

## COMMENTARY

### THE PIONEER FUND AND THE SCIENTIFIC STUDY OF HUMAN DIFFERENCES

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## INTRODUCTION

A. *For the Record*

When I succeeded the late Harry F. Weyher<sup>1</sup> as President of the Pioneer Fund, a New York Not-for-Profit Corporation, I intended my first priority to be studying new grant proposals and seeking support for Pioneer Fund research from other foundations, individuals, and government agencies to further our mandate, which is the scientific study of human differences.

Instead, I find that my first duty must be to refute a series of false charges in an article entitled “*The American Breed*”: *Nazi Eugenics and the Origins of the Pioneer Fund* by Paul Lombardo, a lawyer and bio-ethicist at the University of Virginia, that appeared in the *Albany Law Review* in May 2002.<sup>2</sup>

Lombardo’s article consists of an Introduction, three Parts, and a Conclusion. It opens and closes with a polemic against Herrnstein and Murray’s 1994 bestseller *The Bell Curve*,<sup>3</sup> which was not supported by the Pioneer Fund. Representative of Lombardo’s inflammatory style is his statement that *The Bell Curve*’s conclusions “are drawn from . . . a political movement that provides America’s most enduring link to the Holocaust.”<sup>4</sup> The remainder of his article continues in similar style, filled with rancor and epithets. In Part I, Lombardo presents a highly selective and misleading survey of the contents of the *Eugenical News* from 1932 to 1937, edited by Harry Laughlin, in an attempt to prove Laughlin’s “captivation”<sup>5</sup> and “preoccupation with the Nazi eugenics program.”<sup>6</sup> In Part II, Lombardo selects instances and quotations to lead his readers to believe that Wickliffe Draper (one of Pioneer’s founders, a

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<sup>1</sup> As a Pioneer Fund grant recipient since 1985, I was deeply saddened when I heard of the death of my predecessor on March 27, 2002. Harry F. Weyher served as President for 44 years (1958–2002). Like all those who knew him, whether from his many years of legal practice or through the Pioneer Fund, I admired and respected him. To be named to succeed him as President of the Pioneer Fund was a surprise and an honor.

<sup>2</sup> Paul A. Lombardo, “*The American Breed*”: *Nazi Eugenics and the Origins of the Pioneer Fund*, 65 ALB. L. REV. 743 (2002) [hereinafter Lombardo].

<sup>3</sup> See *id.* at 745–54, 823–824 (opining that the book “attempts to overwhelm the reader with numbers, charts and formulas, posing as a scientific analysis of our current social woes”); see also RICHARD J. HERRNSTEIN & CHARLES MURRAY, *THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE* (1994) [hereinafter *THE BELL CURVE*].

<sup>4</sup> Lombardo, *supra* note 2, at 823–24.

<sup>5</sup> *Id.* at 759.

<sup>6</sup> *Id.* at 761.

director from 1937 to 1972 and its main benefactor) was guilty of “rabid racism,”<sup>7</sup> and “white supremacy.”<sup>8</sup> In Part III, Lombardo alleges that Harry Laughlin (another of Pioneer’s founders and its first president serving from 1937 to 1941) sought to define a new “American Breed” that “would emphatically exclude the nonwhite, particularly the Jew.”<sup>9</sup> Lombardo’s Conclusion provides a selected list of thirteen Pioneer Grants (including one to the present writer), which he offers as proof of the Pioneer Fund’s support for “white genetic and intellectual superiority.”<sup>10</sup>

Of the many allegations in that article, the most outrageous are that in 1937, “pro-Nazi” Americans established the Pioneer Fund “in hopes of duplicating Nazi legal and social policy”<sup>11</sup> and that since its founding, Pioneer has promoted a “white supremacist,” “pro-Nazi,” “racist,” and “anti-democratic” political agenda.<sup>12</sup> Lombardo’s accusations are contradicted by the facts. The sheer implausibility that an organization founded by “crypto-Nazis” in 1937 could have survived World War II (1941–1945) without being challenged should have called into question the veracity of the entire article. Indeed, all of Pioneer’s founders who could do so participated in the war *against* the Nazis.

Two other remarkably similar critiques of the Pioneer Fund and its origins in the eugenics movement appeared while this response was being prepared.<sup>13</sup> Revealingly, all three critiques (Lombardo,

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<sup>7</sup> *Id.* at 774.

<sup>8</sup> *Id.* at 778.

<sup>9</sup> *Id.* at 797–99.

<sup>10</sup> *Id.* at 816, 829–30.

<sup>11</sup> *Id.* at 824.

<sup>12</sup> *Id.* at 747–50.

<sup>13</sup> See Michael G. Kenny, *Toward a Racial Abyss: Eugenics, Wickliffe Draper, and the Origins of the Pioneer Fund*, 38 J. HIST. BEHAV. SCI. 259 (2002); WILLIAM H. TUCKER, *THE FUNDING OF SCIENTIFIC RACISM: WICKLIFFE DRAPER AND THE PIONEER FUND* (2002) [hereinafter TUCKER]. Of the three critiques, only Kenny’s attempts any balance. For example, Kenny acknowledges that the eugenics movement was “pluralistic” and that sometimes there was no evidence for the alleged connection between the Pioneer Fund and the Nazis. See Kenny at 260, 271 (noting that “my sources are silent concerning Wickliffe Draper’s personal opinion of the Nazis; nor is there any sign he was familiar with standard racist authors like De Gobineau or Houston Stewart Chamberlain”). Lombardo and Tucker, on the other hand, stretch each intemperate innuendo as far as possible. Like Lombardo, Tucker attempts to associate the Pioneer Fund with “Nazis” and “racists” and what he calls the “politics of oppression.” Although in fact, throughout its sixty-five year history, the Pioneer Fund has only engaged in supporting scientific research and disseminating that information to the public. It has consistently eschewed any and all political activity. By conflating Pioneer’s record with that of particular individuals acting as individuals (often even before Pioneer was founded), or with organizations associated with other individuals, Tucker and Lombardo provide a travesty of both scholarship and justice. It is noteworthy that not one of these writers contacted me or my predecessor to check their

Kenny, and Tucker) begin and end with Herrnstein and Murray's 1994 bestseller *The Bell Curve*,<sup>14</sup> which examines social stratification in America. Although the Pioneer Fund did not support either *The Bell Curve* or its two authors, it is not altogether surprising that those who oppose *The Bell Curve*'s conclusions attack the Pioneer Fund because *The Bell Curve* cited much research published by Pioneer Fund grantees, and because the present writer's book *Race, Evolution, and Behavior*<sup>15</sup> appeared at the same time as *The Bell Curve* and also dealt with race and IQ. Indeed, in Part III, I will suggest that the main reason for this outbreak of "history-based" and "ethical" attacks on the Pioneer Fund is an attempt to discredit the recent research on race and IQ.

The present article sets the record straight about the Pioneer Fund—its directors and their various views, the historical and scientific context, and Pioneer grant recipients and their findings.<sup>16</sup> It begins with a brief description of some of Pioneer's directors, many of whom served their country *against* the Nazis, followed by a few of the important scientific contributions made by Pioneer grant recipients. Part I provides a detailed refutation of Lombardo's false charges. Section A describes the actual findings of *The Bell Curve*, thereby discrediting Lombardo's allegation that it is linked to the Holocaust. Section B provides a fuller content analysis of the *Eugenical News*, edited by Harry Laughlin—who later became Pioneer's first president, from 1932 through 1937—and shows the full range of the international news covered, thereby rebutting Lombardo's false claim of Laughlin's "obsession" with Nazis. Section C points to a much wider range of research on race differences associated with Pioneer directors and grantees, such as the finding that East Asians average higher on IQ and educational

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facts or get a sense of perspective before going to print. See also *infra* notes 41 and Part III.B (continuing comments on Tucker's work).

<sup>14</sup> THE BELL CURVE, *supra* note 3.

<sup>15</sup> J. PHILIPPE. RUSHTON, RACE, EVOLUTION AND BEHAVIOR (1995) [hereinafter RUSHTON, RACE, 1995].

<sup>16</sup> See generally The Pioneer Fund, Inc., at <http://www.pioneerfund.org> (last visited Oct. 17, 2002). The Pioneer website has been maintained since 1996. It has always provided a direct email link to Pioneer officers. Lombardo cites the Pioneer website in his article, but he never contacted my predecessor or me. See also Harry F. Weyher, *Contributions to the History of Psychology: CXII. Intelligence, Behavior Genetics, and The Pioneer Fund*, 82 PSYCH. REPORTS 1347 (1998) [hereinafter Weyher, PSYCH. REPORTS]; Harry F. Weyher, *The Pioneer Fund, the Behavioral Sciences, and the Media's False Stories*, 26 INTELLIGENCE, 319–36 (1999) [hereinafter Weyher, INTELLIGENCE]; RICHARD LYNN, THE SCIENCE OF HUMAN DIVERSITY, A HISTORY OF THE PIONEER FUND (2001) [hereinafter LYNN, HISTORY]; Harold F. Weyher, *My Years With the Pioneer Fund, Preface* to LYNN, HISTORY, *id.* [hereinafter Weyher, Preface]. I will draw extensively on these five sources for this article.

achievement tests than do Whites, thereby refuting Lombardo's claim of their promoting "white supremacy." Section D provides the transcript of the actual definition of the "American Breed" given by Laughlin before the U.S. Congress in 1924, which demonstrates that, contra Lombardo, it did *not* exclude Jews. Section E provides an accurate description of the present writer's book *Race, Evolution, and Behavior*, once again refuting the one presented by Lombardo. Had Lombardo given the reader all the evidence, his *smoking guns* would have turned into *pop guns*. The complete evidence shows that Lombardo's article contains so many obvious errors, sins of omission, and patent misrepresentations, that it sacrifices any claim to scholarly value.

Part II contains additional general background and historical information. It surveys the scientific and historical context of the eugenics movement of the 1920s and 1930s in which Laughlin, Draper and the other protagonists played out their lives, and against which all past events and statements by individuals must be viewed, thereby highlighting Pioneer's core scientific values. In Part III, I offer my own explanation of what motivates such otherwise serious scholars as Lombardo to abandon judicial temperament for an advocate, if not agitprop, mindset. I conclude with a brief statement setting out the goals of the Pioneer Fund for the new millennium.

### *B. A Roster of Distinguished Americans*

Here are the facts concerning the Pioneer Fund and its Directors. The Pioneer Fund's main benefactor was *Wickliffe P. Draper*, an investor, who also served on its five-person Board of Directors from 1937 until 1972. He had been wounded and was decorated fighting against the Germans in World War I. In World War II, he served in the U.S. Army Intelligence as a Lieutenant Colonel.<sup>17</sup> The first president of the Pioneer Fund (1937–1941) was *Harry H. Laughlin*, the long-time director of the Eugenics Record Office, located at the famed Cold Springs Harbor Laboratory on Long Island. During the 1920s and 1930s he served as an advisor to several Congressional Committees. He retired in 1941 and died in 1943.<sup>18</sup> The second president (1941–1958) was *Frederick H. Osborn* who was also affiliated with the armed forces during the Second World War via

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<sup>17</sup> LYNN, HISTORY, *supra* note 16, at 6–7.

<sup>18</sup> *Id.* at 21–28.

his position as Chairman of the Advisory Committee on Selective Service as a Major General. Osborn continued his public service after wars end by serving on the United Nations Atomic Energy Commission from 1947 to 1950 as Deputy U.S. Representative.<sup>19</sup> Another of the first directors was *John M. Harlan* (1937–1954), the highly respected U.S. Supreme Court Justice. During World War II Harlan led the Operational Analysis Section of the U.S. Eighth Air Force, for which the U.S. awarded him the Legion of Merit and both France and Belgium awarded him their Croix de Guerre.<sup>20</sup> Still another of the initial directors was *Malcolm Donald* (1937–1949), a graduate of Harvard Law School and editor of the *Harvard Law Review*. He worked in the War Department during the First World War and in the Pentagon during the Second World War.<sup>21</sup>

If the above individuals were alive today, I am sure they would object to any allegation that they had “pro-Nazi” leanings. So too would *John M. Woolsey, Jr.*, a subsequent member of the Board (1954–1959), whose distinguished legal career included serving as a staff attorney at the Nuremberg Tribunal prosecuting Nazi war criminals, for which he received the Order of the White Lion from the Czechoslovakian Government.<sup>22</sup> Another director, *Marion A. Parrott* (1973–2000), served during World War II with the U.S. Army’s 101st Airborne Division. He took part in the Landings at Normandy on D-Day and was wounded and captured in northern France. He escaped from prison camp in occupied Poland during 1945 and made his way to Russia. From there he returned to his unit in France and took part in the final advance into Germany at war’s end, at which point he was discharged as a Major.<sup>23</sup>

Another eminent member of the Board was *Charles Codman Cabot* who served on the board from 1950 until 1973. His family was renowned in Boston and was the subject of the quip, *the Lowells talk only to the Cabots, and the Cabots talk only to God*. Cabot served as a Justice of the Superior Court of Massachusetts during the 1940’s. He also served as Chief of the Secretariat of the U.S. Strategic Bombing Survey during World War II.<sup>24</sup> Still another director was *Henry E. Garrett* (1972–1973), Chair of the Psychology Department at Columbia University from 1941 to 1956 and president of the

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<sup>19</sup> *Id.* at 30–41.

<sup>20</sup> *Id.* at 42–46.

<sup>21</sup> *Id.* at 50–51.

<sup>22</sup> *Id.* at 53.

<sup>23</sup> *Id.* at 55.

<sup>24</sup> *Id.* at 52.

American Psychological Association in 1946. During World War Two, he was a member of the Adjutant General's committee, which dealt with the classification and selection of military personnel.<sup>25</sup>

These facts alone should disprove Lombardo's outrageous charges about the founders and directors of Pioneer. The Pioneer Fund's website<sup>26</sup> and Richard Lynn's book, *A History of The Pioneer Fund*,<sup>27</sup> both cited by Lombardo, provide all the above information and more. Lombardo's allegations are factually erroneous and irresponsible. He recklessly engages in McCarthy-like tactics of character assassination of deceased men—unable to defend themselves—in an attempt to link Pioneer, its founders, directors, and grant recipients to some of the worst crimes ever committed against humanity.

In addition to their distinguished public service, previous presidents of the Pioneer Fund have also left a clear written record of opposition to Nazi policies and in favor of democracy and personal freedom. Frederick H. Osborn did so,<sup>28</sup> as did my predecessor, Harry F. Weyher,<sup>29</sup> who devoted his last years to refuting many false charges against Pioneer, some of which are recycled in Lombardo's article.<sup>30</sup> As a young lawyer, Weyher worked for John Harlan and then became the attorney, and close friend, of Wickliffe Draper. Having great admiration for both men—each of whom were decorated war veterans, highly intelligent people, and patriotic Americans—Weyher felt it a point of personal honor to refute any and all innuendo that they had somehow secretly associated themselves with Nazis or racists to form the Pioneer Fund in order to further some sinister program modeled on Hitler's precepts. Concluding an invited editorial on the subject by a leading psychology journal, Weyher wrote:

The truth is that Pioneer never has been in contact with any Nazis. It has no political agenda, and has taken no positions.

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<sup>25</sup> *Id.* at 61–62.

<sup>26</sup> See The Pioneer Fund, Inc., at <http://www.pioneerfund.org> (last visited Oct. 17, 2002).

<sup>27</sup> LYNN, HISTORY, *supra* note 16.

<sup>28</sup> FREDERICK OSBORN, PREFACE TO EUGENICS 218, 320, 322–24 (1951) [hereinafter OSBORN, PREFACE, 1951]; FREDERICK OSBORN, THE FUTURE OF HUMAN HEREDITY: AN INTRODUCTION TO EUGENICS IN MODERN SOCIETY 85–86 (1968) [hereinafter OSBORN, FUTURE].

<sup>29</sup> Weyher, INTELLIGENCE, *supra* note 16, at 325–31; Weyher, PSYCH. REPORTS, *supra* note 16, at 1364–67.

<sup>30</sup> See, e.g., *infra* Part I.C (describing Lombardo's false claims about "white supremacy"); *infra* Part I.D (noting where Lombardo claims Laughlin defined "the American Breed" to exclude Jews).

It does not issue statements, or publish literature. Its sole activity except for the Flanagan project in the 1930s has been to make hands-off grants to non-profit institutions for unfettered research on projects suggested by the institutions and for publication of the findings.<sup>31</sup>

Why, then, did Lombardo play the “Nazi race-card” with such disregard for fact and decency? The reason, I submit, is two-fold: (1) scientific research by some Pioneer grantees came to conclusions that Lombardo wished to disparage,<sup>32</sup> and (2) Pioneer’s origin is in the eugenics movement of the 1920s and 1930s, which was then the mainstream but is now unpopular.<sup>33</sup> Because of the sensitive nature of the scientific research areas Pioneer has dared to support—psychometrics, behavioral genetics, demography, and individual and group differences, along with the dissemination of this information to the general public—we have been subjected to a litany of malicious criticisms.

As I will document throughout this response, Lombardo’s case rests on guilt by association and on a very selective presentation of evidence. The Pioneer Fund, like the eugenics movement in which it originated, has always been pluralistic.<sup>34</sup> In order to make a strong case for “racism” Lombardo carefully selected quotes from two of Pioneer’s five earliest directors, Harry Laughlin and Wickliffe Draper, and some scientific conclusions reached by Pioneer grantees, including myself.<sup>35</sup> He used (or misused) these cited quotations in an attempt to smear all those associated with Pioneer over the full course of its existence. At the same time, Lombardo withheld from his readers all but the most cursory examination of the contrary (anti-racist) views of other Pioneer Directors and grantees, including Harry Laughlin, Frederick Osborn, and John Harlan, to name the three earliest and perhaps most obvious. He also withholds from his readers any discussion of current scientific evidence on racial group differences.

Since Lombardo did not, I will provide a very few of the counter-examples to his thesis in order to show how very selective he was. As early as 1924, for example, Harry Laughlin, who later became Pioneer’s first president (1937–1941), testified before Congress

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<sup>31</sup> Weyher, *INTELLIGENCE*, *supra* note 16, at 331.

<sup>32</sup> *Infra* Part III.

<sup>33</sup> *Infra* Part II.B.

<sup>34</sup> *Infra* Part II.B.

<sup>35</sup> Lombardo, *supra* note 2, at 746–47, 757, 817–18.

about World War I Army intelligence tests. These tests showed that whereas 23.9% of *White Privates* scored “Superior” or “Very Superior,” 38.9% of *Negro Officers* and 83.62% of White Officers also received such a score.<sup>36</sup> Even if the overall percentage of high achievers among Blacks was lower than that for Whites, Laughlin’s demonstration of overlapping test score distributions of the groups, and his emphasis on taking the individual into account, showed a much more nuanced analysis than Lombardo ascribes to him.

To take another example, in 1934 it was Frederick Osborn, later to become Pioneer’s second president (1941–1958), not (as is often stated) Columbia University psychology professor Otto Klineberg, who was the first to point out that while African Americans averaged lower than Whites on the Army intelligence tests in World War I (1917–1918), Blacks from five northern states averaged slightly higher than Whites from eight southern states.<sup>37</sup> Osborn therefore concluded that test scores were strongly influenced by the cultural environment, as well as by heredity.<sup>38</sup> He made this point even more strongly in his 1940 book, *Preface to Eugenics*, in which he wrote that there was “no evidence” for hereditary factors in racial differences.<sup>39</sup> Osborn was explicit in his opposition to “racial prejudices” and their intrusion into research.<sup>40</sup>

John Harlan is well known to have voted with all of his fellow justices in the second of the two historic U.S. Supreme Court decisions, *Brown v. Board of Education of Topeka, Kansas*, which first outlawed school segregation between Blacks and Whites and then set forth the means of relief.<sup>41</sup> These stated opinions by

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<sup>36</sup> See *Europe as an Emigrant-Exporting Continent and the United States as an Immigrant-Receiving Nation: Hearings Before the House Comm. on Immigration and Naturalization*, 68th Cong. 1278–84 (1924) (statement of Dr. Harry H. Laughlin) [hereinafter Laughlin, *Hearings*] (suggesting that IQ tests could be used as a uniform and impartial screen for selective immigration purposes).

<sup>37</sup> See FRANK LORIMER & FREDERICK OSBORN, *DYNAMICS OF POPULATION: SOCIAL AND BIOLOGICAL SIGNIFICANCE OF CHANGING BIRTH RATES IN THE UNITED STATES* 140–41 (1934) [hereinafter OSBORN, *DYNAMICS*] (implying that a potential reason for this disparity was the predominantly urban character of northern Blacks compared to the predominantly rural character of southern Whites); OTTO KLINEBERG, *NEGRO INTELLIGENCE AND SELECTIVE MIGRATION* 1–2 (1935); see also MARK H. HALLER, *EUGENICS: HEREDITARIAN ATTITUDES IN AMERICAN THOUGHT* 181 (1963) [hereinafter HALLER, *EUGENICS*] (crediting Osborn with being “the first” to point out these results from the Army tests of World War I).

<sup>38</sup> OSBORN, *DYNAMICS*, *supra* note 37, at 113–14.

<sup>39</sup> FREDERICK OSBORN, *PREFACE TO EUGENICS* 99 (1940) [hereinafter OSBORN, *PREFACE*, 1940].

<sup>40</sup> OSBORN, *FUTURE*, *supra* note 28, at 85–86 (“[e]ugenic proposals had been enacted into law without the scientific evidence to support them. Racial and emotional prejudices had played a part”).

<sup>41</sup> See *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (ruling that the “separate but equal”

Laughlin, Osborn, and Harlan evidently did not fit Lombardo's case, so he omitted their views from his commentary.

### *C. Pioneer's Contributions to the Science of Human Diversity*

The origin of The Pioneer Fund is very different from the conspiracy theory presented by Lombardo. Pioneer was incorporated on March 11, 1937 as a *scientific* foundation by five distinguished individuals: Wickliffe P. Draper, Pioneer's main benefactor; Harry H. Laughlin, a scientist and Pioneer's first president; Frederick H. Osborn, also a scientist and Pioneer's second president; John M. Harlan, a future U. S. Supreme Court Justice; and Malcolm Donald, a lawyer. The Certificate of Incorporation<sup>42</sup> defined Pioneer's two objectives, only the second of which has ever been funded:

- Provide financial assistance to the parents of children who would make important contributions to their society; and
- Provide grants for research into the study of human nature, heredity, and eugenics.

The history of the Pioneer Fund and the scientific research that it has supported, are chronicled in *The Science of Human Diversity: A History of the Pioneer Fund*<sup>43</sup> by Richard Lynn, himself a Pioneer grantee.<sup>44</sup> The book describes the founders of the Pioneer Fund, its

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doctrine was no longer applicable and that school segregation deprives African American children of equal protection of the law as guaranteed by the Fourteenth Amendment); *Brown v. Bd. of Educ.*, 349 U.S. 294, 299–301 (1955) (deciding that these cases be remanded to state courts where the courts should “be guided by equitable principles”); *Loving v. Virginia*, 388 U.S. 1 (1967) (striking down a Virginia statute forbidding marriage between African Americans and Whites); see also KENNY, *supra* note 13, at 277; TUCKER, *supra* note 13, at 51–52. Both Kenny and Tucker noted that Harlan voted in the majority in the 1955 *Brown* case and also in the 1967 case that struck down the Virginia Racial Integrity Act. Tucker, however, went on to add the snide and ludicrous remark that if Harlan's voting attitudes had been known in advance, he “would have been as welcome on Pioneer's board as Martin Luther King at a meeting of the Klan” Tucker, *supra* note 13, at 52. It should be noted that Harlan was appointed to the court in 1955 and was thus unable to vote in the first *Brown* case. See THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES 364 (Kermit L. Hall et al. eds., 1992) (noting that Harlan preferred to be called John M. Harlan, to avoid confusing him with his more illustrious grandfather). Apparently, Tucker was unaware of Osborn's early stated positions. See *supra* notes 26, 28; *infra* notes 140–42 and accompanying text. Given Lombardo and Tucker's certainty that the other Pioneer Fund board members were “obsessed” with race, it is revealing that they omit mention Osborn's early—1934—published work on the causes of Black-White IQ differences where he suggests an environmental, rather than a genetic, explanation for this difference. OSBORN, DYNAMICS, *supra* note 37.

<sup>42</sup> LYNN, HISTORY, *supra* note 16, at 15, 555–62 (reprinting the Pioneer Fund's full Certificate of Incorporation); see also *infra* APPENDIX.

<sup>43</sup> LYNN, HISTORY, *supra* note 16.

<sup>44</sup> See The Pioneer Fund, Inc., *Past Grants*, at <http://www.pioneerfund.org/past.html> (last

directors, and most importantly, the grant recipients in the sixty-five years since its founding. An invaluable insider's guide to the Pioneer Fund's history and accomplishments, the book contains brief biographies of thirty-four scientists funded by Pioneer. The book also documents the record of support for some of the most important research on the biological bases of human behavior, especially at a time when the bias against such approaches caused both government and other, larger foundations to withdraw support, at least temporarily.

*The Science of Human Diversity* traces the history of the Pioneer Fund from its incorporation to the present. Draper, its main benefactor, was the heir to a fortune made in the textile machine industry.<sup>45</sup> He chose the name Pioneer Fund to honor the early pioneers who settled and built America.<sup>46</sup> The name also represents, in my view, the spirit of resolute, path-breaking scientists intrepidly working at the frontiers of knowledge in the study of human heredity. Weyher's extensive and informative preface to Lynn's book points out that even Pioneer's severest critics concede that it has produced more intellectual *bang for the buck* than any comparable organization. One such critic cited the *Chronicle of Higher Education* as observing that "[w]hether people revere, revile, or review the Pioneer Fund from a safe distance, most say that it has successfully stretched [its] dollars a long way"<sup>47</sup> and long-time Pioneer critic Barry Mehler wrote that "[t]he Pioneer Fund has been able to direct its resources like a laser beam."<sup>48</sup>

Pioneer has achieved this impact by supporting behavioral scientists of the highest caliber. Two Pioneer grantees are among the five most cited living psychologists. Others have been elected as presidents of the American Psychological Association, the British Psychological Society, the Behavior Genetics Association, the Psychonomic Society, the Society for Psychophysiological Research, and the Psychometric Society. One grantee won a Nobel Prize, three were Guggenheim Fellows, and another three were selected by the Galton Society of the United Kingdom to give their 1983, 1995, and 1999 annual Galton Lectures. Pioneer grantees currently serve

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visited Oct. 17, 2002).

<sup>45</sup> LYNN, HISTORY, *supra* note 16, at 3.

<sup>46</sup> *Id.*

<sup>47</sup> JEAN STEFANIC & RICHARD DELGADO, NO MERCY: HOW CONSERVATIVE THINK TANKS AND FOUNDATIONS CHANGED AMERICA'S SOCIAL AGENDA 142 (1996) (citing Joyce Mercer, *A Fascination with Genetics*, CHRON. HIGHER ED., Dec. 17, 1994, at A28).

<sup>48</sup> STEFANIC & DELGADO, *supra* note 47.

on the editorial boards of major academic journals, including three on the board of the Elsevier Science journal *Personality and Individual Differences* and three more on the editorial board of *Intelligence*. Altogether their work totals over 200 scholarly books and 2,000 scholarly articles and is in the mainstream of science today.<sup>49</sup>

Prior to 1940, the Pioneer Fund engaged in only one research project, but it was a landmark study that contributed to the growth of psychology. That project, headed by John C. Flanagan, was then referred to as the “Air Corps Fertility Study.”<sup>50</sup> Flanagan later expanded the initial work and founded Project TALENT, which followed more than 400,000 U.S. high school students and their vocational attitudes, abilities, and career objectives.<sup>51</sup>

Perhaps the best known of the Pioneer supported studies is the Minnesota Study of Identical Twins Reared Apart, which reunited separated twins from around the world.<sup>52</sup> Researchers at the University of Minnesota flew in sixty-two pairs of genetically identical and forty-three pairs of fraternal twins, many of who had not seen each other since infancy, for a week of testing. The identical twins turned out to have an extraordinary number of common traits—including eccentricities—while the fraternal twins were not nearly as alike.<sup>53</sup> On quantitative tests of IQ and personality, as well as on tests of interests, values, and vocational aptitudes, identical twins reared apart were consistently much more similar than fraternal twins reared apart.<sup>54</sup> Remarkably, identical twins that had been separated were even more similar than were fraternal twins who had been raised in the same home.<sup>55</sup> This

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<sup>49</sup> See The Pioneer Fund, Inc., at <http://www.Pioneerfund.org/> (last visited Oct. 17, 2002); see also Weyher, PSYCH. REPORTS *supra* note 16, at 1357–58.

<sup>50</sup> See John C. Flanagan, *A Study of Psychological Factors Related to Fertility*, 80 PROC. AM. PHIL. SOC’Y. 513 (1939); see also Weyher, PSYCH. REPORTS, *supra* note 16, at 1355.

<sup>51</sup> See Weyher, PSYCH REPORTS, *supra* note 16, at 1355.

<sup>52</sup> See Thomas J. Bouchard, Jr. et al., *Sources of Human Psychological Differences: The Minnesota Study of Twins Reared Apart*, 250 SCIENCE 223 (1990), available at 1990 WL 3304525 (noting that this study extended and confirmed findings from numerous smaller studies previously completed); see also Thomas J. Bouchard, Jr., *Behaviour Genetic Studies of Intelligence, Yesterday and Today: The Long Journey from Plausibility to Proof, The Galton Lecture*, 28 J. BIOSOCIAL SCI. 527–28 (1996) (noting that the study of the genetic variation of humans is inherently controversial and that while Darwin shied away from it, Galton did not).

<sup>53</sup> See *supra* note 52 and accompanying text; see also Richard L. Hill, *Twins Give Scientists Key to Personality*, PORTLAND OREGONIAN, Feb. 17, 1990, available at 1990 WL 8424213.

<sup>54</sup> Hill, *supra* note 53.

<sup>55</sup> *Id.*; see also Shari Roan, *Outlook Sunny for Those With Happy Genes*, L.A. TIMES, Feb. 15, 1999, available at 1999 WL 2130190.

research showed that heredity plays a major role in individual differences in IQ, personality, and even vocational interests and work habits.

Another important study that Pioneer helped support was the Texas Adoption Project.<sup>56</sup> This study followed 300 Texas families who had adopted one or more children from a home for unwed mothers. The first phase of the study tested personality and intelligence of adopted children between three and fourteen years-old; ten years later they were tested again as adolescents and young adults. Not only were adoptees found to be much more like their biological mothers than their adoptive families, but as the adopted children grew older, they also became increasingly similar to the biological parents from whom they had been separated shortly after birth, and less like their adopting parents.<sup>57</sup> By adolescence, the adoptees showed virtually no similarity to the parents or siblings with whom they had been raised.<sup>58</sup> It was calculated that about fifty percent of the individual differences in IQ and personality were due to heredity and the remainder to environmental influences.<sup>59</sup>

Following World War II, culture-only theories of “naive environmentalism” came to dominate American social science and those who dared question this new orthodoxy found themselves demonized.<sup>60</sup> Government agencies and major foundations often withheld financial support from research on the biological and genetic components of individual and group differences, especially on racial variation. It was largely the Pioneer Fund under my predecessor’s direction that kept such research alive.

One important project was Audrey Shuey’s massive compilation of every then-published study of Black-White IQ differences<sup>61</sup> (updated after her death by R. Travis Osborne and Frank McGurk).<sup>62</sup>

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<sup>56</sup> Joseph M. Horn, *The Texas Adoption Project: Adopted Children and Their Intellectual Resemblance to Biological and Adoptive Parents*, 54 *CHILD DEV.* 268 (1983); John C. Loehlin et al., *Personality Resemblance in Adoptive Families: A 10-Year Follow Up*, 53 *J. PERS. & SOC. PSYCHOL.* 961 (1987).

<sup>57</sup> See Bouchard, *supra* note 52, at 540; Horn, *supra* note 56, at 273; Loehlin, *supra* note 56, at 968.

<sup>58</sup> See Loehlin, *supra* note 56, at 964.

<sup>59</sup> *Id.* at 968.

<sup>60</sup> See Douglas K. Detterman, *Kings of Men: Introduction to a Special Issue of the Journal of Intelligence* 26 *INTELLIGENCE* 175 (dedicating, in the introduction, the issue to Arthur Jensen), available at <http://home.att.net/~dysgenics/jensenism.htm> (last visited Oct. 17, 2002).

<sup>61</sup> See AUDREY M. SHUEY, *THE TESTING OF NEGRO INTELLIGENCE* (2nd ed. 1966). [hereinafter SHUEY, TESTING].

<sup>62</sup> See *THE TESTING OF NEGRO INTELLIGENCE* (Robert T. Osborne & Frank C. J. McGurk, eds., 1982).

Another pioneering effort was Arthur Jensen's research demonstrating that IQ tests mostly measure the general factor ( $g$ ) of intelligence, are not culturally biased against minorities, and that even the simplest reaction time measures correlate with IQ and show average race differences.<sup>63</sup> Indeed, Jensen has shown that Black-White IQ differences are greatest on the most  $g$ -loaded subtests.<sup>64</sup>

Another project was Osborne's (1980) testing of enough African American twins to show that the weight of the genetic and the cultural contributions to individual differences is essentially the same among Blacks as in the White American population.<sup>65</sup>

Other important Pioneer Fund research has examined the physiological basis of intelligence. For instance, Philip A. Vernon and collaborators used state-of-the-art Magnetic Resonance Imaging (MRI) techniques and showed that IQ scores are related to brain size.<sup>66</sup> T. Edward Reed and Arthur Jensen jointly found evidence that IQ scores are related to the speed of neural transmission.<sup>67</sup> Hans Eysenck demonstrated that IQ scores are related to the magnitude of brain evoked potentials.<sup>68</sup> Linda Gottfredson and Robert Gordon documented that IQ scores have real-life significance, being among the very best predictors of life outcomes, from work productivity to health and longevity.<sup>69</sup> Garrett Hardin, one of the world's leading ecologists, extended his "Tragedy of the Commons" and "Living on a Lifeboat" metaphors to questions of environmental conservation, world population, and immigration.<sup>70</sup>

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<sup>63</sup> See ARTHUR R. JENSEN, *BIAS IN MENTAL TESTING* (1980); ARTHUR R. JENSEN, *THE G FACTOR: THE SCIENCE OF MENTAL ABILITY* x, xi, 143 (1998) [hereinafter JENSEN, *G FACTOR*].

<sup>64</sup> See JENSEN, *G FACTOR*, *supra* note 63, at 368–402; J. Philippe Rushton, *The "Jensen Effect" and the "Spearman-Jensen Hypothesis" of Black-White IQ Differences*, 26 *INTELLIGENCE* 217 (1998) (termining this correlation between  $g$ -factor loadings and other variables the "Jensen effect").

<sup>65</sup> See R. TRAVIS OSBORNE, *TWINS: BLACK AND WHITE* 178 (1980).

<sup>66</sup> See John C. Wickett, et al., *In Vivo Brain Size, Head Perimeter, and Intelligence in a Sample of Healthy Adult Females*, 16 *PERSONALITY & INDIVIDUAL DIFFERENCES* 831, 834 (1994); John C. Wickett, et al., *Relationships Between Factors of Intelligence and Brain Volume*, 29 *PERSONALITY & INDIVIDUAL DIFFERENCES* 1095, 1103 (2000).

<sup>67</sup> See T. Edward Reed & Arthur R. Jensen, *Conduction Velocity in a Brain Nerve Pathway of Normal Adults Correlates with Intelligence Level*, 16 *INTELLIGENCE* 259 (1992).

<sup>68</sup> See HANS J. EYSENCK, *INTELLIGENCE: A NEW LOOK* 65 (1998) (describing averaged-evoked potentials as the recording and analysis of electroencephalograph measurements of a subject following exposure to a stimulus, like a light or a sound, which predicts IQ test scores).

<sup>69</sup> See Robert A. Gordon, *Everyday Life as an Intelligence Test: Effects of Intelligence and Intelligence Context*, 24 *INTELLIGENCE* 203 (1997); Linda S. Gottfredson, *Why  $g$  Matters: The Complexity of Everyday Life*, 24 *INTELLIGENCE* 79 (1997).

<sup>70</sup> GARRETT HARDIN, *LIVING WITHIN LIMITS: ECOLOGY, ECONOMICS AND POPULATION*

It is worth noting that Pioneer-supported research has also studied cultural influences on personality and intellectual development. P. A. Vernon and colleagues, for example, examined how family upbringing makes twins and siblings different from each other.<sup>71</sup> Among their findings are that sibling differences in anxiety and conscientiousness are significantly related to the children's perceptions of their parents' affection and discipline.<sup>72</sup> The present writer and his collaborators have found that coaching raises test scores for both African and non-African students in South Africa, with the largest gains being found for Africans.<sup>73</sup>

The directors of Pioneer Fund have always believed it is important to investigate the biological basis of traits like intelligence, the causes of racial and other group differences, and the factors affecting demographic change. Because some Pioneer grantees have reached what some believe are politically unpalatable conclusions on these topics, they—and Pioneer—have become unpopular in some circles. We in no way apologize for supporting this research. To the contrary, we affirm our commitment to further build on the legacy of the founders of evolutionary theory, Charles Darwin and Sir Francis Galton,<sup>74</sup> in whose traditions many of our grantees are honored to work. We also believe that it is unscientific and counterproductive to tag any and all such research as “Nazi” or “racist.” Scientific conclusions must be met with scientific criticism—new data, more powerful methods of analysis, and progressive theories—not by invective and name-calling. Lombardo's eighty-six page paper amounts to a motion to suppress evidence. Such procedures may be appropriate in the law, but they have no place in science.

Moreover, Lombardo's charges are false. The charge of “white supremacy” seems especially ill-founded given the fact that it was Pioneer scientist Richard Lynn's research that was largely responsible for first showing that East Asians average higher on IQ

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TABOOS (1993).

<sup>71</sup> See Philip A. Vernon et al., *Environmental Predictors of Personality Differences: A Twin and Sibling Study*, 72 J. PERSONALITY & SOC. PSYCHOL. 177, 177 (1997) (describing the purpose of the study as being to determine “whether differences between twin and nontwin sibling pairs' personalities could be predicted by differences in their responses to the environmental measures”).

<sup>72</sup> *Id.* at 182–83.

<sup>73</sup> Mervyn Skuy et al., *Effects of Mediated Learning Experience on Raven's Matrices Scores of African and Non-African University Students in South Africa*, 30 INTELLIGENCE 221 (2002).

<sup>74</sup> See *infra* Part II.A.

tests than do Europeans.<sup>75</sup> Building on the research of Jensen and Lynn, additional Pioneer-supported work by Philip E. Vernon, and later by the present writer, made the race-IQ debate truly international in scope and extended it beyond IQ scores with findings that East Asians, Whites, and Blacks show the same three-way pattern of average differences on over sixty traits in countries around the world.<sup>76</sup>

Lynn's book describes not only the many honors but also the sad stories of the indignities suffered by some of these researchers solely because they dared to examine controversial topics.<sup>77</sup> Some needed armed guards on campus, others were forced to teach via videotapes. Yet they persevered and often won their arguments in campus debating halls, on TV shows, and most significantly, in the scientific journals.

### I. ARE LOMBARDO'S CHARGES CREDIBLE?

Based on misleading pieces of evidence very selectively picked from thousands of shelved feet of archives at the Cold Spring Harbor Laboratory on Long Island, the American Philosophical Society in Philadelphia, the Harry Hamilton Laughlin Papers at Truman State University in Missouri, the John Marshall Harlan Papers at Princeton University, the Earnest Sevier Cox Papers at Duke University, the President's Papers of the University of Virginia, and six years of back issues of the *Eugenical News*, Lombardo attempted to "connect" and "link" the Pioneer Fund to some "pro-Nazi" or "white supremacy" motivation. His case is demonstrably false. As I will show, his case rests on extreme selectivity, guilt by remote association, innuendo by incomplete citation, reliance on quotes filled with ellipses for self-serving excisions, and the conflating of Pioneer's record with that of particular individuals acting as individuals (often even before

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<sup>75</sup> See Richard Lynn, *IQ in Japan and the United States Shows a Growing Disparity*, 297 NATURE 222 (1982); Richard Lynn, *The Intelligence of the Japanese*, 30 BULL. BRIT. PSYCHOL. SOC. 69 (1977).

<sup>76</sup> See PHILIP E. VERNON, THE ABILITIES AND ACHIEVEMENTS OF ORIENTALS IN NORTH AMERICA (1982) [hereinafter VERNON, ABILITIES]; see also RUSHTON, RACE, 1995, *supra* note 15 at 5.

<sup>77</sup> See LYNN, HISTORY, *supra* note 16, at xix-xxxvi. see also ROGER PEARSON, RACE, INTELLIGENCE AND BIAS IN ACADAME (1997) [hereinafter PEARSON, BIAS]; MORTON HUNT, THE NEW KNOW-NOTHINGS (1999) [hereinafter HUNT, KNOW-NOTHINGS] (illustrating examples of interference with scientific research by political forces of both left and right).

Pioneer was founded) or with organizations associated with other individuals. I will provide the full quotes, documentation, and context to allow readers to decide for themselves the veracity of Lombardo's charges.

A. *Is The Bell Curve Really "Link(ed) to the Holocaust?"*

Lombardo's critique of Pioneer opens and closes with a tirade against Herrnstein and Murray's 1994 bestseller *The Bell Curve*, which he attempts to link to genocide.<sup>78</sup> Lombardo's readers would have no idea that *The Bell Curve* is a book about social stratification in America, whose conclusions Lombardo finds unwelcome. A major part of the book reported an original analysis of 12,686 youths followed over a twelve-year period.<sup>79</sup> It showed that most young adults with high scores on the Armed Forces Qualification Test, regardless of ethnicity, went on to occupational success by their late 20s and early 30s, while many of those with low scores went on to welfare dependency.<sup>80</sup> Herrnstein and Murray's analysis also found that the average IQ for "African" Americans was lower than those for "Latino," "White," "Asian," and "Jewish" Americans.<sup>81</sup>

The flashpoint of discussion was whether the Black-White difference in average IQ was partly genetic in origin. *The Bell Curve* presented as a reasonable syllogism: (1) intelligence test (IQ) scores are heritable in both Black and White populations; (2) White IQs average higher than Black IQs; so (3) it is likely that some of the Black-White IQ differences are heritable.<sup>82</sup> These conclusions represented the mainstream view of scientists studying IQ, although one would have been hard-pressed to know it from Lombardo's account. A survey of over 1,000 experts in behavioral genetics and psychometrics found that: (1) 53% agreed that there is a consensus among psychologists and educators as to the kind of behaviors labeled as "intelligent"<sup>83</sup> (2) 60% agreed that IQ is an

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<sup>78</sup> See Lombardo, *supra* note 2, at 745–50, 823.

<sup>79</sup> See THE BELL CURVE, *supra* note 3, at 36, (explaining that there was over sampling of blacks, Latino's and low-income whites in order to assure an adequate sample size for analyzing these crucial groups).

<sup>80</sup> See *id.* at 53, 322, 326 (noting that IQ tested in childhood is nearly as accurate at predicting future job status as IQ tested during young adulthood and that the racial distribution of the probability of being in poverty as well as the probability of being in a high-IQ occupation is largely a function of the racial differences in IQ scores).

<sup>81</sup> See *id.* at 273–78 (identifying IQs as 85 for Blacks, 89 for Latinos, 103 for Whites, 106 for Asian, and 113 for Jewish Americans).

<sup>82</sup> See *id.* at 105, 269–70.

<sup>83</sup> MARK SNYDERMAN & STANLEY ROTHMAN, THE IQ CONTROVERSY, THE MEDIA AND

important determinant of socio-economic status;<sup>84</sup> (3) 58% agreed that intelligence is a general ability rather than a multiplicity of separate faculties;<sup>85</sup> (4) a majority agreed that there is some within-group heritability for intelligence;<sup>86</sup> and (5) a plurality (45%) agreed that part of the difference between Black and White groups in average IQ is genetic in origin.<sup>87</sup>

In response to what they felt was a superficial and misleading treatment of *The Bell Curve* by the mass media, fifty-two scholars—including fourteen who had received Pioneer support and thirty-eight who had not—signed a statement published in *The Wall Street Journal*<sup>88</sup> and reprinted in *Intelligence* (the leading journal in the field)<sup>89</sup> in support of *The Bell Curve*'s positions on the IQ controversy. Their statement pointed out that "IQ is strongly related, probably more so than any other single measurable human trait, to many important educational, occupational, economic, and social outcomes."<sup>90</sup> It also reported the considerable new research showing the relation between intelligence scores and brain size, and a number of other brain variables such as electrical potentials, speed of operation on elementary cognitive tasks, speed of neural and synaptic transmission, and rate of glucose metabolism during cognitive activity.<sup>91</sup>

The controversy over *The Bell Curve* led the American Psychological Association (APA) to establish an eleven-person task force (two were Pioneer grantees) to evaluate the book's scientific conclusions.<sup>92</sup> Based on their review of twin and other kinship studies, the Task Force agreed with the conclusions of Herrnstein and Murray that: (1) IQ was substantially heritable within the White population;<sup>93</sup> (2) the tests showed similar patterns of reliability and validity for Blacks as well as for Whites;<sup>94</sup> and (3) the

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PUBLIC POLICY 55 (1988).

<sup>84</sup> *Id.* at 66.

<sup>85</sup> *Id.* at 71.

<sup>86</sup> *Id.* at 95.

<sup>87</sup> *Id.* at 128.

<sup>88</sup> *Mainstream Science on Intelligence*, WALL ST. J., Dec. 13, 1994, at A19.

<sup>89</sup> Linda S. Gottfredson, *Mainstream Science on Intelligence: An Editorial with 52 Signatories, History, and Bibliography*, 24 INTELLIGENCE 13 (1997).

<sup>90</sup> *Mainstream Science on Intelligence*, WALL ST. J., Dec. 13, 1994, at A19.

<sup>91</sup> *See id.*

<sup>92</sup> Ulric Neisser et al., *Intelligence: Knowns and Unknowns* 51 AM. PSYCHOLOGIST 77 (1996).

<sup>93</sup> *See id.* at 85 ("Across the ordinary range of environments in modern Western societies, a sizable part of the variation in intelligence test scores is associated with genetic differences among individuals.")

<sup>94</sup> *See id.* ("The samples were also mostly White, but available data suggest that twin and

Black-White differences are found on relatively culture-free tests;<sup>95</sup> therefore traditional IQ tests *are* valid measures of racial differences. The report stated, “[c]onsidered as predictors of future performance, the tests do not seem to be biased against African Americans.”<sup>96</sup> As to the cause of the mean Black-White group difference, however, the Task Force concluded: “[t]here is certainly no such support for a genetic interpretation.”<sup>97</sup> Although I will return to this conclusion in Part III, Section B, the point being made here is that *The Bell Curve* engendered a serious scientific debate, in which reasonable scholars legitimately differ on how they appraise the evidence. By contrast, Lombardo’s outlandish rhetoric linking *The Bell Curve* to the Holocaust calls into question the rest of his scholarship.

### *B. Was Laughlin Really “Preoccupied” with German Eugenics?*

Another false allegation made by Lombardo is that Harry Laughlin’s (later to serve as the first president of the Pioneer Fund) “captivation”<sup>98</sup> and “preoccupation”<sup>99</sup> with German eugenics, as evidenced by his editorship of the *Eugenical News*, supplied “a roadmap from Hitler’s aspirations toward ‘racial hygiene’ in Germany . . . directly to the founding of the Pioneer Fund.”<sup>100</sup> Lombardo supported this charge with an appendix in which he listed thirty-two news stories carefully selected from the *Eugenical News* between 1932 and 1937.<sup>101</sup> However, a review of the complete published record of the *Eugenical News* shows that Lombardo is guilty of confirmation bias, and that he, not Laughlin, is captivated and preoccupied with Nazi policies.

The *Eugenical News* of January–February 1932 contained thirty-three stories, one of which was, as Lombardo contended, a summary of the contents of the German journal, *Archiv für Rassen- und Gesellschafts-Biologie*,<sup>102</sup> which began publishing in 1904, almost

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sibling correlations in African American and similarly selected White samples are more often comparable than not.”).

<sup>95</sup> See *id.* at 97 (“The cause of [the Black/White] differential is not . . . due to any simple form of bias in the content or administration of the tests themselves.”).

<sup>96</sup> *Id.* at 93.

<sup>97</sup> *Id.* at 97.

<sup>98</sup> Lombardo, *supra* note 2, at 759.

<sup>99</sup> *Id.* at 761.

<sup>100</sup> *Id.* at 749.

<sup>101</sup> *Id.* at 825–28.

<sup>102</sup> 17 EUGENICAL NEWS, Jan.–Feb. 1932, at 30.

thirty years before Hitler came to power. However, that issue of the *Eugenical News* also contained many other foreign news stories and historical items of interest, including those about France, Britain and the British Empire, South America, Sudan, Czechoslovakia, and Holland.<sup>103</sup> These countries were routinely covered by *Eugenical News* to demonstrate the international nature of the movement and the wide range of relevant interests. The March–April 1932 issue did carry the item on *Hitler and Race Pride*, as Lombardo maintained, but it was only one of several foreign stories, including the *Origin of Japanese, Chinese in Manchuria*, *The Eugenics Society of Canada*, and *Eugenic Sterilization Proposed in Ontario [Canada]*.<sup>104</sup> There was no “preoccupation” with Germany.

The November–December 1932 issue of *Eugenical News* provided a summary of the eugenic meetings held in Paris (France), London (England), New York City (USA), Brussels (Belgium), Lund (Sweden), Milan (Italy), Amsterdam (Holland), Munich (Germany), and Rome (Italy).<sup>105</sup> All six of the volumes falsely offered by Lombardo as evidence of an obsession with Germany contained other international stories. The November–December 1936 issue contained twenty-six headlined stories, two of which appeared in Lombardo’s Appendix: *The German Program of Marriage Promotion Through State Loan* and *Germany Seeks Babies*.<sup>106</sup> However, the first was immediately followed by *The Norwegian Sterilization Law of 1934 and Its Practical Results*, while the second was immediately preceded by *Record French Family* (in Quebec), and *Baby Bonus* (in Russia).<sup>107</sup> Lombardo’s last entry, *A New German Eugenical Quarterly*, from the September–October issue of 1937, was only a brief announcement, while the other overseas stories included; *Divorce Reform in Great Britain*, *Japanese Births*, and *New Puerto Rican Statutes on Eugenics and Sterilization*.<sup>108</sup> The 1938 volume—which Lombardo omitted completely—carried stories on *Hungary Encourages Large Families*, *Marriage Loans for Swedish Couples*, *Declining Birthrate in Czechoslovakia*, *Italy Shows Declining Birthrate*, *Argentina Promulgates a Law for the Protection of Healthy Offspring*, *Eugenics Society of Canada*, and *Sterilization–*

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<sup>103</sup> *Id.* at 20–21, 27–30.

<sup>104</sup> 17 EUGENICAL NEWS, Mar.–Apr. 1932, at 40, 41, 46, 47, 60.

<sup>105</sup> 17 EUGENICAL NEWS, Nov.–Dec. 1932, at 130–34.

<sup>106</sup> 21 EUGENICAL NEWS, Nov.–Dec. 1936, at 121, 148; Lombardo, *supra* note 2, at 827–28.

<sup>107</sup> 21 EUGENICAL NEWS, Nov.–Dec. 1936, at 129, 147.

<sup>108</sup> 22 EUGENICAL NEWS, Sept.–Oct. 1937, at 88, 90, 92, 94.

*Law in Finland*.<sup>109</sup> It is obvious that Lombardo's claims are without substance—it is he who has the preoccupation with Germany.

### *C. Did Pioneer Grants Really Support White Supremacy?*

Another false charge made by Lombardo is that the Pioneer Fund has a commitment to “white supremacy.” Lombardo's evidence consists of: (1) a list of “Draper Prizes” awarded in the 1920s and 1930s as research grants and Lombardo's characterization of them;<sup>110</sup> (2) correspondence between Draper and Ernest Sevier Cox intended to show that Draper shared Cox's interest in the program for repatriation of Blacks to Africa;<sup>111</sup> and (3) a selective list of thirteen Pioneer grants from 1973 to 2001.<sup>112</sup> As I will show, Lombardo's omission of crucial information distorts the truth.

First, it is important to note that the Draper Prizes were an entirely separate funding program from Pioneer, most being given out almost a decade before the Pioneer Fund's incorporation. Next, most Draper Prizes, as Lombardo himself acknowledged, went to scientific research on factors influencing fertility rates in European populations and were not concerned with Black-White differences.<sup>113</sup> Likewise for another Draper Prize, which went for research on the heritability of mental disorders.<sup>114</sup> Only one of the studies cited by Lombardo actually supported his main point—the massive 1929 study by Charles Davenport and Morris Steggerda on *Race Crossings in Jamaica*.<sup>115</sup> In 477 printed pages of text, including 359 tables, Davenport and Steggerda examined three competing hypotheses, then widely debated, that people of mixed race: (1) had traits midway between those of the two parental populations, as would be expected by Mendelian theory; (2) showed *hybrid vigor*, being stronger and above the mean of either of the two parental populations; and (3) showed *outbreeding depression*, being weaker and less viable than either of the two parental populations.<sup>116</sup> Dozens of physical and psychological measurements were taken

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<sup>109</sup> 23 EUGENICAL NEWS, 1938, at 14, 18, 38, 47.

<sup>110</sup> Lombardo, *supra* note 2, at 766–68.

<sup>111</sup> *See id.* at 778–86.

<sup>112</sup> *See id.* at 829–30.

<sup>113</sup> *See id.* at 767; *Offer of Prize on Causes of Fall in Birth Rate*, 14 EUGENICAL NEWS, Aug. 1929, at 118.

<sup>114</sup> *Prize Contest for Research in the Genetics of Mental Disorders*, 18 EUGENICAL NEWS, Mar.–Apr. 1934, at 29.

<sup>115</sup> CHARLES DAVENPORT & MORRIS STEGGERDA, *RACE CROSSING IN JAMAICA* (1929).

<sup>116</sup> *Id.* at 454–60, 469.

from hundreds of what, following the conventions of the day, were termed “Blacks,” “Browns” (mixed-race), and “Whites,” from several localities in Jamaica.<sup>117</sup> In general, the study found that the Whites averaged higher on cognitive ability tests,<sup>118</sup> Blacks on musical tests involving pitch and rhythm,<sup>119</sup> and “on the average, the Browns are intermediate in [body] proportions and mental capacities.”<sup>120</sup> It found only a small amount of evidence for “disharmonies” due to racial crossing (based on Browns being the more variable),<sup>121</sup> nor evidence of “hybrid vigor.”<sup>122</sup>

Lombardo misrepresented these results as being merely “traditional racist stereotypes with supposedly scientific observations.”<sup>123</sup> He failed to mention that many of Davenport and Steggerda’s findings dovetailed with those from Melville Herskovits<sup>124</sup> and Franz Boas,<sup>125</sup> two avowedly “anti-eugenicist” and “anti-racist” anthropologists whose research *also* found that mixed-race people fell between the two parental populations on various traits. This was an important scientific question for physical anthropologists and geneticists of all persuasions in the 1920s, and Lombardo’s account does all involved a disservice. Although their results may seem trivial today, at the time they were novel and significant.<sup>126</sup>

Lombardo next makes much of Draper’s interest in the Back-to-Africa Movement for African Americans.<sup>127</sup> This interest, such as it

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<sup>117</sup> *Id.* at 7–19, 472–73.

<sup>118</sup> *Id.* at 475.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 477.

<sup>121</sup> *Id.* at 470–72.

<sup>122</sup> *Id.* at 477.

<sup>123</sup> Lombardo, *supra* note 2, at 766.

<sup>124</sup> See MELVILLE J. HERSKOVITS, THE ANTHROPOMETRY OF THE AMERICAN NEGRO 234–38 (1930) (reporting data on a large sample of African Americans finding that on twenty-seven anthropometric traits, they averaged between several African populations on the one hand, and several White and Amerindian populations on the other, thus validating his “mixed-race” hypothesis about African Americans).

<sup>125</sup> Wilton Marion Krogman, *The Inheritance of Non-Pathologic Physical Traits in Man*, 21 EUGENICAL NEWS 139–40 (1936). Boas had also concluded, following his work with Plains Indians and French-Canadian Whites, that the mixed-race group was intermediate and more variable. He reported that White-Amerindian crosses showed hybrid vigor and were more fertile than either parental population. Although Lombardo would have one believe this would have been an uncongenial finding for Laughlin, Boas’ findings were nonetheless summarized in Laughlin’s allegedly “pro-Nazi” journal. *Id.*

<sup>126</sup> See William B. Provine, *Geneticists and the Biology of Race Crossing*, 182 SCIENCE 790, 790–96 (1973) (illustrating that geneticists altered their views about the biological effects of race crossing because of changes in the political climate, not because of new data).

<sup>127</sup> See Lombardo, *supra* note 2, at 780–86.

was, was also separate from Pioneer. However, Lombardo does not tell his readers the whole story, viz., that the idea had a long history of support, and that from 1917–1923, the movement was popular among a great many African Americans.<sup>128</sup> In 1822, freed American slaves established Liberia on the West Coast of Africa with a capital at Monrovia—named after U. S. President James Monroe—as a haven for other freed slaves.<sup>129</sup> Abraham Lincoln later considered repatriation during the Civil War (1861–1865).<sup>130</sup> Harry Weyher (president of Pioneer from 1958 to 2002), who knew Draper well, noted that Draper’s main interest was in the Black-led voluntary repatriation movements.<sup>131</sup> It should also be remembered that after World War I, supporters of Woodrow Wilson and the League of Nations argued for the self-determination of all peoples, each with its own territory.<sup>132</sup> Yes, Draper showed an interest in repatriation, but so did many others, including Blacks. As I shall discuss further in Part II, historical context is vital for understanding the history of ideas.

Lombardo’s final piece of evidence for his allegation of Pioneer’s “white supremacy,” is a list of thirteen Pioneer Grants awarded between 1975 and 2001.<sup>133</sup> (A more representative sampling of Pioneer Grants is provided in the Introduction to the present paper). Even by Lombardo’s own standards, this highly selective list does not support his claim. Item five is P. E. Vernon’s classic book, *The Abilities and Achievements of Orientals in North America*.<sup>134</sup> This book reviews dozens of studies that demonstrated that East Asians average higher on intelligence tests than do

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<sup>128</sup> See generally EDMUND DAVID CRONON, BLACK MOSES: THE STORY OF MARCUS GARVEY AND THE UNIVERSAL NEGRO IMPROVEMENT ASSOCIATION 44 (1969) (describing the Universal Negro Improvement Association, led by Marcus Garvey, which he alleged numbered two million in 1919, though many challenge his figures).

<sup>129</sup> THOMAS D. ROBERTS, ET AL., AREA HANDBOOK FOR LIBERIA 1, 10 (1972).

<sup>130</sup> MARK E. NEELY, JR., THE ABRAHAM LINCOLN ENCYCLOPEDIA 62–63 (1982) (discussing Lincoln’s plan to subsidize voluntary emigration by free blacks back to Africa).

<sup>131</sup> See The Pioneer Fund, Inc., *The Pioneer Fund Speaks Out Against False Charges at <http://www.pioneerfund.org/>* (last visited Oct. 17, 2002). Henry Garrett, another director of Pioneer who knew Draper personally, publicly stated that Draper had “never proposed a plan for sending Negroes back to Africa nor does he advocate such a scheme.” See Henry E. Garrett, *Un-American Science Reporting*, 132 SCIENCE 685 (1960).

<sup>132</sup> J. Oloka-Onyango, *Heretical Reflections on the Right to Self-Determination: Prospects and Problems for a Democratic Global Future in the New Millennium*, 15 AM. U. INT’L L. REV. 151, 159–61 (1999) (advancing the idea that while the League of Nations failed to confront the issue, the United Nation’s advancement of self-determination was motivated by the destruction of Nazi Germany and the overthrow of colonial power in India).

<sup>133</sup> Lombardo, *supra* note 2, at 829–30.

<sup>134</sup> VERNON, ABILITIES, *supra* note 76.

Whites.<sup>135</sup> Item twelve is the present writer's own book, *Race, Evolution, and Behavior*,<sup>136</sup> which also documents that East Asians have higher average IQ scores.<sup>137</sup> Item thirteen is Lynn's *A History of the Pioneer Fund*, which gives counter-evidence to Lombardo's conspiracy theory about "Nazi connections," "white supremacy," and "hidden agendas."<sup>138</sup> Lombardo either overlooked or deliberately omitted most of the information found in these sources.

Lombardo's unrelentingly tendentious claims that Pioneer promoted "white supremacy" are also countered by the published works of both Pioneer's first and second presidents, as described in Part B of the Introduction. Harry H. Laughlin, later Pioneer's first president (1937–1941), testified before Congress about data from Army tests administered to recruits in World War I. He showed that there was much overlap in the bell curve distributions between Black and White high achievers and that individual differences had to be taken into account.<sup>139</sup> Laughlin's analysis was very much more nuanced than Lombardo allows.

As I also described in the Introduction, Frederick Osborn, who later served as Pioneer's second president (1941–1958), was the first to point out (in 1934) that, although African Americans did less well than Whites on these Army tests, those from five urban northern states scored slightly higher than did Whites from eight rural southern states, demonstrating the importance of cultural factors on IQ scores.<sup>140</sup> Additionally, Osborn remained skeptical about the role of heredity in racial differences in his later books. In his 1940 book, *Preface to Eugenics*, Osborn wrote, "[t]here is as yet no scientific evidence as to whether these races differ from the white stocks in genetic capacity to develop qualities of social value."<sup>141</sup> He reiterated this view in the 1951 edition of *Preface to Eugenics*:

Individual differences in intelligence are in part due to individual differences in inherited capacity . . . [yet] [t]here is no evidence on hereditary factors as a cause of differences in the average intelligence of racial or regional groups in this country. Known differences in their environment are probably sufficient to account for present differences in the

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<sup>135</sup> *Id.* at ix, 17–20, 65–66.

<sup>136</sup> RUSHTON, *RACE*, 1995, *supra* note 15, at 133–34, 144, 191–92, 260.

<sup>137</sup> *Id.* at 133–134.

<sup>138</sup> LYNN, *HISTORY*, *supra* note 16, at 35–40, 172–75.

<sup>139</sup> Laughlin, *Hearings*, *supra* note 36, at 1278–79.

<sup>140</sup> *See* OSBORN, *DYNAMICS*, *supra* note 37, at 140.

<sup>141</sup> OSBORN, *PREFACE*, 1940, *supra* note 39, at 119.

average intelligence of racial and regional groups.<sup>142</sup>

Although some Pioneer scientists, including the present writer, have indeed concluded that the wealth of evidence now available favors some genetic contribution to the Black-White IQ group difference, other Pioneer scientists have not. A wide variety of attitudes and opinions have been expressed. Independent thinkers and dedicated scientists follow their own research trajectories and readings of the literature. There is no requirement that Pioneer's directors and grantees march in lockstep—quite the opposite. Weyher, Pioneer's third president (1958–2002), described several “pie in the face” fights among Pioneer's “fractious academics” in his preface to Lynn's history.<sup>143</sup> Conjecture and refutation, not signing on to some agenda, is the only way of moving forward on scientific issues.<sup>144</sup>

*D. Did Laughlin Really Define “The American Breed” to  
“Exclude Jews”?*

The claim that Harry Laughlin, Pioneer's first president, wanted to exclude Jews from American society is waved like a red flag before the readers throughout Lombardo's article. Lombardo charged that Laughlin tried to provide “a workable definition of the ‘American Race’ [that mirrored] the efforts of the Nazis during the same period, particularly in the Nuremberg Laws, ‘for the Protection of German Blood.’”<sup>145</sup> Lombardo believes that this was done to create “a national immigration quota law to prevent the migration of Jews and southern Europeans”<sup>146</sup> that “would emphatically exclude the nonwhite, particularly the Jew.”<sup>147</sup> The only evidence that Lombardo provided to support this outrageous claim was an undated, unpublished paper, which is on file with Laughlin Papers and a single letter from Madison Grant to Dr. Laughlin.<sup>148</sup>

Lombardo's charge is inconsistent with the transcript of the

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<sup>142</sup> OSBORN, PREFACE, 1951, *supra* note 28, at 143.

<sup>143</sup> Harry F. Weyher, *Preface to LYNN, HISTORY*, *supra* note 16, at xxxvi–xxxix (opining that disagreements between “top scientists” often leads to a better delineation of scientific issues).

<sup>144</sup> See generally IMRE LAKATOS, *THE METHODOLOGY OF SCIENTIFIC RESEARCH PROGRAMMES* (1978); KARL R. POPPER, *CONJECTURES AND REFUTATIONS: THE GROWTH OF SCIENTIFIC KNOWLEDGE* (5th ed. rev. 1989).

<sup>145</sup> Lombardo, *supra* note 2, at 799.

<sup>146</sup> *Id.* at 775.

<sup>147</sup> *Id.* at 797.

<sup>148</sup> See *id.* at 797 n.359; see also *id.* at 796 n.354.

actual testimony given by Laughlin before Congress in 1924. Had Lombardo provided his readers with Laughlin's full list of those comprising the new American nation, *which included Jews*, he would not have been able to put an anti-Semitic spin on Laughlin's proposals. Laughlin testified that:

The American race, then (omitting for the time being the descendants of persons who came to the United States involuntarily), is a race of white people who have fused into a national mosaic composed originally of European stocks (themselves mosaics), in rapidly descending proportion, as follows: Primarily, British, Irish, German, Scandinavian, French, and Dutch; secondarily, American Indian, Jewish, Spanish, Swiss, Italian, Austro-Hungarian, and Russian.<sup>149</sup>

In both academic and legal venues, people who wish to make allegations like Lombardo's should provide full quotations so that readers can examine the evidence for themselves. Lombardo's style of footnoting is similarly misleading—sentence fragments full of ellipses, reliance on secondary opinions from like-minded others, plus outright misrepresentation.

It is true that Laughlin was concerned with immigration and advocated national quotas, but so was the U.S. Congress. The Johnson-Lodge Immigration Act of 1924 stipulated that the number of immigrants allowed into the U.S. from any one country in any one year be limited to two percent of the number of American citizens of that national origin in the 1890 census.<sup>150</sup> The effect of the Act was to grant proportionately large immigration quotas to the countries of northwest Europe relative to those of southeast Europe and the rest of the world. In addition, the Act halted all Chinese and Japanese immigration.<sup>151</sup> In so doing, it reflected the mainstream view of American society at that time.

### *E. Is Truth About Race No Defense? A Personal Note*

Lombardo singled out my book, *Race, Evolution, and Behavior* for his "treatment," so I will call into question his method here as well. Lombardo described the abridged edition of my book as a "fifty-page . . . booklet,"<sup>152</sup> when in fact it was 106 pages long.<sup>153</sup> He

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<sup>149</sup> Laughlin, *Hearings*, *supra* note 36, at 1294.

<sup>150</sup> Immigration Act of 1924, ch. 190, § 11(a), 43 Stat. 153, 159 (1924) (repealed 1952).

<sup>151</sup> *Id.*

<sup>152</sup> Lombardo, *supra* note 2, at 819.

<sup>153</sup> J. PHILIPPE RUSHTON, *RACE, EVOLUTION AND BEHAVIOR* (abr. ed., 1999) [hereinafter

claimed that it omitted “almost all the statistical data,”<sup>154</sup> when in fact it contained twelve charts of data and many in-line citations of specific data.<sup>155</sup> Lombardo claimed that it presented only “the most virulent assertions of racial differences between ‘Caucasoids’ and ‘Negroids,’”<sup>156</sup> when in fact it reported that East Asians averaged higher than Whites in IQ and educational achievement, as well as ranking lower in rates of crime and levels of testosterone.<sup>157</sup>

Even with regard to the 350-page unabridged edition of my book, Lombardo continued to omit all mention of East Asians or their higher average IQ scores, perhaps to better depict my work as “the most recent example of old fashioned white supremacy masquerading in the guise of science.”<sup>158</sup> He also claimed that I relied on “nineteenth century measures of cranial capacity and the size of black male genitals as concrete evidence of black inferiority”<sup>159</sup> when in fact, on dozens of dimensions of interest I used modern data from peer-reviewed scientific journals, such as Magnetic Resonance Imaging (MRI) brain scans, as well as technical reports.<sup>160</sup>

The unabridged edition of my book was widely reviewed in academic journals and the media.<sup>161</sup> It warrants serious discussion and, where wrong, correction—not Lombardo’s name-calling, distortion, and dismissal. Transaction Publishers initially issued the 330-page scientific monograph in 1995, complete with twenty-

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RUSHTON, RACE, 1999].

<sup>154</sup> Lombardo, *supra* note 2, at 819.

<sup>155</sup> RUSHTON, RACE, 1999, *supra* note 153.

<sup>156</sup> Lombardo, *supra* note 2, at 819.

<sup>157</sup> RUSHTON, RACE, 1999, *supra* note 153, at 19, 22–23, 33, 40, 46–58.

<sup>158</sup> Lombardo, *supra* note 2, at 818–19.

<sup>159</sup> *Id.* at 818.

<sup>160</sup> See RUSHTON, RACE, 1995, *supra* note 15, at 38–39, 121–24, 158–59, 168, 180–82 (citing the World Health Organization, the United Nations, INTERPOL, the International Labor Office, the U.S. National Aeronautical and Space Administration (NASA), and the U.S. military).

<sup>161</sup> See, Steven Blinkhorn, *Willow, Titwillow, Titwillow!*, 372 NATURE, 417 (Dec. 1, 1994) (book review); Christopher Brand, *What Is It to be High-K?*, 19 PERSONALITY & INDIVIDUAL DIFFERENCES 411 (1995) (book review); Malcolm W. Browne, *What is Intelligence, and Who Has It?*, THE N. Y. TIMES BOOK REV. (Oct. 16, 1994) (book review); Linda S. Gottfredson, 15 POL. & THE LIFE SCIENCES, 141 (March, 1996) (book review); Henry Harpending, *Human Biological Diversity*, 4 EVOLUTIONARY ANTHROPOLOGY, 99 (1995) (book review); Michael Peters, 21 AGGRESSIVE BEHAV. 463 (1995) (book review); Malcolm James Ree, 49 PERSONNEL PSYCHOL. 250 (1996) (book review); John H. Relethford, 98 AM. J. OF PHYSICAL ANTHROPOLOGY, 91 (1995) (book review); Glayde Whitney, *The Return of Racial Science*, 41 CONTEMP. PSYCHOL. 1189 (1996) (book review); Alasdair Palmer, *Does White Mean Right?*, 274 THE SPECTATOR 9 (Feb. 18, 1995).

six tables and charts, and over 1,000 references.<sup>162</sup> In 1996, a Japanese translation was published by Hakuhin-sha.<sup>163</sup> In 1997, Transaction published a second edition, in both hard and soft cover. Two years later, Transaction published the 106-page abridged edition for wider distribution, which presented the same research, only in a condensed and popularly written style, similar to that in *Discover Magazine*, *Reader's Digest*, and *Scientific American*.<sup>164</sup>

The book reviewed the literature comparing the world's three major population groups in temperament, sexual behavior, fertility, growth rate, lifespan, crime, and family stability, as well as in brain size and intelligence. It found that East Asians, as a group, consistently fell at one end of the continuum, Blacks fell at the other, and Whites fell in between—often close to East Asians.<sup>165</sup> On average, East Asians are slower to mature, have quieter temperaments, are more law-abiding, and have higher IQ scores and larger cranial capacities.<sup>166</sup> Blacks are at the opposite end in each of these areas and Whites fall in between.<sup>167</sup> Of course, these three-way racial differences are averages—individuals are individuals and there is much overlap among the three groups. The three-way racial pattern, however, is remarkably consistent over time and across nations and thus requires explanation, not derision (I will describe more of the current research on race differences in Part III.B).

## II. PROVIDING THE NECESSARY CONTEXT

The field known as the sociology of knowledge makes an important distinction between people's scientific values and contributions on the one hand and their social, political, and religious values (if any) on the other. It makes a similar distinction between the "context of discovery" in which scientists operate and the "context of verification" by which their findings are corroborated.<sup>168</sup> To conflate or ignore these distinctions is to risk serious errors of interpretation.

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<sup>162</sup> RUSHTON, RACE, 1995, *supra* note 15.

<sup>163</sup> See J. PHILIPPE RUSHTON, RACE, EVOLUTION AND BEHAVIOR, (2d spec. abr. ed. 2000) (citing by publisher when the Japanese translation was published).

<sup>164</sup> See *id.* (discussing how Transaction, the publisher, distributed thousands of copies of the Special Abridged Edition in a mass mailing to academics).

<sup>165</sup> RUSHTON, RACE, 1995, *supra* note 15, at 113.

<sup>166</sup> See *id.* at 113, 115, 119, 135, 140, 148, 152, 158–59.

<sup>167</sup> See *id.*

<sup>168</sup> See generally *supra* note 144.

Because Lombardo failed to describe the context for the events about which he writes, I will do so here. I will begin by describing the scientific, then the eugenic, and finally the political landscape of America in the 1920s and 1930s. Although the story begins a decade and a half before Pioneer was founded, the veracity of the attacks on Pioneer's origin can only be understood against this tapestry.

### A. *The Scientific Context*

The work of the Pioneer Fund can best be appreciated by knowing the keen scientific interests of its founding directors. The debates they engaged in derived directly from Charles Darwin's theory of evolution<sup>169</sup> and his cousin, Francis Galton's founding science of differential psychology.<sup>170</sup> It is both remarkable and revelatory that Lombardo makes no mention of any of his protagonists' scientific values or findings.

Pioneer's founders pursued their scientific enterprises with vigor and determination. Draper's zeal for archaeology and anthropology caused him to join the 1927 French Mission led by Captain Augiéras to the southern Sahara and help discover the remains of "Asselar Man," some 400 kilometers north of Timbuktu.<sup>171</sup> For this, the French Société de Géographie awarded him their 1928 Gold Medal, and in Britain he was elected a Fellow of the Royal Geographical Society.<sup>172</sup> Harry Laughlin was a life-long scientist at the famed Cold Spring Harbor Laboratory on Long Island, New York, which was funded by the Carnegie Institute of Washington. In 1917 he received a Doctorate of Science from Princeton for his work in genetics.<sup>173</sup> Frederick Osborn's uncle was Henry Fairfield Osborn, renowned president of the American Museum of Natural History. After undergraduate and graduate work in geology, human evolution, and eugenics—at Princeton and Cambridge—the younger Osborn gave up a career in business and banking in order to devote

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<sup>169</sup> CHARLES DARWIN, *THE ORIGIN OF SPECIES* (New American Library 1958) (1859) [hereinafter DARWIN, ORIGIN].

<sup>170</sup> FRANCIS GALTON, *HEREDITARY GENIUS* (Peter Smith 1972) (1869) [hereinafter GALTON, GENIUS].

<sup>171</sup> LYNN, *HISTORY*, *supra*, note 16, at 6.

<sup>172</sup> LYNN, *HISTORY*, *supra* note 16, at 6; *see also* CARLETON S. COON, *THE ORIGIN OF RACES*, 649–650 (1962) (describing Asselar Man as the oldest skeleton of a Negro at that time which he dated to the post-Pleistocene); Kenny, *supra* note 13, at 269 (noting that in preparation for his expedition, Draper studied at the University of London).

<sup>173</sup> LYNN, *HISTORY*, *supra* note 16, at 22.

himself to eugenical science.<sup>174</sup> His *Preface to Eugenics* describes the scientific evidence then available on the heritability of intelligence and mental disorder derived from family, twin, and adoption studies. Osborn concludes that despite limitations in methodology, genetic transmission plays a role in individual intelligence and mental disorders along with cultural transmission.<sup>175</sup> Readers would never have known any of this if they relied solely on Lombardo's account.

The most casual perusal of the archival holdings at the Cold Spring Harbor Laboratory, the American Philosophical Society—where most of the eugenic archives are housed—or the Harry Laughlin Archives in Missouri reveals that the orientation at Cold Spring Harbor was then, as it is today, scientific. According to volumes one through twenty-four of the *Eugenics Record Office Bulletins* (1911–1925), for example, there were scientific research reports on the inheritance of physical traits such as stature, body build, bone fragility, diseases and medical conditions such as Huntington's chorea, tuberculosis, and epilepsy (Harry Laughlin was a life-long sufferer), as well as intellectual abilities and personality traits such as good and bad temperament, specific musical talents, and general intelligence including what was then universally termed “feeble-mindedness.”<sup>176</sup>

Lombardo also side-stepped all the scientific information found in Laughlin's edited journal, the *Eugenical News*. Lombardo's only apparent interest in reading the *Eugenical News* was to select examples he believed showed connections with German eugenics. He ignored the fact that the *Eugenical News* routinely covered new scientific discoveries. The January–February 1932 issue, for example, began with a five-page article on “Statures of North American Indians” showing that their range in height was as wide as that for white Europeans.<sup>177</sup> Immediately following that article was a six page article on “The Inheritance of Mental Deficiencies Associated with Dementia Praecox,” showing that it ran in families.<sup>178</sup> Other articles in the 1932 issue dealt with the

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<sup>174</sup> See *id.* at 32.

<sup>175</sup> OSBORN, PREFACE, 1940, *supra* note 39, at 98–100.

<sup>176</sup> See Cold Spring Harbor Laboratory Archives, at <http://nucleus.cshl.org/CSHLlib/archives/eugenics.htm> (last visited Oct. 17, 2002).

<sup>177</sup> Morris Steggerda, *Statures of North American Indians*, 17 EUGENICAL NEWS, Jan.–Feb. 1932, at 1.

<sup>178</sup> B. Berner Vance & Dr. R. A. Hefner, *A Study of the Inheritance of Mental Deficiencies Associated with Dementia Praecox*, 17 EUGENICAL NEWS, Jan.–Feb. 1932, at 5.

inheritance of personality in twins, the stages of motor development in babies, the heritability of interest patterns, and the relation of left-handedness to mechanical ability.<sup>179</sup> How could Lombardo have overlooked all this? Did he think it was irrelevant?

The main research method used at Cold Spring Harbor in the 1920s and 1930s was the “family pedigree study,” which examines whether traits run in families.<sup>180</sup> With the benefit of hindsight, we now know that most behavioral traits of interest are not transmitted as “unit characters,” in the simple Mendelian fashion that was then so often envisaged. Instead, they are more often inherited polygenetically, and depend not only on the combination of genes inherited, but also the environments in which they are expressed.<sup>181</sup> The family pedigree methodology, however, is still employed where appropriate, and the basic research on human heredity carried out at Cold Spring Harbor has withstood the test of time. The evidence for the heritability of human behavioral traits has been replicated in hundreds of studies from dozens of countries.<sup>182</sup> Today, gene therapies build directly on those early results—holding out the promise of alleviating the suffering of those afflicted with genetic disabilities. Humanitarian values were also central to Pioneer’s founders.

### *B. The Eugenics Context*

Lombardo creates the impression that a few crypto-Nazi, Anglo-Americans dominated the eugenics movement. A correct history of the movement must be presented in a much wider context. Although it was in England that Sir Francis Galton (1822–1911), coined the word “eugenics” (meaning “well-born” or of “good breeding”), the concept itself goes back at least to the Ancient Greeks.<sup>183</sup> Plato and his pupil Aristotle held decidedly strong views

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<sup>179</sup> Robert Creswell, *Inheritance of Lefthandedness and Mechanical Capacity*, 17 EUGENICAL NEWS, Jan.–Feb. 1932, at 13.

<sup>180</sup> LYNN, HISTORY, *supra* note 16, at 11.

<sup>181</sup> See DANIEL J. KEVLES, IN THE NAME OF EUGENICS: GENETICS AND THE USES OF HUMAN HEREDITY 48–49, 145–47 (1985) [hereinafter KEVLES, EUGENICS] (noting that by the end of World War I, the “unit character” doctrine was out of favor).

<sup>182</sup> ROBERT PLOMIN, et al., BEHAVIORAL GENETICS (4th ed. 2001) (providing an introduction to the modern science of human behavioral genetics).

<sup>183</sup> For histories and differing opinions on the eugenics movement see CARL N. DEGLER, IN SEARCH OF HUMAN NATURE: THE DECLINE AND REVIVAL OF DARWINISM IN AMERICAN SOCIAL THOUGHT, (1991) [hereinafter DEGLER, NATURE ]; DAVID GALTON, IN OUR OWN OWN IMAGE (2001) [hereinafter GALTON, IMAGE]; HALLER, EUGENICS, *supra* note 37; KEVLES, EUGENICS, *supra* note 181; RICHARD LYNN, EUGENICS: A REASSESSMENT (2001) [hereinafter LYNN,

on eugenics that went far beyond anything proposed by Galton or Laughlin.<sup>184</sup> The eugenics movement of the early twentieth century was a worldwide phenomenon spanning the political spectrum from Tory to Socialist. The First International Eugenics Congress was held in London in 1912 with ex-British Prime Minister Arthur Balfour delivering the inaugural address, and with Winston Churchill, a later British Prime Minister, as Honorary President.<sup>185</sup>

In the early twentieth century, eugenic laws were enacted in Denmark, Switzerland, Norway, Sweden, Italy, Canada, Australia, and Latin America—and just recently, in Communist China.<sup>186</sup> In Sweden, for example, between 1935 and 1976 about 60,000 young women deemed mentally retarded or otherwise handicapped were sterilized to ensure they did not produce defective offspring that would need to be supported by the state.<sup>187</sup> These laws remained on their statute books until 1976.<sup>188</sup> China's long-standing demographic one-child-per-family policy, which falls under the rubric of state interference with reproductive choices, was strengthened by a 1995 bill on "Maternal and Infant Health Care," which allows for "termination of pregnancy if the foetus is suffering from a genetic disease" and "to avoid new births of inferior quality and heighten the standards of the whole population."<sup>189</sup>

In the U.S., the first sterilization law was passed in Indiana in 1907.<sup>190</sup> This was three years before the establishment of the Eugenics Record Office at the Cold Spring Harbor Laboratory in 1910; Wickliffe Draper was only 16 years old, and Harry Laughlin, 27, had still not finished his doctoral studies at Princeton.<sup>191</sup> By 1913, most social scientists that wrote on eugenics and heredity favored sterilization of those whose offspring were likely to become a burden on the state.<sup>192</sup> By 1917 laws had been enacted in fifteen

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EUGENICS].

<sup>184</sup> See LYNN, EUGENICS, *supra* note 183, at 3, 9, 54 (opining that Plato's interest in eugenics stems from the defeat of his native Athens by Sparta in 404 B.C.—a defeat that he did not wish to see repeated).

<sup>185</sup> KEVLES, EUGENICS, *supra* note 181, at 63.

<sup>186</sup> GALTON, IMAGE, *supra* note 183, at 93–94, 100–101.

<sup>187</sup> *Id.* at 100–101.

<sup>188</sup> Paul Gallagher, *The Man Who Told the Secret*, COLUMBIA JOURNALISM REV. 65, Jan. 1998.

<sup>189</sup> GALTON, IMAGE, *supra* note 183, at 93–94.

<sup>190</sup> HALLER, EUGENICS, *supra* note 37, at 133.

<sup>191</sup> LYNN, HISTORY, *supra* note 16, at 22 (noting that Laughlin did not obtain his doctorate until 1917).

<sup>192</sup> See DEGLER, NATURE, *supra* note 183, at 46–47 (describing a shift in attitudes from the belief that segregating the unfit was the proper practice to the belief that sterilization was superior).

more states that applied to “socially inadequate” people, “mental defectives” and others.<sup>193</sup> In Washington and Nevada the laws were particularly stringent, and in Missouri they bizarrely included chicken thieves.<sup>194</sup> In 1922, to rule out such anomalies, Laughlin codified many of these into a model sterilization law that would include: the feeble minded, the insane, criminals (including the delinquent and wayward), the epileptic (which included Laughlin himself), the inebriate, the diseased, the blind, the deaf, the deformed, and the dependant (including orphans, ne’er-do-wells, the homeless, tramps and paupers).<sup>195</sup> By these standards a large part of the American population might qualify. Seen as excessive, this was part of the reason eugenics began to fall out of favor.

Eugenic thinking was still well established during the 1920s. In 1927, U.S. Supreme Court Justice Oliver Wendell Holmes supported state-mandated sterilization of the mentally retarded in the *Buck v. Bell* decision.<sup>196</sup> Writing for an eight-to-one majority that included noted civil libertarian Louis Brandeis, Holmes penned the often quoted line; “[t]hree generations of imbeciles are enough.”<sup>197</sup>

When Thomas H. Morgan of the California Institute of Technology won the Nobel Prize in 1933 for his discoveries concerning the role played by the chromosomes in heredity, many eugenicists believed it established their discipline as a foundation stone in the structure of medical science.<sup>198</sup> Explicit reference was made to eugenics in the Nobel Prize presentation speech to Morgan<sup>199</sup>—who’s Prize was awarded in “Physiology or Medicine” because neither biology nor genetics is a Nobel award category.<sup>200</sup> Eugenics at the time was seen as applied genetics, a field of medicine.

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<sup>193</sup> See HALLER, EUGENICS, *supra* note 37, at 133, 141 (stating that by 1931, after over two decades, over twelve thousand sterilizations had been performed under American eugenics laws).

<sup>194</sup> *Id.* at 135.

<sup>195</sup> See *id.* at 133.

<sup>196</sup> 274 U.S. 200 (1927).

<sup>197</sup> *Id.* at 207.

<sup>198</sup> See *Thomas H. Morgan*, 18 EUGENICAL NEWS, Nov.–Dec. 1933, at 124 (lauding Dr. Morgan’s contributions to the field). It is interesting to note that Morgan himself opposed many eugenical viewpoints. See KEVLES, EUGENICS *supra* note 181, at 122 (describing a faction of geneticists, including Dr. Morgan, who began to distance themselves from mainstream eugenics); F. Henschen, presentation speech, The Nobel Prize in Physiology or Medicine 1933, at <http://www.nobel.se/medicine/laureates/1933/press.html> (last visited Oct. 10, 2002) (awarding Morgan the Nobel Prize).

<sup>199</sup> See Henschen, *supra* note 198 (recognizing the scientific contributions of both Gregor Mendel and Thomas H. Morgan).

<sup>200</sup> 18 EUGENICAL NEWS, Nov.–Dec., 1933, at 124.

I write all this, not to defend (or detract from) any specific eugenic notion, but rather, to show that the eugenics movement must be viewed in a much broader context than Lombardo provided his readers. Although many *conservative* Americans at that time, such as Teddy Roosevelt, Alexander Graham Bell, J. C. Penney, and Oliver Wendell Holmes were enthusiastic about eugenics, so were many left-of-center Americans such as Margaret Sanger (founder of Planned Parenthood) and even radicals like Emma Goldman and Hermann J. Muller—a future Nobel laureate for his work in genetics, who was a Marxian Socialist and an admirer of the Soviet Union where he worked for several years.<sup>201</sup> Even some religious thinkers of both the Christian and Jewish persuasions advocated eugenic principles.<sup>202</sup> For all their political differences, eugenicists shared a concern for promoting the fertility of healthy and productive individuals and for discouraging the fertility of the sick and dependent.

The Great Depression (1929–1932) hastened the decline of eugenic thinking because it became obvious that socio-economic forces also played a major role in people's life outcomes.<sup>203</sup> Millions who had been productive workers suddenly found themselves unemployed and dependent. After World War II eugenics fell into further disrepute, because it became associated with Hitler's genocide. The word was dropped from organizations' names: In 1954, the *Annals of Eugenics* was renamed the *Annals of Human Genetics*; in 1963, the University of London's Department of Eugenics changed its name to the Department of Genetics; in 1969, the American Eugenics Society changed its journal's name from *Eugenics Quarterly* to *Social Biology* and three years later (1972) renamed itself The Society for the Study of Social Biology; also in 1969, in the United Kingdom, the Eugenics Society changed the name of its journal from *Eugenics Review* to the *Journal of Biological Science* and in 1988, changed its own name to the Galton Institute.<sup>204</sup> Most historians of the eugenics movement recognize that the scientists involved embraced the study of biology, demography and genetics. Many "eugenic" scientists continued their work but jettisoned the term, now one of opprobrium.

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<sup>201</sup> See HALLER, EUGENICS, *supra* note 37, at 89, 92, 183.

<sup>202</sup> See KEVLES, EUGENICS, *supra* note 181, at 60–61 (describing a eugenics sermon contest sponsored by the American Eugenics Society which resulted in sermons claiming that the bible was a eugenical book).

<sup>203</sup> DEGLER, NATURE, *supra* note 183, at 202.

<sup>204</sup> KEVLES, EUGENICS, *supra* note 181, at 252; LYNN, EUGENICS, *supra* note 183, at 37.

### C. *The Historical Context*

The historical context of Lombardo's account also needs broadening. In 1921, the soon-to-be President Calvin Coolidge expressed his fear in a popular magazine that “[b]iological laws show . . . that Nordics deteriorate when mixed with other races.”<sup>205</sup> An earlier president, Theodore Roosevelt, was hoping to unite the white settlers from diverse European nations into a purely Caucasian nation. He opposed the immigration and settlement of non-Europeans in what he wanted to be an America populated by peoples of European descent.<sup>206</sup> These were consensus views among “Old Americans.”<sup>207</sup>

Many prominent psychologists saw the continuing ascendancy of White Anglo-Saxon Protestants as consistent with their analyses of the World War I (1917–1918) data from the military conscription, in which tens of thousands of young men were tested on verbal and non-verbal IQ tests.<sup>208</sup> European groups such as the Italians, Greeks, Russians, and Eastern Europeans scored lower, and they—along with the Jews—were popularly thought to be inferior, subversive, or otherwise a threat to the earlier immigrants of Nordic and Anglo-Saxon stock.<sup>209</sup> Discrimination against these recent immigrants and the resident Native American and African populations whose ancestors had been dispossessed and enslaved, led to measures meant to protect the resident White Americans from “degeneration.” Strong legislation was enacted against African Americans enforcing segregation in the Southern States, while other state legislatures passed laws prohibiting marriages between African Americans and Whites.<sup>210</sup> In several states, marriages were prohibited between individuals deemed to be “feeble minded,” mentally defective, or suffering from venereal disease.<sup>211</sup>

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<sup>205</sup> KEVLES, *EUGENICS*, *supra* note 181, at 97.

<sup>206</sup> See THOMAS G. DYER, *THEODORE ROOSEVELT AND THE IDEA OF RACE* 134–35 (1980) (explaining that Roosevelt was worried that significant differences between races would hinder assimilation).

<sup>207</sup> See ALEŠ HRDLIOKA, *THE OLD AMERICANS* 4–5 (1925) (identifying the older stock of White Protestants who had lived in the country the longest as the “Old Americans”).

<sup>208</sup> *Psychological Examining In The U.S. Army*, 15 *MEMOIRS OF THE NATIONAL ACADEMY OF SCIENCES* (Robert M. Yerkes ed., 1921).

<sup>209</sup> See MADISON GRANT, *THE PASSING OF THE GREAT RACE* (1916); LOTHROP STODDARD, *THE RISING TIDE OF COLOR AGAINST WHITE WORLD-SUPREMACY* 165 (1920) (complaining that newly arrived immigrants from Mediterranean Europe and Asia were forcing “Nordic native Americans” out of urban areas).

<sup>210</sup> HALLER, *EUGENICS*, *supra* note 37, at 158–59.

<sup>211</sup> *Id.* at 142.

Now that eugenics is out of favor and has few defenders, there is little to prevent those like Lombardo from adopting the extreme and distorted position that all of its multifarious facets can be dismissed as nothing more than a smokescreen for “pro-Nazi” and “white supremacist” prejudice. In this writer’s opinion, The Great Depression led many to over-react to the point that they believed free market economies had to be replaced by centrally planned socialist ones and likewise, that hereditarian theories had to be completely replaced by culture-only theories. When legally enforced school segregation of Blacks and Whites in the Deep South was overturned in the 1954 Supreme Court decision, *Brown v. Board of Education*,<sup>212</sup> many over-reacted again—confusing the ethical concept of equality before the law with the empirical question of whether there is evidence of a genetic component in the average difference between Blacks and Whites in cognitive ability.

Lombardo’s equating of eugenics with Nazism does not hold. Undoubtedly, the eugenics movement includes several dark episodes in American history. However harshly today we may judge support for policies such as sterilization of those deemed to be “unfit,” prohibition of racial intermarriage, repatriation of Blacks to Africa, and much more restrictions on immigration policy—it is wrong to equate these ideas with “Nazism,” gas chambers, and some of the worst mass murders, war crimes and crimes against humanity ever committed. Expressions of White Anglo-Saxon Protestant (WASP) ethnocentrism, and even admiration for the “Nordic” founders of America, are a long way from supporting Nazi exterminations. There is a clear difference between ethnic pride, or even ethnocentrism, on the one hand, and xenophobia on the other.

### III. UNDERSTANDING THE ANIMUS AGAINST THE PIONEER FUND

“When the facts are not on your side, argue a point of law; when the law is not on your side, argue the facts; when neither the facts nor the law is on your side, attack the character of your opponent!”<sup>213</sup>

Harry Weyher, Pioneer’s third president, first heard that underhanded “trick of the trade” when he was a student at Harvard Law School.<sup>214</sup> Given human nature, such a tactic can be expected

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<sup>212</sup> 347 U.S. 483 (1954).

<sup>213</sup> Weyher, INTELLIGENCE, *supra* note 16, at 321.

<sup>214</sup> *See id.* at 321–22 (noting that “the trick” went “back long before that, maybe to the ancient Greeks”).

between advocates in an adversarial contest. But in the legal system you also have a presiding judge and courts of appeal, which, in theory, work to keep the contest free of such tricks and within agreed-upon rules. In the world of science, a different set of rules governs contests between opposing views—statistical testing of alternative hypotheses, peer review, and independent replication of results. *Argumentum* should always be *ad rem*—not *ad hominem*. However, in the world of “political correctness,”<sup>215</sup> especially where it touches on questions of human nature and public policy, it is difficult to enforce rules against unethical and misleading practices, such as playing the “Nazi race-card.”

To understand the animus against the Pioneer Fund, a good place to start is where Lombardo did—with the debate over *The Bell Curve*, which is about the causes and consequences of social stratification in America.<sup>216</sup> Yet, *The Bell Curve* debate itself needs to be placed in a deeper context. The animus against the Pioneer Fund and *The Bell Curve* is ultimately a manifestation of the more general animus against attempting to re-unite the behavioral sciences with the other natural sciences.<sup>217</sup>

### A. *The Nature-Nurture Wars*

Nothing in the history of the behavioral sciences has been as contentious as the question of how much genes play a role in human behavior, especially regarding ethnic and racial group differences. Ever since World War I and the widespread use of standardized mental tests, mean group differences in cognitive performance have been regularly discovered. The vexing question that still remains is whether the cause of group differences in achievement is purely social, economic, and cultural, or whether genetic factors are also involved.

The nature-nurture wars start with Charles Darwin’s theory of

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<sup>215</sup> “Politically correct” is defined as “orthodox liberal opinion on matters of sexuality, race, etc.: usually used disparagingly to connote dogmatism, excessive sensitivity to minority causes, etc.” WEBSTER’S NEW WORLD DICTIONARY OF AMERICAN ENGLISH 1045 (3d ed. 1994); see also Jerry Adler, *Thought Police*, NEWSWEEK, Dec. 24, 1990 at 48, 53 (“P.C. is Marxist in origin, in the broad sense of attempting to redistribute power from the privileged class (white males) to the oppressed masses.”).

<sup>216</sup> See THE BELL CURVE, *supra* note 3, at 31–33, 103, 105, 128–29, 143–45, 156–60; Lombardo, *supra* note 2, at 745.

<sup>217</sup> See EDWARD O. WILSON, CONSILIENCE: THE UNITY OF KNOWLEDGE 266–70 (1998) (discussing this overall conflict of visions but not specifically the Pioneer Fund). See generally STEVEN PINKER, THE BLANK SLATE: THE MODERN DENIAL OF HUMAN NATURE (2002).

evolution by natural selection. His books *The Origin of Species*,<sup>218</sup> *The Descent of Man*,<sup>219</sup> and *The Expression of Emotion in Man and Animals*,<sup>220</sup> challenged the Genesis account of the creation of species, and substituted a continuity of humans and animals, of within-species and between-species variation, not only in body but in behavior (or mind). Sir Francis Galton built upon the concepts of variation and selection and established the science of differential psychology in his books *Hereditary Genius*,<sup>221</sup> *Inquiries Into Human Faculty and Its Development*,<sup>222</sup> and *Natural Inheritance*.<sup>223</sup>

Inevitably, this consilient-naturalistic perspective clashed with both the older religious-moralistic perspective as well as with culture-only worldviews that consider social, economic, and political factors to be the exclusive causes of human variation and that view data and analysis of the genetic basis of human nature as obstacles to the goal of greater equality. However important cultural factors may be in influencing behavior, and however valuable equality may be as a political, religious, or social ideal, ignoring or minimizing the role of heritable variation goes against the two basic postulates of evolutionary theory: (1) Genetic variation exists within species, and (2) differential reproductive success favors some varieties over others.<sup>224</sup> In both *The Origin of Species* and *The Descent of Man*, Darwin was clear about the importance he ascribed to variation. In the *Origin*, he wrote:

Hence I look at individual differences, though of small interest to the systematist, as of the highest importance for us, as being the first steps towards such slight varieties as are barely thought worth recording in works on natural history. And I look at varieties which are in any degree more distinct and permanent, as steps towards more strongly-marked and permanent varieties; and at the latter, as leading to sub-species, and then to species.<sup>225</sup>

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<sup>218</sup> DARWIN, ORIGIN, *supra* note 169.

<sup>219</sup> CHARLES DARWIN, THE DESCENT OF MAN, AND SELECTION IN RELATION TO SEX (Paul H. Barrett & R. B. Freeman eds., New York University Press 1989) (1871).

<sup>220</sup> CHARLES DARWIN, THE EXPRESSION OF EMOTION IN MAN AND ANIMALS (New York, D. Appleton & Co. 1872).

<sup>221</sup> GALTON, GENIUS, *supra* note 170.

<sup>222</sup> FRANCIS GALTON, INQUIRIES INTO HUMAN FACULTY AND ITS DEVELOPMENT (New York, Macmillan 1883) [hereinafter GALTON, INQUIRIES].

<sup>223</sup> FRANCIS GALTON, NATURAL INHERITANCE (New York, Macmillan 1889) [hereinafter GALTON, INHERITANCE].

<sup>224</sup> See DARWIN, ORIGIN, *supra* note 169, at 3–5.

<sup>225</sup> *Id.* at 66, 68.

Galton recognized the implications for human variation and developed a major research program—beginning modern questionnaire studies. He carried out surveys and found that good and bad temperament, as well as intelligence, ran in families.<sup>226</sup> He was the first to advocate the study of twins to disentangle the effects of heredity and environment.<sup>227</sup> Galton developed statistical techniques that are still used today, and discovered the phenomenon of regression-to-the-mean and its application to within-family variation, which shows that traits are heritable.<sup>228</sup> He also examined ethnic group differences, including those in intelligence and temperament, contrasting, for example, the taciturn reserve of Amerindians with the complacency of the Chinese and the talkativeness of Africans.<sup>229</sup> Galton noted that these differences persisted regardless of climate—from the frozen north through the equator—and religion, language, or political system, whether self-ruled or governed by the Spanish, Portuguese, English, or French.<sup>230</sup> Galton observed that the majority of individuals adhered to racial type even after being raised by White settlers. Modern evidence from trans-racial adoption studies is largely consistent with Galton's views.<sup>231</sup>

Within academia, the Darwinians emerged victorious in their nineteenth century battles against Biblical theology but subsequently lost ground to Marxists, cultural-relativists, postmodernists, and egalitarians of all persuasions. By the early twentieth century, Darwinism was dominant from anthropology to zoology, and was important even in the social sciences. Leading sociologists Edward Ross and Charles Cooley took a Darwinian perspective, as did William McDougall and G. Stanley Hall in psychology.<sup>232</sup>

While the political right was ascendant from the Victorian era in the middle of the nineteenth century to the world depressions of the

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<sup>226</sup> See GALTON, GENIUS, *supra* note 170 at 318; GALTON, INHERITANCE, *supra* note 223, 227–238.

<sup>227</sup> See GALTON, INQUIRIES, *supra* note 222, at 217.

<sup>228</sup> See GALTON, GENIUS, *supra* note 170, at 316; *see also* GALTON, IMAGE, *supra* note 183, at 80–81 (discussing the impact of Francis Galton's discovery of the regression-to-the-mean phenomena).

<sup>229</sup> *See, e.g.*, GALTON, GENIUS, *supra* note 170, at 404 (describing Blacks as impulsive and easily stirred and Chinese as steady-going and complacent); GALTON, INHERITANCE, *supra* note 223, at 226.

<sup>230</sup> *See* Francis Galton, *Talent and Character*, MACMILLAN'S MAGAZINE May–Oct. 1865, at 320–26.

<sup>231</sup> *See id.* at 325–26; RUSHTON, RACE, 1995, *supra* note 15, at 187–92.

<sup>232</sup> DEGLER, NATURE, *supra* note 183, at 19, 23, 25, 29, 34.

late 1920s, the political left came to believe, perhaps correctly, that the doctrine of “survival of the fittest” was incompatible with social equality.<sup>233</sup> In the 1920s and 1930s the Franz Boas culture-only school of anthropology succeeded in decoupling the biological from the social sciences.<sup>234</sup> Darwinism as a whole became marginalized in the human sciences, swept away by various environmentalist doctrines.<sup>235</sup> Freud’s Oedipal theories, Watson’s behavioral molding of individuals and Marx’s emphasis on economic forces and social classes all emphasized the malleability of entire social groups and were supportive of major government intervention to accomplish this goal.<sup>236</sup>

In the 1950s, revulsion at the record of Nazi racial atrocities tainted any attempt to restore Darwinism to the social sciences.<sup>237</sup> From that time on, it became increasingly difficult to suggest that individuals or groups might differ genetically in behavior without being accused of harboring Nazi or racist sympathies. Those who opposed the genetic-evolutionary perspective and who believed in the biological sameness of people remained free to write what they liked, without fear of vilification. In the intervening decades the idea of a genetically based core of human nature, on which individuals and groups might differ, was derogated. From the above it is easy to see why the egalitarian culture-only perspective became politically enmeshed with Third World decolonization, the U.S. civil rights movement, the struggle against apartheid in South Africa, and the renewed debates over immigration.

Playing the “Nazi race card” against scientists who have investigated the genetic and evolutionary basis of human behavior has been a repeated occurrence. Most of these attacks have not involved the Pioneer Fund. Among the best known are the long-running and well publicized battles in the 1970s and 1980s over *Sociobiology*, Edward O. Wilson’s Pulitzer Prize winning tome

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<sup>233</sup> See, RUSHTON, RACE, 1995, *supra* note 15 at 13–14 (using Franz Boas, who was a pre-eminent anthropologist of his time, as an example of the disfavor shown the theory in academic arenas).

<sup>234</sup> See *id.*; see also DEGLER, NATURE, *supra* note 183, at 89–90 (describing contributions of William L. Thomas and Alfred L. Kroeber in the decoupling process; Thomas saw race as a social construction, predicting it would eventually have no more impact than one’s occupation, Kroeber advocated distancing culture from “any connection or dependence” on biology).

<sup>235</sup> DEGLER, NATURE, *supra* note 183, at 205 (pointing to the decline in scholarly articles about race and sex differences, compared to an increase in articles about cultural or environmental factors as determinants of human behavior).

<sup>236</sup> See, *e.g.*, *id.* at 81, 248 (describing how Freud’s Oedipal view of the incest taboo was inherently cultural).

<sup>237</sup> See *id.* at 204.

which set forth an explanation for the social behavior of all animals—from ants to squirrel monkeys to human beings—using one set of underlying laws.<sup>238</sup> Richard Dawkins, an evolutionary biologist at Oxford University, captured the fundamental premise of sociobiology in the title of his book, *The Selfish Gene*.<sup>239</sup> Rather than considered argument, some critics stooped to calling the whole sociobiological approach to human behavior “racist” and “Nazi.”<sup>240</sup> One critic, Richard Lerner, went so far as to claim that Wilson’s landmark book constituted a rebirth of the same kind of biological determinism that had culminated in the genocidal Armageddon of Hitler and the Nazis.<sup>241</sup> Lerner argued that Nazism and the Holocaust would never have occurred if an underlying ideology of genetic determinism and “survival of the fittest” had not already been widely accepted.<sup>242</sup>

Another well-known case, the first of *Pioneer bashing*, took place in the 1970s over Arthur Jensen’s lengthy monograph in the *Harvard Educational Review* entitled “*How Much Can We Boost IQ and Scholastic Achievement?*”<sup>243</sup> Ironically, at that time, like Herrnstein and Murray later, Jensen had not received any funding from Pioneer.<sup>244</sup> In his article, Jensen argued that the evidence supported the following propositions, ably summarized by Weyher:

- (1) IQ tests measure a general-ability dimension of great social relevance;
- (2) individual differences on this dimension have a high heritability;
- (3) compensatory education programs such as Head Start have proved generally ineffective in changing the relative status of individuals and groups on this dimension;
- (4) social mobility is linked to

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<sup>238</sup> See EDWARD O. WILSON, *SOCIOBIOLOGY: THE NEW SYNTHESIS* (1975).

<sup>239</sup> RICHARD DAWKINS, *THE SELFISH GENE* (new ed., Oxford Univ. Press 1989) (1976).

<sup>240</sup> See ULLICA SEGERSTRALE, *DEFENDERS OF THE TRUTH: THE BATTLE FOR SCIENCE IN THE SOCIOBIOLOGY DEBATE AND BEYOND* 26–27 (2000) (providing a detailed account of the “sociobiology wars” at Harvard University during the 1970s and identifying the core values of the protagonists); see also HUNT, *KNOW-NOTHINGS*, *supra* note 77, at 43, 168 (describing instances of open animosity researchers experienced when the subject matter of their research resulted in findings that indicated a difference in race).

<sup>241</sup> See RICHARD M. LERNER, *FINAL SOLUTIONS: BIOLOGY PREJUDICE, AND GENOCIDE* xx (1992) (“I argue that both in general terms and in specific characterizations of particular groups of people—specifically Blacks and women—the Nazi racial hygienists and contemporary sociobiologists use identical concepts and strikingly comparable terminology—and draw consistently similar implications for social policy.”).

<sup>242</sup> See *id.* at xix (claiming that such reasoning can open a “Pandora’s box,” which leads to undesirable and ultimately evil social policy).

<sup>243</sup> Arthur R. Jensen, *How Much Can We Boost IQ and Scholastic Achievement?* 39 *HARV. EDUC. REV.* 1 (1969).

<sup>244</sup> Weyher, *INTELLIGENCE*, *supra* note 16, at 323.

ability, so social-class differences in IQ likely reflect some genetic component; and (5) [average] black-white differences in IQ likely reflect some genetic component.<sup>245</sup>

The Pioneer Fund was drawn into the “Jensenism”<sup>246</sup> controversy when Jensen’s critics noticed that it had funded earlier research into the average Black-White group IQ differences—some of which Jensen cited.<sup>247</sup> Although this earlier work previously attracted little media attention, Pioneer now became the target of hostile treatment.

In 1989 Pioneer found itself in the midst of a new furor, this time over the present writer’s work. At a meeting of the American Association for the Advancement of Science (AAAS), I presented my research on race, evolution, and behavior, which demonstrated that Africans and East Asians consistently fall at opposite ends of a continuum on over sixty anatomical, psychological, behavioral and social variables, with Europeans consistently placing in an intermediate range.<sup>248</sup> Although I had achieved several honors for my work up to that point, including being elected a Fellow of the John Simon Guggenheim Memorial Foundation and of the American Association for the Advancement of Science, I too was now tagged as a “racist” and a “Nazi.”<sup>249</sup> The furor over my work was then used as an excuse for a concerted campaign against Pioneer Fund grants at the University of Western Ontario (over my work), at the University of London in England (over research by Hans Eysenck on the biological basis of intelligence), at Smith College (over work by Seymour Itzkoff on the evolution of intelligence), at the University of Minnesota (over the twin studies by Thomas Bouchard), and at the University of Delaware (over research by Linda Gottfredson and Jan Blits on employment qualification tests).<sup>250</sup>

Because some of the research conducted by Pioneer grantees

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<sup>245</sup> *Id.*

<sup>246</sup> “Jensenism” became a commonly used term, *see, e.g.*, SNYDERMAN & ROTHMAN, *supra* note 83, at 2.

<sup>247</sup> Weyher, INTELLIGENCE, *supra* note 16, at 323–24.

<sup>248</sup> *See* J. Philippe Rushton, *Evolutionary Biology and Heritable Traits (With Reference to Oriental-White-Black Differences)*: The 1989 American Association for the Advancement of Science Paper 71 PSYCHOLOGICAL REPORTS 811, 812 (1992) (providing an evolutionary explanation for the pattern); *see also* Weyher, INTELLIGENCE, *supra* note 16, at 324 (summarizing Rushton’s findings and recounting the controversial incidents that accompanied the results of the Heritable Traits study).

<sup>249</sup> Weyher, INTELLIGENCE, *supra* note 16, at 324

<sup>250</sup> *Id.* at 325–26; PEARSON, BIAS, *supra* note 77, at 270–80.

focused on race and genetic differences, the whole Pioneer program was targeted—including the University of Delaware research, despite the fact that this research was not related to genetics at all.<sup>251</sup> A letter written to the president of the University of Delaware by one professor leveled the usual false claims of “racism” and “Nazism” resulting in the University’s president banning further research grants from Pioneer.<sup>252</sup> When the President of Pioneer (Weyher), wrote letters of protest to the individual trustees of the University, he received the following remarkable reply from the chairman. One need only substitute any term for “racism” in what follows to see how patently McCarthyite such procedures are:

No matter whether [racism] is in fact the orientation of the Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students. Without judging the merits of this perception, the board’s objective of increasing minority presence at the University could . . . be hampered if the University chose to seek funds from the Pioneer Fund at this time.<sup>253</sup>

Just how carried away some critics become in their diatribes against the Pioneer Fund can be seen in the remarks of one career anti-Pioneer activist, Barry Mehler. In his speech at a conference entitled “*What’s Wrong With Race Research?*” hosted by the African Students Association during Africa Week at the University of Western Ontario (Feb. 8, 1991), he said of the Delaware ban:

[T]he depression . . . brought us Hitler, who took these theories to their ultimate conclusion . . . that if you don’t got it in your genes then we got a place for you. We can make you into pillowcases and lightshades and we can take the gold out of your teeth . . . . Now you see because the University of Delaware recently decided that they will not accept the Pioneer Fund money. They said—in fact they called it “dirty money”—that’s what they called it—“dirty money”—And they don’t want to have anything to do with

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<sup>251</sup> See John Sedgwick, *The Mentality Bunker*, GENTLEMAN’S QUARTERLY, Nov. 1994, at 251 (explaining the purpose of the grant: to investigate ‘race-norming’, a process which compared the score of a minority applicant on a federal job examination only to the scores of other applicants in the same minority group, thereby artificially inflating the score of the applicant).

<sup>252</sup> Weyher, INTELLIGENCE, *supra* note 16, at 325.

<sup>253</sup> Letter from Andrew B. Kirkpatrick, Chairman, Board of Trustees, University of Delaware, to Harry F. Weyher, President, Pioneer Fund (July 2, 1990) *reprinted in* Weyher, INTELLIGENCE, *supra* note 16, at 325–26.

it . . . . I keep saying the same point and try to make it in different ways. We are talking about the foundation for a new fascism. These ideas led to sterilization, immigration restriction, death camps and breeding farms.<sup>254</sup>

Thus, the name calling over *The Bell Curve* is only the latest battle in the long-running conflict of scientific worldviews. As described in the Introduction, Pioneer became involved in *The Bell Curve* debate when some of its critics noticed that some of that book's citations were to Pioneer grantees.<sup>255</sup> Intensifying the controversy was the fact that my own book, *Race, Evolution, and Behavior*, and Seymour Itzkoff's *The Decline of Intelligence in America*,<sup>256</sup> also supported by Pioneer, appeared at the same time as the *The Bell Curve*. Malcolm Browne's Book Review opened with the statement that, "[t]he government or society that persists in sweeping their subject matter under the rug will do so at its peril."<sup>257</sup> Few journalists shared the science writer's measured evaluation but were instead seized by a feeding frenzy.<sup>258</sup>

As I will describe below, egalitarian critics of *The Bell Curve* were aided by a receptive and popular—even tabloid—journalism. Instead of logical argument or scientific evidence, there was a deluge of political complaint and character assassination. Photographs of scientists were doctored to make them look diabolical. Interviews with them were juxtaposed with photos of Nazi death camps. Mainstream facts were mischaracterized as fringe and fascist. Any research on the evolutionary or genetic bases of human behavioral differences was tagged as “racist” and “Nazi.” The debate had descended to daubing swastikas and to placing Ku Klux Klan hoods on respected university professors merely because their empirical research had led to conclusions that were unpopular in certain quarters and threatening to some worldviews.

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<sup>254</sup> Weyher, INTELLIGENCE, *supra* note 16, at 326, 335 (citing Barry Mehler, *The New Eugenics: Foundation for Fascism*. Transcript of speech at symposium, What's Wrong with Race Research? (Feb. 8, 1991) at University of Western Ontario, London, Ontario, Canada).

<sup>255</sup> See *supra* INTRODUCTION.

<sup>256</sup> See SEYMOUR W. ITZKOFF, THE DECLINE OF INTELLIGENCE IN AMERICA: A STRATEGY FOR NATIONAL RENEWAL 3 (1994) (hypothesizing that the United States is declining as a nation by a gradual weakening of educational, vocational and cultural abilities due to changing demography).

<sup>257</sup> See Browne, *supra* note 161, at 3 (reviewing the three books together because each dealt with the issues of genetics, IQ, and race).

<sup>258</sup> See THE BELL CURVE DEBATE ix (Russell Jacoby & Naomi Glauberman eds., 1995) (compiling reviews).

In order to demonstrate just how hostile most of the mass media are to any empirical research on race differences I will describe some of this emotive journalism.<sup>259</sup> A long article by Adam Miller in the October 20, 1994 issue of *Rolling Stone*, entitled “Professors of HATE”—in five inch letters—devoted an entire page to a photograph of this writer’s face, darkened, and sinisterly superimposed on a Gothic university tower.<sup>260</sup> The article also included a photograph of Pioneer-supported philosophy professor Michael Levin, shortly before he authored the book *Why Race Matters*,<sup>261</sup> showing him leaning into an eerie blue-green light matching the description of him as “coiled, ready to pounce.”<sup>262</sup> The accompanying story recklessly claimed, “Pioneer Fund researchers have promoted many of the same policies for tailoring the gene pool as did their Nazi precursors.”<sup>263</sup> It ended with a quote from another Pioneer grantee, demographer Daniel R. Vining, who is confined to a wheelchair, saying that under a Nazi-eugenics policy “I probably would have been exterminated myself.”<sup>264</sup>

Another example of emotive journalism appeared in the November 1994 issue of *Gentleman’s Quarterly* entitled *The Mentality Bunker*.<sup>265</sup> Photographs of grantees with distorted faces were published in the brown tint reminiscent of vintage photographs from the Hitler era, and allegations were made that the Pioneer Fund was “[l]aying a pseudo-rationale for [fascism].”<sup>266</sup> Charles Lane, then a senior editor of *The New Republic*, stated in *The New York Review of Books* that *The Bell Curve* relied on “tainted” sources, mainly from scientists funded by Pioneer.<sup>267</sup>

Especially one-sided was the coverage by *ABC’s World News Tonight with Peter Jennings* on November 22, 1994. In two four-minute segments, called “The American Agenda,” one segment covered *The Bell Curve* and the second dealt with the Pioneer

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<sup>259</sup> See SNYDERMAN & ROTHMAN, *supra* note 83, at 26 (surveying attitudes about questions of nature versus nurture).

<sup>260</sup> Adam Miller, *Professors of Hate*, *ROLLING STONE* 106–14 (Oct. 20, 1994).

<sup>261</sup> See MICHAEL LEVIN, *WHY RACE MATTERS: RACE DIFFERENCES AND WHAT THEY MEAN* 1–15 (1997) (examining the implications of race differences for policy making, social interaction, and criminal justice).

<sup>262</sup> Miller, *supra* note 260, at 106, 108.

<sup>263</sup> *Id.* at 106.

<sup>264</sup> *Id.* at 114.

<sup>265</sup> Sedgwick, *supra* note 251, at 229.

<sup>266</sup> *Id.* at 231.

<sup>267</sup> Charles Lane, *The Tainted Sources of ‘The Bell Curve,’* 41 *THE NEW YORK REVIEW OF BOOKS*, DEC. 1 1994, at 14–15.

Fund.<sup>268</sup> The announcer stated, “[m]any established scientists charge that what the Pioneer Fund pays for is not good science.”<sup>269</sup> Somber voices spoke of a small penis being a sign of superior intelligence, eradicating inferior people, arresting Blacks solely because of skin color, race superiority, and mentally ill Jews. This voice-over was punctuated by references to Hitler and scenes of emaciated victims in Nazi death camps. There was no hint of balance in the report on this important scientific issue.<sup>270</sup>

### B. Race-Realists *v.* Hermeneuticists

Today most scientists and historians engaged in the serious study of race do so from either the *race-realist* or the *hermeneutical* perspective.<sup>271</sup> On one side, those I have termed *race-realists* view race as a natural phenomenon to be observed, studied, and explained. They believe human race is a valid biological concept, similar to sub-species or breeds or strains. On the other side, those I term the *hermeneuticists* view “race” as an epiphenomenon, (like gender as opposed to “sex”) a mere social construction, with political and economic forces as the real causal agents. Rather than actually research race, hermeneuticists research those who study race.<sup>272</sup> Alternative and intermediate positions certainly exist, but the most heated debate currently takes place between advocates of these polar positions.

The race-realist approach is empirical and employs a myriad of scientific methodologies, including surveys, social demography, IQ and personality tests, and behavior genetic analyses (e.g., twin studies).<sup>273</sup> The hermeneutical approach relies on textual, historical, and political analysis. The race-realist viewpoint is descriptive, explanatory, and typically avoids prescribing policy. Because the

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<sup>268</sup> See The Pioneer Fund, Inc., *Professor Robert A. Gordon's Analysis of the Peter Jennings Broadcast About Pioneer*, at <http://www.pioneerfund.org/ABCLetter.html> (last visited Oct. 17, 2002) (debunking *World News Tonight with Peter Jennings* (ABC television broadcast, Nov. 22, 1994) and concluding that the broadcast was “slick political propaganda tricked up as news,” and giving a detailed account of the sources considered and omitted by ABC from the broadcast).

<sup>269</sup> *Id.*

<sup>270</sup> See *id.*; see also WILLIAM MCGOWAN, *COLORING THE NEWS* (2001) (showing how crusading for diversity has corrupted American journalism on matters of race, ethnicity and sexual orientation).

<sup>271</sup> J. Philippe Rushton, *Review Essay: Racial Research and Final Solutions*, 34 *SOCIETY* 78, 78 (1997). Hermeneutics is study of the ways of learning and the interpretation of texts, especially sacred text.

<sup>272</sup> See *id.*

<sup>273</sup> See *id.*

hermeneutical viewpoint sees inexorable links between theory and practice, its writings are often prescriptive and assume an advocacy position. To their opponents, the race-realist approach comes across as cold, detached, and suspect of hiding a “racist” agenda. Hermeneuticists appear to race-realists as muddled, heated, and ideologically committed to anti-racist activism.

Many researchers associated with Pioneer, including this author, can be fairly and accurately described as race-realists. I do not think it is inaccurate or unfair to put Lombardo in the hermeneuticist camp. This categorization is certainly consistent with his concentration on attempting to establish “pro-Nazi” links while avoiding *any* reference to *any* evidence from behavioral genetics, psychometrics, neuroscience, and evolutionary biology. Even if all the connections Lombardo believes that he has established were solid—which they are not—it would be immaterial to matters of scientific fact.

Another recent hermeneuticist effort, which eschewed science but embraced name-calling, is William Tucker’s book on the Pioneer Fund and “scientific racism.”<sup>274</sup> With its dramatic cover art depicting an MRI brain scan, it held out the promise of a high-tech critique of the scientific research on race, brain size, and intelligence. Instead, it took a low road, invoking “Nazis” as often as Lombardo. I counted 131 references to “Nazis” in 213 pages of text, or one every page and a half.<sup>275</sup> Other hot-button “hate” words sprinkled throughout the text included “Ku Klux Klan,” “racist,” “fascist,” “Third Reich,” “Hitler,” and “Holocaust.”<sup>276</sup> Even such inflammatory epithets as “nigger,” “dago,” and “kike” make their appearance.<sup>277</sup> Such constant repetition of “Nazi” and the like while withholding the most recent scientific evidence, establishes the propagandistic nature of Tucker’s book.

Because some Pioneer Fund directors and grantees supported the legal battles against court-ordered integration and racial balance in the schools, Tucker claimed that this proved that the Pioneer Fund was politically motivated and engaged in “lobbying campaigns.”<sup>278</sup> To make his argument, Tucker ignored the critical distinction between directors and grantees acting as individuals, independent of the Pioneer Fund, and then conflated the legal entity of the

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<sup>274</sup> TUCKER, *supra* note 13.

<sup>275</sup> *See id.* at 53 (using the word five times on a single page).

<sup>276</sup> *See, e.g., id.* at 70.

<sup>277</sup> *Id.* at 34.

<sup>278</sup> *Id.* at 7, 201.

Pioneer Fund with other organizations associated in one way or another with Colonel Draper over a 40-year period (e.g., the “Draper Fund,” the “Draper Committee,” and the “Puritan Foundation”).<sup>279</sup> Like Lombardo, Tucker threw in non-sequiturs such as the “Draper Prizes” that were given for research that occurred before Pioneer’s incorporation.<sup>280</sup> Tucker also falsely and recklessly used terms like “dummy corporation,”<sup>281</sup> “front groups,”<sup>282</sup> and “money laundering”<sup>283</sup> when referring to Pioneer Fund grants. Such charges are utterly false. It is worth stating once more for the record, that the Pioneer Fund has not and does not engage in *any* political activity. The Pioneer Fund was, is, and shall remain, a purely scientific foundation, supporting only new research and its dissemination to the public.

Since Lombardo—and Tucker—did not, I will summarize the current standing of the scientific research on race differences, based on a forthcoming review by Jensen and myself.<sup>284</sup> Acknowledging that there is still disagreement as to their causes, the review presents the case that the preponderance of evidence points to *some* genetic component. For example, hundreds of studies on millions of people now show that around the world, the average IQ for East Asians centers around 106; for Whites, about 100; and for Blacks, about 85 in the U.S. and 70 in sub-Saharan Africa.<sup>285</sup> This same order of mean group differences is also found for what are termed “culture-fair” tests and even on the simplest reaction-time tasks by children—in which they merely react to the appearance of a stimulus, usually a light or a sound.<sup>286</sup> The Black-White difference also holds for college and university application tests such as the Scholastic Achievement Test and the Graduate Record Examination, as well as for tests for job applicants in corporate settings and in the military.<sup>287</sup> Since these test scores are the best

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<sup>279</sup> See, e.g., *id.* at 71–78.

<sup>280</sup> See *supra* Part I.C; TUCKER, *supra* note 13, at 32–33.

<sup>281</sup> TUCKER, *supra* note 13, at 8.

<sup>282</sup> *Id.* at 126.

<sup>283</sup> *Id.* at 67, 129–30, 286.

<sup>284</sup> J. Philippe Rushton & Arthur R. Jensen, *Thirty Years of Research on Race Differences in Cognitive Ability*, PSYCHOL., PUB. POL., & THE LAW (forthcoming); see also JENSEN, G FACTOR, *supra* note 63; RICHARD LYNN & TATU VANHANEN, IQ AND THE WEALTH OF NATIONS (2002); RUSHTON, RACE, 1995, *supra* note 15.

<sup>285</sup> RUSHTON, RACE, 1995, *supra* note 15, at 133–35, 137.

<sup>286</sup> See *id.* at 34–35.

<sup>287</sup> See Philip L. Roth et al., *Ethnic Group Differences in Cognitive Ability in Employment and Educational Settings: A Meta-analysis*, 54 PERSONNEL PSYCHOL. 297, 310–17 (2001) (examining these tests using 2.4 million SAT scores, 2.3 million GRE scores, 464,201

predictor of economic success in Western society, the group differences have important social consequences.<sup>288</sup>

Among individuals, intelligence is related to brain size. About two-dozen studies using Magnetic Resonance Imaging (MRI) and Computer Assisted Tomography (CAT) to measure the volume of the human brain have found an overall correlation with IQ of approximately 0.40.<sup>289</sup> The race differences in average brain size are observable at birth.<sup>290</sup> By adulthood, four different methods (MRI, wet brain weight at autopsy, endocranial volume from empty skulls, and external head size measures) show, on average, in cubic centimeters: East Asians = 1,364; Whites = 1,347; and Blacks = 1,267.<sup>291</sup> The overall mean for East Asians is 17 cm<sup>3</sup> more than for Whites and 97 cm<sup>3</sup> more than for Blacks. Since each cubic centimeter of brain matter contains millions of brain cells and hundreds of millions of synapses or neural connections, it would be surprising indeed if these group differences in average brain size have nothing at all to do with the group differences in average IQ.

At first, the American Psychological Association (APA) Task Force on *The Bell Curve* concluded (in 1996) that there was “certainly no . . . [empirical] support for a genetic interpretation” of the mean Black-White group difference in IQ test scores. However, after receiving detailed critiques from this author and from Richard Lynn,<sup>292</sup> the Task Force’s Chair acknowledged (in 1997) this with respect to our assertions: “Both Lynn . . . and Rushton . . . insist that racial differences in the mean measured sizes of skulls and brains (with East Asians having the largest, followed by Whites and

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corporate job application tests, and 387,705 military exams).

<sup>288</sup> See Frank L. Schmidt & John E. Hunter, *The Validity and Utility of Selection Methods in Personnel Psychology: Practical and Theoretical Implications of 85 Years of Research Findings*, 124 PSYCHOL. BULL. 262, 266, 272 (1998) (testing the validity of selection procedures as predictors of future job performance and finding intelligence tests coupled with a second screening procedure, typically an interview, the most effective procedure to predict success); see also *supra* note 80 and accompanying text.

<sup>289</sup> J. Philippe Rushton & C. Davison Ankney, *Brain Size and Cognitive Ability: Correlations with Age, Sex, Social Class, and Race*, 3 PSYCHONOMIC BULL. & REV. 21, 22 (1996); Philip A. Vernon et al., *The Neuropsychology and Psychophysiology of Human Intelligence*, in HANDBOOK OF INTELLIGENCE 245, 247–48 (Robert J. Sternberg ed., 2000).

<sup>290</sup> J. Philippe Rushton, *Cranial Size and IQ in Asian Americans from Birth to Age Seven*, 25 INTELLIGENCE 7, 8, 14 (1997).

<sup>291</sup> RUSHTON, RACE, 1995, *supra* note 15, at 129–30; Rushton & Ankney, *supra* note 289, at 29.

<sup>292</sup> J. Philippe Rushton, *Race, IQ, and the APA Report on The Bell Curve*, 52 AM. PSYCHOLOGIST 69, 69 (1997); Richard Lynn, *Direct Evidence for a Genetic Basis for Black-White Differences in IQ*, 52 AM. PSYCHOLOGIST 73 (1997) (maintaining primarily that the authors of the APA report omitted key empirical data demonstrating the correlation between IQ and brain size which argued strongly in favor of a genetic interpretation).

then Blacks) support their genetic hypothesis . . . . [T]here is indeed a small overall trend in the direction they describe.”<sup>293</sup>

The race differences in average IQ and brain size are paralleled by a matrix of sixty other traits including rate of growth, rate of dizygotic (two-egg) twinning, hormone levels, temperament, sexual behavior, fertility, lifespan, crime, and family stability.<sup>294</sup> On each of these traits, East Asians consistently fall at one end of the continuum, Blacks fall at the other end, and Whites fall in between—often close to East Asians. This race-behavior matrix of traits makes it especially unlikely that social factors alone could produce so consistent a pattern. Additionally, there is much technical evidence for the heritability of the race differences, including studies of trans-racial adoption, racial admixture, regression to the mean, genetic distance, and human evolutionary origins.<sup>295</sup>

One gene-based theory of human origins that may explain the race-IQ-behavior matrix is the commonly accepted “Out of Africa” scenario.<sup>296</sup> It posits a beginning in Africa about 150,000 years ago, and a migration out of Africa, about 100,000 years ago. The farther north the ancestral populations migrated, the more they encountered the cognitively demanding problems of gathering and storing food, gaining shelter, making clothes, and raising children successfully during prolonged winters. These ecological pressures selected for individuals with larger brains, slower rates of maturation, lower levels of sex hormone, and all the other racial attributes, explain why the three-way pattern of East Asian-White-Black racial differences is not unique to the United States but why it also occurs internationally. The consistency of the pattern also argues, as do genetic analyses, against the hermeneutical view that “race” is only a “social construction” based on a few salient traits such as skin color.

Of course, all these racial differences are averages. Individuals are individuals and there is much overlap across all groups on all traits. Nonetheless, the average differences that remain do require scientific explanation and do have implications for social policy.<sup>297</sup>

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<sup>293</sup> Ulric Neisser, *Never a Dull Moment*, 52 AM. PSYCHOLOGIST 79, 84 (1997).

<sup>294</sup> See RUSHTON, RACE, 1995, *supra* note 15, at 5 (setting out a table of variables examined across racial groups).

<sup>295</sup> See, e.g., *id.*, at 187–94, 219–24 (analyzing several longitudinal studies).

<sup>296</sup> *Id.* at 217–33.

<sup>297</sup> Rushton & Jensen, *supra* note 284. At the end of this article, we discuss some of what does and does not follow from accepting a genetic component to average IQ differences among

Certainly not everyone agrees with these conclusions, including other Pioneer grantees, which is as it should be. Lombardo, however, would rule all such evidence as inadmissible because, following the hermeneuticist model, it must be the product of racism.

#### CONCLUSION: THE PIONEER FUND IN THE NEW MILLENNIUM

The Pioneer Fund was named to honor the early pioneers who built America, but our mandate is to a frontier-style, path-breaking, scientific research enterprise. We solicit funds, and in turn award grants, for vital new research into the hereditary components and social correlations of human ability and diversity—and for the dissemination of those findings to the public. The mission of the Pioneer Fund as clearly specified in its charter:

To conduct or aid in conducting study and research into the problems of heredity and eugenics in the human race generally and such study and such research in respect to animals and plants as may throw light upon heredity in man, and . . . research and study into the problems of human race betterment with special reference to the people of the United States . . . .<sup>298</sup>

The Pioneer Fund's scope is multi-disciplinary—supporting research in traditional fields such as anthropology, psychology, and sociology as well as the newer disciplines of behavioral genetics, neuroscience, evolutionary psychology, and sociobiology. If we have an orientation, it is empirical, from an evolutionary and genetic perspective with origins in the work of Darwin and Galton. This biosocial approach recognizes no fixed boundaries between disciplines, only different questions to be asked and answered.

The research supported by Pioneer looks at our evolutionary past (human origins), our present (individual and group differences), and our future (the impact of technology and globalization on human ecology and demography). To date, Pioneer has concentrated on four research areas: intelligence, behavioral genetics, social demography, and race differences.<sup>299</sup> During the last half century, Pioneer's support has helped reinvigorate behavioral genetics and

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the races.

<sup>298</sup> See *infra* APPENDIX.

<sup>299</sup> See The Pioneer Fund, Inc., *About the Pioneer Fund*, at <http://www.pioneerfund.org/about.html> (last visited Oct. 17, 2002).

the psychometric sciences. Its support of research on demography and human diversity has produced a wealth of scientific data and analysis that has led to a more open discussion of sensitive and important issues.

The Pioneer Fund's perspective on the propriety of the scientific study of human differences was succinctly stated by one of its grantees in a 1975 paper invited by the British Association for the Advancement of Science. Hans Eysenck, a refugee from Hitler's Germany, and one of the most cited psychologists in the world, wrote:

It used to be taken for granted that it was not only ethically *right* for scientists to make public their discoveries; it was regarded as their *duty* to do so. Secrecy, the withholding of information, and the refusal to communicate knowledge were rightly regarded as cardinal sins against the scientific ethos. This is true no more. In recent years it has been argued, more and more vociferously, that scientists should have regard for the social consequences of their discoveries, and of their pronouncements; if these consequences are undesirable, the research in the area involved should be terminated, and results already achieved should not be publicized. The area which has seen most of this kind of argumentation is of course that concerned with the inheritance of intelligence, and with racial differences in ability.<sup>300</sup>

Despite strong pressure to do otherwise, the Pioneer Fund continues to act on the belief that it is a cardinal sin for scientists to suppress scientific knowledge. The Pioneer Fund remains dedicated to furthering the scientific study of human diversity. We are resolved to a better understanding of our similarities, our differences, our past, and our future—no matter how upsetting those findings may be to entrenched religious or political dogmas. We believe that ignorance, fear of knowledge, and suppression of academic freedom have never served humanity well and that we should resist any encroachments on scholarship or the chilling effect of any form of political correctness or orthodoxy. We believe that the discoveries supported by our grants constitute important contributions to the behavioral sciences. Only by continuing research on human variation will we be able to understand fully what it means to be human.

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<sup>300</sup> H. J. Eysenck, *The Ethics Of Science And The Duties Of Scientists*, reprinted in H. B. GIBSON, HANS EYSENCK: THE MAN AND HIS WORK 256 (1981).

## APPENDIX: CERTIFICATE OF INCORPORATION OF THE PIONEER FUND

Filed: March 17, 1937  
Amended: June 14, 1985

WE, THE UNDERSIGNED, for the purpose of forming a membership corporation pursuant to the Membership Corporations Law of the State of New York, hereby certify:

1. The name of the proposed corporation is THE PIONEER FUND, INC.

2. The purposes for which it is to be formed are:

To acquire money, securities, or other property, real or personal, by gift, legacy, or otherwise, including the right to receive the income or principal of any property, legacy or devise given by will or otherwise in trust to pay the principal or income to this Corporation; and to hold, invest, use, and dispose of the principal and income of the same for any one or more of the following charitable purposes:

A. To provide or aid in providing for the education of children of parents deemed to have such qualities and traits of character as to make such parents of unusual value as citizens, and in the case of children of such parents whose means are inadequate therefore to provide financial aid for the support, training, and start in life of such children.

The children selected for such aid shall be children of parents who are citizens of the United States, and in selecting such children, unless the directors deem it inadvisable, consideration shall be especially given to children who are deemed to be descended predominantly from persons who settled in the original thirteen states prior to the adoption of the Constitution of the United States and/or from related stocks, or to classes of children the majority of whom are deemed to be so descended.

Subject to the requirement that the Corporation shall be administered for strictly charitable objects, and in so far as it may be found practicable so to do, the foregoing purposes shall be carried out in such manner as to give assurance to parents of the character described that their children shall not lack an adequate education or start in life and thus to encourage an increase in the number of children of such parents, and in so far as the qualities and traits of such parents are inherited, to aid in improving the character of the people of the United States.

B. To conduct or aid in conducting study and research into the problems of heredity and eugenics in the human race generally and such study and such research in respect to animals and plants as may throw light upon heredity in man, and to conduct or aid in conducting research and study into the problems of human race betterment with special reference to the people of the United States, and for the advance of knowledge and the dissemination of information with respect to any studies so made or in general with respect to heredity and eugenics.

The Corporation is not organized for pecuniary profit and shall not engage in any activities for pecuniary profit, and no officer, director, member, or employee of the Corporation shall receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting or carrying out one or more of its activities or as a proper beneficiary of its strictly charitable purposes. Any and all property acquired by the Corporation shall be held, used, and disposed of for charitable purposes only and the above stated specific purposes shall be interpreted in a manner consistent with this intention.

3. Its operations are to be conducted principally in the territory comprising the continental United States, including the District of Columbia.

4. Its office to be located in the City, County and State of New York.

5. The number of its directors shall be not less than 3 nor more than 9.

6. The names and residences of the directors until the first annual meeting are:

Names Residences

Wickliffe Preston Draper, 322 East 57th St., New York, N.Y.

Harry H. Laughlin, Cold Spring Harbor, Long Island, N.Y.

Malcolm Donald, 638 Blue Hill Ave., Milton, Mass.

Frederick Henry Osborn, Garrison-on-Hudson, NY.

7. All of the subscribers to this certificate are of full age; at least two-thirds of them are citizens of the United States; at least one of them is a resident of the State of New York. Of the persons named as directors, at least one is a citizen of the United States and a resident of the State of New York.

The Secretary of State is designated as agent of the Corporation upon whom process against the Corporation may be served. The post office address within or without the state to which the Secretary shall mail a copy of any process against the Corporation

served upon him is 299 Park Avenue, 17th Floor, New York, New York 10171.

IN WITNESS WHEREOF, we have made, subscribed, and acknowledged this certificate as of this 27th day of February, 1937.

Wickliffe Preston Draper

Harry H. Laughlin

Malcolm Donald

Frederick Henry Osborn

Vincent R. Smalley