

# PUBLIC INTELLECTUAL

Kudos to Hugh Hewitt and Douglas Kmiec, who criticized Michael Drake's decision to "un-hire" Erwin Chemerinsky.

"Even though I agree with him on only about one out of 100 issues, I believe he is one of the top legal minds in the United States," said Hugh Hewitt, a law professor at Chapman University and host of a daily radio talk show. "This is clearly a boneheaded move, and how do you resurrect a situation like this?"

Douglas W. Kmiec, a conservative Constitutional scholar and law professor at Pepperdine University who has often debated Chemerinsky called him "a gentle soul, a splendid scholar and a person with a fine legal mind. . . . And I say this as someone who generally disagrees with where his mind is coming from." Kmiec wrote in a Los Angeles Times editorial on Thursday that the withdrawal of the job offer "is a betrayal of everything a great institution like the University of California represents."

Meanwhile, Drake is still searching for a legitimate reason to explain why he fired Chemerinsky.

My decision – and the motivation for it – have been the subject of extensive media coverage over the last few days, much of which has been characterized by assumption, conjecture and hearsay.

Let me set the record straight. I made a management decision – not an ideological or political one – to rescind the offer to Professor Chemerinsky. The decision was mine and mine alone. It was not based on pressure from donors, politicians or the University of California Board of Regents. It was a

culmination of discussions – with many people over a period of time – that convinced me that Professor Chemerinsky and I would not be able to partner effectively to build a world-class law school at UC Irvine. That is my overarching priority.

It appears that Drake didn't realize that Chemerinsky might go to the press with the comments Drake made in un-hiring him.

Chemerinsky said Drake told him during a meeting Tuesday at the Sheraton Hotel near the Raleigh-Durham airport that "concerns" had emerged from the University of California Regents, which would have had to approve the appointment. The professor said Drake told him that he thought there would have been a "bloody battle" over the appointment.