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## **Race Theory Rubbish**

By KAREN LEE TORRE

I cringed reading reporter Christian Nolan's article on the so-called "training session" that took place for prosecutors and public defenders on the issue of "implicit" racial bias in our state's criminal justice system. ("Checking Biases At the Courtroom Door," *Connecticut Law Tribune*, June 7, 2010). Given who the principal instructor was, I'd rather characterize it as left-wing propaganda and indoctrination.

"Conducting" the event was one Professor Jerry Kang, hardly politically non-partisan or a neutral "law" professor. He is a known left-winger on the typically radical UCLA Law School faculty, and a proponent of "critical race theory," which I consider a crock.

Based on junk social science and stripped of its near comical empirics, it is at bottom a theory propagated by the legal-academic Left in order to transmute statistical disparities into illegal and unjust discrimination.

As is typical of liberal activist academics, Kang, from what I can tell, never held a real job or gained a grasp of the realities of the workplace or the halls and insides of our courtrooms. (He went from Harvard Law School to a clerkship with, unsurprisingly, the 9th Circuit, and then on to "teaching").

But, oh, Kang is prepared to tell us what really goes on in our unconscious biased minds, our courts and our workplaces.

Give me a break.

Kang knows nothing about our state judges and prosecutors, or their sentencing practices. And let Kang spend a week with my New Haven firefighters and they'll tear his critical race theory to shreds and eat him for lunch.

Kang not only personally favors racial preferences (aka the more sanitized "affirmative action"), but is a liberal political operative active outside the classroom, actively involved in opposing voter referenda and propositions to end racial preferences and reverse discrimination. And you could have bet your house on this one – Kang was an active Obama booster.

Somebody got away with spending state funds for what is a thinly disguised partisan political agenda masquerading as "training"? I'd love to know who in state service made the choice to import a California leftist so he can gain an official state seal of approval on the controversial critical race theory.

In speaking to Nolan, the *Tribune* reporter, Hartford State's Attorney Gail Hardy cited a case (related to her by a colleague) where a suburban defendant received a more lenient sentence than was meted out to an inner-city minority for the same offense.

Before holding up this bald anecdote as "an example" of race bias in our court system, did Hardy do anything to learn of pertinent facts regarding those two

defendants – for example, their criminal and arrest backgrounds, work histories, school status, etc? No, she didn't.

I called Gail Hardy and asked her that very question.

She admittedly knew nothing about any such details. She just parroted a bare comparison and floated it for public consumption. How responsible was that? I think it entirely irresponsible.

Given Hardy's high office, her words matter. They can unfairly serve to foster bogus claims of systemic racism in Connecticut's criminal justice system and to promote the false perception that our prosecutors and judges are unfairly charging and sentencing blacks in our courts. (Disclosure – I called the colleague identified by Hardy to get those details – he did not return the call).

I can cite cases where whites were jailed and blacks walked for a like offense. What should one make of those anecdotes? Absolutely nothing.

State's Attorney Kevin Kane was more responsible, noting the obvious—that numerous factors account for seeming statistical disparities.

Hardy's woefully simplistic non-sequitur was surpassed only by Judge Lubbie Harper Jr.'s suggestion that we ought to presume that a man with baggy pants and a backward baseball cap is as likely to be a Rhodes Scholar as an individual who has encountered the criminal justice system.

Sorry Judge Harper, but the odds gods aren't with you.

I know better than to judge any book by its cover. But I've also lived long enough and seen enough to know that if somebody, black or white, is walking toward me in a darkened parking lot, and he's got pants below his butt and a cap on sideways, *chances are* he's not fresh back from Oxford.

That's my critical common sense theory. And it, in fact, saved me from an attempted mugging just last year. •

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