

“It is an affront to treat falsehood with complacency.” Thomas Paine

# CAMPUS REPORT

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## RACIAL PREFERENCES HURT BLACKS

By: Malcolm A. Kline

Racial preferences embraced by supposedly elite law schools may actually be forcing blacks out of the legal profession.

**R**ace-based college admission preferences actually hurt minority applicants, three members of the U. S. Civil Rights Commission allege. “There is a lot of research that shows that race-based admissions are backfiring,” one of the commissioners, Gail Heriot, said at the August 14, 2012 bloggers’ briefing at the Heritage Foundation.

Heriot signed onto an amicus brief in support of Abigail Noel Fisher in the case of *Fisher v. the University of Texas* that the U. S. Supreme Court will examine in October. Heriot was joined in the brief by co-commissioners Todd Gaziano and Peter Kirsanow. Fisher alleges that she was squeezed out of a slot at UT Austin to make way for candidates admitted under race-based preferences.

Gaziano also joined Heriot at the Heritage Foundation, where he is a scholar. “Who is losing out?” Gaziano asked.

The amicus brief they signed onto was written by their counsel of record—Anthony T. Caso of the Chapman University School of Law. Caso, in the brief, shows some of the evidence that the commissioners relied upon, data which the “experts” interviewed by media outlets covering the story rarely offer, a factual treasure trove of academic studies that goes back several decades.

For example: “The grades earned by African-American students at the [elite schools we studied] often reflect their struggles to succeed academically in highly competitive academic settings,” former college presidents William G. Bowen and Derek Bok wrote in their pro-affirmative action book *Shape of the River*. Conversely, at the Heritage bloggers’ briefing, Heriot asserted that “Students admitted to MIT on preferences might do better elsewhere.”

Indeed, in their amicus brief, Caso shows that at historically black colleges and universities, “With only 20% of total black enrollment, these schools were producing 40% of the black students graduating with natural science degrees, according to the National Science Foundation. These same students were frequently going on to earn Ph.D.s from non-HBCUs. The National Science Foundation reported, for example, that 36% of the blacks who earned an engineering doctorate between 1986 and 1988 received their undergraduate degree from an HBCU.”

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# Director's Corner

By Malcolm A. Kline, Executive Director of AIA



October, 2012

## Voodoo Anyone?

How to Understand Economics Without Really Trying



by  
**Christopher T. Warden**

Forewords by M. Stanton Evans & Malcolm A. Kline

  
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Dear Reader,

A few years back—2004 to be exact—one of our regular speakers, M. Stanton Evans, advised an audience of interns at one of our conferences to “develop alternative sources of information.” Specifically, he urged students to consult Accuracy in Academia.

We do endeavor to provide students, their relatives, neighbors and friends with reliable news, particularly now. Professors seem to become especially divorced from reality in presidential election years.

Jews and Christians await only one Messiah. Pedagogues seek a new savior every four years. It must be emotionally exhausting.

Consequently, in fact very likely, this will color the way they present not only America's present but this country's past. For example, one sage found benefits in Obamacare that were, in effect, pre-existing conditions—namely free flu shots.

In our last issue, we went into some depth to show the efforts of scholars to give the president's “you didn't build it” line intellectual underpinnings.

We are able to do the work that we do because of the support of readers like you who we are ultimately working for.

All the best,

Mal Kline,  
Executive Director

## CAMPUS REPORT

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Flashing forward, Caso notes that “More recently, Duke University economists Peter Arcidiacono and Esteban Aucejo and Duke sociologist Ken Spenner found evidence supporting the mismatch thesis when researching the major choices of undergraduates enrolling at Duke in fall 2001 and 2002.”

For instance, “they found black undergraduates were much less likely to persist with an initial ambition of majoring in



**Todd Gaziano**

engineering, the natural sciences or economics than white students.” Specifically, “54% of black males switched out of these majors, whereas only 6% of white males did.”

Racial preferences embraced by supposedly elite law schools may actually be forcing blacks out of the legal profession. “There are fewer African-American students than anyone would prefer with the entering credentials necessary for admission on a color-blind basis to the most elite law schools,” Caso wrote. “But there are many more who would do well at mid-tier schools—if they were only attending those schools.”

In his brief, Caso draws heavily upon the research of contrarian UCLA law professor Richard Sander, who has co-filed his own amicus brief on Fisher’s behalf. “First, African-American students attending law schools failed or dropped out at much higher rates than white students (19.3% vs. 8.2%),” Caso notes in the brief. “Overwhelmingly, this phenomenon was associated with poor performance and not financial hardship, which mattered only slightly.”

Life doesn’t get much easier for those who stick around. “Second, among African-Americans who graduated and took the bar, the proportion who passed on their first attempt was not just lower than that for whites, it was lower even when one controls for academic index (LSAT and college GPA),” Caso contends. “For example, 71% of African-Americans with a 400-460 index failed the bar on their first effort, while only 52% of whites did.”

“Similarly, 26% of African-Americans with an index between 640 and 700 failed their first time, while only 13% of whites did.”

Unfortunately, “only 45% of African-Americans who entered law school passed the bar on their first attempt as opposed to over 78% of whites,” Caso avers. “Even after multiple attempts, only 57% of African-Americans succeeded.”

Conversely, “When African-American and white law students with similar credentials competed against each other at the same school, they earned about the same grades,” Caso points out. “And when African-Americans and white students with the same grades from the same



**Heriot**

tier school took the bar examination, they passed at the same rate.”

“Yet African-American students as a group had dramatically lower bar passage rates than white students with similar credentials.” Part of the problem is that elite schools simply don’t prepare students to take the bar.

“The black and Hispanic students were more likely to be attending an elite school that spends little time on subjects covered on the bar exam and delves instead into more abstract and esoteric legal issues,” writes Caso.

Conversely, an historic ballot proposition passed by California voters in 1996 to end race-based admissions to the University of California may have led to more blacks being admitted to UC. “At present, by a wide range of metrics—including relative to state population share and changes in total UC enrollment—black and Hispanic enrollments are higher than before Proposition 209,” Stuart Taylor, Jr. and Richard Sander write in an amicus brief they filed in the case of *Fisher v. the University of Texas*. “UC black enrollment had returned to pre-209 levels by 2002 and averaged some 40% above pre-209 levels by 2007.”

They filed a brief “in support of neither party.” Taylor, a lawyer and journalist, was the author, with Brooklyn College history professor K. C. Johnson, of *Until Proven Innocent*, an account of the rape charges brought by a stripper against the Duke lacrosse team that were

found to be false. Sanders, a UCLA law professor, has researched the unintended consequences of race-based college admissions.

“The ironic truth is that blacks were significantly more integrated across UC campuses after 209 than before,” Taylor and Sanders claim. “Pre-209, Berkeley and UCLA had used very large racial preferences to compete aggressively with the less elite campuses for black freshmen; as a result, about half of all blacks enrolling at UC in the early 90s went to the two elite campuses.”

**Part of the problem is that elite schools simply don't prepare students to take the bar.**

“After Proposition 209, blacks became more evenly distributed across all eight campuses.” And they were more likely to graduate too.

“From 1992-4 to 1998-2005, black four-year graduation rates, UC-wide, improved by more than half and black six-year graduation

rates improved by a fifth.”

*Malcolm A. Kline is the Executive Director of Accuracy in Academia.*

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## The Constitution Goes International

Law professors and federal judges increasingly urge Americans to forsake the U. S. Constitution in favor of international law. Americans who tire of these urgings may find it refreshing to know that an accomplished international lawyer thinks that the best basis for international law is the U. S. Constitution.

Sicilian Supreme Court lawyer Rosa Anna Tremoglie is so enamored of the U. S. Constitution that she started a chapter of the Federalist Society in Sicily—Academia Res Publica (ARP). “A judge of the Court in Catania expressed to me his doubt that I could start an association like ARP without the consent of the Superior Council of the Judiciary (the body that governs the judiciary),” Tremoglie told a capacity audience at the Heritage Foundation blogger’s briefing on August 14, 2012. “I told him: ‘you know the freedom of association is a Constitutional right, therefore there cannot be an impediment to the free exercise thereof.’”

“He did a survey looking at the list of permitted activities to the judges, with or without authorization of the Superior Council, and found that I was right. What I mean to say to you is that we ourselves are so little accustomed to the freedoms that even we jurists are afraid to exercise our rights without asking anyone.”

“What is the solution if not to come back to the Constitution? And don’t we need to read more and more the Constitution in order to understand completely the idea of what our freedoms are?” Tremoglie is also a judge in Sicily.

“The Parliament does not seem to be more representative of the people, the government of technocrats took the place of the elective one, the corruption of the ruling class has infested the country, and we still think of a big government that must provide everything and tell us what to do and how,” Tremoglie says of the situation in her homeland. “Democracy is in danger, our constitutional rights are likely to be compromised.”

Indeed, as Tremoglie, **an accomplished international lawyer**, related, Italian judges are asked to interpret about 60,000 laws generated by the Parliament. “Why do I look at the USA?” Tremoglie asked. “Because the Italian Constitution was influenced by the American Constitution.”

Full disclosure: this writer is proud to sit on the advisory board of the ARP. –MAK



# SQUEAKY CHALK

by Deborah Lambert

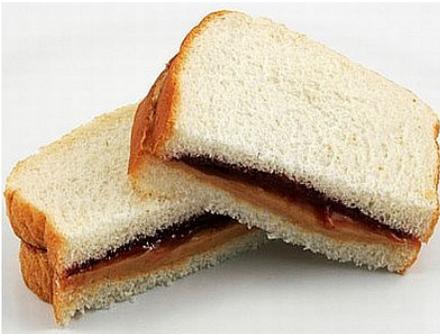


## NOW PEANUT BUTTER IS RACIST

While several generations of educators have grappled with the issue of how to boost the performance of minority students, the public school system in Portland, Oregon recently embarked on a new way of approaching the problem.

Last month, all of Portland's school principals began the new school year "by drilling in on the language of 'Courageous Conversations,' the district-wide equity training exercise being implemented in phases during the past few years," according to FoxNewsRadio.

The premise of this plan is that if the intensive staff training, meetings, classroom observations and other initiatives involved in "Courageous Conversations" can help educators understand their "white privilege," then "they can change their teaching practices to boost minority performance."



Dr. Verenice Gutierrez, principal of the K-8 Harvey Scott School in Portland, says she picks up on the "subtle language of racism every day." In fact, last year

when one of her teachers used a peanut butter and jelly sandwich as an innocent example during class, she suggested that another way to get this point across would be to take into account how to discuss the topic, considering the number of Somali and Hispanic students in the class, who may not eat sandwiches.

Sometimes, the teachers at the Harvey Scott School will begin their day with a "Courageous Conversation" after reading a news article and discussing the "white privilege" it conveys.

While most of the staff agrees that this is a good idea, there is some resistance to a drum class that was started last year for "middle school boys of color" at the school.

But Gutierrez, who recently took a weeklong seminar on "race and how it affects life," now serves on the "district's administrative committee to address systematic racism," and makes her views known on a regular basis. "Our focus school and our superintendent's mandate that we improve education for students of color, particularly Black and Brown boys, will provide us with many opportunities to use the protocols of Courageous Conversations in data teams, team meetings, staff meetings, and conversations amongst one another," Gutierrez said in a recent letter to her staff.

As yet, there has been little mention of how this new effort would actually help to boost the performance of minority students.



## BELOIT COLLEGE MINDSET LIST

It's time for the annual Beloit College Mindset List, which provides a thumbnail sketch of this year's entering freshman class views the world.

Here are some picks from the list of how those born in 1994 understand our country and its culture:

- Bill Clinton is a senior statesman of whose presidency they have little knowledge.
- Exposed bra straps have always been a fashion statement, not a wardrobe malfunction to be corrected quietly by well-meaning friends.
- They have always lived in cyberspace, addicted to a new generation of "electronic narcotics."
- If they miss The Daily Show, they can always get their news on YouTube.
- Star Wars has always been just a film, not a defense strategy.
- There have always been blue M&Ms, but no tan ones.



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[www.academia.org](http://www.academia.org)

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- They have no recollection of when Arianna Huffington was a conservative.
- They watch television everywhere but on television.



## EDUCRATS BAN #18

If you think that government educrats who teach our children need lessons in basic logic, you might have a point.

After all, a third grader in a Greeley Colorado school was recently told to go home and change out of his Peyton Manning jersey, because “Manning’s #18 is too close to the name of a local gang,” according



to a news report from NBC Sports. In fact, CBS Denver reported that the reason 8-year-old Konnor Vanatta was forced to do this was that “Greeley school district policy bans clothing with ‘18’ on it.”

But that’s not all. School policy in this district has decreed that the numbers 13, 14, 41 and 81 are also banned. However, school district spokesman Roger Fiedler views the ban in a positive light. “Since we did put this in place, we have had a reduction in the reports or incidents of students displaying gang attire and affiliation,” he told the Denver Post.



## ACADEMIC LICENSE?

The veil of secrecy over President Obama’s academic career might be coming undone, according to the College Fix. Until now, common knowledge had it Obama was invited to join a tenure-track position at the University of Chicago, but he declined. However, longtime professor [www.academia.org](http://www.academia.org)

at the school told The Daily Caller that he (Obama) was never offered tenure, “despite the assertions of a New York Times reporter who covers the president and the first family.”

In a 2008 profile of the president’s twelve-year stint at the school, Jodi Kantor wrote, “Other faculty members dreamed of tenured positions; [Obama] turned them down.” Kantor, author of *The Obamas*, is a Times White House correspondent.

However, Richard Epstein, a longtime University of Chicago law professor, stated that Obama “was never actually offered a tenured faculty position.” Moreover, he was never a “constitutional law professor.”



## HIGHER ED SEX CHANGE

College applications are difficult and time-consuming these days, but for students seeking sex change operations, the decision about where to apply may be a whole lot easier when they discover that UC Berkeley’s health plan includes coverage of up to \$75,000 for “sex-change operations and other related therapy,” according to Campus Reform.

The 2012-2013 UC Berkeley Health Insurance Plan Benefits booklet says that the student plan also not only covers “hormone therapy” and “gender confirmation (reassignment) surgery,” but also pays for “certain travel costs” that accompany such operations.

The Berkeley health plan also covers up to 90 percent of the costs associated with abortions. However, Campus Reform reported that despite their numerous inquiries about the number of sex change operations and/or abortions that had been performed there, they were unable to get a straight answer.



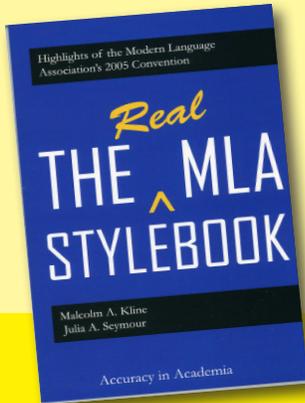
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## The REAL MLA Stylebook

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To show what college and university English Departments are really teaching, Accuracy in Academia compiled *The REAL MLA Stylebook*, filled with quotes from a recent convention of the Modern Language Association (MLA) where thousands of English professors gather to push their politically correct, radical agenda. Outsiders who attend this event expecting to learn more about Chaucer, Milton and Shakespeare are in for a rude awakening when they discover that panels are more likely to focus on topics such as “Marxism and Globalization;” “What’s the Matter with Whiteness;” and “Queering Faulkner.”

This book is must-reading for anyone interested in learning more about the mindset of faculty members who are tasked with teaching the great works of the English language to our nation’s students.



You can order your copy of *The REAL MLA Stylebook* using the coupon below or order online at the AIM store: [www.ShopAIM.org](http://www.ShopAIM.org)

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