

## THE FIRST (BLACK) LADY

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### INTRODUCTION

*I stand here at the crosscurrents of . . . history.*<sup>1</sup>

With those words, Michelle Obama claimed two pivotal moments: the women's struggle for suffrage and the Black civil rights movement.<sup>2</sup> Each of these made it possible for her husband and his former opponent, Hillary Rodham Clinton, to be considered for the nation's highest office. But Mrs. Obama referred to herself, not Barack or Hillary. *Michelle Obama* was at the crosscurrents of history. Why?

Certainly, as a Black woman opening the Democratic National Convention, Michelle Obama could claim the moment as a transcendent break from the nation's troubled past. She is the descendant of slaves,<sup>3</sup> a South Side girl, the daughter of working class parents,<sup>4</sup> an alumna of Ivy League institutions,<sup>5</sup> a former associate with a white shoe law firm,<sup>6</sup> and an executive at one of the nation's top hospitals.<sup>7</sup> Mrs. Obama<sup>8</sup> has defied constraining racial, gender, and class stereotypes and has excelled. Yet, during the campaign, a different portrait of this remarkable woman emerged.

At various times, bloggers and journalists derided her as "Mrs. Grievance"<sup>9</sup> and Obama's "baby mama."<sup>10</sup> A national magazine de-

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1. Michelle Obama, Remarks at the Democratic National Convention (Aug. 25, 2008) [hereinafter Michelle Obama DNC Remarks] (transcript available at [http://www.barackobama.com/2008/08/25/remarks\\_of\\_michelle\\_obama\\_and\\_1.php](http://www.barackobama.com/2008/08/25/remarks_of_michelle_obama_and_1.php)).

2. *Id.*

3. Shailagh Murray, *A Family Tree Rooted in American Soil*, WASH. POST, Oct. 2, 2008, at C1.

4. Michelle Obama DNC Remarks, *supra* note 1.

5. Mrs. Obama graduated from Harvard Law School and Princeton University. See Liza Mundy, *When Michelle Met Barack*, WASH. POST, Oct. 5, 2008, at W10.

6. *Id.*

7. Richard Wolffe, *Barack's Rock*, NEWSWEEK, Feb. 25, 2008, at 26.

8. Throughout this essay, I will refer to Michelle Obama as "Mrs." I do this for two reasons: first, while Mrs. Obama does not stand on titles or ceremony, her new status requires more formality; second, as between "Mrs." or "Ms." she prefers the former.

9. See Nancy Gibbs & Jay Newton-Small, *The War Over Michelle Obama*, TIME, May 22, 2008, available at <http://www.time.com/printout/0,8816,1808642,00.html> (observing that *National Review* magazine had depicted Mrs. Obama on its cover as "Mrs. Grievance").

picted her on its cover as a 1970s Angela Davis, complete with a monumental Afro, semi-automatic weapon, and burning flag.<sup>11</sup> Some of this rancor responded to Mrs. Obama's remark that the public's embrace of her husband's candidacy had made her "really proud" of this country for the first time in her adult life.<sup>12</sup> However, her critics also focused on such benign comments as Mrs. Obama's complaints about her spouse's failure to pick up his socks or return the butter to the refrigerator—going so far as to suggest she was "emasculating"<sup>13</sup> her man.<sup>14</sup>

As the subject of this discourse, Michelle Obama exemplified life at the intersections of race and gender. Unlike her husband, whose biracial background and international upbringing made fitting him into the Black male trope trickier,<sup>15</sup> Mrs. Obama was an authentically and stereotypically Black woman: angry, sassy,<sup>16</sup> unpatriotic, and uppity.<sup>17</sup> Painting Mrs. Obama in this light, her critics essentially asked: How can Michelle Obama be First Lady when she's no lady at all?

This essay suggests that the hostility confronting Mrs. Obama during the campaign responded to the perceived threat she posed to the insti-

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10. This label appeared on Fox News. See DailyKos, Obama's Baby Mama, Posting of Kos to Daily Kos, <http://www.dailykos.com/storyonly/2008/6/13/02320/2993> (June 12, 2008 9:30 PM PST).

11. Barry Blitt, *The Politics of Fear*, THE NEW YORKER, July 21, 2008 (see picture on cover of the magazine), available at <http://www.newyorker.com/magazine/covers/2008>.

12. See Jill Lawrence, *Michelle Obama's Comments Under Fire*, USA TODAY, Feb. 20, 2008, at 2A. The Obamas responded by stating that Mrs. Obama was "proud of her country, which is why she and Barack talk constantly about how their story wouldn't be possible in any other nation on earth." *Id.* This remark drew a rebuke from Cindy McCain, wife of Republican candidate Senator John McCain: "I have always been proud of my country," she said. Amie Parnes, *Cindy McCain Sheds her Shyness*, POLITICO.COM, Oct. 20, 2008 (available on Lexis). Mrs. McCain's response was particularly notable because she was not as visible as Mrs. Obama during the campaign. As a result, the media coverage of her was neither as voluminous nor hostile. For example, one commentator observed that she spoke with "soft, gentle tones." *Id.* Other reports described her in terms that highlighted her fragility and, as a consequence, her traditional, and perhaps extreme, femininity: "In her size-0 St. John skirt suits, and her lacquered coiffures, [she] appears pampered and brittle. Her movements are quick and sharp-birdlike." Ariel Levy, *The Lonesome Trail: Cindy McCain's Non-traditional Campaign*, NEW YORKER, Sept. 15, 2008, at 53.

13. Maureen Dowd, *She's Not Buttering Him Up*, N.Y. TIMES, Apr. 25, 2007, at A27.

14. MSNBC anchor Tucker Carlson once asked "[w]ill America elect a man whose wife publicly laments his piggish behavior? . . . [I]s it necessary to publicly humiliate her husband with tails of dirty socks, unmade beds, butter left out to melt on the dinner table . . . ?" Tucker (MSNBC television broadcast May 29, 2007).

15. For example, one journalist noted as follows: "worried that Mr. Obama's far-flung upbringing and his lack of deep roots leave some voters unsure and untrusting, the campaign is essentially substituting Mrs. Obama's family background for his own." Jodi Kantor, *Michelle Obama, Reluctant No More*, N.Y. TIMES, Aug. 26, 2008, at A14. The head of the Southern Christian Leadership Conference even suggested that the media treated Mrs. Obama more harshly than they treated her husband because "he has no slave blood in him." *SCLC Head: Michelle Obama Treated More Roughly Than Her Husband Because of Her Slave Heritage*, ATL. J. CONST., June 22, 2008, available at <http://tinyurl.com/5t63ym>.

16. Michelle Cottle, *Why Michelle Obama is no Hillary Clinton*, NEW REPUBLIC, Mar. 26, 2008, at 23 (taking note of Mrs. Obama's "sarcasm, candor" and asking "how sassy is too sassy").

17. See, e.g., Stuart Taylor, Jr., *Obama's Wife and Their Spiritual Adviser*, NAT'L J., Apr. 5, 2008 (critiquing Mrs. Obama for having an unnecessarily "bleak vision of America," particularly in light of the advantages she has had in life).

tution of First Lady. The First Lady, an unelected position lacking any constitutionally-defined job description,<sup>18</sup> carries great social meaning.<sup>19</sup> Women playing this role generally are considered, and expected to be, the nation's hostesses, notwithstanding the notable public activities of such First Ladies as Eleanor Roosevelt, Rosalynn Carter, and Hillary Clinton.<sup>20</sup> In this regard, the First Lady personifies domesticity and traditional womanhood: for example, she must attend to heads of state visiting the executive mansion, care for the home itself, or supervise such activities as the observance of Christmas or Easter on the White House grounds.<sup>21</sup> Public performance of such duties requires a First Lady who is supportive and nurturing. A "true woman" in every sense:

[She is] sort of a barometer of the status of women in society and our shifting views of womanhood. Her roles, political activities, and treatment by the press and public reflect the status of women and societal expectations toward women throughout American history.<sup>22</sup>

Thus, as a Black female poised to fill that position, Michelle Obama not only was at the crosscurrents of history, but also was in the crosshairs of the enduring struggle about what it means to be truly female, indeed, what it means to be a "woman" in this society.

Specifically, while women remain subordinate in our patriarchal social order, their status within that hierarchy depends heavily upon other factors, including their ability to conform to norms of femininity.<sup>23</sup> Race plays a particularly significant role in determining whether those standards even are accessible.<sup>24</sup> Thus, for example, in this system, white women have privilege based on their race; white femininity is the gold standard that other women must meet.<sup>25</sup> Therefore, if the First Lady exemplifies femininity and true womanhood, it stands to reason that Black women would and should be excluded from attaining that status.

The notion that Michelle Obama might become the First Lady directly challenged that paradigm. As the media discourse suggests, the prospect of a Black woman in that position inspired curiosity, anxiety, and in some cases, hostility. Some in the media suggested that, to counter those images, the campaign "repackaged" Mrs. Obama to highlight her more appropriately feminine attributes, such as her appearance

18. See *infra* notes 31-34 and accompanying text.

19. See, e.g., Gary D. Wekkin, *Role Constraints and First Ladies*, 37 SOC. SCI. J., 601 (2000); Robert P. Watson, *Source Material: Toward the Study of the First Lady: The State of Scholarship*, 33 PRESIDENTIAL STUD. Q. 423, 424 (2003).

20. See *infra* note 32 and accompanying text.

21. For example, First Lady Laura Bush read to children attending the most recent Easter Egg Roll in the White House grounds.

22. Robert P. Watson, *The First Lady Reconsidered: Presidential Partner and Political Institution*, 27 PRESIDENTIAL STUD. Q. 805, 808 (1997).

23. See *infra* notes 64-72 and accompanying text.

24. See *infra* notes 49-54 and accompanying text.

25. See *infra* notes 49-54 and accompanying text.

and devotion to her children, rather than her intellect, sharp wit, and ambition.<sup>26</sup> The campaign made her more visible in settings less likely to generate controversy, such as “The View,” a daytime program where discussion focused on such topics as the off-the-rack Donna Ricco dress she was wearing.<sup>27</sup> That so much attention was focused on Mrs. Obama and the meaning of her potential First Ladyship demonstrated vividly how critical this role is to the existing social order.<sup>28</sup> Understood in this way, the resistance to Mrs. Obama was an effort to assert the primacy of a white patriarchal hierarchy. Specifically, the premise underlying these critiques was that, as a Black woman, Mrs. Obama was unqualified *per se* to serve as First Lady.

In the pages that follow, this essay discusses the source of this notion and its implications for the manner in which Mrs. Obama carries out her duties as the first African American woman to serve in this role. Part I examines the role of First Lady, which has been undertheorized in legal scholarship,<sup>29</sup> and how it promotes privileged white femininity, and in so doing, upholds patriarchy. Part II builds upon that discussion, explaining that the gender and racial norms that contribute to the traditional First Lady trope exemplify the intertwined nature of racism and sexism, which have been used to justify Black subordination. This section also examines how African Americans have embraced gender conformance as a way of attaining acceptance and status within the existing social order, specifically through the “Black lady” construct, which the campaign invoked to lessen opposition to Mrs. Obama, and therefore, the candidate. In Part III, I discuss the transformative potential of Michelle Obama’s First Ladyship. Given the nation’s sorry history regarding race and gender, we cannot underestimate the powerful symbolism of having a Black woman filling this very prominent role. Moreover, Mrs. Obama has signaled her intention to be more than an icon by taking on substantive policy issues, such as the work/family balance. Her work in this regard has the potential to bring about significant change, not only in terms of the perception of the First Lady, but also with respect to the raced and gendered expectations that limit opportunities for too many Americans.

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26. See Michael Powell and Jodi Kantor, *After Attacks, Michelle Obama Looks for a New Introduction*, N.Y. TIMES, June 18, 2008, at A1; *Nightline: Michelle Obama* (ABC television broadcast June 19, 2008) (transcript on file with author) (observing that Michelle Obama was reintroducing herself to America with the assistance of Senator John Kerry’s former press secretary); Tim Harper, *Michelle Obama Softens Her Public Image*, TORONTO STAR, June 21, 2008, at A3.

27. See Cheryl Lu-Lien Tan, *Michelle Obama: Fashion’s New Darling?*, WSJ.COM, June 19, 2008, [http://online.wsj.com/article/SB121389326494088867.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB121389326494088867.html?mod=googlenews_wsj). See also Patrick Healy, *New to Campaigning, but No Longer a Novice*, N.Y. TIMES, Oct. 28, 2007 (observing that the campaign was choosing “politically safe” venues for Mrs. Obama, such as “The Tonight Show,” to help voters become “comfortable with the idea of a black first lady”).

28. See *infra* notes 31-47 and accompanying text.

29. Other disciplines are developing a growing body of literature regarding First Ladies. See, e.g., Watson, *supra* note 22, at 1; Anthony J. Eksterwicz & Kristen Paynter, *The Evolution of the Role and Office of the First Lady: The Movement Toward Integration with the White House Office*, 37 Soc. Sci. J. 547 (2000).

## I. THE FIRST LADY: EXEMPLAR OF TRADITIONAL FEMININITY

Lacking a job description, a constitutional designation, or salary,<sup>30</sup> the First Lady is a position that is at once difficult to define with precision, and yet inspires a relatively uniform image of domesticity. On one hand, she holds a public office that has grown consistently in terms of staff, space within the White House, budgetary support, and agendas.<sup>31</sup> The modern First Lady is a bona fide profession; the public expects her to pursue an agenda of some sort,<sup>32</sup> provided it fits within certain gendered limits. Yet, for all the professionalization of the First Lady's office, much of the job consists of performing an identity: namely, to epitomize "true" American womanhood.

While this concept continues to change over time, the core task of the nation's most prominent public woman is older than the White House itself.<sup>33</sup> The First Lady is the nation's hostess and housekeeper.<sup>34</sup> Her day-to-day activities focus largely on welcoming visitors to the executive mansion and ensuring that the residence is in top shape.<sup>35</sup> These "social and ceremonial"<sup>36</sup> duties are essential not only because they are symbols of the First Lady, but also because they directly reflect upon the President, and in turn, the nation.<sup>37</sup>

These responsibilities, substantive and stylistic in nature, also carry the mark of traditional domesticity, and the gendered expectations that comprise it. Namely, the primary focus of the First Lady's role is on the private sphere—that is, the home and family. Paramount among her duties is supporting her spouse at home so that he may succeed in the public sphere. The First Lady does not strive for public success in her

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30. Melanne Verveer, *Foreword*, in *THE PRESIDENTIAL COMPANION: READINGS ON THE FIRST LADIES*, at xi (Robert P. Watson & Anthony J. Eksterowicz eds., 2006) (hereinafter *PRESIDENTIAL COMPANION*).

31. For example, Eleanor Roosevelt, whom some commentators identify as the first modern First Lady, worked in a bedroom suite and later the East Wing with a small staff of two secretaries; she sought and received advice from a coterie of friends and relatives. Some sixty years later, Hillary Rodham Clinton had a professional staff funded by a congressionally-authorized budget, and an office in the West Wing. See *PRESIDENTIAL COMPANION*, *supra* note 30, at 549, 557-59. Presently, the First Lady's office has a website that provides links to the issues of particular concern to the First Lady and speeches she has given about a wide variety of substantive topics, e.g., assistance to the people of Burma, and recipes. See <http://www.whitehouse.gov/firstlady/> (last visited Jan. 23, 2009).

32. For example, the public and the media criticized Nancy Reagan early in her husband's term for not having a particular interest outside of her family. In response, she became the spokeswoman for "Just Say No," an antidrug program. See *PRESIDENTIAL COMPANION*, *supra* note 30, at 556.

33. See, e.g., Edith P. Mayo, *Party Politics: The Political Impact of the First Ladies' Social Role*, 37 *SOC. SCI. J.* 577, 578 (2000) (observing that President and Martha Washington initiated the tradition of hosting social events as a means of establishing and caring for political networks and lived in New York and Philadelphia before construction of the President's House).

34. See *id.*

35. *Id.*

36. *Id.* at 579.

37. See, e.g., *id.* at 580 (observing that the "by the time of First Lady Sarah Polk . . . the pattern for [serving in a] social and ceremonial role . . . both in substance and in style, had been set").

own right, other than to be regarded as a good wife and mother.<sup>38</sup> Similarly, domesticity determines not only what the First Lady does, but also how she does it. For example, under this framework, if the First Lady would like to advise the President on policy matters, she should do so off the record, to avoid the appearance of going beyond her circumscribed role. Similarly, domesticity requires that any public cause she pursues reflect appropriate women's concerns. To deviate is to do so at one's peril.

When First Ladies depart substantially from these roles, they court controversy. The most recent<sup>39</sup> and vivid example is Hillary Clinton. Mrs. Clinton entered the First Lady role after substantial professional success as an attorney; she was the first woman with a graduate degree to hold that position.<sup>40</sup> Her husband pledged that, if elected, there would be two leaders in the White House, and they would remake the office of First Lady.<sup>41</sup> In this regard, Mrs. Clinton assumed the role suspect, since she clearly was not a model of domesticity. Mrs. Clinton transgressed even further and provoked great controversy when she chaired the President's Task Force on National Health Care Reform. Organizations representing physicians, health care consumers, and the public interest sued the Task Force, after they sought, and were refused, access to its meetings.<sup>42</sup> These plaintiffs argued that the Federal Advisory Committee Act

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38. See generally JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 13-33 (2000) (explaining domesticity and traditional gender roles).

39. Other First Ladies have encountered public disapproval for acting in ways deemed inappropriate for the role. For example, Betty Ford was roundly criticized after an interview on the news magazine, *60 Minutes*, during which she expressed approval for unmarried couples' cohabiting prior to marriage. See Maryanne Borrelli, *Competing Conceptions of the First Ladyship: Public Responses to Betty Ford's 60 Minutes Interview*, 31 PRESIDENTIAL STUD. Q. 397 (2001). Borrelli analyzed the thousands of letters Mrs. Ford received in the wake of the program, most of which were very critical. *Id.* at 402. She found that these writers "stipulated that the first lady should be a wife and mother. Her public sphere role should be an extension of her private sphere responsibilities." *Id.* at 407. Conservative commentators bluntly questioned Mr. Ford's capacity to lead the nation based on his wife's performance. See Mary Linehan, *Betty Ford and the Transformation of the Role of First Lady in PRESIDENTIAL COMPANION*, *supra* note 30, at 60. William F. Buckley "charged that Betty had abused her husband's power." *Id.* Rosalynn Carter also was criticized in the media for traveling to Latin America in connection with her husband's foreign policy agenda because the Constitution did not authorize her to do so. Gary Wekkin, *Role Constraints and First Ladies*, 37 SOC. SCI. J. 601, 606-07 (2000). See also Colton C. Campbell and Sean E. McCluskie, *Policy Experts: Congressional Testimony and Influence of First Ladies*, in PRESIDENTIAL COMPANION, *supra* note 30, at 168, 174-77 (discussing negative reactions from Congress and the press to Eleanor Roosevelt's testifying on matters).

40. Robert P. Watson, *A Review Essay: Hillary's Legacy? Recent Literature on the First Lady*, 37 SOC. SCI. J. 653, 657 (2000).

41. See Barbara Kellerman, *The Enabler*, 28 PRESIDENTIAL STUD. Q. 887, 887-88 (1998).

42. See *Association of American Physicians and Surgeons v. Hillary Rodham Clinton*, 997 F.2d 898, 900 (D.C. Cir. 1993) (addressing the question whether the Task Force on National Health Care Reform and its working group were advisory committees and therefore subject to federal laws regarding open meetings).

(“FACA”) required Mrs. Clinton to make the task force’s proceedings, among other things, open to public comment.<sup>43</sup>

In a limited ruling, the court determined that the First Lady was an adviser to the President. As such, the court held that she should be construed as a “full-time officer or employee of the government,” which meant that FACA’s requirements did not apply to the task force.<sup>44</sup> Notwithstanding the legal victory, Mrs. Clinton’s “reputation had suffered a considerable blow” when the health care reform she championed did not come to fruition.<sup>45</sup> For the remainder of her husband’s term as President, Mrs. Clinton assumed a much lower profile, “attempt[ing] to redefine her image as [F]irst [L]ady into more traditional terms.”<sup>46</sup>

The foregoing suggests that, despite the lack of a formal job description, there are firmly held expectations of First Ladies that fit squarely within the paradigm of traditional femininity and domesticity. In some respects, the nature of the position has evolved to reflect the modern fact of women’s participation in the public sphere. However, as Hillary Clinton’s experience suggests, venturing too far from the realm of traditional femininity that the First Lady represents is risky business. This gendered framework helps to explain some of the opposition to Mrs. Obama; however, it is incomplete without looking more deeply into the racial implications of the status of “lady:” that is, to apply an intersectional lens.

## II. WHO IS A LADY?

Intersectionality tells us that racism and sexism are interlocking forms of oppression<sup>47</sup> that work together to reinforce a white patriarchal social order. When we consider the First Lady within this context, it becomes clear that this role is heavily gendered and raced; as such, it was by definition not open to a Black woman like Michelle Obama. Thus, the Obama campaign not only had the challenge of heightening the

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43. *Id.* at 901.

44. *Id.* at 911.

45. Kellerman, *supra* note 41, at 888.

46. Glenn Hastedt, *First Ladies and U.S. Foreign Policy*, in *PRESIDENTIAL COMPANION* 192, 206 (Robert P. Watson & Anthony J. Eksterowicz eds., 2003).

47. See Kimberlé Crenshaw *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 145 (1989) (advocating that feminist theorists analyze issues using a multiple axis in order “to restructure the distribution of opportunity”); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1990) (criticizing feminist legal scholars for failing to consider how race intersects with sex). See also Dwight A. McBride, *Can the Queen Speak? Racial Essentialism, Sexuality, and the Problem of Authority*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY: A CRITICAL READER* 253, 272 (Devon W. Carbado ed., 1999) (noting that “if I am thinking about race, I should already be thinking about gender, class, and sexuality”); Darren Lenard Hutchinson, *Identity Crisis: “Intersectionality,” “Multidimensionality,” and the Development of an Adequate Theory of Subordination*, 6 MICH. J. RACE & L. 285, 297 (2001) (advocating an examination of the interactions between the myriad forms of oppression).

American public's comfort level with a Black commander-in-chief, it had to do the same with respect to his spouse, who, because of her gender and race, was the antithesis of what the First Lady traditionally has represented. The following examines why race and gender norms have helped construct the First Lady as white.

*A. Gender Norms, Racial Constructs, and Social Hierarchy*

Race and gender norms have been used throughout our nation's history to justify subordination of African Americans. For, example, in the context of education, gender and race stereotypes validated limiting opportunities in order to prepare Blacks for their subordinate status in the social hierarchy. The early architects for African American schooling determined that Black males should focus on the trades, agriculture, and other fields that develop manual dexterity since they had "little conception of the meaning of virtue, truth, honor, manhood, integrity."<sup>48</sup> Higher education was not a viable option for them or their female counterparts. For Black women, such policymakers mapped out an educational path designed to address their "dishonesty, tardiness, drunkenness, immorality, and irresponsibility."<sup>49</sup> Coursework in this regard would prepare them for homemaking, motherhood, and paid domestic service to support their families. These expectations stood in sharp contrast to those for white women, whose coursework prepared them to serve as mistresses of their households.<sup>50</sup>

In the present day, patriarchal norms continue to support a racial social order. Black females are constructed as oversexed and overly fertile; Black motherhood is abnormal<sup>51</sup> and blameworthy for social problems such as juvenile delinquency and poverty.<sup>52</sup> Black males are deemed irresponsible, undependable, and dangerous; these stereotypes facilitate tracking Black boys into special education or low-achievement educational programming.<sup>53</sup> These gender constructs suggest that the ills confronting African Americans result from Black pathology. The solution is for Black men to be "men"<sup>54</sup> and Black women to be "women;" that is, to

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48. Verna L. Williams, *Reform or Retrenchment? Single-Sex Education and the Construction of Race and Gender*, 2004 WIS. L. REV. 15, 44 (2004) (quoting HOWARD ODUM, SOCIAL AND MENTAL TRAITS OF THE NEGRO: RESEARCH INTO THE CONDITIONS OF THE NEGRO RACE IN SOUTHERN TOWNS: A STUDY IN RACE TRAITS, TENDENCIES AND PROSPECTS 38 (1910)).

49. *Id.* at 49 (quoting BEVERLY GUY-SHEFTALL, DAUGHTERS OF SORROW: ATTITUDES TOWARD BLACK WOMEN, 1880-1920, 136 (1990)).

50. *Id.* at 57-59 (discussing coursework at state institutions designed to produce white "young ladies").

51. See, e.g., Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, 1 AM. U. J. GENDER SOC. POL'Y & L. 1, 11 (1993) (arguing that Black motherhood is not valued).

52. See Williams, *supra* note 48, at 22-23.

53. *Id.* at 71 (discussing research evaluating California experiment with single sex education and concluding that such programming had "great potential to create a new low-educational track for students labeled as at-risk").

54. Indeed, this message has great appeal to many African Americans. For example, Mr. Obama tapped into this well by urging Black fathers to be more involved in their families' lives. On

reflect and embody white patriarchal norms. In this respect, gender conformance is a strategy for Blacks to gain access to middle class economic status and, just as significant, respect.<sup>55</sup> This strategy also is manifest in the Black lady imagery the campaign used to counter the stereotypic vitriol targeting Mrs. Obama.

*B. The “Black Lady:” Ticket to Status and Respect?*

Patricia Hill Collins argues that Black women pursue traditional femininity in the guise of the “Black lady” to gain access to the middle class. This image contrasts sharply and intentionally with prevailing notions of Black womanhood, as Collins explains:

[I]mages associated with poor and working-class Black women become texts of what *not* to be. To achieve middle-class status, African American women must reject this gender-specific version of authenticity in favor of a politics of respectability. They must somehow figure out a way to become Black “ladies” by avoiding these working-class traps. Doing so means negotiating the complicated politics that accompany this triad of bitchiness, promiscuity, and fertility.<sup>56</sup>

The “Black lady” embodies some characteristics of traditional femininity, informed by African-American cultural experiences. The Black lady is not overly assertive or aggressive; she allows the Black man to be strong to lead their families and communities.<sup>57</sup> She is attractive and sensual, but does not flaunt her sexuality, confining that part of herself to heterosexual marriage.<sup>58</sup> The “Black lady” works outside the home, reflecting the reality that “middle-class Black women typically need to work in order to remain middle class.”<sup>59</sup> Adopting the “Black lady” signifies an intentional move away from the deviance white patriarchy ascribes to African-American women. It also represents a deliberate claim on the femininity white patriarchy denies Black women.

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Father’s Day, 2008, Mr. Obama discussed how fathers are “critical” to families but “too many fathers also are . . . missing—missing from too many lives and too many homes. They have abandoned their responsibilities, acting like boys instead of men. And the foundations of our families are weaker because of it.” See Remarks of Senator Barack Obama: Apostolic Church of God (June 15, 2008), [http://www.barackobama.com/2008/06/15/remarks\\_of\\_senator\\_barack\\_obam\\_78.php](http://www.barackobama.com/2008/06/15/remarks_of_senator_barack_obam_78.php). Mr. Obama’s comment no doubt was intended to spark recognition among fathers, Black and those of other races and backgrounds, who needed to contribute financially and otherwise to their families. However, it also echoed the critique that young Black males need to learn how to become men in order to break the cycle of poverty affecting urban African American families. See also Williams, *supra* note 48, at 67-73 (observing that single sex education in urban school systems is promoted as providing this type of “training” and an attendant path toward economic stability).

55. Reliance upon this strategy has its own perils. In the context of single sex education, it has meant unequal educational offerings for male and female students—for example, an emphasis on discipline for Black boys and on pregnancy prevention for Black girls, at the expense of providing the academic offerings that would mean access to higher education. See *id.* at 69-73.

56. PATRICIA HILL COLLINS, BLACK SEXUAL POLITICS: AFRICAN AMERICANS, GENDER, AND THE NEW RACISM 138-39 (2004).

57. *Id.* at 183.

58. *Id.* at 139-40.

59. *Id.* at 139.

Clearly, Michelle Obama meets the “Black lady” standard. She is professional, attractive, married to a strong Black man, and committed to her family. She is strong but ultimately yielding to her husband’s ambition to run for President. Her softness in this sense allows Mr. Obama to appear to some extent like a traditional father and husband. Moreover, being married to a Black lady gives Mr. Obama the bona fides to critique African American men who fail to step up to their proper roles.<sup>60</sup>

While some may lament this image of Michelle as retrogressive,<sup>61</sup> in the face of the prevailing construction of Black women and families, it is, in its own way, powerful. Mrs. Obama as Black lady resonates with so many African Americans who have longed for change, change in how we are depicted in society, the media and popular culture, as well as in how we perceive ourselves.<sup>62</sup> In this regard, the Black lady in the guise of Michelle Obama says that we not only can survive in this hostile social order, but we can thrive in ways that our parents or grandparents could not even imagine.

On the other hand, however, the hostility Mrs. Obama confronted suggests the limited ability of the Black lady image specifically, and the notion of gender conformance, more generally, as a strategy for dismantling the dominant social order. This is so in large part because the lady trope, in and of itself, is a tool of white supremacy. The designation of “lady” allows white women to achieve status and exclude others because of their race, class, and sexuality. Sociologist Kristen Myers argues that, just as is the case with traditional masculinity, “the conceptualization and enactment of femininity” supports an inequitable social order.<sup>63</sup> Specifically, as Myers explains, the foundations for the lady trope are “sexism, heterosexism, class elitism, and racism.”<sup>64</sup> In this regard, the lady attains status in society by appealing to and being passive with men: “[w]ell groomed” and distinctive for her “poise and grace . . . [the lady] is most

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60. *Id.*

61. For example, one profile of Mrs. Obama observed that “the trajectory of her life can be read . . . as a depressingly retrograde narrative of stifling gender roles and frustrating trade-offs.” Geraldine Brooks, *Michelle Obama: Camelot 2.0?*, MORE, Oct. 2008, at 113, 115.

62. As one report in the *Washington Post* has observed, African American women feel affirmed by Michelle Obama:

[Black women] saw their family in hers, or the family they dreamed of having. Saw a woman whose husband seemed to adore her, giving her hugs and pecks on the lips as if the whole world were not watching. . . .

‘I like the way she carries herself,’ says Liz Nolan, 65.

‘I like the fact that she walks with him,’ says Shenee McRae, 31, ‘not behind or in front of him.’

‘For black women, she is visible proof that you can be anything you want to be.’”

DeNeen L. Brown & Richard Leiby, *The Image of Affirmation: In Michelle Obama, Women See Their Best Selves*, WASH. POST., Nov. 21, 2008, at C-1.

63. Kristen Myers, *Ladies First: Race, Class, and the Contradictions of a Powerful Femininity*, 24 SOC. SPECTRUM 11, 12 (2004).

64. *Id.* at 14.

successful when she is submissive to men.”<sup>65</sup> The lady imagery thus is hyper-gendered, the epitome of traditional femininity.

Consistent with its patriarchal foundations, the social status attendant to being a lady is exclusionary and regressive. As such, it affords limited power to the women fortunate to be deemed “ladies.” Specifically, even though ladyhood requires subordination to men, those achieving its status are nominal insiders. Ladies know who *is* and, importantly, who is *not* a lady.<sup>66</sup> Accordingly, ladies “actively police their boundaries in order to keep out those who would pollute the image. Cloaked in gentility and politeness, ladies patrol their hallowed dominion.”<sup>67</sup> The exclusivity imbedded in the term “lady” makes it desirable to the women who normatively were never intended to carry its label because of their race, class, or sexuality.

Thus, some of these attacks on Mrs. Obama may be understood as challenges to her authenticity as a “lady,” reproving her for having the audacity to suggest she was qualified for that role. These critiques were meant to remind her and the public that she did not really have the status the term “lady” connotes; that, in truth, she was more like the Black women we “know” so well: the “mammies, matriarchs, welfare recipients, and hot mommas [that have been used to] justify U.S. Black women’s oppression.”<sup>68</sup> These time-worn images reverberated as Michelle was depicted as a scantily clad lynching victim,<sup>69</sup> a belligerent waitress,<sup>70</sup> or her husband’s “baby mama.”<sup>71</sup> The media assaults sought to recast Mrs. Obama as the face of Black female deviance, and in so doing, discredit her husband and derail his campaign for the Presidency.

Moreover, the persistence and vehemence of the negative imagery highlights the limitations of gender conformance as a means for Black liberation. Strategies that have roots in white male patriarchy will not lift Blacks from subordination; those with the privilege conferred by the social order will exert that privilege to maintain subordination. Given Obama’s victory over Senator John McCain, however, it is tempting to conclude that claiming the traditional gender order, i.e., positioning Mrs. Obama as a “Black lady,” succeeded after all. However, as I suggest in

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65. *Id.* at 13.

66. *Id.* at 17.

67. *Id.* at 18-19.

68. PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 69 (Routledge 2d ed. 2000) (1990).

69. The DailyKos report posted this image, but withdrew it in the face of criticism. See Posting of Marc Lamont Hill to Down From the Tower, <http://blogs.theroot.com/blogs/downfromthetower/archive/2008/05/23/michelle-obama.aspx> (May 23, 2008, 10:27 EDT).

70. See Posting of Real King of France to Curmudgeonly & Skeptical, <http://curmudgeonlyskeptical.blogspot.com/2008/06/michelle-obama-weve-met.html> (June 26, 2008, 12:55 EDT).

71. This label appeared on Fox News. The image is available on the DailyKos blog. See Daily Kos, <http://www.dailykos.com/storyonly/2008/6/13/02320/2993> (June 12, 2008, 21:30:51 PST).

the section that follows, Mrs. Obama's particular brand of feminism, rather than mere reliance upon the "Black lady" imagery, may have played an important role in this regard. Put another way, the notion of Mrs. Obama serving as a First Lady in her unique manner reflected the change that so many voters sought.

### III. MICHELLE OBAMA AS PRESIDENTIAL SPOUSE: RIDING THE CROSSCURRENTS TO NEW POSSIBILITIES

As the foregoing suggests, Michelle Obama was right. She does stand at the crosscurrents of history, as the first Black woman to serve as the nation's First Lady. The campaign has finally ended; yet, her actions remain the subject of great scrutiny,<sup>72</sup> as we are eager to learn how Mrs. Obama will put her mark on the role. Will she be the "mom-in-chief"?<sup>73</sup> A fashion and beauty icon?<sup>74</sup> Or, will she continue to be a lightning rod for her husband, a "Stokely Carmichael in a designer dress"?<sup>75</sup>

Thus far, Mrs. Obama has approached her new job in a way that reflects her policy concerns: with an eye toward balancing work and family. And, so far, this balancing act has been well received in the court of public opinion.<sup>76</sup> As "mom-in-chief," Mrs. Obama focused on daughters Malia and Sasha and their transition from Chicago to Washington. She met with Laura Bush and surveyed her future home. There was no talk of domestic or foreign policy; instead the emphasis was on domesticity, suggesting that Mrs. Obama would follow the traditional trajectory for First Lady, to the dismay of some. However, the raced and gendered dynamics of the job of First Lady, coupled with Mrs. Obama's life experience, indicate that by the end of this administration, Mrs. Obama will be remembered, at a minimum, for forging a new template for presidential spouses to follow.

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72. At this writing, the media are focused on Mrs. Obama's athletic physique and her preference for sleeveless dresses. See, e.g., Maureen Dowd, *Should Michelle Cover Up?* N.Y. TIMES, Mar. 8, 2009, at WK-10 (opining that "[t]he only bracing symbol of American strength right now is the image of Michelle Obama's sculpted biceps," and ultimately concluding that she should not cover up).

73. Harriette Cole, *The Real Michelle Obama*, EBONY, at 73 (Sept. 2008) (quoting Mrs. Obama as follows: "My first job in all honesty is going to continue to be mom-in-chief. . . . [and] make sure that in this transition, which will be even more of a transition for the girls, that they are settled and that they know they will continue to be the center of our universe.").

74. Mrs. Obama appears on the cover of the March, 2009, issue of *Vogue* magazine; the editor suggests that she was chosen because of the "politics of fashion. . . . It's no coincidence that Michelle Obama favors emerging, independent American designers and mass U.S. brands, because she accepts the iconicity that has been thrust upon her and has thought carefully about how to use it responsibly and productively." Anna Wintour, *Letter from the Editor*, VOGUE, Mar. 2009, at 178.

75. *The O'Reilly Factor* (Fox News Network television broadcast January 26, 2009) (transcript on file with author).

76. With just one month on the job, Mrs. Obama had the highest approval marks for a First Lady in thirty years. In a recent poll, Mrs. Obama was viewed favorably by forty-nine percent of Americans; only five percent viewed her unfavorably. Forty-four percent had no opinion. See Posting of Dalia Sussman to The Caucus: The Politics and Government Blog of The Times, <http://thecaucus.blogs.nytimes.com/2009/02/23/timescbs-news-poll-michelle-obamas-appeal> (Feb. 23, 2009, 6:43 p.m. EST).

*A. Defying Stereotypes about Black Women*

We cannot overlook the great significance of having a Black woman as First Lady. Mrs. Obama is a vivid counterpoint to longstanding stereotypes about Black womanhood, of Black motherhood. She not only is the most prominent public woman in the nation, but the most prominent Black woman in the nation, sending a message to the world that stands in sharp contrast to the images of welfare queens, rump-shaking, angry, baby-mamas that have dominated the public discourse for too long.

By choosing to embrace the role of strong mother and supportive wife as a Black woman, Mrs. Obama strikes a blow at the racial and gender social order the First Lady position represents. In this sense, Mrs. Obama's posture with respect to her family is intentionally intersectional. She is neither wed to traditional notions of motherhood, nor to a brand of feminism that would prefer that she downplay this part of her identity.<sup>77</sup> To achieve balance between work and family, she receives support from networks familiar to working class parents: family and friends.<sup>78</sup> Additionally, Mrs. Obama openly acknowledges being shaped by the complicated roots of oppression that are a part of her personal history, as well as her working class childhood, and the social justice movements that made the Obama presidency possible. Mrs. Obama shifts the dominant and subordinating paradigm reinforced by the First Lady role. Indeed, as many Black women are noting, there is power in seeing their faces reflected in that of Michelle Obama.<sup>79</sup>

*B. Pursuing Projects Reflecting Social Justice Values*

Beyond being a public symbol, Mrs. Obama has indicated that she will pursue issues informed by her experiences as a beneficiary of the civil rights and women's movements. During the campaign, she repeatedly voiced concerns about the work/family balance, particularly with respect to military families. In some respects, the choice of this issue is not on its face controversial, as it deals with the safe areas of children and families; however, given Mr. Obama's stated policy goals, Mrs. Obama's work may go beyond the typical gendered boundary of raising awareness to making the case for policy initiatives that Mr. Obama plans

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77. See, e.g., Rebecca Traister, *The Momification of Michelle Obama*, SALON.COM, Nov. 12, 2008, [http://www.salon.com/mwt/feature/2008/11/12/michelle\\_obama](http://www.salon.com/mwt/feature/2008/11/12/michelle_obama).

78. See Patricia J. Williams, *Grandma-in-Chief*, THE DAILY BEAST, Nov. 26, 2008, <http://thedailybeast.com/blogs-and-stories/2008-11-26/grandma-in-chief/p/> (observing that Mrs. Obama "remains sane" in part because she "relies on her mother, her brother, her co-workers, her friends to make things work.").

79. Mrs. Obama's warm and loving relationship with her husband, as well as her style and her beauty are marked departures from typical images of African American life, as discussed above, that she already has been celebrated for "accomplish[ing] so much even before moving into the White House." See, e.g., Allison Samuels, *What Michelle Means to Us*, NEWSWEEK, Dec. 1, 2008, at 29, available at <http://www.newsweek.com/id/170383>.

to pursue. In this sense, Mrs. Obama may be understood as acting in tandem with her husband on his policy agenda.

In fact, during the first month of the administration, Mrs. Obama has taken overt steps that suggest strongly her intention to ensure that her role is substantive as well as ceremonial. Specifically, Mrs. Obama quickly hired a staff that is very experienced in domestic politics and public policy. For example, her chief of staff, Jackie Norris, was a senior adviser for the Obama and Gore campaigns. Melissa Winter, her deputy chief of staff, is an eighteen-year veteran of Capitol Hill. Her policy director, Jocelyn Frye, spent over a decade in combating workplace discrimination in a public interest law firm.<sup>80</sup> These seasoned veterans will help Mrs. Obama make important connections and navigate the national policy arena. In addition, within her first month at the White House, Mrs. Obama visited several federal agencies to promote Mr. Obama's economic stimulus legislation.<sup>81</sup> Mrs. Obama also made remarks when the President signed the Lilly Ledbetter Fair Pay Act of 2009,<sup>82</sup> his first piece of legislation. Mrs. Obama observed that this measure was

an important step forward, particularly at a time when so many families are facing economic insecurity and instability. It's also one cornerstone of a broader commitment to address the needs of working women who are looking to us to not only ensure that they're treated fairly, but also to ensure that there are policies in place that help women and men balance their work and family obligations without putting their jobs or their economic stability at risk.<sup>83</sup>

In so describing the Ledbetter Act, Mrs. Obama suggested that pay equity and civil rights are part of the constellation of work/family issues to be addressed in the Obama administration. It must be noted, however, that Mrs. Obama is supporting her husband's policies, rather than taking the lead on developing any policy initiative, which, given Hillary Clinton's experience,<sup>84</sup> likely would generate controversy.

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80. Rachel Swarns, *For New First Lady, Hints of Agenda and Tone*, N.Y. TIMES, Jan. 20, 2009, at A1.

81. At the U.S. Environmental Protection Agency, for example, Mrs. Obama observed that the legislation would channel "billions of dollars for the EPA to continue to clean up our communities and improve the health of our fellow Americans." Michelle Obama, Remarks by the First Lady to the U.S. Environmental Protection Agency (Feb. 26, 2009), available at [http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-First-Lady-to-the-US-Environmental-Protection-Agency](http://www.whitehouse.gov/the_press_office/Remarks-by-the-First-Lady-to-the-US-Environmental-Protection-Agency).

82. The Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 112-1, 123 Stat. 5 (2009). The Ledbetter Act amends Title VII of the Civil Rights Act of 1964 and other similar laws, to allow workers to file lawsuits alleging pay discrimination within 180 days of learning about the discrimination, overturning *Ledbetter v. Goodyear Tire and Rubber Co.*, 127 S. Ct. 2162, 2163 (2007), which severely limited the ability of litigants to bring such claims.

83. Michelle Obama, First Lady, Remarks by the First Lady and Mrs. Lilly Ledbetter at Reception after Signing (Jan. 29, 2009) (transcript available at [http://www.whitehouse.gov/blog\\_post/AWonderfulDay](http://www.whitehouse.gov/blog_post/AWonderfulDay)).

84. See *supra* notes 42-46 and accompanying text.

Mrs. Obama's activities in this regard are consistent with her actions during the campaign. Then, as now, she engaged in the substantive issues of work/family balance, which resonated with her on a personal level. Mrs. Obama candidly shared her own struggles on this front, observing that "[w]hat I found myself—and most of my friends—doing . . . is, we just cope. We're taught that as women: Just handle it. Just adjust. We accommodate things that aren't healthy."<sup>85</sup> Mrs. Obama's experience led her to conclude that women like her "are sort of waking up and realizing that we potentially may not be able to have it all—not at the same time."<sup>86</sup> Additionally, it led her to talk about the need to change the nation's approach to these issues during the campaign:

What I'm hearing around the country is that there are women who are struggling to keep their heads above water. And these issues transcend party and even socioeconomic status . . . . We need to give those issues a voice because I think women need a different model, a template, ensuring that we're creating policies that actually make sense.<sup>87</sup>

Among the voices Mrs. Obama highlighted were those of military families who have a particularly difficult time because of frequent deployments, among other things.<sup>88</sup> Her work in this area was not just about raising awareness of the problems confronting these parents; it also provided a platform for highlighting how the Obama administration would do things differently. Specifically, on the campaign trail she gathered information and narratives that could be used to promote new policies. At one such roundtable in Norfolk, Virginia, Mrs. Obama high-

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85. Geraldine Brooks, *Michelle Obama: Camelot 2.0?*, MORE October 2008 at 113, 117.

86. Gwen Ifill, *Beside Barack*, ESSENCE, Sept. 2007, at 200.

87. Dahleen Glanton, *The White House's Working Mom*, CHI. TRIB., Nov. 6, 2008, at 5, available at [www.chicagotribune.com/news/nationworld/chi-michelle-obama\\_thunov06,0,3548592.story](http://www.chicagotribune.com/news/nationworld/chi-michelle-obama_thunov06,0,3548592.story).

88. For example, Michelle Obama held a roundtable discussion with military families at Old Dominion University on August 6, 2008, before which she gave remarks that highlighted some of their issues:

I've heard from mothers struggling to make ends meet because their salaries aren't keeping up with the cost of groceries. But if they take a second job, they can't afford the additional cost of childcare. Moms who are nervous about taking time from their jobs to care for a sick child. Moms-to-be who are scared of getting fired if the boss finds out they're pregnant. Women who work hard every day doing the same jobs as men, but earning less . . . . And you don't just struggle with the economic downturn like everyone else; it's often more difficult for you to find jobs. I've heard from military wives who enter the job market with solid resumes, but find themselves fighting for jobs that pay seven dollars an hour. Employers look at your resume and wonder why you can't keep a steady job—even though it's only because you're already doing your job as a military spouse by moving from base to base.

Michelle Obama, Remarks to Military Spouses at Old Dominion Univ. (Aug. 6, 2008) (transcript available at <http://thepage.time.com/michelle-obama-remarks-to-military-spouses/>).

lighted the campaign's proposals to assist military families;<sup>89</sup> she also pledged to "keep taking your stories to [Mr. Obama]."<sup>90</sup>

Thus, Mrs. Obama's work illustrated a need for specific policies—policies her husband supported, based on and informed by his own experience. In his second memoir, Mr. Obama openly acknowledged the difficulty he and Mrs. Obama have had negotiating family and work obligations.<sup>91</sup> He cogently reflected on what is at the root of these difficulties for many families: traditional and deeply-ingrained gendered expectations:

[N]o matter how liberated I liked to see myself as—no matter how much I told myself that Michelle and I were equal partners, and that her dreams and ambitions were as important as my own—the fact was that when children showed up, it was Michelle and not I who was expected to make the necessary adjustments. Sure, I helped, but it was always on my terms, on my schedule. Meanwhile, she was the one who had to put her career on hold . . . . It wasn't just the constant scrambling between her work and the children that made Michelle's situation so tough. It was also the fact that from her perspective she wasn't doing either job well . . . . I came to see that in her own mind, two visions of herself were at war with each other—the desire to be the woman her mother had been, solid, dependable, making a home and always there for her kids; and the desire to excel in her profession, to make her mark on the world and realize all those plans she'd had on the very first day that we met.<sup>92</sup>

Thus, on the campaign trail, Mrs. Obama played the important role of building a foundation for new workplace policies in an Obama administration.

These policies would go beyond the current federal legal framework which provides for unpaid leave<sup>93</sup> and relies on formal equality to protect workers with family obligations.<sup>94</sup> For example, during the campaign, Mr. Obama recommended amending the Family Medical Leave Act to

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89. The campaign published a brochure detailing these plans, which included proposals to "ensure predictable deployments, so that units have proper time to retrain and re-equip, and families have time to reconnect . . . [and] expand the Family and Medical Leave Act so that it covers reserve families." *Id.*

90. *Id.*

91. BARACK OBAMA, *THE AUDACITY OF HOPE: THOUGHTS ON RECLAIMING THE AMERICAN DREAM* 340 (2006).

92. *Id.* at 340-41.

93. For example, the federal Family and Medical Leave Act ("FMLA") requires employers of a certain size to provide unpaid leave to workers who need to care for family members' health issues. 29 U.S.C.A. § 2612 (West 2008).

94. See, e.g., *Senuta v. Groton*, 2002 U.S. Dist. LEXIS 10792, at \*28-29 (D. Conn. 2002) (finding that the city fire department had discriminated against female applicant in part because female applicant was asked questions about her family that were not posed to male applicants). Cf. *Troupe v. May Dep't Stores*, 20 F.3d 734, 738 (7th Cir. 1994) (observing that, under Pregnancy Discrimination Act, "employers can treat pregnant women as badly as they treat similarly affected but nonpregnant employees").

provide paid leave, citing California as a model for developing policies that do not overburden employers.<sup>95</sup> Additionally, he advocated making quality and affordable child care available to all families, as well as implementing policies that would give workers flexibility to accommodate family concerns.<sup>96</sup> In this sense, Mrs. Obama's activities were linked directly to her husband's domestic policy agenda.

As the foregoing suggests, Mrs. Obama's approach to her role as First Lady has been and will be fueled very much by experience, just as is true for Mr. Obama.<sup>97</sup> It also is significant that, in discussing work/family balance, Mrs. Obama has focused on families with modest means; she intentionally focuses on the families with limited financial resources whom these issues affect particularly acutely. In this regard, Mrs. Obama takes an approach informed by her own working class background. More importantly, she intentionally has rejected a "trickle down" approach to policy that too often has plagued social justice movements, including the women's movement.<sup>98</sup> Mrs. Obama seeks change from the bottom up.<sup>99</sup> Mrs. Obama's choice of staff, issues, and focus make clear that she has eschewed the pet project approach of traditional First Ladies. Here is a presidential spouse who seeks not only to support her husband's agenda for change, but intentionally puts herself at the forefront of promoting meaningful change.

First Lady Michelle Obama may be said to work from a feminist perspective. Her agenda is informed by and based upon personal experience; it is oriented toward action; and, significantly, it focuses on those most in need of policy change.<sup>100</sup> While her activities may not go beyond the boundaries implicit in the First Lady role, in many important

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95. OBAMA, *supra* note 91, at 343. In the campaign, Mr. Obama proposed a plan that would make the FMLA available to more workers by lowering the threshold for employer coverage from fifty to twenty-five employees, allowing workers to take such leave to care for relatives other than a spouse or child, participate in their children's activities at school, or address domestic violence. The Obama plan also would encourage states to provide paid family leave. See Barack Obama and Joe Biden Website, <http://www.barackobama.com/issues/family> (last visited Jan. 16, 2009) [hereinafter *Obama Plan*].

96. OBAMA, *supra* note 91, at 342-43. According the campaign, Mr. Obama's plan would make the Child and Dependent Care Tax Credit available to low income families who earn too little to take it presently. It would also make the federal government a model of flexible workplace policies. See *Obama Plan*, *supra* note 95.

97. OBAMA, *supra* note 91, at 340-41.

98. See, e.g., Kristin Kalsem & Verna L. Williams, *Social Justice Feminism*, UCLA WOMEN'S L.J. (forthcoming 2009) (discussing discord within the women's movement for failure to address needs of working-class and poor women at the expense of well-to-do women).

99. Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 387-88 (1987) (urging critical theorists to focus on the concerns of oppressed persons of color, including working with them to develop appropriate law reform strategies).

100. See generally Kalsem & Williams, *supra* note 98 (observing that feminist practice and theory are grounded in experience and oriented toward making change, particularly for the most under-served).

respects, her activities contribute to reshaping that role, aided, in no small part by Mrs. Clinton's experience.

#### CONCLUSION

In filling the role and in carrying out the duties of First Lady, Mrs. Obama signifies change. Her strong presence in the White House is a concrete rejoinder to the demeaning stereotypes about Black women. Similarly, she causes us to question the social meaning of First Lady in ways that threaten the continued primacy of traditional femininity and the subordinating paradigm it reifies. In working to shore up her husband's domestic policy agenda, Mrs. Obama's role is more akin to trusted counsel, than helpmate. In this respect, she may be carving out the makings of a new paradigm for presidential spouse, built upon the actions of the many First Ladies that have come before her. Moreover, Mrs. Obama's race and her interest in social justice mean that she will, at a minimum, cause the nation to question—perhaps even move us in the direction of rejecting—constraining stereotypes at the core of the First Lady role.

Mrs. Obama clearly stands at the crosscurrents of history. Indeed, it appears that Mrs. Obama intends to take those strands of the past to construct a new image of First Lady that is fitting for the future.