

UNDERSTANDING THE ATTACKS ON CRITICAL RACE THEORY



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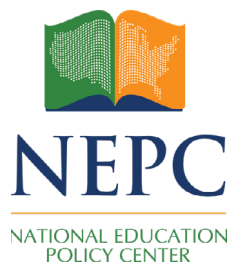
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Introduction

Attacks on Critical Race Theory (CRT) have been in the news for over a year. Rallies have been organized, school board meetings disrupted, executive orders issued, and legislation introduced to remove or exclude CRT from school curriculum. Since early 2021, eight states have passed legislation¹ that, broadly speaking, seeks to ban historical information and critical analysis related to race and racism in public school classrooms. Even as many local school boards and state boards of education have been implementing new policies, additional legislation has been, or is being, considered in 15 other states and in the U.S. Congress. Advocates of these administrative and legislative actions argue that providing students with information on race and racism is un-American, divisive, and itself racist, and that the trend is a result of school personnel being influenced by CRT and embedding it in curricula and staff training programs.

Despite the rhetoric and anti-CRT policymaking, few of those jumping fastest on this particular bandwagon likely have any understanding of what CRT actually is. This is not surprising, because the arguments made are not actually about critiquing CRT. Historically, race-based attacks such as these have a clear political purpose. The contemporary attacks on CRT represent an effort to make CRT a fear-inducing symbolic foil to help drive people holding a wide variety of racial, cultural, and political grievances to support far Right politicians and policies.² As such, attacks on CRT can be understood as part of a larger ideological effort to delegitimize historically accurate presentations of race and racism in American history; to thwart attempts by members of marginalized groups to participate fully in civic life; and to retain political power.

Critical Race Theory as a Political Symbol

CRT is an academic legal theory developed in the 1970s by Derrick Bell, Alan Freeman, Richard Delgado, Kimberlé Crenshaw, Cheryl Harris, Patricia Williams and other scholars³ to examine how race and racism have shaped American institutions, culture, politics, economics, and education⁴ and to examine how racism produces and sustains inequality. In 1995, Gloria Ladson-Billings and William Tate introduced CRT to the educational research community as a useful tool for examining systemic educational inequities.⁵ Since then, CRT has been used as a framework for examining a wide range of educational issues.⁶

Given that CRT is a theoretical, analytical framework useful primarily to academic researchers, at first glance it seems an odd target for pundits, think tanks, wealthy donors, foundations, and legislators associated with the ideological right to attack. Taken at face value, the demand that CRT not be taught in schools is absurd, since it would be hard to find a K-12 school that teaches CRT to begin with. It seems clear, therefore, that what is being offered is not a critique of the actual substance of CRT. Instead, ideologues are using CRT as a frightening symbol⁷ to intensify a collection of cultural and political fears related to race, racism, and the prospect of an increasing number of citizens from marginalized groups participating in the democratic process. As Harmon argues, ideologues on the far Right characteristically use such fear-inducing symbolic enemies “to influence political discussions in a way that furthers their ideological agenda . . .”⁸

Consistent with this explanation, attacks on CRT often involve attacks on curriculum, particularly the *New York Times Magazine’s 1619 Project*, designed to support educators who are concerned that key facts about slavery and its impact on the U.S. have largely been glossed over, minimalized, or omitted altogether in K-12 school curricula. While valid historical critiques of the *1619 Project* have appeared, rather than banning materials it seems wiser to make critiques part of classroom discussions.⁹ Two examples readily illustrate the need for materials like the *1619 Project* to address distortions common in traditional curricular materials and practice.

Ideologues are using CRT as a frightening symbol to intensify a collection of cultural and political fears.

In 2015, complaints from a Black mother about a McGraw-Hill ninth-grade textbook, *World Geography*, went viral because the book described enslaved individuals as “workers.” McGraw-Hill subsequently issued the following statement: “[O]ur language in that caption did not adequately convey that Africans were both forced into migration and to labor against their will as slaves.”¹⁰ Further, “To communicate these facts more clearly, we will update this caption to describe the arrival of African slaves in the U.S. as a forced migration and emphasize that their work was done as slave labor.” Similarly, in 2018, a San Antonio charter school issued a statement that apologized for a teacher asking eighth-grade students to list both positive and negative aspects of slavery as part of school assignment.¹¹

These stories align with survey findings from a 2018 report by the Southern Poverty Law Center that U.S. schools fail to teach history of African enslavement accurately.¹² Among roughly 1,800 teachers surveyed across the country, 58% reported that they found that their textbooks inadequate for teaching about slavery, and 40% said that their states provide in-

sufficient support for teaching about slavery. In their analyses of 15 sets of content standards, the authors of the report note,

. . . none addresses how the ideology of white supremacy arose to justify the institution of slavery; most fail to lay out meaningful requirements for learning about slavery, about the lives of the millions of enslaved people, or about how their labor was essential to the American economy.

Moreover, high school students surveyed in the study struggled to answer basic questions about American enslavement of Africans.

As racial tensions in the country have mounted over the past five years, there have been increased calls for school curriculum to accurately represent the history of slavery and racism, and their central role in the development of the U.S. Attacks on CRT are intended to counter mounting calls for historical accuracy, and so they are often coupled with attacks on the *New York Times 1619 Project's* more honest and thorough presentation.

What IS the 1619 Project?

The *New York Times Magazine* partnered with the Pulitzer Center to formulate school curriculum using content from its *1619 Project*.¹³ Developed by Pulitzer Prize winner Nikole Hannah-Jones, the *1619 Project* is a long-form multimedia journalistic report that examines the impact of slavery on American history. The project takes its name from the year the first ship arrived in Virginia carrying enslaved African people. It “aims to reframe the country’s history by placing the consequences of slavery and the contributions of Black Americans at the very center of the United States’ national narrative.”¹⁴

According to the *New York Times Magazine's* 2019 annual report, its curricular resources (lesson plans, reading guides) have been introduced in over 3,500 classrooms across the country; five school systems have adopted the project districtwide (Buffalo, NY; Chicago, IL; Washington, DC; Wilmington, DE; and Winston Salem, NC). In addition, tens of thousands of copies of the magazine have been shipped to schools across the country.¹⁵ During the White House Conference on American History at the National Archives Museum in September 2020, President Trump attacked the *1619 Project* and characterized the effort to promote it as a “crusade against American history [that is] toxic propaganda, ideological poison that, if not removed, will dissolve the civic bonds that tie us together. It will destroy our country.”¹⁶ Trump also announced in January 2021 an executive order establishing the “1776 Commission” as a “rebuttal of reckless ‘re-education’ attempts that seek to reframe American history around the idea that the United States is not an exceptional country but an evil one.”¹⁷

Attacks on the *1619 Project* are often bundled into attacks on CRT. Conflating the curricular project with the (misunderstood) theoretical framework makes no sense, but it is useful in rallying opposition to efforts to teach children fully and accurately about the historical and ongoing impact of racism in American life. Resistance to examining slavery and racism honestly as part of an educational civic dialogue has long history.

Similar Attacks Since the Mid-20th Century

The anti-CRT campaign is just the most recent of a long line of politically motivated attacks on efforts to provide accurate information about slavery and racism. It is well understood that when people lack an accurate knowledge of history, organizers find it difficult to cultivate multiracial coalitions to promote racial and economic justice. History has recorded similar efforts to outlaw potentially empowering information whenever marginalized people increased their political participation and demanded changes in school curriculum and practices. Typical of this pattern are attacks on the 1960s-70s civil rights movement and, more recently, the Black Lives Matter movement. This historical context indicates that yet again, the central purpose of current fearmongering legislative and executive activity is to obstruct historically accurate teaching about race and racism in K-12 education. Former president Trump falsely claimed, for example, that CRT and the *1619 Project* promote “divisive concepts,” “toxic propaganda,” and “child abuse.”¹⁸

The anti-CRT campaign is just the most recent of a long line of politically motivated attacks on efforts to provide accurate information about slavery and racism.

Similar claims have been made about multicultural curriculum¹⁹ and ethnic studies for decades.²⁰ As recently as 2010, the Arizona state legislature indicated that Tucson’s Mexican American Studies program promoted separatism, “resentment toward a race or class of people,” and “the overthrow of the United States government.”²¹

The post-World War II era offers another example of demands for racial justice challenging the dominant narrative of the United States as the land of opportunity for all its citizens. Proponents were attacked as communists in much the same way that Harold Rugg was attacked in the 1930s by the American Legion²² after authoring a series of elementary and secondary school books entitled *Man and His Changing Society*. Rugg’s books centered on social justice and the development of students’ “critical judgment, reflective thinking, and creative self-expression.”²³ Gary Nash detailed the ideological critiques directed at Rugg, which echo in current objections to CRT: “Persistent themes in the attacks were that Rugg’s books ‘undermine patriotism,’ ‘stress “errors and evils” in our civilization,’ ‘belittle and malign America,’ ‘debunk our great heroes of the past,’ and were in general ‘subversive’ and ‘un-American.’”²⁴

While racial issues frequently produce this kind of backlash, in the post-World War II period Senator Joseph McCarthy encouraged and legitimated anxieties about the threat communism posed to “the American way”—that is, to any information or idea that seemed to threaten entrenched power relationships by pursuing a more equitable and just society. A widespread ideological campaign emphasized allegations that “school children were being poisoned by the pernicious influence of socialism”²⁵ and by “traitors in the classroom.”²⁶ This campaign purported to want to find and root out communists and their sympathizers and to destroy their influence. The symbolic framing of the threat of communism resulted in teachers having to sign so-called loyalty oaths and, out of fear, avoid discussing “controversial” issues. Teachers who refused to cooperate with McCarthy-era congressional investigating committees were dismissed.²⁷ The end of the McCarthy era is often marked as 1954, the same year the Supreme Court found de jure school segregation unconstitutional in its *Brown v. Board of Education* decision. Nevertheless, the symbolic framing of McCarthyism

persisted throughout the civil rights era as evidenced by, for example, the Federal Bureau of Investigation's anti-communist surveillance of non-communist activists such as Malcolm X, Cesar Chavez, and Dr. Martin Luther King, Jr.²⁸

Liberal Political Dominance and Far Right Reaction

In the 1960s and early 1970s the political agenda was largely liberal. In education, political liberalism was evident in the growing power of teacher unions as well as in community-driven educational reforms inspired by the civil rights movement, including multicultural curriculum and new freedom and citizenship schools. Each of these threatened, either directly or indirectly, the status quo of political and economic power. Beginning in the 1960s, a variety of opponents pushed back against government efforts to alleviate racial disparities and to eradicate poverty. These opponents included neoliberals concerned with threats to a capitalist economic system and conservatives concerned with such cultural issues as “the degradation of family structure.”²⁹

The far Right backlash of the last four decades helped promote a number of widespread reforms such as a standards-and-testing regime that has severely restricted curriculum, a push for school vouchers diverting money from the public school system to for-profit interests, and other reform initiatives that the corporate sector and billionaires have increasingly promoted and funded.³⁰

This ideological game plan was clearly articulated by Lewis F. Powell. In the 1970s, prior to his appointment to the Supreme Court, Powell wrote a confidential memorandum to the United States Chamber of Commerce that claimed the “American economic system is under broad attack.”³¹ As explained by Powell, “We have seen the civil rights movement insist on rewriting many of the textbooks in our universities and schools . . . a return to a more rational balance is needed.”³² To counter the “Communists” and “New Leftists” found on college campuses and in the media, intellectual journals, and other outlets, Powell called for funding of conservative think tanks and increased political involvement by corporations.

In the 1980s, the far Right ideology exemplified by the theories of economist Milton Friedman and the political agenda of Ronald Reagan promoted the value of “unleashing” the “free market” and allowing large swaths of American life to be governed by the “invisible hand” of the market.³³ Friedman's so-called “monetarist” approach to economics and Reagan's laissez-faire approach to governance resulted in policies that were hostile to interventions in support of civil rights.³⁴ These ideologies made it harder to analyze structural inequities; made it harder for workers, students, and members of marginalized groups to engage in collective action; minimized or eliminated governmental oversight and regulation of civil rights policy; and rejected equity-centered policy. Instead, policies promoted privatization and increased policing and incarceration. Additionally, wealthy far Right donors funded numerous think tanks whose publications, legal actions, and other activities helped embed far Right ideology in dominant political rhetoric.³⁵ This era also marked the legitimation and widespread adoption of coded racial language, such as Reagan's famous use of the term “welfare queen” to appeal to the racial anxieties of White voters.³⁶ The anti-CRT efforts of today stand, however, on a platform constructed by Democrats as well as Republicans.³⁷

The success of coded racial language during Reagan’s administration proved politically irresistible to the Democratic Party. Clinton’s success in winning the presidency was in part due to coded racial language that included “ending welfare as a way of life; cracking down on crime; and curbing government social spending.”³⁸ And it was Clinton’s administration that helped amplify the consequences of this language in state laws by supporting the proliferation of publicly funded, privately run charter schools.³⁹ As documented by Peck:

A standards-driven approach to education was codified with George W Bush’s No Child Left Behind (NCLB) Act, passed in 2001 with overwhelming Republican and Democratic support, which used results from annual tests on standardized curriculum to rank and discipline schools and teachers. By 2009, a fixation on standards and testing, preference for market solutions, and skepticism towards government had achieved such consensus that Obama’s Race to the Top (RTT) initiative incorporated all three principles.⁴⁰

With coded racial language embedded in bipartisan mainstream political discourse, it easy for politicians to deploy that language against Muslim, Latino, and other “dark-skinned foreign invaders.”⁴¹ All of these elements are reflected in today’s anti-CRT efforts.

Recent Administrative and Legislative Activity

President Trump’s Executive Order (EO) 13950⁴² in September of 2020 withheld funding from federal entities that promoted nine categories termed “divisive concepts” as well as race or sex “stereotyping” and “scapegoating.” In December 2020, litigation successfully stayed the order,⁴³ and in January 2021, President Biden rescinded it.⁴⁴ However, at least a half-dozen bills with similar aims and approaches have been introduced in Congress.⁴⁵

A number of states followed suit. In spring and summer 2021, building on President Trump’s executive order and pushing back on President Biden’s proposed rule, Republican legislators in 26 states introduced copycat legislation to ban certain types of curriculum. In eight states,⁴⁶ such bans were passed into law or enacted in other ways.⁴⁷ In May 2021, 20 state attorneys general issued a joint statement that echoed the legislation.⁴⁸

Although the framing of the bills varies somewhat by state, they all attempt to ban the use of “divisive concepts” in employee training programs, in K-12 curriculum, and in certain student activities. The key language in Tennessee’s new statute (HB 580) provides a good example of this sort of legislation:

- a. An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:
 1. One (1) race or sex is inherently superior to another race or sex;
 2. An individual, by virtue of the individual’s race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

3. An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
4. An individual's moral character is determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
6. An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;
7. A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
8. This state or the United States is fundamentally or irredeemably racist or sexist;
9. Promoting or advocating the violent overthrow of the United States government;
10. Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
11. Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;
12. The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
13. All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
14. Governments should deny to any person within the government's jurisdiction the equal protection of the law.

Such legislation clearly requires that schools promote the story of the United States in inaccurately positive terms, ignoring documented historical and contemporary injustices and inequities. Among other things, this need to tell an inaccurate "positive story" has prompted both state and federal officials to issue parallel calls to ban the *1619 Project*.^{49,50} And, there is little doubt that state and local boards will come under increasing pressure to do so in the immediate future.

Pushing the Narrative: Far Right Organizations and Ideologues

It is no accident that language similar to that in the Tennessee legislation can be found in numerous state bills⁵¹ as well as in policy recommendations from the Heritage Foundation.⁵² Well-established and powerful far Right organizations are driving the current effort to prevent schools from providing historically accurate information about slavery and racist policies and practices, or from examining systemic racism and its manifold impacts. These organizations include the American Legislative Exchange Council (ALEC), Goldwater In-

stitute, Heritage Foundation, Koch family foundations, and Manhattan Institute, as well as billionaire-funded advocacy organizations such as Parents Defending Education⁵³ and the Legal Insurrection Foundation.⁵⁴ These organizations have long produced model legislation and other resources to defund and privatize public schools.⁵⁵

The work and social media posts of Manhattan Institute senior fellow Christopher Rufo offer a good example of how far Right ideologues push the anti-CRT narrative used to justify President Trump's executive order and the recent spate of state legislation. Rufo's *CRT Briefing Book* misrepresents CRT, for example, by claiming that the theory intentionally essentializes race into categories of Blackness and Whiteness where positive traits are associated with the former and negative with the latter.⁵⁶ In actuality, CRT argues that Black people should not be considered a monolithic group and calls for the consideration of the particular lived experiences of individuals.⁵⁷ Rufo's text also asserts that CRT contends that all White people are racist.⁵⁸ This is not the case. While CRT focuses on the conditions yielding systemic and structural inequities, it differentiates these inequities from oppressive actions committed by individuals.⁵⁹

Rufo's misrepresentations are clearly in the service of a far Right organizing strategy.⁶⁰ On Twitter, Rufo states his objective and brags about his success:

We have successfully frozen their brand— “critical race theory”—into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category . . . The goal is to have the public read something crazy in the newspaper and immediately think “critical race theory.” We have decodified the term and will recodify it to annex the entire race of cultural constructions that are unpopular with Americans.⁶¹

Two objectives appear here. The first is to remove any anti-racist elements (and even seminal history instruction detailing White racist beliefs and practices) from K-12 curriculum as well as from professional development, job training, and college curriculum. The second is to use the attacks as a wedge issue in the culture wars that date back to Jim Crow. These tactics are designed to both incite and mobilize the Right's political base and influence individuals who might otherwise be inclined to support racial justice to support the Right's agenda instead. In both cases these tactics rely on the most fear-inducing symbols in U.S. politics—those that play to White racial fears.⁶²

The Political Objectives of Attacks on Critical Race Theory

We see two overall political objectives of the anti-CRT attacks: (1) Mobilizing a partisan base for upcoming elections; and (2) Thwarting efforts to promote racial justice by deflecting debate away from systemic racism and suppressing information about it.

Mobilize a Partisan Base to Win Federal, State, and Local Majorities in 2021 and 2022

Far Right lawmakers and advocates saw early on the political potential of attacks on discus-

sions of racial and gender justice in schools: They could serve as hot-button “culture war” issues to rally both conservatives and moderates.⁶³ In many ways, these attacks mirrored the earlier frenzy around the alleged threat transgender girls posed to cis-gender girls, which fueled the wave of copycat anti-trans legislation early in 2021 in the highly overlapping set of states currently legislating against CRT.⁶⁴ Not surprisingly, these are the states that have also most actively embraced voter suppression measures.⁶⁵ In this context, the anti-CRT legislation is intended to mobilize the Republican base for the 2022 midterm elections when both chambers of Congress will be up for grabs, as well as for the less visible elections to control local offices, including school boards, over the next year.⁶⁶

Promote Policies to Thwart Efforts to Accurately Teach About Slavery and Racism

The use of CRT as a symbol to exploit White racial anxiety and cultural fears also mirrors President Nixon’s so-called “Southern strategy.” This strategy advanced a conservative agenda by using coded, racist messages to amplify and exploit White racial hostility in reaction to civil rights era anti-discrimination measures.⁶⁷ “When the Right convinces people to view society through their lens, they move them decisively toward supporting the Right’s agenda.”⁶⁸ The Right’s core racial narrative involves fueling fear and resentment of people of color and distrust in government, while concurrently promoting trust in free market approaches to social policy.⁶⁹ In fact, Rufo’s *CRT Briefing Book* provides language (though nonsensical in relation to the actual rhetoric or ideas of CRT) in the form of specific, sound-bite-ready statements designed to fuel fear of CRT—or, rather, fear of the theory as presented through a far Right perspective.⁷⁰ The anti-CRT narrative is thus used to accomplish three goals: to thwart efforts to provide an accurate and complete picture of American history; to prevent analysis and discussion of the role that race and racism have played in our history; and to blunt the momentum of efforts to increase democratic participation by members of marginalized groups.

The 26 anti-CRT bills introduced thus far have similar or identical language found in policy recommendations from the publication *State Education Officials Must Restore a Sense of National Character in Public Schools*, a Heritage Foundation “Backgrounder.”⁷¹ Most such bills allude to the premise that if a school teaches about racism, White children will be scapegoated for being White and so will experience feelings of guilt and embarrassment related to their race, which will in turn prompt fear and resentment of people of color—and thus promote racial division. This framing promotes distrust in government and opposition to government efforts to address racism. At the same time, conservative pundits extoll market-based school choice, encouraging parents to free themselves from untrustworthy public schools (and children of color) that purportedly scapegoat White children for the unfortunate circumstances faced by communities of color. The tactics used to promote this narrative are deployed by the propaganda infrastructure envisioned in the 1971 Powell memorandum.⁷² It was conservative think tanks such as the Heritage Foundation, for example, that provided policy recommendations with references to Marxism and indoctrination⁷³ used by a fellow conservative organization (the American Legislative Exchange Council) to broadly disseminate proposed anti-CRT legislation.⁷⁴

In addition to the core narrative, politicians and news pundits alike co-opt the terms used by racial equity-oriented groups, redefining them in a way that excuses and obscures racism and discrimination. For example, many of the bills prohibit teaching “that any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior” even as they prohibit equity-oriented approaches. These new prohibitions seek to suppress the fact that people of color have been presented as inferior in educational texts and instruction for centuries. As detailed by López, a powerful and large segment of the Republican party has a history of using a strategy whereby those who strive to name and address racism are labeled as “the real bigots.”⁷⁵

Conclusion

The coordinated political attack on Critical Race Theory and the *1619 Project* is a reminder of how strong and persistent the resistance to efforts is to provide students with historically accurate information about slavery and about the long shadow that racism has cast over every aspect of life in the U.S. and every U.S. institution. Stoking White fear of people of color is still a viable political strategy for retaining power. And claims that people of color are recipients of special and undeserved privileges are still given widespread credence. As a result, efforts to blunt and roll back progress toward racial justice remain politically viable.

Good faith criticisms of CRT as part of a civil conversation about slavery and its legacy, or about the ongoing impact of racism on our institutions and culture, are to be welcomed. However, the political attacks on CRT are not good faith efforts to thoughtfully consider the ways in which social structures reinforce inequitable racial, gender, and class relationships. They are part of a well-organized, political effort to defend current structural inequities by suppressing accurate information about slavery and racism, blocking access to democratic participation, and undermining public education. As such, they are politically retrograde and anti-democratic. They are best countered not primarily via academic debate, but through political organizing and mobilization: in other words, through democratic engagement.

Some ways of engaging politically are likely to be more successful than others. Strategies that may seem logical, such as denouncing “dog-whistle” politicians for being racist, or avoiding mentioning race in order to avoid accusations of engaging in “identity politics,” are not necessarily the most effective; moreover, they can easily backfire.⁷⁶ Efforts to reframe the debate, engage with decision-makers, and leverage the media are more likely to be successful.⁷⁷ Of particular interest and importance is research supporting messaging that acknowledges race and racism, but establishes the shared stake of Americans of all racial backgrounds in public education; that contextualizes social, economic, and educational inequities;⁷⁸ that illustrates why inequities should concern Americans of all racial backgrounds; and, that provides specific examples of solutions.⁷⁹ Ultimately, only by understanding the political nature of the attacks against CRT can we choose effective political ways to counter them, helping to ensure that public education serves to reduce, rather than reinforce, structural racism.

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