

## Affirmative Action Decision No Election Game Changer

Written by Earl Ofari Hutchinson  
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The instant the Supreme Court decided to again tackle affirmative action, President Obama wasted no time. His Solicitor General Donald B. Verrilli Jr. filed a straight forward brief that was signed off on by five federal agencies and the Justice Department that flatly called on the High Court to not scrap race as a factor in education. The court will decide the issue in that *Fisher v. University of Texas* the lawsuit brought by a white student claiming the by now standard reverse discrimination line.

Meanwhile, GOP presidential foe Mitt Romney wasted no time in making it clear that he would not take a position on the issue and that it would play no part in his campaign. With the exception of a passing reference in his acceptance speech at the Republican National Convention in August to his appointments of a woman lieutenant governor and other women to cabinet positions as Massachusetts governor, Romney has kept his string of nearly twenty years of silence on affirmative action intact. His last real utterance about the issue was in his senate campaign debate with Ted Kennedy in October, 1994. Then he called on federal agencies and corporations to do more to promote women and minorities and said that agencies should be required to report on what they're doing to insure that they do.

The real question though is what if any effect affirmative action will have on the presidential race. The answer is not much. It is not the divisive, inflammatory and polarizing issue that it once was. The issue largely fell off the nation's radar scope nearly a decade ago when the Supreme Court narrowly upheld the University of Michigan's right to use race as a factor in increasing minority numbers at the school.

The other is that the line of support by Obama and the Democrats to affirmative action programs and the Democrats and opposition to it by Romney and the GOP has been clearly

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drawn for two decades. But affirmative action still lurks thinly underneath the nation's surface as a vital public policy issue that can never be totally ignored. The Court is a prime example of that. The Court's conservative majority has repeatedly made it clear that if they had their way they would scrap any and all use of race as a factor in college admissions and government and corporate hiring and contracting.

Romney has the far easier time with the issue. If pressed on the issue, he can simply repeat the stock conservative line that discrimination is discrimination and must be opposed. This will give him the chance to pose as the defender of a color blind America. This has been pretty much the way the GOP played it during the 2008 presidential campaign. GOP presidential candidate John McCain and Obama made only the barest mention of it. That came only in response to when California anti-affirmative action crusader Ward Connerly plopped his anti-affirmative action measure on ballots in three states, one of which was McCain's home state of Arizona. McCain backed the Connerly measure. He insisted that he backed equal opportunity and opposed discrimination. Obama opposed the initiatives. Connerly quickly jumped on Obama for it, noting that he cut radio ads in 2006 that hammered his Michigan anti-affirmative action initiative. Obama unabashedly said that if the measure passed it would hurt women and minorities in getting jobs and in education. Connerly tried to use Obama's opposition to his initiative as a foil. It didn't diminish voter support for Obama.

Once in the White House, Obama has rarely said much about affirmative action. He's taken some heat for this from the Congressional Black Caucus and black activists who have demanded that he vigorously advocate for initiatives to deal with chronic black unemployment and the appalling education gap between blacks and whites. His retort that he's the president of all Americans and not black America, has rankled the critics. But it's not his words, but his action that counts. And Obama has quietly made more than a fair share of minority and women appointments to government agencies. Just as quietly he has ramped up initiatives and funding to bolster education and job training programs.

This makes the Supreme Court's decision to take up affirmative action even more irresistible to the GOP as an issue to back Obama into a corner and hopefully get him to take a strong public position in support of affirmative action. If that happens the GOP will quickly pounce and play it up for all its worth to attempt to prick the racial suspicions and sensitivity of some white voters.

Meantime count on Romney to maintain his silence and Obama to stand firm on his support of affirmative action. It won't sway supporters and opponents of affirmative action either way. The lines are too rigidly drawn for that. The court's decision notwithstanding, the issue won't be an election game changer.

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