

## **A Brief Commentary on Zachary Bleemer's August 2020 paper**

Richard Sander, Dukeminier Distinguished Professor of Law, UCLA  
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In 1996, a large majority of voters in California adopted Proposition 209, which made the state the first to clearly prohibit state agencies and universities from engaging in racial discrimination, or the use of racial preferences, in operating public-sector programs. This fall, voters are debating a measure on the November ballot, Proposition 16, which would repeal Prop 209. In the 1990s as well as today, a central issue has been whether Blacks, Hispanics, and American Indians (collectively, “underrepresented minorities” or URM) need racial preferences to secure fair access to the University of California. This debate has been incredibly ill-served by the release of an unpublished study by Zachary Bleemer and by its uncritical reception by much of the media.

Bleemer, who is a graduate student at Berkeley, purports to show that Prop 209 hurt Black and Hispanic students who attended or wanted to attend the University of California, by shunting them to less-elite college campuses or shutting them out of college altogether, thus hurting graduation rates, completion of degrees in scientific (“STEM”) fields, and long-term earnings. A number of journalists, and editorial writers for at least one major paper, have taken the Bleemer study at face value, treating it as important evidence that Prop 209 harmed racial minorities.

This is a shame, for the Bleemer paper in its current form is worse than useless in assessing the effects of Prop 209 at the University of California. As I show below, Bleemer is demonstrably wrong on his core claims. The basic numbers about URM enrollment, graduation, and STEM completion show URM numbers and achievements at UC rising strongly within a couple of years of the implementation of race neutrality. Moreover, there is a host of careful, peer-reviewed research that shows race-neutrality, and the consequent reduction of the mismatch effect, had a direct effect upon better URM outcomes. And it is critical to realize that the studies finding powerfully positive effects from Prop 209 are based on publicly available data. Bleemer's research is based on secret data that neither he nor the university will share with anyone else. Since Bleemer is wrong on many major points, and his other analysis cannot be checked (since the data is secret), none of the material in his paper should be trusted, much less reported credulously.

### **Wrong on Basic Conclusions**

**Enrollment.** At the outset of his conclusion (p. 31), Bleemer writes, “The total enrollment of Black and Hispanic students at the University of California declined by about 800 students per year after 1998, when the university's eight undergraduate campuses all ceased implementing race-based affirmative-action as a result of Proposition 209....[this] did cause them to become less likely to earn STEM degrees.... and undergraduate degree attainment declined among lower-testing URM applicants.”

These statements are demonstrably false. First, Bleemer should say “after 1997,” not “after 1998,” since race neutrality was implemented after the 1997 academic year. Second, total URM enrollment numbers at the university actually looked like this:

**Table 1. Total university enrollment of underrepresented minority (URM) students, 1994-2019**

Year	URM Freshmen	URM Freshmen plus Transfers
1994	4580	6385
1995	4714	6582
1996	4390	6110
1997	4324	5898
1998	3921	5376
1999	4186	5748
2000	4557	6323
2001	5002	7018
2005	5756	8144
2010	8676	12251
2015	11675	16107
2019	13666	20013

Source: <https://www.universityofcalifornia.edu/infocenter/admissions-residency-and-ethnicity>

As one can see, there was indeed a drop in official URM enrollment in 1998 – about 400 freshmen, or about 500 students if one includes transfers. But there was a drop in white enrollment, too (of a little over one thousand students), because in 1998 there was a spike in the number of students who did not self-identify by race (probably because students knew race was no longer part of the admissions process). In 1999, the URM numbers recovered, and in 2000 URM enrollment significantly *exceeded* 1997 levels. Thereafter, URM enrollment increased at an accelerating rate.

At the most basic level, then, Zachary Bleemer has his facts wrong. They are flatly contradicted by the university’s own official statistics. Moreover, much of Bleemer’s analysis is premised on this incorrect number: he builds an elaborate story about the fate of the Blacks and Hispanics who were unable to attend UC. But since the number of URMs at the university was in fact *higher*, not lower, within a couple of years of Prop 209’s implementation, the premise of Bleemer’s story is wrong.

Why did UC enrollment of URMs go up despite the end of racial preferences? For three basic reasons. (1) As Kate Antonovics and I demonstrated in a 2011, peer-reviewed article,<sup>1</sup> URMs became more likely to accept offers of admission from UC campuses after Prop 209. The increase was especially large at Berkeley and UCLA – the schools that had used the largest racial

<sup>1</sup> Antonovics, Kate L., and Richard H. Sander. “Affirmative Action Bans and the ‘Chilling Effect.’” *American Law and Economics Review* 15, no. 1 (2013): 252-299.

preferences pre-209. The likely reason for this jump in enrollment rates was the eagerness of talented Black and Hispanic students to attend a university where they would not be stigmatized as the beneficiaries of race-based admissions. (2) UC retooled its admissions after Prop 209 went into effect. Being unable to simply grant racial preferences to increase diversity, it began to give substantially more weight to socioeconomic status (SES) and the hardships overcome by individual applicants.<sup>2</sup> (3) UC also greatly expanded its outreach efforts to students and high schools in disadvantaged neighborhoods – in other words, to engage in legal affirmative action as it was originally implemented in the Kennedy administration in the early 1960s. The changes involved in (2) or (3) took UC a few years to implement, and continued to improve over time, which is why there was a temporary, modest dip in URM numbers followed by large, sustained growth.<sup>3</sup>

**Graduation.** One of the most important benefits of Prop 209 at the University of California was its success in addressing the “mismatch” problem. In the early and mid-1990s, before Prop 209, racial preferences were so large that many URM students – particularly at UCLA and Berkeley, had levels of academic preparation far below those of their classmates. Very, very often, they struggled academically, with depressed GPAs, abandonment of challenging majors in science and engineering (“STEM” fields), and high dropout rates or seriously delayed graduations. This has been documented in a published, peer-reviewed paper by several highly-respected economists.<sup>4</sup>

In the passage quoted above and elsewhere, Bleemer claims that race-neutrality aggravated the problems URM students had in securing degrees. But this, too, is demonstrably false. Data posted on public UC websites allows us to track the number of graduates, and the number of STEM graduates, over time. The UC data on graduates only goes back to 2000. Since the average time-to-degree for URM students was five years, we can fairly treat 2000, 2001, and 2002 as roughly representing graduation rates of pre-209 URM students, and 2003 and later as representing post-209 students.

**Table 2. Graduation rates and numbers for URM students entering University of California as freshmen, by freshman cohort (entry year), 1994-2015**

Entry year	URM Freshmen (see Table 1)	4-year URM Grad rate	# of 4-year URM grads	6-year URM Grad rate	# of 6-year URM grads
1994	4584	.22	999	.64	2,943
1995	4714	.29	1,362	.69	3,234
1996	4390	.32	1,414	.70	3,077
1997	4324	.33	1,427	.71	3,079
1998	3921	.35	1,380	.72	2,843

<sup>2</sup> Kate Antonovics and Ben Backes, “The Effect of Banning Affirmative Action on College Admissions Policies and Student Quality,” *Journal of Human Resources* (2014).

<sup>3</sup> Bleemer bases many of his conclusions by looking at only the first two years of UC experience after Prop 209 – i.e., 1998-99. But since the 1998 data is so marred by the large number of people not reporting their race, and since most of the university’s response to Prop 209 required a few years to implement, this is an unsound choice.

<sup>4</sup> Peter Arcidiacono, Esteban Aucejo, Patrick Coate, and V. Joseph Hotz, “Affirmative Action and University Fit: Evidence from Proposition 209,” *IZA Journal of Labor Economics*, 3:7 (September 2014).

1999	4186	.36	1,528	.74	3,106
2000	4557	.37	1,695	.74	3,359
2001	5012	.42	2,085	.73	3,649
2002	5410	.44	2,375	.74	3,998
2003	5641	.42	2,397	.72	4,084
2004	5239	.46	2,426	.75	3,919
2005	5756	.47	2,694	.75	4,294
2010	8676	.49	4,243	.77	6,715
2015	11,675	.57	6,690	Not yet available	

Source: Data from 1999 onwards is available at <https://www.universityofcalifornia.edu/infocenter/ug-outcomes>; data from earlier years was reported on UC Statfinder (site dismantled in 2011).

As in the enrollment data, there is a drop in the total graduation numbers for the matriculation year 1998, because UC's race-neutral efforts did not start taking real effect until 1999. But by 2000, the number of UC URMs graduating in 4 years was more than 20% higher than for any pre-Prop 209 period, and the number of eventual grads had also reached record numbers. In subsequent years, the totals became steadily more impressive. It's important to note that these numbers are even better than the enrollment numbers because – directly contradicting Bleemer – the graduation rates for URMs, especially for on-time graduation in four years, rose as mismatch levels fell.

One of the fallacies of the Bleemer analysis is his assumption that all UC policies changed abruptly in 1998. That is not the case. The debate about Prop 209 started in 1994, when several UC regents pointed out the abysmal minority graduation rates at some UC schools. A close look at the numbers shows that there was a general reduction in the use of racial preferences at UC in the 1995-97 period. Moreover, many of the positive effects of Prop 209 required time to fully achieve. Race-neutral admissions meant that many more low-SES students were admitted in 1998 and subsequently; these students were highly able, but sometimes needed different types of counseling than earlier students. Therefore, the graduation-rate improvements brought about by Prop 209 were gradual but steady, occurring over a number of years both before and after Prop 209. These nuances are ignored by Bleemer.

STEM graduates. The very large racial preferences widely used by elite colleges have also caused a serious problem in the sciences. URMs who receive a large preference are as likely to want a degree in science or engineering as much as anybody else, but they often find that their classmates have much stronger science preparation than they do. Moreover, STEM courses tend to be graded on rigorous curves; first-year courses in many STEM fields are designed to weed out weaker students. The consequence is a mismatch problem that has been shown in a number of studies, including at UC before Prop 209, to undermine URM completion of STEM degrees.<sup>5</sup>

<sup>5</sup> “University Differences in the Graduation of Minorities in STEM Fields: Evidence from California” with Esteban Aucejo, and V. Joseph Hotz, *American Economic Review*, Vol. 106, No. 3 (March 2016), 525-562; Smyth, Frederick L., and John J. McArdle. “Ethnic and Gender Differences in Science Graduation at Selective Colleges with Implications for Admission Policy and College Choice.” *Research in Higher Education* 45,

UC reports the number of graduates, by race, in each year going back to 2000. Since Prop 209 went into effect in 1998, and since the median time for the completion of a bachelor's degree for URMs was five years at the time, we can fairly accurately divide the graduation numbers into pre-Prop 209 years (2002 and earlier) and post-Prop 209 years (2003 and later). Table 3 shows the pattern in STEM degrees earned by URMs from 2000 through 2014:

**Table 3. Total URM degrees and URM STEM degrees at University of California, by Graduation Year, 2000-2014.**

Graduation Year	Total URM degrees	URM STEM degrees	% URM degrees in STEM
2000	5,568	989	17.8%
2001	5,346	1,027	19.2%
2002	5,470	1,016	18.6%
2003	5,633	1,131	20.1%
2004	5,973	1,131	18.9%
2005	6,474	1,263	19.5%
2006	6,735	1,247	18.5%
2007	6,791	1,277	19.7%
2008	7,333	1,607	21.9%
2009	7,687	1,738	22.6%
2010	8,560	1,911	22.3%
2011	9,568	2,126	22.2%
2012	10,456	2,470	23.6%
2013	10,666	2,733	25.6%
2014	11,633	3,183	27.4%

Source: <https://www.universityofcalifornia.edu/infocenter/degrees-awarded-data>

As we can see, the change in the total number of URM degrees was striking: it jumped from 5,470 in 2002 to 5,633 in 2003, and never looked back, doubling over the ten years after the first post-preferences class. But the change in URM STEM graduates is even more stunning – essentially a tripling in numbers from the pre-Prop 209 classes of 2000-02 to 2014. The percentage of URM degrees at UC that were in STEM fields rose by nearly a third, at a time when the national trend in minority STEM degrees was flat. Several of the scholars cited above have shown, with publicly available data, that much of this improvement can be directly traced to declining levels of mismatch among URM students.

no. 4 (2004): 353-381; Elliott, Rogers, A. Christopher Strenta, Russell Adair, Michael Matier, and Jannah Scott. "The Role of Ethnicity in Choosing and Leaving Science in Highly Selective Institutions." *Research in Higher Education* 37, no. 6 (1996): 681-709.

Bleemer does not explain these numbers. In fact, he does not even present these numbers or acknowledge the phenomenal increases in successful URM outcomes at the university in the decade after Prop 209 went into effect.

## **Unethical on Process**

How could a paper with such basic errors be published? That's easy – Bleemer's article has not been published. It's a working paper, which means essentially that it is a draft of something that might be published in the future, if it survives peer review by experts in the field and is judged to be of sufficiently high quality to warrant publication.

The ethical norms of academia discourage professors from publicly releasing results before those results have been vetted by peer review and accepted for publication. Bleemer – who is not even a professor, but a graduate student – went beyond merely releasing his working paper to the media; he also aggressively promoted his incorrect findings on Twitter.

As we have explained, Bleemer's paper challenges both a wealth of existing scholarship and the manifest trends of URM improving numbers and outcomes after Prop 209. Good, impartial scholarship would note this earlier work and these facts, and put contrary findings into context, explaining how a negative picture could be sustained by the data. Bleemer failed to do these things. To this reader, it feels like an elaborate and deliberate set of distortions.

It is disturbing to note how quickly many reporters seized on Bleemer's results and wrote credulous articles presenting his work as authoritative. Reporters at both the *New York Times* and the *Los Angeles Times* did this, and neither reporter cited the many studies that *have* been published, and *have* been peer-reviewed, that find Prop 209 had positive effects on URMs at the University of California. They apparently did not even bother to contact the authors of these studies for comment on Bleemer's paper (I was not contacted, and I have checked with a number of these authors to confirm they were not contacted).

There is something even more troubling about the Bleemer paper and the way it came about. Bleemer is using "secret" data, which he obtained from the Office of the President at the University of California and is pledged not to share with anyone else. This means that the vast majority of Bleemer's results cannot be replicated by any other academic. This is not true of all the other papers on Prop 209 I have cited, that find beneficial effects from Prop 209; those papers are based on datasets that are freely available to anyone on request (and have been accessed by dozens of scholars). Without Bleemer's data, it is impossible to know why he comes to such different conclusions. As we have seen, the few "global" statements that Bleemer makes, such as his claim about declining URM enrollment, can be checked and are wrong. There is every reason to distrust every other claim in his paper.

A UCLA colleague of mine wrote to Bleemer last week, asking for a copy of his data and explaining the importance of replicating work that was figuring in an important public debate. My colleague heard back, not from Bleemer but from a UC Vice-President, Pamela Brown, who explained that Bleemer was an "employee" of the UC Office of the President, and that he was

doing confidential staff work for the benefit of UC administrators. This raises a host of interesting questions. Why does Bleemer list his credentials on the paper as “Department of Economics UC Berkeley” rather than “staff analyst, UCOP”? Why is UCOP, which is legally prohibited from engaging in political activity, allowing its confidential data to be used in an amateurish, inaccurate paper that has been prominently injected into a political debate, for what certainly looks an attempt to influence the fate of Prop 16 on the November ballot?

As it happens, I and a number of other prominent scholars asked UCOP in August 2017 for some of the very same data that it has provided to Bleemer (we were unaware of his role, or even his existence, at the time). We offered to pay any expenses and asked that the data be de-identified so that it could be accessed and evaluated by other scholars. The university took our request under consideration for six months, and then gave us a blanket denial; they refused to provide any individual-level data whatsoever (all of Bleemer’s analysis are done with individual-level data). Some of us filed suit against the university in November 2018. Early in the suit, we asked the university to disclose the names of others who had received data of the kind we were seeking from UCOP. The university refused to disclose even this, until the court ordered them to do so; we then learned that literally dozens of other “approved” scholars had obtained UCOP datasets.

It’s not hard to connect the dots and see that the university is using its data as a political weapon, to be withheld from objective scholars who might report “inconvenient truths,” and to be shared with graduate students willing to follow the party line. It’s an unsavory picture, especially for an institution of UC’s stature; many past UC officials I have known would be very disappointed in the university’s conduct.

The story that *should* be reported about the Bleemer study is not that he has shown the Prop 209 harmed URMs, but that top administrators at the University of California are going to great lengths to distort academic discourse and release unvetted, not-credible research based on “secret” data, all for improper political purposes.