

Running head: KAEPERNICK'S BIRACIALITY AS A WHITE SUPREMACIST
CONSTITUTION

SAY IT AIN'T SO: REFRAMING COLIN KAEPERNICK'S BIRACIALITY AS A
WHITE SUPREMACIST CONSTITUTION

A Master's Thesis Presented to the Faculty of
the Department of Communication

Villanova University

In Partial Fulfillment of the Requirements
for the Degree of Master of Arts in Communication

by

Naette Yoko Lee

June, 2017

Under the Direction of

Dr Bryan Crable

ProQuest Number: 10604392

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 10604392

Published by ProQuest LLC (2017). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code
Microform Edition © ProQuest LLC.

ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 – 1346

Table of Contents

Introduction.....	2
Chapter 2: Race as Natural, Race as Discursive.....	21
Chapter 3: Constituting Colin Kaepernick	56
Chapter 3: Not-whiteness in a white supremacist nation	83
References	118

Abstract

Colin Kaepernick's refusal to stand for the national anthem at an NFL game in 2016 highlighted the phenomenon of African-American deaths at the hands of police in the United States. The purpose of this study is to present a new approach to understanding the underlying cause of the systemic inequality that inspires the police killing of African-Americans. This thesis attempts to reframe the understanding of race in the United States through the application of the Burkean concept of constitution, toward a more comprehensive understanding of the power of race as a discursive category to affect social construction. It, therefore, uses the Kaepernick protest to illustrate the way in which the rhetorical constitution of biraciality, as a form of not-whiteness, is used to uphold and perpetuate white supremacy. It is intended as a starting point for further research into racially based social inequality and a reassessment of the use of the terminology of inequality.

Introduction

The history of the United States of America is punctuated by upheavals that find their genesis in the idea of race (Carden & Coyne, 2013; Katz, 2016; Fussel, 2015). While scholarship has long categorised race as a social construct, the American preoccupation with heredity and citizenship has taken on social, economic, scientific and cultural dimensions and more than once threatened to derail one of the greatest utopian experiments in human history. As early as its founding and well into contemporary times, the strides made in the sphere of social development and diversification have been shadowed by something far less progressive. The historical record is littered with events that allow a glimpse into the complex workings of a system built on the ideas of equality and freedom. It is not possible to comprehend the nature of American society and culture without factoring in the racial dynamics that have defined it.

The election of Barack Obama to the office of President in 2008 has been identified as a key moment in the history of race relations in the United States (Alexander, 2011; Vickerman, 2016). Obama ran on a platform of hope. As a biracial American descended from working class families from two countries, he embodied the American dream. A dream which he skilfully sold to voters as early as 2004, when, as the candidate for U.S. Senate in Illinois, he delivered the keynote address at the Democratic National Convention in Boston. Obama's presidential candidacy, made possible in part by what appeared to be national transcendence of ancient racial divisions (Smithers, 2009, p. 2), inspired millions of Americans and revealed a renewed commitment to the pursuit of happiness. Obama's election, however, unearthed sentiments of a different nature, with his victory being used by some as evidence of a "post-racial" America (Cobb, 2011, p.407).

Smithers defines the critical race perspective on post-racial “colorblindness” as a “rejection of 'race consciousness', a moral commitment to oppose discrimination against people on the basis of race, ethnicity and religion, and the maintenance of a legal system that protects all citizens without regard for biological or cultural background” (Smithers, 2009, p. 2). As a biracial American and the country’s first not-white president, Obama was argued by some to be the embodiment of an era in American history in which race no longer matters (Alexander, 2011, p. 7).

Despite angry protests in reaction to excessive use of force by the police against the African American population (Johnson, 2016; Joyce, McBride, & Field, 2015; Perry, 2014) the argument for post-racialism prevailed for most of the eight years of Obama’s presidency (Vickerman, 2016, p. 2481). This perspective gained credibility in some quarters until the election of Donald Trump to the presidency in early November 2016, an event which marked another turning point in the racial history of the United States.

The Trump campaign, was so openly divisive that it was billed by one publication as “the campaign to obliterate all euphemisms” (Staples, 2016). It reminded the American population and the observing world of the abiding division between the country’s racial groups: a separation initiated by the systematic eradication of indigenous people, reinforced by slavery and entrenched by a collective resistance to successive waves of immigrants, some of whom would ultimately be categorised as white. In the wake of a presidential campaign that used race as an identifier for “groups that should be removed, watched, and policed heavily” (Ross, 2016), editors and opinion writers were persuaded to reconsider their claims for post racialism. As one *New York Times* contributor noted:

The signal moment came when, having already characterized Mexican immigrants as criminals and rapists, he declared an American-born judge of Mexican descent unfit to preside over a lawsuit against the con game known as Trump University. Even the House speaker, Paul Ryan, had to concede that this was “the textbook definition of a racist comment.” Instead of using phrases like “racially inflammatory” or “racially insensitive,” editorial pages were calling racism by its name. (Staples, 2016)

Even as the United States reckons with a changing political landscape and the potential of political forces to undermine decades of progress toward diversity and inclusion, the *U.S. Census Bureau* tells the story of an America whose surging not-white population promises to blur the racial lines that have stratified the society since its founding. The Bureau projects that by 2024 the Hispanic population will more than double, and the black population will increase by more than one percent of the national total. The Asian population, meanwhile, is expected to increase from 15.9 million in 2012 to 34.4 million in 2060 (U.S. Census Bureau, 2012). With 78 million new immigrants expected to drive U.S. population growth over the next 50 years (Cohn, 2015) and increasing numbers of interracial marriages (Wang, 2015), the racial dynamics of the U.S. are likely to change significantly. Yet, rhetorical scholars should doubt that the demographic displacement of whiteness will necessarily be mirrored in the changes to the American race consciousness, or in the alterations to its racial classification system that would be required to overcome its record of internal conflict.

It is against this backdrop that this thesis aims to investigate the American constitution of racial identity through a rhetorical lens. Generally, it will focus on the way in which the biracial individual is rhetorically constituted in American society, a constitution that is both the product of and the justification for a social, cultural and legal history that has been defined by racial

segregation. Specifically, this project will focus upon Colin Kaepernick as a biracial rhetorical icon who is constituted as not-white through references to socioeconomic status, religion and most importantly biraciality. Kaepernick's rhetorical constitution illustrates the way in which America's white supremacist discourse generates and merges complementary identities of alterity in opposition to normalised whiteness. One of the central themes of this project is the way in which these identities of alterity are formalised through the actualisation of ascribed substance. I contend that the Burkean constitutional framework is the most appropriate lens for the analysis of this process.

As an analytical tool, a rhetorical framework provides a mechanism through which the relationship between discourse and power can be understood. Since the primary concern of this research is the way in which racial identity, communication and power intersect, I will employ a rhetorical analysis, indebted to Kenneth Burke, to look at the character and effect of the rhetorical arguments made for the maintenance of the existing set of power relations. In the context of this discussion, the development of racial identity is framed as fundamentally discursive and the identity of the biracial person as subject to rhetorical influence. This argument is based on the idea that the process through which the identity of the biracial individual is shaped is informed by an overarching set of assumptions that find expression in language, other symbolic forms, and material practices. For example, one of my theoretical assumptions is that the language of race in the United States, the words used to describe individual groups and determine the categorisation of individuals, reflect a set of ideals that uphold and reproduce existing relations of power. In this respect, I view rhetoric as a means of maintaining or altering existing relations of power. The naming and categorisation of racial groups is thus one of the key elements of the rhetorical arsenal pressed into the service of a dialectical process that results in a

collectively accepted way of speaking that is thought to mirror reality (Kenny, 2005, p. 19). I argue that the maintenance of these power relationships, the ideas on which they are premised and their social expression take place in the rhetorical sphere. My project is, therefore, not intended to resolve the conflict generated within the discourse of race, but by identifying the ambiguities inherent in the constitution of the biracial rhetorical icon, to examine it as a resource for clarification of the function of rhetoric (Burke, 1955, p. xiii). The aim of this project, therefore, is to conceptualise rhetorical constitution of race through a Burkean lens as a way of situating the response to racial inequality at the discursive level.

A History of Racism: America's One Drop Rule

The history of biraciality in the United States is closely tied to the evolution of whiteness. There is evidence to suggest that free Africans in the mid-to-late seventeenth century colonies of Maryland and Virginia lived on an equal basis alongside their white counterparts. African descendants could own property, exercise civil liberties and marry as they chose (Battalora, 2015). Battalora argues that the unification of black and white labourers in the colonies against the elite resulted in the enactment of a package of laws that, among other things, prohibited the emancipation of slaves, prevented black people from owning servants or slaves, and denied African descendants the right to vote, marry other races, and testify in a court of law. Most significantly, this legislation was the first instance in which "white" as racial categorisation was given legal force. It is at this point that the differentiation of races becomes a matter of law in the United States, and the separation of black-white biracial individuals from their white heredity takes on social significance. A person's race became the grounds for the quality of life they would have. The ascription of a racial category was not only simplified in a way that facilitated

its widespread application, but was also sanctioned by law. The laws generally maintained that “if a person of whatever age or gender is believed to have any Africa ancestry, that person is regarded as black. Basically, by this social rule, a person was and is, either black or not” (Winthrop, 2014, p. 99). This social classification, which would manifest itself through various pieces of legislation that played a definitive role in shaping the American view of biraciality, is known as the “one drop rule”.

Into the Grey: The Constitution of the Biracial American

Although biraciality is a broad concept, the decision to focus this research on biracial individuals who are thought to be of both African and European descent, is based on the nature of the historical relationship between those two groups. Although the constitution of biracial identity could be studied in terms of other racial groups, the black-white interaction is among the longest-standing, best-documented and most volatile in the history of the United States. As Winthrop's discussion of the “one drop rule” points out, “the rule applies primarily to people of mixed African-European background, and not to other patterns of so-called ‘racial inter-mixture.’ It does *not* apply to people whose apparent heritage is confined to some combination of Caucasian, Hispanic, Asian, or Native American ancestry. It applies *only* to Americans of entirely or partially *African* descent” (Winthrop, 2014, p. 101).

The historical separation of African-descended Americans from the rest of the population, and the application of unique legislation to govern their way of living, suggests an opportunity to understand the process and function of racial categorisation in the United States that is not offered by the history of any other group. Indeed, it is this legal manifestation of the “one drop rule” that provides some of the best evidence for the rhetorical process enlisted in the

systemic upholding of white purity. These laws find their roots in the otherwise arbitrary divorce of biracial people from their white ancestry, on the grounds of the presence of any African ancestry regardless of measure or hereditary distance.

Laws governing the racial definitions of mixed-race individuals persisted in the United States well into the twentieth century, evolving over the years to match the prevailing social climate. One example is Virginia's nineteenth century statutory law which someone as being black as having one quarter black "blood" or one black grandparent (Winthrop, 2014, p. 113). By the early twentieth century, changed this proportion to one-sixteenth. It was eventually expanded to include any African heritage at all. The overall aim of preventing racial mixing was also reflected in miscegenation laws that "were so widespread that they formed a virtual road map to American legal conceptions of race" (Pascoe, 1996, p. 49). While these measures were oppressive to black Americans and repressive to white Americans, it is biracial Americans whose identities were and are, most profoundly influenced by the ideologies that informed these laws.

Indeed, even as race-based legislation fades into the historical record, contemporary practices of racial categorisation in America continue to be influenced by these same concepts. The prevalence and fixity of these categorisations serve as evidence of "how culturally entrenched social categories and norms guide, and even limit, social perception" (Banaji, 2010, p. 492). It is not surprising, then, that research into the social grounds of race perception and categorisation best illustrates how the contemporary perpetuation of the "one drop rule" reflects a culturally entrenched narrative that erases the white heritage of biracial individuals. Moreover, such erasure is not only evident in the language and habits of white Americans. We need look no further than a recent publication by *Atlanta Black Star*, an online magazine which describes itself as the publisher of empowering narratives for all people of African descent. The "listicle", an

article in the form of a numbered or bullet-pointed list, features the images of ten biracial American actors and musicians, but is simply entitled “10 Black Celebrities Who Successfully Pass for White.” The absence of any recognition of the biraciality of these highly visible figures speaks to the extent to which racial classification can override self-identification, even within the communities dedicated to empowerment and to whom existing relations of power are most injurious. This present thesis is concerned with these and other mechanisms by which biraciality is constituted as not-whiteness, and the impact of this discursive strategy upon race-based power relations in the United States.

Racial Erasure in the Study of Obama's Rhetoric

Despite its importance as a key site for the investigation of race in America, interest in biraciality, as expressed in my project, represents a departure from popular lines of inquiry in the rhetorical literature. Scholarly research into biraciality in recent times has been dominated by a keen interest in one key figure, Barack Obama. The racial constitution and self-identification of the forty-fourth President of the United States, and the bearing it has had on both his candidacy and his rhetoric, appear to be a rich resource for academic inquiry. Obama's biracial heritage, has affected not only the racial climate of the United States, but also the character of rhetorical scholars' research into issues of race. As the first not-white candidate to be elected President, his campaign and presidency are seen both as symbols of triumph for the African American community and as a challenge to American norms of white supremacy (Stiles & Kitch, 2011, p. 121).

While the election of a biracial president provided a unique opportunity to understand current and historical practices of racial categorisation, rhetorical scholarship has primarily attempted to understand Obama's political rhetoric, ignoring the bearing his biraciality may have

on its design and execution. Scholars have focused heavily on his tendency toward themes of nation building and consensus, and his aversion to polarization, identifying his presidency merely as a “highly interesting case study for exploring the possibilities of contemporary political rhetoric” (Keinpointner, 2013, p. 357). Similarly, the rhetorical analysis of Obama’s speeches has been dominated by the race-neutral themes of public reason and the tradition of civic engagement (Rowland, 2011), the interplay of provincial and cosmopolitan perspectives (Arnett, 2011), and the harmonious reconciliation of opposing views (Terrill, 2011).

The few rhetorical scholars who have investigated Obama’s heritage have largely positioned him as a symbol of reconciliation, a bridge between the two communities that he represents without otherwise taking his biraciality seriously. By analysing his personal brand of rhetoric, some scholars have thus sought to frame the President’s key speeches specifically as an African American response to oppression (Frank & McPhail, 2005, p. 574). A similar approach has been to compare Obama with historical African American orators, situating his rhetoric within a historical context that normalizes, and in some instances, justifies, his positions on race. It is noteworthy that one such evaluation of Obama’s treatment of race situates it historically “at a time when the institutional barriers that had limited black achievement had ostensibly been dismantled and the vestiges of slavery and the realities of segregation with which Malcolm’s audience’s struggles had largely disappeared” (McPhail & McPhail, 2011, p. 674). Such an approach tends to highlight Obama’s ability to overcome the challenge of being the not-white leader of a white country, through strategies of identification that enable him to use the coded references of the African American oratorical tradition while continuing to be defined in terms of the presidency; it fails to highlight his identity as a biracial person (Miller, 2013). It is rare, in short, that the central focus of the rhetorical scholarship on Barack Obama is the duality of his

heritage. Instead, he is seen as the author of the rhetoric of hope and a showpiece of racial transcendence, a black president addressing the issues of race and neutralising the spectre of racial inequality.

While the recognition of Obama's blackness has had a profound effect on scholarly attention paid to him by the rhetorical community, "the fact of his whiteness, and the representation of that whiteness, holds a more ambiguous grip on the American imagination" (Smith, 2009, p. 130). The absence of Obama's whiteness, the equally valid element of his biraciality that is often overlooked in the rhetorical discourse, speaks very clearly and forcefully to the need for an interrogation of the rhetorical understanding of race, and specifically how this is applied to biracial public figures.

At this point, the rhetorical scholarship has not questioned the underlying logic by which a biracial individual is cast as in any meaningful way, nor has it investigated the impact of this form of identification on contemporary American racial discourse. My thesis intends to rectify this omission, approaching the understanding of race relations in the U.S. as a site of ambiguity where its underlying assumptions emerge by looking at the constitution and motivational force of biraciality and the role that it plays in the supporting ideas of white supremacy. This approach has the potential to reveal the way in which the language of racial categorisation reinforces existing power relations in America.

Burke, Substance and the Constitution of Racial Identity

The underlying theoretical assumptions of this thesis are informed by Kenneth Burke's discussion of *substance*, *constitution* and *terministic screens*. The discourse on race in the United States takes for granted that racial categorisations are based on inherent genetic qualities. In the context of this thesis, however, both the product and process by which the meanings of a socially

constructed situation are created and reinforced, are rhetorical. Stuart Hall describes race as *floating signifier*, a cultural classification that is used to systemize recognisable differences in order to make meaning (as cited in Jhally, 1997). In this sense, blackness and whiteness are less descriptions of nature than symbols of social reality: attitudes, behaviours and situations. Racial categorisations are consequently mobilized to establish what a thing or person is, in order that one may be able to predict its behaviour and find consensus on how this thing should be treated.

Burke's discussion of substance helps us to understand how this rhetorical construction of race operates, particularly with respect to the naming and categorisation of racial groups. His argument regarding the nature of substance, focuses upon the idea of what a thing is, or, rather, what a thing is to the person, or group, who names it. In its common usage, "substance" tends to denote what a thing is made of and, in the case of heredity, a person's genetic make-up. By returning to the origin of the word "substance" Burke makes the argument that "literally, a person's or a thing's sub-stance would be something that stands beneath or supports the person or thing" (Burke, 1955, p.22). This argument suggests that the substance of the thing, the outward manifestation of which is taken as an indication of its intrinsic quality, is always determined by what it is not.

Burke writes that "substance", "used to designate what a thing *is*, derives from a word designating something that a thing is not. That is, though used to designate something *within* the thing, *intrinsic* to it, the word etymologically refers to something outside the thing, extrinsic to it" (Burke, p.23). Following Burke's lead, this project considers the relationship between the stratification of American society and the discursive separation of racial constitution. I argue that the treatment of not-white groups is prescribed by their categorisation and that the exclusion of the biracial individuals from the category of whiteness represents a key site of ambiguity from

which one can trace the discursive path of biracial constitution back to its roots in a wider collection of white supremacist constructs.

The constitution of the biracial person is, consequently, not only significant with respect to the individual's characterization as black. Returning to Burke's argument regarding substance, if we consider the idea that in being substantially one thing, a person is *and* is not that, it stands to reason that biracial individuals who are substantially black are also substantially white. By reframing the initial question, "why are biracial individuals constituted as black?" and instead asking "why are biracial individuals not constituted as white?" the discussion can be propelled in a different direction that speaks more directly to the question of the operation of white supremacist assumptions in American culture. The constitution of a person's race in relation to another group is only a reliable construction in the instances in which there is a clear distinction between groups. The black-white biracial group challenges this assumption by presenting itself as both and neither at the same time. This fluidity of identity comes into direct conflict with the construction of white purity that manifests itself socially, economically and legislatively in the United States. Rhetorical analysis, then, allows us to investigate how the clear boundaries of division between whiteness and blackness are maintained.

Burke's argument for the mechanism of constitution, explained through the analogy of the U.S. Constitution, can be taken further with respect to the argument that I will make in this thesis. In the first instance, Burke (1955) sees a constitution as "recipe of wishes" (p. 378), a collection of hopes about how the world should be constructed and of how humanity should arrive at this construction. He writes that "where there is a recipe of wishes, variously related to one another, existing as sovereign states in the ideality and generality of the Constitutional document, but requiring the partial exclusion of one another when they are applied to particular

cases, then note that specific measures could not properly be called either Constitutional or un-Constitutional” (p. 379). Here, Burke is saying that in the collective of individuals who fall under the power of the Constitution, be they assembled as a country or otherwise, there is inherently a conflict of principles regarding what ought to be. It is inevitable therefore, and inherent in the design of the Constitutional document, that one set of wishes must take precedence over the others. This contradiction requires that a decision be made with respect to “which wishes shall be given preference” (p. 376), since the conflict does not permit the will of the Constitution to simply be done with resolving the contradiction of *oughts*. It is at this point of his discussion that Burke reminds us that the Constitution’s *calculus of motives* “practically *compels* men to put forward alternative calculi, of different focus or wider circumference” (p. 377). These alternative calculi are governed by the wider scope of the constitution, which Burke refers to as the *Constitution-beneath (or behind)-the Constitution*: an underlying rationale involving substance in terms of the “total circumference” (p. 378), that encompasses more than the narrow view of the document itself.

I draw upon these concepts as a lens through which contemporary constitutions of race in the United States and their implications may be better understood. This project sees the role of the police in the United States, and by extension the specific treatment of African Americans by the police, as a parallel constitution; an enacted constitution or set of motives, one in which one set of wishes has prevailed. I will argue that the normalizing of these wishes is facilitated by the constitution-beneath-the constitution, which in this case is constitution of race in the United States.

Colin Kaepernick’s protest of police brutality against African Americans is treated as scene in which Burke’s (1955) *conflict of wishes* or Kenny’s (2005) *ethical crisis* are expressed

and resolved. The struggle over of the constitution-beneath-the-constitution, Kenny (2005) argues, the widening of the scope of grounds for action, is the moment of crisis in which a rhetorical icon is defined. This thesis will, therefore, examine this rhetorical situation and the role played by the biracial rhetorical icon in both complicating and deciding its outcome.

The biracial rhetorical icon

The constitution of the biracial individual as not-white is magnified when that individual enters the realm of public discourse; this becomes more pronounced when that public discourse addresses issues of race, citizenship, or the point at which these two themes intersect in the American consciousness. This project therefore involves exploring the character of the biracial individual as a rhetorical icon and studying how not-whiteness functions as a rhetorical strategy in the American discourse around race. Drawing on Burke's concept of constitution, Kenny's argues that the rhetorical icon embodies issues of public concern; despite their rhetorical intent, these figures are used as instruments of representation through which rhetors on either side of the constitutional divide can speak (Kenny, 2005, p. 18).

By relying on Burke's cycle of terms implicit in the idea of order, Kenny (2005) highlights the importance of the narratives and counter-narratives that emerge in response to a constitutional crisis. Kenny casts the rhetorical icon as the focal point around which the debate over the crisis revolves, and shows how the public character of the icon is constructed within the context of the debate. He notes:

In attempting to understand the way that these narratives are constructed, one is oriented toward the watershed moment in the cycle, the moment the person to be spoken about has to accept or reject the principle and law, for Burke's (1961) structure assumes that there

exists “an agent so endowed...that such an act is possible to him” (p. 192). Attention is thus directed toward that agent, as audiences and rhetors ask themselves, “What sort of person would refuse to accept this principle and law?” Answers are obtained through the invocation of ritualized dramatic archetypes...It is an example of those circumstances under which public figures, by virtue of the choices they make, are constructed within fictions. (p.21-22)

Kenny (2005) also argues that the rhetorical icon “loses autonomy as a speaking agent when the individual moves from a private to a public life” (p. 34), as his or her discursive identity is subsumed by the character of the rhetorical situation. Therefore, the relationship between the momentum of the icon’s movement from private to public and degree of control that s/he can exercise over the message that is attributed to him/her is inversely proportional.

Public engagement has the capacity to disempower the rhetorical icon whose “self-recognized identity is routinely supplanted by a conglomerate identity formed from the various voices speaking on behalf of and against the original voice” (Kenny, 2005, p.38). The icon’s *original voice* declares a particular stance which is reversed by competing voices and used as evidence to support the opposing argument or ignored altogether. Such is the case of Colin Kaepernick. In his refusal to accept the prevailing constitution of the relationship between the police and the African American community, Colin Kaepernick triggered a constitutional crisis and surrendered his identity to the constructive powers of narrative fiction. Throughout this project, I treat Kaepernick as a rhetorical icon whose racial identity is not only decided for him but is also central to the characterization of his protest. This thesis explores the ways in which Kaepernick’s constitution as not-white and the white supremacist constitution of blackness that results in police violence against the African American community are mutually reinforcing.

Expanding the scope of racial constitution: Colin Kaepernick's calculus of motives

An understanding of Colin Kaepernick, as an individual and a representation, is therefore central to the arguments made in this thesis. I have chosen to focus on Kaepernick as an illustration of the biracial rhetorical icon for several reasons, chief among them his racial heritage and the composition of his adopted family. Kaepernick's position as an athlete is also significant if one considers the role athletes and specifically black athletes, play in American society. Generally, though it is not always the case, black athletes in the United States have borne the burden of representing the interests of their communities as a means of offsetting the perceived privilege that is associated with their success (Scott, 2016). Wright notes that "professional athletes like Michael Jordan, have been burdened with these expectations to do more with their privileged status in the decades following the civil rights era. This same burden has been placed on Black athletes following in his footsteps. Four notable examples are Eldrick 'Tiger' Woods, Kobe Bryant, Serena Williams, and LeBron James" (Wright, 2016, p.11). In this respect, there is an almost automatic expectation that Kaepernick, constituted as a black man who owes his success to the community from which he comes, would stand for the cause of African Americans.

The relationship between blackness and athleticism further supports the case for Colin Kaepernick as a biracial rhetorical icon in this discussion. In a series of interviews with black student athletes, for example, Bimper (2015) has found evidence for the sport-as-validation argument. Bimper's students collectively identified, and rejected, the idea that their athletic success was related to their racial composition, arguing against the prevailing "racial discourse about Black athletic superiority by suggesting that the over-representation of Black athletes is simply commonplace and not a result of any systematic cause" (p. 233). Even so, the stereotypes

of black Americans as gifted in specific areas such as sport and music, as suggested by their dominance in those spheres, facilitates a race-based rationalization for their success. Bimper's findings are supported by Smith, Clark and Harrison (2014), who note that "with the newly recognized success of Black sportsmen and women, new rationales emerged to explain and belittle Blacks, claiming that they were naturally physically superior and innately intellectually inferior" (Smith, Clark & Harrison, 2014, p. 2). They go on to point out that the pseudo-scientific history of racial categorisation has supported claims for the athletically-superior but intellectually-inferior black subject. This, in turn, has led to the creation of a mythology, advanced by the sports media-collegiate coach-academic institution complex, according to which a black athlete must excel athletically at the expense of their intellectual development (Smith, Clark & Harrison, 2014). This mythology is reinforced by the overrepresentation of black students in collegiate sports. Therefore, when athleticism and its associated physicality is a hallmark of blackness, it is easier to constitute a biracial athlete as black than it is to deny the white heritage of a politician or actor, whose talents are traditionally associated with whiteness. In these ways, Colin Kaepernick's standing as an athlete further predisposes him to serve as a biracial rhetorical icon in American racial discourse.

Kaepernick's entry into this discourse also serves a prismatic function, refracting what would otherwise have been a handful of clearly defined racially and morally based standpoints into a spectrum of representations and identifications. The biracial identity of the icon who is not a person but "an object chosen because of its capacity to signify aspects of the rhetorical situation it represents" (Kenny, 2000, p. 395) multiplies the potential positions that social actors can take in relation to the debate over his protest. The combination of black/white and pro-protest/ anti-protest positions that the rhetor can occupy are, at the least, quadrupled because

Kaepernick at once personifies the interests of both the African and European descended constituencies, while also acting as a blank slate upon which variations of the public will are projected. Additionally, the racial ambiguity of Kaepernick-as-icon transforms him at the point of convergence of the two related constitutions: race and police violence. At any given point in Kaepernick's engagement of the discourse on police violence against African Americans, the public is thus required to determine where they stand in relationship to both the accepted constitution of race in America and the constitution of the police, as a function of their own identities.

Project Overview

This project is intended to explore the relationship between white purity, white supremacy and biraciality in the United States, using Burkean concepts of constitution and terministic screens. The first area of inquiry will be to explore the mechanisms through which the biracial individual is constituted as black/not-white. The second addresses the impact of the constitution of the biracial person as black/not-white on the maintenance of white purity and, by extension, white supremacy, identifying Kaepernick's racial categorisation as a white supremacist construct and examining its impact on his protest. The third will focus on how the constitution of the biracial person as black/not-white affects efforts to resist white supremacy and change existing power relationships in American society.

I begin with a framing of the analysis of the biracial rhetorical icon in the context of the American racial discourse. The following chapter introduces key concepts in the discourse's historical, social and legal background and clarify the concepts that are used throughout the discussion. It also introduces the rhetorical framework for analysis with specific reference to the

dramatist perspective and the Burkean concepts of substance and constitution. An analysis of the discussion of race and the discourse around race is necessary to contextualise the arguments this research will make for the constitution of biraciality. It outlines the role that race has played in the development of American society and explores the social, legal and cultural mechanisms through which accepted views of racial distinction have been implemented. This discussion establishes race as a power construct and not a biological fact, reconceptualising it as a discursive construction rather than a phenotypical category. Seeing race as construction allows for the identification of challenges to the discourse and how they are resolved. Among these is the challenge biraciality presents to a social order premised on the separation of discrete racial categories as indicators of power distribution.

The third chapter is devoted to an extended discussion of the Burkean concept of constitution and how it can be applied to understanding the creation of racial categories. It explores the constitution of Colin Kaepernick as biracial/not-white individual and draws parallels between similar constitutions of alterity that are used to reinforce whiteness as normative and central to the organisation of the United States. Finally, in the fourth chapter I situate the biraciality of Colin Kaepernick as part of the reality created by white supremacy and identify the accompanying principles of white supremacy, including white purity and hypodescent, to illustrate how they interact and reinforce each other. Using Burke's concept of the *terministic screen*, I explore the conceptualisation of Colin Kaepernick's biracial identity as a feature of a white supremacist social construction. This chapter also explores the relationship between the constitution of the biraciality and white supremacy. Drawing on the pervious chapter's treatment of Kaepernick, I argue that the constitution of biraciality as not-whiteness invokes the principle

of white purity which ultimately contributes to the maintenance of white supremacy in American society and culture.

Chapter 2: Race as Natural, Race as Discursive

“There are no genetic characteristics possessed by all Blacks but not by non-Blacks; there is no gene or cluster of genes common to all Whites but not to not-whites” (Haney-Lopez, 1994, p. 11). In other words, there is no such thing as race, at least not in the way the word is typically used to point to inherent, geographically-suggested, biologically-based differences between groups of human beings. In order to move from this “natural attitude” to race toward a more rhetorically-based understanding, this chapter critically engages both the scientific community’s conception of race and everyday American discourse on race. It thereby demonstrates that there is no non-rhetorical justification for the connection typically drawn between physical characteristics—such as hair and eye colour, central to *lay theories*—and genetic human differentiation. In order to support this argument, this chapter traces the evolution of the system of racial classification from religion-based to science-based, and engages the contemporary shift away from the biological support for race, the rejection of the idea that phenotype is an indication of biological difference. Following this discussion, I then interrogate the way in which everyday discourse on race operates, funding existing power relationships in the United States and recreating itself through legal frameworks, language, and custom. In short, I outline the mechanisms by which racial identity and the perception of racial difference are rhetorically constituted; the chapter concludes by investigating the resilience of this constitutional work, by examining the impact of, and resistance to, scientific challenges to American racial discourse.

This chapter therefore represents an attempt to untangle the discursive from the biological dimensions of race, and locate constitutions of racial identity at work in contemporary American society. The analysis undertaken in the subsequent chapters of this thesis builds upon this understanding of American racial discourse; these chapters specifically address biracial identity

as a rhetorical constitution and not as a naturally occurring phenomenon. Further, by identifying the rhetorical mechanisms by which the biracial person is constituted—and analysing how these mechanisms function in the modern United States—I develop a theoretical lens through which to view the American constitution beneath-and-behind-the-Constitution: white supremacist racial constitution.

Race in the American Context

There are two primary assumptions funding typical American conceptions of race: race is biologically based, and racial identity is denoted by certain observable physical characteristics. The American people are long accustomed to thinking about humans as being divided along racial lines. Whether based on religious tenets, law, or “science,” the twin ideas that human beings are innately different, and that these differences are objectively visible, have informed and dominated American social interaction for centuries. Yet, although the nation has always been organized around the ascription of meaning to physical difference, the justification cited for this racial classification has evolved over centuries, with race connoting different things at different points in the nation’s history.

Many scholars point to the intertwined nature of race and capitalism in their accounts of the origins of the American racial hierarchy. Smedley and Smedley (2005) contend that it was economic forces that justified the subjugation of Africans, leading to the creation of a new category of lesser human that could be openly and legally enslaved, without social, moral or legal repercussions. They write:

Race signified a new ideology about human differences and a new way of structuring society that had not existed before in human history. The fabrication of a new

type of categorization for humanity was needed because the leaders of the American colonies at the turn of the 18th century had deliberately selected Africans to be permanent slaves (Allen, 1994, 1997; Fredrickson, 1988, 2002; Morgan, 1975; A. Smedley, 1999b). In an era when the dominant political philosophy was equality, civil rights, democracy, justice, and freedom for all human beings, the only way Christians could justify slavery was to demote Africans to nonhuman status (Haller, 1971; A. Smedley, 1999b). (Smedley & Smedley, 2005, p. 19)

Smedley & Smedley (2005) essentially argue that American racial discourse facilitated the implementation of a forced labour scheme. They claim that, through its subsequent reinforcement in law, policy, and custom, the classification of Africans as subhuman gained credence and momentum as a force for social formation—but primarily in order to justify the nation's economic structure.

Other scholars share Smedley & Smedley's economic emphasis, but instead trace the origins of the American racial hierarchy to early fifteenth century Europe. Sweet (1997), for example, argues that “the racist beliefs that Iberians and others would later refine to a ‘science’ were firmly entrenched before Christopher Columbus made landfall in the Americas. This racial idiom became more rigid as capitalist imperatives gained strength” (pp. 143-144). In other words, Sweet contends that the connection between power and phenotype preceded slavery—but that it was increasingly invoked to rationalise the new economic order. From this perspective, economic forces supported an existing set of divisions but did not create it. What both these arguments have in common, though, is that there is a close relationship between the way race is conceptualised and the prevailing economic demands of American society.

For other scholars, however, the American system of race was premised not upon economics, but upon the familiar Christian distinctions between the savage heathen and civilized believer. In their initial interaction with the continent's indigenous peoples, the European immigrants reasoned that the tribes they encountered were fundamentally inferior to them, requiring reformation and rehabilitation to be brought to a civilised state (Horsman, 1975, p. 154). This habit of categorising the peoples they encountered as inferior was continued with the importation of forced labour from Africa. Such a view is echoed by Stuart Hall (as cited in Jhally, 1997):

When the Old World first encountered the New, peoples of the New World, they put to them a question; it's the famous question that Sepulveda put to Las Casas when the subject was debated within the Catholic Church of, "what is the nature of the peoples that we have found in the New World?" Now, they didn't say what I think the religious amongst you would like to hear them say, "well, these are, are they not, men like us, and our brothers? Are they not women like us, and our sisters?" ... No, what they said are [sic], "Are these true men?" That is to say, do they belong even to the same species as we do, or are they born of another creation? And here for centuries it was not science, but religion, religion standing as the signifier of knowledge and truth where the human science is. And then science itself was later destined to stand, which would ground the truth of human difference and diversity in some fact which was controllable which could put them over there, and us over here; them in the boats and us on top of the civilization that we had conquered and so on. (p. 11)

According to Hall, religious doctrine initially justified the separation of the civilized and the savage, resulting in the now-familiar categories of race. However, even after the American racial hierarchy shifted away from justification by faith, and toward justification by science, he contends that the hierarchy, and its effects, remained the same.

From another perspective, these two origin stories can be drawn together: the economic logic that drove the hierarchical racial categorisation was simply reinforced by the overarching religious consensus among slave-holding communities in the United States. Christianity and slavery were among the most definitive characteristics of the American South, in part because the Christian religious text could be manipulated to rationalise the ownership of slaves as members of a racially inferior category. Slave owners relied on the Bible to “vigorously defend slavery as an appropriate foundation for the good society and an appropriate model for harmonious social relations, both of which were viewed as necessarily hierarchical. They accepted much of the modern world, but they resolutely insisted that it could not survive if grounded in the social relations of ‘free society’” (Genovese & Fox-Genovese, 1986, p. 4). The Bible provided two arguments for the justification for slavery: the New Testament recognition of slave ownership as a spiritually acceptable practice and the Old Testament legend of the Hamitic curse. It is the latter that is most closely aligned with the ideas of racial categorisation that would persist throughout slavery. According to the biblical account:

After the Flood Noah planted a vineyard and, drunk from the wine, lay naked in his tent. His son Ham saw him naked and told his brothers. When Noah awoke he placed a curse on Ham's descendants, to be “servants of servants.” From the three sons of Noah the whole earth was peopled. The descendants of Ham, according to Genesis, spread out to inhabit Egypt and Canaan and also parts of Asia Minor. (Kenny, 2007, p. 370)

As such, Africans—having hailed from those places to which Ham's descendants had spread—were, to the minds of American slave owners, rightfully condemned to brutal servitude under the biblically sanctioned system of categorisation.

The shift away from the religious justification for slavery, and by extension the system of racial categorisation that enabled it, did not occur suddenly. As previously mentioned, Sweet (1997) claims that the pseudoscientific rationale for the American racial hierarchy—a rationale that is often thought to follow the abolition of slavery in the nineteenth century—"merely reinforced old ideological notions" (p. 144). Others argue that, for some time, religious and "scientific" reasoning for the American system of racial categorisation existed simultaneously, reinforcing each other. Fox-Genovese & Genovese (1987), for example, describe the American South along these lines:

They did not reject science; they sought accommodation. But whereas the logic of northern religious developments was leading inexorably toward the divorce of science from religion and, hence, toward a divorce of the discourses themselves, logic of southern developments led no less inexorably to an insistence that science and religion must apply to the same things and eventually led to a hardening literalism in the interpretation of religious discourse, even as it infringed upon matters scientific. (pp. 215-216)

In other words, as this quote suggests, the shift away from religion was not also a shift away from a virulent racial hierarchy.

Even as the theological influence faded from the American discourse on race, it was mirrored by no less problematic scientific ideas about difference. Following the demise of faith-based justifications for slavery, American politics and society flirted with an even more dangerous criterion for social stratification: the translation of religiously-informed boundaries of

social division into parameters for scientific classification of the natural world. More saliently, this pseudo-science framed a social understanding of the physical world that could hardly be criticized by the ordinary person. Whereas even moderate literacy enabled anyone to be suspicious of a given interpretation of the Bible, the discussions of phrenology, eugenics, and ethnology were more difficult for the average person to disregard.

Shortly after the turn of the twentieth century, a curious adaptation of Darwinian theory—formerly reserved for plants and animal species—was applied to humans. The term “eugenics” was devised by none other than Darwin’s cousin, Francis Galton (Gillham, 2001), and was used to refer to human evolutionary taxonomy. More than a system of classification, eugenics was a social reform campaign that included the dissemination of the law of heredity to the public to encourage further research; a survey of the social contribution of various classes over history; a plan to increase the size of the average family to at least five members; an anti-miscegenation drive; and the creation of a manifesto of sorts (Galton, 1904). While the rationale behind the religious argument for racial classification had been the justification of forced labour, eugenics sought to not only divide one group from another, but also “improve” the overall lot of human kind by purifying the superior groups and eradicating those considered to be inferior. According to Kevles (2016):

After the turn of the twentieth century, Galton’s ideas coalesced into a broadly popular movement that enlisted the new science of genetics and attracted the support of such luminaries as Teddy Roosevelt and Supreme Court Justice Oliver Wendell Holmes. They aimed, as Galton had said, to multiply society’s “desirables” and get rid of its “undesirables.” (p. 45)

This trend continued in the United States until the end of World War II, at which point the dangerous effects of the human improvement project became starkly evident. While the spectre of eugenics lingered well into the twenty-first century, albeit in disguise, it was around the mid-to-late twentieth century that scientific consensus shifted to support the position that there is no biological basis for racial differences—the position that now pervades contemporary “progressive” discussions of race in America.

Early twentieth century attempts to make a connection between morphological characteristics and innate biological features have been widely rejected by contemporary anthropologists and geneticists (Long & Kittles, 2003, p. 449). Eugenicist perspectives, which concede the existence of innate biological differences, tend to view humanity through the taxonomic lens usually applied to other species on the planet. In this context, “race” is used as a synonym for subspecies or a group that shares a clearly defined evolutionary lineage. This line of thinking attempts to create a parallel between human and other animals, arguing that, like other members of the animal kingdom, the human family can be organised by subspecies or races. With a few notable exceptions (Fairchild, 1991; Blakey 1999), however, modern science has consistently argued that “race classifications are unjustifiable when the variation within groups exceeds the variation between groups. Lewontin (1972) showed that 85.4% of the human species diversity could be attributed to allelic variation within populations, 8.3% to variation between populations within races, and only 6.3% to interracial variation” (Long & Kittles, 2003, p. 450).¹

¹ Notably it is the *racial* group that is perceived as the most clearly differentiated legally and socially from other groups in the United States that contains the most intragroup variation. Scientific findings have pointed to closer genotypic connections between Africans and members of other groups than between Africans as a single group. Long and Kittles (2013) state:

It is important to point out here that the rich genetic diversity within Africans is a robust

Further, the conception of a human species that follows the evolutionary rules of animal and plant species is misleading in part because it assumes distinct lineages or purity. On the contrary, scientists now contend that “human evolution has been and is characterized by many locally differentiated populations coexisting at any given time, but with sufficient genetic contact to make all of humanity a single lineage sharing a common evolutionary fate” (Templeton, 1999, p. 632). Additionally, distinctions between the genetic markers of human beings have been found not significant enough to satisfy criteria for scientific measurement (Andreasen, 1999, p. 200; Luroso, 2011, p. 537; Morning, 2014, p. 1678). In fact, the effort to classify human beings into physically recognisable groups based on genetic difference is so baseless that we find Morning (2014) calling it “insufficient and inaccurate” (p. 1678), Smedley and Smedley (2005) arguing that “racial distinctions fail on all three counts— that is, they are not genetically discrete, are not reliably measured, and are not scientifically meaningful” (p. 16), and Andreasen (1999) saying that “random sample of genes taken from different human populations classified location reveals that these populations are too genetically similar to each other to justify dividing humans into races” (p. 200). Yet, even without justification, a *belief* in the reality of racial difference remains in American culture. It is my view that the persistence of the logic of racial classification rests on the pervasiveness of a particular set of rhetorical discourses about human racial difference, which define and reinforce rhetorical constitutions of race. This is why, I argue, we should look beyond

finding that is not peculiar to the loci or specific samples analysed here. Recently, Yu et al. (2002) assayed nucleotide substitutions in 50 randomly chosen noncoding DNA segments (~ 500 base pairs) in 30 individuals: 10 Africans, 10 Europeans, and 10 Asians. The subjects within each continent were chosen widely from dispersed geographic locations. Interestingly, nucleotide diversity was greater within the Africans than within either Asians or Europeans. More importantly, the nucleotide diversity was greater within Africans than between Europeans and Asians. (p. 467)

the scientific studies that “disprove” the existence of race—and instead toward the racial discourse that has proven rather impervious to these scientific findings. In the next section of this chapter, therefore, I turn to a more detailed consideration of rhetorical approaches to race, and more specifically the Burkean conception of constitution, in order to more adequately engage the stubbornly persistent belief in the naturalness of race.

Dominant American Racial Discourse

Within this thesis, I use the term “racial discourse” to describe the way race is both perceived and spoken (or written, or posted, etc.) about in the United States. From a communication perspective, I also emphasize that this discourse on, or conversation about race, is different from (and, ultimately, more consequential than) the scientific studies of race summarized above. Contrary to other perspectives on the role of language, communication scholars have argued that ideas and thought are communicatively given life and power, and do not exist apart from that communication (Dewey, 1988, p. 135; Thayer, 1982, p. 22). In keeping with this observation, the significance of race to members of a specific racial group—and the social currency and power apportioned to members of those groups—is wholly dependent on the way in which these racial groups are identified and described.

The following sections of this chapter are therefore an attempt to understand the way this identification and description operates. Firstly, I begin by identifying the components of American racial discourse and then describing the ways they function. This racial discourse is defined, first, by its capacity to direct the way in which individuals perceive each other. Its second feature is that it relies heavily on an investment in the idea of race as a biological reality. Thirdly, it influences the ways in which the racial classifications it has delineated are translated

into a social hierarchy. Finally, the racial discourse reproduces itself through institutionalised activities that reinforce the idea of distinct racial categories. After identifying the features of this discourse, I analyse the rhetorical operation of the discourse to illustrate how racial categories function as the declarations of substance upon which motivations are based. This process of description and explanation thus creates a framework in which we can more complexly engage both challenges to this racial discourse and the efforts marshalled to resist those challenges.

Features of American Racial Discourse

American racial discourse, first, has the capacity to structure sensory perception, ensuring that phenotypical characteristics are perceived in close alignment with accepted racial categories. While the perspectives on and arguments about how people of different races should be treated may vary, the acceptance of the existence of racial categorisations as a fact, even in the absence of biological evidence, persists; further, evidence of these categorisations is usually drawn from “evident” or “obvious” visual differences. Yet, from a rhetorical perspective, these perceptions are never produced outside of a communicative context. As Doane (2006) writes, “discourses shape the mental models, or ‘common sense’ beliefs, through which individuals interpret social reality” (p. 256). Racial discourse, in short, has the power to affect the way individuals see one another (Guo et al., 2014b, p. 1289; Haney-Lopez, 1994, p. 43; Jacobson, 1998, p. 138), shaping our very interpretation of the physical world around us.² As an example of this, Jacobson (1998)

² Haney-Lopez (1994) documents an interesting case in seventeenth century Los Angeles that highlights the perceptual impact of racial discourse:

has investigated the evolution of racial perception among European immigrants to the United States. His work suggests that changes in discourse on race produced changes in sensory perception, allowing immigrants once seen as not-white to be brought into the monolithic fold of American whiteness—as an answer to the internal social pressures of the Civil Rights Movement. Jacobson's argument is not that those European immigrants whose whiteness had been questioned and resisted under the nineteenth century immigration regulations had changed in some way. Instead, his research shows how they were literally seen differently once the system of classification had shifted around them: "civil rights agitation around Jim Crow in the

The Chinese, whose population in the United States rose fifteen fold to 105,465 in the twenty years after 1850 were also initially defined in terms of Black and White. Thus in Los Angeles circa 1860 the Chinese area downtown was called "Nigger Alley." During their first years in the United States, as Ronald Takaki observes, "[r]acial qualities that had been assigned to blacks became Chinese characteristics." Not only were the supposed degenerate moral traits of Blacks transferred wholesale to the Chinese, but in a fascinating display of racist imagination, Whites also saw a close link between Black and Chinese morphology. Takaki cites a commentator who argued that Chinese physiognomy indicated "but a slight removal from the African race," and he reprints a startling cartoon contrasting Anglo Uncle Sam with a Chinese vampire replete with slanted eyes, but also with very dark skin, woolly hair, a flat nose, and thick lips. (pp. 44-45)

1930s and after has quietly but decisively ratified the racial logic of white-over-color, helping so many immigrant Hebrews, Letts, Celts, and Mediterraneans to become the Caucasians of our modern day visual and conceptual lexicon” (p. 245). What the research of Jacobson does, then, is question the “obviousness” of physical differences when it comes to racial classification, and to suggest that what is often taken as a matter of individual perception is, instead, the influence of communal racial discourse. More significantly, when seen through the rhetorical lens, Jacobson’s research illustrates the ambiguity of substance and fragility of racial constitutions. Since it is not the substance of the members of a group that changes but their classification, the characteristics and motivations attributed to these racial groups, and the consequent treatment of its members, are actually substantiations of what they are called and not evidence of what they inherently *are*.

Another feature of American racial discourse is its apparent basis in biological fact. The appropriation of scientific terminology to justify racial classifications underscores the idea that the concept of race is assumed to be a naturally occurring phenomenon. Further, this assumption is quite consequential; if race is biological, it is beyond the power of humankind to alter, which means it should therefore be accepted. According to Haney-Lopez (1994), race is typically perceived as “natural, physical divisions among humans that are hereditary, reflected in morphology, and roughly but correctly captured by terms as Black, White and Asian (Negroid, Caucasoid and Mongoloid). Under this view, one’s ancestors and epidermis ineluctably determine membership in a genetically defined racial group” (p. 26). This perception is flawed, however, since it is informed more by rhetorical discourse than biological studies. As noted in the previous section of this chapter, the prevailing scientific consensus is that these racial divisions are in no way rooted in human biology; scientists have repeatedly emphasized that there simply is no natural foundation for our racial groupings. Yet, again, the belief in the

naturalness of these divisions remains. In part, I suggest that this is because these racial categorisations inform, and are informed by, existing relations of power, as expressed in law, social relations, and customs.

The third characteristic of discursive racial categories in America therefore involves their reciprocal relationship with the instruments of social organisation. In other words, within the U.S. context, racial categories provide the framework for institutional reinforcement of the status quo—and are, in turn, reinforced by these dominant institutions and practices. For example, the judicial system plays a significant role in the entrenchment of racial categorisations. While outwardly the judicial system appears to reject biological definitions of race, historically the United States' legal machinery has crafted a fragile compromise between the biological and social definitions of race (Bridges, 2013). This compromise at once denies the veracity of its biological underpinnings in the context of the function of the court by defining it in cultural terms—yet, at the same time, the legal system refuses to discard biological accounts of race entirely. According to Bridges (2013):

Differently stated, while the Court has rejected racial biology in law, it has never rejected the possibility that, outside of law, race is actually a biological entity. By not shutting the door completely to biological race, the Court, and the law more generally, is complicit in the resuscitation of one of the most dangerous inventions of the modern era. Biological race is a dangerous invention because it has dangerous consequences. (p. 24).

Haney-Lopez (1994) similarly argues for the pervasiveness of racial discourse in the American Court. He describes the transition from social prejudice to law that occurred in America during the Anglo-Mexican conflict in the 1800s. He references a vagrancy law that was

applied only to biracial persons of Spanish and Indian extraction, identified in the legislation only as "Greasers." He concludes:

Race suffuses all bodies of law, not only obvious ones like civil rights, immigration law, and federal Indian law, but also property law, contracts law, criminal law, federal courts, family law, and even "the purest of corporate law questions within the most unquestionably Anglo scholarly paradigm." I assert that no body of law exists untainted by the powerful astringent of race in our society. (Haney-Lopez, 1994, p. 4)

As typical with hegemonic principles, American discourse on race also reproduces itself through these institutional channels. One example of how this is done is through the government-sanctioned practice of self-identification. Since 1960, the U.S. Census has required head of households to report race and ethnicity as a feature of population estimates. Until 2010, the categories of racial classification offered were: White; Black or African-American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander. The 2010 Census was the first to allow respondents to select a category referred to as Some Other Race. Guo et. al (2014b) state:

The consensus is that these measures are without an objective basis beyond self-report (Hirschman et al. 2000:390; Rosenberg et al. 2003:157). As Perlmann and Waters (2002:11) suggested, "the great irony is that the American government gathers data on people's race through a more or less slippery and subjective procedure of self-identification and then must use these counts as the basis of legal status in an important domain of law and administrative regulation—namely, civil rights." (p. 142)

Selecting a race for one's household from a list of prescribed categories both reflects and reinforces the illusion of distinct races in American society. Until 2010, the categorisations also limited the options of racial groups with which the individual could identify.

What is even more problematic is the unstable nature of these categories. Self-reported race is, to some degree, a subjective categorisation which directly reflects the pervasive influence of American racial discourse. Additionally, researchers have observed marked discrepancies between administratively reported race and self-reporting, particularly with groups defined as not-white (Boehmer et al., 2002). Hahn et al. (1996) found that "classification of a person's ancestry varies over time and by method of ascertainment, relationship between person classifying and person classified, vital status of subject, and specific category of ancestry" (p. 79). The ease with which individuals are able to move between self-reported categories works in concert with other social forces to strengthen prevailing racial discourse and reinforce the real existence of accepted racial classifications. This practice helps to ensure that this approach to understanding human variation takes precedence over other ways of thinking about race.

As this section of the chapter suggests, we can identify several key features of American racial discourse: the tendency to align perceived phenotype with accepted racial categories; the assumption of a real connection between phenotype and biology; and the reciprocal relationship between these classifications and social policy and institutions. These features operate to form a complex system of rules that social actors employ to navigate life in the United States. As introduced in the previous chapter, I contend that it is most useful to think of these racial categorisations as *constitutions* that are enacted rhetorically in the service of these power relations—enactments of substance that provide motives for everyday social action.

American Racial Discourse as Constitution

Burke's (1955) discussion of constitution suggests that motivation is derived from substance. In other words, what a thing is thought to be made of, determines how it behaves and this determination elicits the appropriate reaction in the context of social action. Understanding constitutions is therefore a way of understanding human interaction. From this perspective, the naming of a thing, in this instance the identification of a racial classification, activates the process of constitution. Racial identities in the United States are not biological realities but are alignments of substance and motive. Individuals' location in the social hierarchy, how they are treated, and what they are entitled to, are a result of how they are constituted. The attributes of a racialized individual in the American context are, therefore, derived from that person's racial substance, or the original "essence" s/he shares with others given that racial identity. Burke uses scientific study to illustrate this concept:

Often, they study the responses of organisms at various levels of development, in the expectation that laws of behaviour discovered at one level will apply to levels far higher in the scale of complexity. They expect differences, of course, but they also expect the processes at both the higher and lower levels to be "substantially" the same. (Burke, 1955, p. 30)

Here, Burke describes *familial* substance—or the idea that things which are thought to originate from the same source are inherently the same, and, thus, are expected to behave similarly. I argue that this is how racial constitutions operate, with members of a particular racial classification being thought to share some innate, definitive familial substance. Therefore, all people constituted as not-white, or in opposition to whiteness, share the same characteristics and are expected to act on the basis of those characteristics.

This approach to understanding race in the United States is premised on the concept that discursive instruments both create and reveal the nature of human interaction. How a thing is named and classified is treated as the start of the constitutional enactment to which all subsequent acts conform. Burke's "dramatistic analysis has as its point of departure in the subject of verbal action" (Burke, 1955, p. 33). While this project recognises the important role that discourse plays in the constitution of social reality, it is also concerned with understanding how such racial discourse actually shapes human relationships and the wider social structure. I, therefore, agree with Burke and consider symbolic communication as "not merely an external instrument, but also intrinsic to men as agents. Its motivational properties characterize both 'the human situation' and what men are 'in themselves'" (Burke, 1955, p. 33). As such, the use of a racial category is more than a biological referent; it is a declaration of substance that simultaneously generates the motivations that "naturally" proceed from it. American discourse therefore presents race as a substantiation of human behaviour, which in turn facilitates the recreation of the constitutions that initially produced the racial categories.

I contend that human action can be understood by applying Burkean rationale that acts follow from potentialities, the parameters of which are delineated by a declaration of substance. In this way, I see substance, potentiality, and motivation as synonymous. The definition of substance, or the implicit nature of a thing, suggests the explicit action of which it is capable. With respect to America's racial discourse, the naming of an individual as white or not-white is an identification of potentiality, and inspires responses that are appropriate to that social context. Burke's discussion of *heroism* illustrates this alignment of substance and potentiality. He argues that while soldiers are often called heroes because of their valiant acts on the battlefield, the soldier on the way to the war may also be considered a hero, due to the *potentiality* for bravery.

In other words, “their heroism resides in their status as soldiers” (Burke, 1955, p. 42), not necessarily in the heroic act. Similarly, there is potentiality for certain behaviours, ideas and characteristics, resident in the status of any racial classification. In the enactment of racial constitution “status is considered as *potentiality* and actus as its actualization” (Burke, 1955, p. 43). I contend that the constitution of an American as not-white is status invested with pre-determined potentialities that are actualised through day-to-day social interaction.

Therefore, in order to understand the nature of racial constitution in the United States and the impact it has on social interaction, we must view *constitutions* as the resolution of the relationship between act and state—or, rather, the merging of what members of a group are declared to be and what they are expected to do. According to Burke (1955), “kingship is originally an act, like heroism. But gradually inherited, it becomes a sheer state, the nature of the King’s intrinsic properties, enabling him to be a king by reason of their substantiality alone” (p. 42). Similarly, racial constitutions, the states of whiteness and not-whiteness, were initiated by acts that, over time, were transmuted to states of being. This becomes clear when we consider the constitution of African-Americans in the United States. Even though African-Americans have been liberated from slavery for more than a century, the *act* of enslavement had gradually been converted to a *state* of enslavement, with the attributes of those who were enslaved being interpreted as a familial substance common to the subsequent generations of that classification. This constitution persists because the power relations inherent in that system have been solidified in the movement from actus to status. The state of being African-American is constructed in opposition to the state of being white, because it emerges out of the inter-*action* under slavery. Consequently, modern-day encounters between law enforcement in the United States and the African-American community are enactments of these engrained constitutions. In other words,

both the police officers who commit acts of brutality and the unarmed African-American men they brutalise are, in fact, actualizing the potentialities inherent in the constitutionally-produced, uneven relations of power.

Burkean constitution is, therefore, a way of understanding the social conflicts generated, perpetuated, and substantiated by racial classification. It assumes that the practice of naming “reflects real paradoxes in the nature of the world itself—antinomies that could be resolved only if men were able...in actual concrete operations, to create an entire universe” (Burke, 1955, p. 56). Placing an individual in a racial category is a declaration of substance and a prediction of how that individual's inherent potentiality will be actualised. Not-whiteness is therefore what Locke describes as “the supposed, but unknown, support of those qualities we find existing” (as cited in Burke, 1955, p. 52), which ultimately determines how the person is treated.

The consequential nature of the rhetorical constitution of racial categories is evident in national policies that encourage racial self-identification, divisive social customs, and legal frameworks that buttress the social construction of race.³ The reporting of race in the census,

³ The answer to the accusation that there are biological grounds for the differentiation circulating in racial discourse, has often been the claim that race is a social construction. While there is not room here to fully discuss the idea, a foundational principle of this thesis' argument is that race is a reflection of power relationships. As such, the subtle implication contained in the term *social construct* is that the genealogical nepotism associated with racial classification is somehow a natural phenomenon. It is not, as must be challenged. In another place, I would instead refer to race a *power construct*, finding its genesis in powerful economic and political relationships and symbolic forces, to which the social and legal delineations with which we are most familiar

complicated descriptors to identify racial and ethnic groups, and legislation preventing the interaction of racial groups all entail declarations of substance, potentiality, and motivation. The constitutive process that underlies the interpretation and application of the categories of American racial discourse has been referred to by some researchers as lay theories of race—or systems of “beliefs that individuals hold that allow them to make sense of how these outer differences in physical characteristics correspond to inner person attributes such as abilities and personality traits” (Hong et al., 2009, pp. 1285-1286). Hong et al. (2009) describe racial categorisation as the use of physical characteristics as an indicator of fixed, innate qualities that are “diagnostic of a multitude of human characteristics” (p. 1286). Lay theories of race connect phenotype with behaviour, and stipulate where the subject of the constitution belongs in the social order. These cues assist in the construction of frameworks for interpreting and negotiating the social world (p. 1287). Lay theories of race, therefore, create a connection between physical appearance and behaviour by identifying substance as a basis for action, and thereby employing a constitutional calculus to negotiate social interactions. The unique nature of the American constitutional calculus can be seen quite clearly in the case of biracial identity.

The lay conception of race can be likened to the way in which non-scientists perceive chemistry. The study of chemistry is a way of understanding the events in the physical world.

humbly bow. In other words, the power relationships precede and govern the customary and legislative frameworks that have enforced the racial classifications of the modern world. This paper therefore sees social construction (human interaction) as means by which race is created, but not necessarily as its motivation or cause. Haney-Lopez refers to this process as *social fabrication*.

Likewise, lay theories of race are a way of looking at human interaction. As such, the elements used to constitute human beings on the basis of race are treated as fixed entities that I compare here to the elements of the periodic table or the fundamentals of chemical reactions. A parallel can also be drawn between the conception of race and the way colour is treated, but for the purposes of this explanation, comparing the mixing of *races* (black and white to create a biracial) to the mixing of colours (black and white to create the colour grey) may be unnecessarily confusing. Instead, one can think of the discrete discursive racial categories as chemical elements that display fixed properties, and are therefore expected to react to and combine with each other in certain ways. There are sets of established scientific rules that suggest how these chemicals are capable of behaving—that innate potential to react to other chemicals is a fixed fact of reality.

In much the same way that the rules of chemistry allow scientists to anticipate how chemicals will react to each other, racial categories are accepted as a reliable way of predicting the effect of uniting two races—and imagining the potential genetic composition of a biracial product. This conception of race assumes that phenotype indicates differences in the fundamental substance of human beings. The internal calculus of the racial discourse in the United States, as a way of understanding human interaction, mirrors chemistry almost exactly until it is applied to the innate reactive potential of *whiteness*. Whereas other racial groups are thought to meld together to create the racial equivalent of chemical compounds, whiteness in American society functions like the inert gas that refuses to bind with any of the other elements. In the realm of racial categorisation, any evidence of the presence of whiteness is adamantly denied, and the biracial offspring is hastily ushered into the *not-white* category. It is almost as if the interaction between the white racial category and any other racial category negates that whiteness altogether—at which point an alternate, and profoundly problematic, logic is applied and

rigorously enforced. I contend that this logic follows from the American constitution of whiteness as fundamentally pure. It is a state that has been reified through persistent legal and social acts of separation. The enactment of this constitution requires, therefore, that whiteness be set apart as a function of its nature.

While the discursive alchemy of racial classification has proven itself inadequate as a way of understanding humanity, it persists; racial categorisation is automatically applied by individuals seeking to negotiate American society (Chen & Hamilton, 2012, p.152; Herman, 2010, p.58; Peery & Bodenhausen, 2008, p. 975). This almost involuntary compulsion to classify is yet another way in which the discourse operates in the American society. Peery & Bodenhausen (2008) suggest that the information about an individual's lineage only plays a limited role in how they are defined racially, in particular when it comes to the not-white categorisation of bi/multi-raciality. In fact, they argue that "biological cues have no impact whatsoever on the speed with which 'not White' categorizations were made ($F < I$). These results are consistent with the hypothesis that minority identities are more accessible and defining for multiracial targets, at least under conditions of limited deliberation" (Peery & Bodenhausen, p. 975). In other words, judgements that characterize day-to-day racial categorization are not mitigated by foreknowledge of the biracial individual's family background. More importantly, the categorisation of the biracial person is most closely associated with the parent whose racial identity is constituted as having less power. In the context of American society, racial discourse, in short, operates by ascribing the ancestry of the parent that is considered to be "socially subordinate" to the mixed-race child. (Ho et. al, 2011; Peery & Bodenhausen, 2008; Brunnsma, 2005). "The principle of hypodescent, which has a prominent history in defining racial categories in the United States (e.g., Banks & Eberhardt, 1998), holds that the race of a mixed-race child

corresponds to that of the 'socially subordinate' parent (Harris, 1964, p. 56); thus, a Black-White biracial person would be considered Black" (Peery & Bodenhausen, 2008, p. 973).

It is important to note how the principle of hypodescent works, because it underlies one of my primary arguments. The familial ascription of the status of the parent, the one who is perceived as socially subordinate, is more than a perfunctory label. Instead, it represents the transference of substance, and thus of innate motivations, from parent to child. If one accepts that the substance of the black parent can *cancel* the substance of the white parent in a biracial child, as suggested by the hypodescent principle, then that child's motivation would be derived solely from the parent who is constituted as black. The potentiality associated with blackness will become more significant in the following chapter, when I discuss the constitution of Colin Kaepernick as a biracial rhetor. According to the rationale of the prevailing racial discourse Colin Kaepernick's decision to participate in the debate over police brutality is inspired primarily by the substance he inherited from his black parent. His motivation and agenda are, consequently, aligned with the group with which he shares substance.

Throughout the preceding discussion, I have posited that race is a constitution—a symbolic manipulation of phenotypical features that underlies and maintains an existing power structure. Within this structure, orthodox racial categories are used to assign social, economic and political positions that allow the prevailing order to both retain its shape and to function relatively smoothly. Not surprisingly, then, within American culture there seems to be a persistent effort to identify people on the grounds of race and to place them in discrete categories. How is the continuum of phenotype—shades of skin, gradations in hair texture and colour, facial morphology—divided and clustered around racial categories? I contend that there are rhetorical mechanisms that govern the creation and ascription of these categories. Racial

categories are the lattice through which fine-grained racial constitutions are woven, supporting their implementation and anchoring them in the physical world. American racial discourse, however, is the blueprint from which these particular constitutions take their form, the set of overarching principles that guide their formation.

From a Burkean perspective, then, I would argue that American racial discourse guides the creation of categories based on physical characteristics, and naturalizes the results. Many social scientists have investigated this link between perception and race, though without making this rhetorical move. As many studies have shown, the tendency to recognise race exists in children of kindergarten age (Brunsma, 2005, p. 1136; Roberts & Gelman, 2015, p. 1834), and is premised almost exclusively on skin colour. While other physical characteristics contribute to the classification process, it is skin colour that is the most definitive indicator in the scheme of racial categorisation (Feliciano, 2016, p. 395). Herman (2010) similarly finds that “skin tone was the most important characteristic for correctly identifying the target’s race, followed by hair, eyes, nose, mouth, cheeks and eyebrows” (p. 60). The discursive value of skin colour is most apparent when one considers the phenomenon of *passing*. The idea that individuals are able to transcend racial categorisation, and develop “circumstantial identities in which they are consciously and inconspicuously able to move in and out of many different social environments and culture” (Allen et.al, 2013, p. 84)—based almost entirely on this phenotypical indication—testifies to its significance. Here it is possible to see the force of hypodescent at work, since the strong association of dark skin with the *black* racial category makes it almost impossible to escape, if phenotypical markers are being used as determining factor. Skin colour is, therefore, an indicator of substance which simultaneously functions as a symbol of power or powerlessness. It is vital to the survival of the prevailing order that this connection be irrefutable.

This understanding of racial classification is limited, however, since it merely addresses the way in which the categorization is implemented. Psychological research has only shown that the categories and the process of classification are learned. This approach would lead us to believe that individual perception leads to interactions that shape society. I contend that it is the underlying power relations of the social order that forge these psychological tools, prescribing the constitutional forms that facilitate its accepted order and recreating itself through continued interaction. This interaction provides cues that not only guide how the person classifying along racial lines creates the world around them, but also informs the racial identification of the person being classified, firmly wedging them into a pre-ordained, power-based social group (Herman, 2010, p. 59). If racial categorization is learnt, then it is also taught—which makes this a rhetorical, and not psychological, process. The system for the successful transmission and implementation of this understanding of racial distinction occurs through the racial discourse mentioned earlier. I maintain that this discourse facilitates a racial constitution of the United States that upholds and recreates the power structure from which contemporary American society has emerged. Learned racial classification generates constitutional templates or associations between phenotype and behaviour, indicators of substance and motivation. The operation of the resulting constitutions has far-reaching consequences for the society at large.

By treating the acquisition of these constitutional templates as the discursive instruments by which power structures are created and maintained, one can see how accepted racial categorizations have served to divide the American society. The parameters of racial constitution must conform to the overarching direction of the discourse. Firstly, the continuum of phenotypical manifestations of race must be divided into groups. The perceiver organises facial morphology, skin tone, and other characteristics into culturally influenced but fundamentally

arbitrary groupings that help them to make sense of the world (Chen & Hamilton, 2012, p. 163). Secondly, there is the *forced choice dilemma* (Allen et al., 2013, p. 84) which, at its root, dismisses the idea of raced beings that cannot easily be put into a category, and reacts to *ambiguity* with the insistence that a racial category must be chosen. This specific condition of American racial existence encourages the application of hypodescent while simultaneously creating the illusion of choice. In spite of the current variety of labels and the associated racial classifications that may be self-applied, or applied by others, American racial discourse ultimately constitutes individuals as either white or not-white.

Challenges to American Racial Discourse

Despite the pervasiveness of this racial discourse in American society, and its capacity to maintain a social order that upholds existing power relationships, there have been challenges to its efficacy as a means of social organisation. These challenges, however, present an opportunity to observe and understand two salient characteristics of American discourse on race. The first is the constructive nature of the discourse, or its ability to create and populate discursive categories. Challenges to the established categories result in confusion because they represent events that ought not to occur. In other words, these events suggest meanings that are outside of the normative framework. The second feature of the discourse, revealed when a challenge is presented, is its capacity to resolve anomalies through the application of lay theory.

One of the recent affronts to the discursive order has arisen from the availability of commercial genetic testing. The affordability of personal genetic tests and the pursuant social media marketing strategies point to the prevalence of the discourse on race and the frailty of individual lay theories in the face of scientific discovery. Feature-length commercials circulated

on social media focus on groups of individuals whose genetic test results reveal ancestry that they have hitherto been unaware (LetsOpenOurWorld, 2016). Having been indoctrinated into American discourse on race, and believing that their known ancestry conclusively determines their genetic makeup, these individuals are suddenly faced with the idea that their physical characteristics are not sound evidence of their origins. The key feature of these commercials is surprise. Most, if not all the participants learn that they are, in fact, descended from geographical, cultural, and religious groups they have, in some instances, professed to hate based on their race. This is evidence of the constructive nature of the discourse, the recognition and application of fixed racial categories. The surprise of the test results is premised on the fixity of race, as indicated by phenotypical features. Participants are jolted by test outcomes that suggest their appearance, and consequently the appearances of other people, may not be reliable indicators of heredity. As commercial genetic testing enters the mainstream, it challenges the public understanding of race by showing the disparity between the normative categorisations of the racial discourse and the hard science of human variation. This understanding of race assumes that it can be assigned, readily, based on visual cues—and that physical characteristics are indicative of geographical ancestry. Individuals are placed in what are believed to be discrete groups that are conceptually connected to various geographical locations. The implication of genetic test results that reveal ancestry from other parts of the world could inspire doubt in this system of classification.

At the same time, the new trend continues to reinforce the idea that there is a genetic basis for human distinction according to race. Even as the revelations seem to overturn the central ideas in American racial discourse, claims of being able to identify specific genetic markers that point to geographically-sequestered ancestors only serve to reinforce the elements

of the discourse that pertain to the relationship between morphology and geography. This is the way in which the discourse resolves the challenge of scientific evidence. While it is possible for the findings of commercial genetic testing to refute the idea that there are *races*, it generally only serves to reinforce the idea that there is a genetic basis for racial difference. When the testing reveals the presence of unexpected heredity, it does less to counter the idea of racial categorisation, and more to complicate the individual's self-conception as a raced being.

Solomon's riddle

While access to genetic testing inspires questions about the system of racial categorisation, another phenomenon exposes the operation of American racial discourse by challenging one of its fundamental assumptions. As the social and traditional media compress the globe and seem to erase national boundaries, new information and ways of looking at the world will, necessarily, challenge the American viewpoint. How does the American traditional and social media react to these challenges? The 2012 "rediscovery" of the people of the Solomon Islands as a social media phenomenon is a good example of how those reactions simultaneously elucidate aspects of American racial discourse.

The Solomon Islands' government-hosted tourism website is dedicated to engendering a sense of mystery. Visitors are invited to "seek the unexplored," "discover the world's best kept secret" and "uncover the mysteries" (The Solomon Islands Visitor's Bureau, n.d.). The website's wording proposes the idea that the island chain is a magical part of the world where curious things happen as a matter of course. The more than 906 island-state is 11,000 square miles, and has 552,438 English speaking citizens that practice Christianity (Wikipedia, n.d.). But is it not the mystery of the unexplored landscape or the cultural diversity that recently seized the attention

of social media users in the United States (and other parts of the world). Instead, it was the appearance of some members of the population that garnered the most attention (Waugh, 2016). The media took a special interest in Solomon Islanders following the publication of a study, and accompanying photographs, that claimed to have identified the gene that caused some of them to naturally grow blond hair without any European ancestry.

The Solomon Islands story is another opportunity to observe the constructive and stubbornly resistant nature of American racial discourse, since an analysis of the coverage and public reaction to it reveals the rules of racial constitution—as well as the efforts to resolve violations of those rules. Under the guidance of American racial discourse, racial identity is constituted in the mind along the lines of what ought to be. This means that there are rules that govern the coupling of hair colour and skin tone, hair texture and morphology. The most common pairings represent the normative *oughts* of racial categorisation. While there is no clearly defined set of expectations, the recognition of and reactions to new combinations of phenotypical characteristics are a guide to locating and examining these preconceived notions. If phenotypical characteristics are indicative of race, and race is a symbol in the language of social meaning, then unconventional pairings of phenotypical characteristics—such as those present in the Solomon islanders—are the equivalent of gibberish. As a result, the Solomon islanders' appearance is not easily translated into a position in the social order, and must be either rejected as impossible or explained away, using the existing rules of racial categorisation.

There are two ways in which the Solomon Islanders challenge the existing rules. In the first instance, the emergence of dark-skinned blonds and their categorisation as an aberration, show that there is an expectation that this combination ought not to happen. This is a constructive *ought* that dictates and reveals the formation of a stable racial category. Secondly,

the significance of reporting that the blond hair was a genetic mutation, and not the result of white ancestral intervention—coupled with firm resistance to the idea that such a mutation is possible—again points to a rigid lay theory that outlines what phenotypical characteristics a single human being should manifest. The headlines of the reports on the study are the first indication of how much of a departure the Solomon Islanders are from the expectations set up by American racial discourse. “The origin of the mysterious, dark-skinned blonds discovered” (Pappas, 2012), “Scientists spot genetic quirk that give Solomon Islanders blond hair” (NewsCore, 2012), and “The origin of blond afros in Melanesia” (Loury, 2012) all suggest that the Solomon Islanders are an anomaly worthy of study. The significance placed on the occurrence of the phenomenon, frames it as an aberration in the discursive framework through which Americans understand race.

The appearance of the Solomon Islanders, who are categorised geographically as Melanesians, is not particularly mysterious if one considers the science of genetics. According to Long and Kittles (2003), the genetic similarities between Melanesians and Europeans suggests that the phenomenon is, scientifically speaking, quite likely:

For example, consider Melanesians and Africans. As shown in Figure 4B, these two human populations have nearly maximal genetic divergence within humanity as a whole with respect to molecular markers. Moreover, note that Europeans are closer to both Africans and to Melanesians than are Africans to Melanesians (Figure 4B). However, Melanesians and Africans share dark skin, hair texture, and cranial-facial morphology (Cavalli-Sforza et al. 1996; Nei and Roychoudhury 1993)—the traits typically used to classify people into races. One obvious conclusion from this gross disparity between

racially defining traits and the molecular genetic data is that classifications based on these "racial" traits have no evolutionary validity. (p. 640)

Instead, the appearance of blond haired, dark-skinned children pictured in the online articles is a source of alarm to social media users. This is the effect of American racial discourse on perception—the expectation that a single group would manifest specific physical traits as a consequence of their inherent difference (Haney, 1994, p.2). This impact of images is made clear when the terms “shocking” (Pappas, 2012), “puzzled” (Waugh, 2012), and “mind-blowing” (Pappas, 2012) are used to describe the images. To remove any doubt that the astonishment caused by the appearance of the Solomon Islanders had to do simply with the juxtaposition of dark skin and light hair, more than one report noted with emphasis: “Indigenous people of the Solomon Islands in the South Pacific have some of the darkest skin pigmentation outside of Africa” (Raffensperger, 2012; Sumitra, 2014), highlighting the discrepancy in the rules of racial constitution. In other words, people with dark skin *ought* not to have light hair because it challenges the idea that people constituted as white and those constituted as black are essentially and incontrovertibly different.

In the face of scientific evidence that the joining of the dark skin and light hair traits in a single human being was possible, reader responses revealed the frailty of the personal lay theories, as well as the way in which they are also used to fend off this challenge. One respondent chose to deny the existence of the phenomenon outright, claiming that the condition was temporary: “Almost EVERY WHITE CHILD is born with Blonde hair, but after 12 yrs old it starts getting BROWNER and Browner...until they are brown haired! So you have NOT PROVEN anything. Except shown me two KIDS with Sandy brown hair!” (Guest, 2015). Another questioned the researchers’ method: “Did the scientists chech [sic] that their hair hadn't

been bleached?" (PB, 2013). Others opted to disbelieve that the colour of the Solomon Islanders' hair was, in fact, blond, commenting: "That aint blond it's GINGER" (Eugray, 2013) and again, "That ain't blond, it's ginger" (Disley Tichbender – 1st Class Geezer & 2nd Class Citizen, 2013).

The other way in which the Solomon Islands case illustrates the effect of the racial discourse on perception and individual beliefs is the rejection of the idea that is possible for the dark-skinned, blond haired people not to have had European ancestors. At least two articles on the study implicitly point to the guiding logic of American racial discourse, noting, "many assumed the blond hair of Melanesia was the result of gene flow — a trait passed on by European explorers, traders and others who visited in the preceding centuries" (Waugh, 2012) and "Most strikingly, this gene mutation seems to have arisen in the Pacific, not been brought in by fair-haired Europeans intermarrying with islanders" (Pappas, 2012). The writers identify the most typical explanation for the Solomon Islanders' appearance, attributing the presence of blondness to European heredity.

Even after the study refuted those claims, however, commentators that had allegedly read the articles continued to dismiss the science, claiming "yeh, right ! [sic] like the Gordon highlanders went through the Khyber Pass in the 1800's and blue and green eyes magically appeared in the new born infants" (Johnnie the pom, 2013). Another reader attributed the phenomenon to nothing more than the hazards of being an island-nation, saying, "children have 5% in other words what you would expect from the odd input from passing sailors. Why do people make a fuss about nothing" (PaulDavies, 2013). While such challenges to the rules of racial categorisation prescribed by American racial discourse are few, when they do occur the public reaction to them usually entails an attempt to resolve them by forcibly applying the

categories they challenged in the first place. To the American public, the Solomon Islands, while fascinating, are a distant curiosity. The case can, of course, be overlooked, as it has little bearing on American society's functioning and organization. It is when challenges to the boundaries of racial categorisation arise internally and threaten the established social order that the influence of American racial discourse is most evident. The United States' historical treatment of race issues includes several efforts to create and maintain separate racial categories; the phenomenon of black-white biracial people, whose outer appearance does not indicate one of the existing categories, is one of the clearest threats to the maintenance of that social order.

The discourse on biraciality

Observable racial categorisations have social, political, and economic meaning. American racial discourse must be able to contain and manage that meaning so that it is readily accessible and applicable in given social situations. I argue that this system of representation is discursively constructed, with individuals applying constitutionally appropriate racial categories, and their associated implications, on the basis of appearance. This is important because this particular system of signification uses the physical body as a prompt to calculate ability and intellect, anticipate behaviour, and determine how a person should be treated. The Solomon Islanders resist the system of categories through which many Americans make sense of the world. In very much the same way, the biracial American is an affront to the system of signification that American racial discourse creates and upholds. In the context of the dominant discourse on race, which is only effective when clear lines are drawn between one race and another, the biracial American must be categorized in a way that does not threaten the power structures that the

discourse upholds. It is through this process of assignment that the biracial American is constituted as not-white.

In the following chapter I explore the constitution of biraciality in the United States, continuing to use this Burkean lens. I illustrate the constitution of the biracial American, specifically drawing upon the experiences of Colin Kaepernick. Kaepernick's protest presents a unique opportunity to examine biracial constitutions, since his race has played a pivotal role in how he has been viewed by the American public. Kaepernick's protest also reveals the ways in which parallel constitutions of religion and citizenship are enacted to undergird and reinforce the constitution of not-whiteness. Together, these declarations of substance organise American society and dictate distribution of power in the service of whiteness. This analysis provides insight into the discursive authority of rhetorical constitution, which determines who ought to do what in the United States.

Chapter 3: Constituting Colin Kaepernick

As the previous chapter illustrates, by tracing the history of American racial discourse, from time to time there are moments in which what is accepted as true and just is made subject to debate. During such phases, contested issues are deliberated in the public domain by representatives of the various arguments, official or otherwise (Kenny, 2000, p. 387). In the modern era, this debate has occurred predominantly in the media, and more recently, on social media platforms. The recent introduction of social media to these national conversations has enabled the documented public participation of the ordinary person in debates of national significance—providing insight into the views held by the public, while also enriching the conversation. Over the course of American history, the recurring debate over race has revolved around several issues. These include civil rights, education, entertainment and popular culture, and, most recently, the nature of the interaction between law enforcement officials and the African American population. As one critic notes:

U.S. police killed at least 258 black people in 2016, according to a project by The Guardian that tracks police killings in America. Thirty-nine of these people were unarmed. Four were killed by police stun guns and another nine died in custody, a continuing problem in American jails. But the majority of black people killed by police were fatally shot. (Craven, 2017)

Such allegations of unprovoked police brutality toward African Americans spawned several celebrity protests, including public service announcements (Encalada, 2016), music videos (Jamieson, 2016) and attendance at Black Lives Matter events (Sempa, 2016). Among those making public statements on the matter of police brutality was Colin Kaepernick.

A quarterback in the National Football League, Colin Kaepernick first gained public attention when he led the San Francisco 49ers to a Super Bowl appearance in 2013. On August 14, 2016, however, he launched what would become a globally recognised protest over the oppression of “black people and people of colour” (Wyche, 2016) by refusing to stand for the national anthem at the start of a game. Interestingly, Kaepernick sat through two rounds of the pre-game anthem before his protest was noticed. On August 26, though, a reporter tweeted a photo of the anthem ceremony and inadvertently drew attention to his cause. Two days later, Kaepernick gave the following statement at a press conference:

"I'm going to continue to stand with the people that are being oppressed. To me, this is something that has to change. When there's significant change and I feel that flag represents what it's supposed to represent, and this country is representing people the way that it's supposed to, I'll stand. This stand wasn't for me. This is because I'm seeing things happen to people that don't have a voice, people that don't have a platform to talk and have their voices heard, and effect change. So I'm in the position where I can do that and I'm going to do that for people that can't. It's something that can unify this team. It's something that can unify this country." (as cited in Sandritter, 2016)

Having clarified his position to the media, Kaepernick's protest gained momentum through September, 2016. Instead of sitting, the football player assumed a half-kneeling position during the anthem, and his example was followed by athletes of all races around the U.S. Their displays of solidarity included locked arms, bent knees, and raised fists (Sandritter, 2016). The protest would garner significant media attention and polarise fans of the game across the world. While the stated aim of the protest was clearly identified as raising awareness of racial injustice in the United States, by rejecting the flag as a symbol of that injustice, the tone of the public debate

over Kaepernick's choice of protest changed radically. As a rhetorical icon, as discussed in Chapter One, Kaepernick's self-identification was quickly superseded by public categorisation.

Born on November 3, 1987, in Milwaukee, Wisconsin, Kaepernick was adopted by white parents after his mother, 19-year-old Heidi Russo, put him up for adoption. His mother, a white woman, has never revealed the identity of his father, a black man (Biography.com, 2016). Very much like Barack Obama, Colin Kaepernick is the offspring of a black parent and white parent who was raised in a culturally white household. Despite his being raised in a white family—and his valid claim to whiteness, via maternal heredity—public opinion consistently defined him as a biracial or black, and painted his protest with hues of black activism. Regardless of his rhetorical intent, the result of the Kaepernick protest was described as a collective effort in which “black athletes choose to point their aggression towards larger, systematic inequalities” (Jerkins, 2016). One Twitter user posted an image purported to be Kaepernick's home and wrote, “This is a picture of the house of Colin Kaepernick. A black man. In a country that ‘oppresses black people’” (Miller, 2016). Another commented, “Breaking: Colin Kaepernick has been released by the 49ers. Future News: Colin Kaepernick has been signed by the #BLM [Black Lives Matter] flag football team” (Miller, 2016). Whether he chose to or not, in the public sphere Kaepernick represented the black side of America's racial divide.

As a result, even as Colin Kaepernick, a man with white parentage from a large Midwestern city, exercised his right to protest as enshrined in the American Constitution, questions were raised regarding the grounds for his choice to kneel during the national anthem. As a public figure who chose to reject an accepted principle, Colin Kaepernick's identity was reconstructed within a fiction in which his blackness was seen as the primary impetus for his resistance (Kenny, 2005, p. 22), bringing his constitution and motivation into perfect alignment.

Kaepernick's personal reasoning was simplified in the public domain: he was dissatisfied with the way black people are treated in the United States *because* he is black. This reduction also allowed for Kaepernick, as a representative of the black community, to be inserted into one of two narratives: the one in which he is the patron saint of a people long oppressed, or the one in which he is the agitator of a potentially violent movement (McCann, 2014, p. 481). These categorisations, like the racial definitions discussed in Chapter Two, follow a fixed logic premised on the rigidity of dividing lines that cannot be crossed or straddled.

This thesis treats Colin Kaepernick as the rhetorical icon of the national discussion about the relationship between law enforcement and the African American community in the United States specifically and, more broadly, about the country's race relations as a whole. A synthesis of the ideas of Burke (1955) and Kenny (2000) suggest that Kaepernick is a prismatic reflection of the debate through which the constitution beneath the constitution arises to resolve a conflict of wishes expressed in the location of the African American community in the United States. Through an analysis of the media coverage of the Colin Kaepernick protest, in this chapter I elucidate the various arguments that are made in favour and against the protest and the relationship of those arguments to the constitution of Kaepernick as a raced being. It is my position that Colin Kaepernick's racial constitution is both a contributing factor to and result of his declared position in the debate. His identity is inextricably tied to his rejection of the alleged police practices and his resistance to white supremacist constructions of the relationship between law enforcement and the African American community. In short, I contend that Colin Kaepernick's emergence in the debate over race placed him at the intersection of several not-white constitutions that revolve around his biraciality.

Racial Constitution

As demonstrated in the previous chapter, biraciality as a racial categorisation is not a biological state, but instead a constitution that is operationalised by naming and symbolisation, and reinforced by social, political, and legal institutional forces. The generally understood meaning of the term *biracial* relies on the system of categorisation that, as discussed in Chapter Two, uses discourse as a substitute for biological evidence. To categorise an individual as “mixed race” or biracial, one must accept that their parents belonged to discrete racial categories. If we concede that race is a constitution and not a state of being, then biraciality is also a constitution and is, thus, subject to ruling discursive pressures. This means that the constitution of the biracial individual follows the same rubric as the constitution of the individual that is perceived as racially pure. It must therefore conform to the power-based hierarchy of racial categorisation.

At this point in this discussion, it is important to again recall this project's theoretical foundation, namely Kenneth Burke's understanding of *constitution*. The constitution of a thing or how it is seen and referred to, is decreed by its substance or what it is thought to be made of. According to Burke (1955) substance is a term indicating something intrinsic but instead points to extrinsic factors. It is the ground upon which the belief in the essence of a thing is justified. But Burke writes that “the word in its etymological origins would refer to an attribute of the thing's *context*, since that which supports or underlies a thing would be a part of the thing's context” (p. 23). He thereby rejects the notion of substance as the essence contained within in thing. Instead, he argues that substance is essentially scenic. This point extends the understanding of race as a constitution provided in Chapter Two. It suggests that the construction of a person's racial identity is informed by what is external to the individual. More importantly,

“a thing’s context, being outside or beyond the thing, would be something that the thing is *not*” (p. 23). This means, therefore, that the substance or essential quality of a raced being is informed by the qualities of what it is constituted in relation to. Whereas the constitution of race in the American context is believed to indicate inherent attributes, often assumed to be biological in nature, Burke would argue that constitutions are instead made of the absence of the attributes possessed by others.

Burke’s conception of constitution, therefore, lends itself to a relational understanding of racial categorisation that sees the formation of a racial identity or constitution of one race as relative to another. In this way race is not an “inert fact or nature” (Said, 1979, p. 4), but a bricolage of perceptions and characteristics constructed in contrast to the composite of concepts that exist outside it which, in the case of one race, is other races. Following Burke’s argument, then, the idea of blackness, the substance of being black, is only identifiable in its context, which I would argue, is whiteness. In order “to define a thing in terms of its context, we must define it in terms of what it is not” (Burke, 1955, p. 25). In the United States, the substance of blackness is derived from the thing that historically, it has been most clearly separated from and defined in opposition to: normalized, centralized whiteness.

This argument has further implications for the practice of racial categorisation. Since constitution is contextual, as discussed in Chapter Two, the scene which brings it into being is significant. When someone is referred to as *black* or *white* in the United States, the statement is interpreted as final and absolute; it is a pronouncement on who the person *is*. If we were, however, to take substance and constitution as contextual, the person would only then be *black* or *white* in the location and time where they are being constituted. The argument that Barack Obama is an obviously black (or biracial) man is a constitution, not an objective description, and

only truly relevant in the context of the United States. Moreover, the constitution of blackness/not-whiteness is relevant only in the context of America's original racial constitution, by which the recognition and ascription of race were implemented. In other words, the racial classifications by which the American society is organised do not originate with the people they describe; they are imposed in the service of a particular, contextually-bound system of power relations. The existence of races, as they are constituted in the United States, is limited to the setting of the United States. Therefore, if the innate *substance* of these individuals changes from context to context, it follows that their race is not as essential as it appears to be.

The instability of an individual's substance as a member of a racial group is also addressed by Burke in another way. Referring to how we conceive of essential qualities, he addresses the nature of substance in general, and, more specifically, the potential for this substance to be pure (p. 22). He argues that in our attempts to define the character of a thing, its substance is not something that we can actually hold in our minds with any clarity; it is instead merely referred to through associations and approximations. Burke employs Locke's analysis of the capacity of substance to be pure, to illustrate his argument:

So that if anyone will examine himself concerning his notion of pure substance in general, he will find he has no other idea of it at all, but only a supposition of he knows not what support of such qualities which are capable of producing simple ideas in us, which qualities are commonly called accidents. (as cited in Burke, 1955, p. 22)

To Burke, therefore, the recognition of and reaction to a thing is arbitrary, since we are unable to clearly define what the essential truth of that thing is. Even so, the "complication of many ideas" together (p. 22) coalesce into a single idea that we take as the thing's defining feature and use as the grounds for its constitution.

Burke is also concerned with how one should react to a thing in the absence of a sound understanding of what that thing is. As discussed in Chapter Two, he has also written that the constitution of a thing is a “set of motives” (Burke, 1955, p. 342), a statement which suggests not only what something is, but also what should be done about it. This is reflected in the American compunction to place individuals in one or another arbitrary category on the racial continuum. The prevalence of this construction is most clearly shown by the persistence of the term *racial ambiguity*, which is often used to refer to individuals who are not easily categorised. The very existence of the term points to a desire to apply the calculus of the racial discourse to all individuals. The racial constitution of the individual is essential, because without it that person would be without substance or motivation (Burke, 1955, p. 342). Objectively speaking, though, ambiguity is only real “to the extent that monoracial categories are construed as important and non-arbitrary, such that what is obviously a continuum (race) is treated as a set of discrete, meaningful categories” (Chen & Hamilton, 2012, p. 153). The America that exists, therefore, is a place in which accepted racial discourse has subverted any and all other forms of human classification, and has firmly bound the operation of power to its ideas. More significantly to the present argument, the prevalence of the aforementioned discursive strategies explain why and how the biracial person must be constituted as a member of the *socially subordinate* group in order for American racial discourse to operate smoothly.

Despite their prevalence, constitutions are essentially aspirational. In referring to the conditions under which constitutions are drafted and enacted, Burke calls them “agonistic instruments” (Burke, 1955, p. 357). They are designed to forestall the action of external forces that seek to change the order they prescribe. At this point, Burke’s position is in harmony with the discussions of American racial discourse provided in the previous chapter. Constitutions both

create and support relations of power in American society by responding to agonistic threats to the intended social order. At the enactment of a constitution “the attempt is made, by verbal or symbolic means, to establish a motivational fixity of some sort, in opposition to something that is thought liable to endanger this fixity” (Burke, 1955, p. 357). In the context of this thesis, the challenges to racial constitution and the ambiguity of biraciality are precisely such threats to the fixity of a power structure based on recognisable racial purity. It is my view that it is *constitutional* work, the construction of identities and motivations that serve to stabilise the structure and fend off these threats.

Burke has argued that a thing is defined by what it is not—by the substantiating qualities of that which it stands in contrast to. Under these terms, the absence of its opposite's essence becomes its own. It is notable therefore that, “in its first words on the subject of citizenship, Congress in 1790 restricted naturalization to ‘white persons’” (Haney-Lopez, 1996, p. 1). By the end of the eighteenth century, the United States was prepared to enshrine its constitution as a white nation. Furthermore, the emergence and requisite definition of other *races* over the course of American history can be interpreted as an agonistic threat, against which the initial constitution of the white nation was enacted. In light of the relational nature of constitution, then, all subsequent racial categorization in the American context must be seen as essentially what *whiteness* is *not*. This also means that, in the United States, biraciality is likewise constituted upon *not-whiteness*. It is against this backdrop that the figure of Colin Kaepernick can now be considered. As a person who is constituted as biracial or *not-white*, he enters American racial discourse condemned to the very narrow scope of action and limited privilege of inclusion that has defined the Black American experience.

Encoding Otherness

While there have been overt references to his ancestry in the discourse surrounding his protest, the constitution of Colin Kaepernick's race in the public domain is not limited to racial terminology. In the pages that follow, I show that the constitution of Kaepernick's race—and, by extension, the motivation and validity of his protest—is very often expressed in other terms. These include references to his religion, socio-economic status, family life, and political views. This argument follows from my treatment of the United States as a discursively white terrain, in which whiteness remains “invisible as it continues to influence the identity of those both within and without its domain” (Nakayama & Krizek, 1995, p.293). This terrain is established by what Burke (1955) has called the “Constitution-beneath-the Constitution” (p. 378).

In his discussion, Burke argues that a Constitution is a “*calculus of motives*. It is a terminology, or set or coordinates, for the analysis of motives” (p. 377). However, because constitutions are fundamentally agonistic instruments, they often arise in relation to a specific set of circumstances. In this way, the scope of a constitution is essentially limited by its impetus, answering only to the scenario for which it was decreed. In light of “being so obviously restricted or simplified a calculus of motive, it practically, *compels* men to put forward alternative calculi, of different focus or wider circumference” (p. 377). Any conflict of wishes, in which competing aspirations arise and threaten the mandate of a given constitution, activates “a new kind of command” (p. 376). The constitution-beneath-the-constitution, therefore, decides “which wishes shall be given preference over others” (p. 376). In the context of Colin Kaepernick's protest, I contend that the constitution-beneath-the-the-constitution is the United States' decreeing itself a white nation. Even as he is granted the right to protest, as written in the Constitutional document of the United States, the underlying constitution of the United States as

substantially white—and Kaepernick's parallel constitution as not-white—generates a conflict of wishes. The racial constitution of the U.S. applies to all citizens, and therefore has “sufficiently high level of generalization to serve” (p. 366) in a range of situations. Racial constitution, consequently, resolves the conflict between Kaepernick's constitution as citizen and his constitution as not-white, in a society where a citizen is constituted as white. His Constitutionally-protected protest is thus rejected, on these deeper constitutional grounds.

The requirement of whiteness for the kind of participation and belonging that Colin Kaepernick attempts to exercise through his protest is not explicitly stated. It is, however, ubiquitous, informing the way that American citizenship is expressed and interpreted. The rhetorical constitution of whiteness is somewhat like the centre of a donut: empty, invisible and seemingly innocuous. It is not necessary to question the empty space at the centre of the donut because it is simply what it is: normative. Still, beginning with its inner boundary, it is the empty space in the centre that dictates the size and shape of the donut, radiating outward and giving it its characteristic appearance. A donut is a donut *because* it has a hole. Not-white identities, such as biraciality, are constituted in relation to America's central whiteness, through discursive instruments that bind the physical representation of whiteness to other representations of racial difference. The constitution of the American citizen emanates from its centre, which is constituted as white.

Colin Kaepernick's racial constitution is, therefore, mirrored in other constitutions, which allow racial identity to be expressed through coded language. Non-racial terms are utilised as substitutes for not-whiteness, because, according to the logic of the constitution-beneath-the-constitution, they are essentially convertible. This discursive interplay is an expression of the relationship between whiteness as an invisible, normative centre of the American identity and the

criteria for belonging to that centre. The constitution as not-white is indicative of substance and substance, in turn, informs how the individual should (and is expected to) behave. Colin Kaepernick's race serves as evidence of his exteriority—he is protesting because he is black. In reciprocal fashion, his ideological position is used as evidence of race: he is black because he is protesting. These cues suggest who Colin Kaepernick *is*, bolstering the perception of him as a biracial/not-white American. In this way, his race is simultaneously advanced as his primary motivation for protesting. His actions are positioned as an attack on the same system of belonging from which he is excluded on the basis of his racial constitution.

It is not so much that Kaepernick is explicitly identified as black, though at times he is. Instead, by introducing symbols of *not-whiteness*, implicit arguments, against both his right to protest and the validity of his protest, are subtly made both by the media and its consumers. The categories of white, citizen, Christian and contributing member of society are closely related enough to be interchangeable. Statements that exclude Colin Kaepernick from one of these groups of belonging work together to undermine his membership in the others; however, in all instances, they move him further away from being white. The constitution of Kaepernick's identity in the context of these themes and the explicit references to his race form the major arguments against his protest. As a rhetorical icon, Colin Kaepernick is constituted not only through factual statements on his ancestry, but also through the tangential application of symbols of *not-whiteness*. The perception of his protest is therefore based on his already-enacted constitution. In the next section of this chapter, I illustrate how other elements of the public Kaepernick persona, associated with wealth, religion and citizenship, serve as proxies for his not-whiteness and the role that these play in situating him in the American discourse on race.

Citizen Kaepernick

In addressing Colin Kaepernick's protest, the media and the public regularly disenfranchise him by applying a racial constitution that supersedes a constitution-as-American. Race is a discursively constituted identity that functions within the existing power structure and ascribes motivation to individuals who are engaged in the discourse. Recalling Burke's (1955) idea that the identification and definition of substance is also the ascription of motivation, Colin Kaepernick's constitution as not-white triggers public notions about how he should behave. It is at the point that the social actor is constituted that the public can discern the motivation for their acts. Recognizing Colin Kaepernick as not-white informs the public expectation of him and his protest, and assigns him the motives that ought to be associated with his particular racial constitution.

The right to protest is enshrined in the Constitution of the United States of America. The first Amendment to the Constitution stays the hand of Congress from any legislative acts that would seek to prevent freedom of speech, peaceful assembly, or the petitioning of the government to redress grievances. Colin Kaepernick's refusal to stand for the national anthem meets the criteria of a legally sanctioned protest by being both peaceful and seeking redress for the "bodies in the street and people getting paid leave and getting away with murder" (Saracevic, 2016). Further, the act of protest goes beyond the solitary actions of disgruntled individuals, being recorded through history as a pillar of America freedom and democracy intended to "influence government action through means other than the electoral process" (Dunn, 2005, p. 328). As an American value, the right to protest has been upheld by the Court, even in instances that border on defamation, because the protestor's "comments at issue involve matters of public concern" (Strasser, 2011, p. 280). It is noteworthy, therefore, that the protest initiated by Colin

Kaepernick was met with resistance from many quarters and received “little in the way of shelter” (Saracevic, 2016). I treat the resistance to Kaepernick’s protest as an expression of the constitutional conflict of wishes. His not-white constitution is at odds with his constitution as American and his entitlement to the rights enshrined in the Constitution.

This conflict takes many forms. At the outset, the primary criticism of the protest was that it was inappropriate not to show due respect to the national flag and anthem. Kaepernick’s protest seemed “misplaced, the latest in a string of incidents that point to poor judgement and a career gone wrong” (Saracevic, 2016). The widespread public criticism that ensued was similarly positioned as being not so much “about his *motivation*” but “about his *method*” (Vasilgambros, 2016). The aim of my discussion is not to evaluate the merit of Kaepernick’s protest, but to analyse the discourse that informed the tone of the reaction of American media and public—and to analyse the connection between public opinion and Kaepernick’s constitution as a raced being. In light of this, I find significant the nature of the reactions and the use of race-based narratives that highlight the relationship between Kaepernick’s racial identity as a not-white person, and the consequent rejection of his claims to participation in the democratic process of protest.

A key feature of the responses to the protest is the idea that if Kaepernick was not satisfied with the way things are done in the United States, he “should find a country that works better for him” (Vasilgambros, 2016). One reader says of Kaepernick:

I wish he would take his Black Butt and put it on his yacht and sail the hell out of this country. He along with all of his poor deprived worthless black buddies are just making things harder for the white people to try and get along with the blacks. (PADDY, 2016)

In the context of the constitutional right to protest, the American citizen is seen as a potentially positive force for social change. The right to protest is an invitation to the public conversation

that, while not necessarily encouraged, is available to all citizens. The recurrent suggestion that Kaepernick should leave the United States undermines his position as someone with a stake in future of the nation, and casts him almost as a meddling tourist; he is positioned as a visitor without a vested interest in the future of the United States, someone with no business in how national affairs are managed. These criticisms of the protest are rooted in the concept of belonging. As an American citizen, he *should* be permitted to engage in protest as a means of influencing the outcome of social contests. His protest, however, is treated as if he is an external force. While the American protester is perceived as, at best, a positive force—and, at the least, an individual entitled to the right to contribute—Kaepernick is depicted as a destructive force bent on disrespecting, and potentially undermining, the values that the American flag represents. It is the perspective of this thesis that the reactions to the protest present a crisis of belonging that is premised not upon the United States Constitution, but upon the underlying racial constitution.

An analysis of the language employed to describe and respond to Kaepernick, and his position in the debate, clarifies the racial schema. Whiteness is “associated with positive characteristics and the social, political and cultural privilege” (Shah, 2010, p. 250). It follows, therefore, that when identities are constructed inversely to whiteness, such that the other is constituted as what the centre is not, *not-whiteness* is associated with negative characteristics—social, political and cultural deprivation. As such, as we consider the reaction to the protest, “it is worth keeping in mind then when we attended a pragmatic construction of belonging, we see that official racial categories are reproduced by every day American activities of inclusion and exclusion, separating the civilised from the primitive” (Ong, 1996, p. 740). The not-white/biracial person that Kaepernick is constituted as, is in part constructed by its exclusion from the activity of valid protest. Participation in these inclusive activities is a privilege of

citizenship, and citizenship, the domain of whiteness. Constitution-as-white is therefore required to access this domain. Colin Kaepernick's constitution as not-white prohibits his entry into the realm of valid participation in this particular form of democracy.

Whiteness has historically been a prerequisite of American citizenship. According to Hughey (2012):

A mountain of social scientific scholarship now details the interplay between U.S. citizenship, constructions of whiteness, and the double standards for citizens that do not subscribe, in phenotype, performance, or politics to the dominant expectation of Anglo conformity or its modern heir "color blindness." (p. 164)

Even as immigration trends suggest that the American society is becoming more and more diverse, being white continues to be an American characteristic, to remain "closely related to original belonging and . . . used as a criterion for inclusion or exclusion" (Shah, 2010, p. 250). The constitution as not-white is also therefore a constitution of non-citizen, and the discursive disenfranchisement that it produces can be manifested in many ways—including the withholding of the right to protest. It is not surprising, therefore, that constituted as not-white, as outside of the normative white American constitution, Colin Kaepernick's protest was met with suspicion and anger.

Ungrateful: Black male athlete activism

Colin Kaepernick is not the first professional athlete to stage a highly visible protest around social issues. Henderson (2009) contends that the "perception of sport as a force for social progress is heavily ingrained in American culture: 'By 1920, most Americans thought that organized sports provided the social glue for a nation of diverse classes, regions, ethnic groups

and competing political loyalties” (p. 102). Accordingly, there is a long tradition of black athlete protest around issues of national significance, especially race, that has had unpleasant consequences. According to Agyemang (2011):

Both amateur and professional Black male athletes were involved in activist feats. For example, after refusing to serve in Vietnam, Muhammad Ali boldly stated, ‘I ain’t got no quarrel with those Viet Cong, anyway. They never called me nigger’ (quoted in Jet, 1994). . . . San Jose State University track athletes John Carlos and Tommie Smith’s Black power salute at the 1968 Summer Olympics in Mexico City is perhaps an even more recognizable Black male athlete activist gesture. Other known figures taking part in activism during this time period were Jim Brown, Kareem Abdul-Jabbar, and Bill Russell. (p. 435)

Black athlete activism has had very negative consequences for those brave enough to take a stand. John Carlos and Tommie Smith, for example, were both suspended from the 1968 Olympic Games and made to return to the United States—where they faced harsh criticism and anonymous death threats (Davis, 2008). Still, public and institutional response to protest is not the only deterrent to the athlete who wishes to have a successful career. Commercial endorsement accounts for a substantial portion of the modern athlete’s money-making potential. As a result, “engaging in activism, particularly of controversial topics, might be off-putting to consumers, and as a result, companies might be less likely to offer product endorsement deals to the athletes” (Cunningham & Regan, 2011, p. 665).

This is particularly true of black male athletes, who are especially vulnerable to unnecessarily stringent punishment because of the way their public personas are constructed. According to Ferber (2007), “black men have been defined as a threat throughout American

history while being accepted in roles that serve and entertain White people, where they can ostensibly be controlled and made to appear nonthreatening” (p. 12). The construction of the black male athlete is therefore one of a “primitive, temperamental, over-reactive, uncontrollable, violent” (Hartman, 2003, p. 189) creature, the “Black athletic criminal” (Cunningham, 2009, p. 41) over whom close watch must be kept. This vigilance has manifested itself through the policing of appearance and sportsmanship, both on and off the field. According to Cunningham (2009), “the heaviest penalties are usually enacted on Black athletes, particularly whenever the leagues wish to send a message that their authority is intact and not to be questioned” (p. 47). I contend that it is their constitution-as-black that inspires a firmer approach to their management. The penalties that not-white athletes face must match the intensity and fierceness of the threat they are constituted as representing. In this way, they are held to a different standard than athletes who are constituted as white. As a consequence the black male athlete is called upon to keep his performance and personality separate, and to occupy a discursive space in which he is simultaneously worshipped and demonised.

It is in this space that Colin Kaepernick emerged to oppose police brutality. It is his location in American discourse as a black athlete that also highlights the critical nature of racial constitution in the public domain. His biraciality is immediately set aside to facilitate the application of a very precise set of rules for punishment reserved for those who attempt to transcend their given roles, as silent performers. His placement in the category of black athlete clearly shows his constitution in opposition to whiteness. His biracial identity is most importantly a not-white identity; it is a constitution that is drawn from what he is not. As a set of motives, his constitution as a black athlete suggests that he can easily disappoint the public—by working against the interest of a United States that is constituted as white. This reaction to

Kaepernick's "audacity" is manifested in online user comments and media commentary that focus on the theme of ingratitude.

The conversion of Colin Kaepernick's financial and athletic success, from highly-valued assets to symbols of shame, further reinforces existing relationships of power delineated by race. While Colin Kaepernick was well-compensated for his athletic ability, this fact did little to bolster his credibility as a rhetor. On the contrary, the protest was depicted as an expression of ingratitude on his part, a vicious insult to "the people who actually fought for his freedom" (said_that, 2016). Within the context of a narrative that "both relies upon and extends the robust correlation of blacks as social pariahs" (Hughey, 2012, p. 16), Kaepernick's fortune is treated as a gift that he has been given by the American people. His agency and ability as an athlete are disregarded (and in some instances openly questioned) as he is painted as ungrateful and dangerous.

Further, stereotypes of black athleticism have systematically undermined the not-white athlete's claims to individual success. According to Ferber (2007):

Black men are often assumed to be naturally more athletic. This assumption follows from the historical stereotype of physically aggressive Black male bodies. Despite much evidence to the contrary, the myth that Blacks have more natural athletic ability is hard to dispel (Coakley, 2006; Graves, 2004). To understand how widespread this view is, just recall the recent claims of the Air Force Academy coach who rationalized his team's loss as a result of the disproportionate number of Black men on the opposing team. As Collins (2005) argues, the actual work of Black male athletes is made invisible—so that they are constructed as naturally athletic (pp. 19-20).

Colin Kaepernick's success, as a not-white athlete, is attributed neither to hard work nor talent. It is instead seen as something innate, resident in all black people, that he has been *permitted* to exercise. The substance from which he is constituted is thought to be the common substance of all black people. Since constitutions are also predictive, suggesting by their very nature how the individual is expected to behave, his constitution as a black athlete includes an inherent expectation of gratitude for being selected for the opportunity to excel at his game. The success of the professional black athlete is a gift that is *given*, not something that is earned or deserved.

Since he is both undeserving and unduly privileged, Colin Kaepernick's protest is interpreted as the worst form of ingratitude. In a bid to undermine what he described as Kaepernick's "grievance-mongering and self-victimization" (Kraychik, 2016), one commentator pointed to Kaepernick's personal wealth as evidence that there were no grounds for protest in the first place. He writes, "Describing himself as a black man in a society that 'oppresses black people', Kaepernick signed a 6-year contract with the 49ers in 2015 for \$114 million. He has also been paid millions of additional dollars in endorsement deals" (Kraychik, 2016). The disappointment that Kaepernick is not more grateful to the United States for permitting him to become a millionaire athlete is common to many of the articles and online comments examined for this project. Despite Kaepernick's own insistence that his protest was not on his own behalf (Sandritter, 2016), one of the commentators who suggested that Kaepernick leave the United States also reasoned that he should "fill his yacht with all of them and leave the country that has made these poor black slaves RICH" (PADDY, 2016).

The sentiment of ingratitude to country is repeatedly conflated with ingratitude to the white family that adopted him. One writer goes to lengths to paint Kaepernick's protest as the

ultimate expression of ingratitude to his white parents. It should be noted how the race of Kaepernick's adoptive parents is somehow included in the motivation behind the protest:

I know of well-meaning white parents who adopt black or biracial children, and they provide the best house and education, and in some cases even try to immerse the child in so-called "African-American culture" – thinking this will help get them in touch with their "roots" – but all this does is make the children more insecure. (Peterson, 2016)

The writer goes on to liken Kaepernick to Barack Obama, who defied "white society and turned his back on the white parents who raised him in hopes of being adopted by black militants" (Peterson, 2016). A commentator on the same website says:

If it wasn't for "White People" you would still be swinging in the trees and throwing spears at each other. However you got here, *America (White People)* [emphasis added] have bent over to bring the black race up to a normal standard... You and Kaepernick should thank god and kiss the ground you stand on for the opportunities America has given you. (Dsnab, 2016)

Peterson's (2016) comment was echoed by *Fox News* host Brian Kilmeade, who responded to the protest by saying that "This country that he doesn't respect by sitting during the national anthem afforded him an opportunity in life that I don't know many other countries that would...he was adopted by two white parents, he was well supported" (McKay, 2016).

There is the sense in the media coverage that his monetary success (and adoption by a white family) in some way precludes him from publicly naming and confronting any form of social injustice. It is my contention that his constitution, as an athlete who is not-white, is also the constitution of a social actor who is unworthy or independently incapable of success or fame. In those unique circumstances where he is permitted the opportunity to succeed and be

recognised, therefore, he is expected to refrain from questioning the system through which he has been elevated. Still, Kaepernick's constitutions as *not-white* and *black-athlete* both reside within American racial discourse, and the motivations they prescribe produce these indictments of Kaepernick's character. There are, however, other ways in which the public constructs Colin Kaepernick—constitutions that appear to leave the realm of the discourse on race, but both reinforce his identity as not-white, and work to frame his motivations as incredibly sinister.

The conversion of Kaepernick

Reflecting again the ways in which constitutional linkages function within the American context, Islam is another noteworthy proxy for alterity utilised in the commentary on Kaepernick's protest (Blumberg, 2016; Vultaggio, 2016; Zorthian, 2016). The headline "Muslim now? Kaepernick entered NFL as 'Christian' celeb" (Muslim now?, 2016) and other references suggest the quarterback's religious conversion as a significant factor in his protest. The article goes on to say that Kaepernick "and his girlfriend, Nessa Diab, an MTV DJ, may be planning an Islamic-style wedding. During Ramadan, he posted a greeting on Instagram wishing his friends the best for the holiday: 'kaepernick7 I know a lot of people who were fasting during Ramadan, wishing you a Happy Eid!'" (Muslim now?, 2016). The identification of Colin Kaepernick as Muslim reveals a complex relationship between the constitutions of race, religion, and belonging in the United States. In short, I contend that Kaepernick's constitution as not-white is simultaneously a constitution as not-Christian and not-American. The equivalency of these constitutions in the American rhetorical context serves to reinforce the centrality of whiteness. Further, it reveals an aligned pattern of reasoning: if America is white and Islam is not, then Muslims cannot be American.

It is my view that peripheral constitutions are fluid enough for Colin Kaepernick's constitution as a not-white athlete to place him at the intersection of American citizenship and religion. America has historically considered itself a Christian nation. Even as the United States appears to become more religiously diverse (Straughn & Feld, 2010), research suggests that Christianity remains an integral facet of American identity. According to Merino (2010):

In a recent social distance study based on a national survey, Americans ranked Muslims and Arabs second-to-last and last, respectively out of 30 groups (Parillo and Donoghue, 2005). . . . As part of the "National Identity" module on the General Social Survey, respondents were asked how important it is to be Christian in order to be "truly American." In 1996, 54 percent agreed that it is either "very important" or "fairly important" and in 2004 this number increased to 66 percent (Davis, Smith, and Marsden 2007). Clearly, many Americans are uncomfortable with the full inclusion of non-Christians into American society. For many Americans, non-Christians may be an "other" that does not subscribe to the nation's moral and cultural core. (p. 233)

This constitution of the white Christian American operates to exclude anyone who does not meet its defining criteria. As a result, the not-white and non-Christian find themselves at similar distances from the centre.

This interplay between constitutions is important since Kaepernick himself has benefited from the inclusive power of the constitution-as-Christian. Colin Kaepernick's religion was first raised in the public domain early in his career, as he faced criticism in the media over his extensive body art:

"Kaepernick is going to be a big-time NFL quarterback," Whitley wrote in late November. "That must make the guys in San Quentin happy." Quarterbacks, Whitley

reasoned, are team CEOs, “and you don’t want your CEO to look like he just got paroled.” (King, 2013)

In response to efforts to classify Kaepernick as criminal on account of his tattoos, the player and his family responded by explaining their meaning and religious significance. Kaepernick then invoked the same logic that critics would later use against his protest, pointing out that his first tattoo was a rendering of Psalms 18:39. At the time, this explanation initially helped to soften his image and return him to the centre, in which Christianity is used as a proxy for whiteness.

Kaepernick’s later decision to protest police brutality by refusing to stand during the national anthem, however, was a significant enough departure from the white American centre to undermine a fairly robust constitution-as-Christian. It is important to note here the power of the constitution-as-Muslim in the contemporary U.S. context. According to Merino (2010), “survey data suggest that many Americans have serious reservations about non-Christians, particularly Muslim Americans. Drawing on data from their own survey, Edgell, Hartmann, and Gerteis (2006) note that Muslims are virtually tied with atheists at the top of a list of groups Americans find most problematic” (p. 232). Following 9/11, the rhetorical construction of Islam moved even further from the centre, with symbols of Islam occupying a position of extreme exteriority in American public discourse. Language associated with Islam has since become synonymous with terrorism in both media coverage and political rhetoric. Jackson’s (2007) discussion of the prevailing narrative of “Islamic terrorism” is revealing:

First, central to the discourse is an underlying assumption that violence – and by implication, terrorism – is inherent to Islam, because unlike Christianity, Islam makes no distinction between Church and State, has never discarded the notion of religious war,

purports to regulate both the public and private lives of Muslims and has much to say about the political life of the community. (p. 403)

The association with terrorism is also an association with themes of danger, death, destruction, and attacks on the American way of life. The currency of the term “radical Islam,” for example, “reframes the daunting, confusing litany of problems that contribute to terrorism—faraway failed states, complex ideologies, a prevalence of guns—as something much easier to understand” (Fisher, 2016). When one says “when I see Kaepernick, I see a Muslim” (Khamelhaj, 2016), one is in fact saying that one sees Kaepernick as a threat to the lives and security of anyone constituted as American. It is not so much that the allegation that “his Muslim girlfriend is urging him to convert” (Whaledriver, 2016) provides evidence of Kaepernick’s position as threat. It is instead that the suggestion that he has converted to Islam draws *from* a well of associated constitutions that utilize not-whiteness, non-Christianity, and non-citizenship interchangeably.

This conflation of constitutions is further exacerbated by the fact that the not-Christian, not-white, not-American Kaepernick is being constituted in opposition to the summarizing symbol of the American flag:

The American flag, for example, for certain Americans, stands for something called “the American way,” a conglomerate of ideas and feelings including (theoretically) democracy, free enterprise, hard work, competition, progress, national superiority, freedom, etc. And it stands for them all at once. It does not encourage reflection on the logical relations among these ideas, nor on the logical consequences of them as they are played out in social actuality, over time and history. On the contrary, the flag encourages a sort of all-or-nothing allegiance to the whole package... And this is the point about

summarizing symbols in general—they operate to compound and synthesize a complex system of ideas, to "summarize" them under a unitary form which, in an old-fashioned way, "stands for" the system as a whole. (Ortner, 1973, p. 1340)

Constitution in opposition to what the flag represents erases Kaepernick's stake in and rights to participation in American life. The coded references also place him at the centre of a far more complex geo-political conflict that is reduced to a simple for/against narrative, in which he is pitted against the rest of the United States in an act of hostile alterity. The identification of Kaepernick as Muslim, therefore, is one of several commensurate constitutions that exist on the outside of whiteness.

Collectively, the constitutions of Colin Kaepernick as an outsider, a Muslim, and as biracial serve a common purpose: they place discursive distance between the athlete and the central ideal of whiteness that is represented in the flag and anthem that he chose not to recognise. It is my view that these various constructions are expressions of not-whiteness as constituted in opposition to the central whiteness on which the United States is founded. This chapter has shown the relationship between the constitutions of alterity that are used to determine who is included—as a manifestation of the society's underlying relations of power. In sum, I argue that race is the constitution behind the American Constitution. Racial constitution, along with its social implications, is the overarching principle in the determination of *who* is expected to do *what*, in the American context. The centrality and dominance of the constitution of whiteness, whether it is expressed racially, religiously, geographically, or economically, is powerful enough to undermine the relevance of other constructions of identity in the United States. Constitutions of exteriority display a vital commonality: their definition in American racial discourse as not-white. Their position outside of the centre is their most salient feature, and

they are therefore easily interchanged. In light of this, the next (and final) chapter of this thesis develops the argument that biraciality, or constitution as not-white, is in fact a white supremacist construct. This chapter concludes by outlining a framework for the analysis of the relationship between Colin Kaepernick's racial constitution and the efficacy of his protest.

Chapter 4: Not-whiteness in a white supremacist nation

Colin Kaepernick is a rhetorical icon whose classification as a not-white individual shares a symbiotic relationship with white supremacy, one in which the two concepts mutually reinforce each other. In the preceding chapters, I have outlined the mechanisms through which not-white identities are constituted as external to the American identity as a means of controlling the distribution of social power. In this final chapter, I explore the relationship between the constitution of raced beings and white supremacy, in the context of social movements that seek to dismantle the boundaries of racial classification. I specifically consider Colin Kaepernick's rhetorical constitution as biracial spokesperson of the Black Lives Matter movement in order to illustrate how the accepted racial constitution of not-white Americans reinforces existing power relationships, and ultimately undermines the movement's efforts toward social equality.

This thesis is not ambitious enough to present solutions to the problem of race in the United States. Instead, it aims to conceptualise the problem of racial constitution in a white supremacist society as a foundation for future research. It is important to state, therefore, that I attempt to conceptualize, in a specific way, the problem that arises when the demand for social equality is framed in the same terms used to create the inequality. It is my view that, given the inherent imbalance in the relationship between whiteness and not-whiteness in the United States, the choice to use racial terms to frame a social movement against racism is problematic. I argue that it only serves to undermine the effort, since inequality is implicit in the racial categories themselves. In other words, the application of racial terminology *is* the application of inequality, since the use of racial characteristics which indicate power will always result in the disempowerment of one group or the other. Discursively constituted racial categories are, by definition, unequal. In this chapter, I present examples of how not-white constitutions operate in

American society, focusing on the role that constitution plays in police interactions. I then describe the symbiotic connection between the ideology of white dominance and concept of biraciality as not-whiteness. This will serve as the foundation of a discussion of the counterproductive nature of a social movement that identifies itself using the very symbols of the system it seeks to undermine. With respect to Colin Kaepernick and the Black Lives Matter movement, this system is known as white supremacy.

White Supremacy

Taken in its most general form, white supremacy is a framework that scholars have identified in everything from children's books (McCann, 2001) to law enforcement (Jones, 2015). The perspective that white supremacy pervades all facets of Western society is referred to as *endemic* white supremacy, while actions taken from the white supremacist ideological standpoint are known collectively as *activist* white supremacy (Berbier, 2008). According to one definition, the concept of race is itself a white supremacist concept:

Proponents hold that to understand white supremacy, one must understand, or at least acknowledge, the roots of these social structures in European (white) colonialism. "Race" itself was invented through colonizers' efforts to understand and rationalize the differences between themselves and the people they subjugated. Thus, "race" explains and maintains inequality, and to this day we live in a fundamentally unjust world built by race. (Berbier, 2008, p. 2)

Conceptually, therefore, a white supremacist society is one in which race is used as a form of social organisation. More practically, a white supremacist society is one in which higher value is

placed on whiteness: a socially constructed way of being which is indicated primarily by skin colour. According to the Anti-Defamation League (2015):

White supremacy is an ideology whose earliest incarnations arose in the early 1800s as a reaction by white Southerners to the emerging abolitionist movement. Over time, it evolved into a number of different forms, including religious ideologies, at times absorbing inspiration from abroad. However, generally speaking, white supremacists of whatever sort adhere to at least one of the following beliefs: 1) whites should be dominant over people of other backgrounds; 2) whites should live by themselves in a whites-only society; 3) white people have their own "culture" that is superior to other cultures; and 4) white people are genetically superior to other people. (p.3)

Overt expressions of white supremacy, such as violent speech or activity intended to terrorise and/or harm not-white people, are a matter of public record. For decades, white supremacist groups in the United States have militated against social and legal institutions that promote racial equality. Instead, white supremacist activist groups have sought to protect and advance the cause of those who are identifiable as white and, simultaneously, undermine the freedoms of others. In recent times, the white supremacist agenda in the United States has evolved "from fighting to maintain white dominance to fighting to prevent white extinction" (Anti-Defamation League, 2015, p. 3). In 2015, there were 892 active hate groups in the United States. Of these, 190 *Ku Klux Klan*, 94 *Neo-Nazi*, 95 *White Nationalist*, 95 *Racist Skinhead*, 19 *Christian Identity*, 35 *Neo-Confederate*, and 184 *General Hate* groups embraced variations of white supremacist ideology (Southern Poverty Law Center, 2016). While many white supremacist groups stage disruptive but non-violent protests and maintain an online presence, the

2015 massacre of congregants at a Charleston's Emmanuel AME Church (Sanchez & Payne, 2016), the 2014 Overland Park Jewish Community Center shooting (Brelinger, 2015), and the 2012 massacre at a Sikh temple in Oak Creek Wisconsin (Yaccino et al., 2012) are evidence of their capacity to transition from discursive to physical violence.

Connecting this point to the conceptual material developed in previous chapters, I contend that white supremacy is itself a constitution—a way of constructing the white racial identity as superior to not-white identities. In order for it to function effectively, not-white identities must be constructed as inferior. The constitution of the United States as a white nation must, therefore, permeate all aspects of American life. In the following sections, I survey the literature in support of the argument for the prevalence of white supremacy in the United States. I examine how the constitutions of not-white Americans as both separate and unequal are enacted, and how these constitutions uphold the white supremacist ideology.

Creating a White Nation

While an analysis of activist white supremacy is a compelling, it is endemic white supremacy that is most relevant to the present thesis. In keeping with the centrality of whiteness as the normative way of being, it is significant that the white supremacist policies in social institutions often pass as accepted and acceptable. To cite two key examples, the American health care and law enforcement systems are replete with examples of how white supremacist ideology informs policy. Such policy reflects the belief that white and not-white Americans are substantially distinct, have different motivations, and should, consequently, be treated differently. As discussed in Chapter Two, phenotypical difference occurs on a continuum which is divided into categories which facilitate the distribution of power in American society. This means that unequal access to health care and disproportionate police shootings among the

African-American community are not manifestations of biologically-based racial demarcations. Instead, I contend that they are the manifestations of the discursive delineations too often thought to be anchored in nature. Systemic prejudice is, therefore, a product and an enactment of rhetorical constitutions. This thesis therefore treats such instances of systemic inequalities that work to promote, protect, and advance white dominance as evidence of endemic white supremacy, even, or especially, in the absence of overt racism.

The revival of 'negro medicine'

Despite federal and state interventions to provide universal access to health care, there continue to be glaring inequalities in the medical services provided to Americans. There are three points at which the discrepancies in health care between those who are identified as white and other racial groups can be seen. First, "racial and ethnic minorities often do not have access to health services at the same rate as do whites" (Maybery, Mili & Ofili, 2000, p.131) in the United States. Secondly, "African Americans and other ethnic minorities may have lower access to diagnostic tests and may be less likely to receive major therapeutic interventions on a timely basis" (p.132). Thirdly, membership in a racially minoritized group may be a "risk factor for less intensive, if not lower quality, care" (Fiscella et al., 2000, p. 2579). With respect to critical illnesses such as cancer and heart disease, not-white patients experience significantly lower survival rates. However, "if black patients were to undergo surgery at a rate equal to that of white patients, their survival rate would probably be substantially improved and would approach that of white patients" (Bach, et al., 1999, p.1203). According to Grieger (1996), black patients in the Veterans Affairs system were between thirty-three and fifty-four percent less likely than their white counterpart to receive optimum treatments for ischemic heart disease (p. 816). There are,

therefore, obviously race-based discrepancies in American health care. These disparities in treatment, I argue, reflect engrained racial constitutions; for example, in the United States, “a substantial number of white medical students and residents hold false beliefs about biological differences between black and white people (e.g., black people’s skin is thicker; black people’s blood coagulates more quickly)” (Samarrai, 2016). These beliefs reflect assumptions about substance that are actualised by inequalities in health care.

Indeed, a review of the literature on the discrepancies between healthcare options, diagnoses, and treatment of white and not-white patients does not reveal any single underlying cause. Arguments have been made for cultural, socioeconomic, and genetic factors that contribute to mortality rates among not-white Americans (Nazroo, 2003, p. 277). Of these, the genetic justifications are most interesting, since they point to some of the generalizations used to rationalise biological distinctions made on the basis of race. In the face of this kind of reasoning, Grieger (1996) suggests:

With major confounding variables increasingly controlled and adjusted for, investigators tend to invoke unspecified cultural differences, undocumented patient preferences, or a lack of information about the need for care as reasons for the differences. The alternative explanation is racism — that is, racially discriminatory rationing by physicians and health care institutions. (p.816)

Likewise, other medical researchers have presented synthesized approaches that offer “new evidence to suggest that social and economic inequalities, underpinned by racism, are fundamental causes of ethnic inequalities in health” (Nazroo, 2003, p. 277). Drawing on the framework articulated over the last three chapters, I contend that the opinions that Grieger (1996) and Nazroo (2003) identify as racial prejudice are better understood as the enactment of

substantialized rhetorical formations, brought into being by a racial discourse that views not-white Americans as fundamentally, and physically, different.

There are additional characteristics of health care in the United States that suggest that racial discourse plays a role in the quality of treatment received by patients who are not white. For example, some modern medical practices continue to uphold archaic theories that originated during slavery. Among these are the findings of Dr Samuel Cartwright, who proposed a medical justification for slavery:

He claimed that because black people have lower lung capacity than whites, forced labour was good for them. He wrote in a medical journal, "It is the red vital blood sent to the brain that liberates their minds when under the white man's control, and it is the want of sufficiency of red vital blood that chains their minds to ignorance and barbarism when in freedom." To support this theory, Cartwright helped to perfect a medical device for measuring breathing called the spirometer to show the presumed deficiency in black people's lungs. Today, doctors still uphold Cartwright's claim that black people as a race have lower lung capacity than white people. Some even use a modern-day spirometer that actually has a button labelled "race" so the machine adjusts the measurement for each patient according to his or her race. It's a well-known function called "correcting for race." (Roberts, 2015)

I contend that the existence of this theory is not what is most problematic. It is its persistence as a basis for modern treatments that is a cause for concern. Not only is Cartwright's perspective overtly racist, but the practices based on his perspective linger in a medical system that does not fully comprehend the implications of its origins (Shaban, 2014).

Arguments that might seek to dismiss Cartwright's theory of the African black respiratory pathology as an anomaly are dispelled by other modern examples of medical practices that reinforce the idea that race has biological origins. The 2005 approval of BiDil® by the U.S. Food and Drug Administration resuscitated a debate over racialized medicine that had been dormant since World War II (Dorr & Jones, 2008). The drug was marketed as a treatment for chronic heart disease, but only in African Americans. The strategy was problematic because the intrusion of the discursive category of race into practical medicine suggested the prevalence of a more sinister underlying logic. According to Dorr and Jones (2008):

Reverby, who testified about BiDil before the FDA, juxtaposes BiDil's development and approval to the notorious United States Public Health Service's "Study of Untreated Syphilis in the Male Negro," the so-called "Tuskegee Experiment." According to Reverby, BiDil operates, in the shadow of Tuskegee, as a cultural artifact in three ways: first, as an acknowledgment that race influences biomedicine by acting as a "useful proxy" for underlying genetic causes; second, as a promise that, once technology improves, race will dissolve as a relevant analytic biomedical construct; and, third, as a guarantee that, until the abandonment of race and/or the solution of health disparities, something tangible is being done to rectify past abuses and present inequity. (p. 446)

Reverby's testimony suggests that the FDA's approval of BiDil signals the survival, and likely revival, of race-based medicine's core principles. The testimony further implies that BiDil reinforces the persistence of racial categorisation as a medical necessity, and that fears over the potential for maltreatment and exploitation are allayed precisely because the vantage point of history makes incidents such as the "Tuskegee Experiments" unlikely to happen again. Still, the use of a discursive category, masquerading as biological, as the basis for medical practice recalls

the operation of the racial constitutions in American daily life. Both Cartwright's theory and the BiDil marketing strategy illustrate the normalisation and naturalization of the white supremacist constitution of African Americans. Seen through this lens, not-white patients are administered physical treatments based on discursive diagnoses.

The use of race as a factor in the practice of medicine in the United States is part of a wider trend in which the constitution of an individual as not-white has negative implications for diagnosis, treatment, and survival. Likewise, the patient's constitution as white has far-reaching benefits in a system skewed to ensure that the most accurate diagnoses and effective treatments are made available. The discussion in previous chapters has shown that there is no biological foundation for race, and that the identification of a raced being is based entirely upon a rhetorical process of recognition and association. As a consequence, the assignment of patients to racial categories, and the consequent adjustment of health care quality—an adjustment that intentionally or inadvertently favours those patients constituted as white—are expressions of white supremacist ideology in American society. The consequences of poor access to healthcare are long-term, physical, and psychological, and severely compromise the quality of life one leads. However, being constituted as not-white can have detrimental effects that extend beyond the health care system.

The impact of not-whiteness on quality of life

One approach to understanding the inconsistency in the quality of health care services offered to white and not-white Americans is to focus on the relationship between housing and health care. De facto residential segregation patterns have been shown to influence education, employment opportunities, and access to and quality of health care, making any efforts to resolve

the issues of inequality in health care services partially reliant on solving housing segregation (Williams & Collins, 2001). Despite a strong trend toward desegregation in several American cities between 1980 and 2000, “African American segregation is still higher than that experienced by other groups across all measures. Latinos are generally the next most highly segregated, followed by Asians and Pacific Islanders, and then American Indians and Alaska Natives across a majority of the measures” (Iceland, Weinberg, & Steinmetz, 2002, p.15). There is, therefore, a persistent delineation between racial groups codified in housing patterns and radiating outward to most, if not all, social institutions and services, which places minoritized racial groups at a disadvantage. These systemic inequalities are informed by endemic white supremacy and have widespread consequences for the members of these groups.

Among these is an overall decline in quality of life, as manifested in mental and physical health. Apart from equal access to healthcare, minoritized racial groups in the United States are at higher risk for physical and mental problems as a result of the stress of what scholars have called *perceived racism*. This is very important to an understanding of endemic white supremacy, since it is not necessarily overt racial acts that result in higher risk for illness; the perception of the potential for discrimination and rejection can itself directly affect health. Research suggests, therefore, that “perceived discrimination—for example, subjectively believing one was passed over for a promotion at work due to their ethnicity—can be just as negative as being the victim of objective discrimination” (Soto, Dawson-Andoh, & BeLue, 2011, pp. 258-259). Soto et al. (2011) suggest the physical and psychological responses to persistent *subtle* attacks and invalidation, collectively known as *racial battle fatigue*, may be a predictor for Generalised Anxiety Disorder. Likewise, Smith, Hung, & Franklin (2011) call black men “the

most vulnerable U.S. racial-gender group for almost every health condition that medical researchers monitor” (p.63). According to Hughes & Thomas (1998):

What is clear is that being black in U.S. society results in a lower quality of life than does being white. Also clear is the substantial degree of racial inequality in U.S. society (Bennett 1995) and the continuing experience of racism in the lives of African Americans (Feagin 1991; Feagin and Sikes 1994). The coexistence of these facts suggests that racial differences in quality of life are produced by racial inequality and the experiences it produces, but exact processes linking these factors have yet to be uncovered. (p.792).

As all these studies suggest, being constituted as not-white in American society is detrimental to one's health—not only because the individual is constituted by external forces, but also because of an awareness of the actus-status resolution discussed in Chapter Two.

The recognition of how not-white individuals are constituted in the United States – and the relationship between the state of not-whiteness and the enactment of not-whiteness – has a demonstrable impact on quality of life. This is particularly so for African Americans, who are aware of the threat of systemic racism (the enactment of their racial constitution), and must find coping strategies to combat implicit discrimination, including “anger suppression, hostility, aggression, verbal expression of the anger, or the use of alcohol or other substances to blunt angry feelings” (Clark et al., 1999, p. 811). These coping mechanisms have also been related to poor health, since “both perceived racism and anger inhibition may contribute to the incidence of hypertension and hypertension-related diseases in African-Americans” (Steffen, et al., 2003, p. 749). Drawing upon Burke's argument that substance is in fact extrinsic, I contend that the thread that binds dark skin to negative behaviours is discursive, and not based in biology, or innate nature. I, therefore, treat the coping mechanisms used by African Americans as the

actualisation of a rhetorical constitution. It is not that these behaviours flow naturally from the substance of what they are, but, instead, that they are used by others, constituted as white, to justify that substance.

Most of the literature surveyed for this project makes reference to day-to-day discrimination, such as “being treated with less courtesy than others or being called names because of membership in a racial group” (Soto, Dawson-Andoh, & BeLue, 2011, p.258). In the context of endemic white supremacy, however, major discriminatory events are also⁴ worthy of analysis. In particular, major discriminatory events that occur in the context of law enforcement provide unique insight into the operation of white supremacy in American society. While the resources for understanding white supremacy in law enforcement are abundant, this discussion will focus specifically on the influence of racial discourse on the policing of the African

⁴ At this point it is important to note that the scope of this project does not allow for an in-depth analysis of the incidence and effect of endemic white supremacy on the operation of law enforcement. However, attention must be paid to the way in which the African American population interacts with law enforcement agents for two reasons. First, this thesis is concerned with the constitution of biraciality, and in particular the biraciality of Colin Kaepernick. Understanding the interaction between law enforcement and African Americans is essential to analysing both the context of Kaepernick's protest and the construction of his identity in the public domain. Secondly, the tone of police interaction with the African American community, as a population constituted not only as not-white but as the antithesis of whiteness, serves to illuminate a wider constitution of the United States as a whole.

American community—on implicit bias as an expression of underlying white supremacist ideas, and on the constitution of the community as a justification for prejudice and discrimination.

Policing blackness

Of the many ways in which the constitution as not-white adversely affects the African American community, interaction with law enforcement is perhaps the most well-documented. This is partly because these interactions attract extensive media coverage, and partly because these interactions often prove fatal. The increased use of social media to document police violence, and the organised reactions of the African American community to police killings, have also significantly heightened the visibility of this particular manifestation of endemic white supremacy. However, reflecting the perspective advocated over the last three chapters, I suggest that the tone of police interaction with the African American community productively read as illustrative of the rhetorical power of constitution. To understand the discursive foundations of police brutality, we must disregard conventional accounts of these incidents, and instead examine the “part that motivational assumptions play in implicitly or explicitly substantiating human decisions, hence shaping human affairs” (Burke, 1955, p. 337). It is my view that the application of the Burkean lens to the relationship between the African American community and the police, which allows us to understand the underlying motivations at work, reveals the mechanisms that produce the now-familiar violent and tragic outcomes captured on video and in headlines. The following sections of this chapter, therefore, provide a discussion of the way in which the racial constitutions generated by white supremacy, which function as a set of discursive coordinates, inform police interactions with not-white Americans.

According to the website *Mapping Police Violence*, police killed at least 1,152 people in the United States between January 1, 2015 and December 15, 2015. Of these deaths, 41% were African Americans, despite the fact that this group represents less than 20% of the population in these cities. Fourteen of the sixteen departments reviewed by the website killed black people exclusively. Of the total number of people killed, 102 were unarmed. This trend continued into 2016, with 302 black people being killed by police. As of May 2017, the number of people killed by police had reached 105. Overall, according to the website, black people are three times more likely to be killed by police than white people, even though 30% of black victims are unarmed, compared to 19% of white victims. Additionally, as of 2017, in seventeen of the 100 largest U.S. cities, police killed black men at a higher rate than America's overall murder rate for 2014.

The unfortunate state of relations between U.S. law enforcement and the African American community provides some of the best insight into the role that white supremacy, and the constitutions it facilitates and embodies, plays in the functioning of American society. According to Chaney & Robertson (2013), police function as the enforcers of the white supremacy ideology in the field:

Accordingly, it should not come as a surprise that increases in police sensitivity training, higher educational requirements for officer recruits, community policing, and other progressive approaches have not produced a measurable decrease in police brutality against Black males because none of these initiatives specifically address the larger societal issues of police brutality and White supremacy of which police are an extension (p. 501)

Despite socioeconomic and cultural explanations for the unfortunate encounters between the police and African American males in particular, the reality is that "Black men tend to be

substantially more likely than White men to be victims of police violence and homicide” (Chaney & Davis, 2015, p. 268). Several theorists insist that the genesis of these staggering statistics is overt racial prejudice. However, it is my view that the targeting of African American males by police is as product of the way in which they are constituted within white supremacist discourse. Not-white men in the United States face unfair treatment at the hands of law enforcement precisely because they are constituted as a threat. By its very nature, this constitution recommends a forceful response to protect the wider community. For example, in his commentary on one of the more widely-publicised police killings of unarmed black man, Diversi (2016) concludes:

Eric Garner is dead. A New York City medical examiner ruled Garner’s death a homicide by “compression of neck (choke hold), compression of chest and prone positioning during physical restraint by police” (Giri, 2014). He is dead because he is Black, not because of his behavior. (p.246)

Diversi’s assertion that Garner is dead because he is black is not a pronouncement on his biology. Instead, I treat it as an expression of the potential for violence associated with the colour of his skin, the reflection of a white supremacist discourse that constructs him as dangerous. Eric Garner was killed by police as a pre-emptive action to prevent the damage he was expected to cause.

African American deaths at the hands of police can be attributed to two manifestations of white supremacy as a constitution: personal prejudice and institutional bias. Reflecting the former, there have been recorded instances of white supremacist activists infiltrating law enforcement organisations with the explicit intention of committing criminal acts against African Americans and other minoritized groups. In 2006:

A United States District Court found that members of a Los Angeles sheriffs department formed a neo Nazi gang, and habitually terrorized the Black community. Later, the Chicago police department fired Jon Burge, a detective with reputed ties to the Ku Klux Klan, after discovering he tortured over 100 Black male suspects. Thereafter, the Mayor of Cleveland discovered that many of the city police locker rooms were infested with "White Power" graffiti. Years later, a Texas sheriff department discovered that two of its deputies were recruiters for the Klan. (Jones, 2015, p.100)

A decade later, law enforcement agencies continued to grapple with internal white supremacist activism, including seven San Francisco officers' threats to lynch African Americans, a conspiracy by correctional officers belonging to the Ku Klux Klan to murder a black inmate, and four Fort Lauderdale officers who expressed the desire to kill black suspects (Jones, 2015, p. 101). These incidents suggest that white supremacist activism is a problem in the American criminal justice system. White supremacist activism is driven by these individuals' need to take counteractive measures against the threats posed by those constituted as not-white.

Yet, even in the absence of personal white supremacist ideologies, many of the operational tactics employed by U.S. law enforcement agencies remain inherently prejudiced. There is ample scholarship on the role that race plays in determining routine procedures, such as "random stop and search" exercises, the frequency of which is determined by the percentage of the black population residing in the area being patrolled (Petrocellia, Piquerob, & Smith, 2003, p.7). The literature also suggests that the tendency to over-police the African American population is in fact an effort to "increase the likelihood of uncovering illegal activity" (Welch, 2007, p.277). The underlying prejudice that informs this kind of operational strategy is closely linked with African American stereotypes held by the wider community. From a rhetorical

perspective, though, these stereotypes are simply a manifestation of the ways in which not-white Americans are constituted. Law enforcement agents are shaped by the dominant racial discourse of American society as a whole, and express accepted constitutions of minoritized groups in the course of their duties (Browning et al., 1994, p. 2), constitutions that influence both surveillance and use of force.

The dramatic over-representation of blacks in police shootings, as an expression of a white supremacist ideology, is thus typical not only of major cities with high density black populations, but also of smaller cities. Even in instances where the black population is a minority, black Americans continue to represent the majority of those shot by the police.

According to Sekhon's (2017) analysis of police shootings in Chicago:

Officer-involved-shooting victims inordinately are minorities and, in particular Black.

Among the victims described in the IPRA reports, 95% were minorities. The disparity between the portion of victims who were Black and the share of Chicago's population that is Black was particularly stark. While less than one-third of the population was

Black, 80% of the victims described in the IPRA Reports were Black. (p.199)

The bias evident in policing strategies and violent interactions is reflective of an underlying, and accepted, constitution of not-white individuals in the United States, and of black Americans in particular. It is reinforced by other social institutions, including media outlets that promote an "ideology of domination that teaches every new generation to fear, demonize, and subjugate Black people" (Diversi, 2016, p.250). However, in order for the strategy of implicit prejudice to function, the constitution of blackness must be closely related to the constitution of criminality.

Constituting Criminality

As argued in previous chapters of this thesis, the way in which a thing is constituted informs how it should be treated. Racial constitutions are, therefore, critical to the functioning of white supremacy, since they prescribe the appropriate responses to the not-white population. In order for the white supremacist culture described here to function, two forms of constitution must occur. Firstly, a white person must be constituted as a pure, discrete entity to which a specific set of positive characteristics is attributed, and upon which various forms of social power can be conferred; the not-white individual must be constituted as the opposite. In the context of police brutality, then, the constitution as not-white is particularly relevant, since it provides a set of coordinates through which intent is interpreted, and upon which actions are based. I contend that how an individual is constituted, which indicates how they are expected to behave, is a critical component of the interaction between African Americans and police. As such, the expectation of violence not only recommends, but warrants sufficient force to overcome that violence. The effect of this kind of constitution is illustrated throughout the history of the United States, by examples of Black American disempowerment through brutalisation. Embrick (2015) notes:

From days of slavery to the years of Jim Crow to the post-Civil Rights Era, black and brown bodies have been controlled and put on display as an affirmation of white superiority. This fixation is particularly notable when it comes to black male bodies. As Bonilla-Silva (2001), Feagin (2006), and others have noted, the regulation of brown and black bodies—once the purview of slave overseers and night patrols, overt and violent racist organizations such as the Ku Klux Klan, and individual whites—have become

largely replaced by state agencies such as the criminal justice system, and local and federal police. (p. 838)

Simultaneously, the constitution of black Americans as dangerous and violent justifies the brutalisation to which they have been subjected. *Negrophobia*, or the irrational fear of black violence against white people, has been at the root of the unjustified black killing of black Americans for centuries (Chaney & Robertson, 2013, p.482). It perpetuates the idea that non-white people are more likely to engage in criminal behaviour, and are deserving of harsher punishment than white people convicted of the same crimes (Diversi, 2016, p.482). In other words, I argue that the constitution of the black male in American society does not associate black masculinity *with* violence, it identifies it *as* violence, thereby transforming blackness and the features of blackness into veritable threats.

One of the more persistent of these constitutions is that of the black male as a threat that must be forcefully contained. Given this constitution, physically larger black men are perceived as targets, regardless of whether or not they pose an actual threat. According to Milner et al. (2016), “although suspects not perceived to be tall or heavy have increased risk of physical police punishment, suspects perceived as tall and heavy are at still greater risk and tall, heavy, black and Hispanic men are at the greatest risk of all” (p.10). I contend that when larger black men, such as Michael Brown, Terrence Crutcher, and Eric Garner, are killed by police, it is not their actions that prompt violence, but their being. They are met with extreme force because the threat implied by their constitution as black is exacerbated further by their potential to use physical force.

Police in the United States are legally constituted as a protective force. Officers are expected to confront the criminal element when necessary, maintain peace, and ensure safety.

However, this constitution comes into conflict with the racial constitution of the United States which, as previously discussed, divides the country into categories of citizen and non-citizen based on race, religion, and other categories. The conflict between the police and African Americans which creates the potential for fatal encounters should, therefore, be seen as a constitutional conflict. An account of the discursive forces at work in the incidents that resulted in the deaths of Michael Brown, Eric Garner, and Terrence Crutcher (among others), suggests that the rhetorical construction of the large African American male identifies him as a threat to the normative white community that the police are tasked with protecting. In the context of U.S. racial constitution, then, black men fall outside of the protective reach of the law and, instead, are constructed as a threat.

Under American law, the police are expected to maintain the peace and apprehend criminal suspects with the least possible force. The police service works as the enforcing arm of a Justice system, within which the courts are responsible for the act of sentencing. Police are, therefore, expected to treat suspects as innocent until they are convicted. According to the U.S. Department of Justice Community Relations Service (2002):

In 1985, the U.S. Supreme Court's decision in *Tennessee v. Garner* (471 U.S. 1) placed restrictions on? police use of deadly force. They ruled that: "deadly force may not be used unless it is necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." (p.18)

The approach of law enforcement outlined in the U.S. Constitution, and upheld by the Department of Justice guidelines, is essentially aspirational, representing the best possible version of how police work ought to be conducted. The recommendation for the intensity of

force used in the apprehension of criminal suspects resides on the same discursive plane as the identification of the American citizen as white. The ideal expressed in the Constitutional document, therefore, is that a criminal suspect, ideally constituted as white, should be afforded certain rights, offered the opportunity for legal defense, and treated with a certain degree of civility while in the custody of the police. The racial constitution of the United States, however, comes into conflict with this approach. When police are confronted with a criminal suspect who is not-white, they are not presented with the physical body identified by the aspirational constitutional document. Whether consciously or not, police officers apply the motivation dictated by American racial discourse and constitute the not-white suspect as other-than-human, placing the individual outside the provisions for and protection of the treatment of suspects outlined by the Constitution. I argue that the Burkean lens reveals the motivation behind the police shooting of African Americans to be the triumph of race as the constitution-beneath-the-constitution, over the *oughts* prescribed in the U.S. Constitution.

The potential for police interactions with the African American community to turn tragic is enhanced by the close association between not-whiteness and the potential to commit violent acts. Correll et al. (2002) argue that “the same mildly aggressive behaviour is perceived as more threatening when it is performed by an African American than when it is performed by a White person. A White person’s light push seems like a violent shove when performed by an African American” (p.1314). This is particularly relevant in the situations where the suspect is black and the officer is white. This is in part due to a conceptions about violence within the black community, a phenomenon called *superhumanization*. Wyatz et al. (2015) contend that “people attribute higher-than average physical capabilities (e.g., toughness and strength) to African Americans. This attribution is suggestive of superhumanization (to the extent that higher-than-

average might reflect more-than-human attributions) and may contribute to the perception that Blacks are less sensitive to pain than Whites” (p. 353). The constitution of a criminal suspect as superhuman prescribes that the force used to contain them be significantly greater than the force used to contain someone *not* constituted as superhuman. What these researchers are, therefore, describing is the operation of a set of motives that proceed from the constitution of black Americans as not entirely human. This is a sentiment that was first introduced into American racial discourse during slavery by the Constitution—and, although it no longer has any legal basis, it continues to permeate the American psyche and find expression in the language used to describe the killing of black Americans.

Such discursive dehumanization of African American males is glaringly evident in the language used to describe Michael Brown, an eighteen-year-old black man who was killed by police. The grand jury testimony of Darren Wilson, the police officer who shot Michael Brown, is littered with superhuman imagery. To begin, Wilson noted Brown’s height and size, and recounted that, when he saw Brown and his friend walking down the street, “either the first one was really small or the second one [Brown] was really big” (McCoy, 2014). He also told the grand jury that, “when I grabbed him the only way I can describe it is I felt like a 5-year-old holding onto Hulk Hogan”—suggesting in later testimony that he was convinced that the unarmed Brown could have killed him with his bare hands (Bouie, 2014). Wilson allegedly fired at Brown between ten and twelve times, hitting him on at least six occasions. Still, he claimed that when Brown was hit with the bullets, he “looked like he was almost bulking up to run through the shots, like it was making him mad” (Halpern, 2015). Later, looking down at the young man lying dead in the street, Wilson concluded that the “threat was gone” (McCoy, 2014).

Darren Wilson was ultimately exonerated of any wrongdoing. The Department of Justice report on the killing of Michael Brown stated that “the shots fired by Wilson after Brown turned around were in self-defense and thus were not objectively unreasonable under the Fourth Amendment” (Department of Justice, 2015). According to the report:

An officer may use deadly force under certain circumstances even if the suspect is fleeing. “Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given”. (Department of Justice, 2015, p. 80)

Wilson’s testimony established that he believed Michael Brown posed a threat to both himself and others. I argue that what Darren Wilson perceived as a genuine threat was a result of the way in which he constituted the African American male. From this perspective, Wilson’s actions are entirely legitimate under the law, since Brown’s very existence presented the threat of violence to him. If seen through the Burkean lens of constitution, police killings of African American men are the enactment of their racial constitution. In this context, police officers are simply the enforcers of the oughts associated with the containment of an unreasonable, superhuman threat.

The killing of Michael Brown is thus simply one of many situations wherein a black male has been constituted as uncontrollable. The enactment of the superhuman constitution is evident in the death of Eric Garner, who was forcibly restrained by six police officers as he thrashed and gasped that he could not breathe (Bloom & Imam, 2014). Not surprisingly, an investigative

article into Garner's death opens with a description of Garner "lumbering along a sidewalk on Staten Island on a July day when an unmarked police car pulled up" (Baker et al., 2015).

Likewise, in the video footage that shows the moments before Terrence Crutcher was shot by officer Betty Shelby in Tulsa, Oklahoma, the pilot of a police helicopter more than 100 feet above the scene is overheard saying, "that looks like a bad dude, too" (Vincent, 2017).

Following the release of the video, one journalist unintentionally identified the manner in which police officers enact the constitution of African American males as violent, regardless of their actions, and white males as harmless, despite overt threats:

In 2014, a South Carolina State trooper somehow knew Levar Jones was a bad dude, even though he was just complying with an order to produce his driver's license. That same year, a Cleveland Police officer somehow knew Tamir Rice was a bad dude, even though he was just playing in the park with a toy gun. In 2012, George Zimmerman somehow knew Trayvon Martin was a bad dude, even though he was just walking along the street, minding his own business. Yet last year, Jesse Kidder, a rookie police officer in New Richmond, Ohio, somehow knew Michael Wilcox wasn't a bad dude, even though he was wanted for murder, even though he led police on a long car chase, even though he refused commands to get down on the ground, even though he was believed to be armed, even though he rushed at the officer crying, "Shoot me! Shoot me, or I'll shoot you!" (Pitts, 2016)

Pitts' sentiments bring to mind the image of an armed Dylann Roof receiving a police escort and a bullet-proof vest, just after shooting nine people at a Charleston church prayer meeting (Ellis et al., 2015). While Roof's actions might establish him as a threat to the officers and others, his racial constitution did not—and this overrode any response dictated by the shooting.

As these examples suggest, the use of lethal force by police against African Americans has repeatedly validated the primacy and importance of the underlying racial constitution of the United States. The court's reliance on the officer's belief that the "suspect poses a threat of serious physical harm, either to the officer or to others" reinforces the legitimacy of the racial constitution of black men as violent. This has been further evidenced by the acquittal of the officers involved in the deaths of Michael Brown, Terrence Crutcher, Eric Garner, and others. An analysis of the circumstances of these three deaths—and the subsequent acquittal of the officers involved—supports the argument that the use of deadly force against African Americans is a result of their constitution as dangerously criminal, and that, given the capacity of society's dominant ideology to shape perception, the officers involved are, in fact, doing their duty.

The preservation of white purity

It is my contention that the constitution of African Americans as criminal and the preservation of white purity work together to support and reinforce white supremacist ideology. The following discussion therefore builds a bridge between the systemic inequality of a racially stratified society and the principle of hypodescent. This system of white supremacy, or the ability to administer unequal treatment on the basis of race, pivots on the ability to recognise the characteristics of whiteness in a human being. The indicators of this whiteness are regularised and regulated by the maintenance of white purity, or the idea that there is such a thing as a pure white race that is identifiable by certain physical characteristics. The ability to identify those to whom power should be given in turn relies on an elaborate social and legislative system, the sole intention of which is to prevent the mixing of races. One portion of this system, anti-

miscegenation law in the United States, worked both to reinforce the separation between racial categories and ensured the categorization of biracial children as black.

Etymologically, miscegenation refers to interbreeding of people considered to be of different racial types. However, in the context of this argument—as well as most of the original pieces of legislation in which the concept was introduced into law—it refers to relations between a black person and a white person. At the mid-twentieth century, as many as twenty-nine of the United States had anti-miscegenation laws that were still in force. Most of these laws focused on preventing the marriage of black and white individuals (Moran, 2004, p.1664). According to Browning (1951):

All these states prohibit Negro-white marriages. Fourteen states, chiefly west of the Mississippi, forbid intermarriage of white and Mongoloid persons. Three states, Louisiana, North Carolina, and Oklahoma prohibit Negro-Indian intermarriage. Four states forbid Indian-white marriages. Six states consider racial intermarriage with such abhorrence that its prohibition is provided for in their Constitutions. (p.31)

In a very general sense, laws that prevent intermarriage were intended to maintain the territorial advantage of those groups that had become powerful enough to monopolize resources, by prohibiting association with those considered to be culturally or phenotypically incompatible (Menchaca, 2008). In the United States, this desire to maintain economic, political and social control was explicitly expressed through a series of laws aimed at prohibiting interracial marriage. The stated intention of the first statutory effort to prevent interracial marriage in Virginia was “to prevent ‘that abominable mixture and spurious issue which hereafter may increase [sic] in this dominion’” (Wadlington, 1966, p. 1992). The generalised disdain of biracial children was premised on the system of patrilineal descent, according to which the children of

white slave owners and black slaves would, ostensibly, be both white and free. The consequence of this would be the potential haemorrhage of social, economic and political power across the racial delineations upon which the colony, and the United States at large, grounded its social organisation. I contend that anti-miscegenation legislation is thus part of the white supremacist system in which not-white individuals are discursively and physically separated in order to preserve the idea of white purity. The maintenance of a distinct group that is recognised as a pure white race facilitates the relational constitution of the not-white other. This delineation is used to organise the society and distribute power that, in turn, recreates them.

The legislative framework that promoted white purity was therefore necessary to uphold the system of white supremacy. In a survey of anti-miscegenation legislation in the Southwest United States, Machaca (2008) cites two authors on the topic that support this perspective:

On racial intermarriage, Haney-Lopez concludes that since 1661 anti-miscegenation laws served to reproduce distinguishable races that could easily be divided into groups with prescribed legal rights and limited employment options. Takaki posits that preventing intermixture symbolically marked Whites as social superiors regardless of their economic status and contributed to the public perception that Blacks, Mexicans, Asians, and Native Americans were socially beneath them. Likewise, both authors concur that White political elites justified the racial order they had structured by invoking the morality of their actions, as if it were their duty to prevent the intermixture of superior and inferior races. (p.281)

Interracial marriage was, therefore, problematic because it complicated the very clear distinctions established by slavery and reinforced by Jim Crow. The legal mechanisms used to

discourage interracial marriage and the production of biracial offspring were both informed and reinforced by accepted racial constitutions.

Generally, anti-miscegenation laws were designed to uphold endogamous norms and preserve white supremacy. But the implementation of these laws tells a more complex story, and reveals motivations other than the maintenance of a monopoly on social power. One of the realms in which the rhetorical construction of black Americans is most apparent is in preoccupation with black male sexuality and the curbing of white female desire. Oh (2007) cites records from Alabama between 1880 and 1900 to show that white women were convicted more often than white men under the regulations, and black men more often than black women. While this might merely reveal the kind of patriarchal orientation that is more forgiving of male indiscretion, sentencing in these cases points to a particular contempt for the idea of relationships between white women and black men.

The records suggest that black men were sentenced to the longest terms, with an average of “3.84 years. Next were white women, with an average sentence of 3.27 years. White men were sentenced to an average of 3.11 years, while black women were sentenced to an average of 2.75 years” (Oh, 2007, p.483). This suggests that white woman-black man relationships posed a particular threat to the social organisation of many American states. This is a result of deep-seated interpretations of black male sexuality that would feed stereotypes in modern American society and underscore the constitution of African Americans as dangerous and as requiring control. Ferber (2007) argues:

The image of a White woman with a Black man has been relied on throughout White supremacist discourse to motivate White men to join the movement. It is the threat of Black masculinity that they mobilize against. A *Thunderbolt* (no. 297) article proclaims,

“Let us warn our young White women of the great danger inherent in socializing with black males” (p. 3). And another article asserts, “Lust . . . may be too gentle a word for the maelstrom in the black male’s brain.” (p.18)

The maintenance of white purity, therefore, required—and continues to require—the constitution of black people as subhuman and violent.

By the early 1960s, however, the Civil Rights Movement had made significant progress toward desegregation. In 1967, the *Loving v. Virginia* ruling determined that courts could not police marriage—and that the fourteenth amendment, which prevents States from depriving any citizen of their civil liberty, did in fact apply to marriage, including those marriages prevented by anti-miscegenation legislation. By 1967, all but sixteen states had removed their anti-interracial legislation, including Texas, which took “two years to finally comply. On 1 January 1970, the Texas Legislature repealed its anti miscegenation statute and removed a law that had regulated race relations since 1837” (Menchaca, 2008).

Yet, by the time state legislators repealed anti-miscegenation legislation, the underlying sentiment that justified its enactment was firmly entrenched in American society and culture. Although the principle of hypodescent could no longer be enforced by law, the system of categorisation intended to preserve white purity had become a pillar of American social organisation. The result is a modern racial discourse that treats racial constitutions as facts of nature which intervene in all spheres of American life.

Based on the preceding arguments, it is my view that the categorisation of biracial individuals as biracial/black, but not biracial/white, nourishes the illusion of white purity and inspires efforts to maintain it, thereby perpetuating white supremacy. The recognition and promotion of the idea of biracial individuals as not-white, as a product of American racial

constitution, is of particular significance when it is applied to the leadership of social movements aimed at dismantling the system of white supremacy that white purity both underscores and maintains, by indicating where power should reside. This constitution exists in a relationship of mutual reinforcement with the constitution of not-whiteness, the symbols of which serve as dog whistles for the disenfranchisement and disempowerment of not-white groups. Colin Kaepernick and his protest, as an extension of the Black Lives Matter (BLM) Movement, is an illustration of this interplay between biracial constitutions, white purity, and white supremacy.

I argue that the reality in which biraciality exists is a reality in which complementary constitutions must also exist to rationalise it. In the discursive universe of white supremacy, therefore, African American males are constituted as superhuman threats against which the police are mandated to use lethal force. This constitution is grounded in the same substance as the principle of hypodescent and the illusion of white purity. The police brutality against which Colin Kaepernick protested is only justifiable in a society governed by a racial constitution that categorises a child of a white woman as biracial/black, in order to preserve the idea that white purity is possible. The two constitutions must exist simultaneously because, without each other, they cease to exist.

White Supremacy as a terministic screen

The reciprocal interplay between Colin Kaepernick's protest and his racial constitution is best understood as a function of what Burke calls *terministic screens*. According to Burke (1966), because "any given terminology is a *reflection* of reality, by its very nature as a terminology it must be a *selection* of reality, and to this extent it must function as a *deflection* of reality" (p.45). To him, the choice of terms by which we describe reality, the process of naming

and constituting the world around us, also serves the function of shaping the reality we see. The discursive lens through which we perceive a thing, in other words, essentially determines how that thing is constituted—and its constitution in turn, determines what should be done about it. Following from the logic that reality itself cannot exist without the assistance of the symbols through which it is communicated, the words that we use encourage us to see some things and not others, as well as to influence *how* we see those things. Burke (1966) continues:

Not only does the nature of our terms affect the nature of our observations, in the sense that the terms direct the attention to one field rather than another. Also, *many of the "observations" are but implications of the particular terminology in terms of which the observations are made.* (p. 46)

Burke (1966) refers to these discursive lenses as terministic screens, the application of which result in accounts of reality filtered through the inherent bias of the language used to describe it. In this way, the terms employed at the inception of the discourse influence all the observations and terms that follow. More importantly, it selects the range of terms that can be used. The manner in which a discussion is framed will, necessarily, determine that discussion's outcome. Burke also treats terministic screens as necessary. He argues that "we *must* use terministic screens, since we can't say anything without the use of terms; whatever terms we use, they necessarily constitute a corresponding kind of screen; and any such screen necessarily directs the attention to one field rather than another" (Burke, 1966, p.50). I contend that white supremacy is the terministic screen through which Kaepernick's protest is ultimately constituted. By embracing his constitution as biracial/black and foregrounding not-whiteness as a BLM spokesperson, Colin Kaepernick simultaneously, and ironically, invoked the logic of white supremacy and its unique discursive strategies and assorted implications.

The terministic screen of white supremacy brings the constitutions that support it into sharp relief, while obscuring those features of American society that may challenge it. Seen through this screen, Colin Kaepernick is not white because a biracial child takes on the status of its socially subordinate parent. Just as the screen reveals the operation of the principle of hypodescent, it also reveals an African American population that is constituted as violent and potentially hostile, and must be answered by law enforcement agencies brutal enough to contain it. By framing his resistance to white supremacy in terms of his biracial/not-white constitution, Kaepernick inadvertently directed attention to the version of the United States that is organised by a collection of principles: anti-miscegenation, hypodescent, white purity and black savagery. The constitutions deployed by white supremacy exist concurrently in a reciprocal relationship that ensures that all are summoned to the presence of the one that is named. The terministic screen of white supremacy inspired by Kaepernick's constitution, therefore, serves to undermine the stated aims of his protest. The term "biracial" explicitly embodies the principle of discontinuity (Burke, 1966, p.50), and both recalls and reinforces the existence of discrete racial categories. Colin Kaepernick's protest is, therefore, a struggle against the very logic by which he is constituted—because the discursive forces that are responsible for his not-whiteness are also responsible for police violence against the African American community. Colin Kaepernick's emergence as a rhetorical icon, constituted as not-white, serves to reinforce the power relations he aspires to dismantle.

Conclusion

Race is not a biological fact. It is a power construct that facilitates the distribution of social power to members of some social groups and not others. The United States is constituted

as a white nation by social and legal frameworks that have, over time, been organised to promote the dominance of the group of individuals constituted as white. Other so-called racial groups are constituted in opposition to whiteness or as external to normative ways of being that allow them to access social power. This thesis recognises this system of domination as white supremacy, which it treats as a collective of constructs that recreate and reinforce each other. At the centre of this collective is the constitution of white purity—the discursively-decreed existence of a discrete racial group invested with certain positive qualities that grant its members access to certain forms of social power. The establishment, maintenance, and preservation of white purity require that the white group be easily and readily identifiable. The collective of constitutions that comprise white supremacy, therefore, require social and legal mechanisms that facilitate the identification of the white membership.

The principle of hypodescent, anti-miscegenation legislation, and the constitution of biraciality as a form of not-whiteness combine to sustain white purity and, by extension, not-white impurity, in American society. The operation of these constitutions has consequences for the not-white population in the United States. The relational constitution of not-white groups has implications for how these groups should be treated. The centrality of whiteness in American society, in sum, necessitates the exteriority of other constitutions. To achieve this, social, legal, political, and economic forces are enlisted to reinforce these constitutions of alterity. Not-whiteness is therefore closely associated with negative stereotypes that justify the unequal distribution of power.

This view of the United States suggests that it is itself premised upon a constitution beneath-and-behind the U.S. Constitution; specifically, it is premised upon a white supremacist constitution that is perpetuated by rhetorical forces. In keeping with the Burkean perspective, the

framing of the United States as a white supremacist society is also a prescription for what, if anything, should be done about it. This project has described the operation of white supremacy with respect to the constitution of biraciality and identified the resulting effects. Its contribution to the rhetorical canon is its novel application of the Burkean notion of constitution to understanding racially-based social phenomena. By using Colin Kaepernick's protest as an illustration of the reciprocal relationship between constitutions of race in the United States, I suggest that issues of racial inequality be addressed at the level where they exercise the most power: the rhetorical level.

The solution to any problem must begin with a sound understanding of what that problem is. Race-based issues in the United States can only be solved by a thorough conceptualisation of race itself. I contend that, race, the phenotypically-indicated hierarchy of discursive categories, is a white supremacist construct. It is a means of social organisation that facilitates the justification of prejudice and subjugation. Visible physical differences are typically described as in themselves innocuous; the difficulty, from a rhetorical perspective, is that such differences *are only visible* on the basis of a terministic screen that makes them so. As a result, visual cues are not separable from powerful social forces—indicating that we cannot easily separate such cues from the innate qualities and problematic predictions of behaviour tied to white supremacy. The rhetorical constitutions of raced beings therefore are, by their very nature, unequal. My argument regarding racial constitution is that there can be no equality in a society organised according to race. Efforts, therefore, to address the inherent inequalities of a white supremacy, but that are premised on these constitutions, are thus paradoxical and problematic. This project is a first attempt to understand how rhetorical constitutions of race work, as the initial step in a wider discursive strategy to dismantle white supremacy in American society.

The history of the United States is filled with a litany of efforts to address systemic inequalities, but without addressing the constitution from which they proceed: America as a white nation. Social movements throughout American history have identified white supremacy as a problem and attempted to address it by counteracting its effects, rather than the underlying constitution itself. To this end, an elaborate Civil Rights framework has been devised to protect the interests of those who are constituted as *other* in the United States, without addressing the prospect that the constitution of alterity itself is the source of the oppression. Legislative efforts have been continually undermined by cultural and social practices that uphold the very institutions and practices that have been legislated against.

Despite the growing body of scholarship that identifies race as a social construction, the biological understanding of racial distinction persists. It is my view that the longevity of this illusion is found in the discursive strategies that reinforce it. These can only be eradicated at the level of the language. It is through the naming and identification of racial groups that society is organised in a way that allows for endemic white supremacy to prevail. This project therefore represents a starting point for addressing the discursive power of white supremacy, by reconceptualising it as a rhetorical formation. There is significant work to be done in this area, given the prevalence of the American racial discourse, in the United States and around the world. Even so, as with all things rhetorically constituted, the answer is inherent in the framing of the question. If we are somehow able to see racial inequality as a problem of discourse and not a social or biological reality, then its solution, too, becomes a site of rhetorical intervention.

References

- Agyemang, K. J. (2011). Black male athlete activism and the link to Michael Jordan: A transformational leadership and social cognitive theory analysis. *International Review for the Sociology of Sport*, 47(4) 433–445. doi:10.1177/1012690211399509
- Alexander, M. (2011). The new Jim Crow. *Ohio State Journal of Criminal Law* 9(1), 7-26.
- Allen, G.E., Garriott, P.O., Reyes, C.J., & Hsieh, C. (2013). Racial identity, phenotype and self-esteem among biracial Polynesian/white individuals. *Family Relations* 62, 82-91. doi:10.1111/j.1741-3729.2012.00743.x
- Allen, N. (2016). Colin Kaepernick: NFL Black Lives Matter protest recall rebellious spirit or 1960s sporting greats. *The Telegraph*. Retrieved from: <http://www.telegraph.co.uk/news/2016/09/18/colin-kaepernick-nfl-black-lives-matter-protests-recall-rebellion/>
- Andreasen, R.O. (1998). A new perspective on the race debate. *The British Journal for the Philosophy of Science*, 49(2), 199-225.
- Anti-Defamation League. (2015). *With hate in their hearts: the state of white supremacy in the United States*. New York: New York.
- Arnett, R.C. (2011) Civic rhetoric – meeting the communal interplay of the provincial and cosmopolitan: Barack Obama's Notre Dame speech, May 17, 2009. *Rhetoric and Public Affairs*, 14(4), 631-672.
- Axt, J.R., Ebersole, C.R., & Nosek, B.A. (2014). The rules of implicit evaluation of race, religion and age. *Psychological Science*, 25(9), 1804-1815.
- Bach, P.B., Cramer, L.D., Warren, L.J., & Begg, C.B. (1999). Racial Differences in the treatment of early-stage lung cancer. *The New England Journal of Medicine*, 341(16), 1198-1205.

- Baker, A., Goodman, J. D., & Mueller, B. (2015, June). Beyond the chokehold: The path to Eric Garner's death. *New York Times*. Retrieved from: https://www.nytimes.com/2015/06/14/nyregion/eric-garner-police-chokehold-staten-island.html?_r=0
- Banaji, M. R. (2011). Evidence for hypodescent and racial hierarchy in the categorization and perception of biracial individuals. *Journal of Personality and Social Psychology*, 100(3), 492-506.
- Battalora, J. (2015). Birth of a white nation. *Understanding and Dismantling White Privilege* 5(1), 1-12.
- Berbrier, M. (2008). White supremacy. In V. N. Parillo (Ed.), *Encyclopaedia of Social Problems* (pp. 1033-1035). Thousand Oaks: SAGE Publications.
- Berlinger, J. (2015, August). Frazier Glenn Cross found guilty of murder in Jewish center shootings. *CNN*. Retrieved from: <http://www.cnn.com/2015/08/31/us/kansas-jewish-center-gunman-guilty/>
- Bimper, A. Y. (2015). Lifting the veil: Exploring colorblind racism in black student athlete experiences. *Journal of Sport and Social Issues*, 39(3), 225– 243.
- Biography.com Editors (2016, August, 29). Colin Kaepernick Biography.com *Biography.com* Retrieved from: RL <http://www.biography.com/people/colin-kaepernick-21132801>
- Bird, A. (2007). Perceptions of epigenetics. *Nature*, 447, 396-398. doi :10.1038/nature05913
- Blakey, M. (1999). Scientific racism and the biological concept of race. *Literature and Psychology*, 45, 29-43.
- Bloom, D., & Imam, J. (2014, December). New York man dies after chokehold by police. *CNN*. Retrieved from: <http://www.cnn.com/2014/07/20/justice/ny-chokehold-death/>
- Blumberg, A. (2016, August). Colin Kaepernick gracefully addresses Islam conversion rumors.

- The Huffington Post*. Retrieved from: http://www.huffingtonpost.com/entry/colin-kaepernick-gracefully-addresses-islam-conversion-rumors_us_57d1d336e4b00642712ca406
- Boehmer, U., Kressin, N. R., Berlowitz, D. R., Christiansen, C. L., Lewis, E. K., & Jones, J.A. (2002). Self-reported vs administrative race/ethnicity data and study results. *American Journal of Public Health, 92*(9), 1471-1473.
- Bouie, J. (2014, November). Michael Brown wasn't a superhuman demon: But Darren Wilson's prejudice told him otherwise. *Slate*. Retrieved from: http://www.slate.com/articles/news_and_politics/politics/2014/11/darren_wilson_s_racial_portrayal_of_michael_brown_as_a_superhuman_demon.html
- Bradt, S. (2010). One-drop rule persists: Biracials viewed as members of their lower status parent group. *Harvard Gazette*. Retrieved from <http://news.harvard.edu/gazette/story/2010/12/one-drop-rule-persists/>
- Brelinger, J. (2015, August). Frazier Glenn Cross found guilty of murder in Jewish center shootings. *CNN*. Retrieved from: <http://www.cnn.com/2015/08/31/us/kansas-jewish-center-gunman-guilty/>
- Bridges, K. M. (2013). The dangerous law of biological race. *Fordham Law Review, 82*(1), 21-80.
- Browning, S., Cullen, F., Cao, L., & Kopache, R. (1994). Race and Getting Hassled by the Police: Research Note. *Police Studies: The International Review of Police Development, 17*(1), 1-12.
- Brunsma, D. L. (2005). Interracial families and the racial identification of mixed-race children: Evidence from the early childhood longitudinal study. *Social Forces, 84*(2), 1131-1157.

- Burke, K. (1955). *A grammar of motives*. Berkeley: University of California Press.
- Burke, K. (1966). *Language as symbolic action: Essays on life, literature, and method*. Berkeley: University of California Press.
- Carden, A., & Coyne, C. J. (2013). The political economy of the Reconstruction Era's race riots. *Public Choice, 157*, 57-71.
- Carlson, A. C. (1999). "You know it when you see it:" The rhetorical hierarchy of race and gender in Rhinelander v. Rhinelander. *Quarterly Journal of Speech 85*(2), 111-128.
- Chaney, C., & Davis, D. J. (2015). Introduction: "no Justice, no Peace:" social unrest in Ferguson. *The Western Journal of Black Studies, 39*(4), 267-271.
- Chaney, C., & Robertson, R. V. (2013). Racism and police brutality in American. *Journal of African American Studies, 17*, 480-505. doi:10.1007/s12111-013-9246-5
- Chen, J. M., & Hamilton, D. L. (2012). Natural ambiguities: Racial categorization of multiracial individuals. *Journal of Experimental Social Psychology, 48*, 152-164.
- Clark, R., Anderson, N. B., Clark, V. R., & Williams, D. R. (1999). Racism as a stressor for African Americans: A biophysical model. *American Psychologist, 54*(10), 805-816.
- Cobb, J. N. (2011) No we can't: Postracialism and the popular appearance of rhetorical fiction. *Communication Studies, 62*(4), 406-421.
- Cohn, D. (2015). Future immigration will change the face of America by 2065. *Pew Research Center*. Retrieved from <http://www.pewresearch.org/fact-tank/2015/10/05/future-immigration-will-change-the-face-of-america-by-2065/>
- Collins, N. (2012, May). Solomon Islanders' blond gene identified. *The Telegraph*. Retrieved from: <http://www.telegraph.co.uk/news/science/science-news/9243297/Solomon-Islanders-blond-gene-identified.html>

- Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83(6), 1314-1329.
- Craven, J. (2016, July). More than 20 black people were killed by police in 2016. *Huffington Post*. Retrieved from: http://www.huffingtonpost.com/entry/black-people-killed-by-police-america_us_577da633e4b0c590f7e7fb17
- Cunningham, G. B., and Regan, M. R. (2011). Political activism, racial identity and the commercial endorsement of athletes. *International Review for the Sociology of Sport*, 47(6), 657-669.
- Cunningham, P. L. (2009). "Please don't fine me again!!!!": Black athletic defiance in the NBA and NFL. *Journal of Sport and Social Issues*, 33(1), 39-58.
- Davis, D. (2008). Taking a stand. *Smithsonian*, 39(5), 12-14.
- Dewey, J. (1988). Nature, Communication, and Meaning. In J. Boydston (Ed.), *The later works: Experience and Nature* (pp. 132-161). Carbondale: Southern Illinois University Press.
- Din-Dzietham, R., Wendy N. Nembhard, W. N., Collins, R., & Davi, S. K. (2004). Perceived stress following race-based discrimination at work is associated with hypertension in African-Americans. The metro Atlanta heart disease study, 1999-2000. *Social Science & Medicine*, 58, 449-46.
- Diversi, M. (2016). The ever-shifting excuses for demonizing black people in America. *Cultural Studies Critical Methodologies*, 16(3), 245-252.
- Doane, A. (2006). What is racism? Racial discourse and racial politics. *Critical Sociology*, 32(2-3) 255-274.
- Dorr, G. M., & Jones, D. S (2008). Race, pharmaceuticals and medical technology. *Journal of*

- Law, Medicine and Ethics*, 36(3), 443-448.
- Dsnab (2016, September). Re: 49ers will live to regret decision to keep nat'l anthem protester Colin Kaepernick [comment]. Retrieved from: <http://www.csnnews.com/ommentary/rev-jesse-lee-peterson-49ers-will-live-regret-decision-keep-natl-anthem-protester-colin>
- Dunn, C. (2005). Balancing the right to protest in the aftermath of September 11. *Harvard Civil Rights-Civil Liberties Law Review*, 40, 327-357.
- Ellis, R., Payne, E., Perez, E., & Ford, D. (2015, June). Shooting suspect in custody after Charleston church massacre. *CNN*. Retrieved from: <http://www.cnn.com/2015/06/18/us/charleston-south-carolina-shooting/>
- Embrick, D. G. (2015). Two nations, revisited: the lynching of black and brown bodies, police brutality, and racial control in 'post-racial amerikka. *Critical Sociology*, 41(6), 835-843.
- Encalada, D. (2016). Celebrities share powerful message against police violence in #SomedaysIsToday PSA. *Complex*. Retrieved from: <http://www.complex.com/life/2016/08/celebrities-share-message-against-police-violence-someday-is-today-psa>
- Eugray (2013). Re: Riddle of Solomon solved: Scientists find South Sea islanders' blond hair didn't come from Europeans, but evolved separately. Retrieved from: <http://www.dailymail.co.uk/sciencetech/article-2139462/Riddle-Solomon-solved-Scientists-South-Sea-islanders-blond-hair-didnt-come-Europeans-evolved-separately.html>
- Fairchild, H. H. (1991). Scientific racism: The cloak of objectivity. *Journal of Social Issues*, 47(3), 101-115.
- Feliciano, C. (2016). Shades of race: How phenotype and observer characteristics shape racial

- classification. *American Behavioural Scientist*, 60(4), 390-419.
- Ferber, A. L. (2007). The construction of black masculinity: White supremacy now and then. *Journal of Sport & Social Issues*, 31(1), 11-24.
- Fiscella, K., Franks, P., Gold, M. R., & Clancy, C. M. (2000). Inequality in quality: Addressing socioeconomic, racial and ethnic disparities in health care. *Journal of the American Medical Association*, 283(19), 2570-2584.
- Fisher, M. (2016, June). When a phrase takes on a new meaning: 'Radical Islam' explained. *The New York Times*. Retrieved from: https://www.nytimes.com/2016/06/17/world/when-a-phrase-takes-on-new-meaning-radical-islam-explained.html?_r=1
- Fox-Genovese, E., & Genovese, E. D. (1987). The divine sanction of social order: Religious foundations of the southern slaveholders' world view. *Journal of the American Academy of Religion*, 55(2), 211-233.
- Frank, D. A. & McPhail, M. L. (2005). Barrack Obama's address to the 2004 National Democratic Convention: Trauma, compromise, consilience and the (im)possibility of racial reconciliation. *Rhetoric and Public Affairs*, 8(4), 571-594.
- Fussel, M. (2015). Dead men bring no claims: How taking claims can provide redress for real property owning victims of Jim Crow race riots. *William Mary Law Review*, 57(5), 1913-1948.
- Galton, F. (1901). Eugenics: Its definition, scope and aims. *Journal of Sociology*, 10(1), 1-25.
- Geiger, H. J. (1996) Race and health care: An American Dilemma? *The New England Journal of Medicine*, 335(11), 815-816.
- Genovese, E.D., & Fox-Genovese, E. (1986). The religious ideals of southern slave society. *The Georgia Historical Quarterly*, 70,(1), 1-16.

Gillham, N. W. (2001). *A life of Sir Francis Galton: From African exploration to the birth of eugenics*. Oxford University Press.

Goldstein, A. (2014). Possessive investment: Indian removal and the affective entitlements of whiteness. *American Quarterly*, 66(4), 1077-1084.

Guest. (2015). Re: The Origin of Blond Afros in Melanesia. Retrieved from:

<http://www.sciencemag.org/news/2012/05/origin-blond-afros-melanesia#comment-1880633387>

Guo, G., Fu, Y., Lee, H., Cai, T., Li, Y., & Harris, K. M. (2014a) Genetic bio-ancestry and social constructions of racial classification in social surveys in the contemporary United States. *Demography*, 51, 141-172. doi:10.1007/s13524-013-0242-0

Guo, G., Fu, Y., Lee, H., Cai, T., Li, Y., & Harris, K. M. (2014b) Recognizing a small amount of superficial genetic differences across African, European and Asian Americans helps understand social construction of race. *Demography*, 51, 2337-2342. doi:10.1007/s13524-014-0349-y

Hahn, R. A., Truman, B. I., & Barker, N. D. (1996). Identifying ancestry: The reliability of ancestral identification in the United States by self, proxy, interviewer, and funeral director. *Epidemiology*, 7(1), 75-80.

Halberstadt, J., Sherman, S. J., & Sherman, J. W. (2011). Why Barack Obama is black: A cognitive account of hypodescent. *Psychological Science*, 22(1), 29-33.

Halpern, J. (2015, August). The cop. *The New Yorker*. Retrieved from:

<http://www.newyorker.com/magazine/2015/08/10/the-cop>

Haney-Lopez, I. F. (1994). The social construction of race: some observations on illusion, fabrication and choice. *Harvard Civil Rights-Civil Liberties Law Review*, 29(1), 1-62.

Haney-López, I. F. (1996). *White by law: The legal construction of race*. New York: New York University Press.

Hartmann, D. (2003). *Race, culture, and the revolt of the black athlete: The 1968 Olympic protests and their aftermath*. Chicago: University of Chicago Press.

Henderson, S. (2009). Crossing the line: Sport and the limit of civil rights protest. *The International Journal of the History of Sport*, 26(1), 101-121.

Herman, M. R. (2010). Do you see what I am? *Social Psychology Quarterly*, 73(1), 58-78.

Ho, A. K., Sidanius, J., Levin, D. T., & Banaji, M. R. (2011). Evidence for hypodescent and racial hierarchy in the categorization and perception of biracial individuals. *Journal of Personality and Social Psychology*, 100(3), 492-506.

Hong, Y., Manchi Chao, M., & No. S. (2009). Dynamic interracial/intercultural processes: The role of lay theories of race. *Journal of Personality*, 77(5), 1283-1310.

Horsman, R. (1975). Scientific racism and the American Indian in the mid-nineteenth century. *American Quarterly*, 27(2), 152-168.

Hughes, M., & Thomas, M. E. (1998). The Continued Significance of Race revisited: A study of race, class and quality of life in America, 1972 -1996. *American Sociological Review*, 63(6), 785-795.

Hughey, M. W. (2012). Show me your papers! Obama's birth and the whiteness of belonging. *Qualitative Sociology*, 35, 163-181.

Iceland, J., Weinberg, D. H., & Steinmetz, E. (2002). Racial and Ethnic Residential Segregation in the United States:1980-2000. Paper presented at the annual meetings of the Population Association of America, Atlanta, Georgia.

- Irwin, M. J. (2013). "Their experience is the immigrant experience": Ellis Island, documentary film, and rhetorically reversible whiteness. *Quarterly Journal of Speech*, 99(1), 74-97.
<http://dx.doi.org/10.1080/00335630.2012.749416>
- Jackson, R. (2007). Constructing enemies: 'Islamic terrorism' in political and academic discourse. *Government and Opposition*, 42(3), 394-426.
- Jacobson, M. F. (1998). *Whiteness of a different color: European immigrants and the alchemy of race*. Cambridge, Massachusetts: Harvard University Press.
- Jamieson, A. (2016) Celebrity video recounts the ways black Americans are killed by police. *The Guardian*. Retrieved from: <https://www.theguardian.com/world/2016/jul/13/we-are-here-video-black-lives-matter-video-alicia-keys>
- Jenkins, M. (2016). What Colin Kaepernick's national anthem protest tells us about America. *Rolling Stone*. Retrieved from <http://www.rollingstone.com/sports/colin-kaepernicks-national-anthem-protest-w436704>
- Jhally, S. (Producer). (1997). *Race, the floating signifier* [DVD]. Available from <http://shop.mediaed.org/>
- Johnson, A. E. (2016) Teaching in Ferguson: A rhetorical autoethnography from a scholar/activist. *Southern Communication Journal*, 81(4), 267-269.
- Jones, S. (2015). Law enforcement and white power: An FBI report unravelled. *Thurgood Marshall Law Review*, 41(1), 103-108.
- Johnnie the pom (2013). Re: Riddle of Solomon solved: Scientists find South Sea islanders' blond hair didn't come from Europeans, but evolved separately [comment]. Retrieved from: <http://www.dailymail.co.uk/sciencetech/article-2139462/Riddle-Solomon-solved->

Scientists-South-Sea-islanders-blond-hair-didnt-come-Europeans-evolved-separately.html

Jordan, W. D. (2014). Historical origins of the one-drop racial rule in the United States. *Journal of Critical Mixed Race Studies*, 1(1), 98-132.

Joyce, J. A., McBride, D. A., & Field, D. (2015). Baltimore is still burning: The rising relevance of James Baldwin. *James Baldwin Review* 1, 1-9.

Kamelhaj (2016, September). Re: Muslim now? [Comment]. Retrieved from:

<http://www.wnd.com/2016/08/muslim-now-kaepernick-entered-nfl-as-christian-celeb/>

Katz, J. (2016). Culture within and culture about crime: The case of the "Rodney King Riots". *Crime Media Culture*, 12(2) 233–25.

Keinpointner, M. (2013). Strategic maneuvering in the political rhetoric of Barack Obama. *Journal of Language and Politics*, 12(3), 357-377.

Kenny, E. E., Timpson, N. J., Sikora, M., Yee, M.-C., Estrada, A. M., Eng, C., & Myles, S. M. (2012). Melanesians blond hair is caused by an amino acid change in TYRP1. *Science*, 336, 554.

Kenny, R.W. (2000). The rhetoric of Kevorkian's Battle. *Quarterly Journal of Speech*, 86(4), 386-401.

Kenny, R.W. (2005). A cycle of terms implicit in the idea of medicine: Karen Ann Quinlan as a rhetorical icon and the transvaluation of the ethics of euthanasia. *Health Communication*, 17(1), 17-39.

Kenny, R. (2007) From the curse of Ham to the curse of nature: The influence of natural selection on the debate on human unity before the publication of "The Descent of Man". *The British Journal for the History of Science*, 40(3), 367-388

Kevles, D. J. (2016). The history of eugenics. *Issues in Science and Technology*, 32(3), 45-50.

Killon, A. (2016, September, 22). Kaepernick's anthem protest has everyone talking. *San*

Francisco Chronicle. Retrieved from:

<http://www.sfchronicle.com/warriors/article/Kaepernick-s-anthem-protest-has-everyone-talking-9240739.php>

King, P. (2013, July, 23). Colin Kaepernick does not care what you think about his tattoos.

MMQB. Retrieved from: <http://mmqb.si.com/2013/07/23/colin-kaepernick-49ers>

Kraychik, R. (2016, August, 27) Cry more: Kaepernick's 'racial struggle' as a child. *DailyWire*.

Retrieved from: www.dailywire.com/news/8709/cry-more-kaepernicks-racial-struggle-child-robert-kraychik-#modal

Kushner, J. (1979). Apartheid in America: An Historical and Legal Analysis of Contemporary

Racial Residential Segregation in the United States. *Howard Law Journal*, 22(4), 547-686.

LetsOpenOurWorld. (2016, June). Momondo - the DNA Journey [video file]. Retrieved from:

<https://www.youtube.com/watch?v=tyaEQEmt5ls>

Long, J. C., & Kittles, R. A. (2003). Human genetic diversity and the nonexistence of biological

racess. *Human Biology*, 74 (4), 449-471. doi: <https://doi.org/10.1353/hub.2003.0058>

Lorusso, L. (2011). The justification of race in biological explanation. *Journal of Medical Ethics*,

37(9), 535-539.

Loury, E. (2012, May, 3). The origin of blond afros in Melanesia. *Science*. Retrieved from:

<http://www.sciencemag.org/news/2012/05/origin-blond-afros-melanesia>

Martinez, G. A. (2007). Immigration and the meaning of United States citizenship, whiteness and

assimilation. *Washburn Law Journal*, 46(2), 335-344.

- Massimo, P., & Kaplan, J. (2003). On the concept of biological race and its applicability to humans. *Philosophy of Science*, 70(5), 1161-1172.
- Mayberry, R., Mili, F., & Ofili, E. (2000). Racial and ethnic differences in access to medical care. *Medical Care Research and Review*, 57 (1), 108-145.
- McCann, B. J. (2014). On whose ground? Racialized violence and the prerogative of “selfdefense” in the Trayvon Martin case. *Western Journal of Communication*, 78(4), 480-499.
- McCann, D. (2001). *White supremacy in children's literature: characterizations of African Americans 1830-1900*. New York: Routledge.
- McCoy, T. (2015, November). Darren Wilson explains why he killed Michael Brown. *The Washington Post*. Retrieved from: https://www.washingtonpost.com/news/morning-mix/wp/2014/11/25/why-darren-wilson-said-he-killed-michael-brown/?utm_term=.97e54e6b9fae
- McKay, T. (2016, August). Fox News host says Colin Kaepernick should stand for anthem because of white parents. *Mic*. Retrieved from: <https://mic.com/articles/153000/fox-news-host-says-colin-kaepernick-should-stand-for-the-anthem-because-of-white-parents>
- McKenzie, K. (2003). Racism and health: Antiracism is an important health issue. *The British Medical Journal*, 326, 65-66.
- McPhail M. L. & McPhail R. (2011) (E)raced men: Complicity and responsibility in the rhetorics of Barack Obama. *Rhetoric and Public Affairs*, 14(4), 673-692.
- Menchaca, M. (2008). The Anti-miscegenation history of the American southwest, 1837-1970: Transforming racial ideology into law. *Cultural Dynamics*, 20(3), 279-318.

- Merino, S.M. (2010). Religious diversity in a "Christian nation": The effects of theological exclusivity and interreligious contact on the acceptance of religious diversity. *Journal for the Scientific Study of Religion*, 49(2), 231-246.
- Miller, J.C. (2013). From the parlour to the barnyard: Obama and Holder on race. *Communication Quarterly*, 61(3), 349-373.
- Miller, M. (2016). The 9 most stinging responses to the massive insult Colin Kaepernick just threw at America. *Independent Journal Review*. Retrieved from: <http://ijr.com/2016/08/681856-the-9-most-stinging-responses-to-the-massive-insult-colin-kaepernick-just-threw-at-america/>
- Mills, C. (1997). *The racial contract*. Ithaca: Cornell University Press.
- Moran, R. (2004). Love with proper stranger: What anti-miscegenation laws can tell us about the meaning of race, sex, and marriage. *Hofstra Law Review*, 32(4), 1663-1680.
- Morning, M. (2014) And you thought we had moved beyond all that: Biological race returns to the social sciences. *Ethnic and Racial Studies*, 37(10), 1676-1685. doi: [Leo10.1080/01419870.2014.931992](https://doi.org/10.1080/01419870.2014.931992)
- Muslim now? Kaepernick entered NFL as "Christian" celeb. (August, 2016). *WND*. Retrieved from: <http://www.wnd.com/2016/08/muslim-noe-kepernick-entered-nfl-as-christian-celeb/>
- Nakayama, T. K. & Krizek, R. L. (1995). Whiteness: A strategic rhetoric. *Quarterly Journal of Speech*, 81, 291-309.
- Nazroo, J. Y. (2003). The structuring of ethnic inequalities in health: Economic position, racial discrimination, and racism. *American Journal of Public Health*, 93(2), 277-284.

- NewsCore (2012, May). Scientists spot genetic quirk that give Solomon Islanders blond hair. *The Daily Telegraph*. Retrieved from: <http://www.dailytelegraph.com.au/lifestyle/scientists-spot-genetic-quirk-that-gives-solomon-islanders-blonde-hair/news-story/4ae1a0cbb5b0e4a411c73d3681533496>
- Ogden, C.K. & Richards, I.A. (1923). *The meaning of meaning*. New York: Harcourt, Brace & World, Inc.
- Oh, R. (2007). Regulating white desire. *Wisconsin Law Review* 2007(2), 463-488.
- Ong, A. (1996). Cultural citizenship as subject making: Immigrants negotiate racial and cultural boundaries in the United States. *Current Anthropology*, 37(5), 737-762.
- Ortner, S. B. (1973). On key symbols. *American Anthropologist*, 75(5), 1338-1346.
- Ostter, S. (2016, December, 31). Salute to Colin Kaepernick, a stand-up kneel-down guy. *San Francisco Chronicle*. Retrieved from: <https://www.sfchronicle.com/sports/ostter/article/salute-to-colin-kaepernick-a-stand-up-kneel-down-10838840.php>
- PADDY (2016, August, 30). Did Colin Kaepernick's protest fail? [comment] Retrieved from: <https://www.theatlantic.com/news/archive/2016/08/colin-kaepernick-protest-nfl/498065/£article-comments>
- Pappas, S. (2012, May). The origin of the mysterious, dark-skinned blonds discovered. *Live Science*. Retrieved from: <http://www.livescience.com/20078-gene-mutation-blond-hair.html>
- Pascoe, E. A., & Smart Richman, L. (2009). Perceived discrimination and health: A meta-analytic review. *American Psychological Association*, 135(4), 531-554.
- Pascoe, P. (1996). Miscegenation law, court cases, and ideologies of "race" in twentieth-century

America. *The Journal of American History*, 83(1), 44-69.

pauldavies (2013). Re: Riddle of Solomon solved: Scientists find South Sea islanders' blond hair didn't come from Europeans, but evolved separately [comment]. Retrieved from: <http://www.dailymail.co.uk/sciencetech/article-2139462/Riddle-Solomon-solved-Scientists-South-Sea-islanders-blond-hair-didnt-come-Europeans-evolved-separately.html>

PB (2013). Re: Riddle of Solomon solved: Scientists find South Sea islanders' blond hair didn't come from Europeans, but evolved separately [comment]. Retrieved from: <http://www.dailymail.co.uk/sciencetech/article-2139462/Riddle-Solomon-solved-Scientists-South-Sea-islanders-blond-hair-didnt-come-Europeans-evolved-separately.html>

Peery, D., & Bodenhausen, G.V. (2008). Black + white = black: Hypodescent in reflexive categorization of racially ambiguous faces. *Psychological Science*, 19(10), 973-977.

Perry, S. P. (2014). The deaths of Trayvon Martin: Photographs and representation in protest. *Argumentation and Advocacy*, 51, 58-71.

Peter, J. (2016, September). Colin Kaepernick's parents fly U.S. flag at house while staying silent on protest. *USA Today*. Retrieved from <http://www.usatoday.com/story/sports/nfl/49ers/2016/09/08/colin-kaepernick-parents-no-comment/89992470/>

Peterson, J. L. (2016, September). 49ers will live to regret decision to keep nat'l anthem protester Colin Kaepernick. *CSNNews*. Retrieved from: <http://www.csnnews.com/ommentary/rev-jesse-lee-peterson-49ers-will-live-regret-decision-keep-natl-anthem-protester-colin>

Petrocellia, M., Piquerob, A. R., & Smith, M.R. (2003). Conflict theory and racial profiling: An

- empirical analysis of police traffic stop data. *Journal of Criminal Justice*, 31, 1-11.
- Pitts, L. (2016, September). How did Tulsa officer know Crutcher was a bad dude? *Baltimore Sun*. Retrieved from: <http://www.baltimoresun.com/news/opinion/oped/bal-how-did-tulsa-officer-know-crutcher-was-a-bad-dude-20160923-story.html>
- Police Violence Map. (n.d.) *Mapping Police Violence*. Retrieved from:
<https://mappingpoliceviolence.org>
- Raffensperger, L. (2012, May). Blonde hair evolved independently in Pacific Islands. *New Scientist*. Retrieved from: <https://www.newscientist.com/article/dn21779-blonde-hair-evolved-independently-in-pacific-islands/>
- Roberts, D. (2015). The problem with race based medicine [Video file]. Retrieved from
https://www.ted.com/talks/dorothy_roberts_the_problem_with_race_based_medicine
- Roberts, S.O., & Gelman, S.A. (2015). Do children see in black and white? Children's and adults' categorizations of multiracial individuals. *Child Development*, 86(6), 1830-1847.
doi: 10.1111/cdev.12410
- Ross, J. (2016). From Mexican rapists to bad hombres, the Trump campaign in two moments. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/news/the-fix/wp/2016/10/20/from-mexican-rapists-to-bad-hombres-the-trump-campaign-in-two-moments/>
- Rowland, P. C. (2011). Barrack Obama and the revitalization of public reason. *Rhetoric and Public Affairs*, 14(4), 693-762.
- Said, E. W. (1979). *Orientalism*. New York: Pantheon Books

Samarrai, F. (2016, April). Study links discrepancies in pain management to racial bias. *UVA Today*. Retrieved from: <https://news.virginia.edu/content/study-links-disparities-pain-management-racial-bias>

Sanchez, R., & Payne, E. (2016, December). Charleston church shooting: Who is Dylann Roof? *CNN*. Retrieved from: <http://www.cnn.com/2015/06/19/us/charleston-church-shooting-suspect/>

Sandritter, M. (2016). A timeline of Colin Kaepernick's national anthem protest and the athletes who joined him. *SB Nation*. Retrieved from <http://www.sbnation.com/2016/9/11/12869726/colin-kaepernick-national-anthem-protest-seahawks-brandon-marshall-nfl>

Saracevic, A. (2016, August). Kaepernick anthem protest: Wrong place for a noble cause. *San Francisco Chronicle*. Retrieved from: <http://www.sfchronicle.com/sports/article/Kaepernick-anthem-protest-Wrong-place-for-a-9188378.php>

Savali, K.W. (2016, August). White Black Lives Matter protesters walk free after shutting down local airport. *The Root*. Retrieved from: <http://www.theroot.com/white-black-lives-matter-protesters-walk-free-after-s-1790856829>

Schilken, C. (2016, November, 28). Colin Kaepernick on his pro Castro comments: I'm not 'a supporter of the oppressive things that he did'. *L.A. Times*. Retrieved from: <http://www.latimes.com/sports.sportsnow/la-sp-49ers-kaepernick-castro-20161128-story.html>

Scitable (n.d.) DNA is constantly changing through the process of mutation. *Nature*. Retrieved from: <http://www.nature.com/scitable/topicpage/dna-is-constantly-changing-through-the-process-6524898>

Scott, B. (2016). The fire this time: A context for understanding the black male athlete protests Missouri. *Phi Kappa Phi Forum*, 96(2), 18-21.

Sekhon, N. (2017). Blue on black: An empirical assessment of police shootings. *American Criminal Law Review*, 54, 189-232.

Sempa, W. (2016, July). Celebrities join Black Lives Matter after police killings of Alton Sterling and Philando Castile. *International Business Times*. Retrieved from: <http://www.ibtimes.co.uk/celebrities-join-black-lives-matter-campaign-after-us-police-shootings-alton-sterling-philando-1569758>

Samuels, A. (2017, February, 7). 'Segregation had to be invented'. *The Atlantic*. Retrieved from: <https://www.theatlantic.com/business/archive/2017/02/segregation-invented/517158>.

Shaban, H. (2014, August). How racism creeps into medicine. *The Atlantic*. Retrieved from: <https://www.theatlantic.com/health/archive/2014/08/how-racism-creeps-into-medicine/378618/>

Shah, Hemant. (2010). Race, nation and citizenship: Asian Indians and the idea of whiteness in the U.S. press, 1906-1923. *Howard Journal of Communications*, 10(4), 249-267.

Singh, N. P. (2004). *Black is a country: Race and the unfinished struggle for democracy*. Cambridge: Harvard University Press.

Skelton, G. (2016, November, 21). Colin Kaepernick chose not to vote: He should stop complaining about the system. *L.A. Times*. Retrieved

from:<http://www.latimes.com/politics/la-pol-sac-skelton-colin-kaepernick-20161121-story.html>

Smedley, A. & Smedley, B. (2005). Race as biology is fiction, racism as a social problem is real.

American Psychologist, 60(1), 16-26. doi:10.1037/0003-066X.60.1.16

Smith, M. P., Clark, L. D., Harrison, L. (2014). The historical hypocrisy of the black student athlete. *Race, Gender & Class*, 21(1), 220-235.

Smith, S.M. (2009). Obama's whiteness. *Journal of Visual Culture* 8(2), 129-133.

Smith, W. A., Hung, M., & Franklin, J. D. (2011). Racial battle fatigue and the miseducation of black men: Racial microaggressions, societal problems and environmental stress. *The Journal of Negro Education*, 80(1), 63-82.

Smithers, G. D. (2009). Barrack Obama and race in the United States: A history of the future.

Australasian Journal of American Studies, 28(1), 1-16.

Soto, J. A., Dawson-Andoh, N. A., & BeLue, R. (2011). The relationship between perceived discrimination and generalized anxiety disorder among African Americans, Afro Caribbeans, and non-Hispanic Whites. *The Journal of Anxiety Disorders*, 25, 258-265.

Southern Poverty Law Center. (2016). Active hate groups in the United States. *The Intelligence Report: The Year In Extremism*, 160, 43-63.

Staples, B. (2016). The election that obliterated euphemisms. *The New York Times*. Retrieved from <http://www.nytimes.com/2016/11/05/opinion/the-election-that-obliterated-euphemisms/>

Steffen, P. R., McNeilly, N., Anderson, N., & Sherwood, A. (2003). Effects of perceived racism and anger inhibition on ambulatory blood pressure in African Americans. *Psychosomatic Medicine*, 65, 746-750.

- Stiles, S. & Kitch, C. (2011). Redemption for our anguished racial history: Race and national narrative in commemorative journalism about Barrack Obama. *Journal of Communication Inquiry*, 32(5), 115-133.
- Strasser, M. (2011). Funeral protests, privacy and the constitution: What is next after Phelps? *American University Law Review*, 61(2), 279-326.
- Straughn, J. B., & Feld, S. L. (2010). America as a "Christian Nation"? Understanding Religious Boundaries of National Identity in the United States. *Sociology of Religion*, 71(3), 280-306.
- Sumitra (2014, April) Black and blond – the origin of blond afros in Melanesia. *Oddity Central*. Retrieved from: <http://www.odditycentral.com/news/black-and-blond-the-origin-of-blond-afros-in-melanesia.html>
- Sweet, J. H. (1997). The Iberian roots of American racist thought. *The William and Mary Quarterly*, 54 (1), 143-166
- Templeton, A. R. (1999). Human races: A genetic and evolutionary perspective. *American Anthropologist*, 100 (3), 632-650.
- Terrill, R. E. (2011) An uneasy peace: Obama's nobel prize lecture. *Rhetoric and Public Affairs*, 14(4), 761-780.
- Thayer, L. (1982). What would a theory of communication be for? *Journal of Applied Communication Research*, 10(1), 21-28.
- The Solomon Islands Visitor's Bureau. (n.d.). *Solomon Islands*. Retrieved from: <http://www.visitsolomons.com.sb>
- The year in hate and extremism. (2016). *The Intelligence Report*. Retrieved from: <https://www.splcenter.org/intelligence-report>

- Thompson, D. (2016, August). Colin Kaepernick's anthem protest was inspired by Black Lives Matter movement. *Vibe*. Retrieved from: <http://www.vibe.com/2016/08/colin-kaepernicks-anthem-protest-inspired-by-black-lives-matter/>
- U.S. Department of Justice Community Relations Service. (2002). Police use of excessive force: A conciliation handbook for the police and the community. Retrieved from: <https://www.justice.gov/archive/crs/pubs/pdexcess.pdf>
- U.S. Census Bureau (2012, December 12). U.S. Census Bureau Projections Show a Slower Growing, Older, More Diverse Nation a Half Century from Now. Retrieved from <https://www.census.gov/newsroom/releases/archives/population/>
- Van de Berghe, P. L. (1993) Does race matter? *Nations and Nationalism*, 1(3), 357-368.
- Vasilgambros, M. (2016, August, 30). Did Colin Kaepernick's protest fail? *The Atlantic*. Retrieved from: <https://www.theatlantic.com/news/archive/2016/08/colin-kaepernick-protest-nfl/498065/£article-comments>
- Vickerman, M. (2016). Blinded by the whites: Why race still matters in 21st-century America. *Ethnic and Racial Studies*, 39(13), 2481-2483.
- Vincent, S. (2017, March). Betty Shelby case update: Defense moves to toss 'bad dude' comment made about Terence Crutcher by officer in helicopter Defendant's fellow cop made remark from helicopter overhead. *Tulsa World*. Retrieved from: http://www.tulsaworld.com/news/bettyshelby/betty-shelby-case-update-defense-moves-to-toss-bad-dude/article_df043411-35e2-57b3-9a12-895b349bee1b.html
- Vultaggio, M. (2016, September). Is Colin Kaepernick a Muslim? Girlfriend Nessa's religion did not make him convert to Islam. *International Business Times*. Retrieved from:

- <http://www.ibtimes.com/colin-kaepernick-muslim-girlfriend-nessas-religion-did-not-make-him-convert-islam-2412755>
- Wadlington, W. (1966). The Loving case: Virginia's anti-miscegenation statute in historical perspective. *Virginia Law Review*, 52(7), 1189-1223.
- Wang, W. (2015) Interracial marriage: Who is 'marrying out'? *Pew Research Center*. Retrieved from <http://www.pewresearch.org/fact-tank/2015/06/12/interracial-marriage-who-is-marrying-out/>
- Waugh, R. (2012, May). Riddle of Solomon solved: Scientists find South Sea islanders' blond hair didn't come from Europeans, but evolved separately. *DailyMail.com*. Retrieved from: <http://www.dailymail.co.uk/sciencetech/article-2139462/Riddle-Solomon-solved-Scientists-South-Sea-islanders-blond-hair-didnt-come-Europeans-evolved-separately.html>
- Waytz, A., Hoffman, K. M., & Trawalter, S. (2015). A superhumanization bias in whites' perception of blacks. *Social Psychological and Personality Science*, 6(3), 352-359.
- Weigmann, K. (2006). Racial medicine: Here to stay? *EMBO Reports*, 7(3), 246-248.
- Welch, K. (2007). Black criminal stereotypes and racial profiling. *Journal of Contemporary Criminal Justice*, 23(3), 276-288.
- Whaledriver (2016, September). Re: Muslim Now? [Comment].
<http://www.wnd.com/2016/08/muslim-now-kaepernick-entered-nfl-as-christian-celeb/>
- Williams, D. R., & Collins, C. (2001). Racial residential segregation: A fundamental cause of racial disparities in health. *Public Health Reports*, 116(5), 404-416.
- Winthrop, J. D. (2014). Historical Origins of the One-Drop Racial Rule in the United States. *Journal of Critical Mixed Race Studies*, 1(1), 98-132.

Wyatz, A., Hoffman, K. M., & Trawalter, S. (2015). A superhumanization bias in whites' perception of blacks. *Social Psychological and Personality Science* 6(3), 352-359

Wyche, S. (2016, August). Colin Kaepernick explains why he sat during national anthem. *NFL*. Retrieved from: <http://www.nfl.com/news/story/0ap3000000691077/article/colin-kaepernick-explains-why-he-sat-during-national-anthem>

Yaccino, S., Schwirtz, M, & Santora, M. (2012, August). Gunman kills 6 at a Sikh temple near Milwaukee. *The New York Times*. Retrieved from: <http://www.nytimes.com/2012/08/06/us/shooting-reported-at-temple-in-wisconsin.html>

Young, D. M., Sanchez, D. T. & Wilton, Leigh, S. (2017) Biracial perception in black and white: How black and white perceivers respond to phenotype and racial identity cues. *Cultural Diversity and Ethnic Minority Psychology*, 23(1), 154-164.

Zorthian, J. (2016, September). Colin Kaepernick denies rumors of conversion to Islam. *Time*. Retrieved from: <http://time.com/4483618/colin-kaepernick-denies-muslim/>