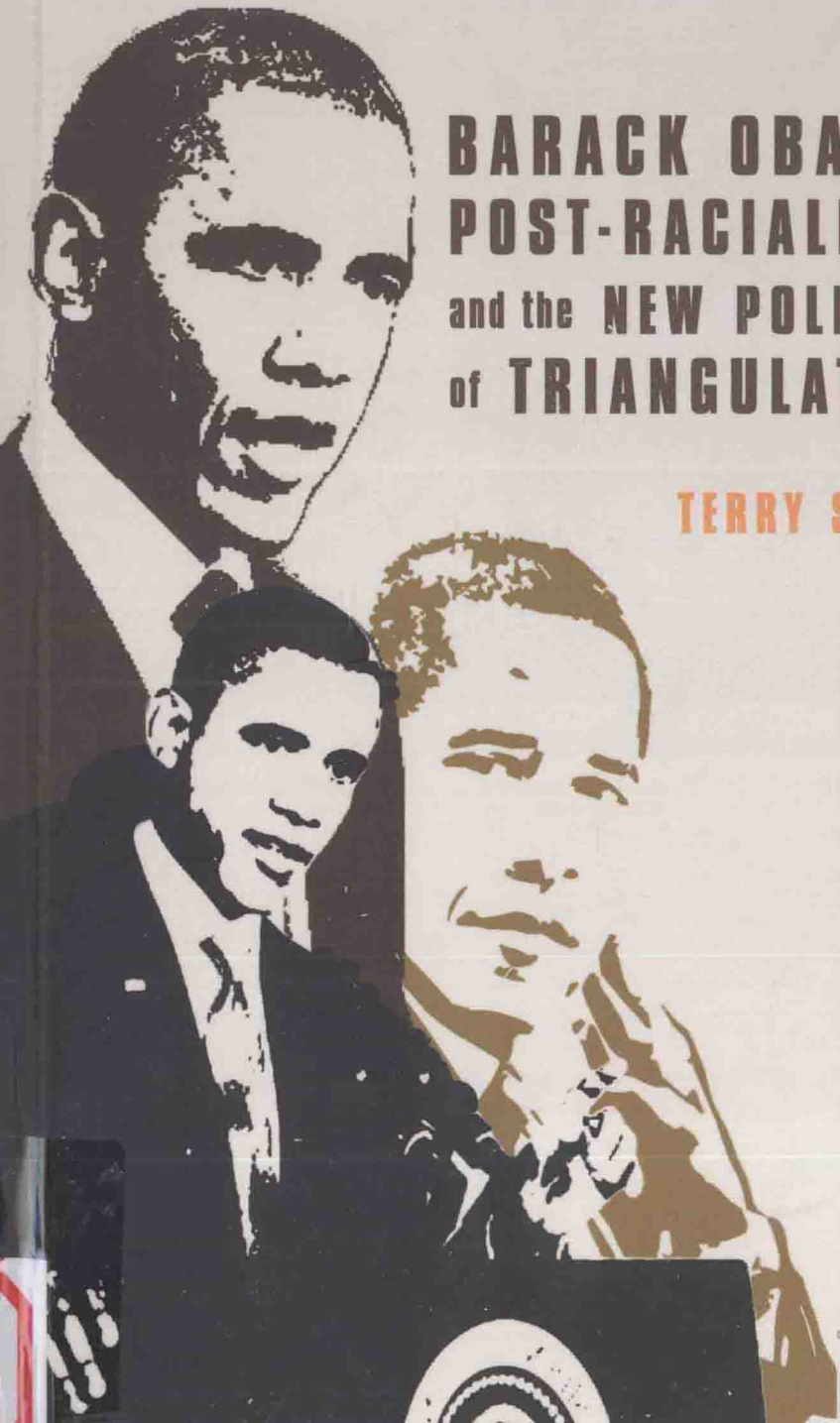

BARACK OBAMA, POST-RACIALISM, and the NEW POLITICS of TRIANGULATION

TERRY SMITH

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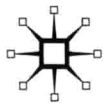

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For my mother, who had little but gave me so much

Preface

I have written about the intersection of law and the political process—and its impact on black politics in particular—for the past eighteen years. During that time, the country elected a black president and increased its ranks of minority officeholders. Yet despite this progress, blacks continue to be an exceptional subspecies of the American body politic. The merits and necessity of majority-minority districts continue to be debated, the United States Senate is still disproportionately white and male, as are the governors of most states, and new forms of black disenfranchisement have emerged to blunt whatever progress has been made. Instead of outright denials of the right to vote, minority access is now hindered by felony disenfranchisement laws, photo identification requirements, voter roll purges, and unduly long waiting times at the polls. Notwithstanding the persistence of these and other barriers to black political equality, an activist United States Supreme Court has hinted that a cornerstone of African Americans' right to vote, the Voting Rights Act of 1965, may be unconstitutional.

Having written about many of these aspects of minority political inequality, Barack Obama's election as the first black president presented a welcomed challenge to me as a legal scholar. Did the election mark a significant advance in minority political equality? Or was it possible for things to get worse, or at least stay the same, for African Americans even as the country performed the improbable act of electing a black man as president? As I observed the first three years of President Obama's term, I continually asked myself how Obama's presidency fit with the larger historical arc of black politics. Some heralded the election as a generational shift, a passing of the baton. But I have never been impressed by this analysis, for the so-called "new black politics" is too reliant on key aspects of the old to represent a generational change in any substantive, as opposed to chronological, sense of that term.

So in writing *Barack Obama, Post-Racialism, and the New Politics of Triangulation*, I set out to explore in an interdisciplinary way the

relationship between the "post-racial" politics personified by Barack Obama, Cory Booker, Adrian Fenty, Harold Ford, Jr., and others, and traditional black politics and the problems of political and economic inequality with which it has historically concerned itself. That relationship is in some ways in tension and in other ways is complementary. Importantly, though, that relationship reveals a broader pathos about the association of African Americans to politics writ large. I have selected the frame of "triangulation" through which to explore this pathos, but all frames risk oversimplification if they are abused. Cognizant of this, let me say upfront that there is obviously more to Obama's relationship with black voters than triangulation, and I do not intend that the takeaway from this book be otherwise.

The reader will determine for herself or himself whether I've gotten things right, wrong, or somewhere in between. In any case, I hope my observations stimulate a dialogue in some circles about post-racialism, the meaning of a black president, and the appropriate metrics for black political progress.

Acknowledgments

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Finally, I express my gratitude to the University of North Carolina Law Review for its grant of copyright permission for my article, *Race and Money in Politics*, 79 N.C. L. Rev. 1469 (2001), and to the University of South Carolina Law Review for its grant of copyright permission for my article, *White Dollars, Black Candidates: Inequality and Agency in Campaign Finance Law*, 57 S.C. L. Rev. 735 (2006).

Contents

Introduction

This is a book about what happens to black politics in a prematurely post-racial world—one in which racial disparity persists but race as a national issue falls out of vogue. Thus, it is also a book about what happens to black people in such a world. Finally, it is a book about what happens to politics writ large in a post-racial world. The ideal of colorblindness notwithstanding, Americans' voting and policy preferences continue to be defined by marked racial stratification. The state of black politics defines the state of American politics and vice versa.

Even the most well-meaning individuals can only visualize a caricature of black politics as a narrow, ethnocentric interest group movement. This distorted view is often personified by the Reverend Jesse Jackson. Jackson, however, articulated a broad progressive vision during his two runs for the presidency in 1984 and 1988. In that vision, striking workers could not be replaced, health care was a fundamental right, and affirmative action could operate as a corrective for past injustices. Jackson is just one of a long line of black leaders to articulate an expansive progressive vision not centered on race but not afraid of it either. The Great Society is the paradigm for such a vision. So in discussing black politics, I am not referring to a crude phenotype, but rather to the progressive policies—some explicitly race related, others more class based—personified by President Lyndon Baines Johnson.[1] Many consider the Johnson presidency to be the last era during which the concerns of African Americans were given sustained national priority.[2]

If Jackson and Johnson are the personifications of black politics, then Barack Obama is the personification of post-racial politics. But more central to the thesis of this book, Obama is a practitioner of post-racial triangulation. Political triangulation describes the "third way" between liberalism and conservatism that President Bill Clinton espoused. Barack Obama has celebrated triangulation as "Bill Clinton's singular contribution."[3] Triangulation is the rejection of partisan orthodoxy in favor of supposed pragmatic solutions to

policy questions and conflicts. More cynically, triangulation has been described as "co-opting the center to divide opposition and inhibit attack" by "pre-emptive theft of the opposition's (more conservative) attitudes and language, uncomfortably sounding like Reagan on welfare, endorsing everyone pulling themselves by their own bootstraps."[4] The fruits of Clintonian triangulation included the North American Free Trade Agreement (NAFTA) and welfare reform, neither of which is viewed as a policy triumph in progressive circles. As the cynical view and policy results of political triangulation suggest, the strategy involves a succumbing to the power of the Right; triangulation does not starve the ideological Right of its policy preferences to the same extent as it does the ideological Left.

Now imagine a similar strategy of triangulation being implemented by the nation's first black president—not solely in the left-right continuum of Clintonian triangulation, but also as a buffer against the nation's continuing racial divide. Just as political triangulation did not hurt the Left as much as the Right, post-racial triangulation does not hurt white political hegemony as much as it does black people and black politics. Quibble with the choice of analogy if you like, but among African American leaders and intellectuals, one perception of the trajectory of Barack Obama's presidency has become clear: Obama has walked the racial tightrope of American politics in much the same way Clinton negotiated the right-of-center tightrope for his political survival.

Such has been the perception of many members of the Congressional Black Caucus, a group of legislators who would under ordinary circumstances be loath to publicly criticize the first African American president.[5] And few black public intellectuals have been more outspoken about their disappointment with Obama than Princeton University professor Cornel West. West is blunt: "He can take the black base for granted because he assumes we have nowhere else to go. But we just won't put up with it. He has got to respect us."[6]

West's foreboding aside, the disapproval of Obama among black "elites" is unlikely to translate into a drop of support among black voters. Even after his tumultuous first year in office during the Great Recession, black support for Obama was nearly unanimous at 95 percent versus only 56 percent of whites. Moreover, in the same survey, most blacks believed that Obama shared the values and interests of black Americans.[7] Yet because black support for Democratic presidential candidates and presidents is almost always higher than any other demographic group's support, these numbers may be less a referendum on Obama's actual performance than a reflection of two

stubborn realities in American politics. The first and most important is that black voters continue to be captured by the Democratic Party with few if any plausible political alternatives. The second is that national or even statewide black political success remains such a novelty that African Americans quite understandably nurture and protect the symbols of that success.

While these conventions of American politics likely contribute to Obama's willingness and ability to triangulate black voters to the frustration of black leaders, this is an incomplete account of the predicament of black voters under the first African American president. Well before Obama's ascent, "black politics"—the left-of-center, race-conscious brand of politics that has typified black voters and candidates—was under assault by forces of post-racialism. Supreme Court decisions alleging "reverse-racial gerrymandering" had "whitened" many majority-minority legislative districts. Even districts that continued to be majority-minority were confronted with what had been an open secret in black districts: black voters may control the votes, but they did not finance their preferred candidate. White dollars did. And eventually white donors would begin to choose candidates other than the ones supported by most black voters. The license that the United States Supreme Court had long given to big money in American elections had finally begun to influence—or distort—the electoral outcomes in black districts.

The ramifications of legal doctrine were not the only forces stymieing traditional black politics. Black conservatives had begun a concerted effort to fracture blacks' unified support of the Democratic Party and to contrive an alliance between black voters and culturally conservative whites. Meanwhile, Latino voters were attempting to forge their own alternating alliance with Democrats and Republicans, one of convenience in which they would act as coveted "swing" voters, similar to the much-heralded political independents who consume an inordinate amount of candidates' and the media's attention. This meant that, despite their shared socioeconomic—and in some cases racial—disadvantage with blacks, Latinos could not be counted on to fortify the voter cohesion exemplified by African Americans. The traditional model of black politics was under stress, perhaps even on the verge of ossification.

Enter Obama. At a time when traditional, left-of-center, race-conscious black politics was already being vitiated by multiple forces, a telegenic black candidate whose politics were facially progressive, even if not race-conscious, could offer a credible alternative to traditional black politics, and, less obviously, could compound its difficulties.

And compound he has. Black voters remain race-conscious. For example, a 2010 Pew Research survey revealed that 8 in 10 believed the country needed to continue to make changes to ensure black equality. By contrast, 54 percent of whites felt that the necessary changes had already been made.[8] Despite their beliefs, blacks supporting Obama must repose their hopes and aspirations in a brand of politics that so calibrates race that it disappears from the national policy dialogue. Consider Obama's response to questions about epidemic levels of black unemployment: "The only thing I cannot do is, by law, I cannot pass laws that say 'I'm just helping black folks.' I'm the president of the entire United States."[9] A more stock, race-neutral response would be difficult to elicit from a conservative Republican. This was typical of Obama's strategy of post-racial triangulation.

These are, one hopes, matters of style or modulation, a diplomatic wink-and-nod by a black president who "gets it" when it comes to the issues affecting blacks. But style can impinge on substance, and, moreover, it can obscure simple truths. Even during more normal economic times preceding the Great Recession of 2008, the official black unemployment rate routinely doubled that of whites, as did the poverty rate.[10] And a host of other socioeconomic indicators, from wages to accumulated wealth, have long relegated black citizens in America to second-class status. In short, race matters. It matters far too much for any politician of any color to respond as Obama did: "What I can do is make sure that I am passing laws that help all people, particularly those who are most vulnerable and most in need. That in turn is going to help lift up the African American community."[11] This is merely an attempt to address racial disparity without addressing race. This is post-racial triangulation.

Focusing on Obama is not meant to suggest that African Americans were not among the targets of Bill Clinton's political triangulation. They certainly were.[12] In this regard, as in many others, distinctions between race and politics where the two strongly correlate can be artificial.[13] Nor is the focus on Obama's triangulation of race intended to suggest the absence of a broader strategy of triangulation by Obama, as some commentators have already observed.[14] Yet, as the first African American president, Obama has had extraordinary incentive—indeed imperative—to practice post-racial triangulation. Keith Reeves, among others, has persuasively documented that when race is invoked among majority-white voters, the minority candidate suffers electorally.[15] White voters simply do not punish white politicians for invoking race, or even racism, to the same extent as they punish minority candidates for being identified with a racial issue.

For example, although former Virginia Senator George Allen was widely thought to have lost his reelection in 2006 because his anti-Indian slur ("macaca") was caught on video, a majority of whites still voted for Allen.[16]

Some may argue that Obama's "third way" on race is distinguishable from Clinton's third way in political triangulation. That is, Obama may truly be seeking to redress the condition of African Americans in a race-neutral fashion. This argument ignores another dimension of the relationship between political triangulation and post-racial triangulation. In his most explicit pronouncement of political triangulation, Bill Clinton famously declared in a State of the Union address, "The era of big government is over." Remember, Obama has celebrated Clintonian triangulation as Clinton's "singular contribution." To the extent that Obama has adopted this page from Clinton and from the Right, government's capacity to address racial disparity in a race-neutral fashion is severely limited. One cannot on the one hand argue for remedies that would benefit large non-race-specific swaths of the disadvantaged and at the same time argue for substantially less government. Obama's third way on race is no less triangulating than Clinton's brand of triangulation.

Even if all that I have said thus far is true, some may ask, why would Barack Obama ever undertake the politically suicidal feat of identifying with race? But the mirror image of the same question is this: who will save race from extinction in our national policy dialogue? If it is unrealistic to expect Barack Obama to be Lyndon B. Johnson to black Americans, perhaps it is not unreasonable to expect that Obama will not participate in the marginalization of black politics.

Or perhaps that is one tightrope too many. A hydraulic conception of black politics, in which African American issues percolate from localities and congressional districts to the national sphere, is a theoretic possibility that relieves a black president of the laboring oar on race. But this is not possible when black politics has been weakened by legal doctrine and parasitic forces intent on devaluing the group cohesion that lies at its core. Furthermore, it is not feasible when Obama's post-racial triangulation is viewed as a template for success by other black politicians aspiring to higher office who know that an association with traditional black politics is anathema to many white voters. Ironically, then, traditional, left-of-center black politics may become a casualty of Obama's success even as the conditions that gave rise to this brand of politics persist and worsen.

A more detailed account of the current state of black politics and Obama's role in its transformation follows. Part 1 of *Barack Obama,*

Post-Racialism, and the New Politics of Triangulation focuses on the current state of traditional black politics. After providing an overview of its strengths—namely, black political cohesion—and infirmities in chapter 1, part 1 then asks whether two groups, black conservatives and Latino voters, have devalued traditional black politics in the process of pursuing their own political ends and have thus helped to enable Obama's triangulation of black voters.

Only by understanding the challenges that traditional black politics had faced prior to Obama's ascent can one appreciate Obama's strategy of post-racial triangulation and the harm to black politics that it foretells. Part 2 is an exposé of these issues. It posits a derivation of post-racial triangulation from Clintonian political triangulation and then discusses the machinations of the former. In chapters 7 and 8, I address two fundamental issues posed by post-racial triangulation. Chapter 7 situates the debate about Obama's accountability to African Americans in the larger historical discussion about the problems of political accountability to black voters. The final chapter, chapter 8, asks, do African Americans need a black president for their advancement? I conclude that, symbolic importance aside, the answer is no and that a mistake of black voters is to engage in the electoral process without being guided by the framework of a self-interested political movement.

Black equality requires much more than a black president. It requires the demolishment of the root of post-racial triangulation—the recurring electoral dynamic wherein white voters insist, and politicians of all races oblige, that a price of political success must be the marginalization and closeting of black-identified issues. As I argue in the concluding chapter, black voters understand the racial constraints to which President Obama has had to respond. Consciously or unconsciously, their continued overwhelming support of a race-averse black president is an effort to repel the notion that Obama must show a certain detachment from black voters as the ransom for symbolic black political equality. Responding to electoral neglect by supporting those who practice it may seem perverse. But if disappointment with Obama were to demobilize black support, then, quite ironically, the animating cause of post-racial triangulation—white voter alienation from issues of racial equality—will have prevailed.

PART I

Before Obama

CHAPTER 1

Black Politics: Which Way Is Left?

Black politics was not thriving on the eve of Barack Obama's historic election as the first African American president of the United States. If this assertion seems at odds with the very fact of Obama's election, then a taxonomic clarification is in order. Obama was not "of" black politics, but his election depended heavily on one of its core features—black voter cohesion. The so-called new black politics represented by Obama was curiously reliant on the old notion of black solidarity for its success. Absent a near-uniform black vote for Obama in North Carolina, Virginia, Ohio, Florida, and even his home state of Illinois, Barack Obama would not have become president.

Yet the performance of black voters in the 2008 election belied a basic vulnerability of black politics that has both preceded and enabled Obama's political success. Black politics has been variously defined, and pronouncements of its demise are colored by the vantage point of each definition. This book explores black politics from a "voting rights" perspective—that is, the implicit and express political consensus around which black voters have organized their ballot-box behavior for more than four decades since the passage of the Voting Rights Act of 1965. Focusing on electoral behavior masks significant variability in African American ideology, but this variability is overwhelmingly leftist in nature; conservatism is a marginal viewpoint among blacks.[1] Thus, when voters behave as black voters do, voting in no less than the eightieth percentile for a single political party in every presidential election since 1964, certain generalizations are possible notwithstanding ideological diversity. Chance cannot explain political unity of this degree and longevity.

Unpacking the state of black politics in the early twenty-first century is essential to understanding the new politics of triangulation. As noted in the introduction, we understand Clintonian political triangulation as a three-dimensional association among Clinton,