



Of DEI and Denials: A Critical Discourse Analysis of Texas' 88th Legislative Session

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Emerging literature on anti-CRT, anti-DEI efforts in education suggest that these attacks represent a rearticulation of racial ideologies which seek to contain racial progress. Although crafting anti-CRT and anti-DEI policies is primarily conducted through discourse, few studies explore the specific discursive mechanisms used to justify these efforts as racially neutral. Using critical discourse analysis and insights from color-evasive racism, we examine the discourse of public hearings on anti-DEI and anti-CRT bills introduced in Texas' 88th legislative session. We find that policy actors employ denials of racism and articulate three of the four frames of color-evasive racism. By examining the role of racism denial in legitimizing anti-CRT and anti-DEI efforts in higher education policy, we hope to attend to the specific roles of discourse in legitimizing racist policies and actions in education more broadly.

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Abstract

Emerging literature on anti-CRT, anti-DEI efforts in education suggest that these attacks represent a rearticulation of racial ideologies which seek to contain racial progress. Although crafting anti-CRT and anti-DEI policies is primarily conducted through discourse, few studies explore the specific discursive mechanisms used to justify these efforts as racially neutral. Using critical discourse analysis and insights from color-evasive racism, we examine the discourse of public hearings on anti-DEI and anti-CRT bills introduced in Texas' 88th legislative session. We find that policy actors employ denials of racism and articulate three of the four frames of color-evasive racism. By examining the role of racism denial in legitimizing anti-CRT and anti-DEI efforts in higher education policy, we hope to attend to the specific roles of discourse in legitimizing racist policies and actions in education more broadly.

Descriptors

critical discourse analysis, legislative process, denials of racism, anti-DEI legislation, anti-CRT legislation

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Study Purpose

When Texas Lieutenant Governor Dan Patrick was sworn into office on January 17, 2023, he pledged to ban the teaching of Critical Race Theory (CRT) in publicly funded higher education (Bradner, 2023). These remarks were made about a year after calling the University of Texas's professors "looney Marxist[s]... poison[ing] the minds of young students" (Dan Patrick [@DanPatrick], 2022) and pledging to end tenure to stop professors from "indoctrinating" college students (McGee, 2022). When Patrick announced his higher education priority bills for the 88th legislative session, he prioritized bills that oppose CRT, defund Diversity Equity and Inclusion (DEI) programming, and end tenure.

Despite the racialized dimensions of bills, Texas state senators insisted during public comment hearings that the intent of these bills had nothing to do with discouraging discussions of race in class discussion or impacting diversity on college campuses. These denials are similar to arguments made by right wing politicians and activists who sought to ban the 1619 Project from K-12 public schools (e.g., McGee, 2021), banning books from libraries (e.g., Meehan & Friedman, 2023), and prohibiting the supposed teaching of CRT in public school districts (e.g., Schwartz, 2023). This is especially notable at the K-12 level where "Critical Race Theory" was used as a semantic proxy (Beaver & Stanley, 2023) for any school programs perceived as a threat (e.g., Robinson, n.d.). These conflicts over curriculum, classroom materials, staff training, and allowable conversations locate education as a central place of ideological conflict (Natanson et al., 2022; Superville, 2023). Understanding the function of denials of racism and its work in legitimating ideology, then, is important for the education field at large and not just for policy actors or higher education stakeholders.

In this study, we situate denials of racism (van Dijk, 1992) and color evasive racism (Bonilla-Silva, 2006) within a critical discourse framework for understanding the discursive reproduction of power (van Dijk, 2015). The study contributes to emerging work on anti-CRT and anti-DEI pushes at the K-12 and higher education level. We additionally situated our study within a broader body of literature on racial backlash in education. By examining the role of racism denial in legitimizing anti-CRT and anti-DEI efforts in higher education policy, we hope to attend to the specific roles of discourse in legitimizing racist policies and actions.

This study addressed the following research questions:

1. How do state policy actors employ denials of racism in introducing race-related higher education bills in the Texas 88th legislative session?
2. How, if at all, do denials of racism reinforce color-evasive racism?
3. How are denials of racism addressed and resisted by policy actors?

Conceptual Framework

Our study is anchored in critical theories concerning racist ideology. We specifically attend to the discursive acts of denials of racism (van Dijk, 1992) and the manifestations of color-evasive racist ideology¹ (Bonilla-Silva, 2006; Annama et al., 2017). Critical discourse analysis and color-evasive racism frameworks are particularly harmonious in shared assumptions of how contemporary racism functions. Bonilla-Silva (2006) conceives of color-evasive racism as an adaptive articulation of racist ideology, with language playing a role in the legitimation of that ideology. Van Dijk (e.g., 1992; 2011; 2015) and other critical discourse analysts (e.g., Paltridge & Hyland, 2012; Reisigl & Wodak, 2000; Wodak & Meyer, 2001) understand discourse to be actively involved in creating, maintaining, and transmitting ideologies.

¹ Following Annama and colleagues (2017), we choose to utilize the term color-evasive to avoid ableist connotations implied by the original terminology.

Van Dijk's (2015) schema of the discursive reproduction of power offers helpful insights into how discourse, ideology, and power relate to one another and help guide the interpretation of our findings. The existing social structure, consisting of powerful groups, institutions, and symbolic elites, control the contexts (e.g., setting, participants, speech acts) of communicative events. In the case of our study, the legislature controls the setting and processes guiding the discourse, and the Republican power controls the invited participants. The discourse of these events, including specific discursive acts like denials of racism, then influence personal and social cognition. These cognitions then reinforce the existing social structure and reproduce power imbalances. Within this model, then, discursive strategies are a key contributor to the mental models ("frames" in Bonilla-Silva's conception) by which people interpret information and inform their actions. Using this conceptual framework, we understand denials of racism to be one of many social actions maintaining color-evasive racist ideology and reproducing hierarchies of racial domination.

Insights from the ideology we are studying, color-evasive racism (Bonilla-Silva, 2006; Annama et al., 2017), guide this research in the development of research questions and in the analytical plan. The theory of color-evasive racism maintains that since the Civil Rights movement, efforts to enact racist policies, speech, and behavior use the guise of race-neutrality to disguise intent. As a result, racist intentions and policy outcomes became more difficult to clearly identify by the public, and racism is more easily legitimated as normal and natural. This theory is consistent with critical discourse analysis as Bonilla-Silva specifically notes the role that language and communication play in the legitimation of racial ideology (Bonilla-Silva, 2006).

One component of this theory is the "frames" of color-evasive racism, the sense-making mechanisms of racial ideology. These are comparable to mental models described by van Dijk (2015) in his theorization of discourse and ideology. Bonilla-Silva (2006) conceptualized the four frames of color-evasive racism as the predictable ways in which white people make sense of race and racism in

a supposedly “post-racial” world. The most important of these frames is *abstract liberalism*, which Bonilla-Silva considers to be foundational to the new racial ideology (Bonilla-Silva, 2006). Abstract liberalism pulls together ideas from political liberalism and economic liberalism to argue to explain racial outcomes. This frame is marked by strong commitments to ideas of meritocracy and equal treatment which are then used to oppose equity efforts on the basis of being “unfair” (e.g., “Students of color should not receive unfair advantage in college admissions”). The second frame, *naturalization*, explains racist outcomes as the results of natural occurrences (e.g., “Black people don’t live in this neighborhood because they like to be around people like themselves”). The third frame, *cultural racism*, emphasizes the supposedly deficient cultures of people of color as explanations for their social standing (e.g., “Mexican parents do not value higher education”). Finally, minimization of racism downplays the role of race in society (e.g., “Racism is not as bad as it used to be”).

Van Dijk (1992) argues that denials of racism are among the defining features of discourse in contemporary racism. Discursive strategies used to deny racism serve an essential function of legitimating racist ideology while also demonstrating that tolerance is understood to be an important social norm. These denials function to protect the dominant group and frame anti-racists as the truly racist actors. These strategies normalize and legitimate racist policymaking decisions. Additionally, denials of racism serve as a containment strategy to control resistance.

The specific strategies explored in this work emerge from van Dijk’s (1992) examination of news media and parliamentary discourse both in the United States and in Europe. This work identifies many types of denials and categorizes distinct denials present in separate genres. The denials we specifically utilize in this study include 1) positive self-presentation, 2) denial and counterattack, 3) moral blackmail, 4) subtle denials, 5) mitigation, 6) nationalist glorification, and 7) fairness and pragmatism.

Using this conceptual framework, we seek to understand the discursive mechanisms by which racism was enacted and resisted in legislative discourse on anti-CRT and anti-DEI bills. Accordingly, we first seek to understand how denials of racism were employed in Texas legislative discourse on Anti-DEI and Anti-CRT bills, identify how these discursive choices reinforced color-evasive racism, and then how policy actors resisted both denials of racism and color-evasive racist ideologies.

Prior Literature

This study builds upon these frameworks and contributes to the history of reactive racist policies in U.S. education. It particularly adds to emerging research on the backlash against Critical Race Theory, Diversity Equity and Inclusion programs, and other higher education aspects that are perceived as benefitting minoritized groups. Several scholars studying this backlash have tied these efforts to patterns of racial progress throughout U.S. history (Chapman, n.d.; Harper, 2023; Solorzano, 2023). As Derrick Bell (2018) observed, minoritized populations struggle to achieve “temporary ‘peaks of progress,’ short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance” (p. 373). These peaks of progress, likewise, can only be adopted when converging with white interests and where compatible with “The American ‘civil religion’” of abstract liberalism (p. 254). Racial progress, such as the emancipation of enslaved Black people following the Civil War, is swiftly followed by racial backlash, like Jim Crow policies. Emerging work argues that the most recent waves of legislation, including anti-CRT and anti-DEI measures, emerge as a backlash against the racial reckoning of 2020 (Chapman, 2023; Harper, 2023; Solórzano, 2023).

Racial backlash is a key feature in the scholarship on color-evasive ideology following gains from the Civil Rights movement. Omi and Winant’s (2014) foundational work on racial formation in the United States identifies color-evasiveness as one of the key mechanisms of racial backlash. They

argue that strategies aimed at containing racial equality in the post-civil rights era followed a clear sequence. First, code words were used to channel white anger and stoke racial fear. Secondly, accusations of reverse racism were used to deracialize discrimination. These absolve white people of responsibility and delegitimize race-based reform policies as inherently discriminatory. Finally, color-evasive rhetoric foregrounded American nationalist identity and unity across racial lines. Although Omi & Winant (2014) focus their work on broader U.S. racial policies such as the gutting of the New Deal, there is a broad body of scholarship documenting similar effects in education.

Although students of color were largely locked out of most higher education through *de facto* and *de jure* segregation and unequal K-12 schooling (e.g., Donato & Hanson, 2012; Noboa-Rios, 2019), evidence of reactionary racist policy is apparent throughout U.S. higher education history. For example, when a high proportion of Jewish students earned admissions through standardized testing in the early 1900s, Ivy League institutions adopted color-evasive policies which excluded Jewish students using interviews, leadership measures, and letters of recommendation (Karabel, 2006). These admissions policies specifically leveraged aspects of abstract liberalism, such as “merit,” to craft color-evasive mechanisms which upheld the dominance of wealthy white protestants. In the post-civil rights era, racial progress has been pushed back through color-evasive policies weakening desegregation efforts, weakening services for English language learners, and challenges to affirmative action (e.g., Justice, 2023; MacDonald & Garcia, 2003; San Miguel & Donato, 2009). In many of these cases, white hegemony has been protected using accusations of reverse racism, fairness and pragmatism, and other racism denial strategies (though they have not been explicitly identified as such).

Emerging research suggests that opposition to CRT and DEI in education represents a “new face on an old practice” to uphold white supremacy through public education (Miller et al., 2023). Research identifies Anti-CRT and anti-DEI efforts as fear-mongering responses to racial reckoning

(Miller et al., 2023; Matias, 2023; Blackburn, 2021), which reinforce color-evasive ideologies in education (Scussel & Esposito Norris, 2023).

Research on the racial dimensions of discourse in these legislative battles has demonstrated the importance of language to understanding these bills. Linguists have noted the political utility of the phrase “Critical Race Theory” as a political weapon (Beaver & Stanley, 2023). In a critical discourse examination of the texts of anti-CRT bills, Jones and Briscoe (2023) found that the text of the bills upholds white dominance. In a similar examination of 53 bills and 26 statements of supporters of anti-CRT bills, Hazel (2023) found that discourse models based on neoliberalism, nationalism, color-evasiveness, and law as morality were operationalized to justify the bills and deny systemic racism. Accordingly, we seek to investigate the role of racism denial as a discursive act in the maintenance of racist ideology during hearings laying out the intent of the bills. A deeper understanding of the role of denials provides insight into how current policy work upholds and perpetuates ideologies of racial domination.

Study Design

Methods

This study uses critical discourse analysis (CDA) along with code co-occurrence to investigate our research questions (Table 1). CDA interrogates the role of discourse in both reflecting and reproducing social inequality, and it illuminates the ideologies shaping and shaped by discourse (Wodak & Meyer, 2001). CDA is highly relevant to the study of policy issues, particularly in legislative contexts in which ideologies actively contest (van Dijk, 1992). CDA has been utilized to study a variety of higher education policy issues concerning the production and reproduction of racism in policy contexts (e.g., Felix & Trinidad, 2020; Gándara et al., forthcoming) and is being used to study the recent wave of legislative texts banning CRT (Hazel, 2023; Jones & Briscoe, 2023).

Key Terminology

We seek to write for an education policy audience and recognize that this audience may not be well versed in linguistics. Still, given our methodology, we will occasionally refer to terms derived from linguistics. The most important terms for understanding our work are described below:

Discourse. In keeping with the theoretical and methodological roots of critical discourse analysis, we conceptualize discourse in this paper as both language-in-use and social action (van Dijk, 1997). As language use, discourse reflects social, political, and cultural formations. As a political action, discourse is language shaping social, political, and cultural orders. Discourse as a social action does ideological work, meaning that the language in use not only conveys meaning but also transmits ideologies (Fairclough & Wodak, 1997; van Dijk, 1997; Wodak & Meyer, 2001). Importantly, discourse is just one social practice among many, and accordingly needs to be understood alongside other social actions (Given, 2008).

Presuppositions. Presuppositions refer to the implicit assumptions and background information that speakers and listeners take for granted during communication (Stanley & Beaver, 2023). These assumptions are embedded in language and are a powerful tool for influencing attitudes and beliefs without making explicit assertions. For example, questions with presuppositions can introduce information subtly, and people often interpret them charitably, accepting the implied assumptions as true without significant reflection (Stanley & Beaver, 2023). Presuppositions are crucial in political rhetoric and propaganda, allowing speakers to subtly bias questions and affect hearers' attitudes without overtly stating their intentions. They also reflect the collective beliefs and ideologies of a community of practice, shaping the way political discourse is perceived and understood (van Dijk, 2015). In essence, presuppositions are a hidden but influential force in political discourse, shaping public opinion and ideologies.

Data Collection

Data for this study is drawn from a larger project using ethnographic work focused on educational bills introduced during Texas' 88th legislative session in early 2023. The questions for this project were developed from our ethnographic field notes, but we draw our data from transcripts of the Texas Senate subcommittee hearings in which these bills were introduced. These hearings included discourse from Senators, invited witnesses, and members of the public, though our analysis is restricted to the Senators and invited witnesses (detailed in Table 2). Texas Senate Bills 16 and 17 were chosen as they relate to how race is taught in higher education instruction, programming, or professional training and given that the bills were among Lt. Governor Dan Patrick's legislative priorities (*Dan Patrick's Top 30 Legislative Priorities*, 2023). SB 16 (hereafter the anti-CRT bill) and 17 (hereafter the anti-DEI bill) directly relate to race as Dan Patrick indicated their intent was to prohibit the teaching of Critical Race Theory (CRT) and the use of Diversity, Equity, and Inclusion (DEI) policies in public higher education. We use our ethnographic work from SB 18, designed to eliminate tenure in public higher education, at times to provide context to our study of the anti-DEI and anti-CRT bills. The text of the anti-tenure bill does not relate explicitly to race, but was tied to the teaching of CRT by Dan Patrick (McGee, 2022) and by state senators during initial hearings when the bill was introduced.

At least one member of the research team was present at all Senate subcommittee hearings introducing these bills as well as at the House committee hearings when the bills were handed off for consideration. Additionally, both researchers had prolonged engagement with the legislative session. We each assisted different advocacy organizations at the state capital for the legislative session, met with legislators and their staff members in our personal and professional capacities, and attended strategy meetings led by state-level and national educational coalitions. We took extensive ethnographic field notes on the discourse and social dynamics of the hearings as well as on outside context involving legislators, their staff members, and advocacy groups. After each hearing, we

recorded our jottings and reflections (Emerson et al., 2011) which is where our observations on the denials of racism first originated. In addition to ethnographic notes generated during these hearings, we created transcripts from recordings found in the Texas State Senate video archives (*The Texas State Senate – Senate Video Archives*, n.d.). We created these transcripts using an AI transcription service and edited the transcripts by hand for accuracy.

Data Analysis

In this paper, we use CDA to analyze the transcripts of the Senate Subcommittee on Higher Education's hearings in which the bills are introduced, intent is discussed, expert witnesses are interviewed, and public testimony is heard. Although we only analyze two hearings in this paper, this focus allows us to create a rich case study focused on a bounded setting (Brantlinger et al., 2005). This focus allows us to study a particular aspect of a complex phenomenon (Newman & Houchins, 2018), without necessarily being generalizable to all state-level educational bills with a focus on race (Onwuegbuzie & Collins, 2017).

We coded and analyzed the hearings based on an analytical plan using van Dijk's (1992) discursive strategies for the denials of racism (Van Dijk, 1992) and on the four frames of color-evasive racism (Bonilla-Silva, 2006). Discursive strategies include 1) positive self-presentation, 2) denial and counterattack, 3) moral blackmail, 4) subtle denials, 5) mitigation, and 6) defense and offense. The four frames of color-evasive racism include 1) naturalization, meaning making racism appear normal and natural, 2) cultural racism, meaning ascribing racialized outcomes to cultural deficits, 3) minimization of racism, implying that racism is irrelevant, and 4) abstract liberalism, meaning holding strong commitments to ideas of race neutrality and meritocracy.

We coded hearing transcripts using a mixed methods data analysis software. We used a hybrid approach (Miles et al., 2014). We use deductive coding for questions 1 & 2, and an inductive approach for research question 3. For our deductive codes, we used codes derived from our

conceptual framework. We coded for denials of racism (van Dijk, 1992) and the four frames of color-evasive racism (Bonilla-Silva, 2006).

After our first pass at coding, we created codes using Reisigl & Wodak's (2000) discourse historical approach for the study of racism and antisemitism. We chose to add these codes to enhance validity by ensuring that denials of racism were clearly linked to racist speech or action. These codes include five of the six discursive strategies used in the discourse historical approach: nomination strategies, predicational strategies, argumentation strategies, and perspectivation strategies. The sixth discursive strategy, mitigation, was excluded given that it was already captured under the mitigation code from the denials of racism. These strategies identify how individuals or groups are discursively constructed, evaluated, and included or excluded.

We coded at the level of the paragraph. For each paragraph, we worked through our codes following three questions: 1) What evidence of racism is present in the discourse, using Reisigl & Wodak (2000) as a guide? 2) How do policy actors employ denials of racism? 3) What frames of color-evasive racism are apparent in the text? Not all paragraphs included codes for each category. Once each hearing was coded, we completed a memo for each hearing focusing on the research questions and identifying how coding confirmed, extended, or contradicted our ethnographic observations. We met weekly for a total of 9 weeks to ensure interrater reliability and to discuss findings. We additionally utilized code co-occurrence charts available in our coding software to supplement our findings for research question 2.

Positionality

We position ourselves as insider-outsider researchers in the legislative space. Although we worked with legislative staff and advocacy groups during the sessions, we experienced the somatic toll of hostility in the halls of power as Latina/mixed/Mestiza women engaged in critical scholarship. Although our racial and gender identities place us as beneficiaries of DEI efforts, we

also recognize that there were racial dynamics at play in the legislative session for which we have neither the lived experience nor trained expertise to fully understand. These dynamics, noted in our ethnographic field notes and emerging from coding, include anti-Blackness, antisemitism, and transphobia. Although we report on a few of these dynamics in our findings, we also recognize our limitations as researchers and encourage future study by scholars well versed in appropriate theories.

Findings

We found that policy actors supporting the anti-DEI and anti-CRT bills utilized denials of racism to maintain abstract liberalism and minimize the role of racism. First, policy actors engage in a multitude of denials of racism even while engaging in racist speech. Notably, senators supporting the anti-CRT and anti-DEI bills encourage denials of racism from witnesses through the use of presuppositions in their lines of questioning. Second, although many types of denials reinforce color-evasive racism in the discourse, mitigation plays a notable role in reinforcing the minimization of racism particularly when Black witnesses draw on their identities to downplay racism. Additionally, abstract liberalism undergirds much of the argument for banning CRT and DEI, and frequently coincides with nationalist glorification and counterattack strategies which frame CRT and DEI as discriminatory. Finally, discursive resistance from policy actors primarily focused on making presuppositions explicit. Surfacing presuppositions allowed those engaged in resistance to challenge underlying assumptions and reduce harm.

Denials of racism in the legislative discourse: The outsized role of presupposition

Denials of racism were frequently employed by policy actors using a variety of different discursive strategies (Table 3). In our coding, we found multiple examples of all seven strategies in our codebook across hearings for both the anti-DEI and anti-CRT bills. Although much could be said about each of these denials, we focus our findings on differences between how senators and

witnesses engaged with these denials of racism, particularly as the manifestation was not noted in our primary literature.

In hearings for both the anti-CRT and anti-DEI hearings, senators used presuppositions in questioning to indirectly employ denials of racism, while the witnesses engaged with denials of racism more directly. Senators' questions were often laden with presuppositions, meaning that there were many notions assumed in advance between the senators and the responding witnesses. We found that senators used these presuppositions to deny racism. One of key goals of denials of racism is to distance oneself from any suggestion of racist intent and actions (van Dijk, 1992). By loading questions with implicit propositions denying racism, senators increased the distance between themselves and the institution of the legislature and the racist actions. This use of presuppositions allowed senators to maintain a positive self-presentation and plausible deniability of racist intent or action.

Although presuppositions occur in discourse in a variety of forms (Beaver & Stanley, 2023), the use of presuppositions in questions was a favored approach by senators. Senators used questions that were heavily loaded with presuppositions in two manners 1) to prepare the argument response for the witnesses, and 2) to provide witnesses an entry into the senators' notions on the topic. In the following excerpt between a senator and an invited witness in the anti-CRT legislative hearing, we underline the presuppositions and mark counterattack (a denial of racism) from the invited witness with bolded text.

Senator Creighton: Dr. Swain, why would CRT be taught overall on our college campuses?

You mentioned it's widely published and well known that it's rooted in Marxist theory. You know, what are the basic tenets of critical race theory?

Dr. Carol Swain: Well, first of all, **it's [CRT] been around for a long time. It grows out of Cultural Marxism.** Many people are familiar with economic Marxism associated with Karl Marx... And it has been a philosophy like there are many different philosophies that have been taught on college and university campuses. **What's dangerous about it is that it is a theory [emphasized].** It's a theory that someone thought up, but it's been taught and implemented as if it was true. And it's **not based on truth.** In fact, it's a conflict model. **It cannot bring about racial reconciliation and healing.** And I think the **ultimate goal is to bring down the United States** if you actually studied Marxism, and what they say about their intention.

In the excerpt above, Senator Creighton made the presupposition that CRT is a mainstream theory that is taught throughout college campuses regardless of academic discipline, that CRT originates from Marxist theory, and that the Marxist origins of CRT are widely known. The witness, Dr. Carol Swain, then engages in counterattack, labeling CRT and those who use it as dangerous and politically violent. Although Senator Creighton did not share his perspective on the issue at hand directly, we are able to gain a sense of his sentiment about CRT indirectly due to the presuppositions embedded in the questions he asked. The presupposition was used as a mechanism for the senator to prepare the argument for the witness. Even if the senator did not share his own insight on the topic directly, the witness, Dr. Carol Swain answered the question in a manner that indirectly reflected the senator's beliefs on the topic. By having the witness answer questions that were loaded with presuppositions, the senator is also engaging in acts of denying racism but in a more circuitous manner.

In contrast, the witness directly engages in denials of racism through the discursive strategy of counterattack. The counterattack in the witness's statement constructs CRT as the racist ideology creating racial division in higher education and undermining the future of the United States. In other

words, the witness enters into the reality presupposed by Senator Creighton, and denies racism in the current bill by depicting CRT as the prejudicial instigator.

Another example of how policymakers utilized presuppositions with other witnesses can be found in the hearing for the anti-DEI bill. Both senators and witnesses employ denials of racism either directly or indirectly. In the following dialogue, we underline presuppositions about DEI policies, and we mark discursive strategies in bold which were used to deny racism.

Senator Creighton: Yeah, Adam, I was going to ask you if you know, what's the legality of mandating to prospective employees to sign a loyalty oath on equity? Prior to being considered for hire?

Adam Kissel: It's very **likely unconstitutional**. I'm not an attorney, but I'm attorney adjacent because of my work. And we again, I, we've, in, from the 1950s on we said, we **cannot make a professor reveal that they're a member of the Communist Party. Can't even really ask about political affiliation in that way because it leads to viewpoint discrimination, and we may not like someone's point of view, but that can't be a reason for discriminating against someone**. So if it's a voluntary statement, that's probably not going to be unconstitutional, but within your rights as the legislature to enforce.

In the excerpt, we can see how Senator Creighton baked presuppositions in the questions directed toward Adam Kissel. Senator Creighton presupposes that DEI policies require “loyalty oaths,” meaning a required allegiance to a particular political position as a condition of employment in higher education. The presupposition prepares the witness to respond in a reciprocal manner, while also creating distance between the senator and counterattack.

Adam Kissel, the witness, enters the discourse via the presupposition and immediately responds to how loyalty oaths, or in this case DEI policies, are unconstitutional. His denials of

racism, counterattack and moral blackmail, construct DEI policies as an infringement of American rights, silencing their first amendment rights. The invited witness builds the argument by drawing comparisons to the Red Scare. Although the witness frames his argument as protecting university professors, the discursive strategy of moral blackmail is being utilized to argue that universities are censoring political ideologies on university campuses. This casts DEI practitioners as the discriminatory silencing professors' ideologies and positions the bill's advocates as protectors of American rights.

In both examples of the dialogue between the senator and the witnesses, the role of presuppositions demonstrates how the senator and witnesses engaged with the denials of racism using discursive strategies such as counterattack and blackmail. Through the mechanism of presuppositions, the senator denied racist intent of both the anti-CRT bill and 17 indirectly, while the witnesses directly immersed themselves in the denials of racism.

Reinforcing color-evasive racist ideologies

The primary frames of color-evasive racism which appear in the hearings are Abstract Liberalism and Minimizing Racism. Although Naturalizing Racism also appeared a few times throughout the hearings (coded 8 times), Abstract Liberalism and Minimizing Racism figured prominently throughout the hearings (coded 42 and 26 times respectively). Below, we explain how denials of racism reinforced these two frames of color-evasive racism and upheld racist ideology and action. Our findings here are informed both by our critical discourse analysis and code co-occurrence.

Weaponizing Abstract Liberalism

We found that abstract liberalism, particularly a hyper-individualistic understanding of equality (Bonilla-Silva 204), figured prominently in the hearings and in how the bills were introduced. As a reminder, this cognitive frame focuses strongly on equality based on individual

meritocracy. Abstract liberalism was frequently accompanied in the discourse by positive self-presentation and counterattack. Positive self-presentation presents the speaker, institution, state, or nation as fundamentally good, noble, and just (van Dijk, 1992). Counterattack (van Dijk, 1992) is used in the discourse to present DEI practitioners and faculty using CRT as the truly discriminatory parties. We argue that speakers in these hearings constructed themselves as “good” because they held to Abstract Liberalism, while they used principles of Abstract Liberalism as the justification for counterattack.

Witnesses in their hearings identified principles of abstract liberalism as a central reason why CRT and DEI were problematic. For example, the witnesses in the anti-DEI hearing voiced their support of diversity and inclusion, with some caveats, but voiced their full disapproval of equity as a concept. Below, we provide a statement from Heritage Foundation representative Adam Kissel illustrating the problems witnesses identified with equity.

Adam Kissel: Regarding equity, I wish it were true that it meant fairness and treating each individual as he deserves. It doesn't in practice. Equity means equality of outcome by identity group. For example, that means counting outcomes, like faculty composition, or graduation rates by race, and claiming that disparate outcomes are the result of systemic racism. Then advocating for disparate treatment by race to affect the outcomes. In other words, an outcome based definition of equity often leads to unlawful discrimination.

In the discourse of the witnesses, the key problem with equity is that it violates the individualism at the heart of Abstract Liberalism. In this speaker's argument, the key issue is that consideration of equality at the level of a group rather than the level of the individual. Seeking racial equity, then, is constructed as a precursor to “unlawful discrimination.”

Illustrating this point, Dr. Richard Johnson used multiple basketball analogies to make points about the difference between equity and equality and utilized positive self-presentation and

counterattack throughout. He argued that the segregated Kentucky basketball team was following an "equity model" which determines things based on race, whereas the unsegregated team follows the "equality model."

Dr. Richard Johnson: Kentucky was still following the equity model, predetermined based on race all 12 of their players were white. Texas Western model was following the equality model is six African American players, four white players and two Hispanic players.

... The battle here is equity, the equity model versus the equality model. The equality model has proven to us it has brought us diversity. It has brought us inclusion. It has brought us great value in the United States of America.

In this extended analogy, Dr. Richard Johnson makes use of both positive self-presentation and counterattack. He compares DEI practitioners to segregationists, discursively constructing DEI practitioners as discriminatory, unlawful, and dangerous. He additionally connects the "equality" model to those who practiced integration, inclusion, and diversity and who Made America Great. He thus argues that those who practice the "equality model" and uphold merit and individualism are on the side of people of color. In this example and throughout both hearings, abstract liberalism serves as the foundation for identifying "good" and "bad" actors. This positive self-presentation and counterattack are used to delegitimize the position of DEI practitioners and construct DEI opponents as innocent of discriminatory action.

Black Witnesses, Mitigation Strategies, and Minimizing Racism

As a cognitive frame, minimization of racism suggests that discrimination no longer explains unequal life outcomes for people of color (Bonilla-Silva, 2014). Perhaps unsurprisingly, we found that mitigation was the most common discursive strategy used to minimize racism. In many ways this is intuitive as mitigation strategies downplay the effects racism and deflect responsibility from

dominant groups (van Dijk, 1992). However, we found the specifics of *how* mitigation is utilized and *by whom* to be particularly striking in these hearings.

The choice of invited expert witnesses in the anti-CRT and anti-DEI hearings served to specifically minimize the role of racism in constructing this legislation. Expert witnesses are expressly invited by state legislators. Notably, three of the five witnesses invited to speak in favor of banning CRT or DEI practices were Black conservatives. In contrast, SB 18's (the anti-tenure bill) expert witnesses included three white men. This suggests a consciousness about how explicitly race-related bills would be perceived as racially motivated. Senator Hughes even leveraged Dr. Carol Swain's life experiences as part of her credibility, introducing her as "a wonderful American success story" (SB 16). Denials of racism, particularly minimizing the role of racism in American life, were delivered for white senators through the discourse of Black witnesses. As noted above, senators used presuppositions baked into questions to encourage Black witnesses to engage in denials of racism themselves. This further distanced the senators from responsibility for the ideas expressed in the discourse and from accusations of racism.

Black witnesses discursively leveraged their Black identities to minimize racism. In the following extracts, we underline phrases where witnesses draw on their identities as Black people who experienced Jim Crow, and we mark discursive acts in bold which minimize racism.

Dr. Carol Swain: And I would argue that all of this stuff about America being systemically racist, **it was** systemically racist in 1954 when I was born. I watched that system collapse when we passed three major civil rights bills in the 1960s. And so, for Black Americans and racial and ethnic minorities, **I don't think there could be a better time to be alive.** (Anti-CRT bill hearing)

Dr. Ben Carson: Part of the reason I'm so firmly against the DEI agenda is because I grew up in a time when real racism did exist, and when inequality truly was ingrained in our

institutions, but because I saw this America firsthand, I can also say that **that America is gone**. (Anti-DEI bill hearing)

Dr. Ben Carson: One of the things I think we should point out is that in my lifetime, things have changed dramatically in this country and we should acknowledge that. You know, when I was a kid, and a Black person came on television, in a non-servile role that was a big deal.

You called everybody into the living room, “Everybody look. This is really something!”

Today in the same lifetime, you know, **Black admirals and generals and CEOs of Fortune 500 companies and heads of foundations**. We've had **a Black president, Black vice president- to say that things have not changed is ridiculous**. We have certainly not reached nirvana. And what we really need to do, again, is sit down and **look at the facts**, look at the things that work versus the things that don't work and be objective about it. Not make ourselves into enemies about it, and fix it. (Anti-DEI bill hearing)

In these excerpts, Black witnesses use mitigation strategies to locate racism in America’s past as something which does not affect the present. “That America is gone” and the system which upheld discrimination “collapse[d]”. The present in contrast is constructed as the best time to be alive for people of color, using Black success stories to suggest discrimination could not play a role in life outcomes in the present. They distance present experiences of racism from “real racism” through casting doubt on whether the experiences are factual, and even suggest that claims of continued racism are “ridiculous.” In making these claims, the witnesses pull on their own experiences with discrimination to delegitimize the inequality experienced in the present.

In addition to minimizing present forms of racism, Black witnesses additionally downplayed the severity and intensity of the racism of America’s past. In the following excerpts, we bold mitigation strategies which minimize racism.

Dr. Carol Swain: But as you mentioned, slavery was you know, it **had been in existence** and was **in the mindset and polluted the mindset of so many**, because **it had been an institution that existed from the dawn of time**. It's often not taught that America was **one of the countries that led the effort**, along with so many other countries in the 1800s, **to rid ourselves of it**. And that **balance** it seems to be lacking in critical race theory as an example, that **only one side of that is the case**. (Anti-CRT bill hearing)

Dr. Ben Carson: We aren't trying to hide the past and nobody says our country has always done everything right. But we will say that **we were founded on noble ideals** and as a people **have continuously worked to live up to them**. To say otherwise is **insulting to black Americans who live under true inequality in the Jim Crow era**. And it is insulting to white Americans to suggest that they are still somehow perpetrating this inequality through invisible superstructures today, **it is insulting to our nation's history to say that we have not worked to overcome our past mistakes**. And above all, it's insulting to the truth itself. To paint such a **misleading** narrative of our national story. (Anti-DEI bill hearing)

In these excerpts, Dr. Swain and Dr. Carson utilize mitigation strategies to minimize America's relationship to racism. Dr. Swain identifies slavery as a universal feature of human society, having "existed from the dawn of time" and in the "mindset of so many," decreasing America's responsibility in perpetuating race-based chattel slavery. Both witnesses additionally make use of nationalist glorification strategies to portray Americans as leaders in securing liberty, actively working to live up to "noble ideals." They both additionally argue critical theories blow racism out of proportion. The suggestion that this might still be happening is insulting, misleading, unbalanced, unfair. This discourse serves to shift responsibility away from dominant groups, particularly white Americans, and minimize the role that slavery and racism played in American history. Notably there

are several other denial strategies present in this text including counterattack and nationalist glorification.

The minimization of racism through denials of racism serves to bolster racist speech and action. By utilizing Black witnesses, advocates for the anti-CRT and anti-DEI bills weaponized Black bodies and discourse to delegitimize the systemic racism combatted by CRT and DEI. They discursively construct the theory and programming as unnecessary, irrelevant, ridiculous, and even harmful. It likewise invites the listeners to doubt contemporary experiences of racism, particularly of Black people. These experiences are portrayed as ridiculous in light of “real racism” and undeserving of accountability in either higher education or larger society.

Discursive resistance: (Re)Shaping social cognition

Although senators and invited witnesses denied racist intentions behind anti-CRT and anti-DEI bills, opposing policymakers resisted these denials by uncovering implicit assumptions in the discourse. Given that most ideological work in discourse is implicit (van Dijk, 2015), making presuppositions and implications explicit also allowed senators to engage with color-evasive racism and its concurrent frames. Presuppositions, as previously noted, often shape a shared reality within discourse, and they are typically accommodated without the level of awareness typically required for other speech acts (Beaver & Stanley, 2023).

Policymakers opposing SBs 16 and 17 identified these presuppositions, made them explicit, and subsequently contested them. While they could not prevent the bills from advancing out of committee and eventually becoming law, their discursive efforts limited harm to higher education professionals in future litigation and provided evidence of racism for challenging the bills in court.

Senator West, the lone democrat on the senate subcommittee on higher education where the bills were introduced, challenged implicit assumptions in witness discourse through direct questioning. Throughout both hearings, he asked witnesses to explicitly identify how they were

conceptualizing terms. Below, we provide a few of the most concise examples of this line of questioning from Senator West:

What do you mean when you say stifling of academic freedom? (SB 16)

What is your definition of DEI? (SB 16)

What about affinity groups? (SB 16)

So as for your definition then a fraternity is an affinity group? (SB 16)

Okay, now what about what's your definition of equity? And is that a bad thing or good thing? (SB 16)

By asking for definitions, Senator West obtained information about how concepts were being defined and the mental models and ideologies underlying the bills. Once these conceptions were made explicit, he was able to then challenge them.

Surfacing presuppositions allowed Senator West to challenge the race-neutral impacts of the bills insisted on by the bills' supporters. When introducing the anti-CRT bill, Senator Hughes presented the bill as a neutral effort to ensure freedom of thought with no intended racial repercussions. Likewise, Senators Creighton, the bill author for the anti-DEI bill, repeatedly assured the committee that, "We all value diversity." However, Senator West pressed witnesses to voice underlying propositions which undermined the purported race-neutral intent of the bills.

As an example, we provide an abbreviated version of a lengthy exchange between Dr. Carol Swain and Senator West on affinity groups. We underline places where Senator West works to bring implicit assumptions into the foreground. We bold where those propositions begin to emerge.

Elipses in this passage indicate that additional discourse was cut for the sake of brevity.

Senator West: So, if I'm a member of Omega Si Phi fraternity. I joined an affinity group on campus. Is that a good thing or a bad thing?

Dr. Carol Swain: Uh, **it depends**. If you if you went to campus, college, uh, I mean, it's fine. If you got in, you wanted to do that, that was your lifelong dream. [cross talk]

...

Senator West: Joining an affinity group within itself doesn't keep me from being a part of the community. Correct? Is that correct?

Dr. Carol Swain: It depends. **What type of affinity group it is.**

Senator West: Like a fraternity

Dr. Carol Swain: A fraternity is **not the same as, as the groups we're talking about.**

...

Senator West: So my point is this then as relates to affinity groups, just because you're a member of an affinity group doesn't necessarily correlate with you not being a member and interested in the entire community. Correct?

Dr. Carol Swain: It shouldn't. Because the whole **purpose of integration** was to bring people together so they can learn from one another.

...

Senator West: And so, what you said that your experience has been, students have joined affinity groups don't have any real allegiance to the entire community?

Dr. Carol Swain: That's not what I meant to convey. If that's what you heard.

Senator West: That's what I heard, so what do you really mean [crosstalk]

Dr. Carol Swain: [crosstalk] That's not what I want to convey. What I have found with, you know, with the group identities on campus that we have now, is that a lot of times demands are being made. **The group's segregating themselves. We have a resegregation.** There are some colleges and campuses now where you can take course sections with **members of your racial and ethnic group.**

...

Dr. Carol Swain: Well, it for the sake of moving on, **I don't have a problem with affinity groups.** So we could say honor societies that people choose to join. Those could be affinity groups, and so many types of affinity groups. So there's no, **I don't see anything wrong with affinity, affinity groups like that.**

Through his line of questioning, Senator West surfaced the underlying preoccupation with race as the primary issue of concern with group association. Through their exchange, Senator West surfaces the opposition's proposition that racial affinity groups undermine campuses in a way that gender affinity groups or academic affinity groups do not. This exchange, as well as an exchange about diversity, make clear that the witness opposes programming and instruction which support integration without assimilation to white norms. Once surfaced, Senator West was able to challenge the proposition.

Likewise, in an exchange during the hearing for the anti-DEI bill, Senator West asked invited witnesses for the anti-DEI bill to answer, one by one, whether they support diversity, inclusion, and equity in principle. Three of the four witnesses voiced support for diversity, though a witness from the Heritage Foundation conceded only support for "viewpoint diversity." When Senator West asked about his support for ethnic diversity, the witness responded, "For what purpose, sir?" Although likely unintended (Senator West seemed taken aback in the exchange), Senator West surfaced an underlying belief that people of color served no "purpose" and were not essential "for the sake of a college thriving." Senator West's questioning surfaced underlying racial ideology, but perhaps more importantly, broke the taboo of inclusiveness (van Dijk, 1992) which denials of racism are intended to avoid. This likely altered how hearers made sense of his arguments and also provided evidence of intent for future legal challenges to the bill. Indeed, we were able to hear audible gasps and murmuring from members of the public in the room.

At times, challenging the implicit assumptions in the discourse pushed back against the frames of color-evasive racism. For example, much of the argumentation for the bills relied heavily on abstract liberalism. Dr. Richard Johnson's opening statement against DEI invoked Dr. Martin Luther King Jr.'s dream as part of an abstract liberalism argument reifying individualism and merit. Further, he later utilizes Abstract Liberalism to compare practitioners of DEI (those following what he calls "the equity model") to segregationists for considering racial groups in assessing outcomes instead of judging individual merit in a color-evasive way. Much later in the hearing, Senator West references the same quote from Dr. King, but challenges the idea that color-evasiveness has resulted in actual equal opportunity.

I want to make certain as Dr. King is always - Let's judge a person by the content of that character, their merit, okay? But in many instances, and help me with this, African Americans, Latinos and others, haven't been able to even get into the room to be considered for jobs. [snaps from audience] Okay? Am I right about that?

In this discursive act, Senator West corrected the presuppositions of expert witnesses aligning the bill's supporters with Civil Rights heroes and DEI supporters with segregationists.

Discussion

Critical race theorist Derrick Bell (2018) argued that racism can only be delegitimated when it is accurately understood in its specifics. Our study sought to understand how denials of racism function in a state legislative context, how they reinforce color-evasive racist ideology, and how these discursive strategies are challenged and disrupted. Through a critical discourse analysis of public hearings for Texas Senate bills banning Critical Race Theory and Diversity, Equity, and Inclusion programs in public higher education, we found that policy actors frequently engage in denials of racism despite engaging in racist speech. Additionally, these discursive strategies were used to reinforce color-evasive frames, particularly the minimization of racism and abstract

liberalism. We focused our analysis of discursive resistance on Senator West, who challenged denials of racism by asking witnesses to verbalize implicit propositions in their arguments.

Our findings are consistent with prior research in that we find specific discursive acts playing a role in the reification of racial ideologies and sociocognitive mental models. Our findings depart from van Dijk's (1992) initial work by highlighting how denials of racism can be embedded in questioning through implications and presuppositions, further distancing legislators from responsibility for racist utterances. Presuppositions in questioning are particularly nefarious given the weaponization of Black witnesses observed in our case. By teeing Black witnesses up to deliver denials of racism, white senators discursively protect their positive self-presentation and the legislature's legitimacy while minimizing the role of race in the hearings.

This study has limitations in terms of generalizability given that the discourse we studied was limited to a very specific context (the Texas Senate subcommittee on higher education). However, we believe that this research provides granular insight into discursive processes being carried out throughout the nation. Three of the five invited witnesses are not from Texas, and the anti-DEI movement has been coordinated through a national network of operatives which share bill text and talking points (Confessore, 2024). Future research might explore the consistency of these findings across states. Additionally, researchers might explore how denials of racism are employed in other policy contexts such as school board meetings or university statements on CRT or DEI.

We also recognize that insights from anti-Blackness scholars can bring additional theoretical insights to the use of Black witnesses in race-based legislative contexts. Given our positionalities and expertise, we did not choose these frameworks but believe future research is needed to identify the ways anti-Blackness is present and operationalized in the fight against CRT and DEI.

These findings contribute to emerging literature on racial ideologies underlying the current onslaught of legislation against racial equity efforts in education. Our findings specifically contribute

to the role of discursive strategies in enacting racist ideology and means for disrupting these strategies. This contribution may inform policy actors interested in combatting the legitimization of racism. Although we cannot generalize our findings outside this specific case, we suspect we are documenting a phenomenon that is occurring nationwide, particularly given the national coordination of attacks on CRT and DEI (Confessore, 2024; *CRT Forward Tracking Project*, n.d.). Just as the attack on diversity work spilled over from K-12 to higher education, we have not seen the end of racist legislative attacks on education, either in Texas or nationally. Documenting and exploring the denials of racism used in this very specific case, how they reinforce color-evasive racism, and the strategies of resistance used against them, equips scholars and advocates to recognize these same patterns in the next legislative session and in legislative attacks fifty years from now.

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Tables

TABLE 1*Data Analysis Plan*

Research Question	Data Analysis Frameworks	Analysis method
RQ1. How do state policy actors employ denials of racism in introducing race-related higher education bills in the Texas 88 th legislative session?	Discourse historical inductive coding and analysis Denials of racism deductive coding and analysis	Coding Memoing
RQ2. How, if at all, do denials of racism reinforce color evasive racism in the legislative discourse?	Denials of racism deductive coding and analysis Frames of color-evasive racism coding and analysis	Coding Memoing Code Co-Occurrence
RQ3. How do policy actors, including policymakers and witnesses, address or respond to denials of racism?	Inductive coding	Coding Memoing

TABLE 2*Speakers present in the anti-CRT and anti-DEI hearings*

Hearing	Speaker	Speaker Role	Speaker Affiliation
Both hearings	Sen. Brandon Creighton	Chair	Texas Senate (R)
	Sen. Mayes Middleton	Vice-Chair	Texas Senate (R)
	Sen. Phil King	Sub-committee member	Texas Senate (R)
	Sen. Drew Springer	Sub-committee member	Texas Senate (R)
	Sen. Royce West	Sub-committee member	Texas Senate (D)
Anti-CRT	Dr. Carol Swain	Invited witness	Representing Self
Anti-DEI	Dr. Ben Carson	Invited witness	Representing Self
	Sheryl Sylvester	Invited witness	Texas Public Policy Foundation
	Adam Kissel	Invited witness	The Heritage Foundation
	Dr. Richard Johnson	Invited witness	Texas Public Policy Foundation
	Sen. Boris L. Miles	Asked to be present	Texas Senate (D)
	Sen. José Menéndez	Asked to be present	Texas Senate (D)

TABLE 3*Example discourse coded with denials of racism*

Denials of Racism	Examples
Moral Blackmail (23) <i>Accusing the opponent of censorship or blackmail</i>	<p>And it's just fundamentally wrong, that a student should ever feel that their grades will suffer if they don't have to adopt their professors beliefs that they don't agree with. In other words, they're having to convey things that they don't believe in so their grade won't suffer. And that's one of the negative outcomes and consequences of being compelled under this bill (Sen. Middleton, SB 16)</p> <p>So my previous organization has written three very large studies of 10s of 1000s of students, which include many Texas students, and so there are many Texas institutions in that set of studies that I referenced and I can send you the links or the reports, but students, by and large, feel very uncomfortable speaking about very key issues on campus because of a culture of self censorship (Adam Kissel, SB 17)</p>
Counterattack (68) <i>Attacking those with a contrary view of positive self-presentation</i>	<p>And I know as a faculty member firsthand, you know what it's like, I live I gave up my tenured position, my tenured position in 2017. Because of the changes that I saw taking place on a university campuses and how hostile it was for conservatives and Christians (Dr. Carol Swain, SB 16).</p> <p>Well, it's been disturbing. You may remember the story last year at the University of Michigan. At the white coat ceremony, that's when when the first year students get their white coats and they're supposed to actually officially be moving down the right track to become a doctor. And half the students walked out because the keynote speaker was pro life. Now how can you be a doctor if you can't stand to be in the room with somebody who you disagree with? Those are the kinds of things that are being taught and, and those things really need to be (Dr. Ben Carson, SB 17)</p>
Subtle denials (18) <i>Presupposing doubt</i>	<p>The new educational approach of today demands that students not follow the settled science, but rather go against it. For example, we are told that that X Y chromosomes do not determine one sex, it's how one feels. Biological men can give birth to babies, even though they do not menstruate or have ovaries; That a person can identify as an animal. Doesn't matter that the DNA makeup is not the same. And we're told that there are many races when in fact human beings constitute one race, the human race. Science has declared that we all descend from a common ancestor (Dr. Carol Swain, SB 16)</p>

Research also shows that DEI efforts are often worthless or counterproductive and this is national level research. Quick examples. Nationwide study by Baylor University Faculty found that chief diversity officers had no effect within four years on minority hiring. **The concept of unconscious bias has largely been debunked.** A study by a Harvard professor the one that mentioned Mr. Chair, found that diversity training often makes the firm less diverse because managers resist stronger (unsure if this is the right word). I believe we are here today because the people of Texas no longer trust their public colleges to promote equality. (Adam Kissel, SB 17)

Fairness &
Pragmatism (14)

*Combination of
fairness, firmness, and
pragmatism as
justification for racist
speech or actions*

If you go down the path of **allowing every group** to celebrate their special day, there's an **endless number of groups** that will step forward to have a special day and so it does, and then **there's pressures on people to participate**. And that gets back to compelled action within colleges and universities and I've actually witnessed some of this, that if you don't show up for certain functions, if you don't put your personal pronouns on your door, you make an a statement. If you don't, and there's there's been a lot of pressures, I left academia in 2017, but to have your personal pronouns listed outside your door, so **if you did not do that, then you were making a statement or people could interpret that as a statement** (Dr. Carol Swain, SB 16)

So, there is no question that under the current situation in which we live, **certain minorities would benefit more** in a situation where you are **giving a hand up to somebody** who came from a desperate program, but you **can't let the difference be too great**. I mean, I'm talking about some has a 3.9 GPA and they came to this situation and somebody has a 4.0 GPA, and they've **had everything that you can possibly give them**. I think we have to look very carefully at that 3.9 and understand the circumstances from which you come but that comes from compassion (Dr. Ben Carson, SB 17).

Mitigation (51)

*Minimizing actions
like down toning, using
doubt, distance
markers, or
euphemisms*

And I would argue that all of this stuff about America being systemically racist, **it was systemically racist in 1954** when I was born. I watched **that system collapse when we passed three major civil rights bills in the 1960s**. And so, for black Americans and racial and ethnic minorities, I don't think there could be a **better time to be alive** (Dr. Carol Swain, SB 16)

And you know, one of the things that some people seem to think is that certain minorities, typically blacks, may be not able to achieve at a high level. And I think that myth has been really disrupted over the last few decades. So that **anybody who's discriminating now on the basis of race is just doing it because they're evil person**. It's

not because of some inherent belief, we know better than that at this stage of the game (Dr. Ben Carson, SB 17).

Nationalist
Glorification (30)

*Patriotism, placing
nation on moral
pedestal, racism is
elsewhere and the
property of others*

So obviously, what we all want is **freedom of thought. Academic freedom**, you know, that's what our universities are supposed to be about. And no student should feel like that their grades going to suffer, or they're going to have some sort of negative outcome because they convey their sincerely held belief or because their sincerely held belief does not match with that of their professor right. And that's really the intent of your bill here to make sure that we're, **we're encouraging that free speech in our First Amendment rights and all the great things about America** (Sen. Middleton, SB 16).

The battle here is not whether or not we want diversity. Everybody wants diversity. Here is now whether or not you want inclusion. Equality brings into inclusion which we see we've seen that happen. The battle here is equity the equity model versus the equality model. **The equality model has proven to us it has brought us diversity. It has brought us inclusion. It has brought us great value in the United States of America.** (Dr. Richard Johnson, SB 17).

Positive Self
Presentation (55)

*"We're very tolerant
and very fair"
For individuals, groups
and organizations*

In closing DEI and CRT violate the U.S. Constitution the equal protection clause of the 14th amendment, and **the First Amendment's freedom of speech clause**, which not only **protects what also has been interpreted by the Supreme Court, it protects speech, but it's been interpreted by the Supreme Court to prohibit compelled speech**. Our civil rights laws and amendments protect more than racial and ethnic minorities. Men are protected as well as women. Heterosexuals are protected as well as homosexuals. Christians are protected as well as Muslims, Buddhists and Wiccans and whites are protected as well as racial and ethnic minorities. This is the law of the land. **The law of the land protects every person against discrimination, and it needs to be known and enforced.** SB 16 is consistent with Supreme Court prohibitions against compelled speech (Dr. Carol Swain, SB 16).

I think we can all agree that in order for Texas need and research and innovation for there **to be equal opportunity for all**, we must **promote all individuals on their merit, not particular political litmus tests**. Beyond that, I think that when you see the contents of the bill, members, you'll see that **Senate Bill 17** does not harm diversity efforts, but it does **remove divisive agendas that have been seen to be carried out through Dei, units, personnel and certain departments in Texas** (Sen. Creighton, SB 17).

TABLE 4*Samples of discourse utilizing frames of color-evasive racism*

Frames of Color Evasive Racism	Example
Naturalization (8)	<p>...racism, you know, cuts across race and I take the position that Black people can be racist, Hispanics can be racist, Asians can be racist, and white people can be racist. It's part of the human condition. (anti-CRT bill)</p> <p>And if the above is not enough, there is blame placed on white Americans for slavery when we know that slavery has been part of the human experience since time immemorial. (anti-CRT bill)</p> <p>Well, it's not. Yeah, that's much more consistent with equality than it is with equity. Equity means we have to have, you know, the same outcome and we're not going to have the same outcome for any race of people, or any group of people or within that group of people, you're not going to have the same. (SB 17)</p> <p>And we need to prepare people rather than having a situation where we have to leapfrog people into a position that they're not ready for. (SB 17)</p>
Cultural Racism (0)	<i>No discourse coded</i>
Minimizing Racism (26)	<p>And I think that myth has been really disrupted over the last few decades. So that anybody who's discriminating now on the basis of race is just doing it because they're evil person. It's not because of some inherent belief, we know better than that at this stage of the game. (SB 17)</p> <p>at the end of the day, we actually do start out every every person is given the same 24 hours in a day. [murmurs from audience, can make out "that's not true"] Whether we like it or not, whether we like it or not. Every person is given the same 24 hours in a day. Now what you do with those 24 hours will make all the difference in the world. (SB 17)</p> <p>We've made tremendous gains on the Civil Rights Act of 1964. Is there more room to go? Absolutely. But we keep working at it because at the end of the day, if we all feel like if we start this game, every team that started off the season started at Ground Zero together. (SB 17)</p>
Abstract Liberalism (42)	Equity is about equal outcomes. It's about bringing in people from different groups and giving them an equal outcome, regardless of

effort. And as a consequence, we have many people in positions of power that shouldn't be there. (anti-CRT bill)

And then when and when I went to college, and when I was recruited, and the system that allowed me to achieve the American dream, it was about equal opportunity. I had an equal opportunity to succeed or to fail, it depended on my own actions. (anti-CRT bill)

So what I think we need to recognize is that merit is important. You know, if you are going to be on an airplane, you want to know that that pilot knows all the important functions of that plane all those buttons to push, when the push them all that he needs to know that, or she needs to know that, they need to know that. Same thing if you're gonna have your brain operated on. You're not going to be particularly interested in somebody who says, "I'm a really good guy. I can't pass that test, I don't know how these things work, but I do know that you have a brain and you should let me operate on it." No, that's not going to work. And I don't think Senator West or anybody else would advocate that we put people in those positions that are not fully qualified to do them. (SB 17)

Appendix A: Codebook

TABLE 5*Codebook*

Framework	Code (n application)	Definition or Guiding Question
Color-evasive racism	NATURALIZATION (8)	Frame explains racial outcomes by suggesting they are natural occurrences
	CULTURAL RACISM (0)	Frame explains racial outcomes by attributing blame to culture of people of color
	MINIMIZING RACISM (26)	Frame suggesting that discrimination no longer affects minorities' life chances
	ABSTRACT LIBERALISM (42)	Frame ignores institutional practices creating racial inequity and focuses on individual choices, equal opportunity, and merit
Discourse historical method	NAMINGS (10) Referential/ Nomination Strategies	How are persons named and referred to linguistically?
	ATTRIBUTIONS (127) Predicational Strategies	What traits, characteristics, qualities and features are attributed to them?
	ARGUMENT (84) Argumentation Strategies	By means of what arguments and argumentation schemes do specific persons or social groups try to justify and legitimize the exclusion, discrimination, suppression, and exploitation of others?
	POINT OF VIEW Perspectivation, Framing Strategies	From what perspective or point of view are the namings, attributions, and arguments expressed?
	INTENSITY Intensifying and Mitigation strategies	Are the respective discrimination utterances articulated overtly, are they intensified or are they mitigated?
Denials of racism	MORAL BLACKMAIL (23)	Accusing the opponent of censorship or blackmail
	COUNTERATTACK (68)	Attacking those with a contrary view of positive self-presentation
	SUBTLE DENIALS (18)	Presupposing doubt
	SUBTLE DENIALS (14)	Combination of fairness, firmness, and pragmatism as justification for racist speech or actions
	MITIGATION (51)	Minimizing actions like down toning, using doubt, distance markers, or euphemisms

NATIONALIST
GLORIFICATION (30)

Patriotism, placing nation on moral pedestal,
racism is elsewhere and the property of others

POSITIVE SELF
PRESENTATION (55)

“We’re very tolerant and very fair”
For individuals, groups and organizations