

Light of Liberty

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01 October 2009

Cato Lawyer Slams ACLU Lawyer in Race Debate



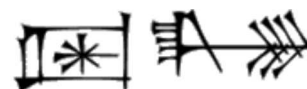
I sat through a debate Tuesday afternoon at the University of Toledo College of Law between [Mark P. Fancher](#), staff attorney and director of the Racial Justice Project at the American Civil Liberties Union of Michigan (standing at lectern), and [Ilya Shapiro](#), the senior fellow in constitutional studies at the Cato Institute (sitting). (Please forgive the photo quality, I took it with a low-quality cell phone.)

The debate, interestingly enough, was titled "Affirmative Action vs. Reverse Discrimination" and centered on the Supreme Court's ruling earlier this year in *Ricci v. DeStefano*, the affirmative action case involving a promotion test given to New Haven, Conn., firefighters. (For more background on the case, [click here](#).)

Essentially, the city determined that the examination was racist because statistics showed that not as many minorities as whites passed the test.

about

Ciao a tutti! Welcome to my blog. My name is Thomas J. Lucente Jr. and I am a libertarian newspaper columnist in Lima, Ohio. I have a bachelor's degree in history with a journalism minor. I am also a veteran of the Iraq war and a law student at the University of Toledo in Toledo, Ohio. Please, feel free to look around and leave a comment if you are so inclined. While I don't expect you to agree with me all the time, I do hope I at least stimulate your mind and give you something to think about. Buona giornata!



latest comments

HappyG wrote:

Interesting debate. I'm familiar with the case, and Judge Sotomayor was wrong. And...

suntzu wrote:

good points happyg... tom...caught you on ron williams show...good points today...

Mark Vernik wrote:

That is a great quote and little is ever heard about justice anymore. Thanks for the...

Ran wrote:

Thomas, Found your site thanks to Eric at Libertarian Republican. I've linked your...

HappyG wrote:

I checked out your site and bookmarked it, Eric. Nice!...

Therefore, the city threw out the test and refused to promote the whites and one Hispanic who passed the test.

The white firefighters sued.

The appellate court, in an opinion written by now-Justice Sonia Sotomayor, sided with the city in ruling the test as unfair to minorities. The Supreme Court overruled and found for the white firefighters.

In the debate, Fancher, who is black, took the position that the test was obviously racist because of the disparate impact to blacks.

More interesting, however, were his remarks on race in general. He made the appalling claim that all Americans are racists and that anyone who opposes President Barack Obama is simply showing that racism.

Shapiro, for his part, defended well the Supreme Court opinion. The best summation of his argument, and the court's for that matter, was when he recited a quotation from Chief Justice John Roberts, "The best way to end discrimination is to end discrimination."

Fancher, though, accused the court of ignoring the black firefighters because the members of the court simply assumed that the whites worked harder and that blacks were simply lazy. Shapiro rightly called such a characterization of the decision insulting to everyone.

Shapiro clearly had the moral high ground in the debate.

In the end, the only racist was Fancher himself who spouted off about slavery as though there were some moral and legal equivalence between the abhorrent practice of slavery and that fewer blacks than whites passed an exam for promotion in New Haven, Conn.

Fancher has clearly been at the Racial Justice Project for too long. After Fancher recited a long string of racial abuses in the United States as evidence that racism is abundant, Shapiro right pointed out that such incidents are rare and should be dealt with. Fancher, however, vehemently shook his head "no." (Compare Fancher's skewed version of justice with that of Frederick Douglass [here](#).)

Finally, I do take issue with the concept of reverse discrimination as used in this debate title. There is no such thing. Discrimination, regardless of whom it hurts or helps, is simply discrimination.

tags: [ACLU](#), [Cato](#), [Debate](#)

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[HappyG](#) wrote:

Eric Dondero wrote:

Thomas, we're linking to this and re-posting tomorrow at Libertarian Republican...

harryjohnson wrote:

An individual on an insurance policy (or any other will/testament/etc) cannot...

AverageGuy wrote:

Very good points, Happy. Until our pols stop bragging about how much federal money...

Sharon wrote:

Good points HappyG.

HappyG wrote:

This is certainly sending a message, but will the Federal Government listen? Will...

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Interesting debate. I'm familiar with the case, and Judge Sotomayor was wrong. And, how many times will she be wrong as a Supreme Court Justice. However, your post isn't about her. I am not in favor of affirmative action. I don't think blacks are more stupid than whites, nor do I think they are all lazy. I do think that, in many cases, blacks have a chip on their shoulders, as well as think the powers that be are out to get them, that everyone is racist but them. Preconceived notions on their part, is a stumbling block to learning. Even so, it's not so important what others think of you, but how you look at yourself. Too many people, not just blacks, blame everyone else but the person who is looking back at you in the mirror.

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02 October 2009 07:17:18

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The Truth-O-Meter Says:

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After 'Fahrenheit 9/11' came out, "Bush's approval rating never was better, it only got worse." — **Michael Moore**



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"The richest 1 percent have more financial wealth than the bottom 95 percent combined." — **Michael Moore**



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Gas will reach \$4 a gallon under a cap-and-trade plan. — **EnergyCitizens.org**



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Medicare officials have treated Humana and AARP inconsistently on how they can communicate with seniors. — **House Republican Conference**



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Obama's promises



Tracking Obama's promises:

Promise No. 236 — Will "require his Cabinet officials to have periodic national broadband townhall meetings to discuss issues before their agencies." >>



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Promise No. 375 — "Will work with YouthBuild to grow from 8,000 slots today to 50,000 slots over the next eight years in order to meet the demand from young people and communities for this valuable program." YouthBuild programs allow low-income young people to work toward their GED or high school diploma while they build housing for low-income people. >>



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Promise No. 265 — "Restore the Great Lakes - Will push for the passage of the Great Lakes Collaboration



Implementation Act, which will move us past playing defense against environmental problems and toward a comprehensive restoration of the Great Lakes." >>

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Promise No. 263 — "Will reinvigorate the drinking water standards that have been weakened under the Bush administration and update them to address new threats. Will help communities by restoring better federal financing for water and wastewater treatment infrastructure, and will continue leadership in protecting national treasures like the Great Lakes from threats such as industrial pollution, water diversion, and invasive species. And will establish policies to help high-growth regions with the challenges of managing their water supplies." >>



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Promise No. 337 — "Will use the ISS for fundamental biological and physical research to understand the effects of long-term space travel on human health and to test emerging technologies to enable such travel." >>



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announcement

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The show is on [WZOQ-AM](#) (ESPN Radio), which is 940 on your AM dial. If you aren't within the broadcast range of the station, you can listen live on the Web by clicking [here](#).

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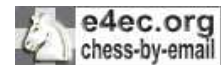
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Since 5/1/2003:	4207	3367
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