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## Tracing the Steps in a Historic Election

# TRACING THE STEPS IN A HISTORIC ELECTION

JEFFREY M. CHEMERINSKY<sup>†</sup> & KIMBERLY C. KISABETH<sup>††</sup>

*“Well, the 2008 presidential race turns out to be turning a spotlight on questions about race and what Americans really feel inside.”<sup>1</sup>*

## INTRODUCTION

What does it mean to have an African-American president? What did it mean to have an African-American effectively competing for and receiving the Democratic nomination and then ultimately vying for the presidency? Would race or racism determine the outcome of the election? Questions of race and its effects appeared throughout the 2008 presidential campaign in numerous forms, whether they be predictive—trying to forecast what impact race would have on the election—or rhetorical—in the candidate’s or their surrogate’s speeches or advertisements by the candidates or their surrogates where race was a common theme even if not overtly mentioned.

The primary campaign season—in which Barack Obama faced a crowded field in contention for the Democratic nomination—featured then-Senator Joseph Biden’s comment that Obama was “the first mainstream African-American [candidate for the United States presidency] who is articulate and bright and clean and a nice-looking guy;”<sup>2</sup> accusations of racism against former-President Bill Clinton for his inflammatory comments; Reverend Jeremiah Wright’s infamous sermon; and Obama’s electrifying speech on race in America. The presidential race between John McCain, the Republican nominee, and Barack Obama, the Democratic nominee, invoked persistent questions about race: Would race prove a help or hindrance to the Democratic ticket? At what point does a tasteless attack become racist? After Obama’s victory, television screens filled with images of prominent African-Americans with tears in their eyes; some queried whether the election of an African-American president marks the start of a new era in America, “end[ing] . . . a long period of pain, of indignity, and injustice for

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1. Scott Whitlock, *GMA Speculates on Obama and Race: What Do Americans ‘Really Feel’ Inside?*, NEWSBUSTERS, Feb. 16, 2007, <http://newsbusters.org/node/10870> (quoting Diane Sawyer).

2. Xuan Thai & Ted Barrett, *Biden’s Description of Obama Draws Scrutiny*, CNN, <http://www.cnn.com/2007/POLITICS/01/31/biden.obama/> (last visited Jan. 13, 2009).

African-Americans.”<sup>3</sup> The interpretations of what had transpired ranged from declarations that racism remained but had been overshadowed in this instance by economic catastrophe, to declarations that the election of Obama as president proved that affirmative action was no longer necessary.

Although many have written about the effects race might have had on the election or the ways Obama had to deal with and “overcome race,” few have attempted to look holistically at the entire election period—from the primaries to the victory lap by the President-elect. This Essay fills that gap, describing the wide-reaching discussion about race that occurred, and exploring what transpired from the start of the primary through the post-election coverage in terms of racial politics and the discussions about race in the campaign and the media coverage of the campaign. This Essay documents and synthesizes the broad discussion of race and the evolution of a dialogue on race and politics, spanning nearly twenty months of the presidential campaign. Further, this Essay brings together the events of the election season and explores the trends and strains in the discussions about race that occurred during the election. In doing so, it argues that President Obama was able to become the first African-American president by maintaining a delicate balance—as though walking a tightrope—winning the support of African-American voters without sacrificing the votes of “mainstream Americans.”

This Essay first describes the events of particular racial significance during the 2008 presidential campaign to provide context for defining the fine line Obama walked on his way to the election. Second, this Essay describes what the election means for this country and the future of racial politics.

### THE TIGHTROPE WALK

Throughout the campaign, and especially in the primary elections, to appear post-racial, Obama had to walk a tightrope, in which he could neither appear “too black” and risk alienating white voters, nor appear “too white” and risk alienating black voters. Obama was cognizant of this predicament, although he tried to downplay these concerns:

“There has been a running thread through this campaign of both pundits and prognosticators asking first, was I black enough? Then, am I too black?” Obama told reporters, “I don’t know what exactly the margin of the black vote is that is the optimal—not too black but

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3. Judith Warner, *Tears to Remember*, N.Y. TIMES, Nov. 6, 2008, available at <http://warner.blogs.nytimes.com/2008/11/06/title/>.

black enough. But that's not the approach that we've taken in this campaign."<sup>4</sup>

Despite these comments, a review of the events of the campaign reveals that Obama did not entirely disregard these concerns. Media speculation centered on the question of to what extent a presidential candidate can claim membership in a minority group and still capture the approval of the majority. Obama's top adviser, David Axelrod, had used a strategy for a past candidate that he dubbed "third-party authentication"—that is, "endorsements from respected individuals or institutions that whites put a lot of stock in."<sup>5</sup> Obama's team employed similar tactics, and "[h]is aides had a term for the process of getting voters comfortable with a President Obama: 'building a permission structure.'"<sup>6</sup>

*Saturday Night Live* ran a satirical skit about how Obama needed to find a way to appeal to both groups: actors playing Al Sharpton and Jesse Jackson told Obama to find a good place on the "blackness scale."<sup>7</sup> One columnist for the *Boston Globe* explained the difficulty Obama faced in navigating the often conflicting demands of minority and majority voters: "If Obama allows a perceived racial insult to go unchallenged, the only African-American candidate in the 2008 presidential race risks offending African-American voters who are already ambivalent about his candidacy. If Obama labels every insult racist, he risks offending white voters."<sup>8</sup> After a series of events in which the Obama campaign claimed that Hillary Clinton "fought dirty," conservative commentator Patrick J. Buchanan predicted that Obama would be ruined by the public efforts of his supporters to fight back against Clinton's campaign tactics.<sup>9</sup>

Further compounding the struggle, the media often remarked that Obama's ancestry differs from that of the majority of African-

4. Peter Slevin, *Obama on Race and the Race*, WASH. POST, Mar. 12, 2008, available at [http://blog.washingtonpost.com/the-trail/2008/03/12/obama\\_on\\_race\\_and\\_the\\_race.html](http://blog.washingtonpost.com/the-trail/2008/03/12/obama_on_race_and_the_race.html).

5. Jason Zengerle, *The Message Keeper*, THE NEW REPUBLIC, Nov. 5, 2008, available at [http://www.tnr.com/story\\_print.html?id=3ffae5b3-3ca3-4186-a9bf-59c00be8e98b](http://www.tnr.com/story_print.html?id=3ffae5b3-3ca3-4186-a9bf-59c00be8e98b).

6. Ryan Lizza, *Battle Plans*, THE NEW YORKER, Nov. 17, 2008, available at [http://www.newyorker.com/reporting/2008/11/17/081117fa\\_fact\\_lizza?currentPage=all](http://www.newyorker.com/reporting/2008/11/17/081117fa_fact_lizza?currentPage=all).

7. "There is only so much blackness the American voter can take," the actor playing Jackson said. "Now if you're here with the Black-Eyed Peas, you'll be fine."

"But once you get up into here," said the actor playing Sharpton, "you're moving into Allen Iverson territory."

"And that's unelectable," said the actor playing Jackson.

Jake Tapper & Max Culhane, *Obama, Clinton Battle for African-American Endorsements*, Feb. 16, 2007, ABC NEWS, <http://abcnews.go.com/Politics/Story?id=2880798&page=2>.

8. Joan Vennochi, *Obama's Race Dilemma*, BOSTON GLOBE, Feb. 4, 2007, at E9, available at [www.boston.com/news/globe/editorial\\_opinion/oped/articles/2007/02/04/obamas\\_race\\_dilemma/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2007/02/04/obamas_race_dilemma/).

9. Patrick J. Buchanan, *Ghettoizing Barack*, TOWNHALL.COM, Jan. 22, 2008, [http://townhall.com/columnists/PatrickJBuchanan/2008/01/22/ghettoizing\\_barack?page=full&comments=true](http://townhall.com/columnists/PatrickJBuchanan/2008/01/22/ghettoizing_barack?page=full&comments=true) (last visited February 11, 2009). Buchanan wrote that "Barack is no longer a crossover candidate who transcends race. The color-blind coalition he seemed to be assembling appears to be coming apart. . . . In three weeks, Barack has been ghettoized." *Id.*

Americans—his father is from Kenya and his mother is from Kansas, unlike African-Americans descended from slaves.<sup>10</sup> A *New York Times* article noted a segment of the African-American population that did not see Obama as “one of them,” because his ancestors did not descend from slaves. The article quoted African-American columnist Stanley Crouch as saying, “[w]hen black Americans refer to Obama as ‘one of us,’ I do not know what they are talking about.”<sup>11</sup> In a column on racial identity, one writer argued that because Obama’s father immigrated voluntarily to the United States, Obama is not “authentically black”; blacks are only those who descended from West-African slaves.<sup>12</sup> Similarly, another commentator observed that “[a]s much as his biracial identity has helped Obama build a sizable following in middle America, it’s also opened a gap for others to question his authenticity as a black man.”<sup>13</sup> Similarly, Ronald Walters, an African-American professor who heads the African-American Leadership Institute at the University of Maryland, suggested that the African-American community “[has] a right to be somewhat suspicious of people who come into the country and don’t share their experience.”<sup>14</sup>

In retrospect it seems inconceivable, notwithstanding the stories in the press, that blacks would not ultimately support a viable black candidate. If there was any doubt about this, Obama’s overwhelming victory in the South Carolina primary erased it. Further, Obama ultimately carried 96 percent of the African-American vote in the general election.<sup>15</sup> But particularly during the initial stages of the primary, news stories and polls reported that Obama was not assured the support of the black community. A review of polls taken during the primary reveals that Hillary Clinton enjoyed immense popularity among African-Americans. In January 2007, almost a year before the primary season began, an ABC News poll of African-American voters showed Clinton

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10. Vennochi, *supra* note 8.

11. Rachel L. Swarns, *So Far, Obama Can't Take the Black Vote for Granted*, N.Y. TIMES, Feb. 2, 2007, at A1, available at <http://www.nytimes.com/2007/02/02/us/politics/02obama.html>.

12. “‘Black,’ in our political and social reality, means those descended from West African slaves. Voluntary immigrants of African descent (even those descended from West Indian slaves) are just that, voluntary immigrants of African descent with markedly different outlooks on the role of race in their lives and in politics.” Debra Dickerson, *Colorblind*, SALON.COM, Jan. 22, 2007, <http://www.salon.com/opinion/feature/2007/01/22/obama/>. For a similar discussion on what defines race, see Trina Jones, *Shades of Brown: The Law of Skin Color*, 49 DUKE L.J. 1487, 1495-96 (2000) (“Racial designations, however, are not made solely on the basis of skin color. Historically, other factors have been used to assign people to racial categories, including, among other things, ethnicity and bloodlines. For example, even if one is so light as to appear White, if one’s immediate ancestors are known to be Black, then one might still be considered Negroid. In that situation, one’s skin color does not determine one’s race. Rather, ancestry acts as the racial designation.”).

13. Ta-Nehisi Paul Coates, *Is Obama Black Enough?*, TIME, Feb. 1, 2008, available at <http://www.time.com/time/nation/article/0,8599,1584736,00.html>.

14. Swarns, *supra* note 11.

15. *5 Voting Demographics Where Barack Obama Made Headlines*, U.S. NEWS AND WORLD REPORT, Nov. 6, 2008, available at <http://www.usnews.com/articles/opinion/2008/11/06/5-voting-demographics-where-barack-obama-made-headlines.html>.

leading Obama, 60 percent to 20 percent.<sup>16</sup> One year later, Clinton's lead had dissipated, as reflected in a January 18, 2008 CNN poll showing Obama leading Clinton among African-American voters by a margin of 59 percent to 31 percent.<sup>17</sup>

Undoubtedly, part of the perceived difficulty Obama faced in cultivating African-American support can be attributed to the political calculus early in the primaries that pegged him as the underdog.<sup>18</sup> The African-American community also had to evaluate what it meant to promote Obama as opposed to Clinton.<sup>19</sup> Did African-Americans owe Obama their support simply on the basis of his race; should they abandon a candidate who had been supportive of their interests in the past? The following story purports to illustrate the struggle many black voters experienced:

Jamira Burley is a 19-year-old African American college freshman from a big family in West Philadelphia. Five of her brothers are backing Obama.

Her vote: Hillary Rodham Clinton.

"A lot of my friends and family say I'm going against my race," Burley said. "But the election now is bigger than that. It's all about policies and issues."<sup>20</sup>

And the following anecdote about a barber, reported in the *New York Review of Books*, showed the other side:

On a surprisingly mild January afternoon in Harlem, the day of the Democratic primary in New Hampshire, my barber predicted that Senator Barack Obama would win by a landslide. He shut off his clippers and took the floor. "We need to pull for him. I'm sick of people saying, 'They'll never elect a black president.'"<sup>21</sup>

16. Tapper & Culhane, *supra* note 7.

17. Paul Steinhauser, Poll: Obama Makes Big Gains Among Black Voters, CNN.com, January 19, 2008, <http://www.cnn.com/2008/POLITICS/01/18/poll.2008/index.html>; see also David Remnick, *The Joshua Generation Race and the Campaign of Barack Obama*, THE NEW YORKER, Nov. 17, 2008, at 68, available at [http://www.newyorker.com/reporting/2008/11/17/081117fa\\_fact\\_remnick?currentPage=all](http://www.newyorker.com/reporting/2008/11/17/081117fa_fact_remnick?currentPage=all) ("African-American leaders started to reconsider their loyalties as their constituencies abandoned the Clintons."); see Jay Cost, *How Obama Beat the Line*, REALCLEARPOLITICS.COM, May 7, 2008, [http://www.realclearpolitics.com/horseraceblog/2008/05/how\\_obama\\_beat\\_the\\_line.html](http://www.realclearpolitics.com/horseraceblog/2008/05/how_obama_beat_the_line.html) (explaining that the primary results of North Carolina, Tennessee, and Virginia reflect "[t]he African American vote now goes much more heavily for Obama than it did at the beginning of the cycle").

18. See Steinhauser, *supra* note 17.

19. Robin Abcarian, *Black Women Torn by Race, Gender Ties*, L.A. TIMES, Sept. 26, 2007, at A1, available at <http://articles.latimes.com/2007/sep/26/nation/na-southcarolina26>.

20. Jennifer Lin, *For Women Voters in Pa., A Shifting Landscape*, PHILADELPHIA INQ., Apr. 20, 2008, available at <http://liberallenny.blogspot.com/2008/04/for-women-voters-in-pa-shifting.html>.

21. Darryl Pinckney, *Dreams from Obama*, N.Y. REV. OF BOOKS, Mar. 6, 2008, available at <http://www.nybooks.com/articles/21063?email>.

Additionally, some African-Americans who supported Clinton apparently felt the need to publicly reiterate their racial ties. For instance, Texas Congresswoman Sheila Jackson Lee, when challenged about her lack of racial allegiance because she was supporting Clinton, insisted that she “did not check [her] blackness at the door. I am still a sister. I still shout in church. I love the Lord. And I love my people.”<sup>22</sup>

As mentioned above, then-Senator Biden, who Obama later asked to be his running mate, made an infamous and much ridiculed comment about Obama’s ability to appeal to white voters as a non-typical black candidate: “I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy.”<sup>23</sup> Senator Biden’s words reverberated within the African-American community and heightened concerns among some blacks that Obama was more palatable to whites precisely because he was not descended from slaves. Many worried that the son of a black Kenyan appealed to whites because they believed he would be less confrontational and less focused on redress for past racial injustices than an African-American with a slavery heritage.<sup>24</sup> Though Senator Biden’s politically incorrect comments received the most attention (and condemnation), he was not alone in raising questions about where Obama fit into the black community.<sup>25</sup> Some commentators pointed out that Obama “talks and looks different” from Reverends Al Sharpton and Jesse Jackson; others questioned why Obama’s “main street” persona and corresponding temperament was acceptable to voters but the righteous indignation engendered by Sharpton, Jackson and Wright was not.<sup>26</sup> Even liberal commentators argued that Obama is perceived as “good black.”<sup>27</sup>

Indeed, Obama’s desire to transcend the racial divide and maneuver between white and black America pre-dated the 2008 election. As a mixed-race American, Obama throughout his life faced the pressures and

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22. Joan Morgan, *Don’t Call it a Comeback*, VIBE, May 2008 (magazine). Some African-Americans complained that if they criticized Obama, people accused them of disloyalty. There was a controversy after the famous black commentator, Tavis Smiley, publicly criticized Obama. Smiley had invited Obama to speak at the Black State of the Union event and, when Obama declined the invitation, Smiley chastised him for it. Smiley in turn was attacked for his negative comments about Obama and called him a “hater, sellout and traitor.” Darryl Fears, *Black Commentator, Criticizing Obama, Causes Firestorm*, WASH. POST, Feb. 16, 2008, available at [http://voices.washingtonpost.com/thetrail/2008/02/16/black\\_commenter\\_criticizing\\_ob\\_1.html](http://voices.washingtonpost.com/thetrail/2008/02/16/black_commenter_criticizing_ob_1.html).

23. Thai & Barrett, *supra* note 2.

24. Swarns, *supra* note 11.

25. A *Boston Globe* editorial wrote of then-Senator Biden’s comments: “The words are controversial because they are an honest, if awkwardly stated, expression of the white establishment view of African-American politicians who preceded Obama—that their looks, speech, or life style turned off white voters, making them unelectable on the national stage.” Vennochi, *supra* note 8.

26. Stephen Koff and Margaret Bernstein, “CHANGE HAS COME” Barack Obama Elected First Black President; Massive Turnout Nationally, In Ohio, Propels Democrat to Electoral Landslide, CLEVELAND PLAIN DEALER, Nov. 6, 2008, at X1 (“But unlike Shirley Chisholm, Jesse Jackson and others before him, Obama was the first black major presidential candidate whom a majority of white voters did not judge by color first.”).

27. Coates, *supra* note 13.



difficulties of navigating between the races.<sup>28</sup> Many news stories emphasized Obama's struggle as a young adult both to understand and to signal his own racial identity. For example, a *Newsweek* article described how, as a teen, Obama decided to stop going by the name "Barry," which he had been called by his white family as a child, and asked to be called by his given name, "Barack."<sup>29</sup> The article describes how this choice was central to the formation of Obama's racial identity.<sup>30</sup>

In interviews, Obama explained that he always has self-identified as black but acknowledged that this classification is imprecise:

"The reason that I've always been comfortable with that description is not a denial of my mother's side of the family. . . . Rather, it's just a belief that the term African-American is by definition a hybrid term. African-Americans are a hybrid people. We're mingled with African culture and Native American culture and European culture."<sup>31</sup>

He later added:

"If I was arrested for armed robbery and my mug shot was on the television screen, people wouldn't be debating if I was African-American or not. I'd be a black man going to jail. Now if that's true when bad things are happening, there's no reason why I shouldn't be proud of being a black man when good things are happening, too."<sup>32</sup>

Obama was not the only one attempting to carefully navigate the "racial issue." Political commentators, as well as voters, attempted to predict whether racial politics would enhance or undermine Obama's candidacy.<sup>33</sup> The unprecedented appearance of an African-American on

28. Richard Wolffe, Jessica Ramirez, & Jeffrey Barcholet, *When Barry Became Barack*, NEWSWEEK, Mar. 31, 2008, at 24, available at <http://www.newsweek.com/id/128633>.

29. *Id.*

30. *Id.* ("The choice is part of his almost lifelong quest for identity and belonging—to figure out who he is, and how he fits into the larger American tapestry.")

31. Monica Davey, *The Speaker: A Surprise Senate Contender Reaches His Biggest Stage Yet*, N.Y. TIMES, July 26, 2008, <http://query.nytimes.com/gst/fullpage.html?res=9407E2DF153DF935A15754C0A9629C8B63&sec=&spon=&pagewanted=2>. For a discussion over the difficulty of racial categories for multiracial people, see Lisa Jones Townsel, 'Neither Black Nor White' Would a New Category Be a Dangerous Diversion Or a Step Forward, EBONY, Nov. 1996 ("Some multiracial people who claim they are a voiceless, powerless few, say they are tired of feeling obligated to side with one racial group over another 'when they are neither Black nor White, but, in many cases, products of both.'").

32. Davey, *supra* note 31.

33. Nicholas Kristof, *What? Me Biased?*, N.Y. TIMES, Oct. 30, 2008, at A39, available at <http://www.nytimes.com/2008/10/30/opinion/30kristof.html?pagewanted=print> ("Many Obama supporters believe that their candidate would be further ahead if it were not for racism, while many McCain supporters resent the insinuation and believe that if Mr. Obama were white, he wouldn't even be considered for the presidency.")

a major ticket prompted questions about whether the country truly was ready to elect a black Commander-in-Chief.<sup>34</sup>

Controversial comments made by Geraldine Ferraro, a Clinton supporter and this country's first woman vice-presidential candidate on a major party's ticket, fueled speculation that racial politics may actually benefit Obama. Ferraro received criticism when she argued that Obama's social and political popularity was rooted in his race and that he would not have experienced such great success in either arena had he been white: "If Obama was a white man, he would not be in this position."<sup>35</sup> When criticized for these comments, Ferraro countered: "Every time that campaign is upset about something, they call it racist."<sup>36</sup> Bill Clinton similarly argued that race inured to the benefit of Obama, albeit more subtly, before the South Carolina primary when he remarked that both Hillary Clinton and Barack Obama were "getting votes, to be sure, because of their race or gender, and that's why people tell me that Hillary doesn't have a chance to win here."<sup>37</sup> Others characterized Obama as being able to embody change in a way no other candidate could, by using "his race to project a message of hope and change for voters who may be receptive to such a pitch."<sup>38</sup>

Many commentators had exactly the opposite reaction to that voiced by Clinton and Ferraro, and feared that racism would subvert Obama's candidacy.<sup>39</sup> Some imagined how the campaign would have been shaped differently absent racial stereotypes or the ever-present threat of alienating white voters.<sup>40</sup> Others contemplated how much further ahead

34. Editorial, *Goodbye, Bradley Effect*, BOSTON GLOBE, Nov. 6, 2008, available at [http://www.boston.com/news/politics/2008/articles/2008/11/06/goodbye\\_bradley\\_effect/](http://www.boston.com/news/politics/2008/articles/2008/11/06/goodbye_bradley_effect/) (the question loomed of "was America 'ready'—whatever that meant—to elect a black president.").

35. Rebecca Sinderbrand, *Ferraro: They're attacking me because I'm white*, CNN.COM, Mar. 11, 2008, <http://www.cnn.com/2008/POLITICS/03/11/ferraro.comments/index.html>; see also Kathleen Parker, *Monster and Racists and Sexists, Oh My*, REALCLEARPOLITICS.COM, [http://www.realclearpolitics.com/articles/2008/03/the\\_monster\\_of\\_identity\\_politi.html](http://www.realclearpolitics.com/articles/2008/03/the_monster_of_identity_politi.html) (last visited Dec. 7, 2008) ("There are lots of reasons for Obama's success that have nothing to do with race. But there's also this: You can't separate race from who Obama is. He is the biracial man. Although he self-identifies as African-American, it is precisely his dual race—and his own personal work toward identity integration and transcendence—that allows him to speak effectively of racial reconciliation and national unity in ways that a white male, or another black male for that matter, could not.").

36. Katharine Q Seelye and Julie Bosman, *Ferraro's Obama Remarks Become Talk of Campaign*, N.Y. TIMES, Mar. 12, 2008, at A23.

37. Katherine Q. Seelye, *Bill Clinton Accuses Obama Camp of Stirring Race Issue*, N.Y. TIMES, Jan. 24, 2008, available at <http://www.nytimes.com/2008/01/24/us/politics/24dems.html>.

38. Zengerle, *supra* note 5 ("[O]ne reason he's been able to be so vague and general in his promise of change is because the color of his skin serves as a constant reminder of just how concrete, in one way at least, that change would be.").

39. Peter Dreier, *Does Obama Really Have a Race Problem*, AM. PROS., Mar. 20, 2008, available at [http://www.prospect.org/cs/articles?article=does\\_obama\\_really\\_have\\_a\\_race\\_problem](http://www.prospect.org/cs/articles?article=does_obama_really_have_a_race_problem) ("One of the persistent mantras of this election season is that Barack Obama's skin color may cost him the Democratic nomination (or the White House).").

40. Gary Younge, *Obama, Ferrero, Wright: 'Postracial Meets Racism*, NATION, Mar. 20, 2008, available at <http://www.thenation.com/doc/20080407/younge> ("Given his looks, oratorical skills and intelligence, it is difficult to imagine what Obama couldn't do if he were a white man; but it's pretty obvious that he wouldn't have had to make that speech.").

Obama would be if racism played no role in shaping public opinion.<sup>41</sup> Some studies speculated that were Obama white, he would have been up several additional points in the national polls during election season.<sup>42</sup>

Indeed, questions of race cast doubt on the reliability of the poll numbers themselves. Commentators on cable television networks continually pondered whether any given poll could correctly forecast the election or whether voters purporting to support Obama would change their allegiances once inside the voting booths. Pundits and columnists wrote heavily on whether the so-called “Bradley effect”<sup>43</sup> would lead to a victory for Republican presidential candidate John McCain. Others considered the possibility of a “reverse” Bradley effect, in which white voters, reluctant to admit their support of an African-American candidate, secretly would cast votes for Obama on election day.<sup>44</sup> *New York Times* columnist Nicholas Kristof asked whether Obama would be disadvantaged by subconscious racism and explored the potential effects.<sup>45</sup>

In sum, the unprecedented event of having an African-American on the presidential ticket prompted vigorous debates about whether America truly was ready for an African-American president, and also whether Obama’s race would serve to cultivate or alienate voters. Media coverage of the campaign and primary elections led to a revitalized discussion about whether America’s racial landscape had in fact been transformed since 1982, the year of the Bradley election, or whether implicit or explicit racism would materialize behind the curtains of voting booths.

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41. *Id.* (“It may be less useful to speculate about what his candidacy would look like if he were a different race than to wonder how he would fare if there were no racism.”).

42. See *infra* notes 46–48.

43. William Safire, *The Bradley Effect*, N.Y. TIMES MAG., Sept. 26, 2008, available at <http://www.nytimes.com/2008/09/28/magazine/28wwln-safire-t.html?ref=magazine>.

The root of the phrase is in the campaign for the governorship of California in 1982. Surveys up to and including exit polls reported that Tom Bradley, the first black mayor of Los Angeles, was well ahead of George Deukmejian, the Republican. But the popular mayor lost by 1.2 points. How could that happen? Speculation ranged from inaccurate sampling, to last-minute mind-changes, to latent racism, to freely lying voters, to the reluctance of those being polled to admitting a preference that may be socially unacceptable—anti-black—in talking to interviewers. Those impressed with the Bradley effect (put “so-called” in front if you dispute it) point to a series of polling surprises in races between candidates of different races. In 1989, David Dinkins won the New York mayoralty with a two-point margin after polls gave him a double-digit lead; on the same day, Douglas Wilder, who had been ahead by 15 points in the pre-election weeks, squeaked through to win the governorship of Virginia by less than 7,000 votes.

44. Kathleen Parker, *The Reverse Bradley Effect*, WASH. POST, Oct. 22, 2008, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/21/AR2008102102328.html> (“Whites who would never admit to voting for a black man, but do. And, expanding the definition somewhat, Republicans and conservatives who would never admit to voting for a Democrat, especially one so liberal.”).

45. Kristof, *supra* note 33.

One of the most memorable moments in the broader discussion about race and the election occurred with the constant rebroadcasting of excerpts of Reverend Jeremiah Wright's sermons and Obama's speech in response. Reverend Wright, Obama's pastor for twenty years at the Trinity United Church of Christ in Chicago, performed the marriage ceremony of Obama and his wife, Michelle, and baptized the Obamas' two daughters. Obama credits Wright for devising the title of his book, *The Audacity of Hope*.<sup>46</sup> Footage of Wright containing "'inflammatory rhetoric,' including the assertion that the United States brought on the 9/11 attacks with its own 'terrorism,'"<sup>47</sup> appeared across television and computer screens and gave rise to a potentially serious hurdle to an Obama election victory.<sup>48</sup> Commentators suggested that Reverend Wright's speeches stigmatized Obama by providing a tangible association between Obama and Wright's extremist views: "[Reverend] Wright has damaged Obama by cursing America from the pulpit, breaking one of the 10 Commandments along the way, shouting 'G-d damn America!,' blaming our nation for the 9/11 terrorist attacks and suggesting our government infected people of color with AIDS."<sup>49</sup> Notably, however, the association with Wright endangered Obama's candidacy in a more fundamental way: it had the potential to erode the careful balance that Obama had managed to preserve between the perspectives of black and white America and also threatened to undermine the perception that Obama was post-racial. The association with Reverend Wright fundamentally linked Obama with a certain type of "black anger" and resentment that was otherwise absent from Obama's public persona.

Rather than explicitly suggesting that Obama possessed a similar sense of anger and resentment, criticism of Obama's association with Reverend Wright instead centered on an assertion these ties evidenced poor judgment. Many questioned the judgment of a man who listened for years to Reverend Wright's sermons, and who sought "advice" from Reverend Wright throughout his adult life.<sup>50</sup> As the story about Reverend Wright splashed across the internet and "You Tube" vignettes

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46. Brian Ross & Rehad El-Buri, *Obama's Pastor: God Damn America, U.S. to Blame for 9/11*, ABC NEWS, Mar. 13, 2008, <http://abcnews.go.com/blotter/story?id=4443788>; see also James Carney & Amy Sullivan, *The Origins of Obama's Pastor Problem*, TIME, Mar. 20, 2008, available at <http://www.time.com/time/politics/article/0,8599,1723990,00.html> ("[Wright] had been Obama's pastor for nearly 20 years. He had brought Obama into the church, helped him find his faith in God, officiated at Obama's wedding and baptized both his children.").

47. Ross & El-Buri, *supra* note 46.

48. *Id.*

49. John Kass, *Dialogue on Race Could Begin on Hallowed Ground*, CHIC. TRIB., Apr. 6, 2008, at 2, available at <http://tinyurl.com/aolpva>.

50. This comment by Stuart Taylor is representative: "What should we learn about Obama's judgment and fortitude from the fact that he sat passively in the pews for 20 years and gave money and took his children while Wright, his friend and 'spiritual adviser,' spewed far-left, America-hating, white-bashing, conspiracy-theorizing, loony, 'God damn America' vitriol from the pulpit?" Stuart Taylor, Jr., *Obama's Wife and Their Spiritual Advisor*, NAT'L J., Apr. 5, 2008.

permeated primetime media spots, the controversy surrounding Obama's association with Reverend Wright threatened to compromise voters' perceptions of Obama's fitness for the presidency.<sup>51</sup>

Upon the initial release of the inflammatory sermons and the accompanying media coverage, Obama quickly responded with a public denunciation of the perspectives advanced by Reverend Wright, but not of Reverend Wright himself.<sup>52</sup> Obama's assurances, however, did little to assuage voters' anxieties or to choke off the growing controversy. Accordingly, Obama decided to squarely and publicly articulate his views on race through a major speech<sup>53</sup> that he had written himself.<sup>54</sup>

The speech, entitled "A More Perfect Union"—later nicknamed the "race speech"—began by describing the "original sin" of the United States Constitution and the Founding Fathers: that the promises of equality and freedom were not available to everyone.<sup>55</sup> Obama then explained the lasting legacy and impact of this history:<sup>56</sup> the legacy of slavery and Jim Crow, Obama argued, is not buried, but continues to affect the present.<sup>57</sup>

Obama used this narrative as a vehicle to explain the underlying basis of Reverend Wright's rhetoric and to emphasize that Wright's feelings are not unique to him, but rather are shared—albeit in a more

51. Carney & Sullivan, *supra* note 46 ("It became a story that threatened to capsize Obama's front-running campaign with the speed of a Wall Street bankruptcy.").

52. Jeff Goldblatt, *Obama's Pastor's Sermon: 'God Damn America'*, FOXNEWS.COM, Mar. 14, 2008, <http://elections.foxnews.com/2008/03/14/obamas-spiritual-adviser-questioned-us-role-in-spread-of-hiv-sept-11-attacks/> ("I categorically denounce any statement that disparages our great country or serves to divide us from our allies. I also believe that words that degrade individuals have no place in our public dialogue, whether it's on the campaign stump or in the pulpit. In sum, I reject outright the statements by Rev. Wright that are at issue.").

53. "[H]e ordered his staff to make arrangements for him to give the speech . . . . Obama went home to Chicago that night, and after his wife and two daughters were asleep, he started composing." Carney & Sullivan, *supra* note 46.

54. Speechwriter of One, [http://marcambinder.theatlantic.com/archives/2008/03/speechwriter\\_of\\_one.php](http://marcambinder.theatlantic.com/archives/2008/03/speechwriter_of_one.php) (Mar. 18, 2008, 12:03 EST). ("This wasn't a speech by committee. . . . Obama wrote the speech himself, working on it for two days and nights. . . . and showed it to only a few of his top advisers.").

55. Barack Obama: A More Perfect Union (Mar. 18, 2008) (transcript and video available at <http://my.barackobama.com/page/content/hisownwords/>) ("The document they produced was . . . ultimately unfinished. It was stained by this nation's original sin of slavery, a question that divided the colonies and brought the convention to a stalemate until the founders chose to allow the slave trade to continue for at least twenty more years, and to leave any final resolution to future generations.").

56. *Id.* ("[T]he disparities that exist in the African-American community today can be directly traced to inequalities passed on from an earlier generation that suffered under the brutal legacy of slavery and Jim Crow. Segregated schools . . . [l]egalized discrimination—where blacks were prevented, often through violence, from owning property, or loans were not granted to African-American business owners, or black homeowners could not access FHA mortgages, or blacks were excluded from unions, or the police force, or fire departments . . . .").

57. *Id.* ("[T]hose young men and increasingly young women who we see standing on street corners or languishing in our prisons, without hope or prospects for the future. Even for those blacks who did make it, questions of race, and racism, continue to define their worldview in fundamental ways. 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.").

complex manner—by the African-American community at-large and the “black church” as well.<sup>58</sup> Although Obama acknowledged that he is not part of Reverend Wright’s generation—a generation of African-Americans who experienced profound racial injustices more directly than has Obama—Obama consistently emphasized the extreme bitterness of that generation is enmeshed with his own history as well. Three consecutive paragraphs begin with very similar topic sentences: “As imperfect as he may be, he has been like family to me,”<sup>59</sup> “I can no more disown him than I can disown the black community,”<sup>60</sup> and “These people are a part of me.”<sup>61</sup> In other words, Obama tried to point out that although he may not share precisely the beliefs of an older generation of African-Americans, he nonetheless shares a common understanding of the feelings underlying their collective attitudes in ways that intertwine their experiences with his.

Obama then tried to eclipse the gap between the races by characterizing the modern struggle that blacks face today as similar to the struggles common to all Americans, noting that “similar anger exists within segments of the white community.”<sup>62</sup> He described the anxieties and fears of the so-called “white community” primarily in economic terms and in light of the issues plaguing the competitive market. As a result of economic anxieties,<sup>63</sup> Obama suggested, fear and anger arise between races.<sup>64</sup> Obama described the current status quo as “a racial stalemate we’ve been stuck in for years,”<sup>65</sup> but he claimed that “America can change,” and tried to carve a path forward for all races. Progress for everyone, Obama argued, “means binding our particular grievances—for better health care, and better schools, and better jobs—to the larger aspirations of all Americans—the white woman struggling to break the glass ceiling, the white man whose [sic] been laid off, the immigrant trying to feed his family.”<sup>66</sup> To redress the legacy of individual differences, Obama urged voters to turn instead to the problems common

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58. *Id.* (“[Reverend Wright] contains within him the contradictions—the good and the bad—of the community that he has served diligently for so many years. . . . [t]he church contains in full the kindness and cruelty, the fierce intelligence and the shocking ignorance, the struggles and successes, the love and yes, the bitterness and bias that make up the black experience in America.”).

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. “They are anxious about their futures, and feel their dreams slipping away; in an era of stagnant wages and global competition, opportunity comes to be seen as a zero sum game, in which your dreams come at my expense.” *Id.* (“They’ve worked hard all their lives, many times only to see their jobs shipped overseas or their pension dumped after a lifetime of labor.”).

64. *Id.* (“[W]hen they hear that an African American is getting an advantage in landing a good job or a spot in a good college because of an injustice that they themselves never committed; when they’re told that their fears about crime in urban neighborhoods are somehow prejudiced, resentment builds over time.”).

65. *Id.*

66. *Id.*

to all Americans and emphasized how his policy proposals would advance solutions in these areas.<sup>67</sup>

Thus, Obama described an interconnected path forward for all races: greater equality in opportunity, with whites acknowledging that blacks deserve fair and meaningful opportunities and blacks acknowledging whites' needs as well. He concluded the speech with an anecdote explaining how his ability to create ties based on these common interests makes him the best presidential candidate. He told the story of a white and an elderly African-American man who were working together on his presidential campaign, exemplifying the spirit of post-racial camaraderie that an Obama administration promised to deliver.<sup>68</sup>

The reaction to Obama's speech was overwhelmingly positive from both sides of the political spectrum.<sup>69</sup> Most political pundits generally characterized the speech as the genesis of a much needed dialogue about race in America. For example, an editorial in the *Los Angeles Times* declared that Obama's speech, "was that rarity in American political discourse: a serious discussion of racial division, distrust and demonization. . . . [I]t redefines our national conversation about race and politics."<sup>70</sup>

67. *Id.* ("[T]hat the legacy of discrimination—and current incidents of discrimination, while less overt than in the past—are real and must be addressed. Not just with words, but with deeds—by investing in our schools and our communities; by enforcing our civil rights laws and ensuring fairness in our criminal justice system; by providing this generation with ladders of opportunity that were unavailable for previous generations.").

68. *Id.* ("And Ashley said that when she was nine years old, her mother got cancer. And because she had to miss days of work, she was let go and lost her health care. They had to file for bankruptcy, and that's when Ashley decided that she had to do something to help her mom. . . . She sought out allies in her fight against injustice. . . . And finally they come to this elderly black man who's been sitting there quietly the entire time. And Ashley asks him why he's there. And he does not bring up a specific issue. He does not say health care or the economy. He does not say education or the war. He does not say that he was there because of Barack Obama. He simply says to everyone in the room, 'I am here because of Ashley.'").

69. Conservatives were also very praising of the speech. See Abigail Thernstrom, *Subtle, Serious, Patriotic*, NAT. REV. ONLINE, Mar. 20, 2008, <http://tinyurl.com/d2q86j>; see also Peggy Noonan, *A Thinking Man's Speech*, WALL ST. J., Mar. 22, 2008, at W16 available at <http://online.wsj.com/article/SB120604775960652829.html>. But see Gregory Rodriguez, *Obama's Brilliant Bad Speech*, L.A. TIMES, Mar. 24, 2008, at A15, available at <http://www.latimes.com/news/opinion/la-oe-rodriguez24mar24,0,5884639.column> ("But for all its rhetorical beauty, it was also an enormous step backward and, in the end, a rather self-serving call for more discussion about racial grievance in a country that has already done way too much talking"). See also Jedediah Purdy, *Making the Personal Political*, THE GUARDIAN, Mar. 22, 2008, [http://commentisfree.guardian.co.uk/jedediah\\_purdy/2008/03/making\\_the\\_personal\\_political.html](http://commentisfree.guardian.co.uk/jedediah_purdy/2008/03/making_the_personal_political.html) (last visited Feb. 12, 2009) ("[I]t is a challenge] to public language: to be as open and complex about race as private conversations among friends often are these days. Both liberal and conservative platitudes about race sanitise the issue—as public language sometimes has to do with any topic. But these days, that can make the language seem arid and unreal to people who find that racial lines intersect with friendship and fear, stubborn irrationality and real communication, all at once. The speech was personal, not to invoke Krauthammer's 'racial guilt', but to try to find a public language for the last 20 or so years of private, complicated experience and conversation about race.").

70. Editorial, *Obama on Race*, L.A. TIMES, Mar. 19, 2008, available at <http://www.latimes.com/news/printedition/opinion/la-ed-speech19mar19,0,4961510.story>.

Many gave Obama credit for significantly advancing the discussion on race, while acknowledging the limitations of such a speech: "No single speech will recalibrate America's consideration of race and politics, but we are closer today, thanks to this remarkable address, to facing our history and perfecting our nation."<sup>71</sup> With the "race speech," Obama "articulated a big part of what his supporters liked about him in the first place: the chance to take us into a better racial future."<sup>72</sup> With few dissenters,<sup>73</sup> the consensus was that "Obama successfully initiated a public conversation on race."<sup>74</sup>

Reverend Wright's inflammatory rhetoric and Obama's speech in response represented a change in the focus of media coverage of the campaign. Unlike the typical campaign-related controversies which appear, disappear, and then reemerge or linger in the background, the appearance of Reverend Wright and the corresponding occasion of Obama's "race speech" together presented a break from the typical ebbs and flows of the election-related news cycles. The frenzy surrounding Obama's apparent association with Reverend Wright threatened to break the careful balance Obama had reached; and Obama's speech in response to the controversy restored the balance. This speech was the only major invocation centered on issues of race that Obama delivered throughout his presidential campaign. Obama finally was forced to unequivocally disavow Reverend Wright after further controversial comments by Wright,<sup>75</sup> but doing so ran its own risks of alienating black voters who were sympathetic to Wright's views.<sup>76</sup>

Reverend Wright appeared predominantly during the primary season. He was discussed only briefly and incidentally during the general election season. Thus, Obama largely avoided the topic of race

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71. *Id.*

72. Jonathan Alter, *Ring the Bell*, NEWSWEEK, Mar. 18, 2008, available at <http://www.newsweek.com/id/124139?tid=relatedcl>.

73. Rodriguez, *supra* note 69 ("But for all its rhetorical beauty, it was also an enormous step backward and, in the end, a rather self-serving call for more discussion about racial grievance in a country that has already done way too much talking.").

74. Christopher Bracey, *Jeremiah Wright—In Context*, BLACKPROF.COM, Mar. 24, 2008, <http://www.blackprof.com/2008/03/jeremiah-wright-%E2%80%93in-context/>.

75. Dana Milbank, *Could Rev. Spell Doom for Obama?*, WASH. POST, Apr. 28, 2008, [http://blog.washingtonpost.com/roughsketch/2008/04/obamas\\_pastor\\_reignites\\_race\\_c.html](http://blog.washingtonpost.com/roughsketch/2008/04/obamas_pastor_reignites_race_c.html) ("Should it become necessary in the months from now to identify the moment that doomed Obama's presidential aspirations, attention is likely to focus on the hour between nine and ten this morning at the National Press Club. It was then that Wright, Obama's longtime pastor, reignited a controversy about race from which Obama had only recently recovered - and added lighter fuel.").

76. See Richard Wolffe, *Obama's Sister Souljah Moment*, NEWSWEEK, Apr. 29, 2008, available at <http://www.newsweek.com/id/134766> ("For a campaign that had little comment on Wright's media blitz on Monday, Obama's press conference was a complete reversal. Many pundits have wondered aloud why Barack Obama has not had a Sister Souljah moment in this campaign, evoking Bill Clinton's 1992 repudiation of the hip-hop star's inflammatory and racist comments. In Winston-Salem Obama went far beyond Clinton's criticism, disowning his former pastor—and running the risk of alienating a community on the South Side of Chicago that has been among his most ardent supporters.").



in the general election. In fact, the Democratic candidate barely addressed the issue of race directly during the months leading up to the general election, beyond saying that he expected his opponents to make use of the fact that he “doesn’t look like all those other presidents on the dollar bills.”<sup>77</sup>

Although the Republicans did not squarely comment on Obama’s “looks,” they nonetheless injected race indirectly in an attempt to disrupt the delicate balance struck by Obama. Using Obama’s middle name—Hussein—in speeches was arguably one way race was used to subtly undermine Obama’s mainstream appeal. Although neither John McCain nor Republican Vice-Presidential candidate Sarah Palin personally indulged in such antics, many of their supporters did. At least two people chosen to introduce McCain at campaign rallies referred to “Barack Hussein Obama.”<sup>78</sup> Other comments were deemed to subtly introduce race into the election. Former Oklahoma governor Frank Keating caused another controversy when he referred to Obama “as a man of the street.”<sup>79</sup> Sarah Palin accused Obama of “palling around with terrorists,” a reference to his association with the 1960s radical William Ayers, and a turn of phrase that critics said was racially loaded.<sup>80</sup> In a video clip splashed across the Internet, McCain asks his supporters at a rally, “Who is the real Barack Obama?” and “a voice from the crowd can be clearly heard to shout in response, ‘Terrorist!’”<sup>81</sup> McCain made no attempt at the time to denounce this sentiment, though his campaign managers later denied that he had heard the comment.<sup>82</sup> Overall, McCain did a commendable job throughout the general election of avoiding race-based attacks, and specifically the topic of Reverend Wright.<sup>83</sup> Most noteworthy was McCain’s refusal to air a fully produced thirty-second commercial that linked Obama with Reverend Wright.<sup>84</sup>

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77. Anne E. Kornblu, *Issue of Race Creeps into Campaign*, WASH. POST, Oct. 12, 2008, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/11/AR2008101102216.html>.

78. *Id.*

79. *Id.*

80. *Id.*

81. Jeffrey Feldman, *Is Palin Trying to Incite Violence Against Obama?*, HUFFINGTON POST, Oct. 7, 2008, available at [http://www.huffingtonpost.com/jeffrey-feldman/is-palin-trying-to-incite\\_b\\_132534.html](http://www.huffingtonpost.com/jeffrey-feldman/is-palin-trying-to-incite_b_132534.html).

82. Many commentators condemned this rhetoric and much discussion revolved around what point these jabs become racist. Some thought that the McCain camp, in its allegation that Obama pals with terrorists, crossed the line. Columnist Frank Rich wrote in the *New York Times*: “The McCain campaign has crossed the line between tough negative campaigning and inciting vigilantism, and each day the mob howls louder.” Frank Rich, Op-Ed., *The Terrorist Barack Hussein Obama*, N.Y. TIMES, Oct. 11, 2008, available at <http://www.nytimes.com/2008/10/12/opinion/12rich.html>. One pundit asked rhetorically: “[i]s Gov. Palin trying to incite violence against Sen. Obama as part of an ill-conceived campaign strategy to change the topic from the economy at any cost?” Feldman, *supra* note 81. Yet there was no clear consensus that the rhetoric crossed the line from acceptable rigorous campaigning into race baiting. See *infra* note 83.

83. See also David S. Broder, *The Amazing Race*, WASH. POST, Nov. 2, 2008, at B1, available at [http://www.washingtonpost.com/wp-dyn/content/article/2008/10/31/AR2008103103063\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/10/31/AR2008103103063_pf.html)

From the start of the campaign, Obama had to steer a fine line in his treatment of race and in shaping the nature of his appeal to voters. This “tightrope” balance was challenged in a number of ways throughout both the primary and general election seasons, by the attacks launched at Obama, by public demand for a response to the controversy generated by Reverend Wright, and by the racist themes underlying the rhetoric of many of his opponents or their surrogates. Obama successfully navigated that balance as evidenced by the election results on November 4, 2008—Obama gained significant support from both African-Americans and white voters.

### CONCLUSION

*“Should he win the White House on Tuesday, many will cheer and more than a few will cry as history moves inexorably forward.”<sup>85</sup>*

Controversy surrounding past and present racial injustices permeated the campaign season and prompted a long and far-reaching discussion on race in America. The 2008 presidential election showed that the democratic process serves not only as a mechanism to pick the country’s leaders but also as a tool to educate and provoke discussion. Regardless of political orientation, the American public collectively benefited from Obama’s candidacy as a presidential candidate and the discussion that ensued. As Al Hunt of *Bloomberg News* opined after the election, “America will never be the same again.”<sup>86</sup> Among the many legacies of the 2008 presidential campaign will be the valuable discussion on race and its meaning that unfolded throughout. The breadth of topics, the range of opinions, and the depth of analysis all contribute to a new page in the history of race in this country.

The country likely has seen the last of Reverend Wright as a talking point. Obama’s incredible speech on race is now an inexorable part of our nation’s history, and holds a position on the timeline of key events in the struggle for racial equality in America. The election also confirmed that it is possible for an African-American to become President.

Across the country, newspaper editorials pondered whether Obama’s campaign transcended race, whether his victory signifies the

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(“[T]hanks in large part to McCain’s personal aversion to any suggestion of racial campaigning, the issue [of race] never fully emerged in a negative way [during the general election].”).

84. Anna Schecter, Eric Longabardi & Brian Ross, *Rev. Wright TV Ad That McCain Would Not Run*, ABC NEWS, Dec. 8, 2009, <http://abcnews.go.com/Blotter/Vote2008/story?id=6395775> (last visited Mar. 11, 2009) (“Over . . . images of McCain, the announcer says, ‘One chose to honor his fellow soldiers by refusing to walk out of a prisoner of war camp.’ Over footage of Obama and Reverend Wright’s church in Chicago, the announcer says, ‘the other chose not to even walk out of a church where a pastor was spewing hatred.’”).

85. Frank Rich, Op-Ed., *Guess Who’s Coming to Dinner*, N.Y. TIMES, Nov. 1, 2008, at WK10, available at <http://www.nytimes.com/2008/11/02/opinion/02rich.html?pagewanted=2>.

86. *The Charlie Rose Show: Live Coverage of the 2008 Presidential Election*, (PBS television broadcast Nov. 4, 2008), <http://www.charlierose.com/view/interview/9338>.

end of race as a dividing point,<sup>87</sup> or whether this election simply represents an isolated instance in which issues other than race proved more important. A general consensus interpreted the ultimate vote total<sup>88</sup> and the exit polls to indicate that racism played no significant role in the outcome.<sup>89</sup> Some asked whether the election marked the “end of an era of black politics.”<sup>90</sup> Others framed the historic election as an end to a previous era of “victimization and anger.”<sup>91</sup> While many disagree about what the election ultimately means for race relations, a few conclusions seem unassailable: that the election of Obama renewed faith and optimism in America’s willingness to pursue its long-espoused key values of democracy and equality;<sup>92</sup> and that Obama himself provided a model for African-Americans to attain future progress in these areas.<sup>93</sup>

Many questions about race that were raised in the campaign may never be answered. One writer observed, “some black supporters see Obama’s election as ‘advancing the black community,’ while some white

87. John B. Judis, *Race Didn’t Decide the Election*, L.A. TIMES, Nov. 9, 2008, available at <http://www.latimes.com/news/opinion/commentary/la-oe-judis9-2008nov09,0,7608119.story> (“[The election of Obama] also shows the extent to which race is no longer the great dividing line in American politics.”).

88. *Great Expectations*, THE ECONOMIST, Nov. 6, 2008, available at [http://www.economist.com/opinion/displaystory.cfm?story\\_id=12562373](http://www.economist.com/opinion/displaystory.cfm?story_id=12562373) (“Mr. Obama lost the white vote, it is true, by 43-55%; but he won almost exactly same share of it as the last three (white) Democratic candidates; Bill Clinton, Al Gore and John Kerry. And he won heavily among younger white voters.”).

89. “[E]xit polls ask only one question about race, and voters aren’t always forthcoming on whether race figured in their vote, but one can draw some inferences from this question and from the results of the election. The polls asked whether race was ‘the single most important factor,’ ‘one of several important factors’ or ‘a minor factor’ in the voter’s choice. Those who said it was the most important or one of several important factors—9% of overall voters—backed Obama by 53% to 46%. That suggests Obama’s race was a net plus for him. It brought blacks to the polls, and some whites as well who liked the idea of having an African-American president of the United States.” Judis, *supra* note 86.

90. Juan Williams, *What Obama’s Victory Means for Racial Politics*, WALL ST. J., available at <http://sec.online.wsj.com/article/SB122628263723412543.html>.

91. *Id.* (“The idea of black politics now tilts away from leadership based on voicing grievance, and identity politics based on victimization and anger. In its place is an era in which it is assumed that talented, tough people of any background will find a way to their rightful seat of power in mainstream political life.”).

92. Bob Herbert, Op-Ed., *Take a Bow America*, N.Y. TIMES, Nov. 8, 2008, at 27, available at <http://www.nytimes.com/2008/11/08/opinion/08herbert.html> (“Arthur Miller liked to say that the essence of America was its promise. In the darkest of the dark times, in wartime and drastic economic downturns, in the crucible of witch hunts or racial strife, in the traumatic aftermath of a terror attack, that promise lights the way forward. This week marked a renewal of America’s promise. Voters went to the polls and placed a bet on a better future, handing the power to an unlikely candidate who promised to draw people together rather than exploit their differences.”).

93. Williams, *supra* note 89 (“Make no mistake, there is still discrimination against people of color in America. And inside black America, there is still disproportionate poverty, school dropouts, criminal activity, incarceration and single motherhood. But with the example of Mr. Obama’s achievements, from Harvard Law to the state legislature, U.S. Senate and the White House, the focus of discussion now is how the child of even the most oppressed of racial minorities can maximize his or her strengths and overcome negative stereotypes through achievement.”). Richard D. Kahlenberg wrote eloquently on the opportunity for Obama to institute an affirmative action policy based on a “carefully designed economic affirmative action program.” Richard D. Kahlenberg, *What’s Next for Affirmative Action*, THE ATLANTIC, Nov. 6, 2008, available at <http://www.theatlantic.com/doc/200811/obama-affirmative-action>.

volunteers are thrilled by the notion of ‘post-racial’ politics.”<sup>94</sup> No election can set a definitive outer limit of when a piece of noxious and misguided rhetoric becomes racist. The country will likely have to work through this question in the future, with frank discussion about what is out-of-bounds in politics.

There also were noticeable omissions in the discussion during the campaign. Enormous disparities among the races remain, with regard to prison rates, education levels, and poverty rates. These disparities have grown worse throughout the last decade.<sup>95</sup> The poverty rate among blacks rose “from 21.2 percent in 2000 to 24.5 percent last year, and the bottom fifth of the black population is worse off relative to poor whites than at any time in the past three decades.”<sup>96</sup> Obama’s election occurred only three years after the disaster of Hurricane Katrina and less than two years after the highly controversial and emotionally-charged events of the Jena Six, yet these issues never reached the forefront of the campaign. Is it ironic that an election featuring an African-American candidate bypassed these issues, or is it understandable that neither candidate raised these issues, given the almost unspoken desire by both candidates to avoid “injecting race” into the campaign?

The 2008 presidential election embodied the fusing of identity and politics to an extent never before seen. It is axiomatic that all politicians must attain broad appeal in order to capture a majority vote. As such, presidential candidates inevitably must walk a tightrope between appearing unequivocally aligned with their own political base—undoubtedly compromising the centrist vote—and, alternatively, appearing too centrist—compromising the support of the party’s base. This election reflected the use of a similar strategy with regard to race. Indeed, the public perception of Obama as a post-racial candidate contributed significantly to Obama’s extraordinary mass appeal.

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94. Kahlenberg, *supra* note 92.

95. Orlando Patterson, *What an Obama Victory Would Mean*, NEWSWEEK, Nov. 1, 2008, available at <http://www.newsweek.com/id/166827/output/printE>.

96. *Id.*