



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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July 29, 2024

BY EMAIL (OCR.Chicago@ed.gov)

U.S. Department of Education
Office for Civil Rights – Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Re: Civil Rights Complaint Against Mitchell Hamline School of Law For Illegal Race-Based Discrimination In Program For Aspiring Lawyers

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's Office for Civil Rights ("OCR") discrimination complaint resolution procedures. See 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

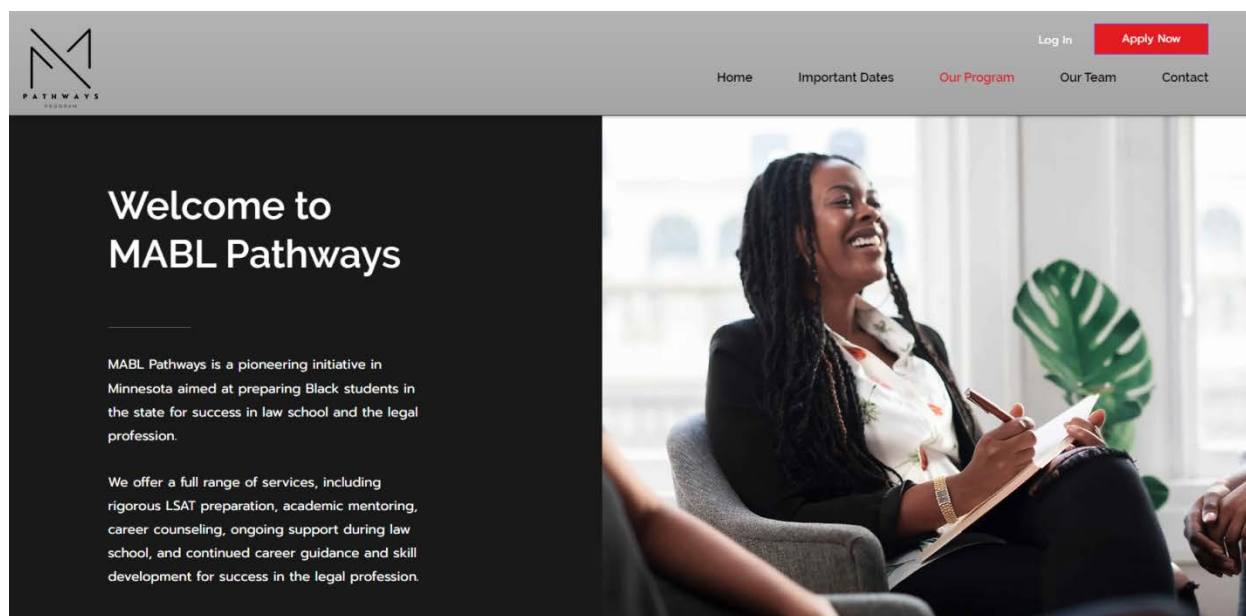
We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government, and that opposes racial discrimination in any form.

We bring this civil rights complaint against the Mitchell Hamline School of Law ("Hamline Law") for supporting and hosting on its campus a racially-discriminatory mentorship

program for aspiring lawyers entitled the MABL Law School Pathways program.¹ As detailed and documented below, only “Black Minnesota students” are allowed to participate in this program. Applicants who do not meet the race-based criteria are ineligible. The meetings take place at and are promoted by Hamline Law, with Hamline Law staff involvement.

Because the program discriminates based on race and skin color, it violates Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations.

The MABL Law School Pathways Program

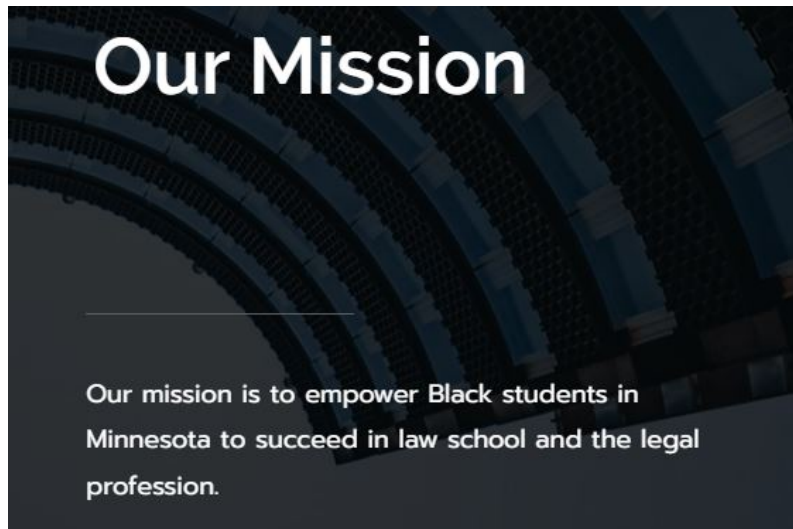


Under the MABL Law School Pathways program (“MABL Program”), “[t]en to twenty juniors, seniors, and alums of Minnesota universities and colleges are selected each year as ‘MABL Pathways Scholars.’ Upon admittance to the Program, the MABL Pathways Scholars participate in boot camp-type pre-law school programming.”² The program’s mission is “to empower Black students in Minnesota to succeed in law school and the legal profession.”³

¹ See <https://www.pathways-mabl.org/> [https://archive.is/HB6vz] (accessed on July 28, 2024). It appears that MABL stands for the Minnesota Association of Black Lawyers. That organization’s website contains references and hyperlinks to the MABL Law School Pathways Program website. See www.MABL.org [https://archive.is/JyRaS] (accessed on July 28, 2024).

² *Id.*

³ See <https://www.pathways-mabl.org/our-program> [https://archive.is/7VPU4] (accessed on July 28, 2024).



As the screenshot below of the MABL website indicates, the program offers LSAT preparation, academic mentoring at both the undergraduate and law school levels, and post-law school career counseling for students who are selected to participate in the program.⁴

Why Choose MABL Pathways?

Academic Mentoring
Our academic mentors provide one-on-one support to help you navigate the challenges of law school. They offer guidance on course selection, exam preparation, and career planning.

Rigorous LSAT Preparation
Our LSAT preparation program is designed to give you the tools you need to succeed on test day. We offer personalized coaching, practice tests, and access to study materials.

Career Counseling
Even after the MABL Pathways Scholars graduate from law school, they will still be supported by the Program. We help with career advice, as well development of the skills necessary to excel in the legal profession.

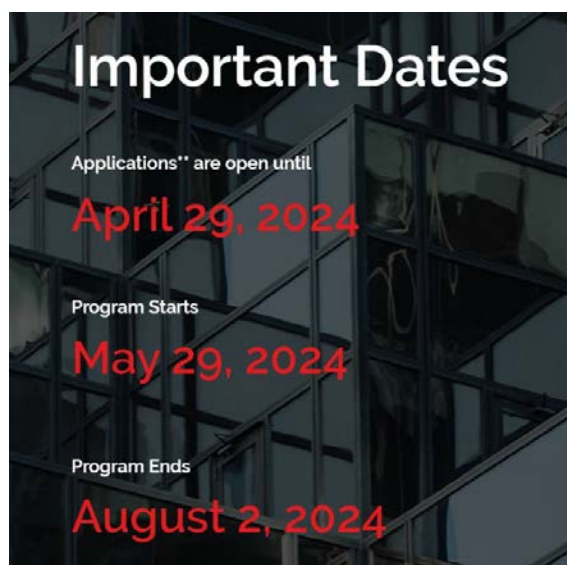
The MABL website further provides that “[t]he MABL Law School Pathways Program is the first program of its kind in Minnesota designed to prepare Black Minnesota students to gain

⁴ See <https://www.pathways-mabl.org/> [https://archive.is/HB6vz] (accessed on July 28, 2024).

not only admittance to law school but also to be able to excel and thrive in law school and become the next generation of leaders in the legal profession. The Program provides extensive LSAT preparation, one-on-one academic mentoring, individual ‘whole life’ wellbeing support, and career counseling.”⁵



As indicated on the MABL Program’s website, a screenshot of which is reproduced below, the application for the program closed on April 29, 2024, and the program commenced on May 29, 2024. It runs until August 2, 2024.⁶



⁵ *Id.*

⁶ *Id.*

Critically, eligibility for the program is restricted to “Black residents in the State of Minnesota.”⁷



The MABL Program’s application form requires applicants to provide their ethnicity and race.⁸

What is your ethnicity? *

- Black or African American
- American Indian or Alaska Native
- Hawaiian Native or Pacific Islander
- White or Caucasian
- Asian
- Other/Prefer Not to Respond

Are you Hispanic or Latino? *

- Yes
- No
- Prefer Not To Respond

⁷ *Id.*

⁸ See https://docs.google.com/forms/d/e/1FAIpQLScPHOIOAw_jy_XBvDNP3fk3AQOJ4d9OE0u6yzKXttwIa0sPw/viewform?pli=1 (accessed on July 28, 2024).

Mitchell Hamline School Of Law’s Involvement In The MABL Program

A search of the Hamline Law website reveals that there are regularly scheduled MABL events at the law school in Classroom 319, with Lynnette Fraction – the executive assistant to the president and dean of Hamline Law⁹ – listed as the staff contact person.¹⁰

MABL Law School Pathways Back to Events

Thursday, June 27, 2024
9:00 AM - 5:00 PM (CT)

Mitchell Hamline School of Law Campus, 319 Classroom

Lynnette Fraction
651.280.6310
lynette.fraction@mitchellhamline.edu

[View Full Schedule](#)

Tuesday, May 28, 2024 9:00 AM - 5:00 PM
Wednesday, May 29, 2024 9:00 AM - 5:00 PM
Thursday, May 30, 2024 9:00 AM - 5:00 PM
Tuesday, June 4, 2024 9:00 AM - 5:00 PM
Wednesday, June 5, 2024 9:00 AM - 5:00 PM
Thursday, June 6, 2024 9:00 AM - 5:00 PM
Tuesday, June 11, 2024 9:00 AM - 5:00 PM
Wednesday, June 12, 2024 9:00 AM - 5:00 PM
Thursday, June 13, 2024 9:00 AM - 5:00 PM
Tuesday, June 18, 2024 9:00 AM - 5:00 PM
Thursday, June 20, 2024 9:00 AM - 5:00 PM
Tuesday, June 25, 2024 9:00 AM - 5:00 PM
Wednesday, June 26, 2024 9:00 AM - 5:00 PM
Thursday, June 27, 2024 9:00 AM - 5:00 PM
Tuesday, July 2, 2024 9:00 AM - 5:00 PM
Wednesday, July 3, 2024 9:00 AM - 5:00 PM
Tuesday, July 16, 2024 9:00 AM - 5:00 PM
Wednesday, July 17, 2024 9:00 AM - 5:00 PM
Thursday, July 18, 2024 9:00 AM - 5:00 PM
Tuesday, July 23, 2024 9:00 AM - 5:00 PM
Wednesday, July 24, 2024 9:00 AM - 5:00 PM
Thursday, July 25, 2024 9:00 AM - 5:00 PM
Tuesday, July 30, 2024 9:00 AM - 5:00 PM
Wednesday, July 31, 2024 9:00 AM - 5:00 PM
Thursday, August 1, 2024 9:00 AM - 5:00 PM

Summer event for students hosted by DEI and Rick Perry

⁹ See <https://mitchellhamline.edu/biographies/person/lynette-fraction/> [<https://archive.is/rvuJj>] (accessed on July 24, 2024).

¹⁰ See <https://calendar.mitchellhamline.edu/event/mabl-law-school-pathways-13/> [<https://archive.is/xTWA6>] (accessed on July 28, 2024).

This calendar of on-campus MABL events – indeed, MABL holds programs on Hamline Law’s campus three days per week – states that these events are “hosted by DEI and Rick Petry.”¹¹ Notably, Rick Petry, who is listed on the MABL website as its program director,¹² is also listed on Hamline Law’s website as the law school’s Director of Diversity, Equity, and Inclusion, an “Adjunct/Affiliated Professor” and the assistant director of career and professional development.¹³

Given that MABL’s programs and classes are venued on Hamline Law’s campus and that its host and points of contact are members of the law school’s staff and faculty, it appears – and would appear to students – that Hamline Law is actively participating with MABL and using its campus facilities to engage in illegal discrimination.

The absence of an address and phone number on the MABL website reinforces the role of Hamline Law in communicating institutional approval and support for MABL.

Hamline’s Participation In The MABL Program Violates The Law

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits intentional discrimination on the basis of race, color or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. As Hamline Law receives federal funds,¹⁴ it is subject to Title VI.¹⁵

It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cty.*, 140 S. Ct. 1731, 1742 (2020)

¹¹ *Id.*

¹² *See* <https://www.pathways-mabl.org/team-1/rick-petry> [https://archive.is/1Bpn1] (accessed on July 28, 2024).

¹³ *See* <https://mitchellhamline.edu/biographies/?person=rick-petry> [https://archive.is/Hczye] (accessed on July 28, 2024).

¹⁴ *See* <https://legalinsurrection.com/wp-content/uploads/2024/07/Hamline-Consolidated-Financial-Report.pdf> (accessed on July 28, 2024).

¹⁵ Additionally, although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as Hamline Law. 42 U.S.C. § 2000a(a). Similarly, the MABL Program’s race-based eligibility criteria violates Minnesota’s Human Rights Act, which makes it a criminal offense for an educational institution to limit access to any educational program on the basis of race, Minn. Stat. §§ 363A.13 (1)-(4), 363A.30(4), as well as Hamline Law’s own non-discrimination policy. *See* <https://mitchellhamline.edu/careers/non-discrimination-policy/> [https://archive.is/nDx04] (accessed on July 28, 2024).

(“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U. S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions v. President & Fellows of Harvard College*, 600 U.S. 181, 289-90 (2023) (Gorsuch, J., concurring).

Simply put, “Title VI prohibits a recipient of federal funds from intentionally treating any individual worse even in part because of his race, color, or national origin and without regard to any other reason or motive the recipient might assert.” *Id.* at 290 (cleaned up). Thus, regardless of Hamline Law’s reasons for participating in and hosting the MABL Program, it is violating Title VI by doing so.

OCR Has Jurisdiction

OCR has jurisdiction over this complaint. Hamline University, of which Hamline Law is a unit, is a recipient of federal funds. It is therefore liable for violating Title VI.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race and color that occurred within the last 180 days and is ongoing. Indeed, the MABL Program at Hamline Law is currently underway.

Request For Investigation And Enforcement

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants.

The Office for Civil Rights has the power and obligation to investigate Hamline Law’s role in participating in, sponsoring, supporting and hosting the racially discriminatory MABL Program – and to discern whether Hamline Law is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under

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federal law. After all, “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” *Parents Involved in Cmty. Sch.*, 551 U.S. 701, 748 (2006).

Accordingly, we respectfully ask the Department of Education’s Office for Civil Rights to impose remedial relief as the law permits for the benefit of those who have been illegally excluded from the MABL Program at Hamline based on racially discriminatory criteria, and to ensure that all ongoing and future programming sponsored or hosted by that school comport with federal civil rights laws.

Respectfully submitted,

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And

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