

## A New Debate on Affirmative Action: Houston and Beyond

January 1998

In the fall of 1997, the issue of race forcefully emerged on the American agenda. A series of high profile events over the previous year and a half—the Hopwood decision, the ban on affirmative action in admissions at the University of California, the passage of California’s Proposition 209, declining minority enrollment in California and Texas, the Presidential Commission on Race Relations—brought race and affirmative action to the foreground of national consciousness. (Most of the public debate about affirmative action focused primarily on race, not gender.)

The fall of 1997 promised equal excitement and activity, with the Supreme Court slated to consider the constitutionality of Prop. 209 and the Race Commission scheduled to hold town meetings across America. One eagerly anticipated event was the Houston election, in which voters would have the chance to forever abolish affirmative action in city hiring and contracting.<sup>1</sup>

Knowing that the media can be very powerful in shaping how voters perceive social issues, we analyzed the news coverage of Houston’s Proposition A and other affirmative action issues during this time. This framing memo examines not only how much coverage the topic received, but how the issues were debated in the news. We hope this framing memo will:

- provide a quick and efficient review of public discussion surrounding the issue;
- give affirmative action advocates a means to understand and anticipate the arguments of opponents; and
- help advocates determine how to better represent affirmative action in the media, and what strategic steps they might take to do so.

### Print Media Coverage of Affirmative Action

In order to understand the arguments and symbols used in these debates about affirmative action, we conducted a framing analysis<sup>2</sup> of selected national and Houston print media coverage on the issue. We searched the *Houston Chronicle*, the *Los Angeles Times*, the *New York Times* and (to include a consistently conservative voice) the *Weekly Standard*, including all issues printed between September 1 and



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November 15, 1997 for all pieces that mentioned “affirmative action,” “racial preference,” “Houston Civil Rights Initiative,” or “Proposition A.”

The search yielded more than 230 pieces, which included news and feature articles, editorials, op-ed columns, letters to the editor, and one paid advertisement. Of these, 13 were discarded because they were not materially relevant to affirmative action or race.

In the end, we analyzed 217 pieces. Each item was coded for whether it was news or opinion, primary subject matter, and position(s) on affirmative action. Pieces were then distilled into their component arguments, images, phrases and actors.

### Sources and New Types

Of the 217 pieces, 47% were from the *Houston Chronicle*, reflecting regular coverage of the Prop. A debate (for instance, the paper editorialized on Prop. A eight times during our sample period). *The New York Times* and *Los Angeles Times* accounted for 25% and 24% of the coverage, respectively. The *Weekly Standard* ran nine pieces on affirmative action during our time period, accounting for 4% of the sample.

There were 128 news and feature stories, making up 59% of our sample and 47 letters to the editor (22%), 28 op-ed pieces (13%), and 13 editorials (6%). We also coded the one political advertisement we found in the *Houston Chronicle*.

### Primary Subjects

The most common subject on affirmative action during the sample period was Houston’s Proposition A, covered in 86 pieces (40%). (See Table 1, below.) California’s Prop. 209, and the Supreme Court’s decision not to review it, was the next most common subject, with 25 pieces (12%). The Bill Lann Lee confirmation process was covered in 22 pieces (10%), with college admissions accounting for 19 pieces (9%). The Taxman case, which was settled after the end of our sample period, was covered in 12 pieces (6%). We describe the debate on each of these issues later in this piece.

<b>Table 1: Primary subjects in print coverage of affirmative action, Sept. 1-Nov. 15, 1997 (n = 217)</b>	<b>N</b>	<b>%</b>
Houston’s Prop. A	86	40
Other	53	24
Prop. 209	25	12
Bill Lann Lee confirmation process	22	10
College admissions	19	9
Taxman case	12	6

The remaining 53 pieces (24%) were divided among a wide assortment of subjects: President Clinton’s panel on race; the controversial comments on race by University

of Texas Professor Graglia; the Federal Highway Bill, which included a 10% set-aside for minority contractors; the 40th anniversary of school desegregation, marked by a reunion of the “Little Rock Nine”; Congressional Republicans’ attempts to end affirmative action at the federal level; a discrimination lawsuit against Texaco; Martin Luther King 3rd’s appointment as head of the Southern Christian Leadership Conference; the Houston Mayor’s race; and general reports on Americans’ views on affirmative action. Each of these subjects was covered in 6 or fewer stories.

## Identifying the Frames

News is organized, or framed, in order to make sense out of infinitely sided and shaded issues. Inevitably, some elements of a story are left out while others are included. Similarly, some arguments, metaphors or story lines may be featured prominently, while others are relegated to the margins of the story. Examining how news frames an issue is important because the facts, values, or images included in news coverage are accorded legitimacy, while those not emphasized or excluded are marginalized or left out of public discussion. The coverage will significantly contribute to how the issue is “felt” and talked about by the public.

As we read the pieces, we looked for the dominant frames on both sides of the affirmative action debate. Because 59% of the pieces were news or feature articles and therefore, presumably, written with the journalistic goal of “objectivity” or balance in mind, the majority of the pieces we examined were technically “balanced” – they contained both pro- and anti-affirmative action arguments.

We found distinctly different frames in the pieces on Houston’s Prop. A than in the debate on all other affirmative action topics. Because of this, we present them separately. (We describe here the *dominant* frames in the debate. For a complete listing of *all* frames included in this analysis, see Appendix A.)

## The Debate on Houston’s Prop. A

The Houston *Chronicle* dominated the debate on Prop. A in our sample, printing 78 of the 86 pieces on the initiative. Compared to other affirmative action topics this fall, the national papers gave relatively little coverage to Prop. A: our sample included four pieces from the *New York Times* and two each from the *Los Angeles Times* and Weekly Standard during our 11-week sample period.

We identified five dominant frames in support of affirmative action and four against it in the coverage of Proposition A.

### **Pro-Affirmative action frames in coverage of Prop. A:**

*Manipulative Language:* Battles over the wording of the initiative itself constituted a great deal of the Houston *Chronicle*’s coverage, especially before October. In the wake of Prop. 209, both sides recognized the power of language to cue voter responses to a measure. The *Manipulative Language* frame was used in support of

affirmative action in 36% of the coverage on Prop. A. This frame argues that the original wording of the “Houston Civil Rights Initiative” (HCRI, Prop. A’s original name) constituted a deliberate attempt to mislead voters. Proponents of *Manipulative Language* accuse Prop. A’s authors of cynical opportunism in using the language of the civil rights era, which gave rise to affirmative action programs, to dismantle the same programs.

“They’re calling it a civil rights initiative to make it sound like they’re giving you something. But they’re taking something away.”<sup>3</sup>

“I do not think it is honorable to undertake to dismantle such a significant program, without telling the voters on the ballot that is just what they intend to do.”<sup>4</sup>

“This in the car sales business is called ‘bait and switch’... You’re leading the voters to believe that they’re in their hearts voting for the right thing, but when you look at the language of the proposed ballot you’re looking to kill (affirmative action).”<sup>5</sup>

*Benefits of Diversity:* Appearing in 29% of the Prop. A coverage, this frame asserts that diversity is an asset to the community in general and, importantly, to business in particular. Major business leaders spoke out on the need to defeat Prop. A in order to preserve “Houston’s internationally recognized reputation as an open, welcoming and diverse city.”<sup>6</sup> The frame emphasized the universal benefits of diversity – *everyone* is better off with it, not simply special segments of the community. Proponents of this frame credit Houston’s affirmative action policies and diversity with strengthening the city’s work force and encouraging international companies to set up in Houston.

“Houston has one of the best business climates in America, and the one element is that all segments of our community tend to work together.”<sup>7</sup>

“One of the first things (foreign officials coming here to do business) look for is how their ethnic counterparts are treated. And Houston uniformly gets good grades.”<sup>8</sup>

“Our feeling is that encouraging the growth of minority- and women-owned businesses is good for the city, good for the Houston region and good for business.”<sup>6</sup>

*Mend it, don’t end it:* In order to increase their chances of victory, some Prop. A supporters made a key strategic decision: they chose to acknowledge that the program could use some improvements.<sup>9</sup> As the *Chronicle* reported, “Even before the vote, Lanier said the key to winning was persuading those voters who wanted to change the existing program that voting to keep it was the only way to do so.” *Mend It, Don’t End It*, which appeared in 27% of the Prop. A coverage, argued that the “fix” of Prop. A was too extreme. As an op-ed in the *Houston Chronicle* noted after the

election, “Revamping Houston’s existing affirmative action program is probably a good idea. But the city’s voters decided they didn’t want to throw out the baby with the water.”<sup>10</sup>

“Valid arguments for mending [the Minority, Women and Disadvantaged Business Enterprise program] don’t equate to good arguments for ending it.”<sup>11</sup>

“Mr. Blum [the architect of Proposition A] is not engaging in discussion about changing the program; he wants to kill it for all groups.”<sup>12</sup>

*Houston Autonomy and Decency:* About 23% of the coverage on Prop. A reflected Houstonians’ strong pride and independence. This frame asserts that Houston is a decent, cosmopolitan city, not a “Redneckville”<sup>13</sup>; it must therefore prove its decent nature by “doing the right thing” on affirmative action. Proponents of *Houston Autonomy and Decency* also shun influences from other cities and states, especially California. Proponents call on Houstonians to stand up to those who would dismantle affirmative action and send a strong message.

“We are onstage for Texas, the nation and the world.”<sup>14</sup>

“I really view this vote as an opportunity for Houstonians to step up and tell the world that Houston is diverse, Houston is open, Houston is inclusive and Houston wants to provide opportunities for all members of our community.”<sup>6</sup>

“We may need a lot of things in Houston, but one thing we do not need is race relations advice and direction from California.”<sup>15</sup>

“And when it’s over, its perpetrators for the most part will go back to California and won’t really care much what happens in Houston. What they hope to have is a trophy to mount on their wall as they proceed to preach their dogma nationwide.”<sup>15</sup>

*Preference for the Privileged:* Appearing in 23% of the Prop. A coverage, this frame notes that decisions in the hiring and contracting process are already full of inherent favoritism and preference for privileged and established groups, such as white male business owners. The frame argues that unless affirmative action mandates a wider search and selection process, employers will tend to hire those who are already established within the system, thus perpetuating unequal opportunity. In Houston, this frame benefited from a specific statistic that illustrated the prevalence of this preference, which Houston Mayor Lanier and others used frequently:

“Anglo male contractors got between 95 percent and 99 percent of the business before the affirmative action program got started about 12 years ago. Today they still get 80 percent. They want more. That’s the bottom line.”<sup>16</sup>

“If you can honestly say there is no more ol’ boy network in which people... are selected over a handshake at lunch or at a round of golf, then you don’t need affirmative action. But we’re kidding ourselves if we put that forward.”<sup>17</sup>

*Don’t turn back the clock:* This frame appeared in 20% of the coverage, usually in conjunction with “Preference for the Privileged.” It conjures images of pre-civil rights or pre-affirmative action eras, and claims that advancements will disappear if affirmative action programs end.

“I’d hate to see Houston turn back the clock on the progress of the last 50 years and the progress that Mayor Lanier has made in the last few years.”<sup>18</sup>

“Using goals, not quotas, on city business, we brought in women and minorities. Now, a group from California wants to turn back the clock to the days when guys who look like me got all the city’s business.”<sup>19</sup>

### **Anti-Affirmative Action frames in coverage of Prop. A**

*Manipulative Wording:* As on the pro-affirmative action side, the most common frame opposing affirmative action focused on language battles. About 36% of the coverage of Prop. A contained this frame, which argues that affirmative action supporters followed their own self-interests, and violated the democratic process, in changing the language of the Houston Civil Rights Initiative so dramatically. It claims that the revised wording of Measure A grossly misrepresents the intent of its writers.

“The city of Houston has cynically, and I believe illegally, changed the full meaning and intent of what voters should be considering this November.”<sup>20</sup>

“The language was so misleading and frightening and confusing like that, in our opinion, was the primary reason we lost... I mean, it’s like they rewrote it to say, ‘Should the city of Houston drown young children and puppies?’”<sup>21</sup>

*Help the Needy...:* In 26% of the Prop. A pieces, proponents argued that assistance should be offered to some businesses, but the help should be based on “true need” as measured by economic disadvantage or the age of the business, not on the race or gender of the business owner or employees. This frame also included an argument that any assistance programs should contain a graduation component that forces businesses out of the program if they no longer qualify under specific need-based criteria or after a set number of years. This point resonated with many who supported the *Mend It, Don’t End It* frame on the pro-affirmative action side, so that, as one reporter noted, “There were times during Saturday’s three-hour debate regarding (Measure A) when both sides started to sound alike.”<sup>22</sup>

“Affirmative action should be colorblind; instead, sadly, it is class-blind.”<sup>23</sup>

“Rather than... continue with the current unfair system, the city should expand training programs and a helping hand for all budding business owners—

regardless of their race or gender—in areas such as computer skills, budgeting, job safety, and financing.”<sup>23</sup>

*...Not The Greedy:* A close counterpart to the *Help The Needy* frame was the assertion, found in 24% of Prop. A coverage, that affirmative action is nothing more than a racial spoils system. Those who are helped are abusing the system, the frame argues, either because they receive a large portion of contracts, are not competent companies, or make enough money to not be considered disadvantaged.

“The city’s preferences have provided a bonanza for a handful of long-time, well-to-do, women- and minority-owned businesses, many of which have hardly ventured beyond the comfort of these set-aside programs.”<sup>23</sup>

“Those who signed the [Houston Civil Rights Initiative] petition are not against affirmative action, as Mayor Lanier would have voters believe but simply against the mayor’s racist and sexist implementation of it.”<sup>24</sup>

“There are too many people who have taken advantage of programs that were designed for people in need.”<sup>25</sup>

*Color-Blind Society:* Finally, about 23% of the Prop. A coverage included an appeal to leave divisive race-based programs behind and embrace a truly color-blind society, where individual merit, not skin color, should guide judgments of people. Proponents of this frame claimed that government has a special responsibility to set an example by even-handed treatment of all people.

“Government should not be in the business of giving special favors to people because they are male or female, black or white, straight or gay.”<sup>26</sup>

“If people are not color-blind, it is all the more important that government be color-blind.”<sup>27</sup>

### **The Debate on Other Affirmative Action Topics**

Other affirmative action topics constituted 60% of the coverage in our sample, and 93% of the coverage in the non-Houston papers. On each side of the debate on these other topics, there were three predominant frames. These differed significantly in content and focus from those represented on the Prop. A debate in Houston. The differences in the discourse are instructive for affirmative action advocates.

#### **Pro-Affirmative action frames in coverage on other AA issues:**

*Still needed:* In 18% of the non-Prop. A coverage, proponents argued that affirmative action is still needed because discrimination still exists. Affirmative action may not be an ideal solution, proponents acknowledge, but it is necessary because minorities and women still do not get a fair chance in our society.

“Race should not be a determining factor of whether a minority contractor receives a contract or a minority student gets accepted a state-funded university. However, as long as racism and prejudice exist in America, there will always be a need for effective affirmative action programs.”<sup>28</sup>

“I’m not saying that affirmative action is the total answer. But we need a... recognition that inequality exists.”<sup>29</sup>

“The day about which my father dreamed is not today.”- Martin Luther King 3rd.<sup>30</sup>

*Benefits of Diversity:* About 14% of the non-Prop. A coverage included arguments on the benefits of diversity. Unlike the Houston coverage, which focused on the material economic benefits of diversity in the workplace, the frame in this context focused on education. Proponents argued that students will be better professionals if they learn in a diverse classroom, and that professions will better serve the public if they reflect the population they serve.

“The odds are, when you graduate from law school and start to practice, your client or your managing partner or your judge is not going to be the same color as you are.”<sup>31</sup>

“It’s not that a Latino has to have a Latino lawyer, a black has to have a black lawyer, a woman has to have a woman lawyer. But you cannot have all-white male legal system and expect that people will respect the system.”<sup>32</sup>

*The Jury Is Still Out:* Confronted with apparent legal roadblocks such as the Supreme Court’s refusal to consider Prop. 209, the best response advocates could muster was that affirmative action’s legality is still an open question. Eleven percent of the non-Prop. A coverage included this frame, which asserts that the Supreme Court did not decide whether or not affirmative action is legal, merely upheld the state initiative process. Some even warned the Court about possible future hazards, saying the Civil Rights Act of 1964 still must be enforced.

“The Supreme Court did not ‘uphold’ Prop. 209; it simply declined to hear the case.” The decision “has no precedential value, nor does it necessarily tell us anything about the Court’s opinion of the measure.”<sup>33</sup>

“It would be a grave error for the Court to adopt an absolutist color-blind view on the question of whether race should ever be a factor in decisions about public employment. Moreover, it is impossible to maintain such absolutism and still uphold a commitment to prevent racial discrimination.”<sup>34</sup>

### **Anti-Affirmative action frames in coverage on other AA issues:**

*Illegal Policy:* Fifteen percent of the non-Prop. A coverage included assertions that affirmative action is legally dead. The courts have ruled to allow Proposition 209

stand. Further, affirmative action programs do not follow the intent of laws created to grant equal opportunity to all people, without “quotas” or “goals,” and without taking away opportunities from others.

“[P]referential rights and treatments...are unjustified under the current case law.”<sup>35</sup>

“The constitution disallows collective guilt... We do not accept the concept that a person is responsible for what others of her race, town, profession, or politics may have done. Basing governmental action on race offends the American Constitution.” - from Judge Lynn Hughes’ judgment<sup>36</sup>

*Reverse Discrimination:* Appearing in 13% of non-Prop. A coverage, this frame argues that past discrimination cannot be cured by current discrimination. Images of quotas and qualified whites being denied jobs and educational opportunities help make the argument. The implication is that selecting a person of one race over another, even if all other criteria are equal, is inherently unfair and unjust.

“I was taught two wrongs do not make a right. It is morally wrong for government to favor one citizen over another.”<sup>37</sup>

“[University of Michigan has] an admissions grid with very different results whether you are black or white, effectively a dual admissions policy.”<sup>38</sup>

*Colorblind society:* Another 13% of non-Prop. A coverage shares with that coverage an appeal to leave divisive race-based programs behind and embrace a truly color-blind society, where individual merit, not skin color, should guide judgments of people.

These frames are best understood in the context of the issues they reflect:

### **Bill Lann Lee’s Confirmation**

The public debate over the nomination of Bill Lann Lee has largely centered on one main question: whether he correctly understands civil rights law. Lee’s opponents chose to question his nomination primarily on legalistic grounds, charging that he would violate the newly established legal consensus on “preference” policies. Opponents pointed out that Lee had spent an entire career creating and defending “racial preference” programs, and should thus not be confirmed because the programs he believed in so strongly are now presumably unconstitutional. Senator Orrin Hatch (R-Utah) expressed the archetypal conservative position: “While I believe Mr. Lee to be a man of honor and high ideals, his record reflects that he is also an activist lawyer who has demonstrated a distorted view of the Constitution and the nation’s civil rights laws.”<sup>39</sup>

Lee’s defenders responded in several different ways. Some argued that since the President feels affirmative action is still needed and is still legal, it would be naive to

expect him to appoint someone who disagreed with him. Still others, a minority of voices, asserted that Hatch was misleading the public about Lee and affirmative action. “Orrin Hatch keeps putting out the big lie that Bill Lee is for quotas,” John Podesta, a deputy White House chief of staff, said. “Bill Lee has flat out said that quotas are wrong and illegal. No matter how many times Orrin Hatch wants to keep putting out the big lie, it’s just not true.”<sup>40</sup>

### **Proposition 209**

Not surprisingly, the discourse about Proposition 209 revolved primarily around the Supreme Court’s decision to let stand the Ninth Circuit Court of Appeals’ ruling that recognized the initiative’s constitutionality. Before the decision was announced, the articles focused on the significance and importance of the impending decision; after the announcement, the articles served as a forum for responding to the decision.

Critics of affirmative action interpreted the decision as a broad mandate against policies of “preferential treatment.” The main message was crystal clear: “Affirmative Action is Dead.”<sup>41</sup> California Governor Pete Wilson proclaimed, “It is time for those who have resisted Prop. 209 to acknowledge that equal rights under law, not special preferences, is the law of the land.” Representative Charles T. Canady (R-Fla.) said that the decision would hasten the day when America would become a fully colorblind society: “The Supreme Court’s decision today echoes the growing chorus of voices calling for equal protection of the law for all Americans regardless of race or gender.”<sup>42</sup>

Supporters of affirmative action viewed the decision as unfortunate and misguided, turning back the clock to the days of *de facto* segregation. “Mean-spirited and unjust,” said ACLU attorney Mark Rosenbaum of the decision. “Its enforcement ushers in the resegregation of California.”<sup>43</sup> At the same time, Rosenbaum tried to counter the impression that affirmative action was dead. “The question of constitutionality of Proposition 209 and copycat measures must await another day for a definitive ruling from our highest court.”<sup>44</sup> Others pointed out that “The Supreme Court did not ‘uphold’ Prop. 209; it simply declined to hear the case. This decision has no precedential value, nor does it necessarily tell us anything about the Court’s opinion of the measure.”<sup>33</sup>

### **The Taxman Case**

Unlike the case involving Proposition 209, the Supreme Court never had a chance to consider the case of Sharon Taxman, a white teacher in Piscataway, NJ, who was laid off from her position in a high school business department while a black teacher was retained in the interests of preserving racial diversity. (The school board had determined that the two had equal seniority despite the fact that they had different qualifications: the black teacher had a master’s degree and Taxman did not.) Taxman’s suit against the school district wound up on the Supreme Court docket after several appeals. On November 21, 1997, before the court had the opportunity to render a judgment, a settlement between Taxman and the school board was

reached; an umbrella civil rights organization, the Black Leadership Forum, agreed to provide 70% of the more than \$430,000 settlement from the school board.

Most of the news coverage prior to November 21 focused on the potential importance of the case to civil rights law; commentators noted that the Supreme Court could use the case to make sweeping pronouncements about the constitutionality of affirmative action programs. Affirmative action foes held up Sharon Taxman as a powerful victim of Reverse Discrimination and predicted the court could not support such blatant discrimination. In a prescient op-ed article, Bob Herbert recommended that the school board settle the case.<sup>45</sup> Our formal monitoring ended on Nov. 15, before the Taxman settlement.

### College Admissions

Articles on university admissions in our sample tended to focus on three topics: the upcoming University of Michigan reverse discrimination case, the predictive problems of standardized tests, and declining minority enrollment at various University of California schools and ongoing admissions challenges there.

The case at the University of Michigan may prove to be a difficult challenge for affirmative action advocates. The lawsuit is brought by Jennifer Gratz, who is represented by the Center for Individual Rights, the non-profit law firm that represented Sharon Hopwood. Carl Cohen, a vocal opponent of “preferences” and professor of philosophy at Michigan, had secured what he considered to be “smoking gun” evidence of “racial preferences” in admission; Gratz’s case, of a worthy white student denied admission while less qualified minorities were admitted, shows the effects of such preferences, he claims. The case is only beginning to be covered but Gratz’s story could provide a powerful *Reverse Discrimination* frame for affirmative action opponents.

Standardized testing is now being subjected to intense scrutiny in the media, with significant implications for advocates. A front page article in the *New York Times* (Nov. 8, 1997) cited research that calls into question the predictive validity of standardized testing. Even the Educational Testing Service, which administers the most frequently used aptitude tests, issued a statement that “Equating scores with merit supports a mythology that is not consistent with the reality of data.”<sup>46</sup>

The *New York Times* article noted above also included the ironic fact that Martin Luther King, Jr., recognized as one of the most powerful orators of the twentieth century, scored below average on the verbal aptitude section of his Graduate Record Exam. (In fact, he did poorly on all three sections.) This anecdote serves as a powerful reminder of how test scores do not always measure potential effectively.<sup>47</sup>

Meanwhile, well-publicized drops in minority enrollment at UC medical and law schools reinforced the Keep Doors Open and Don’t Turn Back the Clock frames. As UCLA law professor Cruz Reynoso said, “We are now very far from the mythical ideal of having a law school somewhat representative of the population of the state.”<sup>48</sup>

But affirmative action critics had an effective rejoinder in the charge that lower rates of minority enrollment simply confirm the prior pervasiveness of discriminatory “racial preferences.” They further claim that Prop. 209 does the state a favor by focusing on the real problem: “the flaws in the education that minority-group members receive and their inadequate preparation for college.”<sup>49</sup>

Indeed, this sample demonstrated that people on both sides of the affirmative action debate have been spurred by the initial drops in minority enrollment at Texas and California to examine the deeper issues. “Why aren’t blacks and Latinos able to get into schools on their own without any kind of special consideration?” asked UCLA Law School Dean Michael Rappaport. “Is it the school system, the communities, attitudes toward education, residual racism? One of the interesting things that’s resulted from the ban on affirmative action is that it’s going to force all of us... to start asking these difficult questions. It’s all of our problem.”<sup>50</sup>

## **Discussion and Implications**

### **Lessons from the Houston Coverage**

The debate and media coverage around the defeat of Proposition A in Houston offer several critical lessons on framing affirmative action more effectively.

1. The debate in Houston showed the vital importance of developing a universal message: one that shows how affirmative action benefits *everyone* in the community, not simply special segments of that community. In particular, affirmative action supporters drove home the point that affirmative action was good for the local economy – and hence good for *all* Houstonians. They also promoted the converse: that abolishing affirmative action would kill jobs, and hurt the local economy.
2. It showed the value of building corporate support, which dovetails with the need to develop a universal message. American business has a powerful tool in the form of free-market ideology, including the notion that policies that benefit companies and businesses tend to benefit the community as a whole; they trickle down, as it were. Affirmative action supporters should continue to align themselves with companies to piggyback on that philosophy.
3. The Houston experience showed the value of disseminating a positive, upbeat message, one that created a self-fulfilling prophecy about why it was inevitable for Houstonians to defeat Prop. A. Mayor Lanier constantly claimed to believe in the fundamental decency of Houstonians: Houston was no redneckville, and it would be proven by the results of the election.
4. The debate showed the benefits of conceding that affirmative action could be improved. Not only does the “mend it, don’t end it” message correspond with what President Clinton himself argues, but it also permits affirmative action proponents to cast their opponents as “radical extremists” who do not have the

best interests of the entire community at heart. Moreover, such a message prevents affirmative action supporters from having to defend the status quo: “mend it, don’t end it” is a reformist position, and most Americans can be sold on the idea of “reforming” affirmative action from an out-of-control racial spoils system (which it isn’t) to a limited, narrowly tailored policy (which it already is).

5. Houston showed the benefits of turning the debate away from a conversation about abstract principles and towards a conversation about an actually existing program. A significant percentage of articles include a specific definition of affirmative action or a quantified statement of what eliminating affirmative action means. For example, the majority of Houston Chronicle articles included a phrase like “The current program... directs 20 percent of the city’s \$1 billion a year in contracts to minority and women-owned business. Prop A seeks to dismantle the city’s program and end the use of race and gender classifications in city contracting and hiring policies.”<sup>51</sup> This clear, specific language may have had an impact on voters’ understanding of the implications of their vote. Houston shows that voters act much differently when they have to decide on the elimination of a specific policy than when they consider an abstract principle of colorblindness that most reasonable Americans would accept on face value.

### Comparisons to 1996 Prop. 209 Coverage

In reviewing the coverage of the various 1997 issues, we noticed several differences from the way the affirmative action debate was framed in the 1996 Proposition 209 debate in California.<sup>52</sup> While we cannot make direct comparisons because the two samples were chosen from different sources, several impressions may be instructive:

- In our review of the 1996 Prop. 209 debate in California, pro-affirmative action advocates tried to use statistics to paint a picture of continuing discrimination, and seemed to be overpowered by the anecdotal force of personal stories of reverse discrimination. In the current sample, however, a single set of statistics is used frequently and effectively by affirmative action proponents: “Mayor Lanier pointed out that the white males who make up about 20 percent of Houston’s population were getting 95 percent of the contracts before affirmative action was begun and that these white males still get 80 percent of the city’s contracts.”<sup>53</sup> This may have brought the “inherent favoritism” frame to life and helped voters understand that even with affirmative action programs, women and minorities are not running away with the majority of the business.
- In the current sample, there were fewer iconic examples of victims of reverse discrimination than in the 1996 coverage. One white contractor suing the city of Houston was quoted a few times, but his story never got the kind of sympathetic play that the Hopwood and Taxman cases did, and that the Gratz case (U. Michigan) may yet receive. It may be that losing one’s job (employment AA) or a spot at a university (admissions AA) is more dramatic and newsworthy than occasionally losing out on a bid (contracting AA).

- More of the current debate focused on battles over the wording of the initiative. It seems that both sides have now recognized the power of language in cueing people's responses: the anti-AA side fought to include the term "preferences" in the initiative language, and used it consistently in their news appearances, while the pro-AA side stressed the terms "affirmative action" and "equal opportunity."

### **Lessons from Other (Non-Proposition A) Coverage**

Buoyed by the Supreme Court's recent decision to let stand a lower court's ruling that upheld the constitutionality of Proposition 209, the new conservative line is that "racial preferences" are now "presumptively unconstitutional" except under the most exceptional and extreme circumstances. To tolerate the implementation of such policies, according to such a view, would be tantamount to nullifying the Constitution itself.

Nevertheless, affirmative action supporters should not remain silent about the legal fate of affirmative action in the United States. They should make it clear that affirmative action by the federal government, most states, and most cities *is* legal *and* constitutional. Indeed, the current legal *limits* on affirmative action are what make it *permissible*.

### **The Absence of Gender in the News Coverage on Affirmative Action**

Surprisingly, the issue of gender did not surface as prominently in Houston. That is why it is almost entirely absent from our previous discussion; gender was simply not a salient topic in news coverage. Proponents of Prop. A left it out altogether, focusing mainly on race. This is likely because of a strategic decision on their part. Affirmative action had been primarily a racial issue, as it was in California a year earlier, and Prop. A supporters left it out so as to keep the focus on race, not willing to risk the possibility that a gender gap might make their task all the more difficult. Opponents of Prop. A mentioned gender, but not in systematic fashion. Where it did appear in the discourse, it appeared as a subsidiary issue to race. For instance, in his op-ed piece Mayor Lanier warned Houstonians that the passage of Prop. A would "turn back the clock" to the days when "guys who look like me got all the business." He also did not shy away from observing that "white male contractors" were motivated largely by greed in their support of Prop. A. Race and gender were therefore intertwined in his discussion. But the bulk of the article, beginning to end, focuses on race; gender is added on afterwards and never occupies the center of attention.

**Appendix A**  
**Frames in Coverage of Affirmative Action**

**Proposition A Coverage, All Papers**

<b>Anti-AA Frames</b>	<b>Number</b>	<b>Percent*</b>
Manipulative language	31	36
Help the needy...	22	26
...Not the greedy (racial spoils system)	21	24
Color blind society	20	23
Reverse discrimination	15	17
Illegal/unconstitutional	7	8
Hurts/stigmatizes/lowers standards	6	7
No longer needed	5	6
Divides, not unifies	5	6
Diverts attention from bigger problems	1	1
<b>Pro-AA Frames</b>		
Manipulative language	29	34
Benefits of diversity/good for business	25	29
Mend it, don't end it	23	27
Houston autonomy & decency	20	23
Preference for the privileged	20	23
Don't turn back the clock	17	20
Discrimination continues	14	16
Keep doors open/opportunities	14	16
Be cautious	5	6
Legality is still an open question	1	1

**\*This frame appeared in x% of all articles on Prop. A; n=86.**

**Coverage of Other Issues, All Papers**

<b>Anti-AA Frames</b>	<b>Number</b>	<b>Percent *</b>
Illegal/unconstitutional policy	19	15
Reverse discrimination	17	13
Color blind society	17	13
Divides, not unifies	8	6
Hurts/stigmatizes/lowers standards	7	5
Racial spoils system	4	3
Political football/manipulative wording	4	3
No longer needed	3	2
Diverts attention from bigger problems	3	2
Help the needy, not based on race	1	1
<b>Pro-AA Frames</b>		
Still needed; discrimination continues	24	18
Benefits of diversity	18	14
Jury still out	14	11
Keep doors open/opportunities	12	9
Political football/manipulative wording	12	9
Don't turn back the clock	12	9
Don't end it	7	5
Preference for the privileged	6	5

**\*This frame appeared in x% of all articles on other affirmative action issues; n=131.**

## References

<sup>1</sup>For an in-depth review and analysis of the events surrounding the Prop. A vote, see Appendix.

<sup>2</sup>For guidelines on creating a framing memo on your issue, see Winett, L., “An Advocate’s Guide to Developing Framing Memos,” chapter 46 in Iyengar and Reeves (eds.), *Do the Media Govern? Politicians, Voters, and Reporters in America*, Thousand Oaks: Sage Publications, 1997.

<sup>3</sup> Percy Robinson, *The Houston Chronicle*, 9/14/97, 47A.

<sup>4</sup> Mayor Bob Lanier, *The Houston Chronicle*, 9/25/97, 37A.

<sup>5</sup> Richard Torres, president and CEO of the Houston Hispanic Chamber of Commerce, *The Houston Chronicle*, 10/1/97, 27A.

<sup>6</sup> Joe Musolino, chairman of the Greater Houston Partnership and vice chairman of Nations Bank of Texas, *The Houston Chronicle*, 10/30/97, 32A.

<sup>7</sup> Mayor Bob Lanier quoting Shell Oil CEO Phil Carroll, *The Houston Chronicle*, 10/26/97, 5C.

<sup>8</sup> Mayor Bob Lanier, *The Houston Chronicle*, 10/26/97, 5C.

<sup>9</sup> Julie Mason, *The Houston Chronicle*, 11/14/97, 38A.

<sup>10</sup> Willie A Richardson and Gwen Daye Richardson, *The Houston Chronicle*, 11/6/97, 37A.

<sup>11</sup>“Mend, not end: Fix problems, but don’t kill fairness in city program,” *The Houston Chronicle*, Oct. 10, 1997, 44A.

<sup>12</sup> Houston City Attorney Gene Locke, *The Houston Chronicle*, 10/28/97, 14A.

<sup>13</sup> Mayor Bob Lanier, *The Houston Chronicle*, 11/5/97, 1A.

<sup>14</sup> Mary Wilson of the Women's Business Council, *The Houston Chronicle*, 10/23/97, 34A.

<sup>15</sup> Mayor Bob Lanier, *The Houston Chronicle*, 10/26/97, 1C.

<sup>16</sup> Mayor Bob Lanier, *The Houston Chronicle*, 10/26/97, 5C.

<sup>17</sup> Michael Aldaco, *The Houston Chronicle*, 11/2/97, 5A.

<sup>18</sup> President Bill Clinton, *The Houston Chronicle*, 9/27/97, 18A.

<sup>19</sup>This quote is a good illustration of the complexity of the coding process. The phrase “a group from California” might be used to describe the *Houston Autonomy and Decency* frame, while “guys who look like me got all the city’s business” clearly fits within *Preference for the Privileged*. We chose the quote to illustrate *Turn Back the Clock* because of its explicit use of that metaphor.

<sup>20</sup> Edward Blum, *The Houston Chronicle*, 9/12/97, 1A.

<sup>21</sup> Edward Blum, *The New York Times*, 11/6/97, A1.

<sup>22</sup> Matt Schwartz, *The Houston Chronicle*, 9/14/97, 47A.

<sup>23</sup> Bill Calhoun and Edward Blum, *The Houston Chronicle*, 10/26/97, 1C.

<sup>24</sup> Lynn Johnson, *The Houston Chronicle*, 10/31/97, 41A.

<sup>25</sup> Edward Blum, *The Houston Chronicle*, 9/12/97, 18A.

<sup>26</sup> Spokesman for Log Cabin Republicans of Houston, *The Houston Chronicle*, 10/1/97, 23A.

<sup>27</sup> Edward Blum, *The Houston Chronicle*, 9/17/97, 28A.

<sup>28</sup> Darryl V. Samuels, *The Houston Chronicle*, 10/31/97, 41A.

<sup>29</sup> Lolita Pierce, *Los Angeles Times*, 10/7/97, B4.

<sup>30</sup> Martin Luther King 3d, *The New York Times*, Sec. 1:29.

<sup>31</sup>UCLA professor Kristine Knaplund, quoted in Feingold, Danny: “Test tube for a changing political climate”: *Los Angeles Times*, 10/6/97, E1.

<sup>32</sup>Lawyer Raymond Marshall, quoted in Feingold, Danny: “Test tube for a changing political climate”: *Los Angeles Times*, 10/6/97, E1.

<sup>33</sup> Oona Hathaway, *The New York Times*, 11/10/97, A30.

<sup>34</sup> Glenn C. Loury, *The New York Times*, 9/7/97, Sec. 4:17.

<sup>35</sup> Senator Orrin G. Hatch, *The New York Times*, 11/14/97, A33.

<sup>36</sup> U.S. District Court Judge Lynn N. Hughes, *The Houston Chronicle*, 11/14/97, 1A.

<sup>37</sup> Doug G. Bell Sr., *The Houston Chronicle*, 11/10/97, 25A.

- <sup>38</sup> Terence J. Pell, *The New York Times*, 10/14/97, A24.
- <sup>39</sup> Senator Orrin G. Hatch, *The Houston Chronicle*, 11/7/97, 12A.
- <sup>40</sup> John Podesta, White House chief of staff, *The New York Times*, 11/10/97, A22.
- <sup>41</sup> Richard Rodriguez, *Los Angeles Times*, 11/7/97, B9.
- <sup>42</sup> Rep. Charles T. Canady, *Los Angeles Times*, 11/4/97, A1..
- <sup>43</sup> Mark Rosenbaum, *Los Angeles Times*, 11/4/97, A1.
- <sup>44</sup> Mark Rosenbaum, *The New York Times*, 11/4/97, A19.
- <sup>45</sup> Bob Herbert, *The New York Times*, 10/9/97, A31.
- <sup>46</sup> The Educational Testing Service of Princeton, N.J., *The New York Times*, 11/8/97, A1.
- <sup>47</sup> Ethan Bronner, *The New York Times*, 11/8/97, A1.
- <sup>48</sup> Prof. Cruz Reynoso, *Los Angeles Times*, 10/6/97, E1.
- <sup>49</sup> Arthur M. Yoss, *The New York Times*, 10/10/97, A30.
- <sup>50</sup> Dean Michael Rappaport, *Los Angeles Times*, 10/6/97, E1.
- <sup>51</sup> Julie Mason, *The Houston Chronicle*, 11/14/97, A38.
- <sup>52</sup> Talking Back Framing Memo, "The Affirmative Action Debate," Certain Trumpet Program, Advocacy Institute, Washington DC, 9/96.
- <sup>53</sup> Mayor Bob Lanier, *The Houston Chronicle*, 11/7/97, A40.