



## WOMEN FOR THE AMERICAN CONSTITUTION NEWSLETTER

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### President CJ's Letter

Dear Friends,

Each year on July 4<sup>th</sup> we celebrate America's Declaration of Independence (1776) from Great Britain. Next year will mark 250 years since the birth of our great nation. Planning for commemorative celebrations for this event have already begun. Independence Day 2026 will be like no other in our nation's history. The "Great Experiment," as Washington called it, will have lasted longer than any other democracy (democratic republic) in world history.

Looking back, however, we have already passed the 250-year anniversary for the battles credited with starting the war with England. The Battles of Lexington and Concord were the first major military campaign of the American Revolutionary War, resulting in an American victory and outpouring of militia support for the anti-British cause. The battles were fought on April 19, 1775, in Middlesex County (Province of Massachusetts Bay), within the towns of Lexington, Concord, Lincoln, Arlington, and Cambridge.

The first shots were fired just as the sun was rising at Lexington. Eight militiamen were killed. The British suffered only one casualty. The militia was outnumbered and fell back, and the British regulars proceeded on to Concord, where they broke apart into companies to search for supplies. At the North Bridge in Concord, approximately 400 militiamen engaged 100 regulars from three companies of the King's troops at about 11:00 am, resulting in casualties on both sides. The outnumbered regulars fell back from the bridge and rejoined the main body of British forces in Concord.

The British forces began their return march to Boston after completing their search for military supplies, and more militiamen continued to arrive from the neighboring towns. Gunfire erupted again between the two sides and continued throughout the day as the British marched back towards

Boston. With added reinforcements, 1,700 regulars marched back to Boston under heavy fire in a tactical withdrawal and eventually reached the safety of Charlestown. The accumulated American patriots then blockaded the narrow land accesses to Charlestown and Boston, starting the Siege of Boston, which lasted until March 17, 1776.

The events at the North Bridge were immortalized by Ralph Waldo Emerson in his 1837 "Concord Hymn." The hymn became important because it commemorated the beginning of the American Revolution, and that for much of the 19<sup>th</sup> century, it was a means by which Americans learned about the Revolution, helping to forge the identity of the nation.

*By the rude bridge that arched the flood  
Their flag to April's breeze unfurled  
Here once the embattled farmers stood  
And fired the shot heard round the world.*  
-First verse of "Concord Hymn"

After 1860, several generations of schoolchildren memorized Henry Wadsworth's Longfellow's poem "Paul Revere's Ride." Historically it is inaccurate (Paul Revere never made it to Concord), but it captures the idea that an individual can change the course of history. We have witnessed this to be true throughout the 250 years that followed.

And so began the birth of a nation. Now we begin our 250<sup>th</sup> Birthday celebration!



CJ. Hatcher, W.A.C. President

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### **In April, WAC Members Heard from Robert Tracci of Virginia's Attorney General's Office about Crime in Virginia and the U.S. In May, U.S. Rep. John McGuire Discussed What's Happening in Congress; and Delegate Chris Runion Discussed the General Assembly**

In April, Robert Tracci, Senior Assistant Attorney General and Section Chief for Major Crimes in the Commonwealth of Virginia spoke to our members about the rise in crime in Virginia and actions Virginia's Attorney General's Office is taking to combat it. He also spoke about the rise in crime in the U.S. and the failure of many states and cities to hold perpetrators accountable.

In May, we heard from Virginia's 5<sup>th</sup> Congressional District Rep. John McGuire who spoke about working in Washington to help implement President Trump's agenda, including his Big Beautiful Bill; and, how important team work is to accomplishing positive results in the military and for the American people. He gave examples of how he worked across party lines to achieve goals when he served in Virginia's General Assembly.

In May, we also heard from Delegate Chris Runion who spoke about his work in Virginia's General Assembly and efforts he is making to work across party lines during this time of Democrat control of both chambers to achieve positive outcomes for citizens of the 35<sup>th</sup> House District and Virginia.







## Note from Our Election Integrity Committee Chair Karen Juul-Nielsen:

Greetings, Patriots!

Well, the Democrat primary is upon us. By the time you are reading this letter, it will be over and the forward march to Election Day is in full swing! This year in Albemarle County, we only had a Democrat Primary because all the Republicans running for office were uncontested. Now is the time to really search your soul and determine how you can help get conservative-minded folks elected. That's a difficult task in Albemarle County, so we need each of you to "step up to the plate" and contribute as you are able.

Fortunately, we have a conservative candidate, Scott Smith, running for Board of Supervisors (BOS) in the Samuel Miller District. That means only Samuel Miller District residents can vote for Scott, but **everyone** can help him get elected. Scott Smith believes that we need a different voice on the BOS – one that represents fiscal responsibility, reasonable tax rates and assessments, appropriate funding for law enforcement and so much more. Please reach out to Scott Smith and ask him your questions and offer your support. He will need every vote he can get; and each of you to help him get those votes.

Visit Scott's website: [www.ScottSmithSupervisor.com](http://www.ScottSmithSupervisor.com) or call him: 434-320-3251

As you have heard me say many times, the number one most effective way to reach voters is "door knocking". I've done a lot of "door knocking" myself and I can assure you it is very rewarding and encouraging to talk with other conservative folks. Donna Gray can help you get started – see below.

We also need Election Officials – this is an easy job and one that is so very important. At this point, you will only serve one day this year – on Election Day, November 4. And yes, it's a very early and long day, but if you are up for the challenge, please let me know and I can get you started on the process of being approved and trained.

However, even if every one of you reading this article participates in some meaningful way, it will not be enough. You need to talk about this election with your friends, family, church groups, social clubs, exercise classes – well, you get the message – spread the word - and encourage, encourage, encourage!

And there's more!



Get Out The Vote (GOTV) – Donna Gray, 252-717-6891; [donnadgray@yahoo.com](mailto:donnadgray@yahoo.com) raising awareness of the election with door knocking and encouraging voter registration and early in-person absentee voting. Donna also trains and encourages door knockers – including going along on specific “walks” that she will set up for you.

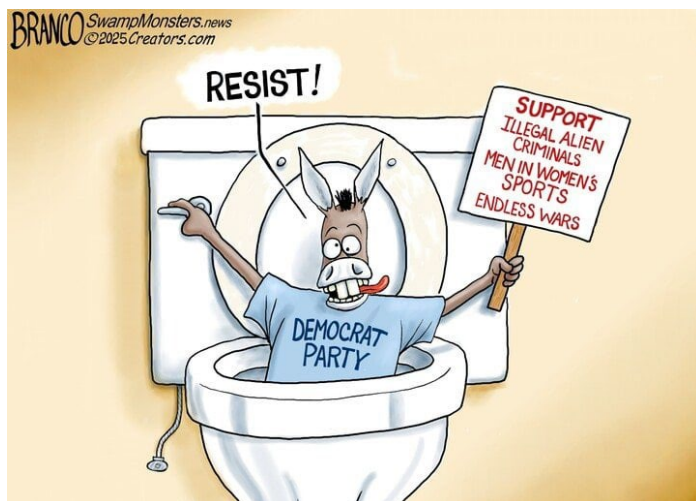
Tents & Tables (T&T) – Connie Sylvester, 434-466-9101; [sylvestercrew8@gmail.com](mailto:sylvestercrew8@gmail.com) setting up precinct captains to manage greeting voters, answering questions and distributing literature on election day. Connie is a wealth of information and can direct you to the proper person to connect with in your district.

Election Officers (EO) and Poll Watchers (PW) – Karen Juul-Nielsen, 713-806-8385; [karenjn@fastmail.com](mailto:karenjn@fastmail.com) recruits and encourages people to train for becoming election officers. Training and scheduling of Poll Watchers or Authorized Party Representatives of a particular party. Poll Watchers observe and listen during the election process both on Election Day at all the precincts, and during Early Voting which is held at the Registrar’s Office, located at 1600 5<sup>th</sup> Street, Charlottesville, VA. 22902.

Financial Contributions: running political campaigns is ridiculously expensive. Please consider very seriously how much you are able to help - and please “stretch”, especially, this year. If we don’t get some more conservative minded folks elected to the House of Delegates, and keep the common-sense folks we already have in the Governor’s House, we will lose all the progress we have made.

Thank you for your prayers, contributions and all your participation!

Karen Juul-Nielsen  
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## Trump’s ‘Knock-Down-Drag-Out Counterrevolution’ is Tackling Long-Festering Ills No One Else Would

By Victor Davis Hanson, *New York Post*, condensed

Pundits are confused about what to make of the first 100 days of the second Trump administration.

Supporters talk of “flooding the zone,” believing President Donald Trump is making so many changes so quickly that his opposition is reduced to deer-in-the-headlights infancy.

They must be right when the nation suffers daily Democratic potty-mouth videos, vandalism of Teslas, infantile meltdowns at congressional witnesses, rioting against federal agents to protect illegal-alien felons, protesting on behalf of women beaters, M-13 gangbangers, human traffickers and assaulters, and visa-holding violent students praising Hamas terrorists.

In contrast, opponents either claim Trump’s first three months are either directionless chaos or a Hitlerian nightmare or both.

But what is really happening?

One, Trump is finally addressing the problems that proverbially “cannot go on forever, and so they won’t go on.”

When, if ever, would the left have closed the southern border?

After 10 million, 30 million, 50 million illegal aliens?

How many more criminal illegal entrants was the Biden administration willing to allow into American neighborhoods — 500,000?

1 million?

3 million?

How long was the world simply going to ignore the human destruction on the doorstep of Europe?

Would former President Joe Biden or former Vice President Kamala Harris have sought a Ukraine War cease-fire?

Or would it have taken another 1.5 million, 3 million or even 5 million more dead, wounded, and missing Ukrainians and Russians?

Nor did past administrations ever seek a solution to the massive national debt, much less the uncontrollable budget and trade deficits.

All prior presidents passed the day of judgment on to some vague future presidency, assured that their money printing would at least not blow up on their watch.

All moaned that China was piling up huge trade surpluses while denying its own population the usual modern safety net.

They knew Beijing's aim was to use the trillions of dollars in trade surpluses to build a new massive military, a greater arsenal of nuclear bombs and a new imperial Belt and Road overseas empire.

Yet no administration did anything but greenlight American offshoring while ignoring Chinese trade cheating and technology theft.

Indeed, prior presidencies appeased and enriched China on the foolish belief that such indulgence would lead to Chinese prosperity, and with such Western-style affluence, soon a globalized, democratic and supposedly friendly China.

In sum, we just witnessed all at once a 100-day, 360-degree effort to address all the existential challenges that we knew were unsustainable but were either afraid or incompetent to address.

Second, the administration apparently wants to confront the source of these crises and believes it is the progressive project.

The left maintains real political power not by grass-roots popularity, but rather by unelected institutional clout. The party of democracy uses anti-democratic means to achieve its ends of perpetual control.

It wages lawfare through the weaponization of the state, local and federal courts.

It exercises executive power through cherry-picked federal district and circuit judges and their state and local counterparts.

The permanent bureaucracies and huge federal workforce are mostly left-wing, unionized and weaponized by a progressive apparatus.

Their supreme directive is to amalgamate legislative, judicial and executive power into the hands of the unelected Anthony

Faucis, Jim Comeys and Lois Lerner of the world — and thus to override or ignore both popular plebiscites and the work of the elected Congress.

Over 90% of the media — legacy, network, social and state — are left-wing.

Their mission is not objectivity but, admittedly, indoctrination.

Academia is the font of the progressive project; 90% of the professoriate are left-wing and activist — explaining why campuses believe they are above the rules and laws of the Constitution, the Supreme Court and the US Congress.

Add into the mix the blue-chip Accela corridor law firms and the globalized corporate and revolving-door political elite.

The net result: Almost everything the vast majority of Americans and their elected representatives did not want — far-left higher education, a Pravda media, biological men destroying women's sports, an open border, 30 million illegal aliens, massive debt, a weaponized legal system and a politicized Pentagon — became the new culture of America.

So, Trump is not just confronting unaddressed existential crises but also the root causes of why, when and how they become inevitable and nearly unsolvable.

His answer is a messy, knock-down-drag-out counterrevolution to reboot the country back to the middle, where it once was and where the Founders believed it should remain.

His right and left opponents call such pushback chaotic, disruptive and out of control.

But the counterrevolution appears disorderly and upsetting, mostly to those who originally birthed the chaos; it certainly does not to the majority of Americans who finally wanted an end to the madness.





## Judge Ho Gives SCOTUS the Smackdown it Deserves

By Shawn Fleetwood, The  
Federalist, *condensed*

**‘I worry that the disrespect they have been shown will not inspire continued respect for the judiciary, without which we cannot long function.’**

The refusal by a majority on the U.S. Supreme Court (SCOTUS) to shut down leftists’ lower court judicial coup against President Trump has drawn sharp rebukes from conservatives across America. These critics (correctly) argue that the high court’s unwillingness to stop (and at times, its willingness to participate in) this effort both subverts the power of the executive branch and undermines the will of the more than 77 million Americans who voted for the president in the 2024 election.

But it’s not just judicial commentators and everyday citizens who are getting fed up with the justices’ political gamesmanship.

Last week, a three-judge panel on the Fifth Circuit Court of Appeals issued an order “expedit[ing] to the next available randomly designated regular oral argument panel” the case known as *A.A.R.P. v. Trump*. The matter centers around Trump’s use of the Alien Enemies Act to deport Venezuelan Tren de Aragua gang members.

The order came as part of the lower court’s compliance with a May 16 SCOTUS decision, in which a majority (7-2) on SCOTUS remanded the case back to the Fifth Circuit. As described by Fox News, the ruling — in which Associate Justices Samuel Alito and Clarence Thomas dissented — “revolved around the alleged illegal immigrants not having enough time to reasonably file a challenge to their deportations.”

While the Fifth Circuit panel’s order followed the Supreme Court’s instructions, it also included a multi-page concurring opinion from Judge James Ho. In addition to arguing that the identified Tren de Aragua members “should not be allowed to proceed in this appeal,” the Trump appointee excoriated the high court for the “disrespect” it has shown “the district judge as well as the President and other officials” in the case.

“As an inferior court, we’re duty-bound to follow Supreme Court rulings — whether we agree with them or not. ... So I concur in our order today expediting our consideration of

this matter, as directed by the Supreme Court,” Ho wrote. “But I write to state my sincere concerns about how the district judge as well as the President and other officials have been treated in this case. I worry that the disrespect they have been shown will not inspire continued respect for the judiciary, without which we cannot long function.”

Ho went on to note that it “is not the role of the judiciary to check the excesses of the other branches, any more than it’s our role to check the excesses of any other American citizen” — an apparent rebuke to recent remarks by Chief Justice John Roberts. While speaking at an event in his hometown of Buffalo, New York, earlier this month, the Bush appointee tacitly endorsed the concept of judicial supremacy, claiming the courts can unilaterally “strike down ... acts of Congress or acts of the president” they believe to be unlawful or unfavorable.

“Judges do not roam the countryside looking for opportunities to chastise government officials for their mistakes,” Ho wrote. “Rather, our job is simply to decide those legal disputes over which Congress has given us jurisdiction.”

Much like Alito did in his dissenting opinion in SCOTUS’s May 16 decision, Ho ardently defended District Court Judge James Wesley Hendrix’s handling of petitioners’ requests for emergency relief, saying he “conducted himself in a reasonable and indeed admirable manner” and “any criticism of [him] is unwarranted and unfortunate.” He further echoed Alito’s criticisms of the Supreme Court’s characterization of Hendrix’s declination to immediately abide by petitioners’ late-night requests as “misleading.”

“We seem to have forgotten that this is a district court — not a Denny’s. This is the first time I’ve ever heard anyone suggest that district judges have a duty to check their dockets at all hours of the night, just in case a party decides to file a motion,” Ho wrote. “If this is going to become the norm, then we should say so. ... If this is not to become the norm, then we should admit that this is special treatment being afforded to certain favored litigants like members of Tren de Aragua —and we should stop pretending that Lady Justice is blindfolded.”

The Fifth Circuit judge concluded his fiery opinion by underscoring that Trump deserves the same level of respect all presidents before him have been afforded. He specifically pointed to former President Obama’s attack on the Supreme Court during his 2010 State of the Union address and former President Bill Clinton’s inability to practice law before the high court as examples of presidents who — despite having disagreements with court rulings — were entitled to said respect.

“Yet I doubt that any court would deny any of those Presidents the right to express their views in any pending case to which they are a party, before issuing any ruling. Our current President deserves the same respect,” Ho wrote.

Whether Roberts and his colleagues take Ho’s criticisms seriously remains to be seen. But what is certain is that the longer the high court continues to entertain leftists’ judicial coup, the more credibility it loses with the American people.



## How Much Due Process is Due Illegals?

By Mike McDaniel, The American Thinker

That Democrats entirely ignored the law, including due process, when importing some 20 million illegal immigrants is to be expected. What many didn’t expect is Dems were thinking ahead. Importing tens of millions, spending billions of taxpayer dollars to do it and to support them after they’re here is easy. Deporting them? That’s hard and is exactly what Dems planned.

We already have an immigration court backlog of some three million cases many of them people who want to immigrate legally. Adding any number to that backlog would hopelessly and indefinitely clog the system. Add 20 million or so suddenly granted full due process by Dem legislators in black robes and most of those illegals would never be deported.

Americans are beginning to realize that was always the point.

Dems may not have expected Trump to win, but they were certainly planning on using lawfare to prevent deportations in case Congress suddenly rediscovered the rule of law. With Trump in power again, and with their Party in disarray,

lawfare is their only play and thus far the Supreme Court and Congress are playing along.

Do illegals have the due process rights of Americans?

They certainly don’t have the due process rights of citizen criminal defendants. George Washington Law Professor Jonathan Turley provides background:

Under current procedures, undocumented persons are dealt with under either §1225(b)(1) or §1225(b)(2). Section 1225(b)(1) allows for deportations for those who enter through fraud, misrepresentation, or without valid documentation. Under the first provision, **deportation can be ordered by ICE officials “without further hearing or review” under an expedited removal process.** [emphasis mine] §1225(b)(1)(A)(i). If Trump were speaking of that group, he would be correct so long as there is not an asylum claim. There can be a return without a hearing or judge. Only about 15 percent of undocumented persons have hearings and the Obama Administration aggressively pursued expedited deportations without hearings. However, if an alien “indicates either an intention to apply for asylum . . . or a fear of persecution,” the ICE officials must make a threshold determination if the claims is credible, and, if it is credible, “the alien shall be detained for further consideration of the application for asylum.” §1225(b)(1)(B)(ii).

Thus we see why Biden’s Handlers, their pet NGOs and other nations, were careful to teach every illegal to immediately assert an asylum claim. It gums up the works. Then there’s the Immigration Reform and Immigrant Responsibility act of 1996:

“the alien shall have the privilege of being represented, at no expense to the Government,” and “the alien shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien’s own behalf, and to cross-examine the witnesses presented by the Government ...”

I rather doubt Republicans imagined that act would be applied to 20 million illegally hustled into the country by Democrats. Whether Dems were thinking that far ahead is another matter. In any case, the brokest nation in history doesn’t have the personnel or money to provide those kinds of services to illegals. And there’s more:

The government recently won an important decision in *Jennings v Rodriguez* in which the Supreme Court reversed a lower court that found that federal law barred the holding of immigrants indefinitely and requires bond hearings after six months to evaluate if detention remains justified.

Moreover, the Supreme Court has previously “rejected the claim that aliens are entitled to Fifth Amendment rights outside the sovereign territory of the United States.” *United States v. Verdugo-Urquidez*, 494 U.S. 259, 269 (1990) (citing *Johnson v. Eisentrager*, 339 U.S. 763, 784 (1950)). Whatever due process claims are viable for undocumented persons accrue only “within the territorial jurisdiction.” See *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886).

Turley concludes with this:

However, the blanket call for deportations without due process would be difficult to square with this prior authority. It is also difficult to square with our values as a nation for those with a legitimate fear for their lives and a history of persecution in their nations of origin.

What’s also difficult to square is holding the law and Constitution as a national suicide pact, forced upon us by the malicious plotting of the Democrat party. High-minded concerns for the rights of illegal immigrants might be affordable when we’re dealing with a tiny fraction of those Dems hustled into the country. Imbuing tens of millions of those illegals with the rights of citizens, and raiding the public treasury to pay for all those legal processes, amounts to willing suicide.

It’s now up to the Supreme Court and Congress to decide whether America is first and foremost for Americans. I’m not holding my breath.



## The Tragedy of Affirmative Action

By Jason Riley, Wall Street Journal

Derrick Bell is best known for his contributions to critical race theory—which claims that

racism is embedded in American law and institutions and that the historical mistreatment of black people largely explains current social and economic disparities.

Before becoming the first black tenured professor at Harvard Law School in the 1970s, Bell was a lawyer for the NAACP Legal Defense and Education Fund, where he worked on school desegregation cases under the tutelage of Thurgood Marshall. Bell was once a critic of racial favoritism. But over time, he grew unhappy with the pace of black progress and came to believe that racism is so deeply ingrained in our society that colorblind remedies were destined to fail.

Following the assassination of Martin Luther King Jr. in 1968 and the unrest that ensued nationwide, including on college campuses, schools stepped up efforts to recruit black students and faculty. To expedite the push for racial diversity, elite colleges began lowering admissions and hiring standards. Previous black recruitment efforts had involved searching for capable students who met existing admission criteria and could handle the rigor of the institution. For the first time, schools started creating special programs to recruit black students with academic deficiencies.

How these underqualified recruits would fare once enrolled was less important to college administrators than how many black faces were on campus. The haste in which schools proceeded came at a high cost to the black “beneficiaries.” Studies conducted in the late 1960s and early 1970s showed that, at some elite schools, half of undergraduates admitted through special programs for blacks were on academic probation.

In a 1970 law-review article, Bell objected to this new trend of using different criteria to assess student performance depending on race and ethnic background. In the past, he noted, the small percentages of blacks admitted to selective law schools “not only met the usual academic criteria, but were often characterized by a strong inner drive to equal and, if at all possible, excel their white classmates.” The difference in the quality of black students being admitted for appearances, Bell wrote, was “monumental.” However well-intentioned, it was condescending and unhelpful to ask less of them.

“The view that black students, by reason of their deprived background and racist experiences, should not be required to perform as regular law students,” he argued, “is a form of benevolent paternalism” that feeds racist stereotypes among whites and takes a psychic toll on blacks. “What does such a seemingly sympathetic policy do to the black student’s self-esteem?”

Bell warned that racial preferences risked tainting the accomplishments—in the eyes of whites and blacks alike—of blacks who succeeded. “Whatever arguments are used to justify such a policy, there is little denying that it robs those black students who have done well of receiving real credit and the boost in confidence that their accomplishments merit,” he wrote. He also mentioned the “growing tide of bitterness and resentment” toward these practices and insisted that in “judging the work of black students, there is no reason to apply criteria more stringent than those used to judge whites, and no excuse for passing blacks on lower standards.”

Although Bell later changed his mind, he offered a preview of a half-century of arguments that would be made against racial preferences. He dedicated his professional career to advancing the interests of fellow blacks, and he wasn’t the only scholar to recognize the shortcomings of these policies. That might give pause to those who are inclined to dismiss criticism of affirmative action as racist.

Bell’s concerns about the psychological toll these policies would take on black America turned out to be especially prescient. More than five decades of affirmative action has created the impression that black advancement is impossible without racial preferences. In anticipation of the Supreme Court’s 2023 ruling against affirmative action in *Students for Fair Admissions v. Harvard*, Sherrilyn Ifill, a former head of the NAACP Legal Defense Fund, said that court-imposed race neutrality would have “catastrophic implications” for blacks. Paul Butler, a law professor at Georgetown, predicted that “public and private universities will resegregate.”

Following the decision, some of the most pessimistic assessments came from black elites. Barack Obama, a Harvard Law School graduate, said that race-conscious policies had “allowed generations of students like Michelle and me to prove we belonged.” Former MSNBC host Joy Reid insisted that affirmative action was the only reason black people like her had access to selective colleges. The “scale of what has been lost is difficult to assess,” wrote Columbia Journalism School’s Jelani Cobb, but “the result will be fewer students from traditionally underrepresented minorities on college campuses.”

In her dissenting opinion, Justice Sonia Sotomayor wrote that the majority ruling “rolls back decades of precedent and momentous progress.” In a separate dissent, Justice Ketanji Brown Jackson said the majority opinion had “detached itself from this country’s actual past and present experiences.” Yet actual past experience clearly shows that black advancement in higher education was far more momentous in the decades immediately prior to the implementation of quotas and set-asides.

In fact, the advent of racial preferences coincided with the end of a black-white convergence in the quantity and quality of education in the U.S. that had been under way for nearly a century. Well before the implementation of racial preferences, blacks were making unprecedented strides despite tremendous racial hostility. Those who credit affirmative action with black educational advancement are getting the order wrong. Black advancement came first.

This doom-saying on the left rests mainly on the assumption that racial favoritism is a prerequisite for black accomplishment in a country where racism still exists. Because it has been asserted for so many decades that affirmative action and other government programs are responsible for the existence of today’s black middle class, few bother to question the claim. Yet whether black people have advanced more under quotas and set-asides than under non-preferential policies is ultimately an empirical question, even if the issue is seldom analyzed empirically.

During the first two-thirds of the 20th century, well before affirmative action and an expanded welfare state supposedly came to the rescue of black people, they experienced significant progress. Education gaps narrowed, incomes rose, and poverty declined. This history hasn’t received the attention it deserves because black politicians and activists have a vested interest in a narrative that accentuates black suffering. The upshot is that a history of social and economic advancement that should be a source of pride for blacks—and of inspiration for other ethnic minority groups—has received relatively little consideration.

In 1940, 25- to 29-year-old whites had 3.6 years more schooling on average than their black counterparts. By 1960 both groups had advanced, but blacks outpaced whites and the gap narrowed by more than half, to 1.7 years. Most white-collar jobs, then as now, require a high school diploma. Between 1940 and 1960, the percentage of blacks who met that qualification more than tripled, again growing at a much faster rate than among whites. But as more colleges began compromising their admission standards in the late 1960s to admit black students, these trends slowed.

According to Harvard political scientist Robert Putnam and co-author Shaylyn Romney Garrett, education gaps that had been narrowing started to widen. Greater numbers of blacks had been graduating from high school and entering college, but now fewer were completing college relative to their white peers. The “fastest and most dramatic progress toward parity between blacks and whites finishing high school was achieved before 1970,” the authors wrote in “The Upswing: How America Came Together a Century Ago and How We Can Do It Again,” a 2020 book. “But after 1970, the relative rate at which blacks were completing college dropped, then flatlined, and never recovered its previous upward

trajectory. In fact, today black Americans are completing college at a *lower rate* compared to whites than they were in 1970."

A similar story can be told about black income. More education meant better jobs and higher pay. And just as absolute and relative educational gains among blacks had been speedier in the decades prior to racial preferences in college admissions, wages for black workers rose at a faster pace in the decades before racial hiring quotas became commonplace. Again, affirmative action policies received far more credit than they warrant, mainly because proponents get the sequence wrong or start the story in the middle.

In 1939, the annual median income was \$360 for black males and \$1,112 for white males. (These figures are nominal, unadjusted for inflation.) By 1960 those figures had reached \$3,075 and \$5,137, respectively, an increase of 568% for blacks vs. 362% for whites. Among females over the same time, there was a 275% increase among whites and a 418% increase among blacks. All this occurred before affirmative action and the civil-rights legislation of the mid-1960s.

Between 1940 and 1970, the median annual income for black men rose from 41% to 59% of the median annual white male income, an 18-point gain. Yet under the first quarter-century of affirmative action, 1970-95, black male earnings as a percentage of white earnings grew by only 8 more points, to 67%. Among black women, the pre-affirmative-action gains were even more dramatic. Median black female earnings climbed from 36% of the white female median in 1940 to 73% by 1970. Between 1970 and 1995, however, pay for black women grew by only 16 more points. Black earnings clearly were rising at a much faster clip prior to affirmative action. They continued to rise thereafter, but more slowly. To say that affirmative action led to the jump in black incomes is to ignore these pre-existing trends.

Central to the social-justice ideology that promotes affirmative action is a belief that statistical disparities among groups result mainly from discrimination rather than from statistical differences in skills, behaviors and attitudes. Accordingly, black social and economic advancement is said to be dependent on policies that counter antiblack bias with antiwhite bias. Yet the phenomenal rise of blacks in the first two-thirds of the 20th century, despite centuries of maltreatment, provides a strong rebuke to such claims. History shows that black people have made greater strides under policies of colorblindness than affirmative action. At best, race preferences have helped to continue something that was already happening. At worst, they've done more to throttle than to expedite black upward mobility.



## How Clarence Thomas Led SCOTUS to Kill DEI

By Scott Douglas Gerber, Fox News, condensed

Clarence Thomas has spent his professional life trying to return American law to the Declaration of Independence's founding promise that individuals should be judged as individuals rather than as members of racial, gender, or ethnic groups. It seems that his peers on the high court have been listening.

Thomas' belief in individual rights precedes his time on the court. For example, in a 1985 law review article, Thomas discussed his daily responsibilities of enforcing the nation's civil rights laws as chairman of the EEOC. He wrote: "I intend to take EEO enforcement back to where it started by defending the rights of individuals who are hurt by discriminatory practices.... Those who insist on arguing that the principle of equal opportunity, the cornerstone of civil rights, means preferences for certain groups have relinquished their roles as moral and ethical leaders in this area."

Justice Thomas has reiterated that American law protects individual rather than groups rights throughout his three-and-a-half decades on the nation's highest court. In 1995's *Missouri v. Jenkins*, for instance, Thomas became the first Supreme Court justice to directly criticize *Brown v. Board of Education* (1954). Although he called state-mandated segregation "despicable," he said that the Court was wrong in 1954 to rely on disputable social science evidence to declare segregation unconstitutional rather than invoking the "constitutional principle" that "the government must treat citizens as individuals, and not as members of racial, ethnic or religious groups."

Justice Thomas has made similar pronouncements in many other judicial opinions. His concurring opinion in 2007's *Parents Involved in Community Schools v. Seattle School*

District No. 1 is perhaps the strongest articulation of his conception of equality: "The dissent attempts to marginalize the notion of a colorblind Constitution by consigning it to me and Members of today's plurality. ... But I am quite comfortable in the company I keep. My view of the Constitution is Justice Harlan's view in Plessy: 'Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.'"

More recently, Justice Thomas wrote in a concurring opinion in the Supreme Court's 2023 decisions holding that colleges and universities cannot consider race in admissions decisions that "While I am painfully aware of the social and economic ravages which have befallen my race and all who suffer discrimination, I hold out enduring hope that this country will live up to its principles so clearly enunciated in the Declaration of Independence and the Constitution of the United States: that all men are created equal, are equal citizens, and must be treated equally before the law."

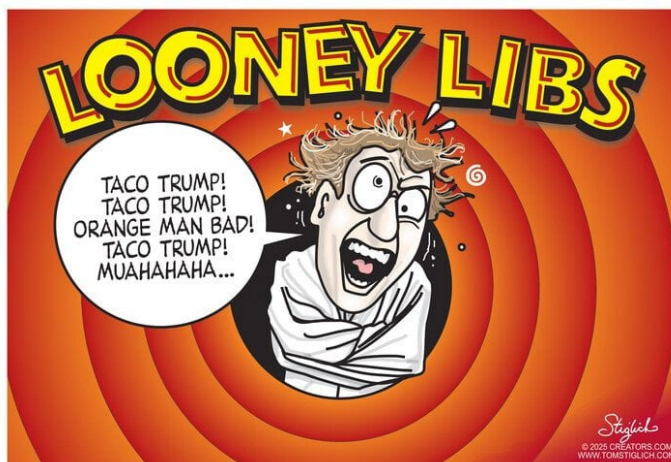
The recent Supreme Court decision in *Ames v. Ohio Department of Youth Services* signals that proponents of diversity, equity, and inclusion programs should stop pretending that they are complying with the law. After all, one of the most liberal members of the Court, Justice Ketanji Brown Jackson, wrote in an opinion for a unanimous Court that the "background circumstances" rule imposed by several lower courts of appeal requiring members of a majority group to satisfy a heightened evidentiary standard to prevail on a Title VII discrimination claim is inconsistent with the text of Title VII and the Supreme Court's anti-discrimination precedents.

Justice Jackson's opinion for the Court reversing the lower courts might as well have been penned by Justice Thomas himself. Justice Jackson quoted the text of Title VII that makes it illegal to take an adverse employment action against "any individual." She further quoted a 2020 Supreme Court decision, *Bostock v. Clayton County*, that held that the "law's focus on individuals rather than groups [is] anything but academic." She added: "By establishing the same protections for every 'individual'—without regard to that individual's membership in a minority or majority group—Congress left no room for courts to impose special requirements on majority-group plaintiffs alone."

Justice Thomas joined Justice Jackson's opinion for the court "in full." But he also issued a concurring opinion in which he suggested that the "background circumstances" rule is not only inconsistent with the statutory text of Title VII but is "plainly at odds with the Constitution's guarantee of equal protection." Most important for present purposes, Thomas made clear that if proponents of DEI are hoping that the *Ames* decision has nothing to do with their DEI programs, they are sorely mistaken. "American employers have long been 'obsessed' with 'diversity, equity, and

inclusion' initiatives and affirmative action plans," he wrote. "Initiatives of this kind have often led to overt discrimination against those perceived to be in the majority."

When Justice Antonin Scalia died in 2016, court watchers openly speculated about who would replace him as the intellectual leader of the conservative legal movement. Clarence Thomas has unquestionably filled that role. After all, in *Ames*, even Justice Thomas' liberal colleagues on the nation's highest court conceded that American law protects individual rather than group rights.



## The Strange Futility of the Musk-Trump Feud

By Travis Aaroe, The Spectator World

*The spat is a sign of the growing pains involved in reassembling this old coalition*

The Trump-Musk spat is not the sign of a new split between oligarchs and populists, as some have claimed – but of the growing pains involved in reassembling this old coalition.

Keeping capitalism going under mass suffrage is no small feat, and capitalists used to be much shrewder in how they went about it. Electorates wouldn't reliably go for *laissez-faire* – except after a crisis – and so the only option for the capitalists was to hitch themselves to the wider lower-middle-class coalition for law and order, low taxes and national swagger.

Musk's attacks on Trump yesterday, which included a pitch for a new party "that actually represents the 80 percent in the middle," represent something drawing to a close rather than being born. This was the idea that enterprise no longer needed popular backing, and could now go it alone. At some point in the mid-2010s corporate America decided that it could get better terms by forcing the two major parties to

bid for its loyalty. Part of this was naiveté, part of it was down to new cultural ideas that made the old sponsorship of the right feel icky. Part of it was globalization – always more slogan than reality – which wrongly persuaded corporate America that it'd always have exit options. Add to this some of the messianism and popitism of Silicon Valley, and the result was a foolhardy go at independence.

From 2015 to 2024 there was even a hubbub about the DNC becoming the natural party of enterprise, because of its greater respect for “institutions” – whatever that means.

By the end of the Biden administration all was going sideways. Despite donating more to the DNC in 2016 and 2020, corporate America entered the mid-20s razzle-dazzled with equity shakedowns; Wokery encamped in the boardrooms; the looming threat of price controls and a tax on unrealized capital gains. Silicon Valley was especially badly hit – its ecosystem relies on a constant churn of startups, and so it, perhaps uniquely in corporate America, did not benefit from the new Bidenist regulations that served to freeze out new entrants. American enterprise had forgotten what their more hardboiled 19th-century predecessors had learnt the hard way: that under universal suffrage capitalism is forever dancing on a knife edge, and that the votes of the lower-middle classes is the only thing that keeps it from being regulated out of existence.

Burned once, twice shy. Traumatized by the events of 2021-24, corporate America now clings to Trump in trembling, giving him a latitude that any other class in society might sensibly withhold. There's almost no price it's unwilling to pay – in tariffs or in less access to foreign labor – to keep together the political coalition that delivered it from Bidenomics. The rolling over of entitlement spending in the Big, Beautiful Bill is only the latest example.

The one person who doesn't seem to have fully grasped the implicit bargain is Elon Musk – himself the symbol of corporate America's defection. Like the President he is a rare bird. We would no more expect him to be able to coexist for long with Trump under the same roof than we would Howard Hughes.

What this personal drama obscures is that the pact has already been made, and that no one individual can unmake it. For every Musk there are a hundred Bill Ackmans: those who are keenly aware just how close to the edge they came during the Biden years. Musk is restless and reluctant to be tied down in this way, but this same self-interest will force him to recant sooner rather than later – just as he recanted his outburst over H-1B visas last December. The greatest of modern American capitalists, Musk is learning – in fits and starts – that his existence will forever depend on a few thousand voters in Pennsylvania.



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## Upcoming Events

**June Luncheon** – Thursday, June 26, Greencroft Club, registration at 11:30am, lunch served promptly at 12:00 noon. **Speaker: John Reid, GOP nominee for Lieutenant Governor of Virginia**

**July (WAC is taking the Month off)** – No luncheon

**August Event** – Thursday, August 21 – An afternoon to network at **Trump Winery** (Details to come)

## Women for the American Constitution Membership Form 2025

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