American Civil Rights Coalition

THE OBAMA ERA: POST-RACIAL OR MOST RACIAL?

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I. INTRODUCTION: RACE IN THE ERA OF OBAMA

The election of Barack Obama was heavily influenced by symbolism: the election of the first black man as president of the United States; the election of a political figure who, it was largely believed, could inspire all Americans to look beyond their ideological differences and embrace common interests; and, most especially, the election of Obama was widely touted as ushering in a "post-racial" America.

Other than the fact that president Obama's parents resided on both sides of the black/white racial divide, it is now hard to understand why such an assessment was made. Perhaps, one explanation lies in the fact that from the moment of his arrival on the public scene, Obama artfully sought to portray himself as a "unifier" and an individual to whom race was irrelevant.

During his "keynote address" at the 2004 National Democratic Convention, Obama said:

> "Well, I say … tonight, there's not a liberal America and a conservative America; there's the United States of America.... There's not a black America and white America and Latino America and Asian America; there's the United States of America...We are one people, all of us pledging allegiance to the stars and stripes, all of us defending the United States of America."

On October 19, 2006, Obama appeared on "Larry King Live," and had this to say:

> "We worship an awesome God in the blue states and we don't like federal agents poking around in our libraries in the red states. We are one people, all of us pledging allegiance to the "Stars and Stripes," all of us defending the United States of America."

And, on November 4, 2008, President-elect Barack Obama said on the occasion of his historic election night victory:

> "It's the answer spoken by young and old, rich and poor, Democrat and Republican, black, white, Latino, Asian, Native American, gay, straight, disabled and not disabled - Americans who sent a message to the world that we have never been a collection of Red States and Blue States: we are, and always will be, the United States of America."

Perhaps, those who saw in Obama an end to America's obsession with race were expressing their hopefulness that, finally, by electing someone with Obama's racial pedigree, they could put the nagging and poisonous issue of race behind them. Or, could it be that such an assessment was a reflection of the clear effort by Obama to avoid the issue of race, even to the point of appearing to be non-racial? Nonetheless, it is instructive to evaluate the events of the past two years to determine the extent to which the actions of the Obama administration have contributed to a less race-conscious America.

For his part, President Obama has governed, with regard to issues of race, in a manner that is radically at odds with the image conveyed prior to his election.

> Candidate Obama appeared to be an individual who wanted to get beyond race. President Obama, on the other hand, is presiding over an administration that is quietly enshrining race more deeply into the fabric of America's governments – federal, state and local.

This reality is strikingly at odds with the post-racial image so painstakingly crafted by candidate Obama. As noted in "Game Change" by John Heilemann and Mark Halperin, a fascinating book about the 2008 presidential campaign, "The entire Obama enterprise had been based on the premise that Barack could transcend racial stereotypes, if not race itself."

A possible explanation for the discrepancy between the post-racial image of the campaign and the reality of how the administration is conducting itself is the fact that until the presidential election of 2008, it was conventional wisdom that no black individual could be elected president of the United States. This was based, in part, on outright race prejudice, in part based on the belief that no black was qualified to serve as the chief executive of our nation (which was also a form of prejudice), and in part based on the premise that a black president would favor "his own."

This latter view would explain the obvious strategy of the Obama campaign to maintain its distance from the likes of Jesse Jackson and Al Sharpton and all matters relating to race during the campaign, except when circumstances demanded Obama's attention, such as the Jeremiah Wright controversy. This strategy was designed to avoid having the typical white voter think of Obama in terms of race. The strategy succeeded to such an extent that Senators Harry Reid and Joe Biden

publicly spoke of Obama in terms that made him appear to be unlike other black candidates – "clean-cut," "soft spoken," and "articulate."

One could argue that such a strategy remains in effect, publicly, with respect to the white vote. In a political sense, however, the administration is aware that a significant number of blacks will not be content to vote for Obama's reelection without some return on their investment from his original election. With 91% of blacks supporting him in 2008, it is not unrealistic for President Obama to be conscious of the need to at least privately do something to stir the passions for blacks to be sufficiently motivated to go to the polls once again to vote for a "brother." Racial solidarity cannot be relied upon to produce the same 91% result the second time around; and, in a close contest, that could be a major consideration.

The question of whether the post-racial image was little more than a mirage is one for the American people to ponder, but it is clear that the Federal Government has taken a decided detour from the "colorblind" creed to which the majority of Americans subscribe.

In this paper, we will document a number of incidents and events that reveal the race-conscious tendencies of the Obama administration. Granted, some of these actions involve the president's signature on legislation, a fact that slightly diminishes his culpability. On the other hand, if proposed legislation is inconsistent with the policy objectives of any chief executive, that individual has the choice of either having the legislation modified before it reaches his or her desk, or vetoing it. Therefore, it is safe to conclude that once any chief executive affixes a signature on legislation, that signature ratifies the fact that the chief executive has embraced such legislation. By this standard, in signing the health insurance legislation, and, especially, the financial regulatory reform legislation, President Obama has attached the first two years of his administration to very aggressive race preference policies.

It is fair to note that not all Americans are committed to colorblind government, as evidenced by the passage of Section 342 of the Dodd-Frank bill. In addition, the fact that he is biracial confers no particular obligation on this president to support "post-racial" policies than any other president had. In recent history, presidents Bush and Clinton were devout proponents of the "diversity" model of government and evidenced no public commitment to colorblind government. Therefore, it would be unfair to hold President Obama to a different standard than that to which they were

held. What makes the circumstances different for Obama is the fact that he was packaged and ran on a "post-racial" platform.

The issue of colorblind government versus the conscious pursuit of "diversity is one that confronts all segments of American life. Therefore, President Obama should not be faulted, absent his specific 2008 campaign depiction of race, for now supporting race-consciousness. It is appropriate, however, to question whether he has been true to his campaign representations. It is equally appropriate to expect the president, regardless of his pigment, to provide leadership on an issue that continues to torment the American people: race.

II. RACIAL PROFILING: CAMBRIDGE POLICE/GATES INCIDENT

"Racial profiling" is a common complaint among blacks and Latinos. The term describes the practice of stereotyping individuals on the basis of their "race" or ethnic background. Many young blacks and Latinos contend that they are stereotyped as having a criminal tendency. Blacks, for example, often claim that they are unable to hail a cab in New York City or other metropolitan areas solely because of the tendency of cab drivers to believe that blacks are dangerous passengers. The term "driving while black" has become fashionable for describing the claim that blacks are often pulled over on the highway by law enforcement for no other reason than that they are black.

The phenomenon of "racial profiling" has created a highly contentious relationship between black neighborhoods and law enforcement, with many activist groups demanding that studies be conducted to determine whether blacks and Latinos are targeted and stopped more frequently than whites, for example. Law enforcement, on the other hand, often complain that elected officials give credence to the claims of "racial profiling" without having all of the facts.

Henry Louis "Skip" Gates, Jr. is a well-known professor at Harvard University. More significantly, Gates is a close friend of President Obama. He is also black. After an extended vacation during the early summer of 2009, Gates returned to his home in Cambridge, Massachusetts. Unfortunately, he could not locate his house key. Instead, he tried to enter his home by forcible means. A neighbor saw this scene and called the Cambridge Police Department with the complaint that someone was trying to break into a house in the neighborhood.

Upon arrival, Sgt. James Crowley of the Cambridge, Mass. Police Department, who is white, asked Professor Gates for identification. Annoyed that he was being asked for identification to enter his own home, Gates became angry and acted out his anger. Thereupon, Crowley arrested him for disorderly conduct.

On July 22, 2009, after spending most of an hour at a press conference to discuss his arguments for changing the health insurance system, President Obama turned the event toward the arrest of Gates earlier that week.

Although some facts of the case were still in dispute, Obama showed little doubt about whom he believed had been wronged. "I don't know – not having been there and not seeing all the facts – what role race played in that, but I think it's fair to say,

number one, any of us would be pretty angry; number two that the Cambridge police acted stupidly in arresting somebody when there was already proof that they were in their own home," Obama said in response to a question from Lynn Sweet of the Chicago Sun-Times.

"Separate and apart from this incident is that there's a long history in this country of African-Americans and Latinos being stopped by law enforcement disproportionately," the president said, as he engaged the issue of racial profiling – an issue that he addressed as a member of the Illinois State Senate.

Some would say that the Gates incident marked the point at which many Americans began to question the "post-racial" bona fides of Barack Obama. What many Americans saw was that in a conflict between blacks and law enforcement – racial profiling – Obama, without a full assessment of the incident, automatically sided with the former. While applauding how far our nation has come regarding race, Obama said of profiling: "That's just a fact."

President Obama sought to defuse the political land mine into which he had stepped by convening what came to be called a "beer summit" at the White House. Attendees were Crowley, Gates, the president and Vice President Joe Biden. Notwithstanding a few beers and the manner in which the administration attempted to extricate itself from the racial briar patch into which the president had voluntarily stepped, the damage had been done and this incident had tarred Obama in a way that his detractors had failed to do by his association with Reverend Jeremiah Wright.

III. "Patient Protection and Affordable Care Act"

The signature legislation of the Obama administration is what is commonly called "Obamacare," but is more accurately known as the "Patient Protection and Affordable Care Act." Embedded within that legislation are provisions that encourage and promote affirmative action. For example:

- Research conducted with funds appropriated under paragraph H. R. 1 - 64 shall be consistent with Departmental policies relating to the inclusion of women and minorities in research.
- States will take actions to improve teacher effectiveness and to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.
- In awarding certain grants or contracts, the Secretary shall give preference to entities that train individuals who are from "underrepresented minority" groups or disadvantaged backgrounds.
- In nursing, a priority of the program is to increase *diversity* among advanced education nurses.
- With regard to the development of the nursing workforce, the Secretary of Health and Human Services is required to give preference to entities that have a demonstrated record of training individuals who are from underrepresented minority groups or disadvantaged backgrounds.

Many have questioned not only the unfairness but also the constitutionality of the race and gender preferences contained in this bill. Apart from these questions, there is no escaping the fact that giving special preferences to "individuals who are from underrepresented minority groups" is inconsistent with the "post-racial" era that was represented over two years ago.

IV. FINANCIAL REGULATORY "REFORM"

One would not expect legislation proclaimed to be a "reform" of the nation's financial regulatory system to contain one of the most far-reaching and onerous race preference systems in the nation. Yet, that is precisely what might be said of the "Dodd-Frank Financial Regulatory Reform Act." The specific section that gives rise to this description is Section 342 of the legislation, a section that is the brainchild of Congresswoman Maxine Waters of California.

Section 342 establishes within each federal agency with financial regulatory responsibilities an "Office of Minority and Women Inclusion." These offices shall have jurisdiction over all matters relating to racial, ethnic and gender *diversity* in management, employment and business activities of their agencies.

The director of each office shall:

- Develop standards for equal employment opportunity in the racial, ethnic and gender diversity of the workforce and senior management of the agency.
- Increase participation of minority-owned and women-owned businesses in the contracts and programs of the agency - including standards for coordinating technical assistance to such businesses.
- Assess the diversity policies and practices of entities regulated by the agency.

This last responsibility has far-reaching implications, as there are few entities in the nation that are not regulated to some extent by a federal regulatory agency.

The director of each office shall develop standards and procedures that ensure, to the maximum extent possible, the *fair inclusion* and utilization of minorities, women, and minority-owned and women-owned enterprises in all activities of the agency at all levels, including in procurement, insurance and all types of contracts.

Significantly, the procedures established by each agency for review and evaluation of contract proposals and for hiring service providers shall include a component that gives consideration to the diversity of the applicant. The procedures shall include a written statement, in a form and with such content as the Director may prescribe, that a contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and subcontractors.

The Director is also allowed, consistent with the procedures of the agency, to make a determination of whether an agency contractor or subcontractor has failed to make a good faith effort to include minorities and women in their workforce. If a negative determination is made, the Director shall make a recommendation to the agency administrator that the contract be terminated. Upon receipt of such a recommendation, the agency administrator may terminate the contract or take other appropriate action.

This section applies to all contracts of an agency for services of any kind, including the services of financial institutions, investment banking firms, mortgage banking firms, asset management firms, brokers, dealers, financial services entities, underwriters, accountants, investment consultants, and legal services providers.

The contracts to which this section applies include all contracts for all business and activities of an agency, at all levels, including contracts for the issuance or guarantee of any debt, equity, or security, the sale of assets, the management of the assets of the agency, the making of equity investments of the agency, and the implementation by the agency of programs to address economic recovery.

The term "minority" includes "Black American, Native American, Hispanic American, or Asian American". A "minority-owned business" is one in which more than 50 percent of the ownership or control of the business is held by one or more minority individuals; and a "woman-owned business" is one where more than 50 percent of the ownership or control is held by one or more women, more than 50 percent of the net profit or loss accrues to one or more women, and a significant percentage of the senior management positions of the firm are held by women.

When one looks at the far-reach of Section 342, one must ask why has there been no public outcry against it, given the nation's opposition to race preferences. There are probably several explanations, but most important is the fact that the overwhelming majority of Americans are unaware of Section 342. While most eyes were focused on health care insurance and the presumed abuses of Wall Street businesses, there was no attention given to the specifics of the Dodd-Frank bill, and especially no attention to Section 342 of that bill; and unlike other high-profile legislation enacted by the Congress and signed by the president in 2009 and 2010, the specifics of Section 342 were enacted very quietly. There are those who view Section 342, which is aimed at uniquely benefitting or "including" women and minorities, as the 'White Male Exclusion Act."

There is also a serious question about the constitutionality of Section 342. The U.S. Supreme Court has ruled consistently that government classifications and preferences based on race, gender or ethnic background can only occur pursuant to rules of "strict scrutiny." In fact, such classifications and preferences are "presumptively invalid" in the absence of a showing of entrenched discrimination that cannot otherwise be dislodged.

V. AMERICAN RECOVERY AND REINVESTMENT ACT (STIMULUS)

Robert Reich was the Secretary of Labor in the administration of former President William Clinton. Reich is also identified as an economic advisor to President Barack Obama. Early in the Obama administration, Reich gave testimony to the House Ways and Means Committee, chaired by Congressman Charles Rangel, about how the government should spend federal stimulus money.

> ”I am concerned, as I'm sure many of you are, that these jobs not simply go to high-skilled people who are already professionals or to white male construction workers…I have nothing against white male construction workers, I'm just saying there are other people who have needs as well.”

This comment was made without objection by Chairman Rangel or any other member of the committee, a fact that described and underscored the new era into which the nation had entered. The comment, and the casual acceptance of it, was a strong and early indication that the Obama administration was not going to be leading America into a “post racial” era.

Although the so-called Stimulus bill does not contain explicit race preferences, as are contained in other major legislation passed by the Congress and signed by President Obama, the Obama administration has nonetheless sought to implement preference provisions administratively. For example, the Federal Highway Administration has threatened to withhold federal funds from the California Department of Transportation (CalTrans) unless that agency implemented race-conscious procurement policies.

It should be noted that California has a state constitutional prohibition against the use of race in the awarding of public contracts; however, there is also a provision that allows this prohibition to be overridden if the federal government requires race preferences as a condition of federal funding. Conspiring with CalTrans, the Federal Highway Administration granted the waiver of California's prohibition against race preferences requested by former California governor, Arnold Schwarzenegger. A similar waiver had been requested from the Bush administration but was not acted on.

VI. Appointments

There is much truth to the political adage that the most reliable way to evaluate the legacy of a president is his appointments to the United States Supreme Court. By this yardstick, history will render its verdict on the presidency of Barack Obama based on his appointments of Justices Elena Kagan and Sonia Sotomayor, unless he appoints others during his tenure.

While neither Kagan nor Sotomayor has yet to rule on any race-related cases as Supreme Court justices, it is reasonable to conclude based on pre-appointment evaluations that they will be advocates for maintaining race-based policies in their decisions.

Most significantly, as one member of a three-judge panel of the Federal Court of Appeals for the Second Circuit, Sotomayor decided against Frank Ricci and his co-plaintiffs in the highly publicized case of Ricci vs. City of New Haven.

In 2003, the New Haven fire department had several vacancies for new lieutenants and captains. Candidates for promotion had to take a written and oral test. Candidates had three months to prepare. Frank Ricci gave up a second job to study. Because he is dyslexic, Ricci paid an acquaintance more than $1,000 to read textbooks onto audiotapes. He studied 8 to 13 hours a day. And he succeeded. Ricci's exam ranked sixth among the 77 candidates who took the test.

But New Haven's civil service board ruled that not enough minorities earned a qualifying score. The city is more than a third black. None of the 19 Black firefighters who took the exam earned a sufficient score. Only two of 29 Hispanics earned a qualifying score. The city tossed out the exam. No promotions were given. Ricci and 17 other white firefighters, including one Hispanic, sued New Haven on the basis of discrimination.

In 2006, a Federal District Court ruled that the city had not discriminated against the white firefighters. Judge Janet Bond Atherton argued that since "the result was the same for all because the test results were discarded and nobody was promoted," no harm was done.

But, in reality, the decision meant that Ricci and other qualified candidates were denied promotions because of the color of their skin. This is discrimination, because it is the exclusion of someone from an opportunity because of skin color. When this case went before the three-judge panel of the Federal Court of Appeals for the

Second Circuit, Atherton's ruling was upheld in what the New York Times described as an "unusually terse decision." One member of the panel was Sotomayor.

Nominated in February 2009, Sotomayor was unmistakably selected, in large part, because of gender and ethnic background: a fact widely touted by President Obama. She became the first Hispanic Supreme Court justice and the third female justice.

During Sotomayor's confirmation hearings, a controversial 2001 speech by Sotomayor emerged. In that speech, Sotomayor said, "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life."

President Obama's race conscious appointments extend beyond the US Supreme Court. For example, Melody Barnes worked on Obama's presidential campaign, was part of his transition team, and was appointed by the President as the Director of Domestic Policy. Her commitment to race preferences became clear during the 2003 affirmative action lawsuits involving the University of Michigan. From 1995-2003, Barnes served as chief counsel to Senator Edward M. Kennedy, who was chairing the Senate Judiciary Committee. It was in this position that Barnes tried to influence the outcome of the Michigan affirmative action cases pending before the 6th Circuit Court of Appeals by delaying the confirmation of a judge that was believed to be opposed to race preferences.

Even more telling was the nomination by the president of Goodwin Liu to the U.S. Court of Appeals for the Ninth Circuit. Liu is an extreme advocate for race preferences. Although his nomination was rejected by the Senate, the mere fact that he was nominated speaks volumes about the president.

VII. VOTING RIGHTS ACT

The federal Justice Department is required to enforce the laws within its domain, including voting rights laws, in a fair and impartial manner without regard to race or ethnic background.

In 2008, two black men, dressed in military fatigues, were caught on video hurling racial slurs at white voters and intimidating the voters with a baton that one of the men was brandishing at a polling place in Philadelphia. The Justice Department, in the administration of former President George W. Bush, filed criminal charges against the two men. When a recommendation was made to the Obama administration to continue prosecution of the voter intimidation case against the two New Black Panther Party members, Associate Attorney General Thomas Perrelli, an Obama political appointee, overruled a unanimous recommendation for continued prosecution.

Christopher Coates, the former head of the Department of Justice's voting rights section, was the first to complain that the Justice Department was not living up to its race neutral mandate for enforcement of voting rights laws. His specific allegation, which he presented to the U.S. Commission on Civil Rights, was that the Obama administration was opposed to the enforcement of voting rights violations by blacks against whites. Coates testified that Obama appointees in the Department of Justice had created a "hostile atmosphere" toward attorneys pushing to prosecute blacks for voting-rights violations. This charge was denied by the Justice Department.

This controversy reveals two fundamentally different views of the Voting Rights Act of 1965: is it a document aimed at redressing the concerns of all disenfranchised voters, or is it specifically crafted to thwart historic prejudices against minorities? Regardless of where one lands on this issue, the debate underscores the narrative that President Obama is not "post-racial," and suggests, to some, a policy of selective enforcement of the Voting Rights Act, with black violators being given a pass.

VIII. RACE PREFERENCES

One of the theories that has defined the era of "diversity" is the theory that racial minorities cannot learn unless individuals who "look like them" teach them. This is often referred to as the "role model" theory. Until now, this theory has been applied almost exclusively in higher education settings: however, the Secretary of Education in the Obama administration, Arne Duncan, has extended this theory to secondary education. Early this year, Duncan said: "Teachers should look more like the people they serve."

Duncan's push has been the impetus for causing school districts to hire teachers on the basis of race, gender and ethnicity, especially in neighborhoods with a concentration of Hispanic and black students. Instead of quality being the yardstick, Duncan has triggered the result of hiring teachers based on identity, hardly a "post-racial" result. In fact, the "role model" theory is race preferences in disguise.

Not surprisingly, the Obama administration has favored the explicit use of race preferences in the admissions processes of colleges and universities. For example, the Obama administration sided with the University of Texas in the case of *Fisher v. Texas.* In this case a three-judge panel of the 5th Circuit Court of Appeals ruled that racial considerations in admissions at the University of Texas at Austin are permissible.

At the core of this decision was the question of whether race preferences could be used to achieve racial or ethnic *diversity* in the student body or whether the University needed to operate in a race-neutral fashion. The Obama administration sided in favor of using preferences.

Another example of the administration's efforts to achieve racial *diversity* can be seen at the Dayton, OH fire department. The justice department accused the city of discriminating against blacks in the hiring of firefighters and police officers. The government's lawsuit has forced the city to revamp its recruiting and hiring processes. The city no longer requires applicants to be certified firefighters. They are essentially forcing cities to lower their standards so that more black candidates can pass the tests. The Justice Department will now review the applications and results before the city hires any new firefighters.

IX. Conclusion

By any rational assessment, one must conclude that America is currently at least, if not more, race-conscious than it was prior to this so-called "post-racial" era. Race preferences have proliferated at the federal level at a time when several state and local governments and a large segment of public higher education are moving toward race neutrality. For example, the electorate of Arizona voted 60-40 in 2010 to join California, Michigan, Nebraska and Washington to end preferences in public education, public employment and public contracting based on race, color, ethnicity, gender or national origin. In addition, the Legislature of Oklahoma, by large margins in both houses, voted to place a similar initiative on the State ballot for 2012. In Utah, the Legislature is weighing the possibility of either enacting legislation to end preferences or to place an initiative on the 2012 ballot to allow the voters to make that decision.

In 2003, former Supreme Court Justice Sandra Day O'Connor expressed the hope that "race preferences" would no longer be necessary in 25 years from the Court's decision in the case of Grutter v. Bollinger (University of Michigan). For the Federal Government, that aspiration has apparently been postponed indefinitely.

There have been numerous occasions that presented the president with an opportunity to disavow the factor of race in American life and to advance the "post-racial" society that was promoted during the 2008 presidential campaign. For example, as an individual with a "biracial" background, President Obama could have acknowledged this fact when announcing which of the race "boxes" he checked for the 2010 Census.

A "post-racial" administration would direct its attention to the Census and challenge the ridiculous classification system that continues to rely on the infamous "one-drop" rule. The president, however, chose to embrace the existing classifications, selecting the "African-American" designation on the Census rather than "multi-racial," or rejecting the race "boxes" altogether.

The federal government has at least 55 offices that have a primary responsibility for *civil rights* and *diversity*. This number does not include the new offices created by the Dodd-Frank Financial Regulatory Reform Act. A "post-racial" society could begin by repealing the offices mandated in the Dodd-Frank followed by the

elimination or massive consolidation of the 55 offices that currently are mandated to promote *diversity* or enforce *civil rights*.

It has been reported that the Obama administration is pressuring banks to make more home loans in *minority* neighborhoods. Apart from the fact that this action, if validated, is inconsistent with America as a "post-racial" society, this kind of action is partly what contributed to the economic collapse that occurred in America in 2008 and lingers until now.

The Justice Department has also initiated probes of big city police departments to determine if they are engaged in police brutality, racial profiling or police harassment against minority (black and Hispanic) citizens. There is no evidence of such widespread abuses in the nation to warrant this action, although entities such as the American Civil Liberties Union (ACLU) have signaled their intention to assist the Department by filing complaints. The predictable outcome of this action is certain to be a heightening of racial tensions and a weakening of relationships between police departments and minority residents.

While it is accurate to say that President Obama has no responsibility simply because of his skin color to lead the nation on the issue of race, one cannot ignore the "post-racial" manner in which he was consciously portrayed during his presidential campaign, and the inconsistency between that portrayal and his actual performance as president. By any reasonable assessment, the manner in which the president has governed is strikingly at odds with his campaign portrayal and the "race doesn't matter" chant of his campaign workers following his victory in the South Carolina primary.

It is unmistakably clear that except for the Gates/Cambridge police incident and legal cases involving race preference, the president has remained silent on virtually every issue in the nation that has involved race, despite the fact that America has been deeply embroiled in matters relating to race. The nation cries out for leadership on this issue, and it is not receiving it. While one can understand the political danger inherent in a self-identified "black" president attaching himself too boldly to the issue of race, leadership is what is expected of any president.

Many Americans believe that America is a nation in decline. One factor heavily contributing to this national deterioration is our obsession with racial and ethnic diversity. In the workplace, in higher education, in fire and police departments, and in virtually every other segment of American life, diversity has been triumphant

over merit. It is unreasonable to not realize that at some point quality is compromised and the nation becomes noticeably less competitive. That point has been reached.

There are those who say that President Obama is a victim of racism. They point to isolated incidents in which the president is viewed unkindly based on the color of his skin or questions are raised about the president's birth certificate. On the other hand, one could rightly conclude that Mr. Obama is a beneficiary of another kind of racism: racial solidarity on the part of black voters who consistently support him by margins of nine-to-one. It is not the purpose of this essay to engage matters such as this. Instead, we have confined this document to the official policies of the president and his administration with respect to whether America has become post-racial or not.

America's preoccupation with race is foolish and costly, in economic, social and political terms. Many Americans are acutely aware of this fact. Many voted for Barack Obama out of a desire to put the issue of race behind us. It is regrettable that this hope has proven to be so misplaced.

This essay is a product of the American Civil Rights Coalition (ACRC), which is solely responsible for its content.

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