

Fall 2009

The Declining Significance of Presidential Races?

Angela Onwuachi-Willig
Boston University School of Law

Osamudia James

Follow this and additional works at: https://scholarship.law.bu.edu/faculty_scholarship

 Part of the [Law and Race Commons](#)

Recommended Citation

Angela Onwuachi-Willig & Osamudia James, *The Declining Significance of Presidential Races?*, 72 *Law & Contemporary Problems* 89 (2009).

Available at: https://scholarship.law.bu.edu/faculty_scholarship/307

This Article is brought to you for free and open access by Scholarly Commons at Boston University School of Law. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Scholarly Commons at Boston University School of Law. For more information, please contact lawlessa@bu.edu.



THE DECLINING SIGNIFICANCE OF PRESIDENTIAL RACES?

ANGELA ONWUACHI-WILLIG*

OSAMUDIA JAMES**

I

INTRODUCTION

In 1978, Professor William Julius Wilson released his controversial book, *The Declining Significance of Race: Blacks and Changing American Institutions*. He argued that once the United States became a modern industrial society, class, rather than race, began to function as the most influential factor in determining the life chances of Blacks.¹ Wilson explained, “It is difficult to speak of a uniform black experience when the black population can be meaningfully stratified into groups whose members range from those who are affluent to those who are impoverished.”² According to Wilson, the modern industrial world has provided unprecedented opportunities for talented and

Copyright © 2009 by Angela Onwuachi-Willig & Osamudia James.

This article is also available at <http://www.law.duke.edu/journals/lcp>.

* Professor of Law, Charles M. and Marion J. Kierscht Scholar, University of Iowa; Angela-Onwuachi@uiowa.edu. J.D., University of Michigan Law School; B.A., Grinnell College. I thank Dean Carolyn Jones and Charles M. and Marion J. Kierscht for their generous support. My research assistant, Christie Canales, also provided valuable research assistance. Finally, I thank my husband Jacob and our children, Elijah, Bethany, and Solomon, for their constant love and support.

** Associate Professor of Law, University of Miami. J.D., Georgetown Law School; B.A., University of Pennsylvania; OJames@law.miami.edu. Thank you to Erica Whittler for valuable research assistance. Finally, I thank my husband Kamal, who has never failed to support me, professionally or personally.

We thank Mario Barnes, Charlton Copeland, Karla Erickson, Kevin Johnson, Trina Jones, Catherine Smith, and Adrien Wing for their helpful comments.

1. WILLIAM JULIUS WILSON, *THE DECLINING SIGNIFICANCE OF RACE: BLACKS AND CHANGING AMERICAN INSTITUTIONS* x, 144 (2d ed. 1980).

Throughout this article, the words “Black” and “White” are capitalized when used as nouns to describe a racialized group; however, these terms are not capitalized when used as adjectives. Also, the term “Blacks” is used instead of the term “African Americans” because the term “Blacks” is more inclusive. See *Why “Black” and Not “African-American,”* 3 J. OF BLACKS IN HIGHER EDUC. 18, 18–19 (1994). Additionally, “[i]t is more convenient to invoke the terminological differentiation between black and white than say, between *African-American* and *Northern European-American*, which would be necessary to maintain semantic symmetry between the two typologies.” Alex M. Johnson, Jr., *Defending the Use of Quotas in Affirmative Action: Attacking Racism in the Nineties*, 1992 U. ILL. L. REV. 1043, 1044 n.4 (1992).

2. WILSON, *supra* note 1, at x; see also *id.* at 152 (“The recent mobility pattern of blacks lends strong support to the view that economic class is clearly more important than race in predetermining job placement and occupational mobility.”).

educated Blacks, “opportunities that are at least comparable to those of whites with equivalent qualifications.”³ As a consequence, Wilson maintained, social reform and public-policy programs in modern society needed to go beyond the limits of race and ethnicity to more directly “confront[] the pervasive and destructive features of class subordination” that detrimentally affect the black lower class.⁴

Nearly thirty years later, as Senator Barack Obama became the first black candidate to viably pursue the Democratic nomination for the Presidency, the Pew Research Center released survey results that, in many ways, affirmed Wilson’s arguments about the declining significance of race. The survey results exposed a widening gap between the values of middle-class Blacks and poor Blacks. In that survey, thirty-seven percent of Blacks indicated that black people could no longer be thought of as a single race because of the diversity within the community.⁵ Indeed, the survey confirmed—somewhat—Wilson’s prediction about the increasing isolation of the black lower class within society. As the Pew Research Report indicated, “[B]lacks with lower incomes and less education . . . [we]re most inclined to see few shared values between middle class and poor blacks—suggesting that the perception of differences over values and identity within the African American community is felt most strongly by those blacks at the lower end of the socio-economic spectrum.”⁶

In a sense, the ascendancy of Obama to the U.S. Presidency substantiates Wilson’s contentions. “[T]he relative role race plays in determining black life chances in the modern industrial period” has certainly shifted.⁷ But for Obama’s socioeconomic class—as determined by his education at Columbia University and Harvard Law School and his job status as a law professor and senator at both the state and federal levels—Obama never could have realistically pursued the Presidency in the United States, much less have won it.

Yet, at the same time that Obama’s ascendancy to the Presidency helps to affirm Wilson’s assertions about the declining significance of race and the increasing significance of class in the life chances of Blacks, it also works to disaffirm those assertions. Obama’s road to the Presidency—specifically the obstacles he faced through the rhetoric and advertisements of his detractors and opponents—exposes how, regardless of his income, profession, or education, Blacks cannot escape negative race *and* class stereotypes.⁸ First, just as Obama’s

3. *Id.* at 151.

4. *Id.* at 154.

5. PEW RES. CENTER, OPTIMISM ABOUT BLACK PROGRESS DECLINES: BLACKS SEE GROWING VALUES GAP BETWEEN POOR AND MIDDLE CLASS 1 (2007), available at <http://pewsocialtrends.org/pubs/700/black-public-opinion>.

6. *Id.* at 3.

7. WILSON, *supra* note 1, at 167.

8. Angela Onwuachi-Willig, *The Admission of Legacy Blacks*, 60 VAND. L. REV. 1141, 1186–90 (2007) (detailing stigmas that attach to blackness regardless of class and ancestral heritage); Deborah C. Malamud, *Affirmative Action, Diversity, and the Black Middle Class*, 68 U. COLO. L. REV. 939, 967–88 (1997) (describing the discrimination and disadvantage that even middle-class Blacks face in housing, work, and education); Ian Ayres, *Fair Driving: Gender and Race Discrimination in Retail Car*

education and income had worked to open up the presidential office as a realistic opportunity for him, they also worked against him, making what should have been an easy election for Democrats a fairly close one. As Vince Pisano, a white union plumber in Ambridge, Pennsylvania, indicated just days before the election, “If Obama were white, this would be a landslide around here.”⁹ White voters—in particular working-class, poor, and less-educated Whites—were reluctant to support a black man for President.¹⁰ Representative Lynn Westmoreland even referred to both Michelle and Barack Obama as “uppity,” “a word applied to African-Americans who attempted to rise above servile positions” in the segregated South.¹¹ Second, regardless of the fact that Obama and his wife Michelle were educated at Ivy League institutions, some newscasters and private citizens still painted the Obamas with a brush of stereotypes about lower-class Blacks, such as presenting Barack Obama’s face on a picture of a ten-dollar mock food stamp.¹²

This essay examines the campaign that led up to the last presidential election—a historic one—to illuminate the complex interplay between race and class within our society. Specifically, it explores how race and class functioned together to disadvantage President Obama in the race to the White House (even as he ultimately won the election). Section II focuses on how Obama’s income, job status, and prestigious education functioned as markers of elitism

Negotiations, 104 HARV. L. REV. 817, 825, 827–57 (1991) (finding and analyzing discrimination against black testers in car negotiations, even though they were professionals and gave addresses for upper class neighborhoods); cf. Richard Delgado, *Ten Arguments Against Affirmative Action—How Valid?*, 50 ALA. L. REV. 135, 140–41 (1998) (maintaining that race is more indicative of disadvantage than class); see generally ELLIS COSE, *THE RAGE OF A PRIVILEGED CLASS* (1993) (describing the pervasive discrimination faced by middle-class African Americans).

9. Michael Powell, *Democrats in Steel Country See Color, and Beyond It*, N.Y. TIMES, Oct. 27, 2008, at A1.

10. See *infra* II.

11. Jim Galloway, *Barack and Michelle Obama Are ‘Uppity,’ Says Representative Westmoreland*, ATLANTA J. CONST., Sept. 4, 2008, available at http://www.ajc.com/metro/content/shared-blogs/ajc/politicalinsider/entries/2008/09/04/barack_and_michelle_obama_are.html.

12. See *infra* III.B. For example, one website advertised sales of “Obama Waffles.” The most offensive items from the website have since been removed, but they included a picture of Obama with popping big eyes and thick lips and an image of Obama in cultural Mexican clothing, with a recipe for “Open Border Fiesta Waffles.” Chip Berlet, *Bigoted Obama Waffles; Bigoted Values Voter Conference*, HUFFINGTON POST, July 15, 2008, available at http://www.huffingtonpost.com/chip-berlet/bigoted-obama-waffles-pac_b_126404.html; see also Ali Frick, *‘Obama Waffles’ Featuring Racist, Stereotyped Images Sold at Values Voter Summit*, THINK PROGRESS, Sept. 13, 2008, available at <http://thinkprogress.org/2008/09/13/obama-waffles-featuring-racist-stereotyped-images-sold-at-values-voter-summit/>. The *Huffington Post* also reported the following about the waffles: “The recipe card on the Obama Waffles box including ingredients such as goats milk and jalepeno peppers, and advises as a ‘Tip: While waiting for these zesty treats to invade your home, why not learn a foreign language.’ The ‘Recommended Serving’ is ‘4 or more illegal aliens.’” Relying on the false rumor that Obama was a Muslim, not a Christian, the box also featured Obama with a Muslim headwrap, next to an arrow with the words “Point box toward Mecca for tastier waffles.” Berlet, *supra*. Another example included an anti-Obama item that announced: “Use the ‘N-Word’—Never.” Jane Caputi, *Character Assassinations: Hate Messages in Election 2008 Commercial Paraphernalia*, DENV. U. L. REV. 585, 595 (2009) (including numerous other examples of racist images and rhetoric against Obama throughout his campaign).

during the campaign, even as compared to opponents with more elite and wealthier backgrounds, and how these factors, in addition to race, were used as tools by his opponents to convince lower-class white voters not to support his bid for the Presidency. Section III addresses the ways in which Obama's adversaries shamelessly foisted negative stereotypes about "lower-class" Blacks upon both Obama and his wife Michelle in order to mark the Obamas as "other"¹³ and thus unworthy of life in the White House. Finally, Section IV concludes by exploring the unique challenges that these interactions may present for policymakers, particularly on issues such as affirmative action, desegregation and integration in public schools, and employment.

II

OBAMA'S PROBLEM WITH THE WHITE WORKING CLASS

The two-year campaign cycle before the election of Barack Obama as President on November 4, 2008, highlighted the continuing saliency of race in American politics. In particular, Obama's racial background, in combination with his prestigious educational background and heightened class status, served as obstacles in his pursuit of support from poor and working-class white voters.

A. The Value of Whiteness

Obama's difficulty in gaining the support of white voters, and white working-class voters in particular, was alternately characterized as a "connection" issue, a "cultural distance" issue, or an "elitism" issue. Some commentators were quick to note that the issue was not of race, but one of familiarity and discomfort, especially among those voters who had borne the brunt of a failing economy.¹⁴ Resistance among white voters to a black presidential candidate, however, was not surprising in light of the history of race relations that has affected American politics since the country's inception. Working-class Whites, in particular, have had an aversion to forging political or economic coalitions with Blacks, even when doing so would be in their best interest.¹⁵ This aversion may best be explained by a continuing stake among working-class Whites in the value of "whiteness."¹⁶ The legal status that is

13. "Other," in this context, means foreign, outside of the norm, not "like us," the "us" in this case being "white and American." Within the United States, being the "other" means being racialized in a world where whiteness is viewed as neutral. As Professor Martha Mahoney has explained, "the idea that noticing race is itself prejudiced rests on a fundamental sense that race involves the inferiority of the 'Other.'" Martha R. Mahoney, *Class and Status in American Law, Race, Interest, and the Anti-Transformation Cases*, 76 S. CAL. L. REV. 799, 808 & n.35 (2003); see also Marjorie Florestal, *Is a Burrito A Sandwich? Exploring Race, Class, and Culture in Contracts*, 14 MICH. J. RACE & L. 1, 9 (2008).

14. See, e.g., Christi Parsons, *Blue Collar Politics Get Gray Volunteers Appeal to Pocketbooks to Overcome Doubts Over Obama's Race*, CHI. TRIB., Oct. 15, 2008, at 6.

15. See text accompanying notes 24–26.

16. Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707, 1713–14 (1993).

historically afforded whiteness¹⁷ has transformed it from a privileged identity to a vested property interest.¹⁸ As both an identity and a property interest, whiteness provides social and psychological benefits to Whites. Buoyed by the sense of superiority that whiteness confers by virtue of its monopoly on financial, legal, social, and political power,¹⁹ a vested interest in whiteness has especially served white working-class Americans, even when their economic status affords them little class privilege relative to Blacks. Although whiteness today is no longer buoyed by case law or anti-miscegenation statutes that operated to preserve white supremacy,²⁰ contemporary racism and American beliefs that still consider concerns with racial purity to be legitimate²¹ continue to provide Whites with a powerful sense of racial superiority, even when Whites acknowledge and reject racism and its tenets.²² This sense of superiority “enables even the most economically and culturally deprived” Whites to feel superior to any black person.²³

An enduring belief in the social, reputational, and psychological superiority of whiteness has helped dissipate class tensions among Whites, while undermining the ability of Whites and Blacks to work together in the labor context to achieve economic justice. White workers have historically believed they have more in common with the white economic ruling class than they do with fellow black workers, and they have tended to value the public and psychological wages to which their whiteness entitles them, even if they do not actually result in higher pay relative to black workers.²⁴ For example, the racial categories developed in the seventeenth century were perpetuated to maintain the support of non-slaveholding Whites; these Whites, having bought into the

17. See *Plessy v. Ferguson*, 163 U.S. 537, 549 (1896) (affirming the notion that if Plessy had been white, he might have had an action for damages against the company for depriving him of the reputational value of his property as a white man). Professor Harris also notes that, although *Brown v. Board of Education* overruled *Plessy* in refusing to acknowledge a right to equality of resources, the Court failed to guarantee that white privilege would be dismantled, thus perpetuating a property interest in whiteness. Harris, *supra* note 16, at 1750–53.

18. Harris, *supra* note 16, at 1725.

19. Thomas Ross, *The Unbearable Whiteness of Being*, in *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY* 253 (Francisco Valdes, Jerome McCristal Culp & Angela P. Harris eds., 2002).

20. *Loving v. Virginia*, 388 U.S. 1 (1967) (striking down Virginia’s anti-miscegenation statute designed to preserve white supremacy). Cf. *Eggers v. Olson*, 231 P. 483 (Okla. 1924) (upholding a statute intended to prohibit marriage between African Americans and any other race); *Plessy v. Ferguson*, 163 U.S. 537 (1896) (recognizing a property interest in whiteness); *Scott v. Georgia*, 39 Ga. 321 (Ga. 1869) (declaring marriages between white persons and persons of African descent to be null and void).

21. Camille A. Nelson, *Lovin’ the Man: Examining the Legal Nexus of Irony, Hypocrisy, and Curiosity*, 2007 WIS. L. REV. 543, 561–62.

22. Ross, *supra* note 19, at 253–54.

23. Derrick Bell, *Racism as the Ultimate Deception*, 86 N.C. L. REV. 621, 623 (2008); see also ANDREW HACKER, *TWO NATIONS* 217 (1992).

24. W. E. B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA* 700–01 (1966); see generally DAVID R. ROEDIGER, *THE WAGES OF WHITENESS* (2d ed. 2007) (chronicling how and why whiteness has become so important to working-class Whites).

subordination of Blacks, could not then object to slavery, even though the system undermined their own economic success.²⁵ Similarly, notions of white superiority maintained throughout the post-Reconstruction period undermined the Populist movement by cultivating “anti-Black sentiment among poor white farmers.”²⁶ During the latter half of the nineteenth century, a feeling of superiority relative to American Blacks unified even immigrants, who themselves were exploited in mines and factories and employed in unsafe conditions for substandard wages.²⁷

More contemporarily, black subordination based on assumed racial inferiority has been replaced with black subordination based on assumed cultural inferiority.²⁸ Despite the change in justification, the result has been the same. Today, an ideology of whiteness oppresses Whites as well as Blacks, encouraging poor and working-class Whites to identify with other Whites at the top of the economic ladder, even though they have more in common with Blacks with whom they can build coalitions to eradicate extreme political and wealth inequality in the United States.²⁹

American politicians have capitalized on the tendency among poor and working-class Whites to identify with privileged Whites instead of with Blacks with similar economic interests.³⁰ For instance, through the use of racially loaded stereotypes like “welfare queens,” Ronald Reagan attracted white voters by creating a perception that he would correct policy imbalances that unjustly favored minorities.³¹ Reagan’s strategies explicitly reflected the nuanced and coded messages that are typically sent by Republicans to convey that their party “neither wants nor needs ballots cast by blacks”;³² in so doing, Reagan’s strategies attracted white Americans who wanted a party that could represent their racial identity,³³ if not their economic and social interests.³⁴

25. Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law*, 101 HARV. L. REV. 1331, 1374 (1988).

26. *Id.*

27. Derrick Bell, *Getting Beyond a Property in Race*, 1 WASH. U. J.L. & POL’Y 27, 32 (1999).

28. Crenshaw, *supra* note 25, at 1379.

29. Derrick Bell, *Racism: A Major Source of Property and Wealth Inequality in America*, 34 IND. L. REV. 1261, 1269–71 (2001).

30. Exploitation of this tendency still occurs today, as exemplified by Hillary Clinton’s election statements suggesting that she was the candidate favored by “hard-working Americans, white Americans.” Bob Herbert, *Seeds of Destruction*, N.Y. TIMES, May 10, 2008, at A19.

31. Crenshaw, *supra* note 25, at 1376.

32. See HACKER, *supra* note 23, at 201.

33. *Id.*

34. Derrick Bell noted that in the 2000 election, the Republican party was supported by enough working and middle-class white voters to ultimately render a Republican victory, despite the party’s tendency to favor the privileged with policies that cut funding for social programs, institute tax cuts for the wealthy, repeal the estate tax, and undermine the social security system. Bell, *supra* note 29, at 1264–66. Working-class and poor white voters nevertheless supported the party because of its seeming commitment to sustaining the privilege of whiteness, and to protecting Whites from incursions by minorities, illustrated, for example, by Republican opposition to affirmative action. Bell, *supra* note 29, at 1266.

B. Whiteness and the Election

The continuing saliency of race and the value of whiteness were apparent from the start of the presidential election cycle. Reports of Obama's problems with white voters began in the primary season, as Obama began to best Senator Clinton in the contests. Voting surveys suggested that although Obama could draw lower-income voters, those voters ultimately preferred Clinton over Obama.³⁵ In the West Virginia primaries, which Clinton won by a significant majority, surveys reported that the number of white Democrats who admitted that race influenced their vote was among the highest recorded throughout the primary.³⁶ Although some commentators concluded that there were not enough racists to cost Obama the election,³⁷ even Clinton capitalized on her advantage among Whites, suggesting that white working-class voters would be unwilling to vote for a black presidential candidate.³⁸ Obama's difficulties continued into the general election against McCain. Even after Obama won the Democratic nomination, newspapers reported that the issue of race still loomed large in states like Pennsylvania, where a significant population of poor and working-class white voters resided.³⁹

One striking example of white working-class resistance to Obama's candidacy was the failure of white working-class voters to support Obama's economic plan. Unlike the minimal differences between Clinton's and Obama's policies, the economic platforms on which McCain and Obama ran were vastly dissimilar. Aligned with traditional Republican values, McCain's campaign prioritized a cut-back on funding for social programs, did not favor a universal healthcare system,⁴⁰ and favored extending income-tax cuts that favored wealthier citizens.⁴¹ In contrast, Obama's policies prioritized continued spending on government programs like early childhood education, mandated universal health insurance for all Americans, and offered tax cuts aimed at middle- and working-class families.⁴² Although McCain's tax plan was generally on par with Obama's for families making between \$100,000 and \$250,000 a year, those

35. Patrick Healy, *For Democrats, Questions Over Race and Electability*, N.Y. TIMES, Apr. 24, 2008, at A1.

36. Patrick Healy, *Clinton Beats Obama Handily in West Virginia*, N.Y. TIMES, May 14, 2008, at A1.

37. Frank Rich, *Party Like It's 2008*, N.Y. TIMES, May 11, 2008, at WK12; see John Harwood, *The White Working Class: Forgotten Voters No More*, N.Y. TIMES, May 26, 2008, at A12 (arguing that Obama had to come within only ten to twelve percentage points of Senator McCain among working-class white voters to win the presidency).

38. Herbert, *supra* note 30, at A19 (suggesting that she was the candidate favored by "hard-working Americans, white Americans"); Harwood, *supra* note 37, at A12.

39. Michael Powell, *Rural Swath of a Big State Tests Obama*, N.Y. TIMES, Aug. 21, 2008, at A1 (noting that voters believed an economic disaster in the region had exacerbated existing racial tensions, and that one in five primary voters surveyed in a poll admitted that race was a factor in his decision).

40. Editorial, *The Candidates' Health Plans*, N.Y. TIMES, Oct. 28, 2008, at A30.

41. Steven Greenhouse, *For Incomes Below \$100,000, a Better Tax Break in Obama's Plan*, N.Y. TIMES, Oct. 30, 2008, at A14.

42. *Id.*

making over \$250,000 would pay lower taxes under McCain's plan, and those making under \$100,000 a year would pay lower taxes under Obama's plan.⁴³

Despite exposure to a platform that seemed to cater better to their own economic concerns, white working-class voters did not flock to the Obama camp. Epitomized by "Joe the Plumber," a voter touted by the Republican campaign as the average American,⁴⁴ white working-class voters doubted the benefits of Obama's candidacy. Even though Joe the Plumber made well under \$250,000 a year as a plumber and would likely benefit from Obama's tax cuts, he was invited to campaign with the McCain ticket, promoting the idea that should he ever earn over \$250,000 a year, Obama's plan to increase taxes on wealthier citizens would adversely affect him.⁴⁵ Similarly, in Beaver Falls, Pennsylvania, a city hit hard by the economic downturn, two-thirds of Reverend Chris Noyes's congregation in that city supported the Republican ticket.⁴⁶ Like poor Whites who supported slavery even as it undermined their economic prosperity, and white farmers who failed to join forces with Blacks during the Populist movement, working-class Whites in this election cycle identified with privileged Whites instead of a black candidate who promised to usher in their economic relief.

The campaign cycle also highlighted repeated efforts by Obama's opponents to maintain the social, psychological, and reputational value of whiteness by excluding him from the privileges conferred by a vested interest in whiteness. By characterizing him as foreign and unpatriotic, Obama's opponents reminded voters that Obama did not have a clear claim to whiteness, even though he is a citizen who was born in the United States, was raised by a white American-born mother and white American-born grandparents, and consistently reaffirmed his commitment to his country.⁴⁷ The Obama campaign fought, almost from the start, rumors that he is Muslim,⁴⁸ believed by twelve to fifteen percent of voters,⁴⁹ even though he has repeatedly stated that he is, in fact, Christian.⁵⁰ Rumors also circulated that Obama did not place his hand over his heart during the national anthem and that he did not support American troops.⁵¹ As a result,

43. *Id.* According to the Census Bureau, the median household income in the United States is \$50,233. *Id.*

44. Elisabeth Bumiller, *In Ohio, McCain Is Everywhere Even if Joe the Plumber Isn't*, N.Y. TIMES, Oct. 30, 2008, at A19.

45. Larry Rohter, *Plumber from Ohio is Thrust into the Spotlight*, N.Y. TIMES, Oct. 15, 2009, available at <http://www.nytimes.com/2008/10/16/us/politics/16plumber.html>.

46. Powell, *supra* note 9, at A1.

47. See BarackObama.com, *Meet the Candidate*, <http://www.barackobama.com/about> (last visited June 30, 2009).

48. Adam Nagourney et al., *Near-Flawless Run is Credited in Victory*, N.Y. TIMES, Nov. 5, 2008, at P1.

49. *Id.*; Rick Montgomery & Darryl Levings, *Will Long History of Racial Divide Figure in Election?* KANSAS CITY STAR (MO), Oct. 7, 2008 (citing a poll finding that twelve percent of both Democrats and Republicans polled in July believed Obama was a Muslim).

50. Powell, *supra* note 9, at A1.

51. Powell, *supra* note 39, at A1 (quoting Mr. Ivan Stickles, a Pennsylvania voter who was interviewed after the primaries and said, "There's this e-mail that he didn't shake hands with the

some voters began to ask, “Who is he? Where’d he come from?” and made repeated reference to “the Muslim stuff”⁵²—lingering questions on which the McCain campaign capitalized.⁵³ These problems plagued the Obama campaign, despite a plethora of information regarding his upbringing and background that were made available on his website.⁵⁴ One voter even admitted that, despite rejecting the McCain–Palin ticket, she could not vote for Obama because “he scares me.”⁵⁵

Opponents also excluded Obama’s claim to the legal, social, and political privileges usually reserved for those with a claim to whiteness by undermining the reputation and status that Obama’s class and educational background afforded him. When Obama was not characterized as the menacing “other,” he was characterized as elite. In response to admittedly problematic comments regarding the “bitter” attitudes of white working-class voters who were left behind during the Clinton and Bush administrations,⁵⁶ Obama was accused of elitism,⁵⁷ with pundits commenting that voter concerns with him were not about race, but were about the cultural distance created by his educational and occupational background. In response, the Obama campaign underwent a noticeable shift in tone, from “high-flown to folksy,” as Obama visited factories and farms, and peppered his speeches about “hope” and “change” with references to NASCAR and diner food.⁵⁸

White, working-class voters’ discomfort with Obama’s Ivy League education, or with his prestigious work as an attorney or law professor, however, could not be explained merely as a cultural disconnect, for politicians, and U.S. senators in particular, often come from privileged backgrounds. Senator Clinton, who did not encounter resistance from white working-class

troops. . . . I don’t have the time to check out if it’s true, but if it is, it’s very offensive.”); *see also* Michael Cooper & Michael Powell, *McCain Camp Says Obama Plays ‘Race Card,’* N.Y. TIMES, Aug. 1, 2008, at A1.

52. Powell, *supra* note 9, at A1 (quoting Judy Miller, a store owner in Hookstown, West Virginia).

53. For example, McCain made comments, asking “Who is the real Barack Obama?” Adam Nagourney, *Campaigns Shift to Attack Mode on Eve of Debate*, N.Y. TIMES, Oct. 6, 2008, at A1.

54. The consistent questions about Obama’s citizenship and religious background stood in stark contrast with the public’s treatment of Sarah Palin on these issues. Although Palin was a virtual unknown in national politics, with no track-record to match either Obama’s years in the Senate or his almost two years on the campaign road prior to the general election, we found no similar documents, clips, or blogs that questioned Palin’s standing as an American or as a Christian.

55. Powell, *supra* note 9, at A1 (quoting Olga Permon, a steelworker’s widow in Ambridge, Pennsylvania).

56. Jeff Zeleny et al., *Obama Remarks Called ‘Out of Touch,’* N.Y. TIMES, Apr. 12, 2008, at A15. In describing white working-class voters who fell through the cracks during the Bush and Clinton administrations, Obama noted that “it’s not surprising then that they get bitter, they cling to guns or religion or antipathy to people who aren’t like them or anti-immigrant sentiment or anti-trade sentiment as a way to explain their frustrations.” *Id.*

57. *Id.*; Michael Powell & Jeff Zeleny, *Tagged as Elitist, Obama Shifts Campaign From High-Flown to Folksy*, N.Y. TIMES, May 6, 2008, at A23; Harwood, *supra* note 37, at A12 (attributing resistance among blue-collar workers to “distance those voters felt from the liberal, Ivy League-educated candidate”).

58. Powell & Zeleny, *supra* note 57, at A23.

voters, graduated from elite Wellesley College and received her J.D. from Yale Law School.⁵⁹ And although the failed presidential bids of white democratic presidential candidates Al Gore and John Kerry were also blamed on an elitism that rendered them incapable of connecting with ordinary Americans, Obama struggled to connect with white working-class voters, despite having a background that is decidedly less privileged⁶⁰ and making a distinct change in the tone of his campaign.

Accordingly, it is also possible that white working-class voters were uncomfortable with the image of a black man who had attained many of the markers that our society typically affixes on “superior” white citizens. Obama’s political rise suggested that, even as a black man, he had access to the financial, legal, social, and political power typically reserved for Whites and for those with an identity claim to whiteness. Obama’s life-story undermined poor and working-class Whites’ sense of superiority relative to Blacks, a sense of superiority that their identity as Whites alone had encouraged them to develop. No amount of investment in whiteness, however, could refute Barack Obama’s dominant political position and the possibility that he would attain the most dominant political position as President. Although comfortable with a position of power attained by white politicians, even white, female politicians like Hillary Clinton, working-class whites who clung to a false sense of superiority were not comfortable with power residing in a black presidential candidate. As a result, achievements that were typically characterized as commendable among white politicians were quickly characterized as markers of elitism in a black politician. Obama’s opponents were quick to capitalize on this perception among white working-class voters.⁶¹

A vested interest in the value of whiteness is what ultimately motivated attempts both to exclude Obama from the political and economic benefits of whiteness by characterizing him as an outsider, and to negatively characterize the privileged status his educational and professional background afforded him. Accordingly, Obama’s “blackness” became a liability in the election, particularly to the extent that it challenged white identity and undermined the association between whiteness and political power that working-class Whites have come to expect.

59. U.S. Dep’t of State, Biography of Hillary Rodham Clinton, <http://www.state.gov/r/pa/ei/biog/115321.htm> (last visited June 30, 2009).

60. Powell & Zeleny, *supra* note 57, at A23. Lamenting the elitist caricatures into which he and his wife were turned, Obama noted, “[I]f you look back over the last two decades[,] . . . [w]e struggled with paying student loans, we tried to figure out how to make sure that we got adequate day care, I filled up my own gas tanks.” *Id.*

61. For example, Hillary Clinton once proclaimed during a rally in Philadelphia, “Pennsylvanians don’t need a president who looks down on them; they need a president who stands up for them, who fights for them, who works hard for your futures, your jobs, your families.” Zeleny et al., *supra* note 56, at A15. Similarly, Steve Schmidt, a senior advisor to McCain, asserted, “It shows an elitism and condescension toward hard-working Americans that is nothing short of breathtaking.” *Id.*

C. Obama's Management of Race

Despite an absence of any indication that Barack Obama would represent only minority constituencies as President, he was forced to express his racial identity in ways that helped white voters overcome the threat to their identity that his political candidacy posed. That expression included not only a campaign strategy to avoid issues of race in the hopes that voters would also eventually follow suit, but also an arguably purposeful avoidance of issues that might further emphasize his threat as a candidate of color.

In contrast to other black politicians such as Jesse Jackson or John Lewis, who rose to political power on the heels of the Civil Rights Movement, and who serve a black constituency, Obama cast himself as a representative for *all* constituencies.⁶² Even as he challenged suggestions that he is not authentically black,⁶³ Obama embraced his biracial heritage, speaking often of his white mother who hailed from Kansas, his white grandfather who served in "Patton's army," and his white grandmother who worked in a bomber assembly line in World War II.⁶⁴ Additionally, Obama consistently cast himself as a "mid-west politician," couching his campaign in themes of midwestern sensibilities and hard-working values.⁶⁵

Furthermore, although Obama spent time early in his career organizing voters in politically and economically disfranchised communities, he declined to pick up on former presidential candidate John Edwards' themes regarding social reform to address poverty.⁶⁶ Perhaps sensitive to characterizations of Obama as a foreigner, the campaign also failed to address immigration policy in the substantive and detailed way that the campaign addressed other issues like foreign policy and the economy. Finally, at the Democratic National Convention, held on the forty-fifth anniversary of Martin Luther King, Jr.'s historic "I Have a Dream" speech, Obama, perhaps understanding the ongoing

62. "In the history of African-American politics in this country there has always been some tension between speaking in universal terms and speaking in very race-specific terms about the plight of the African-American community. . . . By virtue of my background, you know, I am more likely to speak in universal terms." Juan Williams, *Obama's Color Line*, N.Y. Times, Nov. 30, 2007, at A23.

63. Alec MacGillis & Perry Bacon, Jr., *Obama Rises in New Era of Black Politicians*, WASH. POST, July 28, 2007, at A1. In response to questions regarding his "black authenticity," Obama referred to his difficulty hailing a cab in New York City and explained that he faces the same obstacles as any black man in the United States. *Id.*

64. BarackObama.com, Meet the Candidate, <http://www.barackobama.com/about> (last visited June 30, 2009); Jim Rutenberg, *The Ad Campaign: An Obama Infomercial, Big, Glossy and Almost Unavoidable*, N.Y. TIMES, Oct. 29, 2008, available at <http://thecaucus.blogs.nytimes.com/2008/10/29/the-ad-campaign-an-obama-infomercial-big-glossy-and-almost-unavoidable/>.

65. Sasha Issenberg, *In Ind., Obama Turns Focus on Midwestern Roots*, BOSTON GLOBE, May 5, 2008, available at http://www.boston.com/news/nation/articles/2008/05/05/in_ind_obama_turns_focus_on_midwestern_roots/.

66. Earl Ofari Hutchinson, *The Case For . . . John Edwards*, DAILY NEWS OF L.A., Jan. 27, 2008, at V3.

saliency of race in the election, never once invoked the slain civil rights leader in his acceptance speech.⁶⁷

Most important, unlike other presidential candidates who were never asked to address the role of race in the campaign or in the United States, Obama was forced to address race in his historical Philadelphia address, highlighting the generational divide between the civil-rights generation, some of whom display “anger and . . . bitterness,” and the post-civil-rights generation, eager to “embrace the burdens of [the] past without becoming victims of [the] past.”⁶⁸ In contrast, Senator McCain, as well as Obama’s former Democratic opponents, neither bore the burden of creating strategic plans to address their racial identity⁶⁹ nor had to overcome assumptions regarding the role that race would play in their Presidential policies.

III

THE CONTINUING SIGNIFICANCE OF RACIAL STEREOTYPES

Even more baffling than the way in which the Obamas’ socioeconomic status served to label them as elitist and “uppity” during the campaign (especially as compared to Senator John McCain and his wife Cindy)⁷⁰ is the manner in which the Ivy League-educated attorneys were repeatedly depicted in racialized images that are generally associated with Blacks from lower

67. See Senator Barack Obama, Acceptance Speech at the Democratic Convention: The American Promise (Aug. 28, 2008), available at http://www.barackobama.com/2008/08/28/remarks_of_senator_barack_obam_108.php.

68.

For the men and women of Reverend Wright’s generation, the memories of humiliation and doubt and fear have not gone away; nor has the anger and the bitterness of those years. . . . That anger is not always productive; indeed, all too often it distracts attention from solving real problems; it keeps us from squarely facing our own complicity in our condition, and prevents the African-American community from forging the alliances it needs to bring about real change. But the anger is real; it is powerful; and to simply wish it away, to condemn it without understanding its roots, only serves to widen the chasm of misunderstanding that exists between the races. . . . But I have asserted a firm conviction—a conviction rooted in my faith in God and my faith in the American people—that working together we can move beyond some of our old racial wounds, and that in fact we have no choice if we are to continue on the path of a more perfect union. For the African-American community, that path means embracing the burdens of our past without becoming victims of our past.

Senator Barack Obama, Public Address: A More Perfect Union (Mar. 18, 2008), available at http://www.barackobama.com/2008/03/18/remarks_of_senator_barack_obam_53.php.

69. The campaign strategy was to essentially avoid discussions about race, deciding instead to define Obama’s candidacy in ways that transcended race. Nagourney et al., *supra* note 48, at P1.

70. For example, Cindy McCain released “a two-page Form 1040 from her 2006 return,” which “listed \$4.5 million in income from S corporations (such as Hensley), partnerships, rental real estate and other categories; capital gains of \$743,000; and dividends of \$283,000.” David V. Halbfinger, *McCain’s Wealth Difficult to Track*, SEATTLE TIMES, Aug. 23, 2008, available at http://seattletimes.nwsourc.com/html/nationworld/2008133552_mcwealth23.html. Cindy McCain also owns 10 homes, including the “condominium in the Crystal City section of Arlington; two in an oceanfront tower in Coronado; her father’s condo in the La Jolla section of San Diego; a \$4.7 million condo atop one of Phoenix’s newest luxury towers; another unit on its fourth floor; and a \$700,000 town house nearby.” *Id.*

economic classes. If socioeconomic class, as some argue, is the great equalizer, then the American public, including the media, has never received the memorandum with that order. After all, race and racism played a critical role in determining how Obama and his family were treated, depicted, and characterized throughout his presidential campaign. But even more graphic and pointed were media images—of both Obamas—that especially highlight the persistence of race and racism in the psyche of the American public during the campaign, regardless of the realities of the Obamas' socioeconomic class. The persistence of such images exposes the inescapability of even upper-class Blacks from the strictures of racism and racial stereotypes.

A. Baby-Mama Drama

It was no surprise, though it was disappointing, that Michelle Obama was routinely caricatured as an angry black woman during the primary and presidential campaigns of 2007 and 2008.⁷¹ For example, newspapers and pundits consistently pointed to Michelle Obama's comments about being "[really] proud of [her] country" "for the first time in [her] adult lifetime" as evidence of her anger and lack of patriotism.⁷² Additionally, the liberal magazine *The New Yorker* satirically (but also dangerously) depicted Michelle Obama on its cover as an angry, black female revolutionary, with an Afro and gun and bullets in tow.⁷³

What was surprising, though, was the occasional foisting of stereotypes that are normally relegated to lower-class black women onto Michelle Obama. For example, in early June of 2008, *Fox News* displayed the following headline underneath a picture of Michelle Obama during an interview with media pundit Michelle Malkin: "Outraged Liberals: Stop Picking on Obama's Baby Mama."⁷⁴

71. See Verna L. Williams, *The First (Black) Lady*, 86 DENV. U. L. REV. 833, 833–34 (2009).

72. See *Michelle Obama Takes Heat for Saying "I'm Proud of My Country" for the First Time*, FoxNews.com, Feb. 19, 2008, <http://www.foxnews.com/story/0,2933,331288,00.html>; see also Gregory S. Parks & Quinetta M. Roberson, *Michelle Obama: A Contemporary Analysis of Race and Gender Discrimination Through the Lens of Title VII*, 20 HASTINGS WOMEN'S L.J. 3, 5–6 (2008) (discussing how Michelle Obama was characterized in the public during the campaign). Michelle Obama actually included the adverb "really" in front of "proud" during her speech. See *id.*; Alessandra Stanley, *Michelle Obama Shows Her Warmer Side*, N.Y. TIMES, June 19, 2008, at A19, available at <http://www.nytimes.com/2008/06/19/us/politics/19watch.html> (titled "Michelle Obama Shows Her Warmer Side on 'The View'").

73. See Mike Allen, *New Yorker Obama Cover Sparks Uproar*, CBSNews.com, July 13, 2008, <http://www.cbsnews.com/stories/2008/07/14/politics/politico/main4257077.shtml>.

74. Alex Koppelman, *Fox News Calls Michelle Obama "Obama's Baby Mama"*, Salon.com, June 12, 2008, http://www.salon.com/politics/war_room/2008/06/11/fox_obama/print.html. Readers can also see the picture at <http://www.gawker.com/assets/images/gawker/2008/06/obamaBabyMama.jpg> (last visited Feb. 19, 2009).



Without a doubt, such language in the *Fox News* headline was inappropriate for use during a purportedly serious segment about political news.⁷⁵ But even more than its impropriety, such language exposed the ways in which even middle- and upper-class Blacks remain bound by negative, racialized, but still very lower-class-evoking stereotypes. The Urban Dictionary provides one definition of the term “baby mama” as “[t]he mother of your child(ren), whom you did not marry and with whom you are not currently involved.”⁷⁶ Another definition of the term “baby mama” reads, “Basically a woman you had a child or children with who you didn[']t marry and or [sic] no longer involved with. Usually associated with hoodrats and trailer park bitches.”⁷⁷ In essence, for much of the public, the term “baby mama” invokes images of *The Maury Povich Show* variety: a young woman (usually of color) who has had a child or children out of wedlock.⁷⁸ Yet, although Michelle Obama is married and certainly still involved with her husband, a reputed news channel chose to run

75. Though Michelle Obama once referred to Barack Obama as her “baby’s daddy,” Delilah Boyd, *Michelle Obama: Barack Is “My Baby’s Daddy,”* June 16, 2008, <http://ascrivenerslament.blogspot.com/2008/06/michelle-obama-barack-is-my-babys-daddy.html>, that reference was clearly a joke. The question remains: When serious news channels—which are not usually instruments known for making jokes—are willing to insult a woman of Michelle Obama’s stature in such a way, what does it mean for all black and brown women?

76. Baby Mama, Urban Dictionary, <http://www.urbandictionary.com/define.php?term=baby+mama> (last visited Feb. 19, 2009).

77. *Id.*

78. See Imani Perry, *Do You Really Love New York?: Exposing the Troubling Relationship Between Popular Racial Imagery and Social Policy in the 21st Century*, 10 BERKELEY J. AFR.-AM. L. & POL’Y 92, 95–96 (2008) (discussing the stereotype of black women portrayed on *The Maury Povich Show*); cf. Abbe Smith, *The Burdens of Representing the Accused in an Age of Harsh Punishment*, 18 NOTRE DAME J.L. ETHICS & PUB. POL’Y 451, 454 (2004) (using the term when explaining why “teenage girls in the ‘hood’” would be willing to “share the few guys who are around”).

an interview with words that referenced the Harvard-educated lawyer as a “baby mama.” This labeling of Michelle Obama served no purpose other than to mark her in the eyes of the watching public as a deviant woman, a bad mother, and most important, an “other”—and an “other” who is likely to cause havoc. In this sense, this caption placed Michelle Obama alongside a long line of black women, especially black mothers, who have been marked as deviant and illegitimate.⁷⁹

The legal implications of such images of black women in our society are serious, in both a historical and a contemporary context. Stereotypical images of black women, especially if unmarried, have worked to reinforce policies and rhetoric that have attacked the existence, survival, and continuation of black families, especially those in lower socioeconomic brackets. For instance, political rhetoric that marked black women as inherently irresponsible worked to fuel government action in involuntarily sterilizing women of color.⁸⁰ Likewise, depictions of black mothers as not just unmarried, but irresponsibly so, set off decades of draconian welfare policies that have made it difficult for women on assistance to do exactly what society criticizes them for not doing: mothering.⁸¹

In this case, although the identification of Michelle Obama as a “baby mama” will have minimal, if any, effect on her own life as a wife and a mother, the image of her—the first black First Lady of the United States—in such a negative light (especially if it persists) could have huge, reverberating effects upon the unconscious behaviors of Americans of all races, to black women in general, and to black mothers especially.

B. Racial Stereotypes that Stick to the Ribs

The racialized and classed images were not limited just to Michelle Obama; they also extended to Barack Obama. For example, one Republican women’s organization in California, the Chaffey Community Republican Women, mailed out a newsletter with a picture of Obama’s head on top of a donkey’s body on a ten-dollar mock food stamp.⁸² Moreover, the group surrounded Obama’s picture

79. Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, 1 AM. U. J. GENDER & L. 1, 6, 26 (1993) (“Patriarchy does not treat Black and white motherhood identically. In America, the image of the Black mother has always diverged from, and often contradicted, the image of the white mother. . . . Society penalizes Black single mothers not only because they depart from the norm of marriage as a prerequisite to pregnancy, but also because they represent rebellious Black culture.”).

80. *Id.* at 14 (“One of the most extreme forms of devaluation of Black motherhood is the sterilization abuse of Black women. The disproportionate sterilization of Black women enforces society’s determination that we do not deserve to be mothers.”).

81. See generally Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform’s Marriage Cure as the Revival of Post-Bellum Control*, 93 CAL. L. REV. 1647 (2005).

82. David Kelly, *Newsletter’s Obama Illustration Denounced; Leader of GOP Club Denies Racist Intent in Use of Stereotypes.*, L.A. TIMES, Oct. 17, 2008, at 1, available at <http://articles.latimes.com/2008/oct/17/local/me-foodstamps17> (last visited Feb. 19, 2009) (titled “Obama’s Photo in GOP Club Newsletter Sparks Outrage”).

with foods that are stereotypically linked with African Americans: fried chicken, watermelon, ribs, and Kool-Aid.⁸³



Again, much like the *Fox News* image of Michelle Obama, this food-stamp image worked to identify Barack Obama as “other,” marking him as different and not like the other would-be Presidents. In so doing, the image also worked to reinforce fears of certain white voters that Obama would be a President for “them,” meaning Blacks, and not “us,” meaning Whites. Indeed, the Chaffey Community Republican Women topped off their food stamp “joke” with the following comment: “Obama talks about all those presidents that got their names on bills. If elected, what bill would he be on????? Food stamps, what else!”⁸⁴

The food stamp image demonstrates the inescapability of racism in this society, even for Blacks of elite stature, who, despite their education and status, can be caricatured according to racial stereotypes. Additionally, it signaled some of the difficulties for black leaders and policymakers in addressing issues of race and class by exposing the reins that can be placed on leaders of color as they work to address issues that disproportionately harm communities of color. Unlike white leaders who function under a transparency phenomenon⁸⁵ that marks their governmental actions benefitting fellow Whites as neutral,

83. *Id.* Ironically, the “Obama Bucks” image appeared first a liberal website “Please God No,” which is “a satirical website devoted to skewering the Republican right.” *Obama Bucks Originated on a Liberal Website*, L.A. TIMES, Oct. 20, 2008, at http://images.google.com/imgres?imgurl=http://latimesblogs.latimes.com/photos/uncategorized/2008/10/20/satire.jpg&imgrefurl=http://latimesblogs.latimes.com/lanow/2008/10/obama-bucks-ori.html&usq=__nmUR0vXfGtrnIv0Reon-3WwbJ0I=&h=350&w=800&sz=89&hl=en&start=3&itbs=1&tbnid=quvySbWarRZBLM:&tbnh=63&tbnw=143&prev=/images%3Fq%3Dobama%2Bbucks%26hl%3Den%26gbv%3D2%26tbs%3Disch:1. The originator of the image found it amusing to “have the very Republicans he mocks misunderstand the satire and go up in flames for his work.” *Id.*

84. Obama Bucks and Racist Cartoon, Zimbio.com, Oct. 18, 2008, <http://www.zimbio.com/Chaffey+Community+Republican+Women,+Federated/articles/7/Obama+Bucks+and+Racist+Cartoon>

85. See Barbara A. Flagg, *Fashioning a Title VII Remedy for Transparently White Decisionmaking*, 104 YALE L.J. 2009, 2012–13 (1995) (discussing how Whites tend to view decisions of other Whites as being race neutral).

politicians of color always run the risk of having their actions, especially if they are geared toward changing policies that detrimentally affect people of color, viewed as biased and not benefiting “all” people. Indeed, the public witnessed this very phenomenon during the race between Hillary Clinton and Barack Obama.⁸⁶ The ultimate question is: How will this phenomenon, and others marred by race and racism, work to influence the agenda of President Obama and other policymakers of color during his term(s) as President?

IV POLICY IMPLICATIONS

The difficulties that Barack Obama and his family faced during the race to the White House reflect the complexities of many serious questions about race and class that have arisen in this post-Civil Rights era. Specifically, these difficulties raise questions about how we, as a society that voices our belief in racial equality, can get beyond what Professor Derrick Bell has identified as problematic in his interest-convergence theory. Professor Bell theorizes that Whites’ embrace of landmark legal decisions and events that seem to benefit Blacks, such as *Brown v. Board of Education*,⁸⁷ is only because of their benefit to Whites;⁸⁸ thus, once the decision or event no longer benefits Whites, the decision or event will be abandoned, and all benefits to Blacks abandoned with it.⁸⁹

In what might have been a striking example of interest convergence, in the final days of the 2008 election, polls revealed that Obama had ultimately gained ground with white working-class voters,⁹⁰ with even more success among working-class white voters than the two previous Democratic candidates for President.⁹¹ But analysis on the change in tide pointed largely to the failing economy, which moved independent and undecided voters—including white, working-class voters⁹²—in Obama’s direction.⁹³ Unfortunately, as Professor

86. See *supra* II.B.

87. 347 U.S. 483 (1954).

88. See Derrick Bell, *Diversity’s Distractions*, 103 COLUM. L. REV. 1622, 1625–26 (2003) (arguing Justice O’Connor accepted Michigan Law School’s diversity-oriented admission policy in *Grutter v. Bollinger*, 539 U.S. 306 (2003), because it benefited nonminorities).

89. See generally Derrick Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

90. See, e.g., *Obama’s Inroads into Rival’s Turf*, N. Z. HERALD, Oct. 18, 2008, at A18 (asserting that Obama’s gain among white voters with little education indicates that financial concerns are trumping racial concerns); Tom Baldwin, *Obama is Now the Plumber’s Mate as Jobs Go Down the Tubes; US Elections 08*, THE TIMES (UK), Oct. 17, 2008, at Overseas News 44 (discussing how some working-class voters who backed Bush in 2004 decided to support Obama as a result of the economic crisis); Christi Parsons, *Blue Collar Politics Get Gray; Volunteers Appeal to Pocketbooks to Overcome Doubts Over Obama’s Race*, CHI. TRIB., Oct. 15, 2008, at 6.

91. Parsons, *supra* note 90, at 6.

92. Thomas Fitzgerald, *Polls Give Obama Clear Lead in PA*, PHILA. INQUIRER, Oct. 12, 2008, at A1.

93. Cathleen Decker, *Campaign ’08: Voters Weigh In/The Times/Bloomberg Poll Obama Makes Broad Gains*, L.A. TIMES, Oct. 15, 2008, at Main News 1.

Bell's interest-convergence theory suggests, Obama's victory neither signals the end of racial-identity politics, nor indicates that Americans, white working-class or otherwise, have finally overcome the legacy of race. That a conversion among Democratic white working-class voters took so long in an election year tailor-made for a Democratic win⁹⁴ was itself a sign of the ongoing saliency of race in the election, and in American life overall. Moreover, the interplay between race and class in the election highlights unique challenges with which policymakers must grapple in affirmative action, education, and employment.

For example, in the area of affirmative action, there has been an increased emphasis on replacing race with class as a factor to consider in college admissions. Yet, as the experiences of the Obamas illustrate, the exclusion and stigma that are attached to race do not disappear merely by virtue of having attained high socioeconomic status. Although the Obamas are Ivy League-educated attorneys, who have both achieved considerable success in their careers, their race threatened the political aspirations of Barack Obama, and both Barack and Michelle Obama were subject to racial stereotypes and racism throughout the campaign. In sum, their experiences illustrate that even the most upwardly mobile Blacks still encounter obstacles to their success as a result of their race; thus, affirmative action cannot rest at considering class, but must consider the significant racial hurdles that even upper- and middle-class Blacks must overcome to make educational and occupational progress.

Similarly, recent Supreme Court cases on school integration⁹⁵ have signaled a shift away from integrating public schools by race to integrating them by socioeconomic status.⁹⁶ Given that such plans often fail to create racially and ethnically diverse public schools,⁹⁷ policymakers and leaders will have to work hard to make sure that the important socialization functions of racial integration are not lost. Such functions, as illustrated by the campaign, are important if we are to achieve a society in which race neither plays a role in American politics nor subjects Blacks to the racialized caricatures endured by the Obamas.

Finally, in the area of employment, policymakers must address the present shift away from recognizing the pervasive nature of racial discrimination in the workplace. For example, relying on a classic civil-rights model of discrimination,

94. Between a failing economy, the collapse of the mortgage industry, and an unpopular war in Iraq, Republican control of the White House for the previous eight years was the obvious scapegoat for the country's ills and should have rendered a Democratic win an all-but-sure thing.

95. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007) (striking down controlled-choice integration plans that assigned students to public schools based on race).

96. See, e.g., Eboni S. Nelson, *Parents Involved & Meredith: A Prediction Regarding the (Un)constitutionality of Race-Conscious Student Assignment Plans*, 84 *DENV. U. L. REV.* 293 (2006) (urging school officials, in light of the Supreme Court's desegregation jurisprudence, to consider race-neutral methods to achieve diversity).

97. Jonathan D. Glater & Alan Finder, *Diversity Plans Based on Income Leave Some Schools Segregated*, *N.Y. TIMES*, July 15, 2007, at A24; Claire Smrekar, *Commentary, A Practical End to Racial Diversity in Schools*, *TCHRS C. REC.*, July 16, 2007, <http://www.tcrecord.org/PrintContent.asp?ContentId=14549>.

federal courts have failed to develop frameworks for analyzing complex forms of racial discrimination.⁹⁸ In so doing, federal courts have failed to capture the way in which Blacks, even those who are highly educated and skilled, can become tainted by broader racial stereotypes. If we, as a country, are to compete in a global society, policymakers must begin to make a dent in this problem.

In sum, policymakers and leaders must begin to grapple with all of the complexities of race and class if our society is to increase opportunity through education, promote cross-racial understanding through early childhood interaction, and eliminate employment bias.

V

CONCLUSION

The 2008 Presidential election enabled our comprehension of several interconnections between race and class. During the campaign, voter and media reaction to Obama's race, job status, and prestigious education revealed the property value of whiteness and all of its attendant privileges to Whites, especially those who are working-class or poor. Media response also exposed how racial stereotypes are inescapable, even for upper-class Blacks, as demonstrated by the ways in which negative stereotypes about lower-class Blacks were used against Barack and Michelle Obama during and the campaign. Such interactions of race and class may present new and unique challenges for policymakers, particularly on issues such as affirmative action, desegregation and integration in public primary and secondary schools, and employment, and for our society in general in overcoming prejudice and discrimination.

But, the Obama presidency is something more than a salient example. It is a unique moment in history in which we can no longer dance around these stereotypes, oblivious to their meaning and hurtfulness, for they have now been directed at public figures none of us can ignore and with an inappropriateness all of us must admit.

98. See, for example, such frameworks outlined by Professors Devon Carbado and Mitu Gulati in their work about the pressures of performance identity for racialized peoples. Devon W. Carbado & Mitu Gulati, *The Fifth Black Woman*, 11 J. CONTEMP. LEGAL ISSUES 701, 718–20 (2001) (arguing discrimination based on an individual's performance of racial identity violates Title VII); Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259, 1262–63 (2004) (“Racial conduct discrimination derives, not simply from the fact that an employee is, for example, phenotypically Asian American . . . but also from how she performs her Asian-American identity in the workplace . . .”). See also Carbado and Gulati's more recent work with Professor Catherine Fisk on discrimination that occurs after inclusion in a workplace. See Devon Carbado, Catherine Fisk, & Mitu Gulati, *After Inclusion*, Duke Law School Public Law & Legal Theory Paper No. 210 (May 29, 2008), available at SSRN: <http://ssrn.com/abstract=1138795>.