

# A Dubious Expediency

How Race Preferences Damage Higher Education

Edited By Gail Heriot & Maimon Schwarzschild

Book Review Intro by STARRS Director At Large/Public Information Officer Brent Ramsey

An Eye-opening book that explains in meticulous detail the facts surrounding the phenomenon of Affirmative Action and its devastatingly bad outcomes for the precise people it was designed to help. This is a must read book!

Book Review of A Dubious Expediency edited by Gail Heriot and Maimon Schwartzschild

JUNE 10, 2021 [ROWENA ITCHON](#)

It's been 45 years since the U.S. Supreme Court's decision in the Regents of the University of California v. Bakke – the case that opened the door to “diversity” admissions at America's colleges and universities. What's happened since this landmark case is the subject of [A Dubious Expediency](#) (Encounter, May 2021) the brainchild of Gail Heriot and Maimon Schwarzschild, law professors at the University of San Diego. In recruiting seven essayists, their goal was to offer “frank assessments of American education's devotion to preferential treatment and identity politics.”

I was intrigued by the book title. Not being a lawyer, I did not know that it came from the majority opinion in the original California Supreme Court case. Justice Stanley Mosk, in a statement that now seems prescient, wrote: “To uphold [the University of California's argument for race preferential admissions] would call for the sacrifice of principle for the sake of dubious expediency and would represent a retreat in the struggle to assure that each man and woman shall be judged on the basis of individual merit alone.” The essays in the book document this retreat.

In “Starting Down the Slippery Slope,” John M. Ellis, a professor at UC Santa Cruz and dean of graduate studies from 1977 to 1986, recounts the “smallest first steps” in implementing affirmative action, only to become the “monster” it is today. “If there is one moral to this story,” Ellis writes, “it is that there is no such thing as a little sin and no such thing as a small departure from principle.”

Gail Heriot in “A Dubious Expediency” shows how race-preferential admissions policies are actually hurting the minority groups these policies were intended to help. From science and engineering to law, Heriot examines what she calls “mismatch” — students entering colleges with below-average academic credentials compared to the rest of the student body. She discusses how such students would have likely achieved better outcomes had they attended institutions more suited to their abilities.

In “Diversity’s Descent,” Peter Wood, President of the National Association of Scholars, offers a short course on how diversity has made its way in American society.

Attorney Peter Kirsanow, in “Segregation Now” shows how racially separate programs, racially separate dorms, and race preferences in admissions have had a pernicious affect on campus life and the college experience.

In “Breaking the STEM,” Heather Mac Donald, of the Manhattan Institute, describes how identity politics is taking over the hard sciences and how the pressure to increase women and underrepresented populations is changing how science is taught and how academic qualifications are being evaluated. The results, she writes, “will be disastrous for scientific innovation and for American competitiveness.”

Gail Heriot and attorney Carissa Mulder collaborate in “The Sausage Factory” to review several court cases showing how and why race-based admissions policies will remain with us for decades to come.

In “A Class Act: Social-Class Affirmative Action and Higher Education,” Schwarzschild shows why class preferences – an alternative to race-based preferences – introduces a new element of arbitrariness and unfairness, and how this “quantum jump” would further politicize academic life.

Finally, Lance Izumi, PRI’s director of Education Studies, and I co-wrote “Race Preferences and Discrimination against Asian Americans in Higher Education.” We examine the Harvard and Yale cases – two elite universities charged by Asian-Americans with discriminatory admissions practices. We also discuss the role Asian Americans played in thwarting attempts to bring back racial preferences in Washington State and California.

Today, much of the debate about identity politics springs from short bursts in social media or three-minute debates on cable television. *A Dubious Expediency* offers much needed substance, facts, and reason — all critical to restoring merit and equal opportunity in America.

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