humanitarian norms, Trump shows no evidence of seeing democracy, freedom, and human rights as

important, and he has repeatedly expressed views sympathetic to a white supremacist view of the world. At the same time, these Trumpian views are part and parcel of a broader trend toward populism and nativism across many Western nations. Absent higher-order concerns about foreign policy or the moral ideal of advancing human rights as American values, the Trump White House and the person holding the highest elected office in the country have adopted a politics of debasement that echo some of the worst racist and xenophobic impulses of past US immigration politics.

Open, Obstructed, and Winding Pathways: Legislating Migrants' Entry and Citizenship in the United States

The history of US immigration policy is one of contestation over whether to provide open, obstructed, or winding pathways to enter the United States and secure membership through citizenship. This chapter starts by sketching the broad historical strokes before delving into presidential action.

It is worth remembering that in its first century of existence, the United States offered immigrants a relatively open pathway into the country: notions of *illegality* or visa status were not inscribed in US law or policy. Indeed, promotion of immigration was a rallying cry of revolutionaries seeking American independence. History textbooks may spotlight white revolutionaries' demand for control over taxation as a prime motivation, illustrated with images of the Boston Tea Party. But as the Declaration of Independence put it, the King of Great Britain "has endeavoured to prevent the population of these States,"¹ obstructing colonists' desires to encourage migration and enact their own naturalization laws. The new republic wanted to control and encourage migration. Legally, anyone could enter the nation as an immigrant, a situation that brought millions of Europeans into the country with no hard restrictions.

A century after the American Revolution, the 1875 Page Act began to close the door to immigrants, following a logic of hierarchical racial preferences. From 1882, with the Chinese Exclusion Act, until the 1965 passage of the Immigration and Nationality Act (INA), a progression of prohibitions on Asian migration and quotas restricting European migrants—significantly targeting Southern and Eastern European Catholics and Jews—transformed the open door of the nation's first century into an obstructed pathway. A racialized notion of citizenship reinforced

these tendencies. Foreign-born immigrants had to naturalize to acquire US citizenship, but as one of the country's first laws declared in 1790, naturalization was only open to "free, white" immigrants.² Almost a century later, the 1882 Chinese Exclusion Act explicitly denied Chinese immigrants the right to naturalize, and subsequent court decisions rendered virtually all people from Asia ineligible for naturalization on racial grounds. Only in 1952, with the passage of a new Immigration and Nationality Act, did Congress strike race from US naturalization regulations. During the ninety years between 1875 and 1965, US entry and citizenship policies signaled that the country was not interested in receiving immigrants.

After 1965, mass immigration resumed. Rather than entering through an open door or being blocked by an obstructed pathway, migrants to the United States now had to negotiate entry through one of multiple doors and navigate maze-like pathways. The 1965 INA instituted a new preference system for choosing legal permanent residents. Rather than having their entry based on national origin, most immigrants who successfully secured a "green card" for legal permanent residence would use the pathway open to family-sponsored migrants. Far fewer gained entry because of their potential economic contribution to the country or because they were fleeing violence and political turmoil at home. Beyond the official pathways, a door also stood ajar to undocumented migrants, who were welcomed by businesses and often tolerated by the government. Further, during the last forty years, the United States has developed a plethora of in-between legal statuses, ones that allow temporary residence but no direct path to citizenship or permanent settlement. These statuses—an alphabet soup such as F, J, and H visas or liminal legal statuses like Temporary Protected Status (TPS) or Deferred Action for Childhood Arrivals (DACA)—all have their own rules, restrictions, and rights. Some are for a year or less; others have been extended for decades. In some cases, the person holding the status can work wherever he or she pleases; in other cases, the person's ability to earn a wage is tied to a particular employer, or he or she may be barred from working altogether.

Since Trump was sworn in as the forty-fifth US president, immigration policies and executive regulations have veered dramatically back to obstructed pathways. Indeed, the Trump presidency stands out in the last half century as an outlier in its

wholesale attack on all noncitizens living in the United States or desiring to come to the country— and even in its attacks on the US-born children of immigrants.

Space constraints and the dizzying pace of anti-immigrant executive orders make a detailed accounting impossible, but attempts to stop immigration can be seen along all of the pathways of entry. Shortly after taking office, Trump signed executive orders to ban entry by would-be immigrants, students, business people, and tourists from a handful of mostly Muslim-majority countries. The president announced, and the administration has taken, various steps to implement an end of in-between statuses such as DACA and TPS, which protect young undocumented migrants or people whose homelands are in humanitarian crisis, respectively, from being removed from the United States. The federal executive branch has taken multiple legal, bureaucratic, and enforcement actions to prevent asylum seekers from entering the United States, including establishing procedures that detain people in inhumane conditions and separate children from parents. Changes to the interpretation of the “public charge” rule—a long-standing provision in US immigration law allowing officials to bar migrants who might use public benefits after entering the country—now articulates such a capacious understanding of “public charge” that a majority of immigrants seeking legal permanent residency may no longer be deemed to qualify. Refugee admissions have been set to their lowest level ever since the passage of the 1980 Refugee Act. The United States will now accept fewer refugees than Canada, a country with a tenth of the US population. And while Congress has been incapable of enacting any kind of legislation to reform immigration law, the president has publicly and loudly expressed support for a physical wall thousands of miles long on the southern US border, an end to the diversity visa stream for green cards, restrictions on immigrant entry through family reunification, and an end to birthright citizenship for children of noncitizen parents. All of these efforts have been accompanied by continual vilification and debasement of immigrants that essentially attempt to dehumanize them in public speech, using language that has been unprecedented during the last half century.

Presidents, Immigration, Foreign Policy, and Humanitarian Impulses

To understand how aberrant the current presidency is, we must understand the complicated history of presidential politics concerning US immigration policy.

This examination starts with recognizing that during the last 150 years, the American public has often and largely been skeptical about or outright hostile toward migration. In the mid-nineteenth century, the “American Party,” commonly known as the Know-Nothings, militated against immigration, especially the arrival of Catholic migrants. Labor unions and voters in Western states, especially California, pushed—at times violently—for “anti-Oriental” legislation during the late nineteenth and early twentieth centuries.³ In the contemporary period, two decades of Gallup opinion polling on immigration shows that since 1993, there have never been more than 28 percent of Americans who believed that immigration levels should be increased (and usually fewer than 20 percent have favored expansion).⁴ In most years, the plurality of respondents wanted a decrease in immigration, an opinion at times held by half or even two-thirds of respondents. Indeed, some observers have argued that it was precisely US democracy, notably the relatively broad franchise in the United States already in place in the mid-nineteenth century, that led the United States to be one of the earliest adopters of race-based immigration exclusions—and one of the last to end those policies.⁵

Given that US presidents are elected through popular vote, it is surprising that, in the face of public nativism and voters’ anti-immigrant impulses, presidents have regularly opposed exclusion, at least in the most severe forms suggested by Congress. They have even, at various times, taken explicit executive action to allow large numbers of migrants to enter or stay in the United States outside the regular immigration system. Sometimes a president’s expansive position proved fleeting: he would change his position as elections drew near and populist pressures overrode other considerations, or Congress would overturn a presidential veto. Sometimes the courts have judged a presidential action unconstitutional. But these moments of presidential pro-immigrant action show how the weight of strategic foreign policy concerns and of moral ideals provided distinct decision-making contexts for presidents as compared to those for other political decision-makers.

First, we can consider presidential vetoes. From the 1880s through to 1965, US immigration policy can be largely described as a “closed-door” period. Yet presidents occasionally used vetoes to attempt to stem the restrictionist tide. In 1868, the United States signed the Burlingame Treaty with China. The White House had sought

to facilitate trade and establish friendly relations with China. In doing so, it eased the migration of Chinese to the United States such that the number of Chinese who entered the United States annually from 1860 to 1868, roughly five thousand per year on average, doubled, tripled, and even quadrupled in the following years.⁶ Attempts by Congress to pass a Chinese exclusion act after the Burlingame Treaty were initially resisted by the president, largely on the grounds that the executive branch was in charge of treaties with foreign countries. In 1879, President Rutherford B. Hayes vetoed a “Fifteen Passenger Bill,” which sought to bar shipping vessels from transporting more than fifteen Chinese passengers.⁷ A few decades later, at the turn of the twentieth century, Congress attempted to pass a literacy-test bill multiple times. The bill sought to bar migrants determined to be illiterate from entering the United States, a not-so-thinly-disguised effort to exclude people from Southern and Eastern Europe, people who tended to be Catholic or Jewish. Such bills were vetoed by Presidents Cleveland (1897), Taft (1912), and Wilson (1915) before Congress overrode Wilson’s 1917 veto.⁸ Presidential vetoes were driven by multiple concerns, including the desire to curry favor among naturalized white European voters or business leaders, but foreign policy also played a role: presidents were concerned that targeting particular immigrant groups would hurt relations with sending countries, something that presidents sought to avoid.⁹ In 1952, President Truman (unsuccessfully) vetoed the McCarran-Walter Act, objecting in part to the continuation of racist national-origin quotas as well as to the overall low number of immigrants permitted entry.¹⁰

Beyond staving off restrictions through vetoes or treaties, presidents have also used special executive actions to open the door to migrants, especially since World War II, by letting in specific categories of people. The Roosevelt administration established a temporary guest worker program, now commonly known as the Bracero Program, during the war, initially without seeking congressional authorization.¹¹ In 1956, President Dwight Eisenhower claimed special “parole” powers to unilaterally grant the entry of Hungarians fleeing Communist repression. Distinct from its criminal justice counterpart, *parole* in immigration law provides the executive branch with the ability to allow otherwise unauthorized or inadmissible people into the country on a temporary basis because the action serves humanitarian needs or provides significant public benefit. Parole is supposed to be employed on a case-by-

case basis for unique circumstances, but Eisenhower innovated the first use of mass parole, facilitating the entry of 32,000 people whom Vice President Nixon painted (somewhat inaccurately) as almost all “freedom fighters” who had “fled only when the choice was death or deportation at the hands of foreign invaders.”¹² Subsequent presidents have invoked parole power to admit, outside of the formal immigration system, hundreds of thousands of Cubans and Southeast Asians.

Such exceptional action was justified in a Cold War context as helping those fleeing enemy regimes and advancing the foreign policy goals of the United States. By encouraging defection “as a weapon in its Cold War arsenal” to delegitimize and destabilize foreign opponents,¹³ the executive branch found itself having to create innovative pathways to entry. The presidential appeal to higher-order foreign policy and humanitarian values was both a legal strategy and a rhetorical one. Forging international agreements, conducting foreign relations, and defending the country are all executive functions that courts can recognize as reasons for allowing a president to circumvent Congress, even as Congress is supposed to have ultimate authority over legislation on immigration. Rhetorically and symbolically, appeals to foreign policy and humanitarianism have provided political cover for presidents when they have gone against the court of public opinion. The use of parole power allowed, for example, the admission of about 130,000 Vietnamese after the fall of Saigon, even as a majority of Americans opposed their entry.¹⁴

Beyond employing vetoes and allowing entry to inadmissible migrants, presidents have also used their executive authority to affirmatively designate certain groups of migrants as temporarily protected residents who may remain in the United States for a delineated time even if they do not have valid visas or if their visas have expired. This move has been undertaken by both Democratic and Republican presidents. In 1990, President George W. Bush extended administrative relief to nationals from the People’s Republic of China, allowing those who held certain international student or scholar visas to stay in the United States until January 1, 1994, in the wake of the Tiananmen Square massacre. This action led to the creation of the Temporary Protected Status (TPS) category in the 1990 Immigration Act, under which a president can grant TPS to people in the United States who cannot return to their homelands due to violence, civil unrest, or natural disasters

but who do not necessarily qualify as legal refugees. As the name suggests, the TPS designation is supposed to be temporary; the Secretary of Homeland Security can grant TPS for six to eighteen months. However, in reality, TPS can be extended repeatedly, and it has been, sometimes for more than a decade in the case of various Central American groups. The Congressional Research Service estimates that in early 2019, 417,000 nationals from ten countries were protected under TPS.¹⁵ Extensions of TPS have been made by both Republican and Democratic administrations. However, since September 2017, under the Trump administration, the Secretary of Homeland Security has announced plans to terminate TPS for individuals from six countries—El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan—and in March 2018, Trump announced an end to a similar TPS-like status for Liberians.

Perhaps the best-known recent example of expansive executive discretion—and the focus of multiple court battles—was the creation of the Deferred Action for Childhood Arrivals (DACA) program during the presidency of Barack Obama. DACA, established in June 2012, provides young undocumented people with protection from deportation for two years as well as temporary work authorization, with the possibility of renewing their protection. By September 30, 2016, the United States Citizenship and Immigration Services (USCIS) reported having approved more than 750,000 DACA requests, with about 92 percent of initial requests having been accepted.¹⁶ In November 2014, Obama announced a separate Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, but its implementation was blocked by the federal courts and it was never enacted. In 2017, recently elected President Trump announced the termination of DACA, but court injunctions have allowed recipients to retain and renew their statuses. The Supreme Court gave a temporary reprieve to DACA recipients in June 2020, upholding the program, but the decision rested on procedural grounds and did not challenge the president's ultimate legal authority to end the program. As president, Trump has made extensive use of executive orders in the area of immigration. But unlike prior presidents who used executive action to open doors, Trump's orders have uniformly been about shutting the door to immigrants or deporting them, never about expansion.

The Politics of Debasement and Dangers of Dehumanization

The rise of Donald Trump to head the Republican ticket, his election, and his presidency have turned the historical pattern of targeted pro-immigrant presidential actions—whether through vetoes, international agreements, special entry pathways, or protection from deportation—on its head. The reasons for this development lie in both broad-based phenomena affecting many countries and the specific actions of Trump and the people he has chosen as advisors and leaders in his administration. However, given that presidents before Trump did not engage in the same politics of debasement and that some leaders of other countries who are weathering similar post-Cold War pressures have maintained a moral high ground toward migrants, Trump and his administration must take responsibility for the current politics of debasement.

Let us first consider foreign policy. As we have seen, at various moments, US presidents have sought to mitigate immigrant exclusions or open up new paths to entry in the name of retaining favorable relations with other countries or in order to advance objectives against foreign opponents. However, with the end of the Cold War, the foreign policy argument for admitting migrants to destabilize enemy regimes has lost its potency. Specific to Trump, prior arguments to link more open migration with more open trade find little purchase as the White House pursues a policy of economic protectionism. This is also the case for other instances of bilateralism or multilateralism as Trump tears up nuclear disarmament agreements as well as trade deals. Instead, and in line with some other countries, Trump has embraced a narrative of Islamic terrorism. However, fear of Muslim extremism clearly predates Trump. We know, for example, that 9/11 has had an effect on the immigrant adjudication system. Andy Rottman and his colleagues found that following 9/11, asylum seekers' chances of making a successful claim have decreased, even more so if a person speaks Arabic.¹⁷ But rather than temper fears over Muslim migrants, as Canadian Prime Minister Justin Trudeau did when running for office in 2015 and after his successful election, Trump has sought to stoke such moral panics. Under a Trump presidency, the traditional foreign policy fetters on the presidency have frayed to the point of snapping.

The change in the moral ideals advanced by the president also matters, with a break from past presidents' use of migration to advance lofty values and high morals.

Trump's persona—one that bullies opponents and often relies on name-calling—has elevated hateful anti-immigrant rhetoric to the highest political office in the country. The language coming out of the White House reprises historic narratives with the racial subtext that some people are more desirable migrants than others. In discussions at the Oval Office concerning immigrants from Haiti, El Salvador, and African countries in January 2018, Trump reportedly asked, "Why are we having all these people from shithole countries come here?" while publicly lauding the idea of Norwegian immigration. A second narrative advanced by Trump is a new incarnation of the nineteenth-century fight about the "right" religions being permitted residence in the United States. The twenty-first-century version targets those of Muslim faith. As a candidate, Trump falsely claimed that "thousands and thousands" of Muslims cheered in New Jersey when the World Trade Center collapsed during the 9/11 terrorist attacks; as president, he made banning migrants from certain Muslim-majority countries one of his first acts of office. A third narrative, again with echoes of the past, questions the loyalty and ideology of immigrants and their children, as happened in July 2019 when Trump called on four female members of the House of Representatives who he termed socialists to "go back and help fix the totally broken and crime infested places"¹⁸ from which they had come. Finally, Trump endlessly has linked immigrants to crime, whether as a candidate, when he implied many Mexican migrants were rapists, or as president, when he has insinuated that Central Americans seeking asylum in the United States include many violent gang members set to wreak havoc in the country. Such accusations fly in the face of facts, which demonstrate that foreign-born residents of the country are less likely to be charged with crimes than those born in the United States.¹⁹ Often these distinct themes—of racism, anti-Muslim animus, xenophobia, and immigrant crime—intersect to the point of dehumanizing and delegitimizing anyone who is not white and Christian.²⁰

Populism and nativism are also evident in the politics of other Western democracies, so in a way, the rise of Trump in the United States is part of a broader trend. Far-right anti-immigrant parties have won seats, and even office, in a number of European countries. Yet leadership matters, as when Chancellor Angela Merkel, the leader of a center-right alliance, called on fellow Germans to take moral leadership in assisting hundreds of thousands of asylum seekers arriving in Europe

in 2015 by telling them, “We can do this.” Leaders can stem populism. Or, as Trump is doing, political leaders can push anti-immigrant politics further than the public wants. In a 2018 poll, almost three-quarters of those surveyed (74 percent) favored the idea of giving permanent legal status to immigrants who had been brought to the United States illegally when they were children, and 60 percent opposed building a wall on the US–Mexico border.²¹ Trump’s policies in both of these issue areas thus stand in opposition to US public opinion. Trump is therefore not simply a product of contemporary populism, but he also is working actively to advance it. Similarly, although narratives of anti-immigrant exclusion based on race, religion, or foreign birth have echoes in US history, such stances were largely delegitimized after World War II.²² Trump and his administration are not just going back to censured tropes. Rather, they are advancing a deeply troubling politics of debasement and dehumanization, with migrants routinely being called criminals, rapists, murderers, terrorists, and animals.

Drawing a link between a group of people and animals is a classic indicator of dehumanization dynamics. Traditionally, social psychologists considered dehumanization an extreme phenomenon, primarily relevant in explaining and enabling genocide and violence against targeted out-groups. Recently, however, researchers have argued that *dehumanization*—a process or categorization of some groups or people as nonhuman or less human than others—should be conceptualized as a broad spectrum “whose milder variants have important continuities with its most severe forms.”²³ Those targeted by dehumanization may be portrayed as having lower intelligence, lacking refined emotions, lacking warmth, lacking competence, or being immoral in some way. The consequences of dehumanization, even short of violence, are distressing. Dehumanization of others is associated with reduced “prosociality” such that people fail to help those who are perceived to lack uniquely human characteristics, and it is associated with increased “antisociality,” including aggression and retaliation.²⁴ Consequences need not be expressed only in interpersonal interaction but also can carry repercussions for policy and attitudes. In one experimental study, researchers found that media depictions dehumanizing refugees caused greater contempt for refugees among Canadian respondents, a reaction that in turn led to their having less favorable attitudes toward the group and less support for existing refugee policy.²⁵ In short,

when a president dehumanizes migrants, he is increasing the social distance between Americans and migrants to the point of generating feelings of disgust toward migrants among some Americans, which can increase the chances that Americans fail to react to or even accept the physical and mental harms experienced by migrants.

As it is, immigrants and refugees are especially likely to be subjected to dehumanization. Within the general literature, groups and people are found to be more frequent targets of dehumanization when there is perceived greater social distance and a perception of hierarchy between an in-group and an out-group (as with distinctions between developed and developing nations) and when intergroup stereotypes are readily accessible to delineate in-group superiority and out-group inferiority (e.g., those based on ethnic or racial differences). But Trump has used his position as president and his constant engagement in directing public debate through Twitter, pronouncements, and executive actions to advance dehumanization dynamics. Strikingly, existing research finds that possessing a set of specific traits, ones that can be easily attributed to Trump, increases the likelihood that someone would engage in dehumanization: having a narcissistic personality, holding a more conservative ideology, feeling emotions such as contempt, and having a strong social dominance orientation.²⁶

The research on overcoming dehumanization is much sparser than studies of its existence or amplification, but two possible interventions are increasing high-quality intergroup contact and promoting a common or superordinate identity such that migrants are no longer “others” but part of the in-group. Unfortunately, nothing that Trump has done in his first three years in office suggests that he would ever articulate an inclusive, common identity embracing immigrants in his version of making American great again. The term “again,” in particular, implies a previous age, perhaps one before the 1965 Immigration and Nationality Act opened migration to people from around the world and in a time when less than 5 percent of the country’s population had been born abroad rather than the 14 percent of the population that is foreign-born today.²⁷

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In short, the scale and breadth of the anti-immigrant push by President Trump and the people he has appointed to his executive branch and other administration posts are unprecedented. Further, this anti-immigrant push has occurred in almost every facet of the US immigration system. This chapter has focused on

the presidency, and it has argued that the cause lies squarely with the White House. Trump and his cabinet have not tied expansive immigration policy to foreign policy objectives as various past presidents have done. He and his administration have further rejected taking any moral high ground that understands the ideals of the United States to rest in part on welcoming migrants who want to build a better life or who seek freedom and protection in the country. The end of the Cold War, fear of Islamic terrorism, and the rise of populism are broad phenomena affecting numerous countries, but it is clear that Trump has unrelentingly and enthusiastically sought to advance an anti-immigrant agenda and nativist mindset to the point of dehumanizing migrants.

Yet we must also remember that the administration's actions and Trump's language find support among a significant group of voters, broadening the circle of culpability. Other institutions have also enabled the current anti-immigrant moment. The president has been able to take administrative and executive action in part because of the absence of leadership in a dysfunctional Congress. Only Congress has the authority to enact new immigration legislation. Furthermore, while immigrant advocates have repeatedly resorted to the courts as a stop-gap tactic to halt the administration's initiatives, this is far from a fool-proof strategy. The courts provide the president (and Congress) significant deference when it comes to immigration and migrants, in part because of the court system's willingness to view noncitizens as less than full rights-bearing residents. Although they might have due process rights if they commit a crime, noncitizens have many fewer protections or rights when it comes to their entry into or removal from US territory. Thus, a confluence of institutional and legal frameworks within an uncertain post-Cold War world system has allowed a populist president to advance exclusion and debasement as a form of status politics in order to appeal to a particular native-born, largely white American electorate that supports him. Looking to the future, although a new version of the Cold War hopefully will not return to create international tensions and fears of a nuclear Armageddon, Trump's successor could certainly use presidential leadership to rein in the dynamics of dehumanization and embrace a more hopeful, uplifting narrative of American morals and ideals.

Endnotes

1. "Declaration of Independence." Available on-line, National Archives of the United States, <https://www.archives.gov/founding-docs/declaration-transcript>. Accessed 28 June 2020.
2. United States Congress. "An act to establish an uniform Rule of Naturalization," March 26, 1790. Available on-line, Mount Vernon, <https://www.mountvernon.org/education/primary-sources-2/article/naturalization-acts-of-1790-and-1795/>. Accessed 28 June 2020.
3. Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge, MA: Harvard University Press, 2018).
4. Taeku Lee and Sunmin Kim, "The Mechanics of Immigration Polls," *Public Opinion Quarterly* 82, no. 1 (2018): 158.
5. David Scott Fitzgerald and David Cook-Martín, *Culling the Masses: The Democratic Origins of Racist Immigration Policy* (Cambridge, MA: Harvard University Press, 2014).
6. Author's calculation from statistics in Robert Barde, Susan B. Carter, and Richard Sutch, "International Migration," in *Historical Statistics of the United States*, millennial ed. online, ed. Susan B. Carter et al. (Cambridge: Cambridge University Press, 2006), 1:523–40.
7. Daniel J. Tichenor, *Dividing Lines: The Politics of immigration control in America* (Princeton, NJ: Princeton University Press, 2002), 105. Such vetoes did not last. In 1882, President Chester Arthur signed into law the Chinese Exclusion Act, halting most Chinese migration and explicitly barring Chinese migrants from naturalization. Presidential concern about foreign relations with Japan also did not prevent the "Gentlemen's Agreement" restricting Japanese migration in 1907. Still, President Roosevelt's concern over United States–Japanese relations led the White House to pressure the mayor of San Francisco to exempt those of Japanese origin from school segregation and to negotiate with Japan via treaty rather than pass unilateral legislation, unlike what was done with Chinese migration.
8. Tichenor, *Dividing Lines*.
9. Aristide R. Zolberg, *A Nation by Design: Immigration policy in the fashioning of America* (Cambridge, MA: Harvard University Press, 2006), 550, 240; Tichenor, *Dividing Lines*, 138. Zolberg, for example, reports that President

Cleveland was concerned about antagonizing Canada in 1897 and that President Wilson, in his 1917 veto message, worried about diplomatic incidents arising from the 1917 Immigration Act. Germane to moral concerns—the second factor highlighted in this chapter—President Wilson also made a moral appeal in his veto message of 1915 to inclusive American values, pitting a literacy test as against the United States’ devotion to “the natural and inalienable rights of men.” Various analysts note, however, that in his other writings and actions, Wilson believed in a racial hierarchy at odds with a broad egalitarian outlook.

10. Adam B. Cox and Cristina M. Rodriguez, “The President and Immigration Law,” *Yale Law Journal* 119(3), 458-547 (2009): 543, fn. 271.
11. Cox and Rodriguez, “President and Immigration Law,” 487–88. The United States and Mexico signed a bilateral agreement for a labor importation plan in July 1942 that was funded through the President’s Emergency Fund. Congress ratified what was de facto in place seven months later when it passed Public Law 45, approving the Bracero Program in April 1943.
12. Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America’s Half-Open Door, 1945 to the Present* (New York: Free Press, 1986), 55–57. The Refugee Act of 1980 attempted to end presidential use of broad parole power by, for the first time, articulating a comprehensive set of legislation for humanitarian migration.
13. Zolberg, *Nation by Design*, 326.
14. Tichenor, *Dividing Lines*, 223; Zolberg, *Nation by Design*, 346.
15. Jill H. Wilson, “Temporary Protected Status: Overview and Current Issues,” *Congressional Research Service*, Mar. 29, 2019, https://www.everycrsreport.com/files/20190329_RS20844_40bba737bf5e4440ac7bebb19757db87fe994fa4.pdf.
16. Some sources report up to 800,000 DACA requests having been accepted over the course of the program, but by July 2018, United States Citizenship and Immigration Services (USCIS) estimated only 700,000 current DACA holders. The decrease might be due to some youth having returned to their countries of origin, but it is more likely that they were afraid to renew their statuses. https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_

- Population_Data_July_31_2018.pdf.
17. Andy J. Rottman, Christopher J. Fariss, and Steven C. Poe, "The Path to Asylum in the US and the Determinants for Who Gets In and Why," *International Migration Review* 43, no. 1 (2009): 3–34.
 18. Donald J. Trump tweet, @realDonaldTrump, July 14, 2019. <https://twitter.com/realdonaldtrump/status/1150381395078000643?lang=en>.
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 20. Indeed, it is not clear whether Trump objects to foreign birth when it applies to white people, as evidenced by his comments on the benefits of Norwegian immigration or the fact that his current and previous wives were born in Eastern Europe.
 21. Alec Tyson, "Public Backs Legal Status for Immigrants Brought to the US Illegally as Children, but Not a Bigger Border Wall," *Pew Research*, Jan. 19, 2018, <https://www.pewresearch.org/fact-tank/2018/01/19/public-backs-legal-status-for-immigrants-brought-to-u-s-illegally-as-children-but-not-a-bigger-border-wall/>.
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Turning Off the Tap

Trump, the GOP, and Regulatory Science

ANN C. KELLER

Donald Trump rose to the presidency on a wave of populism and racial resentment in the wake of President Barack Obama's two terms.¹ And while most of his populist agenda has dissolved in favor of policies benefiting corporations and the wealthy and a stream of corruption excesses among his cabinet and White House, one aspect of Trump's populism, evidenced during his campaign, has only gained strength under his administration: his outright rejection of science and expertise.² Trump's efforts to undermine science at the federal level are in keeping with his disdain for expertise and his impulse-driven approach to public policy. While such a brazen lack of knowledge might be another president's undoing, Trump's approach is more nearly celebrated by an electoral base who have accepted the notion that expertise is elitist and either cannot or will not be applied in ways that might benefit nonelites.

The Trump administration's efforts to undermine science in the federal government, though more visible, are likely to be less consequential than the antiscience moves initiated by congressional Republicans in the mid-1990s. Although prior studies have explored how corporate actors and elected officials with antiregulatory goals have watered down policy-relevant science in order to generate policy uncertainty,³ this literature has failed to notice a more recent, and likely effective, strategy: turning off the tap. Trump's presidency has put antiscience efforts in the headlines, but his presidency only hints at the more profound realignment among conservatives,

the state, and science that is currently underway. Thus, efforts to undermine science relevant for public policy precedes the Trump presidency and will outlast it.

This chapter begins with a review of the foundations of science policy (public funding to support scientific research) and science for policy (relying on scientific analysis either for setting policy goals or for evaluating potential policy actions). Next, the chapter presents the Trump administration's efforts to undermine science within the Environmental Protection Agency (EPA) by comparing his antiregulatory efforts with those of Ronald Reagan. The chapter then describes legislative efforts to undermine federal science and argues that Trump and his political appointees have not been as extreme in their antiscience efforts as their congressional counterparts have been. The chapter explores why those progressives who hold antiscience views have not tried to decrease the presence of scientists in federal agencies or weaken the reliance on science as a precondition for setting public policy. The chapter closes by exploring the implications of the Republican party's marrying antistate and antiscience views as core elements of conservative ideology.

The Foundations of Science and the State

Links between science and government in the United States fall into two related but distinct categories: (1) instances in which the government draws on scientific research and scientists' expertise when setting public policy, referred to as "science-in-policy," and (2) instances in which the government acts as the primary patron of science, or "policy for science." The two are obviously related in that the federal funding for science creates a source of policy-relevant science that avoids the conflict of interest inherent in corporate-funded science. The idea of an alliance between science and the state runs deeply in American political history. The Founders drew their concept of democracy from Enlightenment thinking that was rooted in scientific rationalism. According to this view, democracy emerges from citizens observing the actions of elected officials and exercising their collective judgment about the validity of those actions. Jefferson, in particular, linked the idea of truth—and citizens' particular access to it—with a functioning democracy (Ezrahi 1990: 106).⁴ The Founders drew a parallel between the way in which

scientists gain insights about the natural world and the way in which citizens in a democracy would hold elected officials accountable.

By the middle of the nineteenth century, this philosophical commitment to science and reason was joined by financial and institutional commitments. In response to industrialization and the increasing technological complexity that came with it, Congress chartered the National Academy of Sciences in 1863 to advise the government on matters of science. The National Academy of Sciences represent an interesting partnership between government and science in that they are a nongovernmental organization that relies on public funding but draws its members from among academic scientists chosen by their colleagues to serve in the organization. It represents a formal alliance between the academy and the federal government. Fealty to science and expertise as essential ingredients of state capacity became further institutionalized during the Progressive Era, when administrative reforms replaced the system of staffing agencies via patronage with the practice of hiring according to expert and professional qualification.⁵

Part of the idea of being able to draw on science to guide state action or to enable state goals rested on the ability of the state to act as a patron of science. Whereas science drew most of its support from private patrons during the eighteenth and early nineteenth centuries, by the middle of the nineteenth century that arrangement was beginning to change, particularly in the United States, where the federal government was both the largest employer of scientists and the largest funder. Moreover, the amount of public spending for science was disproportionately large, outstripping the spending on science of all European countries combined (Kelly 2014).⁶

While public funding for science did not completely eclipse private ventures—for instance, funding for policy research in the United States came from the March of Dimes, which organized community-level fund-raising⁷—public funding of science was further consolidated in the 1950s and early 1960s during the Cold War. This consolidation, though it had multiple drivers, was articulated in Vannevar Bush's essay "Science, the Endless Frontier." In it, he provided an appealing account of how government-funded basic science, if left in the hands of scientists, would produce national security, economic prosperity, and cures for cancer.⁸ While political scientists, sociologists, and historians of science began to unravel this account,⁹ the notion

of basic science as a pathway to the production of public goods gained widespread popularity as well as congressional acceptance.

Although members of Congress consistently supported funding for science and the use of science in policy-making during the postwar period, that support appears to have rested on a somewhat fragile consensus. On the “policy for science” side, those seeking technological innovation that would give Americans an edge in the Cold War and make the country more economically competitive tended to favor investments in the natural sciences, engineering, and mathematics while politicians who wished to tackle social issues argued for increased investments in the social sciences. This divide gave rise to congressional battles over where to house federal funding for the social sciences and how big such a budget might be.¹⁰ Though conservatives were skeptical about the idea of increased federal funding for the social sciences, a set of maligned Department of Defense- (DOD) and CIA-supported social science projects funded in the 1960s led progressives to push for increases in nonprogrammatic research dollars devoted to the social sciences. Proposals for a separate social science research foundation failed, but the debate led to increased spending on social science research under the existing National Science Foundation (NSF), even if that spending was small in comparison with spending on research in the physical sciences.¹¹ The progressive view of social science research as policy-relevant runs counter to conservative preferences for a limited federal government, fiscal conservatism, and market-based solutions to social problems. Perhaps the small percentage of funds allocated to the social sciences satisfied conservatives, who subsequently did not feel a need to push this funding even lower.

Similarly, masked by a rhetorical fealty to science expressed by actors across the political spectrum was a long-standing ideological battle about the use of science to shape public policy. Underneath the common narrative about the need for “good science” to inform public policy were two camps: one appealing to science to close off policy debate and another appealing to science as a reason to extend policy debate. This split appeared most infamously in debates about how the government should respond to evidence that tobacco use was unhealthy. Pointing to a lack of evidence of causation in the tobacco and cancer link, tobacco industry representatives asked Congress to delay action in favor of supporting continued research.¹² Even at the

time, progressives participating in congressional debates characterized the call for more research as a cynical move to delay action.¹³ The tactic, which was wildly successful in stalling public action on tobacco, both preceded the tobacco debates and continues unabated.¹⁴ In fact, T. O. McGarity and W. E. Wagner argue that corporate attacks on the science pipeline have increased as a direct result of federal investments in science.¹⁵ Specifically, in the 1970s, riding the wave of the environmental and consumer protection movements, Congress passed a suite of statutes that created a central role for scientists and scientific research in setting federal policies designed to protect public health. These statutes also created a steady stream of federal dollars that flowed through the Occupational Safety and Health Administration (OSHA), Consumer Products Safety Commission, the Environmental Protection Agency, the National Institution for Occupational Safety and Health, and the National Institute of Environmental Health Sciences. Facing scientific research produced outside of their control, corporations and their antiregulatory allies adopted multiple strategies to create a pipeline of science that could undermine any evidence pointing to the harms to health stemming from consumer products and industrial processes.

Although progressives and conservatives had incompatible policy goals, both sides made an effort to align their positions with science as a way to try to bolster their policy goals. Borrowing a term from actor network theory, science remained an “obligatory point of passage.”¹⁶ Corporations and their allies actively sought to stall regulatory actions by funding scientific research that would call into question any findings showing harm to health associated with their products and processes. In spite of these actions, and in part because of them, regulatory battles have continued to be fought over the correct interpretation of scientific evidence,¹⁷ dollars have continued to flow to support scientific research that could be used to inform policy,¹⁸ and federal advisory committees supporting regulatory agencies continue to be filled with well-qualified experts.¹⁹

In this brief review, we can see a commitment to public funding for science and an increase in recourse to science in setting public policy, even when ideological views have led to disagreements about how to fund science and to debates about the need for regulations. Thus, we can see a long period when science has had a stable if not increasingly prominent role in government affairs. At the same time, we can

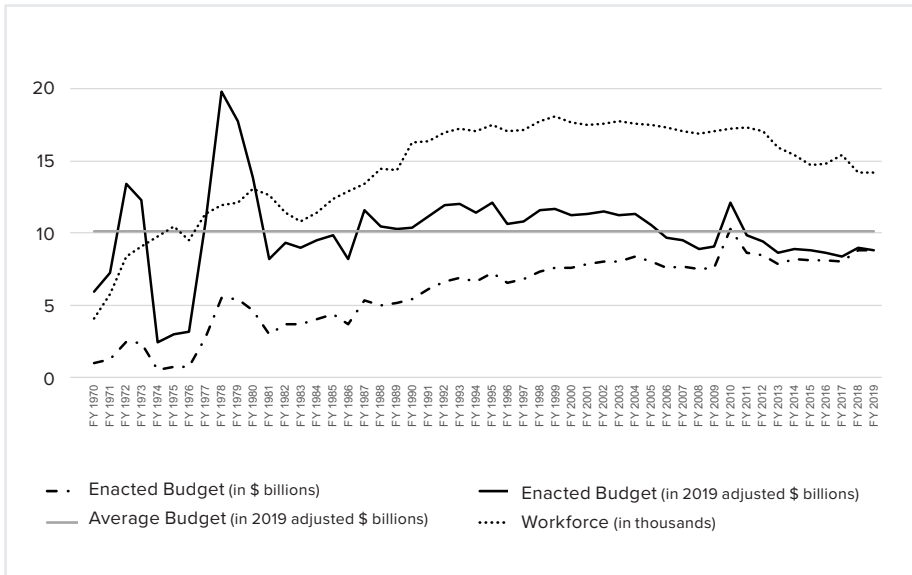
also see the seeds of dissent emerging, particularly around the ends to which science might be applied.

Deregulation at the EPA during the Reagan and Trump Administrations

Though the Trump administration's attack on public science extends beyond the Environmental Protection Agency,²⁰ its most consistent and concerted efforts to undermine science are focused on the EPA. This section examines antiscience efforts in the context of a more general set of strategies used by conservative administrations with deregulatory policy goals.²¹

It is no surprise that conservative presidential administrations are more likely than progressive ones to pursue deregulation. The goal here is not to assess how presidents pursue policy goals through administrative means *per se*. Instead, this section calls attention to the particular way in which the Trump administration has approached science at the EPA. In comparing Trump with Reagan, two things stand out. The Trump administration's attacks on science in the agency are more numerous, and many are likely to have impacts that outlast his presidency.

In trying to scale back EPA regulations, both administrations have pursued fewer enforcement actions against entities found to be out of compliance with environmental laws, and both sought lower penalties when violations were discovered.²² These strategies can have the effect of scaling back regulations if they signal to regulated entities that current regulations will not be enforced. Both administrations also sought to cut the EPA budget and staff—a clear effort to undermine the agency's capacity. Presidential efforts to shape the EPA's budget are, of course, mitigated by Congress's power of the purse. When reviewing EPA budgets across both administrations, one finds that Reagan appears to have had more success than Trump has (see figure 1). Between fiscal years 1982 and 1987, the period during which Republicans controlled the Senate, Reagan and his GOP congressional colleagues maintained a below-average budget for the EPA. However, the largest annual cuts to the EPA budget occurred in fiscal years 1980 and 1981, before Reagan took office. These cuts were enacted by a Congress controlled by Democrats during the Carter administration and were likely a response to the steep increases in the EPA budget during the prior years (regression to the mean) and possibly to fiscal pressure caused by the

FIGURE 1 EPA Budget and Workforce, 1970-2019Source: <https://www.epa.gov/planandbudget/budget>

recession that began in 1980. During the first three years of the Reagan presidency, the science budget at the EPA was cut in half.²³ Whether Congress cut it to respond to Reagan's policy goals or to exercise fiscal restraint is unclear.

Trump's attempts to cut the EPA's budget, in spite of GOP control of Congress, failed during his first two years in office. He proposed a 30 percent cut and a 23 percent cut, respectively, for FY 2018 and FY 2019.²⁴ Congress instead increased the EPA's budget by 10 percent in FY 2018 and held the budget stable in FY 2019.²⁵ Trump's budget proposals, though not adopted by Congress, have included cuts to the EPA's science budget.²⁶

In addition to their efforts to cut the agency's budget, both administrations cut staff at the EPA (see figure 1). Reagan's impact on the EPA workforce, however, was limited to the tenure of his first EPA administrator, Ann Burford (then Ann Gorsuch). From 1981 to 1983, the EPA's workforce was reduced by more than 2,200 employees. Under Reagan's second EPA administrator, William Ruckelshaus, who

sought to restore the agency's standing, the size of the EPA's workforce began to increase. By comparison, during his first year in office, Trump cut the EPA staff by more than 1,200 employees.

In terms of efforts to roll back environmental regulations, one of Reagan's signature efforts was to pass Executive Order No. 12291. This order required that all significant proposed regulations be sent to the Office of Management and Budget (OMB) for review and approval before an agency could formally propose a new rule in the *Federal Register*. Because no formal administrative procedures governed OMB review, the Reagan administration could indefinitely stall any rule that an agency hoped to propose.²⁷ Moreover, the Reagan administration shared proposed rules with regulated entities and pressured agencies to rewrite proposed rules according to industry wishes before the formal process of notice and comment, during which interest groups would have to disclose their lobbying efforts publicly.²⁸ Gorsuch also centralized agency decision-making in order to exclude career staff, a move that would have the effect of keeping scientific expertise at bay, though it did not target scientists specifically.²⁹

For its part, the Trump administration has been aggressive in trying to scale back EPA policies that were in progress but not yet finalized during the Obama administration. Out of twenty-four environmental policies, the Trump administration has weakened or repealed seventeen, delayed two, and failed to repeal five.³⁰ The Trump administration's efforts, though facing court challenges, have stalled health and climate protections that would now be in effect if the Obama administration's actions had been finalized. For example, the Trump administration's move to overturn the current mercury standard stems from the administration's argument against counting a regulation's "cobenefits," that is, the positive impacts resulting from a regulation that occur beyond the specific target of the regulation.³¹ If the courts uphold the Trump administration's approach, the effects on environmental and worker health protections will extend far beyond the mercury standard itself.

While many strategies used during the Reagan administration have also been used by Trump's EPA appointees, the Trump administration has taken several steps that particularly target science and scientists in the agency. Efforts to date include reducing the number of EPA staff combined with instituting a hiring freeze, clos-

ing scientific research offices and offering “management-directed reassignment” to employees,³² delaying scientific assessments,³³ leaving top science posts at the EPA unfilled,³⁴ eliminating science advisor positions at the EPA,³⁵ blocking scientists who have received an EPA grant from serving on EPA science advisory boards,³⁶ appointing individuals as science advisors to the EPA without completing an ethics review of conflict of interest documentation,³⁷ increasing the number of scientists employed by regulated entities on EPA science advisory boards,³⁸ and preventing the use of research to support agency rule-making if that research protects the privacy of human subjects involved in the research.³⁹

Most of the Trump administration’s efforts vis-à-vis science at the EPA fall in line with long-standing corporate efforts to alter the pipeline of scientific research so that regulators have difficulty defending scientific evidence of health harms associated with a given product or industrial process. Policies like delaying scientific assessments and blocking the use of science that protects human subjects are likely to prevent regulators from being able to set policies based on the most recent science research findings. Taken together, several Trump administration actions—leaving scientific posts unfilled, preventing scientists who have received EPA grants from serving on EPA advisory boards, and bringing scientists into the agency who have corporate backgrounds—are likely to shift the balance of scientific expertise toward individuals who have a financial interest in preventing regulations that protect people’s health from taking force. Notably, the Government Accountability Office (GAO) has reported a 27 percent decline in the number of academic scientists on EPA science advisory boards between January 19, 2017 and March 31, 2018.⁴⁰ In addition, almost a quarter of the conflict-of-interest forms associated with the Trump administration’s new appointees to EPA science advisor positions have not been subject to an ethics review required under the Federal Advisory Committee Act.⁴¹

It is interesting to note that, while most of Trump’s cabinet-level appointees have lacked relevant expertise—something in keeping with his populist approach—both of Trump’s EPA administrators came to the position with relevant expertise. Scott Pruitt, as Ohio state attorney general, had previously sued the EPA fourteen times. At a minimum, this experience demonstrates his knowledge of both the content of EPA policies and the legal and administrative processes involved in trying

to weaken them. Andrew Wheeler, a former coal industry lobbyist and deputy administrator under Pruitt, was promoted from within the agency after Pruitt was forced to resign amidst ethics scandals. Both administrators rejected scientific consensus about global warming, with Pruitt rejecting climate change outright and Wheeler arguing that its ill effects would not be felt for fifty to seventy-five years.⁴²

In the short term, the Trump administration's actions to undermine science at the EPA have reduced the autonomy of scientists to guide research to support current and future EPA decision-making. A subtler effect, however, is that the attacks on science themselves may be encouraging dedicated scientists to leave the EPA, representing a loss of expertise and institutional knowledge. Attacks on science at the agency can also restrict the pipeline of early career scientists willing to pursue careers at the EPA as well as the supply of more senior scientists willing to take on leadership roles. For example, the position of head of the Office of Research and Development has been vacant for eight years. The last person to hold the position, Paul Anastas, left in 2012 during the Obama administration. The GOP-controlled Senate refused to confirm Obama's nominee to fill the post. Now, although the Trump administration is rumored to have reached out to scientists to try to fill the position, none have been willing to step in.⁴³ Such indirect impacts could have longer-term consequences if a new administration presides over an EPA with significantly depleted in-house scientific expertise.

Turning Off the Tap

The Trump administration has drawn considerable attention for its efforts to reduce the role of science in the EPA and in the federal government more generally. Less attention has been given to the congressional actions to cut funding for federally supported scientific research that began with the 104th Congress. Cutting off federal funding for science represents a more complete break with the idea of science as providing potentially relevant input to federal policy-making. This strategy involves moving upstream to ensure that research that might be used to argue for future regulations is not conducted in the first place. Three cases in this section—firearms research at the Centers for Disease Control and Prevention (CDC), the Agency for Health Care Policy and Research (AHCPR), and the Office of Technology Assessment (OTA)—illustrate the politics of “turning off the tap.”

In 1986, following a study published by the Surgeon General pointing to firearm ownership as a health risk and a report put out by the National Research Council and Institute of Medicine calling for the CDC to lead an effort to reduce injuries in the United States, Congress gave the CDC ten million dollars to study the potential risks of firearm ownership.⁴⁴ National data showed that injury is the leading cause of death in the United States for people aged one through forty-four. Further, national data on injuries and injury-related fatalities revealed that firearm injuries were the second leading cause of death, after traffic fatalities, among all injury-related deaths in the United States.⁴⁵ Housed within the CDC's Injury Prevention Branch, the program funded extramural research studying the health impacts of owning firearms. Though the program was either explicitly reviewed by Congress or its generated data was used in congressional hearings to discuss the risks of firearm ownership seven times between 1987 and 1994, none of the hearings included statements by witnesses or by Congress criticizing the CDC research program itself.⁴⁶ Specifically, no witness or member of Congress argued that the federal government should refrain from funding research related to firearm ownership.

The 104th Congress, seated in January of 1995, broke a forty-year period of Democratic control of the House. With this change in leadership, a new orientation toward the CDC firearm research program emerged. Following four hearings conducted between 1996 and 1997, each of which included members of Congress and/or witnesses who criticized the firearm research program or its funded studies,⁴⁷ Congress cut the budget for the program and added language stating that “[n]one of the funds made available in this title may be used, in whole or in part, to advocate [for] or promote gun control.”⁴⁸ In 2011, Congress added similar language to National Institutes of Health (NIH) appropriations. President Obama, following the shooting deaths of twenty young children at Sandy Hook Elementary School in Newtown, Connecticut, issued an executive order that called for the CDC to renew its research on the risks of firearm ownership. Congress, however, failed to appropriate funds to support the executive order.⁴⁹

Notable about the bans on CDC and NIH research that might be used to support gun-control policies is that neither the CDC nor the NIH is an agency that has regulatory power. Moreover, the Second Amendment is a powerful tool that has been used

to prevent those advocating for gun-control from achieving it, a situation that is born out in the country's relatively weak laws governing firearms. Thus, the move against funding for research represents a notable break from past efforts to slow the pace of regulation by calling for more research. The move to cut off funding for science suggests that the members of Congress who voted for these cuts felt that scientific research, even that housed within nonregulatory agencies, would lead to new laws restricting access to firearms or might change public attitudes about ownership of firearms. Arguments for cutting the program questioned the quality of the research being funded by the CDC, the jurisdiction of the CDC to ask about firearm deaths and injuries since neither was an infectious disease, and the role of the federal government in funding such research.

One might dismiss the politics around firearm research given the Second Amendment politics that make the issue of research so salient and dramatic. However, the same Congress that cut funding for firearm research also moved to end a research program created to determine which treatments for common diagnoses work best for patients. Congress created the Agency for Health Care Policy and Research (AHCPR) in 1990 and required that it generate evidence that could be used to improve the quality of health care. One of its programs involved creating multidisciplinary teams of expertise—Patient Outcome Research Teams, or PORTs—to review treatments for common diagnoses in order to evaluate which treatments produced the best outcomes. Between 1990 and 1996, AHCPR funded twenty-five PORTs. Based on the funded research, the agency issued nineteen new “best practices” guidelines for health-care providers and patients. These guidelines did not have the force of a regulatory action; the agency's output merely pointed to the best treatment options for a given diagnosis. This did not prevent the guidelines from becoming controversial, as in the case of the PORT regarding treatment for low back pain that found that surgery was one of the *least* effective treatments for patients experiencing such pain. In 1996, surgeons mobilized to counter the PORT findings and successfully lobbied Congress to defund the agency.⁵⁰ It was not until the American Reinvestment and Recovery Act of 2009 that federal funds were again allocated for comparative effectiveness research,⁵¹ ending a lack of support that had set the United States apart from all other Organization for Economic Cooperation and Development

(OECD) countries in terms of investing in research to examine which medical treatments are most effective.⁵²

The same Congress acted to close off its own pipeline for analysis of new technologies when it shuttered the Office of Technology Assessment (OTA). Bruce Bimber, in his book examining the origins, institutionalization, and termination of the OTA, maintains that antipathy for science was not a motivating factor in closing down the organization.⁵³ Other scholars have argued that the OTA's role in conducting assessments of health-care technologies was the factor that brought the organization under attack.⁵⁴ When viewing the termination of the OTA in light of the 104th Congress's moves against the CDC and AHCPR, Bimber's assessment—that the termination of the OTA was a symbolic gesture demonstrating that members of Congress were willing to inflict budget cuts on themselves—is less convincing.

Those who advocated for closing down the OTA argued that the information OTA produced could come from other sources. OTA, however, because it served the US Congress, had developed an approach to generate bipartisan analysis.⁵⁵ By closing the OTA, Congress removed an organization that had been under enormous institutional pressure to produce analyses that both conservatives and progressives felt served their interests. The closure suggests that the organization had failed or, given the degree of polarization, that bipartisan analysis was no longer possible. But the closure also removed an organization that was structurally designed to maintain ties with both Republicans and Democrats. In this respect, the OTA's demise represents a profound institutional loss.

These examples of “turning off the tap” are important in that most of the literature that examines controversy in science applied to policy-making focuses on the multiple pathways for “bending” science—that is, essentially altering the mix of findings so that claims of harms to health always appear uncertain.⁵⁶ This approach worked in tandem with elected conservatives who could point to the apparent uncertainties and call for more science. This strategy, while successful to a point, also appeared to have its limitations, as the sweep of state policies to curb tobacco use demonstrated.

Corporations have the resources and the financial interest in skewing the pipeline of scientific research to prevent the adoption of public policies designed to protect public health. At the same time, they must certainly prefer the strategy that

emerged from Congress in the mid-1990s that terminated federally funded research programs in their entirety. This move shifted the locus of research away from the government and academia and allowed corporations and industry to decide what research would be conducted in the first place. Moreover, when congressional allies cut off public funding for policy-relevant research, they offered corporations a much cheaper and likely more effective way to achieve their antiregulatory policy goals.

Antiscience Progressives and the State

When examining the strategy of cutting off scientific research as a way to achieve regulatory policy goals, it is important to consider why this appears to be a strategy of the Right. If motivated reasoning is equally likely across the political spectrum,⁵⁷ should we not see this political strategy emerge when progressives seek policy goals that run counter to an established scientific record? Two prominent issues that attract progressives with antiscience views are genetically modified organisms (GMOs) in foods and childhood vaccinations. In both cases, cutting off scientific research would preserve a status quo that these groups would like to upend. In the case of GMOs, the United States has implemented an information-based policy that requires labeling of GMO foods. This puts anti-GMO groups in the position of needing to support the Food and Drug Administration (FDA) in promulgating the labeling policy. Although these groups may fault the FDA for allowing GMOs into the market, given the current state of science concerning GMO food safety, cutting off scientific research will not create an FDA more willing to ban GMO foods.

Childhood vaccination presents a similar case.⁵⁸ The politics of childhood vaccination has a similar structure whereby less science does not strengthen the antivaccination position. The current scientific record shows that vaccines are safe and effective for the vast majority of children. States, arguing that vaccination is necessary to also protect the health of children who cannot be safely vaccinated—that is, those with compromised immune systems, are instituting policies that prevent parents from being able to claim personal beliefs as a reason to not have their children vaccinated. Although it rests on a disagreement concerning the scientific record, the fight about these policies is not being carried out over the funding of research. In California, for example, parents who do not wish to have their children vaccinated

are looking for pediatricians who will write requests for unfounded medical exemptions while the state and the state medical board are taking punitive actions against pediatricians determined to have written medically unnecessary exemptions. In fact, in many cases, parents may seek more research on vaccine effects to try to find evidence that will substantiate a medical reason for avoiding their children's vaccination.

Implications of antiscience efforts at Trump's EPA

This analysis places Trump's attacks on science in the EPA in a broader context of efforts on the part of conservatives to scale back regulations that protect people's health. Trump's appointees at the EPA are working on several fronts to shift the locus of science from academics to corporate and industry-based science. Taken together, the Trump administration's actions combine elements of "bending" science with efforts to restrict the flow of both science and scientists to the agency. It is interesting to note, however, the line that the Trump administration has not crossed. Political appointees to the EPA continue to claim that their efforts are intended to improve science at the EPA.⁵⁹ Thus, although Trump administration officials publicly discount scientific claims, they are not quite willing to say that there is no need for science to support EPA decision-making. Nor are they willing to engage in a frontal assault on EPA research programs by arguing that there is no legitimate place for publicly funded scientific research. While Trump, in his willingness to defend his latest policy position with outright lies, appears as a particularly strident opponent of science-informed policy, the quiet dissolution of federally funded science by Congress represents a more fundamental break with the long-standing government–science alliance in the United States.

Looming over analyses of Trump and Trumpism is the question of legacy. Trump and his administration have undermined the Environmental Protection Agency's ability to set public health standards based on the most current science. Unlike Reagan, whose efforts focused mostly on slowing down the pace of regulation and enforcement without touching science at the EPA, the Trump administration has multiple efforts underway to bend science—that is, increasing the presence of industry scientists serving on EPA advisory boards—and to limit the agency's access to new scientific information. At the same time, the Trump administration has

stopped short of announcing that there is no need for science to support EPA decision-making. Considering the potential long-term effects of the Trump administration's efforts, it is likely that a new administration will be handed a hamstrung EPA. For a future president who would like to see the EPA drawing from the latest scientific research when setting EPA rules, it may be years before the agency is restored to its pre-Trump capacity.

One possible outcome of the Trump administration's efforts could strengthen science at the EPA. The practice of placing corporate and conservative scientists on advisory boards is an effort to further tip the scales away from research that indicates harm caused by products and industrial processes. Making advisory boards more friendly to corporate interests is likely to have this effect. At the same time, advisory board membership is not simply a one-way street from corporate boardrooms to federal regulatory agencies. Membership on such federal advisory boards can create information flows in the opposite direction. In fact, the National Research Council (NRC) has a policy that requires "balanced" membership on its research panels.⁶⁰ One effect of having balanced panels is that inclusive panelist representation sends a signal back to communities that might otherwise dismiss NRC research. If a member of your community served on an NRC panel and that community member stands by the panel's final report, that assurance can create confidence in the report's findings that might otherwise be absent. Nevertheless, balanced research panels are not a panacea, and disagreements among panel members can still interrupt panel work.⁶¹ Moreover, no one should serve on any federal agency board without having gone through a thorough vetting of potential conflicts of interest. However, in an era of hyperpolarization, advisory boards that bring conservatives and progressives together through formal processes to create guidance for federal policy-makers could generate conversations not happening elsewhere.

The Trump administration's antiscience efforts could also generate a backlash. Many reviewers of Donald Trump's presidency worry that his conduct in office will normalize much of his worst behavior as acceptable for American politicians. It certainly is possible that future elected officials may feel less constrained by facts and evidence. But it is equally possible that the public may refuse to give credence to elected officials who dismiss well-supported and long-standing scientific findings.

Senior Emma Gonzales's response to elected officials—"we call BS"—after the mass shooting at Marjory Stoneman Douglas High School shows what this might look like.

A Seismic Shift

The Trump administration has drawn a great deal of attention to the issue of how conservatives view science. However, regardless of whether or not this approach stimulates a backlash, the presidency is not the only place where antistate and antiscience views can undermine the federal government's capacity to protect public health. Across many institutions of government, conservatives are working systematically to ensure that less science is available for policy-making. Responding to the enactment of a sweep of regulations that followed the rise of the environmental and consumer protection movements, conservatives have altered their strategies for scaling back or stalling regulatory actions. Former calls for more research are now being replaced with calls for no research and a willingness to question the role of the federal government in funding science-for-policy in the first place.

Since we are so accustomed to partisan debates over whether some chemical, toxic substance, industrial process, or product does or does not cause harm to humans or the environment, the shift from bending science to turning off the tap might look like an incremental step in a long-standing ideological schism. Instead, the move to cut off federal funding for policy-relevant science represents a profound break in a government–science alliance that had previously existed for more than two hundred years. It represents a shift not only in the country's orientation toward science but also its attitude toward academics, who are now viewed through a partisan lens, and toward the government's role in protecting public health. Given the technological and scientific complexity of life in the twenty-first century, reducing the scientific and technical capacity of the federal government is likely to have profound consequences.

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Marching for Our Lives

Gun-Control Politics in the Age of Trump

DENISE HERD

After the massacre of twenty six- and seven-year-old children at Sandy Hook Elementary School in Newtown, Connecticut, in 2012 and numerous other mass killings from gun violence failed to generate substantial changes in US gun policies, no one believed that there would ever be a large-scale anti-gun violence movement in America. However, in February 2018, this pattern abruptly shifted. What could have been remembered as yet another unfortunate incident of school shootings at Marjory Stoneman Douglas High School in Parkland, Florida, inspired a vibrant and powerful social movement against gun violence that led to swift and sweeping public policy changes across the United States.

The catalyzing impact of this incident did not appear commensurate to the scale of other school shootings in terms of tragedy, lives lost, or the youthful age of the victims. Columbine High School in Littleton, Colorado; Virginia Polytechnic Institute and State University (Virginia Tech) in Blacksburg, Virginia; and Sandy Hook Elementary School in Newtown, Connecticut, were sites of horrendous shootings of children ranging from elementary school to college age, and the numbers of people killed at both Sandy Hook and Virginia Tech were greater than the fourteen teenage students and three adults killed at Marjory Stoneman Douglas High School. The killings at Virginia Tech, where a total of thirty-three people were shot, is regarded as the worst school massacre in the United States. In fact, just six months prior to the

school shooting in Parkland, Las Vegas was the scene of one of the most destructive mass shootings in America, in which one man killed fifty-eight people and wounded another 851 at an outdoor music concert. Although there was significant public outcry and media attention devoted to all of these incidents, in most cases, public protests and news coverage surrounding the shootings quickly waned, and the resulting public policy changes to address the causes of these mass shootings were meager.

What changed with Parkland? Why did these shootings lead to a substantial, highly successful anti-gun violence movement in a very short period of time when prior protests, even those such as the Million Mom March in 2000 that received notable public acclaim, had quickly faded from the public eye and achieved only modest success? Commentators have pointed to a number of differences between Parkland and other anti-gun violence movements, emphasizing the unique qualities of the Parkland teen leaders as compared with leaders of prior movements (e.g., victim/survivor status, youthfulness), the differences in organizing tactics (use of social media, cultivation of politicians and reporters, the emphasis on grassroots organizing), the use of cultural and narrative strategies that matched those of the National Rifle Association (NRA) and directly confronted politicians, and the presence of large-scale financial support from celebrities and anti-gun violence organizations.^{1,2} These are critical features that no doubt contributed greatly to the swift launching of an appealing, high-profile movement that greatly prolonged the news cycle for the relevance of this school killing spree on television and in newspapers.

In addition, other scholarship points to the importance of the political context in shaping the outcome of reform-oriented social movements. For example, Craig Reinerman argues that the deep cultural, legislative, and criminal justice shifts in perceptions and the punitive approaches implemented by another social movement—Mothers Against Drunk Drivers (MADD)—had in part been driven by the “law and order” ethos of the 1980s Reagan era as well as by an individualistic framing of the problem that had not implicated the alcohol industry. In his view, these two factors contributed to the mushrooming success of a movement started by a grieving mother who had lost a twelve-year-old daughter to a drunk driver.³ From a parallel perspective, a major focus of the present analysis is on how the widespread resistance to the Trump presidency and Democratic politics in 2018

influenced the impact of the Parkland anti-gun violence movement. Specifically, this chapter explores how the alignment of the Parkland youth movement with the broader wave of Democratic Party protests and organizing helped fuel the extraordinary success of this social movement.

Kristin Goss points to two other features of gun-protest politics that seemed crucial for mobilizing large-scale public responses to the Parkland shootings. First, antigun protests have been largely fueled by women. Goss argues not only that there is a huge gender gap between progun and antigun sentiment but also that traditionally women have spearheaded movements for social reforms and policy changes to benefit families and communities. She notes that in the 1930s, the two million General Federation of Women's Clubs spoke for ordinary citizens fed up with gang violence.⁴ In addition, protecting children from gun violence is one of the most effective frames for mobilizing Americans to protest against firearms. In her study of almost fifty gun-control groups created in the 1990s, Goss found that 60 percent had been formed in response to a shooting involving youth.⁵ The Parkland shooter killed a large number of teens in a suburban school, an action that immediately commanded massive public attention and concern. The fact that the killings occurred during the second year of the Trump presidency also tapped into the large wave of anti-Trump resistance created by thousands of American women who had been engaged in almost continuous protest against Trump since the 2016 election.

These ideas form the backdrop for the issues to be explored in this chapter that are believed to have helped fuel this protest movement and intensify its impact. They include the strong mobilization of women after the election of President Trump, the gender divide on gun-control politics and the prominence of women's leadership in gun-control movements, and the deep partisan rift in support for gun rights and gun control. In addition, the chapter explores how the strategies of the Parkland youth gun-control activists strongly aligned with key strategies of the Democratic Party (increasing voter registration and turnout) to win the 2018 midterm electoral races and regain control of Congress as well as capture state offices. Although the youth movement leaders were avowedly nonpartisan and did successfully influence some Republican lawmakers, the major supporters of the Parkland anti-gun violence movement were women, Democrats, ethnic minorities, and gun-control

advocates who were mostly strongly opposed to the Trump administration. In addition, the framing of the gun-violence problem by the Parkland youth (e.g., the need for restrictions on the availability of firearms and the regulation of gun ownership) was vehemently opposed by the NRA, President Trump, and most conservative Republicans. Finally, the strategic actions of the Parkland movement were extremely political and advocated for immediate legislative change and increases in voter registration and political participation that would affect the outcome of the midterm elections to promote more gun-control-friendly legislators.

Methods for this study included extensive reviews of newspaper, magazine, and other press coverage of the Parkland movement as well as analysis of the literature on gun-reform movements and relevant government reports and statistics.

Women, Trump, and Protest Politics

A large number of women were shocked and outraged by the election of Donald Trump for several key reasons. First, many Democrats anticipated celebrating Hillary Clinton as the first female American president. Following a projected Clinton victory, numerous American women experienced a strong sense of loss and anger at the election's outcome. This loss was compounded by the fact that Trump has a past history of demeaning women and expressing misogynist attitudes. In addition, women feared that the Trump administration posed threats to gains made to gender equality and reproductive rights. In the views of scholars Rachel G. McKane and Holly J. McCammon, the combination of these factors created a "perfect storm" of feminist outrage, and the Trump presidency "heightened long-standing feminist grievances regarding patriarchy, misogyny, and gender inequality."⁶

In the wake of high levels of discontent, massive numbers of women began to mobilize. On January 21, 2017, the day after the inauguration of President Trump, women across the nation and globe came together in what is regarded as the largest single day protest in US history. Women organized the March on Washington, with sibling marches occurring in every state in the country and with multiple marches in cities and towns in some states as well as protests in other countries. Estimates of the numbers of participants ranged from three million to more than five million people in the United States and thousands more in other countries.⁷ After the marches,

organizers reported that about 673 marches had taken place worldwide on all seven continents, with twenty-nine in Canada, twenty in Mexico⁸, and one in Antarctica.⁹

The goals of the first Women's March included calling for legislative and policy reform to support gender and racial equity, immigration reform, access to health care, reproductive rights, workers' rights, LGBTQ rights, and environmental health and related issues.¹⁰ Following this event, activism in American society remained at an all-time high. According to Kenneth T. Andrews, Neal Caren, and Alyssa Browne, "In the subsequent year, more than two million people attended over 6,500 protest events in what might be the most remarkable 365 days of protest in US history."¹¹ Gun-control events garnered almost seven thousand participants in 105 events.¹²

On the first anniversary of the 2017 Women's March, women again took to the streets in record numbers. Estimates were that between 1.8 million and 2.6 million people participated in the protests, attending about 407 marches.¹³ The 2018 Women's March occurred only three weeks before the Parkland shootings, and, as will be described in subsequent sections, organizers of the Women's March played instrumental roles in the major protest actions organized by the Parkland youth activists.

Women and Anti-Gun Violence Politics

THE GENDER GAP AND ANTIGUN SENTIMENT

Prior to the Parkland shootings, gun violence had not been a major issue in the politics surrounding the Trump presidency. However, the deep gender divide in perceptions of gun-violence problems, coupled with rising feminist outrage and women's mobilization, positioned women as a key audience and support base for the emerging popular movement on gun control.

There is a long-standing and persistent gender gap in public attitudes toward gun control, with women much more likely than men to favor restrictive policies and laws regarding firearms.¹⁴ For example, data from the National Opinion Research Center from 1976 to 2002 demonstrate that, although trends varied over time, in each year of the survey, women reported having more favorable attitudes toward laws requiring a permit before buying a gun than men did.¹⁵ According to data from a similar poll taken in 2001, 77 percent of women and 59 percent of men indicated

that they favored stricter laws relating to the control of handguns.¹⁶ More recent data from the Quinnipiac University National Poll in 2016 reveal that 63 percent of women compared with 45 percent of men support stricter gun laws in the United States and that 71 percent of women compared with 46 percent of men support a nationwide ban on assault weapons.¹⁷ Women were also more likely than men to believe that expanding background checks would be effective in reducing gun violence and that it is too easy to buy guns, while men were more likely than women to believe that carrying guns would make the United States safer.¹⁸

Tom W. Smith (1999) argues that the gender divide in attitudes about gun control is driven in part by the fact that fewer women are gun owners and that there is a positive relationship between owning a gun and having more favorable attitudes toward gun owners' rights.¹⁹ Other commentators have pointed to the following cultural and social reasons to explain why women are more likely than men to favor gun-control laws.²⁰ First, women have been socialized to be more risk averse and thus less likely to endorse the risky behavior and protector role associated with gun ownership.²¹ Second, women are at a much greater risk of experiencing domestic violence than men, and many perpetrators of mass shootings have had a history of domestic violence. For example, the gun-safety advocacy group Everytown for Gun Safety reported that "fifty women are shot by their intimate partners each month, and 4.5 million American women alive today have been threatened with a gun by an intimate partner."²² Finally Goss's work suggests that women are more likely to favor gun-control politics than men are because of what she refers to as "maternalist" motives such as fear for the safety of their children and a desire to protect their children's safety at home or at school.²³

WOMEN AND ANTI-GUN VIOLENCE MOVEMENTS

Women leaders and women's organizations have played major roles in the anti-gun violence movement in the United States since it emerged in the 1980s. Sarah Brady, whose husband, James Brady, was seriously injured in the 1981 assassination attempt on Ronald Reagan, was a central leader in the Brady Campaign (the group formerly known as the Handgun Control Initiative that was formed in the mid-1970s), one of the longest-running and most powerful gun-control organizations in the country.²⁴

The Bradys have been involved in the organization since the mid-1980s, and Mrs. Brady became the organization's chair in 1989. The Brady Campaign has been responsible for promoting most of the important federal legislation and policies enacted regarding gun control in the United States. These laws include the *Undetectable Firearms Act of 1988*, which makes it illegal to make, trade, sell, possess, or ship firearms that cannot be detected by walk-through metal detectors; the *Brady Handgun Violence Prevention Act* (1993) that required federal background checks on guns purchased in the United States and that imposed a five-day waiting period on purchases until the National Instant Criminal Background Check System was implemented in 1998; and the *Federal Assault Weapons Ban* (1994), which made it illegal to manufacture assault weapons and large-capacity magazines for civilian use for ten years. The Brady Campaign continues to support advocacy efforts aimed at federal gun-control legislation and policies. For example, the group opposed the *Stand Your Ground* laws enacted in Florida and other states that authorize individuals attacked in their homes and cars to use lethal force against attackers without retreating. The group also helped with lawsuits to prohibit persons with permits from carrying concealed weapons in national parks and to make gun sellers responsible for deaths resulting from purchases of bullets, body armor, and magazines by the shooter in the Aurora, Colorado theater shooting in 2012.²⁵

Women also organized the first mass rally devoted to gun control in the United States in recent times. In 2000, on Mother's Day, May 14, more than 700,000 women marched on Washington and in sibling marches held in at least twenty cities across the country.²⁶ Known as the Million Mom March, this protest was the outcome of a national grassroots organizing campaign developed by women who were outraged by the armed attacks on schoolchildren in several highly publicized shootings. The march was initiated by Donna Dees, a mother and part-time publicist who had been horrified by the August 1999 Southern California Jewish Community Center day-care shooting on a playground. According to Lawrence Wallack, Liana Winett, and Linda Nettekoven, the purpose of the march was to "focus the national spotlight on 'sensible gun laws,' pose a formidable challenge to the National Rifle Association[,] . . . hold Congress accountable for legislative solutions to gun violence[,] and invoke the real and symbolic moral power of motherhood to further the goals of the gun

control movement.”²⁷ The march included thousands of “mothers and others,” some of whom had been directly impacted by gun violence and had lost children to violence. Others were women and families who were concerned about and appalled by threats to the safety of schoolchildren. The policy goals of the marchers included registering handguns, requiring that gun owners be licensed, establishing product safety requirements for firearms, requiring background checks on gun sales at weekend shows, and enacting one handgun a month purchasing limits.²⁸ In addition, a strong focus of the march was to underscore the urgency of protecting the lives of children as opposed to supporting the cultural prominence of progun beliefs. Reflecting these sentiments, one of the mothers, a California Republican whose son had been shot and killed during a robbery, said to the marchers: “We love our children more than the NRA loves their damn guns!” This statement became a major theme for the marchers.²⁹ The Million Mom March attracted extensive media attention and was regarded as a key turning point that ushered in a popular movement for gun control. After the protest rally, the group reorganized as the Million Mom March Foundation, with the goal of having the same kind of impact on society that Mothers Against Drunk Driving had experienced. The foundation garnered support from the US Conference of Mayors, the League of Women Voters, and the National Parent Teacher Association (PTA). Although the growth of the Million Mom March Foundation initially flourished, within months the membership had declined and chapters had closed. A year later, unable to attract more than limited participation, the group was folded into the Brady Campaign.³⁰ Although the march and the group saw some gains for the gun-control movement (such as passing referenda in Oregon and Colorado to close gun law loopholes and helping to defeat several pro-gun rights senators), the year 2000 was mostly remembered for the election of NRA ally George W. Bush as president. In addition, some Democrats blamed the gun-control issue for Al Gore’s losses in three crucial states, and for their failure to gain a majority in the House of Representatives.³¹

A similar group for women’s advocacy regarding gun control formed the day after the Sandy Hook Elementary School shooting in December 2012. The organization was started by Shannon Watts in Indianapolis, Indiana and was initially created as a grassroots Facebook group page titled ‘One Million Moms for Gun Control’.

Later renamed “Moms Demand Action for Gun Sense in America,” the organization was supported as a prevention campaign for the Everytown for Gun Safety Action fund. By the end of 2013, the group had expanded into chapters in all fifty states, with 130,000 members. The advocacy group has endorsed congressional candidates, has lobbied members of Congress to support expanded background checks, has convinced Starbucks to ban guns in its coffee shops, and has sponsored ads for educational campaigns on banning assault weapons. In 2013, the group merged with Mayors against Illegal Guns to form Everytown for Gun Safety.³²

Republicans, Trump, Progun Politics, and the NRA

Although there are some gun-control issues that receive wide support from both Republicans and Democrats (e.g., in results from a 2017 poll, more than 80 percent of respondents identifying with each party favored laws preventing people who are mentally ill or on federal watch lists from purchasing guns), there are stark differences in support for other gun-control measures that fall along partisan lines. For example, in 2017, 76 percent of Republicans as compared with 22 percent of Democrats agreed that it was more important to protect the right of Americans to own guns than to control gun ownership.³³ Similar differences were found in the results of 2016 Quinnipiac polls showing that while 83 percent of Democrats support stricter gun laws, only 26 percent of Republicans do; 90 percent of Democrats support a nationwide ban on assault weapons compared with 40 percent of Republicans who do; 86 percent of Democrats believe that expanding background checks would be effective in reducing gun violence in the United States compared with 42 percent of Republicans who do; and 86 percent of Democrats think it is too easy for a person to buy a gun while only 28 percent of Republicans agree.³⁴

In addition, historically, federal gun-control policies have enjoyed much more support during Democratic administrations. The Brady Bill and the Federal Assault Ban were both passed into law during the Clinton presidency. However, in 1994, Republicans reclaimed the House of Representatives for the first time in forty years, with the Democrats’ loss attributed to the passage of the assault weapons ban.³⁵ It was also widely believed that Al Gore had lost the presidency because gun-control opposition had become a crucial factor in the 2000 election.³⁶ A commentator,

Kara Voght, argued that the reason why gun control has stagnated at the federal level since the 2012 Sandy Hook Elementary School shooting is the Republican leadership's refusal to take up the issue.³⁷

President Trump's political stance toward gun-control politics mirrors the platform of conservative Republicans. He has been a vocal supporter of the rights of gun owners and has consistently opposed gun-control measures prior to and throughout his presidency. For example, in the sixth 2016 Republican presidential primary debate, Trump expressed strong support for the Second Amendment and made the case that more guns would increase the safety of Americans. He blamed shooters, not guns, for gun violence problems.³⁸ Trump has also stated that he is "against gun control," has asserted that guns save lives, and has maintained that gun-free zones should be eliminated in schools.³⁹ In addition, Mr. Trump has extensive ties to the NRA. In May 2016, the NRA endorsed his candidacy for president. Chris Cox, the executive director of the NRA, stated: "If Hillary Clinton gets the opportunity to replace Antonin Scalia with an antigun Supreme Court justice, we will lose the individual right to keep a gun in the home for self-defense[,] . . . [s]o the choice for gun owners in this election is clear. And that choice is Donald Trump."⁴⁰

The NRA also made extremely large financial contributions to Trump's presidential campaign that were controversial in part because they were coordinated with the NRA's own ad promotion campaign.⁴¹ Twenty-five million dollars in ads for the Trump presidential campaign were placed with the same ad-buying executives who arranged slots for the NRA's Institute for Legislative Action and the NRA Political Victory Fund. A complaint brought by the Campaign Legal Center and the Giffords Law Center to Prevent Gun Violence argued that "spending by both the NRA and the Trump campaign would be complementary and [would] advance a unified, coordinated election strategy," an effort that would violate campaign donation regulations.⁴²

According to the Center for Responsive Politics, in all, the NRA donated \$31.2 million to support Donald Trump's presidential campaign. The group aired advertisements on behalf of Trump in the summer of 2016 that were shown in battleground states and that attacked Hillary Clinton's stand on gun control and her role in the 2012 terrorist attack in Benghazi, Libya. In the first one hundred days of his

presidency, Trump was the first sitting president to address the NRA's Leadership Forum since Ronald Reagan did so in 1983.⁴³

Under Trump's presidency, gun-control laws have been either substantially weakened or opposed. In February 2017, President Trump signed a measure into law that overturned the Obama administration's law that had added people receiving Social Security benefits for mental illnesses and deemed unable to handle their own finances to the FBI's National Instant Criminal Background Check System in order to prevent them from obtaining firearms. This law, which had been developed in response to the Sandy Hook shooting of elementary school students, was predicted by the Obama Administration to have the potential to add 75,000 people to this national database. In addition, Trump's Justice Department weakened the impact of federal background checks on gun purchases by not preventing individuals with outstanding arrest warrants from purchasing firearms unless they had also fled across state lines. As a result, 500,000 people were dropped from the rolls of those deemed ineligible to own firearms, and there was a sharp decline in denials based on arrest records. In other actions, Republicans moved to loosen gun restrictions on federal lands, promoted a bill to make it easier to buy gun silencers, and passed a bill allowing individuals to carry concealed weapons across state lines.⁴⁴

In the aftermath of the Parkland shooting, President Trump appeared to be more sympathetic to the viewpoints of gun-control advocates. He called out politicians for fearing the NRA, publicly supported raising the minimum age for purchasing long guns, and publicly supported intensifying background checks.⁴⁵ However, commentators noted that his initial pro-gun control statements faded fairly quickly and that the actual policies coming out of the White House were much more in line with NRA perspectives on the issue.^{46,47} Although the White House plan on school safety supported a congressional bill to strengthen the background-check system and urged states to pass laws temporarily restricting gun ownership for people regarded as dangerous, it also emphasized President Trump's plan to arm teachers and other school staff on a volunteer basis and had no provisions for raising the minimum age for owning long guns.⁴⁸ Other sources point out that Trump had "scapegoated" other causes of the shootings such as mental health issues and video games rather than firearms.⁴⁹ In addition, a little more than two

months after his promise to stand up to the NRA, Trump spoke at the organization's annual convention.⁵⁰

The Parkland Student Gun-Control Movement in the Era of Trump

On a sunny Valentine's Day in 2018, a gunman, former student Nikolas Cruz, took the lives of fourteen eleventh and twelfth graders and three teachers at Marjory Stoneman Douglas High School (MSDHS) in Parkland, Florida. Like other school shootings and gun massacres that have recently occurred in American towns and cities, the event quickly attracted massive media attention and expressions of political and social concern. However, unlike previous cases, in which media and policy attention spiked temporarily and then often faded, the Parkland shooting, as they have become known, sparked one of the most influential popular movements against gun control in modern American society. Part of the success of this movement can be attributed to the highly charged social context in which it took place. To be sure, the teen victims and survivors who led the movement were knowledgeable, tech savvy, and charismatic, factors that helped ensure the success of the movement. However, the fact that their protests resonated both with the wave of resistance of women and with Democrats opposed to the Trump presidency and to the pro-gun rights stance of the Republican party and the NRA meant that the messages of the Parkland youth fell on fertile ground and quickly blossomed.

The teen movement was also aligned with the existing protest actions of groups opposing Trump and the NRA. These included a similar framing of the problem, similar strategies (e.g., large-scale protest rallies, including Marching for Our Lives, a massive Washington-based protest rally similar to the 2000 Million Mom March that took place within approximately two months of the second annual Women's March protesting the election of President Trump), and similar goals, such as supporting gun-control measures at all levels and increasing voter education and voter turnout for the midterm elections in 2018.

POLITICAL FRAMING OF GUN VIOLENCE

From their movement's inception, teen survivors of the Parkland shooting framed the gun-violence problem in highly political terms that resonated with the existing

gun-control movement by pressuring legislators to increase regulation of firearms and gun ownership. Within forty-eight hours after the shootings, a trio of the teen survivors decided on focusing on background checks as a goal of the movement. Another student immediately began posting a strong gun-control message on Instagram: “PLEASE contact your local and state representatives as we must have stricter gun laws IMMEDIATELY.”⁵¹ By that evening, the student had spoken with Democratic Florida Congresswoman Debbie Wasserman Schultz. In subsequent conversations with other state representatives, arrangements were made to bus one hundred MSDHS students and their chaperones to Tallahassee, Florida to address the state legislature.

On Saturday, three days after the shooting, teen survivors joined the protest at a gun-control rally held in Fort Lauderdale, Florida in front of hundreds of demonstrators. In a series of impassioned speeches, they urged lawmakers to enact stricter gun-control measures and criticized politicians who took money from the NRA.⁵² It was at this protest that Emma Gonzalez, one of the activist youth survivors, ended her first speech (which subsequently went viral) with the now-famous statement linking legislation, gun violence, and voting as a theme of the movement: “They say no laws could have prevented the hundreds of senseless tragedies that have occurred. . . . We call [that notion] BS. That us kids don’t know what we’re talking about, that we’re too young to understand how the government works. We call BS. If you agree, register to vote.”⁵³

Several days later, students from MSDHS congregated with thousands of protesters in Tallahassee, the Florida state capital, to demand that legislators enact commonsense gun-control laws. Hundreds of students from Parkland, Tallahassee, Jackson, and other places marched from Florida State and Florida A&M Universities to the capitol. The rally featured survivors from the Parkland massacre, Democratic lawmakers, gun-control activists, and others who criticized Governor Rick Scott and the Republican-controlled legislature for their inaction in addressing previous mass shootings. The rally had been organized by the Florida League of Women Voters and the Florida Coalition to End Gun Violence and was noted as one of the largest and most spirited gatherings to occur in the Florida capital in years.⁵⁴

The Parkland massacre also helped spark two national school walkout days. The idea for the walkout originated with Empower, the youth branch of the

Annual Women's March, and called for students to walk out of class for seventeen minutes of silence in honor of each person killed during the shooting at MSDHS. The first walkout was held a month after the shooting. On March 15, 2018, an estimated one million students marched out of more than 3,100 schools across the country.^{55,56} Protests occurred in Washington, DC, and in school districts from Maine to Los Angeles. In some areas, the events went on for hours and included songs, protest marches, and ritual and mourning ceremonies (e.g., arranging empty school desks to recognize those lost to the shootings and releasing seventeen doves from a box).^{57,58} In addition, in some areas tables were set up for voter registration, for gathering signatures for petitions to require stricter gun laws, or for writing condolence notes to those who had lost family and friends to gun violence.⁵⁹

A second school walkout, held on April 20, 2018, grew out of a Change.org petition started by a high school sophomore in Ridgefield, Connecticut. Lane Murdock reported feeling numb when she heard about the MSDHS shootings and decided to act for change by starting a petition to create a school walkout on the day that she received the news.⁶⁰ The walkout was planned to mark the anniversary of the Columbine school massacre of 1999, when twelve students and one teacher had been killed at Columbine High School in Littleton, Colorado. Protesters planned to walk out of classrooms and observe thirteen seconds of silence to remember those killed in the Columbine shootings. However, organizers also encouraged open-ended, day-long protests to include rallies, speeches, voter registration drives, and similar actions. The movement was geared toward high school students, and more than two thousand groups registered to participate in the activities.⁶¹

THE MARCH FOR OUR LIVES

The signature event that defined the Parkland movement was one of the largest gun-protest rallies ever held in the United States. The March for Our Lives included an estimated 800,000 protesters in Washington, DC, and thousands of other participants in sibling marches held across the country. The march was held on March 24, 2018, about two months after the second Women's March, and in fact received volunteer logistical and organizational support from Deena Katz, a leader and major organizer of the Women's March.⁶²

The idea for the march was born during the first few days of the aftermath of the Parkland shootings. Its overall purpose was to signal the urgency of the need to adopt stricter gun-control measures and to spotlight the importance of prioritizing the safety and lives of young people over progun interests like the NRA. Cameron Kasky, one of the organizers, stated in an early interview: “We are going to be marching together as students begging for our lives.”⁶³

Mobilizing young voters was a cornerstone of the march and the overall movement. In fact, the march was closely linked to “Vote for Our Lives” a key initiative of the youth activists.⁶⁴ For example, Headcount, a voter registration group, planned to send five thousand volunteers to register voters at the marches. Alter’s article in *Time* magazine on the march states: “The Parkland kids say their goal is for four out of five young people to vote in November’s midterm [2018] elections.”⁶⁵ The Parkland youth’s stance on politicians was to have them pass gun-control legislation or be voted out of office. March organizers also said that funds raised for the march would “be used to fight for gun safety legislation at the local, state, and federal level and will also include [spending on] voter education, ballot initiatives, and lobbying state legislatures and Congress to protect America’s kids.”⁶⁶

Support for the march poured in from small donors on a crowdfunding site, GoFundMe, (more than \$4 million) as well as from large donations from established gun-control organizations, including Everytown for Gun Safety and the Brady Campaign. Liberal Hollywood celebrities George and Amal Clooney, Stephen Spielberg, Oprah Winfrey, and many others contributed large sums to the fund. Billionaire Tom Steyer, a 2020 Democratic presidential candidate who spearheaded a campaign to impeach President Trump, pledged \$1 million to support the group’s efforts to register more young voters.⁶⁷⁻⁶⁹

By all accounts, the March for Our Lives rally held on March 24 was immensely successful. The rally featured a powerful lineup of youth-only speakers, including survivors of the Parkland school shooting, other students speaking on behalf of family members who had been killed, and other victims of shootings. Yolanda Renee King, nine-year-old granddaughter of Martin Luther King, also made an appearance.⁷⁰ Commentators praised the event for being intersectional,⁷¹ inspiring, peaceful, and extremely well organized.

Although the march had been initiated, planned, and led by the teen survivors of Parkland and other mass shootings, the audiences participating were not limited to youth. One observer, Dana R. Fisher, noted that in the Washington, DC rally, 70 percent of the 256 participants she had surveyed were women, and their average age was around 49, similar to the age of the average participant in the Million Moms March in 2000. Fisher also pointed out that about a quarter of the group she had interviewed were new to social protest, with many of them not primarily motivated by gun-control issues but rather by the issues of peace and opposition to President Trump. The group was decidedly liberal, with 79 percent identifying as “left leaning” and 89 percent indicating that they had voted for Hillary Clinton.⁷² Reports from a sibling march in Pennsylvania indicated similar patterns. Marchers included members of Moms Demand Action for Common Sense Gun Control, Everytown for Gun Safety, Black Lives Matter, and the Conscious Elders network. Women who had participated in the Women’s Marches were seen wearing their pink pussyhats, worn as a symbol of protest to the Trump presidency. Jon Coburn pointed out that the concerns of the protesters were broader than just gun-control issues: “The spectre of Donald Trump and all that the current presidency represents loomed over Philadelphia’s march. Marchers Carole and Craig . . . told me they were seizing an opportunity to help galvanize a wider movement for the democratic change that they feel the country has needed for some time.”⁷³ Countless volunteers encouraged people to register to vote and participate in the upcoming midterm elections.

Political engagement and support for the march varied significantly along partisan lines. Many Democratic lawmakers who have made appeals for gun-control measures planned to attend. Nancy Pelosi, House minority leader at the time, and almost a dozen Senate Democrats, including Bill Nelson of Florida and Ben Cardin and Chris Van Hollen of Maryland, planned to be at the march or to meet with students participating in the rally. Roughly twenty other Democratic legislators confirmed that they would participate in sibling marches or meet with students in their home states.⁷⁴ On the day of the march, numerous prominent Democrats, including former president Barack Obama, Hillary Clinton, Chuck Schumer, and Nancy Pelosi, issued statements and Twitter messages of support. For example, Pelosi tweeted: “Congress has a duty to end the daily tragedy of gun violence in America. We must

act. #NeverAgain#EndGunViolence.” Similarly, Obama tweeted: “Michelle and I are so inspired by all the young people who made today’s marches happen. Keep at it. You’re leading us forward. Nothing can stand in the way of millions of voices calling for change.”⁷⁵

Republicans were mostly conspicuous by their absence. President Trump left Washington to spend time golfing at Mar-a-Lago, but the White House did issue a statement applauding the “courageous young Americans exercising their First Amendment rights[,] . . . and [maintained] that keeping safe is a top priority of the President.”⁷⁶ Republican senator Marco Rubio also commended the students for peacefully exercising their rights of free speech, although not agreeing with all of their proposed solutions, and stated that reaching common ground requires finding common ground with people holding conflicting views.⁷⁷ Also, Republican House Representative Carlos Curbello (Florida), who introduced a bill in March 2018 that would raise the age requirement for purchasing guns, rifles, and shotguns, announced that he was donating \$2,500 to help defray transportation costs for Parkland students to travel to Washington.⁷⁸

However, the NRA and some conservative Republicans were highly critical of the march. For example, Grant Stinchfield, an NRA television host, said that the “March for Our Lives is backed by radicals with a history of violent threats, language[,] and actions.”⁷⁹ While the march was underway, the NRA posted a membership drive on its Facebook page asserting that the “protests aren’t spontaneous. Gun-hating billionaires and Hollywood elites are manipulating and exploiting children as part of their plan to DESTROY the Second Amendment.”⁸⁰ An NRA video dubbed the march “A March for Their Lies.”⁸¹

And Minnesota Republican state representative Mary Franson appeared to compare the March for Our Lives to Hitler Youth. Her Facebook page referred to the youth who demonstrated in this way: “The anti-gunners, the high school students who speak for all, aren’t interested in an ‘inch.’ They want the mile. They want your guns. Gone.” On the day of the march, she posted a Hitler quotation on Nazi propaganda efforts to indoctrinate youth: “These boys and girls enter our organization [at] ten years of age, and often for the first time get a little fresh air; after four years of the Young Folk, they go on to the Hitler Youth[,] where we have them for another

four years.”⁸² Former Pennsylvania senator Rick Santorum, a highly ranked member of the Republican party at the time, also issued critical comments about the student protesters who staged the March for Our Lives. He implied that the students were shirking their responsibilities for taking individual actions to deal with gun violence and instead were seeking changes in gun laws: “How about[,] kids[,] instead of looking to someone else to solve [the] problem, do something about it[,] maybe [by] taking CPR classes[,] or [when] trying to deal with situations [in which] there is a violent shooter[,] . . . you can actually respond to that?”⁸³ He went on to comment about the marchers: “They took action to ask someone to pass a law. . . . They didn’t take action to say, ‘How do I[,] as an individual, deal with this problem? How am I going to do something about stopping bullying within my own community? What am I actually going to do to respond to a shooter?’”⁸⁴

THE ROAD TO CHANGE AND YOUTH VOTING

The Parkland youth’s next major action was to organize a bus tour to visit major cities to help promote voting in the midterm elections starting in June 2018, after the end of the school year. The main purpose of the tour was to increase voter turnout in the November elections, with an emphasis on young voters.⁸⁵ Cameron Kasky, one of the Parkland youth leaders, cited low voter turnout in past midterm elections as one of the primary reasons why the groups decided on the tour. At the June 4 press conference during which the tour was announced, Kasky stated: “At the end of the day, real change is brought from voting[,] and too often voting is shrugged off as nothing in our country. . . . I think a lot of politicians out there do not want a lot of young people voting. I think they want marginalized communities staying out of the polls because they know they will be voted out.”⁸⁶

Dubbed the “Road to Change,” the tour consisted of two buses that would take independent routes to cover more than ten thousand miles to visit twenty-eight states and fifty cities. The Parkland teens felt that it was very important to talk with people on the other side of the debate in places known to be antagonistic to gun-control laws, such as the Farm Belt, the Mountain West, and the Deep South. One group focused on making stops in the twenty-seven Florida congressional districts and in southern battleground states, later called the “Southern Tour.” The other bus traveled

across the country and focused on cities that had experienced gun violence and school shootings.⁸⁷

The Road to Change tour was launched on June 14, 2018, as part of the end of the annual Peace March in Chicago organized by activist Father Michael Fledger and St. Sabina Catholic Church. Both busloads of the Parkland youth were in attendance. Emma Gonzalez, a Parkland shooting survivor and spokesperson, received top billing at the event at which Jennifer Hudson and Chance the Rapper performed and which former congresswoman and shooting survivor Gabrielle Giffords attended.⁸⁸ The Peace March drew crowds of thousands of people that greatly exceeded past participation levels for the yearly event.⁸⁹ From the Road to Change tour's Chicago starting point, the buses branched out to travel to cities on their ambitious planned routes throughout the United States and through the southern states. The Parkland youth kept up an arduous routine of speaking, advance organizing, and event planning. Their fast-paced traveling involved stopping at a new city every night interspersed with brief rest periods every two weeks. The bus tours lasted the entire summer, ending one day before the start of the Parkland high school fall semester. By the tour's end, the group estimated that they had met with about fifty thousand people, based on a count of the RSVPs they had received.⁹⁰

In addition to registering young voters, the Parkland youth used the tours to raise awareness about gun control, to influence legislative candidates to make it a campaign issue, and to support local organizers working on antiviolence initiatives. Visits by the Parkland youth to these areas increased local participation in marches and protests sponsored by these organizers and enhanced local and sometimes national media coverage for their events. Typically, the Parkland youth spoke alongside local organizers on panels and at rallies and attended meals and sessions at which they networked with local activists. Some of the activists joined them on the buses to visit other cities. The tour allowed the Parkland youth to energize local efforts and to expand the influence of their movement far beyond specific highly publicized locales. In addition, visits to cities and towns that had experienced school shootings, such as Newtown, Connecticut, Aurora, Colorado, and Littleton, Colorado allowed them to learn from survivors of past tragedies about trauma, coping with living in the spotlight, strategies to affect changes, and recovery.⁹¹

MAYORS FOR OUR LIVES AND YOUTH VOTING

After the conclusion of the bus tours, Parkland youth leaders announced another initiative to promote voter registration among youth and to keep gun control on the political agenda. March for Our Lives developed a partnership with more than two hundred mayors in a campaign dubbed “Mayors for Our Lives.” The partnership represented a collaboration of the youth organization, the US Conference of Mayors, and the African American Mayors Association that was focused on developing support for National Voter Registration Day, which occurred on September 25, 2018, just six weeks before the midterm elections in November. The nonpartisan effort sought to increase the number of young people who registered to vote by making voter registration forms easily accessible for all students, developing get-out-the-vote campaigns, networking with other mayors, and encouraging youth participation during elections. Mayors joined the effort by taking the March for Our Lives pledge, which stated, “We believe that leaders should make it easier for our country’s youth to register, vote, and participate in our democracy,” and by signing up with the organization.⁹²

New York City mayor Bill de Blasio was a strong supporter of the initiative. His administration launched a new website where students could sign up to be a DemocracyNYC leader to help register other students to vote and to encourage civic participation in their schools. To help launch this effort, March for Our Lives organizers David Hogg and Delaney Tarr visited a Manhattan high school to help register students to vote and to participate in a civic engagement discussion with them. The mayor’s administration also distributed a “Civics for All” toolkit to all public schools that included voter registration plans for teachers and information on how to access voter registration forms and other material on the DemocracyNYC website. Youth activists and state legislators were highly supportive of the efforts made by Mayor de Blasio to expand youth participation in the voting process.⁹³

Mayors for Our Lives was part of a massive national campaign to increase voter registration, and the overall results were impressive. More than 800,000 persons registered to vote or voted for the first time, exceeding the numbers for all previous registrations on National Voter Registration Day.

In early November, a coalition of youth groups organized a national high school “Walkout to Vote,” with five hundred schools expected to participate. Emma Gonzalez,

one of the Parkland youth activists, urged students to vote in the November 6 election: “Gun violence is on the ballot. Our lives are in the hands of the people we elect. Vote in every election like it’s your last, because it very well could be.”⁹⁴

THE IMPACT OF PARKLAND

Within a year of the initiation of the activist campaigns by the Parkland youth, observers noted that there had been a “tectonic shift” in the gun-control movement as compared with efforts in earlier decades.^{95,96} First, only a few weeks after the Parkland shootings, states began to enact new gun-control laws. For example, in March 2018 (after pressure from protests at the state capitol and other locales), the Republican governor of Florida, Rick Scott, an ardent gun-rights supporter, signed the *Marjory Stoneman Douglas Public Safety Act* into law. It mandated very restrictive gun-control measures, including stipulations that raised the minimum age and extended waiting periods for purchasing guns; prohibited bump stocks, which enable semiautomatic rifles to fire much faster; established “red-flag” restrictions (e.g. state laws that authorize courts to issue protection orders to temporarily confiscate guns for people deemed by a judge to be a danger to themselves and others); and earmarked \$2 million in funding for urban gun-violence reduction programs.^{97,98} In April 2018, the governor of Vermont signed the most extensive gun-control measures ever passed in that state, including a ban on guns in K–12 schools, a red-flag law, and a law that expanded background checks and banned high-capacity magazines.⁹⁹ By the end of 2018, a total of twenty-six states and Washington, DC, had enacted sixty-seven new gun-control laws. These included laws that expanded background checks for people buying guns, tightened concealed carry laws, prevented domestic abusers from owning guns, banned large-capacity magazines, and provided funding for urban gun-violence reduction programs.¹⁰⁰ In addition to the new state laws, at the end of 2018, the Trump administration announced a ban on bump stocks.

Although gun-rights advocates achieved some gains at the state level in 2018, these were overshadowed by the major expansion of gun-control laws post-Parkland that had not occurred after other well-publicized shootings such as the Sandy Hook killings, after which more states passed liberal gun laws.¹⁰¹ As one observer, German

Lopez, notes, the Parkland movement not only increased the passage of gun-control legislation but also reduced the number of laws oriented toward gun rights.¹⁰²

The other major impact of the Parkland movement was to shift the role of gun control in 2018 political campaigns. Observers noted that for the first time in years, Democratic candidates had made gun control a central part of their platforms. Gun-control scholar Robert Pitzer stated: “There is a new sense, especially among Democrats, that the gun issue is worth talking about and pursuing. That’s significant because, for more than a decade, the Democratic Party was missing from the gun debate entirely.”¹⁰³ In the 2018 midterm elections, a number of Democratic congressional candidates campaigned on gun-control messages and won their races.¹⁰⁴ Brady Campaign leader Kris Brown reported that candidates supported by the group won 90 percent of their federal races. She also noted that the House of Representatives gained forty Democratic seats and that the winners had defeated candidates who were strong NRA supporters.¹⁰⁵ Nancy Pelosi, Speaker of the House, strongly supported making universal background checks a high priority in the new Congress.¹⁰⁶ In addition, some Republican politicians who supported gun-control measures also won elections. With the shifts in the House of Representatives, analysis of the legislation introduced by members of the 116th Congress indicates that this group introduced nearly three times as many gun-control laws during its first month in office than any other recent Congress had, with the exception of the 113th Congress, which convened a month after the Sandy Hook shootings. The 116th Congress has introduced twenty-one bills calling for more gun control and four bills authorizing firearms buy-back programs or research into gun violence. By comparison, it has only voted to advance eight bills advocating protection of gun rights.¹⁰⁷ However, the fate of this legislation is unsure given the significant hurdles of passing federal gun-control legislation in a divided Congress (i.e., with Democrats controlling the House and Republicans controlling the Senate) and a conservative Supreme Court. Nevertheless, in spite of these drawbacks, the success of candidates who campaigned on the gun-control issue and won is regarded as a major shift since 1994, when Democrats believed that their advocating for stricter gun laws had led to electoral losses. Credit for this major shift is focused squarely on the movement stimulated by the Parkland youth and the March for Our Lives.^{108–110}

Explaining the Ascendancy of the Parkland Gun-Control Movement

Previous analyses of social movements have focused on the tension between the role of resources versus grievances or threats in creating mobilization and stimulating social change.^{111,112} Scholars emphasizing the importance of resources (i.e., resource mobilization theory) have found support in empirical studies that failed to find a causal relationship between the presence of social problems or grievances alone and the willingness to engage in collective action. Although these theorists acknowledge the widespread prevalence of deprivation and grievances, they do not perceive these as sufficient conditions. Instead, they focus on the presence of practical resources (e.g., funding, trained personnel) and the application of strategic processes as the prime motivating factors for social change when grievances have existed in a population over an extended period of time. Researchers emphasizing this framework view grievances as either structurally embedded or created through paid movement organizations.¹¹³

Although resource mobilization (RM) theory dominated thinking over several decades, it faced increasing criticism from scholars who argued for a synthesis of perspectives that includes the presence of both grievances or threats and resources as precursors to social action. David Snow and colleagues suggested that social groups may be more likely to mobilize based on social disruption and lack of resources than on the presence of specific resources, although a combination of both may be the strongest instigator.¹¹⁴ Steven Buechler called for a synthesis of RM and approaches emphasizing grievances, strain, or societal breakdown, advocating that they “tease out the conditions under which strain and breakdown will lead to collective action rather than social isolation, criminal activity, or antisocial behavior.”¹¹⁵ In sum, recent scholarship has affirmed that the presence of both grievances and resources may provide fertile conditions for the rise of social change efforts.

Other research points to additional factors that may be necessary to explain why a movement suddenly emerges and takes hold. Reinerman’s work suggests that the success of a social movement depends in part on the credibility of its claimants to foster recognition and legitimacy of problems and the alignment of the movement with the political and corporate contexts in which it arises. He attributes the overwhelming success of the Mothers Against Drunk Driving movement to the “po-

litical culture of Reaganism” and the fact that “MADD’s claims were ideologically harmonious with the policy rhetoric of the Right.”¹¹⁶ Explaining the development of the Parkland March for Our Lives movement requires using this more complicated framework that includes the roles of grievances, resources, claims making, and political context to explain its sudden emergence and meteoric rise.

Mounting grievances related to gun violence probably contributed substantially to the ascendance of the Parkland gun-control movement. School massacres and other mass shootings of children, families, and other groups have increased in frequency and have become common in American society. The shootings occur in schools, churches, movie theatres, outdoor concerts, and nightclubs where people gather to study, worship, or be entertained, leaving scores of people killed, injured, or traumatized. In addition, Americans have suffered from injury and death due to gun violence in domestic violence conflicts, police shootings, and urban youth conflicts.^{117,118} By the time the Parkland shootings occurred, there had been a number of high-profile school shootings that preceded them as well as the epidemic of other gun-related injuries and deaths that have become increasingly commonplace in this society. The frequent and widespread occurrence of gun violence has created a very large base of people whose lives have been affected by the loss of family members and friends; the message of gun control promoted by the Parkland youth has resonated with these people. Survivors and protesters from earlier school shootings and other violent incidents, mothers and others from the Million Mom March, Black Lives Matter activists, and other individuals all helped provide a broad-based constituency for this movement.

The Parkland youth movement also benefited from the widespread network of anti-gun violence organizations that had been engaged in policy work promoting gun control for several previous decades. The Brady Campaign, Everytown for Gun Safety, and Moms Demand Action for Gun Sense in America provided educational resources, lobbying for legislative change, and resources for gun violence victims that helped support the Parkland movement. In addition, gun-control groups have received a massive influx of funding from former New York City mayor and billionaire Michael Bloomberg and other wealthy donors in recent years.¹¹⁹ These networks were strong supporters of the Parkland youth efforts to put gun control on the po-

litical agenda for the midterm elections and also provided financial support for the youth protest efforts, including the March for Our Lives.

Despite serious and escalating episodes of gun violence and the presence of considerable resources that had been building for several decades in the United States, no viable popular movement for gun control had emerged on the scene until Parkland. A stark example of the failure of these two factors alone to promote sustained anti-gun violence protests is evident in the lack of long-term public interest or response to the October 2017 shooting in which 58 people were killed and more than 850 others were injured while attending a music concert in Las Vegas.¹²⁰

For these reasons it seems clear that other factors aside from the presence of considerable resources and grievances led to the success of the Parkland movement. As previously noted, Reinerman argues that the viability of claims depends in part on the legitimacy of those making them as well as on the historical context in which they are voiced. His analysis of the rise of Mothers Against Drunk Drivers asserts that mothers who have lost children to crime (in this case to drunk drivers) are extremely credible and also have a great deal of appeal in the popular media.¹²¹ From a similar perspective, Goss states that protecting children from gun violence is one of the most effective frames for mobilizing Americans to protest against gun violence.¹²² To her point, gun violence targeting children has led to high levels of media publicity and some of the most highly visible protests regarding gun control prior to Parkland. The woman behind the large-scale Million Mom March on Washington in 2000 was motivated to plan the event after watching news about the attack by a gunman who fired seventy rounds of ammunition at a group of children at a playground at a Jewish Community Center in Los Angeles. The Million Mom March affirmed the importance of children and motherhood as victims of gun violence and opposed the NRA, with protesters declaring that they “loved their children more than guns.”¹²³ The shooting of twenty six- and seven-year-old children at Sandy Hook Elementary School in Newtown, Connecticut, in 2012 also provoked a strong political reaction. President Obama established a White House Task Force on gun violence and released a plan including eighteen legislative proposals and twenty-three executive actions.¹²⁴⁻¹²⁶ The 113th Congress introduced twenty-six gun-control bills following this tragedy, but none of them were passed into law.¹²⁷ As youth who were both survi-

vors and victims of a school shooting in an American suburban school, the Parkland activists were well positioned to be highly credible claims makers for gun violence as a critical social problem. The youth were legitimate commentators on the terror they experienced as they feared for their own lives and on the loss and suffering they felt for other children who were their friends, classmates and neighbors. These teens were particularly vocal on television, in the print media, and especially on social media, where they gave firsthand accounts of their experiences. As school-aged children, they also represented families of victims and survivors and could tap into networks established by mothers and families affected by gun violence. In the words of Alter:

As teenagers who survived a school shooting, they're politically hard to hit: if the NRA or the GOP fight back, they are attacking young victims of a tragedy. One GOP candidate for the Maine House of Representatives who called González a "skinhead lesbian" on Twitter faced so much online backlash that he dropped out of the race.¹²⁸

In addition, the Parkland youth broadened the relevance of gun violence to all youth as they declared themselves members of "the school-shooting generation" who have been terrorized not only by the threat of school shootings that could happen at any moment but also by the endless drills of preparing for shooter attacks in their schools since 1999, when the Columbine school massacre occurred. As commentators have indicated, this youth movement did not represent the countercultural stance of the youth protesters in the 1960s or 1970s but instead framed its arguments in terms of the desire to be safe and to live normal, uncomplicated lives as schoolkids without the constant threat of gun violence. The specter of children "fighting for their lives" and wanting to live like normal kids carried a powerful symbolic message. Their protests indicated that gun violence was not confined to urban streets, gangs, criminals, and adults but was harming the most vulnerable and innocent Americans in cherished institutions such as school and church.

The Parkland movement emerged during an extremely tumultuous social period during the second year of the Trump administration. As previously discussed, the level of mobilization was higher and more sustained, particularly among women,

than it had been for decades. Women's protest activities such as the Women's March had a spillover effect on the Parkland anti-gun violence actions. The executive director of the Los Angeles Women's March Foundation, Deena Katz, volunteered to be the organizational lead for March for Our Lives, and the youth branch of the Women's March organization, Youth Empower, led the large-scale school walkout prior to the March for Our Lives. Attendees at the March for Our Lives were mostly women (70 percent) and overlapped with those from the Women's March who indicated interest in larger issues in addition to gun violence, including "peace and Trump."¹²⁹

The 2016 election of President Trump and the presence of a Republican Congress also created a major crisis for Democrats, who responded with furious efforts to increase voter turnout and capture votes in the 2018 midterm elections in hopes of gaining more congressional seats and building a base for the election of a Democrat to the White House in 2020. The Parkland youth framed the major goals of their movement in ways that dovetailed precisely with the heightened Democratic Party focus on increasing voter registration and participation. All of their major initiatives, including March for Our Lives, The Road to Change, Vote for Our Lives, and Mayors for Our Lives, had a strong focus on increasing the number of young people who were registered to vote and who would participate in the midterm elections. These youth defined preventing gun violence in strictly legislative terms—the need to pass laws to increase regulations on gun ownership such as requiring more background checks and banning military-style firearms. Reaching these goals meant successfully influencing legislators to change laws or electing new representatives who would favor gun-control legislation. Although there are bipartisan gun-control advocates, the Trump administration and conservative Republicans have consistently championed the rights of gun owners and have been strongly opposed to almost all gun-control measures. In practical terms, the Parkland movement became part of larger efforts fueled by Democrats to capture legislative races and replace Republican lawmakers by focusing on increasing voter registration and participation in the November 2018 elections.

Probably the unique contribution of the Parkland movement to the larger movement by Democrats to recapture legislative power was to put gun control on the political agenda after its decades-long absence. Since the mid 1990s, gun control had been considered too risky to include as a campaign issue, and Al Gore's loss in

the 2000 election was attributed, in part, to his promotion of gun-control policies. However, in the strong anti-Trump protest environment of 2018 that was fueled by Democrats and women who were favorable to the issue as well as by the specter of escalating threats of gun violence and the mounting resources to support gun control, the voices of the Parkland youth were able to make a strong impression on new candidates running for office and incumbents up for reelection.

A counterexample is useful to make the point about the relevance of the historical context and of the political and corporate politics associated with reform protest movements in order to understand the impact of the Parkland movement in 2018. In earlier periods, gun-control advocates, particularly women, had looked to the Mothers Against Drunk Driving movement as a model for gun-control reform organizing and political involvement. MADD was started by a suburban mother who had lost her daughter because of a driver who had been drinking and had several prior convictions for drunk driving. Almost single-handedly, this mother became the catalyst for changing the landscape of drunk driving in America through testimonies, legislative appeals, and the creation of nationwide chapters of the organization. Within several years, MADD “had over 600,000 members and donors, 360 chapters in all fifty states, and a budget approaching \$10 million administered by a full-time professional staff of at least twenty.”¹³⁰ In addition, the group’s activities led to major public-policy initiatives such as a federal mandate that raised the minimum drinking age to twenty-one and the passage of 230 new anti-drunk driving laws at the local level.

Although women gun-control advocates viewed MADD as a model for change, attempts to replicate the strategy, such as the Million Mom March, failed. Reinerman’s analysis of why MADD succeeded indicates that its strategic focus—exactng legislative and criminal penalties against drinking and driving—was highly compatible with the Bush administration’s focus on law and order and increasing criminal penalties and with the alcohol industry’s model of viewing alcohol problems as stemming from the individual drinker and not from alcohol as a substance.

As demonstrated by the previous repeated failures of the gun-control movement to get off the ground, anti-gun violence politics had been extremely incompatible with the response of Republican lawmakers like George W. Bush or the Republican-dominated Congress during the Obama administration and now are similarly

incompatible with the views of President Trump and the Republican-controlled Senate, which have been heavily influenced by the National Rifle Association. The NRA has resisted virtually any measure that would restrict the rights of gun owners or companies that manufacture, distribute, or sell firearms. The organization frames gun-violence problems in terms of the mental illness of aberrant shooters or the influence of external factors like lack of school security, violent video games, or the excessive prescribing of Ritalin.¹³¹ The NRA's solutions to combat school shootings include arming and training teachers so that they can confront potential assailants and prevent mass casualties.¹³² Republican lawmakers insured that NRA principles would not be questioned when they restricted federally funded research from analyzing the impact of firearms on injury and when they passed the Dickey Amendment in 1996, which prohibits the Centers for Disease Control and Prevention (CDC) from funding research that might promote gun-control measures to prevent or control injuries. These policies have had a chilling effect on public health research and social science scholarship on the causes of and solutions to gun violence that could provide science-based answers to these questions.¹³³

The Trump presidency has roused the ire of millions of American women and Democrats who are major proponents of gun-control reform. In addition, this administration's policies led to a major political backlash, resulting in massive efforts to destabilize the Republican control of Congress in 2018. It was under these conditions (and not during the previous periods of stable Republican leadership in the White House or Congress), fueled also by the growing number of supportive gun-control resources, that the threat of children once again being collectively murdered while attending school was able to serve as a catalyst for a popular movement that has had enduring legislative impacts. The Parkland youth tragedy, unlike previous school shootings, became more than a crisis media moment, in part because of its youthful leaders' unwavering and vocal pleas for legislative reform and youth participation in the voting process. These goals mirrored the strategic focus of a large segment of Democrats and American women who were mobilizing en masse for social and political change in the post-2016 election period.

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Genius or Suicide

JUDITH BUTLER

Donald Trump would have us believe that his behavior, his lawbreaking, is just fine, perfect even, and that the House impeachment hearings were a kind of coup. What he has done, he would do again. Indeed, he has already done it again with his open appeal to China to investigate the Bidens and his refusal to comply with the impeachment inquiry. Pundits such as Roger Cohen of the *New York Times* and Anthony Scaramucci, Trump's short-lived director of communications (whose main achievement in life may be his name), say that all this is a form of madness, speculating that Trump is either carrying out a very public suicide or exhibiting some weird genius for survival. But is it really either/or?

We have wandered into a psychoanalytic wonderland. Elected politicians are supposed to shy away from the prospect of being shamed or found guilty of breaking the law. Yet Trump owns the things he does, not by demonstrating repentance but through a flamboyant display of shamelessness. Some commentators suggest that Trump is trying to anesthetize the public to his wrongdoing or to normalize his actions, but that account cannot address the "genius or suicide" dilemma. One reason psychoanalysis as a form of critique has never been more important than it is today is that we are being asked to contemplate actions that could be either suicidal or a means of triumphant survival. But what if they are both and are both playing out now in the political arena? How are suicide and survival linked in the psychic field

we call “Trump”? It is not just that he thinks shameless confession normalizes his crimes and makes possible his triumph in a world in which law and crime have become fatally confused. It is that he seems to regard upholding the law and his oath of office as a form of weakness, convinced as he is that only those who circumvent the law (by evading tax disclosure requirements, by ignoring constitutional constraints on executive power) are smart and powerful enough to prevail. He banks as well on the enthusiastic admiration his base has for those who have the guts to flout the law: such romantic criminals are icons to those who thrill to the fantasy of living above and outside the law, without inhibition or shame.

When commentators speak of Trump’s “death wish,” they are on to something, though maybe not quite what they imagine. The death drive, in Freud, is manifested in actions characterized by compulsive repetition and destructiveness; and though it may be attached to pleasure and excitement, it is not governed by the logic of wish fulfillment. Repetitive action unguided by a wish for pleasure takes distinctive forms: the deterioration of the human organism in its effort to return to a time before individuated life, the nightmarish repetition of traumatic material without resolution, the externalization of destructiveness through potentially murderous behavior. Both suicide and murder are extreme consequences of a death drive left unchecked. The death drive works in fugitive ways and is fundamentally opportunistic: it can be identified only through the phenomena on which it seizes and surfs. It may operate in the midst of moments of radical desire, pleasure, an intense sense of life. But it also operates in moments of triumphalism, the bold demonstration of power or strength, or in states of extreme conviction. Only later, if ever, comes the jolt of realization that what was supposed to be empowering and exciting was in fact serving a more destructive purpose.

There is no need to speculate about Trump’s childhood, or to subscribe to a biological notion of the death drive, to recognize in his public display a compulsion to do himself in or to do in the world that will not let him have his way. Shamelessness is the vector through which the death drive works. If he is not shamed by the accusations against him, they do not “work,” and the accusations become fainter and weaker, less and less audible in the public sphere. At the same time, on display for the world to see, Trump’s repeated and compulsive defiance of shame and rejection

shows just how imperiling those specters are for him. Yes, he comes off as someone whose main aim is to show that he is proud and triumphant and innocent in the face of every accusation of incapacity, criminality, and unethical conduct; the law will have no power over him. But that coin can flip. For Trump's power as a lawbreaker relies on the persistence of law, and if he succeeds in destroying all sense of law by erasing the distinction between criminal and legal actions, his power also vanishes. In other words, he needs law in order to become the monomaniacal lawbreaker he seeks to be. And to the extent that he needs the law, he reproduces it as the very condition of his reckless, lawless triumphalism. Yet even this dialectical twist is not the end of the story.

Invoking the law and the criminality of his enemies is one of Trump's favorite tactics: he knows its power. "Lock her up!" he still encourages his supporters to chant about Hillary Clinton, and now he can be heard suggesting that Joe Biden deserves the electric chair. The detention centers on the southern border of the United States, too, represent a criminal and life-destroying instantiation of legal power. Notoriously, he claimed in 2016 he could shoot someone in the middle of Fifth Avenue and still win the election. Immunity from the law has become the very definition of power, and so the loss of immunity would be his demise. His belief that only those who can escape the law survive is demonstrated by his appeal to China to investigate the Bidens—a rhetorical repetition of the crime of which he was accused in relation to Ukraine. And yet, although Trump's ostensible power is displayed by a willingness to act despite and against the law, the law is now belatedly rearing its head, asking him to turn over tapes and documents, seeking to hold him accountable. In refusing to acknowledge the power that the law holds over him, he is setting himself up as a target of the chant he started: "Lock him up!"

Of course, Trump's survival has depended on a swarm of lawyers constantly doing his bidding in court, but that is one of the milder paradoxes of his traffic with the law. Perhaps the most important has become more clearly visible recently. As members of the House of Representatives considered impeachment, Trump was actively piling up evidence for them in the media even as he refused to turn any requested material over to them officially in fulfillment of his legal obligations. He is standing on Fifth Avenue—but is the gun pointed at an enemy or at himself? Or both?

If he does finally get taken down, escorted by federal guards from the White House or, after he has left office, extracted from Mar-a-Lago or from one Trump property or another, he doubtlessly will be spewing accusations and insults as he goes. He will try to destroy in the course of being destroyed. But for him, it will be the scene of a lifetime, a raging battle to determine who delivers the final judgment against whom.

Was the Trump regime always meant to end this way? Maybe. His base is taken by the drama of the reckless sovereign, the ultimate representative of state power living shamelessly outside the law. It is a manic escapade, a mythological thriller in which the ruler who declares his “great and unmatched wisdom” threatens the destruction of the Turkish economy days before he unleashes the Turks on the Kurds. The rhetoric would be laughable if the consequences were not so murderous.

At best, a lethal joke is being played out here as the sovereign pumps up his destructive powers on the eve of his exposure and legal capture. By continuing to unleash rhetorical utterances that confirm all that the investigators need in order to impeach him while refusing to yield to the impeachment proceedings, he manically proves that he is above and outside the law even as he seals the legal judgment against him. The shameful “end” is what he fends off and solicits at the same time: getting shamed is not what he wants, yet he moves compulsively in that direction. Here mania takes the form of an unrelenting fight, an obsessional pursuit of his enemies, a limitless self-aggrandizement, his weaponized messages fired out into the world as a barrage of daily tweets, kept going at all costs—because what would happen if he stopped? How odd that Trump may well give us back the law as he is forced to submit to the law and go down: Will he then become, even if only in his demise, the lawgiver? The price he would pay might well be prison, an infinity of shame waiting for him at the end of the road.

I have offered no more than a dream sequence of my own. It may be that shame and guilt have suffused all he has ever felt. The jury is out. My wager/dream is that he would rather die than pause to feel the shame that passes through him and is externalized as destruction and rage. If he ever registers shame, it may be only in that briefest moment just as it turns outward, to be expelled into the world around him. It can never properly be lived as his own because his psychic structure is built to block it—a gigantic task. If in the end shame ever turns back on him, it would—according to the rules of his

psychic playbook—be a suicidal submission. Expect, then, a very long and loud howl as he launches a climactic accusation against the whole world. Let us hope that by then he has been deprived of his access to military power.

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Contributors

Catherine Albiston is Jackson H. Ralston Professor of Law at the University of California, Berkeley School of Law and has affiliated appointments in Sociology and in Gender and Women's Studies. She also is faculty director of the Center for the Study of Law and Society at UC Berkeley.

Irene Bloemraad is Class of 1951 Professor of Sociology and Thomas Garden Barnes Chair of Canadian Studies at the University of California, Berkeley, where she also directs the Berkeley Interdisciplinary Migration Initiative.

Judith Butler is Maxine Elliot Professor in the Department of Comparative Literature and the Program of Critical Theory at the University of California, Berkeley.

Cybelle Fox is Class of 1944 Professor and Chair of the Department of Sociology at the University of California, Berkeley.

Ann C. Keller is Associate Professor of Health Politics and Policy in the School of Public Health at the University of California, Berkeley.

Neil Fligstein is Class of 1939 Chancellor's Professor of Sociology at the University of California, Berkeley.

Denise Herd is Professor of Behavioral Sciences, Director of Health and Social Behavior, and the Division Head of Community Health Sciences at the University of California, Berkeley School of Public Health. She is also Associate Director of the Othering & Belonging Institute.

Zeus Leonardo is Professor of Critical Studies of Race, Class, and Gender in Education and Associate Dean at the Graduate School of Education, University of California, Berkeley.

G. Cristina Mora is Associate Professor of Sociology and Co-Director of the Institute of Governmental Studies at the University of California, Berkeley. She also has an affiliated appointment in the Chicano/Latino Studies Program.

Osagie K. Obasogie is the Haas Distinguished Chair and Professor of Bioethics in the Joint Medical Program and School of Public Health at the University of California, Berkeley.

John A. Powell holds the Robert D. Haas Chancellor's Chair in Equity and Inclusion, is a Professor of Law, African American Studies, and Ethnic Studies at the University of California, Berkeley. He is also the Director of the Othering & Belonging Institute.

Raka Ray is Professor of Sociology and Dean of the Division of Social Sciences at the University of California, Berkeley.

Joel Sati is a Ph.D. candidate in Jurisprudence and Social Policy at the University of California, Berkeley, and a J.D. candidate at Yale Law School. He is also a 2018 Paul and Daisy Soros Fellow.

POLITICS

There is no shortage of punditry on Donald Trump's rise as a political figure. Yet, the unusual story of a real estate entrepreneur turned game show host turned politician has obscured deeper assessments of the political conditions and ideological reconfigurations that produced this moment. This volume offers a collection of essays that examine the political worldview that has come to be known as "Trumpism," the circumstances that made this way of thinking and being possible, and the implications these transformations have for democracy and human well-being.

Trump has given rise to Trumpism, a belief system that supports the man and his presidency. It is the culmination of several trends in the United States: Four decades of stagnant working-class wages, an increasingly wealthy and powerful plutocracy, entrenched racism coupled with a demographic shift toward people of color, a politics of "spin" and cynical public manipulation of truth, and the weaponization of information through social media. In this scintillating volume, my Berkeley colleagues evoke the essence of Trumpism, and what it means for America and the world. Their insights are powerful and important.

Robert B. Reich, Chancellor's Professor of Public Policy, and Senior Fellow at the Blum Center for Developing Economies, University of California, Berkeley

This collection provides a fresh, unorthodox and critically nuanced set of perspectives on how to understand Donald Trump's appeal. Much has been written on the nature of his character, the characteristic of his supporters, and the dark contours of his economic ties. So what is new? These essays bring together unique disciplinary standpoints that combined provide a holistic rendering — something akin to "Rashomon" — that is uniquely satisfying.

Troy Duster, Chancellor's Professor of Sociology, University of California, Berkeley

In what ways was the soil already prepared for Trumpism? What might cause it to give way to progressive forces or to further gain power, and outlast the man named Trump? In this excellent new collection, Obasogie gathers original reflections from some of the country's finest minds on one of the world's most important questions.

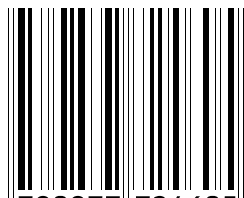
Arlie Russell Hochschild's latest book is *Strangers in Their Own Land: Anger and Mourning on the American Right*, a finalist for the National Book Award.

Osagie K. Obasogie is the Haas Distinguished Chair and Professor of Bioethics in the Joint Medical Program and School of Public Health at the University of California, Berkeley.



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