

Proms and Other Racial Ephemera: The Positive Social Construction of African Americans in the “Post”-Civil Rights Era

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INTRODUCTION

On an April morning in 2007, one of the kings of radio rose and went to greet his subjects. Don Imus was courted by politicians and writers for thirty years, and no doubt began the morning as any other day.¹ Secure on his throne, he routinely aimed vitriol at those he thought deserving—or just for entertainment value.² He also discussed serious news items on *Imus in the Morning*, and while some people condemned his brand of comedy, others considered him an intelligent and “equal-opportunity insulter” because he made all kinds of people the objects of his humor.³ However, on April 4, 2007, he made the Rutgers University women’s basketball team the butt of his joke and faced some unexpected consequences. The Rutgers Scarlet Knights, predominantly African American, were called a Cinderella team by the media because of their humble beginnings.⁴

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1. Marcia Clemmitt, *Shock Jocks*, 17 CQ RESEARCHER 481 (2007); Andrew Sullivan, *A \$15M Bigot Humbled by the New America*, SUNDAY TIMES Apr. 15, 2007, at 4.

2. Clemmitt, *supra* note 1, at 483; Peter Johnson, *Critics Demand Imus Be Fired for Rutgers Remark*, USA TODAY, Apr. 9, 2007, at 3D.

3. For more on Imus as an “equal opportunity insulter,” see *Shocked Jock: Don Imus Takes His Lumps; He Deserves Every One of Them*, WASH. POST, Apr. 10, 2007, at A16; Johnson, *supra* note 2. Eric Alterman, *The Post-Imus Conundrum*, NATION, May 21, 2007, at 10, writes that Imus was sometimes humored by his victims. Howard Kurtz reportedly said that “Imus made fun of blacks, Jews, gays, politicians. He called them lying weasels. This was part of his charm.”

4. On the Rutgers Scarlet Knights as a Cinderella Team, see *Essence 25 most influential of 2007*, ESSENCE, DEC. 2007, at 207, 220; Carole Jenkins, *Imus Misstep Uncovers Broader*

Losing four games in a row at the beginning of the season, they were unlikely contenders for a spot in the championship game, but they persevered and garnered a chance at the national title. The Scarlet Knights lost to the Tennessee Lady Volunteers, a team that had a few more white women and lighter-skinned African American women than Rutgers. Imus called the Volunteers “cute,” while he deemed the Rutgers team, “nappy headed hos.”⁵ Imus no doubt thought little of the invective, as he routinely insulted people along racial and ethnic lines on the radio.⁶ The radio star nevertheless quickly found himself apologizing in various media outlets.⁷ Amidst protests and threats of product boycotts, he lost sponsors, MSNBC decided to stop broadcasting his show on television, and, a week later, he was fired. Quite unpredictably, the powerful media personality was dethroned for offending comparatively powerless young black women.

While Imus’s comment was widely condemned, some media commentators argued that twenty-four-hour news programming and the Internet were the cause of his rapid fall (albeit a temporary one, as he was hired—with two redeeming black sidekicks—to host another show a few months later).⁸ The mechanisms for circulating the sound bites are indeed much more sophisticated than they once were. That said, the material conditions of his fall cannot be explained entirely by a media machine. Radio host Michael Savage was not removed from the radio, despite referring to non-white countries as “turd world nations,” opining that, “[w]e need racist stereotypes right now

Media Attitude, TELEVISION WEEK 26, 12 (2007); Cynthia Tucker, Viewpoint, *Who Are the Hos Here?*, TIME, Apr. 12, 2007, at 23.

5. Clemmitt, *supra* note 1, at 481; Sullivan, *supra* note 1, at 4.

6. Clemmitt, *supra* note 1, at 483; Jenkins, *supra* note 4; Lewis Lapham, *Air Quality*, HARPER’S MAGAZINE 315, 8–11 (2007); Will Sullivan, *Shock Jocks in Dry Dock*, U.S. NEWS & WORLD REP., May 20, 2007, at 42; Gary Younge, *The Good Victim*, NATION, May 7, 2007, at 12.

7. Imus issued a scripted apology on his program, stating: “I want to take a moment to apologize for an insensitive and ill-conceived remark we made the other morning regarding the Rutgers women’s basketball team. It was completely inappropriate, and we can understand why people were offended. Our characterization was thoughtless and stupid, and we are sorry.” Richard Prince, *Imus Apologizes for “Ho’s” Comment*, RICHARD PRINCE’S JOURNAL-ISMS: AN ONLINE COLUMN (2007), available at http://www.maynardije.org/columns/dickprince/070406_prince/.

8. Imus rebounded with a five-year contract with WABC’s Citadel Radio. See Cyril Josh Barker, *With All Ears Pricked, Imus Is Back*, N.Y. AMSTERDAM NEWS, Dec. 6, 2007, at 6.

of our enemy in order to encourage our warriors to kill the enemy,” and arguing that children in the U.S. who are killed by guns are “not kids, they’re ghetto slime . . . they’re the same kids that are in Sierra Leone toting AK47s.”⁹ Don Imus had made racist and sexist comments before, as have many other commentators who remain on the air despite their routinely derogatory statements toward people of color, women, and gays and lesbians. The whimsy factor, that unpredictable media obsession with an event in relationship to other news stories, also clearly influenced the outcome. While all of these aspects contributed to his dismissal, an event about racism that captures national attention invites three questions: What specific elements make one event about racism capture the national attention, while similar events are slow to become prominent—if they ever do? What do these prominent incidents help us understand about the role of high-profile stories about African Americans in perceptions about race and race relations? As perceptions about race influence how policies are shaped, what role, if any, do stories like the Imus-Rutgers Scarlet Knights incident play in U.S. political discourse?

I would suggest that this incident is instructive because it illustrates a little-explored aspect of media representation and public policy—the role of the *positive* construction of African Americans in U.S. media. Numerous empirical and qualitative studies have documented the impact of the *negative* social construction of African Americans in issue framing, voting, and crime discourse in U.S. politics.¹⁰ However, fewer works discuss how positive social

9. Clemmitt, *supra* note 1, at 498; Alterman, *supra* note 3; Paul Farhi, *Limbaugh's Audience Size? It's Largely up in the Air*, WASH. POST, Mar. 7, 2009, at C1; Sheldon Rampton & John Stauber, *Trading on Fear*, GUARDIAN, July 12, 2003, at 32, 39; Jacques Steinberg, *Boycotted Radio Host Remains Unbowed*, N.Y. TIMES, Dec. 17, 2007, at E1.

10. See, e.g., Anne Schneider & Helen Ingram, *Social Construction of Target Populations: Implications for Politics and Policy*, 87 AM. POL. SCI. REV. 334 (1993). The welfare mother is one of the most obvious sites of this negative construction. See ANGE-MARIE HANCOCK, *THE POLITICS OF DISGUST: THE PUBLIC IDENTITY OF THE WELFARE QUEEN* (2004). Black criminals have also been an important site of negative social constructions, and the Willie Horton incident was widely considered to have derailed a presidential campaign. See Jon Hurwitz & Mark Peffley, *Playing the Race Card in the Post-Willie Horton Era: The Impact of Racialized Code Words on Support for Punitive Crime Policy*, 69 PUB. OPINION Q. 99, 100–01 (2005); see also Carmen R. Lugo-Lugo & Mary K. Bloodsworth-Lugo, *Black as Brown: The 2008 Obama Primary Campaign and the U.S. Browning of Terror*, 13 J. AFR.-AM. STUD. 110 (2009).

construction also shapes public discourse. While the U.S. public was inundated with representations of African Americans as criminals in news and popular media in the 1980s, positive social constructions, which had always been a part of black uplift projects, began to circulate widely.¹¹ *The Cosby Show* and Oprah Winfrey were popular symbols of the possibility of the American Dream fulfilled for African Americans,¹² even as the inner cities continued to decline and there was clear evidence that policy shifts were not trickling down to a significant percentage of the African American population.¹³ This contrast between African Americans who have benefitted from Civil Rights gains and those who had not made significant progress through legislative and judicial interventions is an important part of the representational dialectic shaping discourse about blacks in the United States.

Both positive and negative representations affect public policy discourse. Negative social constructions such as the black male criminal and the Welfare Queen influence voting behavior and public policy discourse, but representations of the successful black professional work with these negative representations to resist historical and structural explanations for black poverty and crime. Instead, positive social constructions of African Americans suggest that Civil Rights legislation has done its work and support policies that take material inequalities shaped by race out of the policy equation.

In this Article, I explore how the positive social construction of African Americans manifested in prominent stories of success—be it the fleeting footnote of the Scarlet Knights or the historic and

11. See KEVIN K. GAINES, *UPLIFTING THE RACE: BLACK LEADERSHIP, POLITICS, AND CULTURE IN THE TWENTIETH CENTURY* (1996 ed.).

12. See John D.H. Downing, "*The Cosby Show*" and *American Racial Discourse*, in *DISCOURSE AND DISCRIMINATION* 46 (Geneva Smitherman-Donaldson & Teun A. van Dijk eds., 1988); ROBERT M. ENTMAN, *THE BLACK IMAGE IN THE WHITE MIND: MEDIA AND RACE IN AMERICA* (2000); LINDA K. FULLER, *THE COSBY SHOW: AUDIENCES, IMPACT, AND IMPLICATIONS* 117–56 (1992); HERMAN GRAY, *WATCHING RACE: TELEVISION AND THE STRUGGLE FOR BLACKNESS* (2004 ed.); SUT JHALLY, & JUSTIN LEWIS, *ENLIGHTENED RACISM: THE COSBY SHOW, AUDIENCES, AND THE MYTH OF THE AMERICAN DREAM* (1992).

13. For a summary of the effects of Ronald Reagan's policies on African Americans in the 1980s, see, e.g., Maurice A. St. Pierre, *Reaganomics and its Implications for African American Family Life*, 21 *J. BLACK STUD.* 325 (1991).

spectacular rise of Barack Obama—have been an important part of what I term political affective displacement in U.S. public policy discourse. Political affective displacement is the substitution of affect surrounding one identity group or political issue that makes a group uncomfortable psychologically onto a dissimilar one in order to make the group more comfortable. In creating this term, I am revising a concept that originated in psychoanalysis to describe the substitution of one experience for a more psychologically important one. Quite often, psychoanalysis has been denigrated as of little use by those who are skeptical of essentialist arguments about behavior and question what it has to do with real political practice.¹⁴ However, its use value for political psychology does not lie in a deep investment in literature about Oedipal drives, but in the discussions of how individuals deal with others different from themselves. Psychoanalysis is most useful when understood as providing a framework for understanding what we observe in human behavior. These observations are not necessarily diagnoses of pathologies but rather adaptations to interpersonal and cultural obstacles and the way people construct themselves as human beings and citizens.¹⁵ In short, it provides an account of how the subject (a philosophical term I will use in this Article to refer to the human being as agent), deals with Others.

In classical psychoanalysis, displacement would only be understood as a subconscious act. However, we can see evidence of both subconscious displacement of political affect and its strategic, conscious use in U.S. culture. Political psychologists often explore how people's unconsciousness is reflected in voting or other participatory habits, how identity groups behave, and how leaders influence voters. Displacement is important to all three of these

14. For an excellent account of the relationship between psychoanalysis and political theory, see CYNTHIA BURACK, *HEALING IDENTITIES* 35–61 (2004). For an account of the political applicability of psychoanalysis in relation to race, see BURACK, *supra*, at 10–34.

15. As Vamik D. Volkan explains in his discussion of international conflict, “what makes psychoanalysis an appropriate tool of investigation is not its claim that all human beings have similar unconscious drives and advance on similar psychosexual paths but its recognition that each individual or group has complex and idiosyncratic ways of dealing with the demands of the inner world and that external events and their mental representations must be taken into account.” VAMIK D. VOLKAN, *THE NEED TO HAVE ENEMIES AND ALLIES* 10 (1988).

aspects of political psychology. Sometimes a “cigar is just a cigar”—people often vote in relationship to transparent self-interest and identity attachments. Yet at other times, people’s real investments are communicated through a focus on issues that do not have a transparent relationship to the ostensible focus of a policy issue. Psychoanalysis thus can give us a language to talk about not only how people respond to certain people and events, but also how they are encouraged to respond. In arguing this I am not claiming that political strategists consciously use psychoanalytic frames, but instead that psychoanalytic language can sometimes describe events we observe in the political arena.

U.S. history is filled with examples of representations of African Americans transforming the terms of a political debate. Activists debating emancipation, suffrage, crime, and welfare all have utilized negative representations of African Americans to change the terms of a policy discussion. In contrast, far fewer scholars have focused explicitly on how positive representations of African Americans can affect political debates.¹⁶ Using a variety of examples, I illustrate how the positive social construction of African Americans (1) makes it possible for people to say that negative social construction is not operating in a policy debate as positive social construction is perceived as the dominating discourse; (2) aids in attributing continued racial animus in the United States to individual bad actors and fails to connect such issues to the material harms produced by structural racism; and (3) facilitates the displacement of affect attached to the successes to the Civil Rights Movement to other policy issues.

My intention here is to call attention to discursive habits, raising to public consciousness what is sometimes—but not always—an unconscious act. Calling attention to the sometimes negative effects of the positive social construction of African Americans can contribute to literature on social construction and politics, which explores how social construction is key to understanding social

16. All of EDUARDO BONILLA-SILVA, *WHITE SUPREMACY AND RACISM IN THE POST-CIVIL RIGHTS ERA* (2001) addresses the post-Civil Rights Era. For a discussion of racial structure specifically, see BONILLA-SILVA, *supra*, at 89–136.

policy and discourses about citizenship.¹⁷ Frank discussions of the ways positive social constructions of African Americans function in the political toolbox can lead to greater transparency in the analysis of the use of race in policy discourse.

I. "IF OPRAH CAN DO IT . . .": POSITIVE SOCIAL CONSTRUCTION AND THE BATTLE OVER BLACK REPRESENTATION

By the dawn of the twenty-first century, many people throughout the world had become familiar with the pantheon of negative black stereotypes. The Mammy, Coon, Jezebel, and Buck of the nineteenth century were joined in the twentieth century by the Black Matriarch of the Moynihan Report, Reagan's Welfare Queens driving Cadillacs, Willie Hortons, Gangstas, and, of course, "Nappy-Headed Hos."¹⁸ These representations have circulated in the mutually constitutive trinity of fictions, news media, and public perception, and consequently have played a prominent role in a variety of public policy discussions. The struggle for African American rights has always involved countering these negative representations with positive constructions of black identity. Nineteenth-century abolitionist discourse depicted slaves as sympathetic mothers, good Christians, and noble men. Famously, the visual iconography showing brave and innocent black children struggling against violent brutish bigots brought national and international sympathy to the cause of black Civil Rights in the 1950s and 1960s.¹⁹ Scholars and activists have called attention to negative stereotypes and their effects, resulting in frequent public censure when such representations are evoked today. This does not mean that negative representations have disappeared—far from it. Nevertheless, enough

17. Schneider & Ingram, *supra* note 10, at 346.

18. There are many texts about stereotypes of African Americans. *See, e.g.*, DONALD BOGLE, *TOMS, COONS, MULATTOES, MAMMIES, AND BUCKS: AN INTERPRETIVE HISTORY OF BLACKS IN AMERICAN FILMS* (4th ed. 2001); THOMAS CRIPPS, *SLOW FADE TO BLACK* (1977); MICKI MCELVA, *CLINGING TO MAMMY: THE FAITHFUL SLAVE IN TWENTIETH-CENTURY AMERICA* (2007); DENNIS ROME, *BLACK DEMONS: THE MEDIA'S DEPICTION OF THE AFRICAN AMERICAN MALE CRIMINAL STEREOTYPE* (2004).

19. *See, e.g.*, SASHA TORRES, *BLACK, WHITE, AND IN COLOR: TELEVISION AND BLACK CIVIL RIGHTS* (2003); Leigh Raiford, "Come Let Us Build a New World Together": *SNCC and Photography of the Civil Rights Movement*, 59 AM. Q. 1129 (2007).

consciousness-raising has occurred that even if some people believe that the negative stereotypes of African Americans reflect reality, the commonsense national narrative of race is now that negative representations are bad for African Americans while positive representations are good. Why, then, would I choose to focus on the possible negative consequences of the positive representations of African Americans?

My argument is undergirded by the very basic poststructuralist claim that discourse is shaped by power, and that language and representations can be put to various uses depending on who employs them and for what purposes. In challenging the conventional wisdom that positive social constructions of blacks are always good, I am not claiming that these kinds of discourses cannot accurately describe African Americans. Black children *can* be described as “innocent” and Condoleezza Rice and Barack Obama *are* extraordinary representatives of what the successes of the Civil Rights Movement could produce. However, these representations do not exist in a vacuum. Every representation is put to work in a cultural narrative, and the same characters and plot developments can be used in stories with entirely different narrative lessons. In drawing attention to the possible damaging political consequences of positive social constructions, I am not claiming that “good” things said about black people are inaccurate or should be condemned. Rather, I am proceeding from the *a priori* poststructuralist argument that nothing can escape social construction and that anything in the realm of language can be put to various uses. Any time we tell a story we are producing it in a social world. Social construction in itself does not have inherently positive or negative value. Consequently, positive social constructions of African Americans are not bad in and of themselves; I am only arguing that such constructions can be utilized to mask troubling material and political realities.

Positively constructing African Americans through word and image has been a traditional tool of activists struggling to improve the social and political positions of black people. However, the positive social construction of African Americans in the “post”-Civil Rights era has also been used to produce narratives that indict

African Americans for their insufficient progress in the wake of various legal and cultural advances.²⁰ This interpretation of history can distract some consumers of these images from the complexity of other social issues because the successes of the Civil Rights Movement are so affectively powerful. Political affective displacement is a powerful rhetorical and psychological tool through which the seductive affect attached to one object—in this case, the successful “post”-Civil Rights-era black subject—becomes a substitute for a more anxiety-producing object such as the black child trapped in poverty. As displacement is a defense mechanism, the positive social construction of African Americans can function in this context as a tool for muffling conflicts and anxieties.

This paradigm is most commonly illustrated by the “if x can do it” frame. In discussions of some political issues related to the struggle for racial rights, someone can evoke a prominent or otherwise successful African American to challenge the necessity of addressing a racial problem with a legal, institutional, or policy intervention. For example, while some activists struggle to combat inequities in education, the reply that “if Cosby/Oprah/Colin Powell/Obama could do it, they can too,” enables audiences to displace the positive affect they feel about this positive role model onto the more negative and anxiety-producing social problem of a child victimized by structural inequality.²¹ If the narrative of practically impenetrable poverty can be displaced by narratives of individual transformation, the subject can be comforted by a U.S. mythos in which a particular population is expected to be exceptional while another population confronted with fewer obstacles can thrive without exceptional intellect or motivation.

For people who study psychoanalysis, my use of displacement may seem not only counterintuitive, but also wrong. In classic psychoanalytic theory, displacement typically describes transferring negative affect from one object to another. To take a classic example,

20. I have written about progress narratives elsewhere. See REBECCA WANZO, *THE SUFFERING WILL NOT BE TELEVISED: AFRICAN AMERICAN WOMEN AND SENTIMENTAL POLITICAL STORYTELLING* 41, 42 (2009).

21. See TIM WISE, *SPEAKING TREASON FLUENTLY: ANTI-RACIST REFLECTIONS FROM AN ANGRY WHITE MALE* 45–62 (2008).

a child angry at his mother may find it dangerous and anxiety-producing to direct anger toward her and may instead beat up his toy or family pet. I am radically revising the concept, maintaining the important undergirding principle of the displacement of affect from an unsafe object to a safer object. In the clinical context—where this concept originated—the clinician would call attention to the deployment of displacement as a defense mechanism and help the patient understand the conflict at the heart of the defense. But no interpreter intervenes in a political context. Instead, some political actors stand in for the clinician and encourage what Vamik Volkan calls “suitable targets of externalization.”²² This language of “externalization” is usually described as “projection” in the populist use of psychoanalysis. However, I think the concept of displacement gives us a more specific and evocative language to talk about affects that are out of place and misdirected in policy contexts.²³

If we understand that ideologues and other political strategists reinforce psychological defense mechanisms that are typically a part of sustaining groups, we can also understand the role of the cultural critic as someone who performs the clinician role in public contexts, exposing the meanings at the heart of conflicts. What I will uncover throughout the rest of the Article is how interconnected positive and negative affects are, and specifically, how positive constructions of blacks play a variety of roles in the very common practice of political affective displacement. This displacement always serves to redirect anxieties from issues that are more difficult to face.

II. “OBAMACARE”: DISPLACEMENT AND THE MAKING OF ENEMIES

While I am focusing on the effects of the positive social construction of African Americans in this Article, I cannot emphasize enough that it is the dialectical relationship between positive and negative representations that gives power to affective displacement. In order to illustrate this dialectic, I will begin with an example of someone who has functioned as the object of both positive and negative affect.

22. VOLKAN, *supra* note 15.

23. I am grateful to Cynthia Burack for her insight on this issue.

In the 2008 presidential race and election, Barack Obama was the epitome of black progress. As the first African American president of the United States, he has all the markers of “post”-Civil Rights-era success. He and his wife attended Ivy League schools, benefitting from the racial struggles of those who came before them. He overcame the disadvantage of not knowing his father. He has an apparently happy, beautiful family, and he has excelled in his chosen career path. During the campaign, he was often described as a Messiah figure.

At the same time, Obama was the object of a great deal of hatred and anger. The birther movement that repeatedly questioned his citizenship despite clear evidence of his legal status, an Obama as witch doctor cartoon during the health care debate, and the claim that he was Muslim in an era of intense anxiety about Islamic terrorism all demonstrated an intense level of vilification. The positive reading of Barack Obama depends upon the shadow of what he is not, the stereotype of a black man without a father who fails to thrive in U.S. culture, while the negative representations depend upon interpreting the positive treatment of Obama as a lie and a threat to U.S. citizens.

Because both representations of Obama circulate, he illustrates how both classical displacement (transferring negative affect from an unsafe object to a safe object) and the revision of displacement I am proposing here (the masking role of positive affect in this process) operate in political discourse. When political actors deploy both classical displacement and the displacement I describe, the terms of the debate can be transformed. Using the example of health care reform, I will illustrate how classical displacement and displacement involving positive affect can distract group identity because support for government-funded health care challenges the capitalist and individualist foundations of U.S. citizenship discourse. Because United States citizenship is an unsafe object of critique that can make an individual or group question foundations of identity, negative affect is then redirected to “Others” as unsafe enemies.

When Congress was considering revamping the U.S. health care system in the 1930s, some doctors and activists objected to the idea that a “third party must be permitted to come between the patient and

his physician,”²⁴ and argued that “government has no right to tax its citizens to give free medical attention to those who would prefer paying for it.”²⁵ During the Truman administration, strategists for the American Medical Association decided to “name national health insurance ‘socialized medicine’” because they knew Americans were “opposed to socialism.”²⁶ They also decided to make Federal Security Administration chief Oscar Ewing “the devil” in order to derail policy discussions.²⁷ In 1961 Ronald Reagan recorded the LP *Ronald Reagan Speaks Out Against Socialized Medicine*, in which he argued that anything other than a for-profit health care system constituted an attack on liberty and would result in people having to tell their children “what it once was like in America, when men were free.”²⁸ When Hillary Clinton chaired the health care reform task force in 1993, Republicans accused her of promoting a socialized medicine program that would be “alien to America.”²⁹ Proponents of health care reform are always constructed by opponents as “Other” and enemy to Americans, and the excessive construction of these “Others” as aliens displaces anger about ideals of liberal individualism failing to work for all Americans.

We can see evidence of another psychoanalytic concept at work here: condensation. Indeed, condensation is what allows displacement onto the enemy to work in this context. Condensation involves compressing a complex set of ideas into a single, simplified one. The term “socialism” often has been used in popular health care discourse without recognition of the varied political projects utilizing the term. In these debates there is little distinction between the Nationalist Socialism of the Nazis (who rejected Marxism), various iterations of communism around the world, or the socialism of the Labour Party in the UK. The socialist functions as the unambiguously

24. *Should a System of Complete Medical Service be Available to All Citizens at Public Expense*, 14 CONG. DIG. 196, 221 (1935) (commentary of the American Medical Association).

25. *Id.* at 209 (commentary of William D. Chapman, M.D.).

26. JILL QUADAGNO, *ONE NATION, UNINSURED: WHY THE U.S. HAS NO NATIONAL HEALTH INSURANCE* 35 (2005).

27. *Id.* at 34–35.

28. RONALD REAGAN, *RONALD REAGAN SPEAKS OUT AGAINST SOCIALIZED MEDICINE* (American Medical Association Communications Division 1961).

29. Mary McGrory, *Gingrich's Buzzword Pudding*, WASH. POST, Dec. 16, 1993, at A2.

evil “Other”—and has done so in U.S. political discourse for over seventy years. While some of the arguments made at various moments were no longer part of the most widespread populist conservative objections to health care reform in 2009 (a rejection of mandatory vaccinations and Medicare for the elderly socialized medicine, for example), much of the rhetoric remained the same. Condensation has facilitated the construction of enemies in U.S. health care discourse since its beginnings.

I give this history in order to demonstrate that displacement does not always involve race, and to illustrate how enemies are made in political discourse. In 2009, Obama and the Democratic Party faced opposition that constructed the president and his party as attempting to take away the freedoms, and even the lives, of the American people. Some people argued that the attack on health care reform was all about race, but as illustrated by the examples above, opponents to health care reform have long constructed supporters of a state role in health care as enemies of America.

What is important in the policy discourse is maintaining the subjects’ sense of safety, and the safe objects to be protected is American citizenship discourse and all that it promises. A number of studies have documented a tendency among children to group with those they perceive as most like themselves and construct others not only as different but also as enemies.³⁰ Despite a number of poststructuralist theories that treat everything as social construction, there is some evidence that it is neurologically “natural” to make value judgments about those like and unlike ourselves (albeit judgments substantially helped along by social and cultural norms, and, as I argue throughout this Article, social construction shapes how these judgments are narrated). Vamik Volkan argues that children’s constructions of “bad” objects and “good” objects help them develop a sense of an integrated self and sow the seeds of the

30. See Rebecca S. Bigler & Lynn S. Liben, *A Cognitive-Developmental Approach to Racial Stereotyping and Reconstructive Memory in Euro-American Children*, 64 *CHILD DEV.* 1507 (1993); Birgitte Vittrup Simpson, *Exploring the Influences of Educational Television and Parent-Child Discussions on Improving Children’s Racial Attitudes* (May 2007) (unpublished Ph.D. dissertation, University of Texas at Austin). These studies explore things such as children’s responses to stories about African Americans and their interpretations of visual difference in general (using props such as t-shirt color variation).

concept of enemies and allies.³¹ The status of bad objects as enemies is solidified by things such as a leader who “hates the enemy exaggeratedly” (Volkan uses the example of Ronald Reagan denominating the Soviet Union as “the evil empire”),³² the “narcissism of minor differences,”³³ and a preoccupation with ethnicity that “provides emotional borders.”³⁴ It provides a “defense mechanism” to ward off anxiety and direct aggression outward.

We can see the making of enemies in the history of the construction of a socialist enemy throughout health care debate history in the United States, one that merged with racist discourse when the Obama administration undertook health care reform in 2009. “Obamacare,” most memorably and visually represented by an image of Obama as a witch doctor with a bone in his nose, feathered headdress, and loin cloth, projected a racial tenor onto the traditional socialist enemy. Negative affect about having a black president clearly inflected the debate. If what is important in policy discourse is maintaining the subjects’ sense of safety, and the safe object to be protected is American citizenship discourse and all that it promises, blackness is something that has always threatened this identity. In the very origins of U.S. citizenship, chattel slavery of Africans called the romance of the American democratic project into question. If, for the sake of identity, some white subjects displace anxiety and rage onto objects that are safer to attack than the foundational narrative of American citizenship, we can see that blackness is not the origin of the anxiety, but rather anxieties about a coherent sense of group identity and ideology.

Obama thus became more excessively “Other” to affirm a fragile discourse about what it means to be American. These psychological tools of enemy-making are clearly present in the 2009 health care debate. The long running “socialist” enemy, a messy category in U.S. political discourse with little nuance, is a holdover from longstanding rhetoric in the United States. “Others” have often been attached to socialist projects, either in reality because it has seemed to offer

31. VOLKAN, *supra* note 15, at 32–33.

32. *Id.* at 102.

33. *Id.* at 103–05.

34. *Id.* at 93.

liberty that other nationalist practices denied them, or in the fantasies of citizens concerned with invaders.³⁵ National identity that is fostered around the concept of “America” as a place where we have freedom, and that universal health care would mean that “they” will “take away our freedom,” ignores the very centrist positions of Obama. Obama escalated the war in Afghanistan in 2009, stated that he did not support gay marriage, and provided a great deal of financial support to corporate America (which might not mesh with certain brands of fiscal conservatism but also does not mark him as hostile to capitalism). Therefore, to use “Volkan’s language, a “narcissism of minor differences” facilitated by vocal members of the Right who hate Obama “exaggeratedly” has shaped public discourse about the debate. But the treatment of Obama as an enemy also cannot be separated from the ways that all kinds of “Others” are shaped by national discourse. Race is simply one kind of object, albeit an incredibly important one, in the process of displacement in making enemies.

But what makes blackness unique in this political context is the specific “post”-Civil Rights history. This history is a tool used by many mainstream political actors to deny that racism still plays a role in U.S. culture. Therefore the positive social construction masks the fact that racism is playing a role in political discourse. After Obama’s election, a number of commentators—including some African Americans—claimed that blackness could no longer be understood as an impediment to success, and that racism was dead.³⁶ In “post”-Civil Rights-era discourse, this all-or-nothing logic results in positive social constructions invalidating the claim that negative social constructions are still operating. When former President Jimmy Carter argued that the description of President Obama as an animal or as a “reincarnation of Adolf Hitler”³⁷ stemmed from racism and that

35. Christopher J. Lee, *Racist Undertones of the ‘Socialist’ Epithet*, CHRISTIAN SCI. MONITOR, Oct. 16, 2009, available at <http://www.csmonitor.com/layout/set/print/content/view/print/259723>.

36. For more on this discourse, see Wornie L. Reed & Bernie M. Louis Jr., “No More Excuses”: Problematic Responses to Barack Obama’s Election, 13 J. AFR. AM. STUD. 97 (2009).

37. Greg Bluestein, *Carter: “Political Leaders Should Condemn Attacks,”* ASSOCIATED PRESS ST. & LOCAL WIRE, Sept. 17, 2009.

“[t]here is an inherent feeling among many in this country that an African-American should not be president,”³⁸ many commentators swiftly attacked him for making that claim. Obama himself countered that his accusers were not racially biased.³⁹

How could Obama claim racism when he has all the markers of “post”-Civil Rights Movement triumph? The chances are very good that Obama would be accused of “playing the race card” if he even hinted at the role race played in health care policy discourse. Obama’s election was widely touted as the most significant milestone for an African American in the history of the country. Numerous commentators claimed that no one could argue that race was an obstacle in the United States after his election. However, Obama’s election did not change the black incarceration or poverty rates, the rate of unemployment or the disproportionate number of African Americans in poor and underperforming schools. But an all-or-nothing logic structures conversations about racial progress. Such logic may have influenced Obama’s tendency to deliver speeches that focus on the need for personal responsibility amongst African Americans, and to refrain from addressing how structural inequality contributes to obstacles to African American success.

While the traditional process of displacement involves negative representations of black people, in this example, the positive social construction of African Americans contributes to a rhetoric that makes racial animus invisible. These narratives cannot be fully disaggregated from each other in “post”-Civil Rights-era political discourse.

III. PROMS AND OTHER RACIST EPHEMERA: THE DISTRACTING PLEASURES OF BAD ACTORS AND HURT FEELINGS

The example of Obama and the health care debates in 2009 illustrates the ways in which affect can be displaced onto African Americans to serve policy debates that are not about race.

38. Greg Bluestein, *Carter: Wilson Comments “Based on Racism,”* ASSOCIATED PRESS ST. & LOCAL WIRE, Sept. 16, 2009.

39. There were many editorials attacking Carter’s claim. See, e.g., Pat Buchanan, *Race and Stupidity*, CREATORS SYNDICATE, Sept. 17, 2009, <http://www.creators.com/opinion/pat-buchanan/race-and-stupidity.html>.

Furthermore, this example shows how the positive social construction of African Americans can serve those adhering to a color-blind “post”-Civil Rights-era discourse that suggests that racism plays no significant role.⁴⁰ However, displacement also enables the isolation of issues and social problems, and the positive social construction of African Americans can serve to facilitate the isolation of racism as a localized issue. As a psychological defense mechanism, displacement involves redirecting affect from a dangerous object to a safe one. What makes an object dangerous or safe in psychoanalytic terms may not be immediately transparent, but the key to understanding what can make a subject feel endangered or safe is how something threatens or reinforces a subject’s sense of self.

In the example of Obama and the health care debate, the dangerous object is instability of the American Dream discourse that can cause subjects to question a longstanding belief in the ability of capitalism and markets in the United States to benefit the hardworking. It is more safe to focus on an enemy that can be constructed as unambiguously evil and thwarting the success of citizens, when the real danger is American citizenship discourse itself.⁴¹ Perhaps incongruously, the construction of enemies can make people feel more secure. Thus while the grouping of a set of “Others”—socialists, black people, Muslims—is a psychological defense mechanism that makes divisions between “us” and “them,” isolating a set of people who can more easily be seen as like “us” can work to displace the affect that could be applied to linked sets of social problems. By extension, positive affect toward the problems attached to safe objects can deflect from objects that challenge a subject’s identity and sense of self.

With this understanding of what makes an object safe, it becomes clear why a positively constructed African American can provide psychological comfort to mainstream political subjects. In public

40. For more on color blind rhetoric in post-Civil Rights Era politics, see generally BONILLA-SILVA, *supra* note 16.

41. I have talked elsewhere about the construction of safe and dangerous enemies in relationship to child abduction discourse. See WANZO, *supra* note 20, at 185–225. While many resources are devoted to stranger abductions, the reality is that children are exponentially more likely to be injured by someone they know. “Stranger danger” is—psychologically speaking—a safer focus.

discourse, anxieties about racial issues can be displaced onto an African American who is doing relatively well, and the affect attached to racial problems that require significant economic, legal, or other material intervention can be sublimated to a more manageable racial incident. Such was the case with the Rutgers Scarlet Knights. In a dubious attempt to distinguish misogyny in some gangsta rap from the Imus comments, rapper Snoop Dogg claimed that the Rutgers Scarlet Knights were not “hos that’s in the ‘hood and ain’t doing shit.”⁴² Many rap artists and consumers of hip hop have consistently tried to make or consistently made distinctions between women who “really are” “bitches” and “hos” and women who are not. The rapper is articulating a fairly consistent way in which U.S. subjects construct some people as victims while deeming others too undeserving to warrant victim status. The Rutgers Scarlet Knights were “good” victims.⁴³ These college-educated women modeled one of the most attractive kinds of sympathetic and safe objects in U.S. culture—people who have already demonstrated their good citizenship through the progress they have made. They were frequently referred to as possessing “dignity,” which was code for not exhibiting excessive tears, pathos, or rage at the comments.⁴⁴ While others heavily castigated Imus, the women were read as more admirable for not asking for a redress of the injury.⁴⁵ But perhaps the most important factor in the selection of Imus’s slur against the Knights as a national story about racial injury is that the narrative was largely about intimate harms—an individual bad actor hurting innocent young girls—and the solution was the shaming and

42. Snoop Dogg’s comments were quoted in Younge, *supra* note 6, at 12.

43. *See id.*

44. Ten athletes from the Rutgers team met and talked with Imus privately in New Jersey. One team player told Imus that “I don’t want you to think that I question myself because of what you said. I’m a classy woman at a great university. I will pray for you.” *See* Raina Kelley, Mark Starr, & Eve Conant, *A Team Stands Tall*, NEWSWEEK, Apr. 23, 2007, at 32–33. Younge states: “If these women had less poise maybe Imus would still be on the air. But they suffered as only black people are supposed to suffer—with dignity.” Younge, *supra* note 6, at 12. Shalonda Tanner, a Rutgers alumna who works as a recruiter for the university, comments that “the class and dignity of those women brings more positive publicity to us.” *See* Shilpa Banerji, *Life after Imus*, DIVERSE: ISSUES HIGHER EDUC., May 3, 2007, at 7. Rutgers junior Kia Vaughn later filed a lawsuit against Imus and CBS for damage to her character and reputation. *See* Peter Johnson, *Rutgers Player Sues Imus*, USA TODAY, Aug. 15, 2007, at 1D.

45. Sullivan, *supra* note 1, at 4.

elimination of the bad actor, as opposed to an examination of structural racism. In short, these African American women could generate sympathy because they behaved as appropriate victims who were dignified and did not ask for redress.⁴⁶ The conversation about what the incident meant could be contained to one of speech and hurt feelings.

“Hurt feelings”—a distinct but porous concept also linked to accusations of “oversensitivity” and “political correctness”—has played a prominent role in conversations about many racial conflicts in the “post”-Civil Rights era.⁴⁷ “Hurt feelings” are integral to displacement projects, as stories that decry hurt feelings can serve to distract focus from the material realities to which “hurt feelings” might be connected. Discourse about the Rutgers-Imus incident was often contained to a discussion of what happens when hurt feelings are caused by single bad actors. While important to address, high-profile discussions of racial harms that are about hurt feelings support the idea that issues of racial inequalities disproportionately dominate U.S. culture, that those who address racism are constantly “playing the race card.” The abundance of coverage about “innocent” African Americans in the case of the Rutgers Scarlet Knights and discussions of other kinds of harms to positively constructed African Americans illustrates how “hurt feelings” can distract from other conversations about race and racial victims in a “post”-Civil Rights-era United States.

The discourse surrounding hurt feelings is linked to a “post”-Civil Rights-era practice of treating issues of racial conflict as failures of language, as opposed to failures of institutions and structures. For example, when African American Attorney General Eric Holder gave remarks at a Department of Justice Black History Month Program in 2009, his focus was on speech, which was not surprising, given his position on legal questions related to racial inequality. Holder began by explaining that “[o]ne cannot truly understand America without understanding the historical experience of black people in this

46. See Younge, *supra* note 6, at 12.

47. For more on the critique of hurt feelings in law, see Richard T. Ford, *Race as Culture: Why Not?*, 47 UCLA L. REV. 1803 (2000); WENDY BROWN, STATES OF INJURY 52–76 (1995) (discussing “wounded attachments”).

nation.”⁴⁸ While arguing that the U.S. has been “a nation of cowards” in relationship to race, the cowardliness he refers to in his remarks appears to be wholly about speech.⁴⁹ He states that people need to be “comfortable enough with one another, and tolerant enough of each other, to have frank conversations about the racial matters that continue to divide us,” and argues that Black History Month should “foster a period of dialogue among the races.”⁵⁰ While he claims that the people in the Department of Justice “bear a special responsibility” to rectify racial wrongs, he does not make clear what that responsibility would entail in the material world.⁵¹ Reminiscent of the “miner’s canary” argument made by Lani Gunier and Gerald Torres,⁵² Holder gestures toward the issue of structural inequality in calling attention to the severe problems affecting the black community: “it is not safe for this nation to assume that the unaddressed social problems in the poorest part of our country can be isolated and will not ultimately affect the larger society.”⁵³ But Holder does not name the structural and institutional factors shaping these problems, factors that the Justice Department has a special responsibility to address. Should they address the fact that African Americans are only fourteen percent of the population but 49.3 percent of murder victims in 2007?⁵⁴ Should they focus on 9,006 hate crime offenses in 2007?⁵⁵ Should they be concerned that the number of active hate groups increased from 602 groups in 2000 to 926 in Spring of 2009?⁵⁶ Or that the enforcement of various civil

48. Eric Holder, U.S. Attorney Gen., Remarks as Prepared for Delivery at the Department of Justice African American History Month Program (Feb. 18, 2009), available at <http://www.justice.gov/ag/speeches/2009/ag-speech-090218.html>.

49. *Id.*

50. *Id.*

51. *Id.*

52. LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002) (arguing that the challenges facing the most vulnerable citizens are indications of the harms that could affect everyone).

53. Holder, *supra* note 48.

54. U.S. DEP’T OF JUSTICE, FED. BUREAU OF INVESTIGATION, *CRIME IN THE UNITED STATES* (2007), <http://www.census.gov/compendia/statab/2010/tables/10s0300.pdf>.

55. U.S. DEP’T OF JUSTICE, FED. BUREAU OF INVESTIGATION, *2007 HATE CRIME STATISTICS*, available at <http://www.fbi.gov/ucr/hc2007/incidents.htm>.

56. David Holthouse, *The Year in Hate, 2008*, 133 INTELLIGENCE REP. (2009), available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=1027>.

rights laws apparently dropped under the Bush administration, as it shifted focus from racial discrimination to religious discrimination?⁵⁷ Holder does not discuss any of these issues that require legal and structural interventions. While dialogue is undoubtedly important, his failure to focus on what would be most relevant to his office—civil rights problems in need of legal and policy and interventions—illustrates that people who have the power to address racism with legal and policy changes sometimes focus on mutual responsibility and feelings in moments of public scrutiny.

In popular discourse, the Civil Rights Movement is usually framed as beginning with *Brown v. Board of Education* and ending with the Civil Rights Act of 1968. Scholars redefining the parameters of the movement have called attention to the “long civil rights movement,” incorporating the activism preceding *Brown* and demonstrating its relationship to present-day activism.⁵⁸ While the high-profile protests, legislative pushes, litigation, and leaders that defined the classic Civil Rights Movement are indeed in the past, social inequalities and the various strategies and projects to combat them have not ceased. Nonetheless, the language used to talk about the Civil Rights Movement routinely suggests that struggles are clearly in the past. If we were to date the high-profile beginning of “post”-Civil Rights-era policy discourse, we might begin with the *Bakke* ruling. Ten years after the Civil Rights Act of 1968, the U.S. Supreme Court affirmed the right to use race as a factor in admission in a split decision in *Regents of the University of California v. Bakke*.⁵⁹ However, this well-known case became one of the foundational prongs of discourse about the importance of color-blind and race-blind admissions, producing part of the new “post”-Civil Rights discourse about race inequality. Many people have eloquently discussed the history of affirmative action debates. Here, I simply want to emphasize how important the color-blind constitutionalism

57. Cf. U.S. GOV'T ACCOUNTABILITY OFFICE, U.S. DEPARTMENT OF JUSTICE: INFORMATION ON EMPLOYMENT LITIGATION, HOUSING AND CIVIL ENFORCEMENT, VOTING, AND SPECIAL LITIGATION SECTIONS' ENFORCEMENT EFFORTS FROM FISCAL YEARS 2001 THROUGH 2007 (2009), <http://www.gao.gov/new.items/d1075.pdf>.

58. See, e.g., Jacquelyn Dowd Hall, *The Long Civil Rights Movement and the Political Uses of the Past*, 91 J. AM. HIST. 1233 (2005).

59. *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 272 (1978).

emphasized by the *Bakke* decision is to “post”-Civil Rights-era discourse about racial harm.⁶⁰ The logic is as follows: (1) African Americans were subjected to legally sanctioned discrimination; (2) the state took steps to make such discrimination illegal and institute formal equality under the law; and (3) while this did not immediately eliminate the history of discrimination, formal equality in all circumstances is the only way to ensure equality. In this logic, institutionalizing different treatment would compromise equality, even if substantive equality is sacrificed.

Nevertheless, the justices were aware of how unrealistic it would be to expect the effects of discrimination to be eliminated overnight. But after the institutionalization of formal equality, some people began making arguments about the temporal nature of institutional intervention into discrimination. How long do the intended recipients of affirmative action, in particular African Americans, need? Justice Sandra Day O’Connor emphasized time in her opinion in *Grutter v. Bollinger* in 2003, in which she claimed that “[the Court] expect[s] that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.”⁶¹ No one suggests that individuals will cease to be discriminatory, but rather that the institutional changes will result in less of a need for legal and policy interventions. How, then, in an allegedly post-race era, is damage done by discriminatory individuals accounted for?

When institutional racism is constructed as in the past or rare, individual bad actors become the primary causes of continued racist practices. “Safe” bad actors like Imus become prominent objects of disapproval, and while hate crimes sometimes gain national attention, this emphasis on individuals can make feelings the primary danger to race relations. But the problem with framing discriminatory language as only about feelings is that it fails to acknowledge the broader question of what speech is connected to—historical discrimination. When subjects detach history and structural realities from speech, they erase the institutional factors that contribute to hurt feelings from continued discussions of racial inequality. Therefore an African

60. For more on “Color Blind Constitutionalism,” see Neil Gotanda, *A Critique of ‘Our Constitution is Color-Blind,’* 44 STAN. L. REV. 1 (1991).

61. *Grutter v. Bollinger*, 539 U.S. 306, 343 (2003).

American Attorney General focuses on speech and conversation instead of on the need for civil rights interventions, and news commentators tell stories about contemporary discrimination that focus on hurt feelings while ignoring their link to the continued presence of structural inequalities.

An example of the segregation of individual bad actors and hurt feelings from structural inequities is another well-publicized story about positively constructed African Americans. In 2002, Taylor High School in Butler, Georgia, gained national attention when the news media began reporting that they had held segregated proms for years.⁶² Taylor High School was not alone in this policy, but when some students on the planning committee fought to hold a non-segregated prom in spite of resistance, their battle focused attention on this school. Defenders of the practice claimed that it was “tradition” or like other segregated private functions, such as cotillions.⁶³ Legal prohibitions against state funding of segregated school functions were circumvented because the proms were privately funded.⁶⁴ Students decided to hold an integrated prom in 2002, but in 2003, there was another segregated white prom and an integrated prom for those who chose to attend.

When the segregated prom happened again in 2003, talk show host Bill O’Reilly of Fox News had the highest-ranked cable news show of the period, and he repeatedly discussed the issue, decrying the “disappointment” of the students who wanted to have an integrated event. On May 12, 2003, O’Reilly asked a correspondent “[s]o, what we’re getting from those students is that there was disappointment on the part of the students who attended the integrated prom, where everybody was invited, over those who attended the exclusionary prom, they were disappointed.” He

62. See Bill Osinski, *The End of One Tradition . . . Two Races, One Prom*, ATLANTA JOURNAL CONSTITUTION, Apr. 20, 2002, at 1M.

63. Cf. Elliott Minor, *Students Plan County’s First Integrated Prom*, ASSOCIATED PRESS, Apr. 20, 2002.

64. Rea J. Harrison, Note, *Black and White Prom Nights: The Unconstitutionality of Racially Segregated High School Proms in the 21st Century*, 10 J. GENDER RACE & JUST. 505, 516–17 (2007).

comments that he did not “see anger . . . just saw, you know, disappointment, which is good, which is good.”⁶⁵

Black people who recoil or rebel at racism are typically construed as “angry,” and negatively constructed, facilitating the expectation that black people should not respond to discrimination with anger. Positively constructed African Americans cannot demonstrate anger—the Rutgers Women’s Basketball team did not.⁶⁶ Obama expressed anger about racism once in a press conference after an African American professor at Harvard was arrested at his Cambridge house for disturbing the peace.⁶⁷ Henry Louis Gates, Jr. forced open his front door because it was jammed, and after the police were called and he identified himself as the owner, he had an angry verbal exchange with police officer James Crowley, which resulted in his arrest.⁶⁸ Obama’s claim that the arrest was “stupid” was immediately condemned, and Obama soon corrected his first response and began emphasizing a need for conversation and dialogue instead of indicting police behavior.⁶⁹ He invited Gates and Crowley to the White House for what became known as the “pizza and beer” summit.⁷⁰ The incident became another example of a needed conversation about structural and institutional harms (systemic racism, police behavior) being averted because of a focus on mutual cultural misunderstanding and feelings.

Conversations about systemic harms were also displaced by affect in discussions about the proms. O’Reilly argues that people in the town resented the fact that he was reporting the story because they did not get the “bigger picture.”⁷¹ For O’Reilly, the bigger picture was hurt feelings—the hurt that these children—and they are

65. *The O’Reilly Factor: Follow up: Interview with Factor Producer Stacey Hocheiser* (Fox News television broadcast May 12, 2003) (transcript available at <http://www.highbeam.com/doc/1P1-738665/.html>).

66. See Kelley et al., *supra* note 44, at 32; Younge, *supra* note 6, at 12.

67. See Anne Gearan, *Obama Says Police Acted “Stupidly” in Arrest*, ASSOCIATED PRESS, JUL. 23, 2009.

68. *Id.*

69. Charles Babington, *White House Tempers Obama Remark about Police*, ASSOCIATED PRESS, July 24, 2009; Darlene Superville, *Obama’s ‘Beer Summit’ with Policeman, Professor*, ASSOCIATED PRESS, July 29, 2009.

70. See Superville, *supra* note 69.

71. *The O’Reilly Factor: Follow up: Interview with Factor Producer Stacey Hocheiser*, *supra* note 65.

children, even though they're 17—I mean, you know, kids, have experienced. I mean, they—and you would, too, and I would, too, and anybody who's excluded for no reason at all, like just because you're a certain religion or color, you would be hurt, you know.”⁷²

O'Reilly recognizes that as long as the school does not provide financial or institutional support, the “private proms” are constitutionally protected, so what he indicts is improper national affect:

This kind of exclusionary garbage is unacceptable in a public school. The sad truth is that millions of Americans of all colors simply don't want to associate with people different than themselves. And they have a constitutional right to that desire, but a public school event, a prom, organized within the school is not a personal choice. It is a celebration of achievement and advancement and to exclude some students because of skin color is mean and un-American.⁷³

O'Reilly does not suggest that segregation is a factor in continual material inequalities faced by African Americans. Reducing the incidents of segregated proms to an “un-American” meanness ignores how segregated proms speak to the broader impact of segregation in U.S. culture. These are links that O'Reilly does not make. HUD's 2000 Discrimination Study found that discrimination against African Americans in renting property occurred twenty-two percent of the time: in sales, discrimination based on race occurred seventeen percent of the time.⁷⁴ In a 2005 Gallup poll, thirty-one percent of Asians and twenty-six percent of African Americans claimed they had experienced employment discrimination.⁷⁵ And the rates of segregated schools in the twenty-first century are at their highest

72. *Id.*

73. *The O'Reilly Factor: Talking Points: Circling the Wagons in Georgia* (Fox News Television broadcast May 7, 2003) (transcript available at <http://www.foxnews.com/story/0,2933,86338,00.html>).

74. U.S. DEP'T OF HOUS. & URBAN DEV., DISCRIMINATION IN METROPOLITAN HOUSING MARKETS: NATIONAL RESULTS FROM PHASE I OF HDS2000 iii–iv (2005), http://www.huduser.org/portal/Publications/pdf/Phase1_Executive_Summary.pdf.

75. David C. Wilson, *When Equal Opportunity Knocks*, GALLUP MGMT. J., Apr. 13, 2006, available at <http://gmj.gallup.com/content/22378/when-equal-opportunity-knocks.aspx>.

since 1968.⁷⁶ What O'Reilly fails to address is that the decision to be segregated from African Americans does not stop at proms. Segregation and choices people make about who to associate with have tremendous material consequences. The segregated prom cannot be seen as distinct from all other practices of segregation. By focusing on a kind of segregation that cannot be attributed to a particular material consequence, isolating the problem to the hurt feelings of children, the affect that could be attached to segregation with much more heinous consequences gets displaced onto an event that can rally a positive affective response toward victims who will not require most white Americans to interrogate contemporary race relations and their material effects.

Even though the "hurt children" are positively constructed as blameless in this scenario, the focus on speech easily leads to conversations of mutual responsibility and a tendency to suggest that no specific groups have a moral responsibility to remedy a situation. In a discussion with O'Reilly, a representative of the governor stated that the incident illustrated that the students needed to "build bridges."⁷⁷ In other words, the problem of white discrimination against African Americans becomes a problem of dialogue—not of policy. If the unsafe object here is the continued presence of discrimination in an allegedly post-racial era, displacing anxiety about that issue onto a conflict that is (allegedly) only about affect and not about social equality makes it harder to claim that policy interventions are needed.

IV. DEAD LITTLE GIRLS AND THE PRICE OF DEMOCRACY

Positive social construction does not only function to obscure other narratives of discrimination about African Americans. The positive affects generated by references to abolition and the successes of the Civil Rights Movement are also used as metaphorical referents for other political projects. The Civil Rights Movement has become

76. See ERICA FRANKENBURG, CHUNGMEI LEE & GARY ORFIELD, *A MULTIRACIAL SOCIETY WITH SEGREGATED SCHOOLS: ARE WE LOSING THE DREAM?* 6 (2003).

77. *The O'Reilly Factor: Talking Points Memo Interview with Kim King* (Fox News television broadcast May 6, 2003).

part of a triumphant narrative of U.S. culture that many people claim. It is part of the grounding rhetoric of women's rights; GLBT rights; animal rights; religious freedom; and, after Obama's election, was used as a referent for the "tea party" movement.⁷⁸ In a discussion of the political rhetoric of the feminist, GLBT, and disabled populations, Janet Halley suggests that asking said groups "to give up 'like race'" similes would be like asking them to write their speeches and briefs without using the word 'the.'⁷⁹ She sees "'like race' arguments" as "so intrinsically woven into American discourses of equal justice that they can never be entirely foregone."⁸⁰ Halley critiques "like race" arguments on the grounds of the inherent instability of identity as categories.⁸¹ But what Halley misses is that the success of making "like African Americans" or "like the Civil Rights Movement" arguments in the act of displacement only requires that the *affect* attached to the concept of freedom be stable. In other words, the comparison does not depend on something being exactly like the Civil Rights Movement. On the contrary, it is a given that the object of comparison will be dissimilar. This approach does not depend upon coherent identity categories—it depends only on a presumption that the concepts are similar and that the stories told about the Civil Rights Movement produce positive affect in most U.S. subjects. The narrative correlations are propelled by the idea of freedom itself and the emotions attached to it. While an advocate for gay marriage might say that the issue is the same as interracial marriage, what needs to be consistent in the analogy are the ideas of freedom to love and state treatment of citizens, not a one-to-one correlation between bodies. The evocation of Civil Rights is a very conscious attempt to displace the affect most citizens feel about that movement to a dissimilar movement.

78. See, e.g., Sarah Palin, Op. Ed., *Why I'm Speaking at Tea Party Convention*, USA TODAY, Feb. 3, 2010, at 9A, available at <http://blogs.usatoday.com/oped/2010/02/column-why-im-speaking-at-tea-party-convention-.html>.

79. Janet Halley, *'Like Race' Arguments*, in *WHAT'S LEFT OF THEORY?: NEW WORK ON THE POLITICS OF LITERARY THEORY* 40, 46 (Judith Butler, John Guillory & Kendall Thomas eds., 2000).

80. *Id.*

81. *Id.*; see also Serena Mayeri, *Reconstructing the Race-Sex Analogy*, 49 WM. & MARY L. REV. 1791 (2008) (providing an alternative to Halley's framework).

Former Secretary of State Condoleezza Rice employed political affective displacement when discussing the Civil Rights Movement and Iraq. In several speeches, Rice rhetorically linked the struggle of African Americans in the Civil Rights Movement to the Iraq War. I will focus on one such speech, her remarks in 2005 at the University of Alabama, made in the presence of UK Foreign Secretary Jack Straw.⁸² Rice was a classmate of Denise McNair, one of the four young African-American girls who were killed in the white supremacist bombing of the 16th Street Baptist Church in 1963, and she evoked their deaths as well as the acts of everyday resistance that her father and other African Americans committed in order to protect their community from violence.⁸³ Rice constructs herself as a successful product of the Civil Rights Movement, the sign not only of racial progress, but the progress of democracy.⁸⁴

Rice told a story about racial progress in the United States that treats continued discrimination against African Americans as a practice that would inevitably face obstacles because it was contrary to the U.S. democratic project, for the “Founding Fathers had dug the well of democracy deep in America.”⁸⁵ For Rice, slavery and other practices of discrimination could not be sustained in a country allegedly founded on equality and democracy. However, as she states in a line that she often evoked in her time in office, “when the Founding Fathers said, ‘We the people,’ they didn’t mean me.”⁸⁶ But that omission was overcome for her by the foundational principles of the country. And while acknowledging the many federal legislative inroads during the Civil Rights Movement, Rice called on her audience to recognize that “[C]itizenship was not a gift that was given to black Americans. It was a right that was won through the courage and sacrifice of many impatient patriots, weary of hypocrisy, whose demand was ‘freedom now.’”⁸⁷

82. Condoleezza Rice, Secretary of State, *Remarks with United Kingdom Foreign Secretary Jack Straw at the Blackburn Institute's Frank A. Nix Lecture* (Oct. 21, 2005) (transcript available at <http://www.usembassy.org.uk/gb029.html>).

83. *Id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

Rice used certain words to describe both the Civil Rights Movement and the Iraq war. These words function as the bridge between stories, and Rice disregarded the historical differences between issues. Rice claimed that “today, we face the same choice in the world that we once confronted in our country: Either the desire for liberty and democratic rights is true for all human beings or we are to believe that certain peoples actually prefer subjugation.”⁸⁸ Terms such as “liberty,” “democratic rights,” and “subjugation” are substitutions for specific aspects of each set of events. Rice conflated the Iraqi suffering subject with the African American suffering under Jim Crow, thereby also conflating critics of the Iraq war and racists.⁸⁹ Various groups against the Iraq war are condensed into being “cynical voices.”

[The cynical voices] argue that the people of the Middle East, perhaps because of their color or their creed or their culture or even perhaps because of their religion, are somehow incapable of democracy. They falsely characterize the support of democracy as “exporting” democracy, as if democracy were a product that only America manufactures. These cynics say that we are arrogantly imposing our democratic principles on unwilling peoples. But it is the very height of arrogance to believe that political liberty, and rights for women, and freedom of speech, and the rule of law belong only to us. All people deserve these rights and they choose them freely. It is tyranny, not democracy that has to be forced upon people at gunpoint.⁹⁰

Rice makes a rather dazzling and disturbing set of connotations here with no attentiveness to the variations of anti-war critiques of the conflict in Iraq. She conflates racist arguments that essentialize Arabs with a position associated with anti-racist activists—that of exporting democracy. In her logic, leftists who critique imperialism are cynics. In this argument, the widely acknowledged unjustness and immorality of Jim Crow supporters who claimed that African

88. *Id.*

89. *See id.*

90. *Id.*

Americans were not ready to be integrated and not intelligent enough to vote or be full citizens is the prologue to the Iraq War. As some of the people who opposed Jim Crow and oppose the Iraq war are the same people, in Rice's rhetorical framework some people who were victimized by Bull Connor and his ilk are now replicating the discriminatory logic of oppressive tyrants—they are all “cynics” who believe some people are not ready for democracy.

For Rice, African Americans prior to the successes of the Civil Rights Movement and Iraqi citizens in the early twenty-first century could both be described as “impatient patriots.”⁹¹ And while “the promise of democracy seemed distant” at one point in the U.S. South, “what once seemed impossible suddenly seemed inevitable. So it was in America. And so it has been in much of the world. And so it shall be in the Middle East.”⁹² Rice thus stood before her audience as a symbol of both the inexorability of the struggles of the past and the conflict in the present, and asserted that to disagree with the current war would be to be on the wrong side of history.

The making of enemies and allies is clear again here. But displacement in this example is not subconscious at all. Rice clearly moved affect from an uncomfortable object—an unpopular war—to an object that some audiences could find more comforting. This example illustrates how the positive social construction of African Americans can be used in an attempt to shape the political fates of groups other than African Americans.

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Ultimately, all of these examples are illustrations of the tendentious nature of discussing the progress of African Americans since the Civil Rights era. The journey of African Americans, from slavery to freedom, is an extraordinary story. The affective power of that story is what makes the positive construction of African Americans so useful in political affective displacement. Similarly, the negative construction of African Americans is powerful because such representations both fall outside of the classical liberal individualistic

91. *See id.*

92. *Id.*

imagination as “Others” who have failed to thrive, and are also integral to the liberal imagination as the antithesis of good citizenship.

But what happens when African Americans are neither positively nor negatively constructed? They fall outside of policy discourse completely. Take, for example, the 2004 vice-presidential debates, during which African American moderator Gwen Ifill called attention to a demographic unaddressed throughout the nationally televised debates. Ifill asked about AIDS in the U.S.⁹³ “[I]n particular,” she wanted the vice presidential candidates “not” to talk about “AIDS in China or Africa, but AIDS right here in this country, where black women between the ages of 25 and 44 are 13 times more likely to die of the disease than their counterparts.”⁹⁴ Despite her directive against deflecting the discussion of AIDS onto a focus on victims overseas, Vice President Dick Cheney immediately framed his answer almost exclusively in terms of international policy, focusing on the “\$15 billion to help in the international effort, to be targeted in those places where we need to do everything we can.”⁹⁵ He was “not aware” that African American women were “in epidemic.”⁹⁶ His opponent, John Edwards, also began by talking about Africa, and ended by talking about general health care issues.⁹⁷ Both of their answers were illuminating—not as incisive analyses of the particular struggles facing African American women in relationship to this issue—but because of the complete illegibility of African American women within this public policy issue. To paraphrase an infamous Hegelian formulation about Africans in world history, African American women in this context were simply outside of history, outside of the narrative being crafted about the struggle against HIV/AIDS and the progress that had been made.

Sidestepping questions is nothing new in politics, but the displacement of the focus from African Americans to Africans illustrates Cheney’s discomfort with a question that did not fit into

93. See The Cheney-Edwards Vice-Presidential Debate (Oct. 5, 2004) (transcript available at <http://www.debates.org/index.php?page=october-5-2004-transcript>).

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

his policy paradigm. Ifill's question was pushing him to focus on an uncomfortable object—the possibility that the U.S. progress narrative about AIDS was inaccurate. Therefore, he displaced the question onto Africa, still a tragic subject but more comfortable than the idea that the narrative he was producing was inaccurate. He argued that progress had been made for all Americans: “Here in the United States, we’ve made significant progress. I have not heard those numbers with respect to African-American women. I was not aware that it was—that they’re in epidemic there, because we have made progress in terms of the overall rate of AIDS infection.”⁹⁸ In “post”-Civil Rights-era logic, African Americans should be making progress at the same rate as whites, thus in the case of HIV/AIDS and, I would suggest, to other issues, they often are configured as citizens who are making insufficient progress in a land of opportunity.

African American women in this case were neither positively constructed nor negatively constructed; they were simply invisible and illegible. In the years since the debate, African Americans and African American women with HIV have gained a higher public profile, often through the positive and negative social construction dialectic. African American men who are infected in prison or “on the down low” have become demonized and stand in contrast to unsuspecting African American women infected by them. But this greater focus has still not produced a crisis discourse as in Africa. But as the UN report on the AIDS epidemic reveals, if African Americans were counted as their own nation within the U.S., the nation would have a larger infected population than seven of the countries that received funding in Bush's massive AIDS relief program.⁹⁹ Here the positively constructed African American is a shadow, indicting the failures of the infected.

As I have shown throughout this Article, this presence is just as resonant in contemporary discourse as negative stereotypes of blacks. This is the challenge produced by “post”-Civil Rights-era discourse,

98. *Id.*

99. JOINT UNITED NATIONS PROGRAM ON HIV/AIDS, REPORT ON THE GLOBAL AIDS EPIDEMIC (2008), http://data.unaids.org/pub/GlobalReport/2008/JC1511_GR08_ExecutiveSummary_en.pdf.

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and those crafting narratives about social issues need to be attentive to this specter.