

# Talking Back

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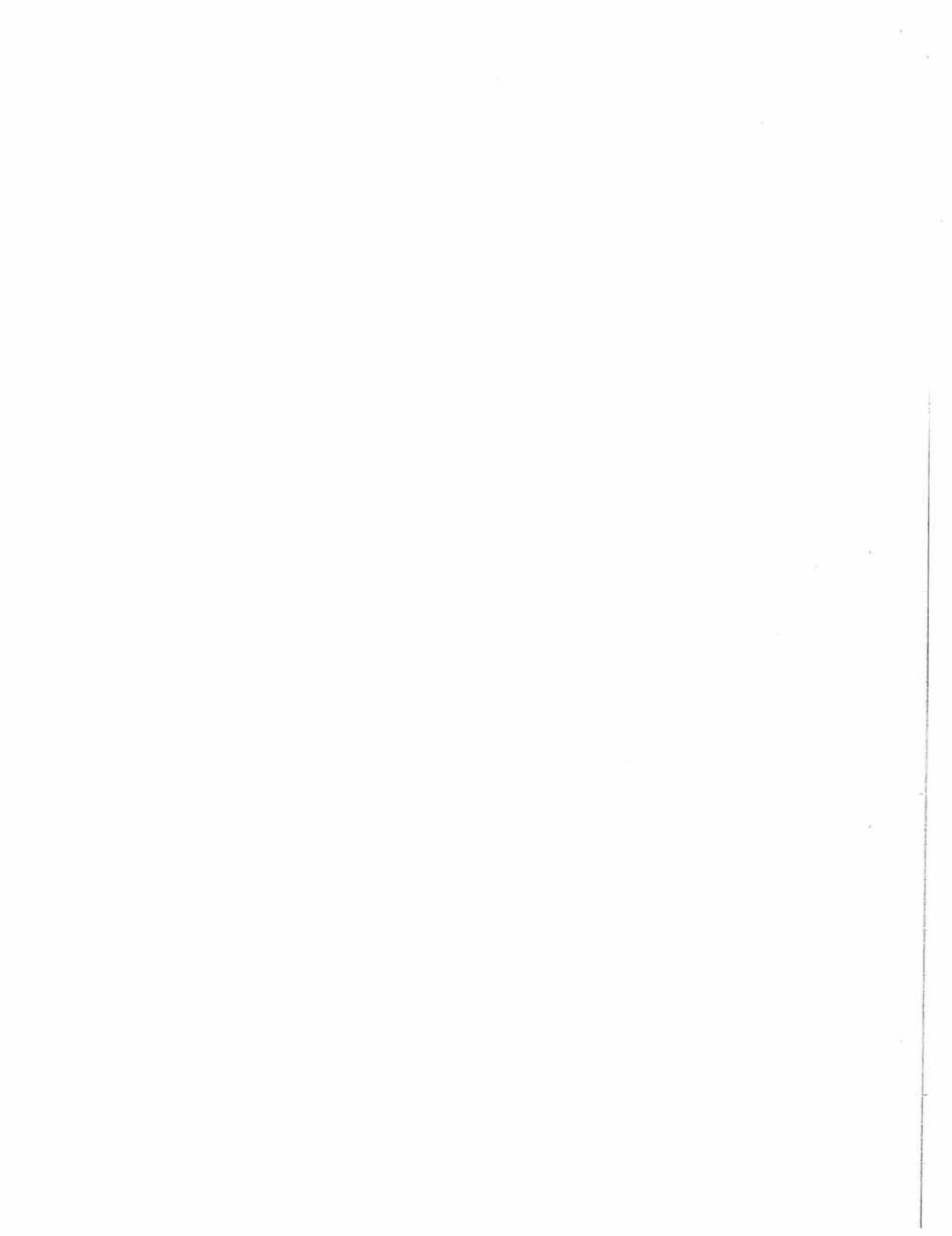
FRAMING MEMO

## The Affirmative Action Debate

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## What is Certain Trumpet -- and "Talking Back" to Whom?

*"If the trumpet gives an uncertain sound, who shall prepare to the battle?"*

1 Corinthians 14:8

This framing memo is a special publication of the Certain Trumpet Program -- a collection of memos, newsletters, guides, workshops, trainings, and other activities conducted by the Advocacy Institute, Benton Foundation, and Berkeley Media Studies Group staff and partners. The program's goal is to build the media advocacy capacity of progressive advocates to counter effectively the free market libertarian rhetoric of the right. For more information on the advisories or the overall program, please contact the Certain Trumpet Program at the address/phone/fax/email given on the front.

## What is A Framing Memo, and How Can It Be Used?

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A framing memo is a tool for understanding how an issue is presented and discussed in the news media. With its accompanying matrix or matrices, it maps the arguments, images and appeals to widely-shared principles that many people use to define and discuss an issue. It provides a map and assessment of the range of arguments on an issue, so advocates may

- better make their case, and
- better anticipate what their opponents may say.

As Charlotte Ryan notes, “each [frame] has a distinct definition of the issue, of who is responsible, and of how the issue might be resolved.”<sup>i</sup> Therefore, it is essential that advocates understand the different frames and images that represent their issues.

A framing matrix is a necessary tool for advocates because:

- it provides a quick and efficient review of public discussion surrounding an issue;
- it gives advocates a means to understand the arguments of the “other side”; and
- it helps advocates determine precisely how they want their issue to be represented in the media, and to take strategic steps to effect those portrayals.

For guidelines on creating a framing memo on your issue, contact the Berkeley Media Studies Group for the publication, “An Advocate’s Guide to Developing Framing Memos.”

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<sup>i</sup> Prime Time Activism: Media strategies for grassroots organizing. Boston: South End Press, 1991.

## Acknowledgments

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## Summary

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Affirmative action is a significant issue in the 1996 national and state elections. The current battleground is at the state level, especially in California, where one ballot measure (Proposition 209, dubbed the “California Civil Rights Initiative” -- CCRI -- by its proponents) would eliminate affirmative action programs in the public sector. To better understand how the issue of affirmative action is being framed, we analyzed over 200 news articles, letters-to-the-editor, editorials, and op-eds on the subject from major U.S. newspapers and magazines.

Our analysis showed that, as might be expected, affirmative action supporters and opponents hold fundamentally different beliefs about the nature of discrimination today: affirmative action supporters believe that racial and sexual discrimination continue to be significant barriers to equality, and that government and other institutional intervention is therefore imperative. But most affirmative action foes demonstrate a belief that racial and gender-based discrimination either no longer exist or happen only in isolated cases -- making any sort of regulatory correction unnecessary at best.

Out of these fundamentally divergent assumptions, the two sides have developed their arguments in very different ways. We found five primary frames supporting and six primary frames opposing affirmative action. (See Appendix A for the matrices of symbols, key phrases, statistics, and other data used to support each frame.)

### **Supporters of affirmative action emphasize several frames:**

Keep the Doors Open argues that affirmative action programs have been central to the progress of women and minorities in education and the workplace, and they must continue to maintain that progress.

Necessary Medicine acknowledges that some unfairness may exist when race or gender are explicitly considered; however, “to cure a persistent and difficult virus requires using the virus to create the serum.”

Political Football focuses on the opportunistic politicians who are using affirmative action as a “wedge issue.”

Benefits of Diversity asserts that multiculturalism in schools and workplaces benefits the entire society.

Preference for the Privileged notes that admissions and hiring processes are already full of preference systems for privileged groups, such as athletes and children of alumni.

## **Opponents of affirmative action emphasize two central frames:**

Content of One's Character uses the images and language of the civil rights movement to argue that individual merit, not skin color, should guide judgments of people, and

Reverse Discrimination argues that past discrimination cannot be cured by current discrimination -- "two wrongs do not make a right." Images of quotas, qualified white males being denied jobs, and a colorblind constitution help to make the argument. Affirmative action is seen as a basic violation of fairness and a misguided over-compensation for past wrongs.

Other anti-affirmative action frames appear less frequently. In these, opponents argue that affirmative action

Hurts those it Intends to Help, stigmatizing beneficiaries with the perception that they are less competent; that it is

No Longer Needed -- and that it

Divides, not Unifies the public. Finally,

Wrong Solution posits that to focus on affirmative action diverts society from the real solutions to pressing problems of race and gender inequity, such as poverty, education and housing.

## **Talking Back on Affirmative Action**

Our analysis indicated that affirmative action opponents have done a better job than supporters of capturing the drama and emotion of the issue. They have effectively used alleged victims of reverse discrimination to put a human face on their key arguments. They combine exceptionally strong symbols with remarkable simplicity.

To increase the prominence and impact of their arguments, affirmative action supporters should:

- simplify pro-affirmative action arguments, focusing on one or two frames that are most likely to sway voters;
- develop dramatic personal stories of affirmative action successes;
- counter the *Reverse Discrimination* frame by involving white males as spokespeople;
- reclaim the language and symbols of the civil rights movement, such as Dr. King's "I have a dream" speech;



- counter the inaccurate use of the terms “quota” and “preference”; and
- explain efforts to eliminate affirmative action as extreme measures that would kill popular outreach and training programs for young girls, women, and people of color.

# *The Affirmative Action Debate*

## Introduction

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Affirmative action has become a prominent issue in the 1996 Presidential campaign and in legislatures, court rooms and newsrooms across the country. The Regents of the University of California, one of the most renowned universities in the world, voted to eliminate all consideration of race, gender, and ethnicity in admissions, hiring, and contracting. Many other university affirmative action admissions processes have been chilled by the recent *Hopwood* decision which found a University of Texas Law School affirmative action admissions program to be illegal. Voters will have their chance to weigh in on the issue, as a third of the 50 states have anti-affirmative action initiatives pending. One of the most closely watched states is California, where an anti-affirmative action initiative, Proposition 209, will be voted on in November 1996.

## What is Affirmative Action?

Because there is no single affirmative action "law," there is confusion about what affirmative action policies can and cannot promote. Affirmative action is a collection of laws, executive orders, and U.S. Supreme Court rulings that together are "considered essential to assuring that jobs [and educational opportunities] are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics."<sup>1</sup> Affirmative action policies are part of the enforcement strategy for anti-discrimination laws: they promote affirmative -- positive -- and tangible steps to gain and expand access for minorities and women to jobs, educational institutions, and other opportunities. The attached timeline (Appendix B) summarizes the history of affirmative action in the U.S.

Numbers tell the story. Affirmative action policies were created to remedy the starkly uneven opportunities of the present, not just the discrimination of the past. Today, the disparity of wages and educational outcomes between minorities and women on the one side and white men on the other is striking:

- For every \$1000 earned by a white male college graduate in 1990, a black male college graduate earned \$798. The average female worker with a masters degree earns the same salary as the average male worker with a junior college degree.<sup>2</sup>
- Unemployment rates reflect a similar, and widening, gap. In the 1970s, black unemployment was twice as high as white unemployment. By the early 1990s, it was almost three times as high.<sup>3</sup>

- African Americans and Latinos attempting to obtain bank loans are turned down twice as often as whites with the same credit histories.<sup>4</sup>
- White men, who constitute about 43% of the work force, hold over 95% of senior management positions. Eighty percent of tenured professors and 97% of school superintendents are white men, while African American men constitute four percent of middle management positions and three percent of physicians and lawyers.<sup>5</sup>

These statistics expose the hurdles minorities and women must overcome in obtaining employment and education. A majority of Americans recognize this: a national Gallup poll showed that 73% of Americans approve of companies making conscientious efforts to identify and recruit qualified women and people of color.<sup>6</sup>

## Print Media Coverage of Affirmative Action

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In order to understand the arguments and symbols used in the debate over affirmative action, the Berkeley Media Studies Group conducted an analysis of national and California print media coverage of the issue. We searched the Lexis/Nexis database for nine different newspapers and magazines\* printed between March 1, 1996 and May 31, 1996; we selected all pieces that mentioned "affirmative action," "racial preference," "California Civil Rights Initiative," or "CCRI" in their first three paragraphs. The search yielded more than 240 pieces, which included news and feature articles, editorials, op-ed columns, and letters to the editor. Of these, 20 were discarded because they were not materially about affirmative action (for example, several articles merely mentioned affirmative action in a list of issues of concern in the 1996 election).

In the end, we analyzed 221 pieces. Of these, 59% were from the two California-based newspapers, reflecting the regional importance -- and national implications -- of the public discussion of Prop. 209 and the UC Regents' decision to abolish affirmative action in admissions. Each item was coded for its news type (news vs. opinion), primary subject matter, and position(s) on affirmative action. Pieces were then distilled into their component arguments, images, phrases and actors.

### Primary Subjects

The most common subject matter in our sample was *Institutional Policies and Challenges*, which accounted for 28% of the sample (See Table 1). These were items on topics such as college admissions policies or corporate hiring policies, and included many pieces on the continuing debate over the UC Regents' decision to end affirmative action on campus. (Stories on any lawsuits and court decisions related to institutional policies were counted separately.) Another 24% focused on what we called the *Diversity Debate*: discussions of the relative merits or demerits of diversity and/or multiculturalism. *Court Decisions and Lawsuits* comprised 23% of the sample; these included items on any court decision, appeals process or ongoing lawsuit related to affirmative action, and mainly dealt with the *Hopwood v. University of Texas* case, which was decided during our sample period.

A significant minority of items (12%) dealt with affirmative action in the context of *Political Issues* and positioning (e.g., Dole and Buchanan struggle to "claim" the issue, affirmative action becomes an important litmus test in the Presidential race). Only 10% of the sample dealt directly with *CCRI* as the primary subject. Finally, 4% dealt primarily with *Federal or State Legislation* on affirmative action.

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\* Sources were: *The Los Angeles Times*, *The New York Times*, *The Sacramento Bee*, *The Washington Post*, *USA Today*, *Newsweek*, *Time*, *The American Spectator* and *The Nation*.

**Table One: Primary Subjects of Articles and Opinion Pieces on Affirmative Action**

<b>Primary Subject**</b>	<b>Count (n=221)</b>	<b>Percent of Sample</b>
Institutional Policies and Challenges	61	28%
Diversity Debate	52	24%
Court Decisions and Lawsuits	50	23%
Political Issues	27	12%
CCRI	23	10%
Federal/State Legislation	8	4%

**Race vs. Gender**

In our sample, 57% of items referred only to race, 4% referred only to gender, and 18% referred to both race and gender. The other 20% of items did not mention either race or gender.

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\*\*The primary subject categories were mutually exclusive; percentages sum to more than 100% due to rounding error.

## Identifying the Frames

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News is organized, or framed, in order to make sense out of infinitely sided and shaded issues. Inevitably, some things are left out of the frame while others are included. Similarly, some features may be pushed to the edge of the frame, while others remain more central. *The frame is important because whatever facts, values, or images are included are accorded legitimacy, while those mentioned at the fringe or not included are marginalized or left out of public discussion. The frame will significantly contribute to how the issue is "felt" and talked about by the public.*

As we read the affirmative action pieces, we looked for the dominant frames on both sides of the affirmative action debate. Because 59% of the pieces were news or feature articles -- and therefore, presumably, written with the journalistic goal of "objectivity" or balance in mind -- while 41% were opinion pieces (op-ed columns, editorials and letters to the editor), the majority of the pieces we examined were technically "balanced" -- they contained both pro- and anti-affirmative action arguments. In the end, we identified 11 distinct frames on the issue: five pro-affirmative action, six anti-affirmative action. (See framing matrices, Appendix A.)

### Pro-Affirmative Action Frames

*Keep the Doors Open:* The most common frame, expressed in 43%\*\*\* of the pieces reviewed, argues that affirmative action has been a crucial component of the civil rights movement, helping minorities and women access opportunities that would otherwise have been closed to them. As a result, significant inroads have been made in employment arenas traditionally dominated by white males, such as managerial positions, law enforcement, and construction. Progress in education has also been profound: from 1984 to 1994, minority enrollment in US colleges rose 63%. UC Berkeley Chancellor Chang-Lin Tien has applauded the effects on his own campus: "I have seen the promise of affirmative action come true."<sup>7</sup> *Keep the Doors Open* argues that affirmative action is a critical policy in ensuring the very "future of the American dream -- that the US should be a land of opportunity for all its citizens."<sup>8</sup>

Proponents of *Keep the Doors Open* warn that continued vigilance is necessary to maintain the gains of the past. The passage of Prop. 209, they assert, would "take women back to a time when they could be fired for being pregnant." They caution that if Prop. 209 succeeds, "any cracks we have made in the glass ceiling will be sealed."<sup>9</sup>

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\*\*\*The percentages indicate the portion of items in which that particular frame appeared. These frames are not mutually exclusive; therefore several frames may have appeared in the same piece and the percentages will not sum to 100%.

*Necessary Medicine*: The second most common frame, which appeared in 42% of the pieces, asserts that even if affirmative action has adverse side effects, it is necessary in order to correct the historical consequences of racism and sexism. Affirmative action is vital because, as The Glass Ceiling Commission noted, “prejudice against minorities and white women continues to be the single most important barrier to their advancement.”<sup>10</sup> Fighting prejudice has been an “arduous trek uphill” and the progress achieved through affirmative action must not be abandoned. As student leader Gilbert (“Tito”) Garcia observed, “The window of opportunity has only been open for 20 years. Discrimination has existed for 300 years.”<sup>11</sup>

Proponents of *Necessary Medicine* use statistics to illustrate the pernicious gaps in wealth and achievement that continue to separate white men from women and minorities: African American and Latino men and women and white women earn 23%-56% less than white men<sup>2</sup>; 40% of minority children live in poverty vs. 19% of white children<sup>12</sup>; African Americans and Latinos are turned down for bank loans twice as often as whites with the same credit histories.<sup>4</sup>

*Necessary Medicine* acknowledges the uncomfortable contradiction inherent in the fact that, by using race as a criterion, affirmative action “partakes of the thing it is meant to cure.” Yet, as one commentator said, “to cure a persistent and difficult virus requires using the virus to create the serum.”<sup>13</sup> This argument echoes the words of former Supreme Court Justice Harry Blackmun, who wrote in the Bakke case: “In order to get beyond racism, we must first take account of race... And in order to treat some persons equally, we must treat them differently.”<sup>14</sup>

*Political Football*: The third most common proponent frame (appearing in 29% of pieces) targets politicians more than the policy itself. The core position of *Political Football* is that manipulative politicians are using affirmative action as a “wedge issue” to further their own agendas. In an environment of economic distress and white male alienation, voters are particularly vulnerable to campaign rhetoric that blames diminishing opportunities on the “special preferences” that affirmative action allegedly extends to women and minorities. As *LA Times* columnist Peter King noted, “anger has become the emotional gold of American politics,” and in issues such as affirmative action, politicians have found “a visit to the Mother Lode... a trip to Fort Knox.”<sup>15</sup>

During the 1996 primary campaign season, proponents claim, many Republican candidates fanned the flames of anti-affirmative action sentiment by “playing the quota card” and decrying “reverse discrimination.” In the words of Jesse Jackson, “They are peddling fear and exclusion. They are building walls.”<sup>16</sup> Proponents accuse politicians of cynical opportunism, noting that both Bob Dole and Pete Wilson abandoned their previous support of affirmative action policies when they entered the race for president.

*Benefits of Diversity:* About one-fifth (21%) of the pieces asserted the frame that diversity in schools and workplaces benefits the entire society. They argue that having different cultures represented in the classroom enriches all students, providing diverse perspectives and experiences critical to tomorrow's leaders. Proponents claim that the diversity resulting from affirmative action is a "compelling interest" of educational institutions. This frame also encompasses the notion that "merit," or a person's true qualifications, comprise not just test scores, but also the unique experiences, characteristics and perspectives suggested by race, gender, and cultural background.

This frame points out that major corporations also recognize the bottom-line value of diversity. As Reginald K. Brack Jr., chairman of Time, Inc., attests: "Business relies on the education system to stock the talent pool with the skilled, diverse people we need to be competitive. We need to make our institutions of higher learning more inclusive, so they produce more of the qualified people business needs."<sup>17</sup> Others note that corporations continue to support affirmative action, despite the increasingly political assaults on the policy, "largely due to the belief that affirmative action is essential for economic growth and job creation."<sup>18</sup>

*Preference for the Privileged:* The final pro-affirmative action frame, cited in 18% of the pieces, is rooted in the observation that admissions and hiring processes are already full of preferences for the privileged. A *USA Today* editorial noted the prevalence of special college admissions considerations for "musicians and cheerleaders, athletes of questionable academic potential and dull offspring of alumni."<sup>19</sup> As one letter writer asked, "Does it make sense to give consideration to an African American man to allow him to dribble a basketball but not to become a teacher or doctor?"<sup>20</sup>

This frame was fueled by the widely reported revelation that several UC Regents who had voted to eliminate affirmative action admissions had privately used their positions to get relatives, friends and children of business partners into UC, sometimes ahead of hundreds of better-qualified students. The irony of this revelation spurred significant outcry over the Regents' hypocrisy in indulging in "back room admissions" for members of the "old-boys' network" while refusing access to the historically disadvantaged. In short, "the system, left to its own devices, gives advantages to certain people."<sup>21</sup> As UC Professor Jerome Karabel noted in an op-ed column, "The issue then is not one of the rights of individuals versus the claims of groups; rather it is a question of which group claims are legally and morally legitimate."<sup>8</sup>

Proponents of the *Preference for the Privileged* frame note that the US has a long history of granting special support and consideration to certain groups in need; they assert that the current cry of "no special preference" is disingenuous. As *USA Today* columnist DeWayne Wickham commented, "Dole knows the real value of federal outreach programs. He understands how they were used to help World War II veterans get college educations and buy homes. He approves of them to aid uninsured farmers hit by floods or droughts. And he is unquestioning of them when they help US corporations gain a competitive advantage in foreign markets."<sup>22</sup> *Preference for the Privileged* calls for an



honest acknowledgment of the pervasiveness of privilege, and makes an appeal to fairness in extending the same consideration to those who have historically been discriminated against.

### Anti-Affirmative Action Frames

Content of One's Character: The most common frame against affirmative action, appearing in 40% of pieces, uses the concept immortalized by Martin Luther King, Jr. in his "I Have a Dream" speech. Quite simply, affirmative action opponents claim, people should be judged solely on the content of their character and their achievements, not on their race or gender. This frame taps into deeply-held American values of equality and individual initiative, values that abhor "special preferences" or group entitlement.

This frame calls for a "color-blind society" in which individual merit prevails over group identity. Proponents of *Content of One's Character* deny that being from a minority group in and of itself confers any unique disadvantage; in its *Hopwood* decision, the Fifth Circuit Court ruled that "The use of race, in and of itself, to choose students...is no more rational on its own terms than would be choices based upon the physical size or blood type of applicants."<sup>23</sup>

Reverse Discrimination: The second most common anti-affirmative action frame (appearing in 31% of pieces) defines affirmative action as discrimination against whites, and argues that discrimination cannot be redressed through further discrimination; to attempt it is a fundamentally unfair and flawed approach. Proponents of this frame note that "By its very definition, affirmative action benefits minorities at the expense of white males."<sup>24</sup> Presidential candidate Pat Buchanan used the issue of reverse discrimination to generate outrage among voters, while promoting his own idealized image of the United States as a level playing field: "Equal justice for all and special privilege for none."<sup>25</sup>

Proponents of this frame often equate affirmative action with quotas and provide examples of sympathetic, hard-working whites as the hapless victims of reverse discrimination. They insist that qualified white applicants are routinely denied employment and educational opportunities in favor of less-qualified minority candidates. According to this viewpoint, the goal of diversity or redress of historical wrongs is not a sufficiently "compelling circumstance" to justify perpetual legal preference of one group over others.

Hurts Those It Intends to Help: This frame, which appeared in 10% of pieces, claims that affirmative action is actually demeaning to minorities and women, instilling in them a sense of dependency and inferiority. Affirmative action is seen as fundamentally disrespectful to its recipients because it fosters lower expectations for certain groups. Eventually, this frame asserts, these reduced expectations are internalized by women and minorities, squelching their ambition and human potential.

According to this frame, affirmative action recipients are stigmatized by the perception that they are less competent. As one student expressed: "I do not want to stand in the shadow of affirmative action. I want you to see me in the bright clear light."<sup>26</sup> UC Regent and Prop. 209 chair Ward Connerly is adamant about the ill effects of affirmative action on African Americans: "Until we say, 'You're no different from anybody else, you're no better, no worse, and I'm not going to give you all these mental concessions,' ...we will continually believe that black people are a little less able."<sup>27</sup> This frame asserts that equal standards will encourage minority and female students and workers to rise to the occasion, without blighting their self-esteem.

No Longer Needed: Eight percent of pieces contained the assertion that affirmative action should be abolished because discrimination is no longer a significant barrier. Affirmative action is thus dismissed as a "strong-arm tactic" that is no longer needed; the proverbial playing field is now level. As *American Spectator* columnist Benjamin Stein asserts: "in recent years, I think [minorities'] suffering is largely self-inflicted. White America has done an almost unbelievable job in correcting its racism. Official, legally sanctioned racism is a thing of the past, at least against blacks."<sup>28</sup> Proponents of this frame often cite iconic success stories of prominent African Americans such as Ward Connerly and Supreme Court Justice Clarence Thomas, who overcame adversity, "pulling themselves up by their bootstraps" without the benefits of affirmative action. California Governor Pete Wilson offers Connerly as "living proof that there is no need for artificial preferences."<sup>28</sup>

In fact, some proponents of this frame suggest that to claim that institutional racism and sexual discrimination persist is to dishonor the historical struggles of previous generations and to discount the remarkable progress that has been achieved. As *The American Spectator's* Stein asked, "Can the PC people... have forgotten all this [racial discrimination of the past]? Do they really think racism today is what it was in 1960? Raw ignorance of history can have devastating consequences."<sup>28</sup>

Proponents of *No Longer Needed* reject the notion that racial and sexual discrimination are to blame for the persistent and undeniable gender and racial gaps found in virtually every measure of standards of living. The door has now been "kicked open," and if minorities fail to walk through the door, it is due to their own lack of effort or the "pathology within their community."<sup>28</sup>

*Divides, Not Unifies:* A small portion (7%) of pieces criticized affirmative action as a threat to national unity. As Bob Dole asserts, “It is wrong and ultimately self-defeating to try to rig the results of competition through the use of quotas, set-asides, and other preferences that serve only to pit American against American, group against group.”<sup>26</sup> This frame asserts that affirmative action promotes the “Balkanization of America” by attempting to divide the American spoils along ethnic and sexual lines. Proponents of this frame criticize affirmative action for encouraging “the divisive politics of identity” rather than a primary, unifying identity as national citizens.

*Wrong Solution:* The final frame against affirmative action (appearing in 3% of the pieces) is different from the others in that it shares with the pro-affirmative action frames the underlying assumption that complex and persistent inequalities continue to plague American society, and that these inequalities are still a serious barrier to minorities and women. However, this frame posits that to focus on affirmative action diverts society from the real solutions to pressing problems of race and gender inequity. Proponents of *Wrong Solutions* assert that affirmative action is, at best, a mere Band-Aid on the tumor of these pernicious conditions. As long as policy makers are distracted by the “racial numbers game,” the tough underlying issues, such as poverty, education and housing, remain unaddressed. Proponents assert that until these root problems are tackled, affirmative action will be just another misguided, superficial and ineffective attempt to achieve social justice.

## Discussion

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Having taken the pulse of the early debate on the affirmative action issue, we have identified some very clear differences in the ways that each side presents its case. First, affirmative action is clearly being discussed primarily as an issue of race, not gender. This is ironic, as it has been frequently noted that women have benefited more from affirmative action than other groups.

In general, the sides hold fundamentally different beliefs about the nature of discrimination today: affirmative action supporters are rooted in the view that racial and sexual discrimination continue to be significant barriers to equality, while most affirmative action foes feel that racial and gender-based discrimination either no longer exists or happens only in isolated cases, rendering institutionalized corrections unnecessary.

Beyond this fundamental difference in beliefs, the two sides have developed the elements of their arguments in very different ways. We suggest that affirmative action supporters have much to learn from their opposition.

### The Drama of Affirmative Action

Those seeking to eliminate affirmative action have done an excellent job of using drama to capture and frame the news coverage. They are very adept at personalizing their argument by putting a face on it. A highly qualified young white girl is turned away from a selective public high school; her father leaves a prestigious law practice to seek justice for her. This is the stuff of high news drama. Ward Connerly's history -- that of a black orphan who not only becomes a highly successful businessman, UC Regent, and financial supporter and close friend of the Governor of California, but even leads the charge to eliminate affirmative action -- is an ironic and compelling story.

The pro-affirmative action groups have simply not yet captured the necessary drama to put forth their argument. The benefits of affirmative action tend to be framed not in personal but in social terms, which don't have the same impact. The gentle, gradual progress towards a more just society does not pack the dramatic wallop of a single sympathetic individual denied a deserved opportunity because of affirmative action.

The extensive discussion of the *Hopwood* case, for example, includes many sympathetic references to the individual who is the primary object of the "reverse discrimination." Her difficulties and struggles to succeed despite great odds are described in detail. In fact, any documented case of "reverse discrimination" will have an aggrieved victim who is cast as deserving and unfairly harmed. On the other side, we do not see many portrayals of people of color denied access. These instances are described in general statistics rather than presented as individual cases.

Another area in which the anti-affirmative action forces effectively personalize the issue is by identifying people who have succeeded in society despite being from minority groups. Ward Connerly often credits his success purely to his own personal effort. Supreme Court Justice Clarence Thomas and General Colin Powell are commonly pointed to as examples that affirmative action is no longer needed. Also, many women point out that rather than their gender, it was their hard work and skill that gave them opportunities to achieve. It would appear that people deny the positive value of affirmative action because to acknowledge any benefit might be perceived as tacit agreement that the recipient was less qualified.

Those supporting affirmative action have some difficulty in putting a face on the benefit. While there are some examples of a woman or person of color acknowledging that affirmative action policies opened a door and gave him or her a fair chance, in the world of aggressive American individualism this is not a very interesting argument. When government helps people, the story is less dramatic and compelling than when someone is shut out because of a government policy gone bad.

The only developed example we have seen that puts a human face on the benefits of affirmative action was in a Sunday *New York Times Magazine* article which compared the career of “reverse-discrimination” claimant Alan Bakke with that of Patrick Chavis, the African-American who was admitted to the UC Davis Medical School in his place. The article states that Dr. Chavis has developed a large obstetrics practice “comprising entirely poor people on Medicaid...” Post-Bakke, Patrick Chavis couldn’t have become a poor-folks’ doctor.”<sup>29</sup> The implication is that by allowing Chavis access to education, affirmative action helped an entire community of people who are now benefiting from his work.

More recently, General Colin Powell has begun to speak out on how affirmative action has helped him, calling for continued support to ensure access for future generations. More examples like these would go a long way toward personalizing and invigorating the pro-affirmative action arguments.

### The Use of Images and Symbols

Both sides of the affirmative action debate invoke classic symbols that hold great emotional value. Fairness, justice, equality, and protecting the American dream are positive symbols commonly put forth.

However, evocative images of discrimination and civil rights are being used in *opposition* to affirmative action. These symbols resonate because most Americans support the concept of civil rights; it is a strongly held, shared value. Further, many people want to believe that historical discrimination has largely been eliminated and may therefore feel that the real risk now is going too far in the other direction.

Proponents of affirmative action do not effectively highlight the fact that imagery of the civil rights movement is being applied to measures that could *un-do* the gains of the past.

Perhaps the most powerful image on this issue is the language and symbols of Dr. Martin Luther King's "I have a dream" speech, which anti-affirmative action forces have adopted as a clarion call to a color-blind society and an argument against affirmative action policies. In fact, Dr. King was a strong supporter of affirmative action, but his words are rarely used in its support.

Many of the symbols used by the supporters of affirmative action tend to evoke idealistic values that put community above individuals. The call for "open doors" and a "level playing field," the description of affirmative action as "the medicine America must take for the ills of inequality," and the picture of a multicultural "rainbow community" where diverse groups get along: these images all appeal to a concept of the social good that simply may not resonate to the extent that the opposition message does. On the other hand, the image of individual achievers in formerly white male fields -- female firefighters, black doctors -- may appeal by putting a face on the successes of affirmative action.

### The Power of Simplicity

The anti-affirmative action advocates benefit from keeping their arguments few and their language consistent. In our analysis, 70% of the anti-affirmative action arguments put forth were either *Content of One's Character* or *Reverse Discrimination*. The other four frames each accounted for 10% or less of all anti-affirmative action arguments. The effect is a continual repetition of the same strong, clear, powerful messages: "It's not fair to judge people by their skin color rather than their merit."

The pro-affirmative action forces, on the other hand, are more likely to use more arguments, with no single frame predominating, and none accounting for fewer than 10% of all pro-AA arguments. Thus there is no cumulative effect of repetition, as there is on the other side. Rather, this argumentative overkill by supporters of affirmative action may dissipate the power of these frames.

### The Emotion Quotient

Social issues often seem to be decided based on emotion more than on facts. Recent initiatives in California regarding increased prison sentences ("three strikes and you're out") and extreme limits on social and medical services for undocumented immigrants passed overwhelmingly despite abundant objective data pointing to significant flaws in these policies. As illustrated by the "Key Statistics" column in our matrices, the pro-affirmative action side relies on statistics to paint a picture of continuing discrimination and the need for affirmative action policies. On the other side, data are rarely used to support calls to end affirmative action. The impact seems to be that the side with the highest emotion quotient, not the best statistics, has a significant advantage in the battle for media coverage and resonance with voters' concerns. An anecdote, no matter how rare the event it relates, has a communication power that greatly exceeds the impact of numbers.

## Talking Back on Affirmative Action

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One of the most-watched political developments on affirmative action is Prop. 209, which contains language that would likely abolish all affirmative action programs, including recruitment and outreach, by the state of California. Because this campaign may portend things to come in other battles around the country, we have compiled some recommendations for affirmative action proponents based on our analysis of news frames on the issue.

Recent poll data suggest that the anti-209 campaign faces an uphill battle but one that may ultimately be winnable. According to a recent California Field Poll,<sup>30</sup> 70% of registered voters have heard about the measure, and when the exact wording of the initiative (which does not mention the specific term “affirmative action”) was read, 56% of all respondents said they would support it. However, when respondents are told that the initiative would eliminate government affirmative action programs, support falls below the 50% mark.

The good news for supporters of affirmative action, then, is that there is apparently a broad foundation of support among voters for affirmative action programs in general -- as long as those programs are described in terms that they feel good about. When voters understand that Prop. 209 would abolish such programs, support goes down. “Mend it, don’t end it” as a moderate approach may well appeal to undecided or leaning voters. (But those who use the “mend it” approach must realize that this acknowledges problems with affirmative action, and that therefore this strategy may be inconsistent with a categorical, absolute defense of affirmative action.)

The proponents of affirmative action must do a better job of telling their story about the value of these policies. Toward this end, we recommend some changes both in what is said about affirmative action and in how it is said.

### Recommendations to Advocates

**In putting forth their arguments, we recommend that affirmative action advocates:**

- Simplify their arguments, focusing on one or two frames that are most likely to sway voters. Focus groups and polling data may soon help us understand which of the many pro-affirmative action arguments are most compelling to the voting public; these are the statements that should be honed and repeated to have maximum impact.

- Create more dramatic stories that put faces on the success of affirmative action efforts. Advocates should collect examples of people who might not have had the opportunity to excel, whose skills and contributions might have gone unnoticed or wasted, without the consideration mandated by affirmative action programs. General Colin Powell might be used as an example of a successful man who acknowledges that his triumph was made possible in part by policies requiring affirmative action. As examples are developed, advocates must take care to stress that *affirmative action does not provide unqualified people with jobs, but rather ensures that all those who are qualified are given full consideration.*
- Counter the “reverse discrimination” theme by involving white males in message delivery. For example, a group known as “Angry White Guys for Affirmative Action” has developed an analysis showing that white males currently benefit from a wide range of government “preferences,” under the guise of other names. Because white males are often characterized in the media as “victims” of affirmative action, the irony of white men *supporting* affirmative action will greatly increase the newsworthiness of the group’s message and the visibility of their views.

**In the substance of their messages, we recommend that affirmative action supporters:**

- Reclaim Dr. Martin Luther King, Jr.’s language and other dramatic symbols of the civil rights movement. Advocates should stress that opponents’ use of the “I have a dream” imagery is not only cynical and opportunistic, but dishonest as well, since Dr. King was a strong supporter of affirmative action programs.
- Stress that quotas are already illegal and are not part of current affirmative action programs. This is important because “preference” and “quotas” are the two most misleading words used to argue against affirmative action. Further, some survey data indicate that people may support affirmative action but not support group or individual preferences. Advocates should stress that affirmative action policies are, in part, a response to existing preference systems that favor white males over women and people of color. Thus, affirmative action is intended to reduce preferences, not extend them.
- Emphasize that measures like Prop. 209 are radical approaches that go too far and would eliminate successful, worthwhile programs. If Prop. 209 passes, deserving young women and people of color may not receive the consideration necessary to identify their talents. Advocates need to let the public know that Prop. 209 would eliminate all public outreach, training, and recruitment programs for women and people of color. For example, efforts to recruit Latino or African-American police officers in cities with large populations of these groups would not be allowed; nor would efforts to increase the number of minority applicants for law



or medical schools. Even special programs to increase the number of women in the hard sciences would be eliminated. This is likely to be a critical point in swaying voters, since polling data show that most Americans approve of such outreach measures.<sup>6</sup> Indeed, even Bob Dole has said, "We must also remain committed to the traditional form of affirmative action -- recruitment and outreach to give qualified minorities and women the chance to compete." This would be outlawed under Prop. 209.

Generally, it is easier to get "no" votes than "yes" votes on initiatives. To defeat measures like Prop. 209, it may be adequate merely to raise reasonable doubt in the voter, suggesting that the change being proposed is too drastic. Given that voters generally support the social goals of affirmative action programs and have larger concerns about fairness and equality of opportunity, the radical nature of such initiatives could scare voters off -- if they are helped to understand it.

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# APPENDIX A

## Pro-Affirmative Action Frames

Frame	Core Position	Symbol/Metaphor/Visual Image	Catch Phrases and Quotes	Source of Problem	Appeal to Principle	Key Statistics
<p><b>Keep the doors open</b> (Appeared in 43% of sample)</p>	<p>We must maintain the gains of the civil rights and women's movements to keep opportunities available.</p>	<p>Level playing field Open doors CCRI is a "u-turn toward exclusion." Women in traditionally male jobs (firefighter, carpenter, etc.) Minorities in professional positions Rights are "a valued <u>heirloom</u> women have fought for."</p>	<p>"CCRI would take women back to second-class status... We won't go back." "At PG&amp;E, we don't have preferential treatment and never have. We don't have quotas and never have. But we do have affirmative action, that is affirmatively reaching out and assuring equal opportunity for everyone." - Robert Harris, PG&amp;E V.P "We should mend, not end, affirmative action." - Pres. Clinton "(CCRI) poses as an equal opportunity initiative but puts at risk every outreach program, sets back the gains made by women and puts the brakes on expanding opportunities for people who are in need." - Colin Powell</p>	<p>White men trying to slam the door on further progress Fearful white men who are insecure</p>	<p>American Dream -- the land of opportunity Maintain/protect civil rights gains</p>	<p>Gallup and CNN/Time polls show that less than 25% favor elimination of AA; almost 65% support mending, not ending it. From 1984 to 1994, minority enrollment in US colleges rose 63%. Still, after two decades of AA admissions policies at UC, African American and Latino student enrollment and faculty representation have never matched the minorities' proportion of the California population.</p>

Frame	Core Position	Symbol/Metaphor/Visual Image	Catch Phrases and Quotes	Source of Problem	Appeal to Principle	Key Statistics
Necessary medicine (Appeared in 42% of sample)	AA is a necessary remedy for historical and continuing discrimination.	<p>“AA is the medicine America must take for the ills of inequality.”</p> <p>Legacy of racism and slavery</p> <p>Symbols of continuing racism: Rodney King beating, power and wealth gulf, glass ceiling</p>	<p>“The reality is that without AA, 230 years of official spoils system based on race, ethnicity and the like will continue.”</p> <p>“Prejudice against minorities and white women continues to be the single most important barrier to their advancement.”</p> <p>“Yes, affirmative action does partake of the thing it is supposed to cure... Yet to cure a persistent and difficult virus requires using the virus to create the serum.”</p> <p>“In order to treat some people equally, we must treat them differently.” - Justice Harry Blackmun</p>	<p>Historical racism, sexism and white male privilege</p> <p>Persistent inequality in housing, education, and jobs</p>	<p>Justice</p> <p>Correcting historical inequities</p>	<p>40% of minority children live in poverty, vs. 19% of white children</p> <p>African American and Latino men and women and white women working today bring home paychecks that are 23% - 56% less than those of white men</p>
Political football (Appeared in 29% of sample)	Anti-AA forces are playing the politics of divisiveness.	<p>AA as a wedge issue that divides Democrats</p> <p>Building walls</p> <p>Dirty politics</p> <p>Playing the quota card</p> <p>Political bargaining chip</p>	<p>“Anger has become the emotional gold of American politics... This was a visit to the Mother Lode. This was a trip to Fort Knox.” - Peter King, LA Times columnist</p>	Cynical, manipulative politicians	Common sense to see through political manipulation	Gov. Wilson attended his only UC Regents’ meeting in three years to vote against affirmative action.

Frame	Core Position	Symbol/Metaphor/Visual Image	Catch Phrases and Quotes	Source of Problem	Appeal to Principle	Key Statistics
Benefits of diversity (Appeared in 21% of sample)	<ul style="list-style-type: none"> <li>AA recognizes that the diverse community is of value to all.</li> <li>We must recognize a wider definition of "merit" than mere test scores.</li> </ul>	<p>Multicultural society</p> <p>Richness of diverse experience</p>	<p>"Diversity is a 'compelling interest' of educational institutions."</p> <p>All students benefit from a diversity of experiences in the classroom.</p> <p>"The issue is not (a person's race-based) characteristics; it is experience. And any judge who thinks black Americans have not had a different experience is blind."</p> <p>Diversity increases global competitiveness for businesses.</p> <p>AA is essential for economic growth and job creation.</p>	<p>Institutions not adequately responding to shift in demographics</p> <p>Fear of difference</p> <p>Failure to understand benefits of diversity</p>	<p>Value of inclusiveness</p> <p>Difference as a strength rather than a weakness</p>	<p>UCB's AA policies have raised grades, test scores and graduation rates for all groups.</p> <p>By 2050, U.S. will be scarcely more than half white.</p> <p>No major corporation contributed to the campaign to qualify CCRI for the ballot.</p>
Preference for the privileged (Appeared in 18% of sample)	<p>Admissions and hiring processes are already full of preferences for privileged classes.</p>	<p>"Athletics is the largest preferential program in existence."</p> <p>Preferences extended to "musicians and cheerleaders, athletes of questionable academic potential and dull offspring of alumni."</p> <p>- <i>USA Today</i> editorial</p> <p>"AA" programs for veterans</p> <p>Back room admissions</p> <p>"Old boys' network"</p>	<p>"I needed all the help I could get... I mean, this is America. It's not what you know, it's who you know." - high school senior who had a UC Regent write him a letter of recommendation</p> <p>"Does it make sense to give consideration to an African-American man to allow him to dribble a basketball but not to become a teacher or doctor?" - NY Times letter</p>	<p>Rot at the top</p> <p>corruption, hypocrisy, influence peddling</p>	<p>Fairness</p> <p>No special privilege for the rich</p> <p>Equality</p>	



## Anti-Affirmative Action Frames

Frame	Core Position	Symbol/Metaphor/Visual Image	Catch Phrases and Quotes	Source of the Problem	Appeal to Principle	Key Statistics
<b>Content of one's character</b> (Appeared in 40% of sample)	People should be judged on their character and merit, not the color of their skin or their gender.	MLK Jr. "I have a dream" speech Color-blind society	Treat people as individuals "It's your ability that counts, not your disability." - Bob Dole Reward merit, not skin color/gender.	Sense of group entitlement Lack of individual initiative	Equality Merit	
<b>Reverse Discrimination</b> (Appeared in 31% of sample)	<ul style="list-style-type: none"> <li>You can't solve discrimination with more discrimination.</li> <li>AA lowers standards by admitting the undeserving.</li> </ul>	Color-blind Constitution Qualified white males denied opportunities. Level playing field Quotas	<ul style="list-style-type: none"> <li>"Equal right for all, special privilege for none."</li> <li>"Racial discrimination is not the way to end racial discrimination."</li> <li>Government-sponsored discrimination</li> </ul>	Unconstitutional preferences Misguided overcompensation for past wrongs	Fairness	
<b>Hurts those it intends to help</b> (Appeared in 10% of sample)	AA is demeaning to minorities and women; people internalize low expectations.	The stigma of being an AA recipient AA infantilizes/coddles minorities AA squelches ambition	<ul style="list-style-type: none"> <li>It's wrong to have "every single minority tarred with the notion that they're less qualified."</li> <li>"AA is... instilling in (minorities) a permanent sense of dependency and inferiority."</li> <li>"You don't want people to think you only got in here because you're black." - college student</li> </ul>	People live up -- or down -- to society's expectations. Reducing expectations squelches human potential.	Respect for all Equal expectations	



Frame	Core Position	Symbol/Metaphor/Visual Image	Catch Phrases and Quotes	Source of the Problem	Appeal to Principle	Key Statistics
No longer needed (Appeared in 8% of sample)	AA is unnecessary because discrimination is no longer a barrier.	Connerly, Thomas and others who overcame adversity and pulled themselves up by their bootstraps without AA. The playing field has been leveled.	"Legally sanctioned racism is a thing of the past." "AA is a strong-arm tactic that has outlived its time." "If I made it, anyone can."	Confusing real racism of the past with isolated slights of today.	Work ethic Honor for the struggles of the past	
Divides, not unifies (Appeared in 7% of sample)	AA pits groups against each other, and increases racial tension and divisiveness.	AA leads to the Balkanization of America around racial lines Voluntary resegregation Black against white	"Americans pitted against Americans" -Bob Dole AA "undermines tolerance and mutual respect."	Lack of primary identity as Americans	National unity Patriotism Community cohesiveness	
Wrong solution (Appeared in 3% of sample)	Focusing on AA diverts us from the real problem.	AA is compared to forced busing as a misguided policy. Racial numbers game	"AA is an obsession with racial balance as an end in itself." The AA debate is an unfortunate "subterfuge" for a discussion about race, one that "demonizes" African-American men, who have barely benefited from AA programs. - Rep. Carol Moseley-Brown	AA distracts from more effective policies.	Courage and commitment to tackle the real, tough issues.	

## APPENDIX B

### History of Affirmative Action in the U.S.\*

- 1941      **President Franklin Roosevelt issues Executive Order 8802 requiring federal defense contractors to pledge non-discrimination in employment.** The order establishes the Committee on Fair Employment Practice, the first serious attempt by the U.S. government to regulate equal opportunity employment. (Extended to all federal contractors and subcontractors in 1943.)
- 1961      **The term “affirmative action” appears for the first time -- in President Kennedy's Executive Order 10925.** Instructs federal contractors to take “affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, or national origin.” Creates specific penalties for non-compliance. Creates the Committee on Equal Employment Opportunity.
- 1964      **Civil Rights Act of 1964.** Landmark legislation prohibiting employment discrimination by large employers (over 15 employees), whether or not they have government contracts. Establishes the Equal Employment Opportunity Commission (EEOC). Title VII stipulates that no preferences will be extended to any group, maintaining the traditional goal of general nondiscrimination.
- 1965      **President Johnson issues Executive Order 11246.** Simple nondiscrimination is no longer sufficient; the order requires government contractors to devise affirmative action plans that *result* in greater minority representation. Enforcement of compliance is strengthened with establishment of Office of Federal Contract Compliance (OFCC) in the Department of Labor.
- 1969-  
1970      **President Nixon issues the “Philadelphia Plan.”** “Special measures are required to provide equal employment opportunity” to blacks in construction trade unions. Later extended to non-construction contractors and to include women along with minorities in affirmative action efforts. Requires federal contractors to commit themselves to self-determined numerical goals of minority employment within a range of acceptable numerical standards set by the government.
- 1971      **Supreme Court rules on *Griggs v. Duke Power Company*.** Employers are prohibited from practices that discriminate against blacks -- unless that discrimination is a business necessity. Ruling disallows testing and educational requirements that are not job related.

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\* We are grateful to the ACLU of Northern California and Ralph Neas of The Neas Group for providing the background information for this timeline.

- 1972 **Vietnam Era Veterans Readjustment Assistance Act.** Allows for the “preferential employment of disabled veterans and veterans of the Vietnam era -- who are otherwise qualified.”
- 1978 **Supreme Court decides *Regents of University of California v. Bakke*.** A medical school applicant charges he was the subject of reverse discrimination because the University had set aside a specific number of openings for minorities. The Court rules in his favor, stating that setting aside a specific number of places constitutes a quota and is therefore illegal. However, the Court rules that minority status can be used as a factor in admissions, because the desire to obtain a diverse student body is a compelling goal.
- 1980s **Reagan administration begins roll-back of affirmative action practices.** Department of Justice ends use of statistical formulas as a remedy to correct discrimination, relying on recruitment programs and ignoring the actual numbers of women and minorities hired.
- 1988 **Civil Rights Restoration Act of 1988.** Prohibits the federal funding of educational institutions that practice sexual or racial discrimination.
- 1989 **Supreme Court rules on *City of Richmond v. Croson*.** The Court rules that the Richmond minority set-aside program is illegal; also requires that a state or local affirmative action program must be supported by a “compelling interest” and narrowly tailored to ensure the program meets that interest. Generalized societal discrimination is ruled insufficient cause to justify race-based remedies.
- 1991 **Civil Rights Act of 1991.** Restored equal court access and proof requirements in cases of minority group under-representation; created the Glass Ceiling Commission; contained provisions for victims of employment discrimination (including sexual harassment) to receive monetary damages; prohibited race-norming, the practice of having job applicants compete only against members of their own race.
- 1995 **Senator Robert Dole and Representative Charles Canady introduce “The Equal Opportunity Act” to Congress.** Modeled after California’s Prop. 209, the act would prohibit race- or gender-based preferences in all federal actions, from hiring to granting federal aid or contracts.
- 1996 **Clinton administration announces revised affirmative action guidelines for federal procurement and employment.** In response to the Adarand decision, Justice Department decides “race-conscious” procurement will be allowed only after industry-by-industry “disparity studies” find credible evidence of discrimination. Also requires applicants claiming preferred status to be certified by the Small Business Administration.

1996      **Proposition 209 qualifies for the November ballot.** Prop. 209 would abolish all public sector affirmative action programs in the state. Clause (C) of Prop. 209 permits gender discrimination in public education, employment and contracting; it also places a greater burden of proof on public sector employees.

1996      **Federal court strikes down the use of affirmative action in a state college or university for the first time.** In *Hopwood vs. Texas*, the 5th U.S. Circuit Court of Appeals rules against the University of Texas, deciding that its law school's policy of considering race in the admissions process is a violation of the Constitution's equal protection guarantee. The U.S. Supreme Court declines to hear an appeal of the ruling.



## REQUEST FOR FEEDBACK

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Please take a minute to fill this out. We rely on activists (and others who want to shape the debate in the media to support progressive social change) to keep us informed and on track. Your voices and experiences are an integral part of the work done by the Certain Trumpet Program and will be crucial in shaping the upcoming Advisory on affirmative action. Once you've had a chance to try the recommendations in the framing memo, let us know what happened. What worked for you? What didn't work? Send us your story.

Will you be using this Talking Back Framing Memo in your work? If so, how? If not, what would need to be added, subtracted, or modified in the framing memo to make it a useful tool in your work?

What did you like about the framing memo? What did you dislike about the framing memo?

Any additional comments, ideas, critiques?

- I would like more information about Certain Trumpet Program materials, including *Trumpet Notes*, a bimonthly compilation of media advocacy "news you can use."
- I would like to be contacted to give further feedback for the upcoming affirmative action Advisory.
- I am not interested. Do not send me additional materials.

name:
organization:
address:
city/state/zip:
phone/fax/email/web page:

MAIL OR FAX (202-659-8484) BACK TO THE ADVOCACY INSTITUTE  
ATTN: CERTAIN TRUMPET PROGRAM.



