Mizzou News

Daily Clips Packet

June 30, 2015
For the gift of mustard, and other tasty condiments, thank the very hungry caterpillar

By Sarah Kaplan June 30 at 7:57 AM

For millennia, plants and their predators have been locked in a bitter battle. Literally.

About 90 million years ago, ancestors of today’s Brassicale order — which includes wasabi, horseradish and mustard as well as cabbages and kale — figured out a way to fend off hungry caterpillars: sharp-tasting chemicals called glucosinolates that were poisonous to the snacking critters. But over the course of generations the bugs developed defenses against the glucosinolates, a new study shows, and the plants had to churn out ever-stronger versions of the toxin “bomb.”

Eventually the fight escalated into an “evolutionary arms race,” researchers say, with defensive adaptations from caterpillars prompting sharper and more complex glucosinolates from the plants. And in this particular case of garden-variety chemical warfare, the winner wasn’t either of the combatants — it was humans.

Though toxic to tiny caterpillars, the cocktail of glucosinolates turned out to be pretty tasty to humans. We have them to thank for half the our refrigerator condiments shelf — spicy wasabi, bitter horseradish, pungent mustard. They also add to the complex and highly particular tastes of cauliflower, capers, radishes and a variety of other vegetables.

“Why do you think plants have spices or any flavor at all? It’s not for us,” Chris Pires, a biologist at the University of Missouri and one of the lead authors of the study, told NPR. “They have a function. All these flavors are evolution.”

Though scientists have long known that sharp flavored plants co-evolved with the bugs that eat them, Pires’s study, published in the Proceedings of the
National Academy of Sciences last week, was the first to map out exactly how the escalation occurred.

Pires and his colleagues started by lining up the evolutionary family trees of Brassicales and ancestors of the cabbage butterfly. They found that every time the plants evolved a new type of glucosinolate “bomb,” their family tree would branch into several new and more complexly flavored species.

“Most bugs don’t like it. It’s toxic,” Pires said of the chemical. “It turns their guts inside out.”

Eventually, the bugs would respond with new protein defenses and diversify themselves.

This escalation occurred three times over the course of the past 90 million years, according to Smithsonian; each time the combatants would raise the stakes not just by tweaking their genes to protect themselves, but by creating entirely new copies — a rare occurrence in the natural world.

Peter Raven, professor emeritus of the Missouri Botanical Garden and a former University of Missouri Curator who was not involved in the study, told the University of Missouri science blog that the finding confirms patterns of co-evolution that had long been suspected but never fully understood.

“The wonderful array of molecular and other analytical tools applied now under leadership of people like Chris Pires, provide verification and new insights that couldn’t even have been imagined then,” he said.

For his part, Pires sees a potential to harness the ability of the Brassicales to escalate their defenses by altering their genes to develop pest-resistant crops.

“It could open different avenues for creating plants and food that are more efficiently grown,” he said.
Anti-Israel biology professor allowed to teach class on Zionism

ALEXANDRA ZIMMERN - UNIVERSITY OF WISCONSIN MADISON • JUNE 30, 2015

The University of Missouri has come under fire recently for allowing Dr. George Smith, an anti-Zionist activist without a degree in Middle Eastern studies or any related field, to teach an honors tutorial class called “Perspectives on Zionism” this fall.

Smith is a tenured biology professor who has worked at Mizzou for 30 years. During his time at MU Smith has consistently advocated against the Jewish State, instead siding with Palestinian terrorist groups like Hamas.

But the university doesn’t believe this disqualifies him from teaching a tutorial course on Israel, defending the selection in an email to The College Fix.

Smith has published numerous articles bashing Israel. In his writings in the Columbia Tribune he calls Israel’s establishment a “shameful chapter in Jewish history,” and creates a moral equivalence between Israel’s independence for the Palestinian-Arabs and the Holocaust for the Jews.

In another column, Smith describes Jewish residents of the West Bank as “armed thugs” and accuses Israel’s democratic government of practicing and condoning “apartheid-like discrimination against its Palestinian subjects” and subjecting Arab Israeli citizens to “Jim Crow laws.”

Smith has also disrupted a pro-Israel student event.

In 2013, Mizzou Christians United for Israel hosted Israeli speaker Noam Bedein to speak about his eyewitness accounts of terrorist attacks in Israel.

A poster advertising for the event described the rocket attacks Hamas fires from Gaza into southern Israel, killing and injuring the residents of towns near the border. But Smith showed up at this event and distributed fliers that joked that these attacks were justified because the average Palestinian has to “go through a checkpoint every time he
has to take a sh*t,” according to MU alumnus Daniel Swindell.

Last year, Smith also hosted a lecture on campus, “The Everyday Occupation of Palestine,” featuring Saree Makdisi, a leader in the Boycott, Divestment, and Sanctions (BDS) movement against Israel. Swindell reflected in his editorial in The Times of Israel that during the lecture, Makdisi called for the removal of Israel’s borders, which would effectively destroy the Jewish State.

Makdisi also argued in this lecture that it is more important to eliminate the Jewish State than it is to make a Palestinian one, according to JNS.

Smith also contributes to the anti-Israel online publication Mondoweiss in which he has argued that Hamas, the Islamic terrorist organization based in Gaza, has “repeatedly pressed” for an agreement with Israel, but the Jewish State is not interested in “ending violence by negotiation.”

In another piece on Mondoweiss, Smith writes, “Another term for apartheid in Palestine is Zionism” and then argues that Jewish roots in Israel go back only “30 or 60 years.”

Via email, Smith refused to respond to The College Fix’s request for comment.

In his editorial in The New York Observer, Paul Miller likens MU’s approval of this course to letting David Duke teach a class on African-American history.

“This insanity is a reality and your children are being indoctrinated,” he wrote.

JNS reported that sixteen different organizations sent a letter with their concerns to MU Chancellor R. Bowen Loftin urging him to cancel the class before it became “a stain on your university’s reputation and a disservice to students. ... Smith’s proposed course would certainly contribute to a campus climate favorable to anti-Semitic acts.”

But MU officials do not share these concerns. Despite his activism and lack of credentials, the university defended Smith and his tutorial course on Zionism.

The university said in an email to The College Fix that honors tutorials such as “Perspectives in Zionism” are “taught by instructors with expertise in the subject area and are intended to offer students opportunities to learn and express opinions on a variety of diverse topics...The Honors College has a long history of faculty teaching these courses outside of their normal teaching disciplines and offers an invaluable model of broad intellectual curiosity for honors students.”

Campus officials also described the process through which these tutorials are approved by the university.

“Anyone proposing a new honors course must submit a syllabus and online proposal form to be reviewed by the Honors College curriculum committee composed of honors
faculty, staff and students,” they stated. “The tutorial on Zionism was reviewed and approved by the committee in a vote of 8 to 4 with 2 abstaining.”

However in June, the university was forced to cancel the class due to lack of enrollment. MU officials told The College Fix that zero students signed up for the course.

Chantelle Moghadam, co-founder and president of Students Supporting Israel at the University of Missouri, told The College Fix in an email that her group organized a letter-writing campaign to the director of the Honors College expressing their concerns about the class based on past experiences they had with Professor Smith. The pro-Israel community at Mizzou is relieved that students were not interested in taking Smith’s tutorial.

“[E]veryone at our chapter of Students Supporting Israel was thrilled to hear the class was finally cancelled,” Moghadam said. “We are confident that our advocacy against it contributed to its cancellation, leading to a better learning environment for everyone at the University of Missouri. As students, we see it as our responsibility to uphold the university’s standards of academic integrity, and we expect the university to do the same.”

And Destiny Albritton, president of Mizzou’s Christians United for Israel chapter told The College Fix, “there just wasn’t an appetite from students to take a class from an unqualified professor motivated by bias rather than academics.”

As Miller wrote in the New York Observer: “Leave it to the students to see through a college’s progressive agenda and academic malfeasance to right a wrong.”

Former Mizzou player walks road to redemption

June 30, 2015 • By Dave Matter

COLUMBIA, Mo. Every time John Stull drives by Memorial Stadium or catches a Mizzou game on television, he wonders what could have been.

“I think about unfinished business,” he said. “It’s hard for me. I had a great passion for football.”

And he threw it all away. John Stull is 27 years old. In 2005, he was an all-state defensive end at Rock Bridge High School in Columbia. In 2006, he joined the Missouri football team. In 2007, he played in 12 games as a backup. In 2008, perhaps, he’d become a starter and the next great player in Mizzou’s legacy of defensive linemen.
By then, drugs already had consumed Stull’s life. He smoked marijuana heavily in high school, and by college he was using and selling harder drugs.

“I felt like I was untouchable,” he said. “That 10-foot-tall bulletproof stigma. I didn’t think rules applied to me.”

It all caught up with Stull in college. Between September 2007 and February 2009, Stull was arrested five times. He was arrested twice on suspicion of assault.

A year after police found drugs in his home, Stull was arrested for drunk driving. In February 2009, he got caught burglarizing homes and cars in Columbia.

All the charges added up to a five-year prison sentence. Stull pleaded guilty to everything. His vision was unclouded just enough to know he needed prison. It could be his only salvation.

“When I got arrested (for burglary) I had 100 percent disclosure with the police officers,” Stull said. “I told them exactly all the stuff I had stolen. Working with the lawyers, I said, ‘I’m going to plead guilty right away. I’m not going to waste anyone’s time.’”

Bogdan Susan, a Columbia attorney, represented Stull for one of his early arrests before a public defender took over his other cases. Susan saw Stull in the courthouse one day, shackled in chains.

“I asked him, ‘Is there anything I can do to help?’” Susan recalled. “He said, ‘No, I need to go to prison. I need to turn my life around.’”

After prison, life for Stull was never the same — and never better.

**ROCK BOTTOM**

Hardly a day goes by without news of another college athlete being behind bars.

Missouri’s football and men’s basketball programs are not immune. They’ve come under heavy scrutiny in recent years as high-profile athletes have been arrested or accused of various crimes. At Mizzou, Stull became just another name on a list of athletes gone wild. But his story doesn’t end with redemption on the football field — or rotting in a jail cell.

Prison set him free.

Stull’s spiral began before he came to Mizzou. The middle child of divorced parents, he grew up in a crowded Columbia duplex, sharing space with his mother, four siblings and three nephews. When he wasn’t in school or playing sports, he worked full-time in the kitchen at International House of Pancakes. Stull worked, he said, to pay for his clothes and provide food for the family.

“I was the only one who went to school out of all my brothers and sisters,” he said. “We lived in a bad neighborhood. Alcohol and drugs played a very big part in my household. Sooner than later I gave in.”

Stull partied and drank in high school and smoked pot regularly, he said. Drugs became his escape, though he still managed to perform on the field. After an injury sidelined Stull for his junior season in high school, he thrived as a senior, racking up nine sacks and all-state honors. He signed with Mizzou, a lifelong dream.

“John was always a great kid,” Rock Bridge football coach A.J. Ofodile said. “Super respectful, tireless worker, good grades, good everything. But not being able to separate from things locally was ultimately his downfall.”

**PERILOUS PATH**
As a college athlete, Stull didn’t have time to keep his job at IHOP. He continued to party and use drugs, and when he needed spending money, he sold cocaine.

“People around town and around school knew I was a hometown guy and I knew where the party was,” he said. “Unfortunately, that became my reputation.”

After an assault arrest got Stull suspended for a game in 2007, his Mizzou career ended the next January when police seized marijuana, synthetic pills, cocaine and drug paraphernalia at his apartment.

Without football, Stull lost all sense of ambition and goals. Depression turned to anger, anger to crime.

“When I really started treating people badly and doing anything I could do to get money,” he said. “I couldn’t get a job because of my reputation around town.”

A year later, before he went to trial for the drug charges, Stull was caught stealing items out of homes and cars. Finally, he had run out of chances.

“Rock bottom was sitting in a jail cell and not having anyone to answer my phone calls and not having that support,” Stull said. “I recognized that I was all alone. I burnt every bridge that was ever created for me.”

On Feb. 25, 2009, Stull entered Boone County Jail to begin his sentence. He’d later move to the state penitentiary in Jefferson City. In prison, Stull lived by a simple code.

“I needed to stay to myself,” he said. “Stay in the weight room, stay in the books, stay in church services and stay in AA meetings.”

Stull devoured the Bible and self-help books, including Dale Carnegie’s “How to Win Friends and Influence People” and John Maxwell’s “Failing Forward: Turning Mistakes into Stepping Stones.”

Stull realized he’d squandered his football career, but once free he could revive another passion.

NEVER LOOKING BACK

Rewarded for good behavior, Stull was released on parole on Feb. 25, 2011. Had his life not spun out of control, he should have been preparing for the upcoming NFL draft alongside Mizzou teammates. Instead, the first place he went was IHOP to get his old job back. No car, no license, Stull walked from place to place around town until he could afford a bike.

He met Mark Hudson, a former football player at Central Missouri who worked in Columbia as a personal trainer and general manager at a fitness club. Stull asked about working at Hudson’s gym. Hudson sensed Stull needed more than a job.

“John hadn’t really had a role model or someone to really work with him on what being a man was, what being responsible was about,” Hudson said. “That was a giant void in his life.”

Hudson hired Stull as an intern at Wilson’s Fitness while Stull worked toward his personal training degree online. Stull worked the graveyard shift at IHOP, then came to the gym at 5 a.m. to train gym members, including his former lawyer.

“I don’t know if he ever slept,” Susan said. “The thing that impressed me was he wasn’t moaning about being the night cook at IHOP. He was grateful to have employment.”

LIFE TURNAROUND

As he earned his certifications, Stull had built up a lengthy list of clients.
Hudson hired him full-time in 2012. But their bond transcended the gym. Hudson brought Stull into his family, took him to church and served as a de-facto sponsor. When temptations to party with the old crowd came up, Stull called Hudson for support. Stull stopped attending Alcoholics Anonymous meetings when he left prison but has stayed sober. He’s since purged the names and numbers of old friends.

In the gym, he found his purpose.

“I don’t want to call it a selfish endeavor, but now I can channel that energy and dedication and work ethic to help other people develop themselves,” he said. “That gives me a lot of satisfaction today and self worth.”

In February 2014, Stull received a letter from the state parole board saying he’d completed his sentence. That day, Hudson and Stull walked out of their downtown gym and took the letter into an alley.

“We burned it,” Hudson said. “We said a prayer, we cried a little bit, and we moved on. John smashed it with a foot. He said, ‘I’m never looking back.’”

“I just wanted to make sure I never identified with that part of my life,” Stull said. “I didn’t want that to be my identity or who I was. It really gave me closure.”

As for football, Hudson made some calls to Division II coaches on Stull’s behalf. Several called back saying they’d consider taking the former all-state lineman.

Stull knew better. He’d cut ties with all but a few family members — Stull said he has no contact with his father, Martin, who lives in Columbia, but stays in touch with his mother, Laurie, and a nephew, Max.

But his support system was in Columbia, not some strange D-II campus.

“He wasn’t ready,” Hudson said.

Today, Stull runs the most popular boot camp class among Wilson’s fleet of trainers, Hudson said. His list of clients gets stronger every year. Later this summer he’s opening a CrossFit gym in Columbia.

“I see him as the future,” Hudson said. “He’ll be a club owner. He’ll have his own style of training.”

SETTING AN EXAMPLE

At 235 pounds, muscles rippling from his sleeves, Stull never has been in better shape. Faster and stronger than ever, he said. He believes the only way he can set the best example for his clients is viciously clean living.

“He looks like an NFL player right now,” said Ofodile, who’s invited Stull to share his story with high school players. “He’s such a regimented person. Maybe there was a real strong regiment in the negative realm that led him to get in trouble. He’s just replaced the negative with something really positive.”

Stull didn’t form any lasting relationships with teammates at Mizzou. While attending an MU basketball game with Susan last year, Stull bumped into Tigers coach Gary Pinkel. They shook hands.

Stull wasn’t the same person Pinkel kicked off the team in 2008. But the brief encounter was important, another short step on the long walk from darkness.

It helped erase his fear and shame, Stull said.

“He told me,” Stull said, “he was proud of me.”
Amazon.com Inc will launch its business loan program for small sellers later this year in eight more countries including China, where credit is becoming a key factor in competing for new vendors and grabbing market share.

Until now, the e-retailer has offered the service only in the United States and Japan. Amazon Lending, founded in 2012, now plans to offer short-term working capital loans in other countries where it operates a third-party, seller-run marketplace business, the head of Amazon Marketplace, Peter Faricy, told Reuters.

The countries are Canada, China, France, Germany, India, Italy, Spain and the United Kingdom.

The service is on an invite-only basis and is not open to all sellers on Amazon's platform.

Other large retailers including eBay Inc's PayPal and Alibaba Group Holdings, which run third-party marketplaces, are also turning to credit to boost their vendor base.

Some lending industry officials who help lenders assess credit risk say these retailers are taking on risky loans because they don't know the shape of the credit market in which the sellers are operating.

Small businesses have high failure rates, especially in China and India, added William Black, a former U.S. banking regulator and professor of Economics and Law at the University of Missouri.

Amazon said it can safely offer loans based on internal data and because it takes loan payments out of the sales proceeds it pays sellers.
PayPal spokesman Josh Criscoe said eBay merchants who use PayPal are eligible for the working capital loans and credit is offered to only those customers that have a strong PayPal sales history. PayPal has provided more than $500 million in capital since September 2013, with an average loan disbursement of $2 million per day.

A spokeswoman for Alibaba's financial services arm Ant Financial, which offers these loans, said credit is offered to Taobao, Tmall merchants and other small business owners who meet certain conditions. The company also offers such loans to customers in some countries like the United States and Britain.

Since 2011, Ant Financial's Ant Micro Loan program has issued 400 billion yuan ($64.42 billion) worth of loans, and the non-performing loan ratio is 1.5 percent, the spokeswoman added.

Amazon offers three- to six-month loans of $1,000 to $600,000 to help merchants buy inventory. It makes money on interest and takes a cut of all sales on its marketplace, which now account for about 40 percent of total Amazon site sales.

Amazon said it has offered hundreds of millions of dollars in loans since 2012, with more than half of its sellers opting for a repeat loan. The company declined to provide specific figures and also did not say how much it plans to lend this year.

Amazon's Faricy said the company has become better at understanding the inflection points in a small or medium business where capital can make a difference.

"We know a lot about our sellers' business and invite only those who we think are in the best position to take capital and grow," he said.

Faricy said Amazon uses internal algorithms to choose sellers based on the frequency with which they run out of stock, the popularity of their products and their inventory cycles.

In China, where Alibaba lends to small businesses, offering such loans is more of a business requirement, analysts said.

"Amazon has very little share in China and they haven't been able to break out of that, so this is a very important necessary step for them to be able to grow," said Gil Luria, analyst with Wedbush Securities in Los Angeles.

In other countries including India, where there is a scramble to expand the online shopping market, small business loans could offer a distinct competitive advantage, Luria said.
MITIGATING RISK

Online lending accounts for about 3 percent of the roughly $1 trillion of outstanding personal and small business loans in the United States.

The default rate for small businesses with credit under a $1 million stood at 1 percent in 2014 but is seen rising to 1.6 percent in 2015, as new lenders with varying ability to assess risk increase lending, according to small business credit ratings provider PayNet.

Retailers like Amazon do not have data from sellers about some markets in which they operate, and relying on internal seller company data is not enough, said William Phelan, president of PayNet.

Amazon said it has the information it requires to make "great loan decisions" because of close relationships with sellers and that it mitigates risk by taking loan payments from proceeds due to sellers for their sales.

Sellers interviewed by Reuters and writing on Amazon forums cited interest rates on Amazon loans ranging from 6 percent to 14 percent, in line with loans from banks and business credit cards.

Stephan Aarstol, chief executive of Tower Paddle Boards, an Amazon seller, said he has taken four loans from the company starting in March 2014 because of the speed and simplicity of the process. It took him five days to get his first loan.

"The problem for a small business owner is not the interest rate, it's the availability of credit ... I can't grow fast enough," he said.

($1 = 6.2094 Chinese yuan renminbi)

(Reporting by Nandita Bose in Chicago; Editing by Peter Henderson and Matthew Lewis)
Radio can be a powerful medium for storytelling. Just ask a group of recent graduates from Columbia's Rock Bridge High School. In this episode of Thinking Out Loud, we hear a trio of young women's stories that explore how their identity was formed and who they want to be.

Making Waves is an educational youth radio initiative that empowers young people to share their true stories. The program, started in February 2015 by University of Missouri students Kelsey Kupferer and Michaela Tucker, guides high school students through the process of creating radio journalism pieces about the social issues they care about.

For the first semester of Making Waves, Kupferer and Tucker teamed up with Kathryn Fishman-Weaver, a PhD candidate in Educational Leadership and Policy Analysis at the University of Missouri and the Division Chair for Gifted Education at Rock Bridge High School. Fishman-Weaver's research looks at the socio-emotional needs of young women as they graduate from high school, and five members of her youth research team participated in Making Waves. About her research Kathryn said:

-One of the things that I knew going into our research project that was important was vulnerability, and in particular looking at vulnerability in a new way. Oftentimes there’s a message that vulnerability and strength are incompatible. And our research team really wanted to provide a counter to that. We wanted to say that no, actually, there’s this concept that we’re putting forward called Strong Vulnerability. But how do you operationalize Strong Vulnerability? And that’s a complex question that I’m writing a dissertation on. But the short true answer is: with storytelling. And so in engaging in courageous stories like the stories that all the young women...
Making Waves provides students with a forum to share perspectives that are relevant to the community at large. The program encourages students to explore the social issues that are important to them, and to understand how they can make a difference through objective storytelling.

Making Waves youth reporter Sarah Freyermuth chose to report on misconceptions about eating disorders. She believes talking openly about eating disorders is the first step to fighting their stigmatization.

I decided to talk about my struggle with anorexia, and the reason I decided to talk about that was twofold. First, talking about what I’ve been through, and what I’m still going through, helps me to deal with it and to process it. And second, I think one of the hardest things for me is that anorexia is really misunderstood. And so many people who go through it feel shamed into not talking about it. So if me telling my story makes them feel like, “Oh, hey, she doesn’t feel ashamed of talking about it, I shouldn’t feel ashamed of talking about it, there’s nothing to be ashamed of,” then my story will have accomplished its goal.

Listen to Sarah's story 'The Blame Game' here.

Making Waves youth reporter Clarissa Curry is headed to college in the fall to study engineering. She reported on the low percentage of women in engineering and the physical sciences.

In the fall I plan to double major in electrical and biomedical engineering. And electrical engineering, despite having one of the lowest wage gaps in the United States, also has one of the lowest percentages of women. And, you know, I’m not necessarily worried about working with men, but I think it’s something that needs to be discussed because there’s no reason that there shouldn’t be more women. Women aren’t incapable of doing the math or the science or the engineering that’s behind the field. So, why are there less women? It’s something I’m really passionate about.

Listen here to 'Encouraging Women In Stem' here.

Youth reporter Delaney Tevis is also passionate about women in the workplace. Delaney settled on her story when she learned women outperform men academically from elementary school to graduate school, but only 3 percent of Fortune 1000 companies have a woman CEO.
I think a problem for me was picking what I wanted to talk about because I am passionate about a lot of things in terms of social justice and things that I wish people talked about more. I started out with this broad idea of feminism, and then I realized more specifically within the umbrella of feminism was the lack of women in professional leadership positions. It's really frustrating because women are putting in the work, and we have the data that shows it, yet somehow women still aren't getting the top positions. So I zoned in and I was like, “This is the story I want to do.” And I started brainstorming about who I wanted to interview, and it all came together. I’m really happy with the way it turned out.

Listen to Delaney's story 'The Gender Leadership Gap' here.

Making Waves is a semester-long program. It will start up again in August with a new group of students. To hear all of the stories produced by Making Waves Youth Radio Initiative, and to learn more about the program, visit their website, makingwavescomo.org. You can also find them on Facebook and on Twitter at @MWYRI.

Missouri Press Association names new executive director

JESSICA SHERWIN, 12 hrs ago

COLUMBIA — Mark Maassen's career has come full circle.

Maassen, a Missouri School of Journalism graduate, will return to Columbia after 33 years with the Kansas City Star. Maassen will replace Doug Crews as executive director of the Missouri Press Association.

Crews, another MU journalism alumnus, will retire in March 2016 after 36 years with the association. Maassen will join Crews at the MPA office Sept. 1, and the two will work together
until February. During that transition, Crews hopes to teach Maassen about the particulars of being MPA's executive director.

"There's a lot of stuff that goes on here," Crews said. "I just want to try to introduce him to people that he'll be working with. I don’t know that I’ve ever been through a transition like this."

Maassen said he was grateful Crews would remain on to help him adjust his new position. Maassen was president of the MPA board of directors in 2013 and believes that his insight into the association will help him in his new role. He added that he wanted to learn from Crews exactly how the state legislature works in Jefferson City.

Crews is ready to oblige. He said one of the executive director's main duties is to lobby in the capitol during the legislative session on issues such as the Missouri Sunshine Law.

"In my position, I don’t work for a newspaper. I work for the newspaper industry and all the issues that come along with it in the legislature," Crews said. "That’s probably one of the biggest things (about this job) is just to try to defend open government, open records and open meetings of public governmental bodies because there’s always somebody wanting to chip away at that, and that’s very important for our society as a whole — to keep government open."

Maassen said following in the footsteps of Crews would be a privilege, and the work Crews has done in the position is "unbelievable."

"Much of the duties of this job is to keep the interests of newspapers first and foremost," Maassen said.
WASHINGTON -- The U.S. Supreme Court agreed Monday to review the constitutionality of the consideration of race and ethnicity in college admissions cases. And many legal experts believe the justices are likely to be skeptical of such consideration.

The case involves the admissions practices at the University of Texas at Austin. It is possible that the Supreme Court could rule in a narrow way about UT. But the case also gives the justices, several of whom are dubious of the legality of the consideration of race by schools and colleges, a chance to limit or ban the consideration of race in college admissions. The case will now be heard in the fall, with a decision likely in early 2016. The issues in this case are also likely to be debated in the 2016 presidential race.

As is the norm in cases it agrees to hear, the Supreme Court did not issue any explanation about its decision. But the notification that the justices would take the case confirmed, as expected, that Associate Justice Elena Kagan would recuse herself from consideration of the case. Kagan was solicitor general in the Obama administration before being appointed to the court, and presumably worked on the case in that capacity. With Kagan not voting, only three justices on the court are considered reliable backers of affirmative action.

The Supreme Court on Affirmative Action in Higher Education

1978: In Regents of the University of California v. Bakke, the court ruled that the medical school at the University of California at Davis could not reserve some slots with separate admissions standards for minority applicants. But the court also ruled that colleges could consider race and ethnicity in admissions decisions in ways that did not create quotas.

2005: In Gratz v. Bollinger, the court ruled that the University of Michigan at Ann Arbor had unconstitutionally used an undergraduate admissions system in which underrepresented minority applicants received points on the basis of their ethnic or racial background.
2005: In Grutter v. Bollinger, the court ruled that the University of Michigan’s law school was within its constitutional rights in considering applicants’ race and ethnicity because it did so through a “holistic” review and not by simply awarding points based on race and ethnicity.

2013: In Fisher v. University of Texas at Austin, the court ruled that lower courts needed to apply “strict scrutiny” and not give colleges deference in reviews of challenges to the consideration of race and ethnicity in admissions decisions.

The Supreme Court’s 2013 ruling is in the same case that has now returned to the justices.

Ruling 7 to 1, the court in 2013 found that the U.S. Court of Appeals for the Fifth Circuit had erred in not applying “strict scrutiny” to the policies of UT Austin. The case is Fisher v. University of Texas at Austin, in which Abigail Fisher, a white woman rejected for admission by the university, said that her rights were violated by UT Austin’s consideration of race and ethnicity in admissions decisions. Fisher’s lawyers argued that the University of Texas need not consider race because it has found another way to assure diversity in the student body. That is the “10 percent plan,” under which those in the top 10 percent of students at Texas high schools are assured admission to the public college or university of their choice.

The Supreme Court in 2013 found that the U.S. Court of Appeals for the Fifth Circuit had erred in not applying “strict scrutiny” to the policies of UT Austin. The case is Fisher v. University of Texas at Austin, in which Abigail Fisher, a white woman rejected for admission by the university, said that her rights were violated by UT Austin’s consideration of race and ethnicity in admissions decisions. Fisher’s lawyers argued that the University of Texas need not consider race because it has found another way to assure diversity in the student body. That is the “10 percent plan,” under which those in the top 10 percent of students at Texas high schools are assured admission to the public college or university of their choice.

The majority decision from the appeals court said that just because Texas could get some diversity based on the percent plan alone does not mean it can’t do more than that. “An emphasis on numbers in a mechanical admissions process is the most pernicious of discriminatory acts because it looks to race alone, treating minority students as fungible commodities that represent a single minority viewpoint,” the judges wrote. “Critical mass, the tipping point of diversity, has no fixed upper bound of universal application, nor is it the minimum threshold at which minority students do not feel isolated or like spokespersons for their race.”

Further, the appeals court said that the University of Texas is correct not to rely solely on the percent plan, which in turn works because of segregation. The plaintiff’s “claim can proceed only if Texas must accept this weakness of the top 10 percent plan and live with its inability to look beyond class rank and focus upon individuals,” the decision says. “Perversely, to do so would put in place a quota system pretextually race neutral. While the top 10 percent plan boosts minority enrollment by skimming from the tops of Texas high schools, it does so against this backdrop of increasing resegregation in Texas public schools, where over half of Hispanic students and 40 percent of black students attend a school with 90 [to] 100 percent minority enrollment.”

The dissent argued that the majority decision did not comply with the Supreme Court’s 2013 decision. “At best, the university’s attempted articulations of ‘critical mass’ before this court are subjective, circular or tautological,” the dissent says. “The university explains only that its ‘concept of critical mass is defined by reference to the educational benefits that diversity is designed to produce.’ And, in attempting to address when it is likely to achieve critical mass, the university explains only that it will ‘cease its consideration of race when it determines … that the educational benefits of diversity can be achieved at UT through a race-neutral policy ....’
“These articulations are insufficient. Under the rigors of strict scrutiny, the judiciary must ‘verify that it is necessary for a university to use race to achieve the educational benefits of diversity.’ It is not possible to perform this function when the university’s objective is unknown, unmeasurable or unclear.”

What the Supreme Court says about these issues could be crucial to colleges nationwide. Many of them cite the idea of a “critical mass” as part of their explanation for a range of policies that consider race and ethnicity.

Another key issue for many colleges other than UT is the question of how much deference to give to colleges generally on matters related to their desire for diverse student bodies. The 2013 Supreme Court ruling said that no deference should be given to colleges just for being colleges as opposed to other kinds of organizations. And that significantly increased the burden for colleges because many courts have said, historically, that they are hesitant to question decisions on such policies as admissions.

The appeal filed by Fisher’s lawyers, urging the Supreme Court to take the case, said that the appeals court had not in fact applied the required “strict scrutiny” to the university's actions.

“At every turn, the majority was ‘persuaded’ by UT’s circular legal arguments, post hoc rationalizations for its decision to reintroduce racial preferences and unsupported factual assertions,” the brief says, adding that the Supreme Court “has a special interest in ensuring that courts on remand follow the letter and spirit of [its] mandates .... That institutional interest is triggered here as the Fifth Circuit applied strict scrutiny in name only.”

In its reply brief, the University of Texas said the appeals court had indeed applied the Supreme Court's standards for reviewing the consideration of race in admissions. The Texas brief said Fisher’s lawyers are in reality just trying to eliminate the right of colleges to consider race in any circumstance. “As is evident from their desire to eliminate racial preferences in education altogether, the real problem for petitioner and her amici is this court’s decisions ... [that] establish that universities may consider race -- when narrowly tailored to their compelling interest in student body diversity.”

Fisher was a high school senior when she first sued UT Austin in 2008. She enrolled at and graduated from Louisiana State University after she was rejected by UT, but has continued the legal case over her rejection.

Why Supporters of Affirmative Action Are Worried

Generally, Monday's announcement was praised by those who want to limit the way colleges consider race. Fisher issued a statement that said: “I am very grateful that the Supreme Court will once again hear my case. I hope the justices will rule that UT is not allowed to treat undergraduate applicants differently because of their race or ethnicity.”

For its part, the University of Texas projected confidence. Gregory L. Fenves, president of UT Austin, released his own statement: “Our admissions policy is narrowly tailored, constitutional and has been upheld by the courts multiple times. We look forward to making our arguments before the Supreme Court later this year.”

Molly C. Broad, president of the American Council on Education, similarly expressed confidence in a statement: “As they rehear the ‘Fisher’ case, we remain confident that the justices will continue to recognize the importance of diversity and show appropriate deference to the judgments made by the University of Texas, which inform its admissions policies and practices.”
But many legal observers -- including plenty who favor the consideration of race in admissions -- are worried. The Supreme Court historically doesn't take up cases just a few years after a similar case, unless there is a specific desire to change things, or a split has developed among appeals courts. In this case, the case is the same one from just two years ago, and there are no conflicting appeals court rulings.

Another reason for concern of affirmative action supporters is in simply counting justices with various voting records on government policies that involve race. Generally, the conservative wing of the court (Chief Justice John Roberts Jr. and Justices Samuel Alito Jr., Antonin Scalia and Clarence Thomas) has provided a solid four votes against government consideration of race, consistently arguing that such policies aren't needed today. The liberal wing of the court (which, excluding Kagan, includes Justices Ruth Bader Ginsburg, Stephen G. Breyer and Sonia Sotomayor) has generally been sympathetic to affirmative action.

But while Justice Anthony M. Kennedy is talked about as a swing vote, and has voted with the liberal wing on issues such as same-sex marriage, that is not the case when it comes to race. In 2003, he dissented from then Justice Sandra Day O'Connor's decision upholding the consideration of race by the University of Michigan Law School. In his dissent, Justice Kennedy specifically questioned the idea of seeking a critical mass of minority students. He wrote that, at Michigan's law school, “the concept of critical mass is a delusion used by the law school to mask its attempt to make race an automatic factor in most instances and to achieve numerical goals indistinguishable from quotas.”

Further, a book on Justice Sotomayor's arrival on the court has provided details about the 2013 deliberations on the University of Texas case that year, and suggests that Kennedy was prepared then to write a strong rejection of the university's admissions policies and watered down his opinion to attract more justices in what was reportedly a deeply divided court. Many experts suggest that this suggests Kennedy's vote will be a hard one for the University of Texas and supporters of affirmative action to win.

Tom Sullivan, a lawyer who is also president of the University of Vermont, said he still believes Justice O'Connor got it right, and that “diversity in higher education is a public good.”

But he added that the task for the University of Texas will be difficult. “Given the multiple reviews of this case by the court, the university's plan might well receive less deference than previous rulings," he said.

Rod Smolla, who starts this week as the dean of Widener University Delaware Law School and is author of The Constitution Goes to College, said via email that he would be surprised if Justice Kennedy backed the University of Texas. “The question, in my judgment, is not whether the current principles governing race-conscious admissions will be altered, but rather how much they will be altered. Justice Kennedy is likely to tighten the current principles in a manner less hospitable to affirmative action. This could range anywhere from a complete abolition of race-conscious admissions, to requiring some form of stronger showing that no race-neutral alternatives to achieving more diverse student bodies will suffice. It is unlikely that Justice Kennedy would endorse the current regime of strong deference to the judgment of university officials on these issues.”

Michael A. Olivas, director of the Institute for Higher Education Law and Governance at the University of Houston and author of The Law and Higher Education, is a strong supporter of affirmative action. He said that there was no real reason for the Supreme Court to take the case, and that leaves him concerned. He said that the University of Texas admissions process is “the most scrutinized admissions process in higher education” in the last 20 years. And he said it is largely the same as it was in 2013.
He said that the Supreme Court should not have allowed Fisher, “who has graduated from college and who therefore has no more standing, [to] continue to get a bite at the apple.” That the Supreme Court would take the case is “disconcerting,” he said. “Once the Supreme Court acts, it ought to leave it alone.” Having agreed to another review, Olivas said, Fisher’s suit becomes “the case that will not die.”

June 30, 2015

What to Expect as the Supreme Court Revisits Race in Admissions

By Peter Schmidt

The U.S. Supreme Court announced on Monday that it would revisit a lawsuit challenging how the University of Texas at Austin considers race and ethnicity in admitting undergraduates, setting the stage for yet another heated national debate over affirmative action at colleges.

The justices previously weighed in on the case, Fisher v. University of Texas at Austin, just two years ago. They handed down a 7-to-1 decision that was regarded as an incremental victory for the plaintiff, Abigail Noel Fisher, a white applicant who sued the university for discrimination after being denied admission to the Austin campus, in 2008.

In its 2013 Fisher ruling, the Supreme Court struck down a lower court’s summary judgment in the university’s favor, but left intact its precedents allowing colleges to consider race in admissions to advance a compelling government interest in campus diversity. The majority opinion said the lower court had erred in essentially accepting at face value the university’s claims that it had seriously considered race-neutral alternatives to its policy and had narrowly tailored the policy to assign race or ethnicity no more weight than necessary. The lower court was ordered to reconsider the case.

Ms. Fisher’s lawyers asked the Supreme Court to take up the case a second time after the U.S. Court of Appeals for the Fifth Circuit last year again upheld the Austin campus’s policy.
The new appeal, No. 14-981, will be heard during the court's 2015 term, which begins in October, with a ruling expected by the summer of 2016.

What follows are answers to key questions raised by the Supreme Court’s decision to revisit the Fisher case.

**Why did the Supreme Court take up this case again?**

We don’t know for certain because the court — as is its custom — did not elaborate on its decision to hear the case a second time. But its decision signals that at least four justices regard the dispute as worth a second look.

In asking the court to revisit the case, Ms. Fisher’s lawyers complained that the Fifth Circuit had again taken the university’s claims at face value. They warned that if the justices failed to review the Fifth Circuit’s decision, such a move would signal to colleges and courts throughout the nation that the Supreme Court’s first Fisher ruling was "a green light for racial preferences in admissions decisions."

Judge Emilio M. Garza, the dissenting member of the Fifth Circuit panel that voted 2 to 1 to uphold the university’s policy, has made similar arguments. He has asserted that the Fifth Circuit court erred by not demanding that the university clearly define what it meant in seeking a "critical mass" of minority students.

With Justice Elena Kagan, a liberal who helped defend Texas’ policies in her previous position as U.S. solicitor general, having recused herself from the Supreme Court’s previous deliberations over Fisher and its latest decision to revisit the dispute, Ms. Fisher’s lawyers may already have an edge in the battle for Supreme Court votes.

**Is any new legal question at issue?**

Yes, and it has the potential to reframe how courts and colleges think about campus diversity.

In its second go-round before the Fifth Circuit, the university said it needed to consider race and ethnicity in undergraduate admissions to ensure socioeconomic diversity within the populations of minority students that it enrolls. It argued that too few minority students from relatively wealthy backgrounds are represented among those it admits through Texas’ "top 10 percent plan," a state law guaranteeing college admission to in-state applicants who are in the top tenth of their high-school class.
In appealing the Fifth Circuit’s ruling to the Supreme Court, Ms. Fisher’s lawyers argued that the Austin campus’s professed interest in class-based diversity within minority populations is something concocted late in the game, an effort to justify a policy created for entirely different reasons. They asserted that the Fifth Circuit had erred in accepting this "qualitative" diversity rationale for race-conscious admissions, which has not been explicitly debated before the Supreme Court.

The rationale, they said, "is based on demeaning and unfounded stereotypes about less-privileged applicants from minority communities." It also conflicts with a university policy that gives extra consideration to low-income students to promote diversity, and thwarts the court’s efforts to ensure that race-conscious admission policies are narrowly tailored by giving the university "absolute discretion to use race as long as it wishes," they argued.

Considering how poorly students from modest backgrounds are represented at most selective colleges, pulling considerations of economic diversity into the legal debate over race-conscious admissions could cause that debate to spin off in any number of new directions.

**Does the recent University of Texas admissions scandal factor in?**

Ms. Fisher’s lawyers filed their Supreme Court appeal in January, before news broke that the president of the Austin campus, William C. Powers Jr., had overseen a separate, side-door process for considering favored applicants, many of whom had political connections. (Mr. Powers stepped down this month as president.)

But in weighing whether to hear the case a second time, the Supreme Court had before it a separate brief, from the Cato Institute, which argued that the Texas admissions scandal raised doubts about the university’s characterizations of its admissions process and its sincerity in claiming to seek diverse enrollments. The Project on Fair Representation, the advocacy group that mounted Ms. Fisher’s legal challenge, cited the scandal on Monday in its news release hailing the Supreme Court’s decision to take up the case.

The Supreme Court conceivably could have responded to the latest petition to hear the Fisher appeal by ordering a lower court to conduct a trial to sort out the facts underlying the case. It didn’t, but that won’t stop Ms. Fisher’s lawyers and other opponents of race-conscious admissions policies from using the scandal to try to undermine Texas’ credibility.
How does this case relate to other pending legal challenges to race-conscious admissions? Are other colleges’ admissions policies in jeopardy?

With most of the Supreme Court’s conservative members strongly opposed to the consideration of race in college admissions, any case on the issue represents a potential vehicle for the court to overturn two landmark precedents allowing such policies: its 1978 decision in Regents of the University of California v. Bakke and its 2003 decision in Grutter v. Bollinger, involving the University of Michigan at Ann Arbor’s law school.

Conservative groups that oppose race-conscious admissions policies, and higher-education and civil-rights groups that want to keep such policies in place, are likely to deluge the justices with friend-of-the-court briefs based on the assumption that the stakes may be that high.

The petition for a new hearing from Ms. Fisher’s lawyers did not request such a sweeping decision, however. It appears almost certain they will focus, as they did the last time the Supreme Court heard the case, on the narrow question of whether the university has complied with the guidance provided by the Supreme Court in its past decisions.

The new Supreme Court battle comes as an advocacy group connected with the Project on Fair Representation has mounted separate federal lawsuits against Harvard University and the University of North Carolina at Chapel Hill urging an end to race-conscious admissions. Those lawsuits, however, were brought only last fall and have not progressed nearly far enough in the courts to formally factor much into the Supreme Court’s Fisher deliberations. A more likely scenario is that the Supreme Court’s next Fisher decision will influence how the courts resolve the challenges to Harvard and North Carolina.

Peter Schmidt writes about affirmative action, academic labor, and issues related to academic freedom. Contact him at peter.schmidt@chronicle.com.