



IMMEDIATE RELEASE
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UNIVERSITY OF MICHIGAN SETTLES DIVERSITY-DATA FOIA LAWSUIT BY MICHIGAN SCHOLARS: PAYS ATTORNEY COSTS

Earlier this month, the Michigan Association of Scholars (MAS), working in conjunction with a freelance writer and researcher, signed a settlement with the University of Michigan (U-M) concluding a nearly two-year legal battle over scientific data used in the historic admissions lawsuits decided by the U.S. Supreme Court in 2003. The U-M had refused to produce to members of the public the underlying data in scientific testimony it used to persuade the courts, following several requests using the Freedom of Information Act (FOIA). The University also issued a check to MAS which it used to cover costs associated with the litigation, although the publicly-available settlement explicitly denies that it was any admission of wrong-doing on the part of university.

The FOIA litigation arose as a result of the University's refusal to produce the actual raw data that was created for Professor Patricia Gurin, a former interim-Dean of U-M's largest undergraduate school and an expert witness offered by U-M in the *Gratz* and *Grutter v. Bollinger* admissions lawsuits. Gurin's testimony was the lynchpin of the university's assertion that "diversity" produced "educational benefits." Her testimony was called into question by scientific critiques of her methodology by the National Association of Scholars, parent national organization of the MAS; a number of independent scientists; and later by a freelance writer, Chetly Zarko. Mr. Zarko, using FOIA and the University's historical archives, unearthed documents *created by Professor Gurin's own husband before the lawsuits began* that interpreted the same dataset in a way much less in line with U-M's legal interests and *in conflict with her expert testimony*.

Although able to obtain copies of Mr. Gurin's contradictory "Executive Summaries," the University repeatedly denied Zarko access to the raw data so that he and a group of other scholars could analyze it before a decision the Supreme Court cases. Following the publication of Zarko's story in the *Wall Street Journal* and the Supreme Court's actual decision shortly thereafter, the MAS joined in Mr. Zarko's FOIA requests and later filed litigation to compel the U-M to produce the data. After a long delay, the University now has the data available through its website and it settled the lawsuit. A group of scholars is now independently working on a book and research project based on the newly released data. Legal counsel for MAS was Kerry L. Morgan, of Pentiuk, Couvreur & Kobiljak, PC.

The Michigan Association of Scholars (MAS) is the Michigan affiliate of the National Association of Scholars (NAS). As with other NAS affiliates, we are concerned with the politicization of higher education in all of its aspects, and are dedicated to fostering an intelligent, independent, and open discussion on these issues.

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