

Michael Litterer

Student, 20:831:524:90 PUB POL PRCSS

Term Paper – Affirmative Action

Submitted initially on March 23, 2022

Updated on July 23, 2023

Affirmative Action: A Readiness for Change

Introduction

According to the Stanford Encyclopedia of Philosophy, “Affirmative Action means positive steps taken to increase the representation of women and minorities in areas of employment, education, and culture from which they have been historically excluded” (Fullinwider, 2018), with policy and regulation being the most commonly understood step. Public administrators need to understand that Affirmative Action is not a single policy but rather a “set of public policies and initiatives designed to help eliminate past and present discrimination based on race, color, religion, sex, or national origin.” (Cochran, Mayer, Carr, Cayer, & McKenzie, 2015) According to the Encyclopedia Britannica, Affirmative Action in the United States “began as a government remedy to the effects of long-standing discrimination against such groups and has consisted of policies, programs, and procedures that give limited preferences to minorities and women in job hiring, admission to institutions of higher education, the awarding of government contracts, and other social benefits.” (Britannica) The policies and initiatives set forth by Affirmative Action were in response to the passage of the Civil Rights Act of 1964. (Hersch & Shinall, 2015)

Starting with the passage of the Civil Rights Act of 1964 (C. R. Act, 1964), Affirmative Action has been the subject of extensive debate driven by the political, legal, and social context in the United States over the last 60 years. The current context of Affirmative Action, which has been updated to include the June 2023 Supreme Court ruling, will be reviewed using a combination of peer-reviewed research articles, academic references, and an interview with a subject matter expert. Specifically, this paper will demonstrate why now, more than ever, there continues to exist a high level of societal readiness towards creating equality, despite more recent conservative efforts to turn back the progress Affirmative Action has made. Now, more than ever, elected officials and public administrators must capitalize on the existing political, which has created historic cultural readiness to counteract the

conservative efforts to erase the progress that has been accomplished. By analyzing key Affirmative Action policy milestones and their correlation to key societal events related to equality, it becomes apparent that the current political and social environment may provide a unique opportunity to make substantial advancements related to Affirmative Action.

Historical Context of Affirmative Action

First introduced by President John F. Kennedy in 1963 and later passed in 1964 under President Lyndon Johnson, the Civil Rights Act of 1964 (ACT of 1964) prohibited "discrimination based on race, color, religion, sex or national origin." (Hersch & Shinall, 2015) While discrimination based on sex was not initially included in the Act of 1964, subsequent "provisions of this Civil Rights Act forbade discrimination on the basis of sex, as well as race in hiring, promoting, and firing. The Act of 1964 (C. R. Act, 1964) also prohibited discrimination in public accommodations and federally funded programs. It also strengthened the enforcement of voting rights and the desegregation of schools. (Hersch & Shinall, 2015) The Act of 1964 represents a significant milestone in the nation's attempt to address centuries of historical inequity and serves as the starting point of Affirmative Action's progress over the next 60-plus years. The actual phrase "Affirmative Action" was first used in President Lyndon Johnson's 1965 Executive Order 11246 (Remmert, 1969), which was authored by Hobert Taylor Jr. (Britannica) and required federal contractors to "take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, creed, color, or national origin." (Sykes, 1995)

The evolution of Affirmative Action is long and complex. Countless court cases and legislative revisions have been driven by ongoing public debate to dismantle structural and institutional racism to ensure equality. An extensive body of research exists, which provides, in detail, an in-depth history of the many court rulings and revisions to all associated Affirmative Action policies. This body of research dramatically contributes to public administration and policy work. As outlined in academic resources such as Chapter 10 of "American Public Policy: An Introduction" by (Cochran et al., 2015) and "Affirmative Action Policies through History" by (American Association for Access, 2022), it is clear that while

progress has not occurred at the rate, many might have hoped, the evolution of Affirmative Action has been steady and firmly based in the legal and social context.

The evolution of Affirmative Action has focused on two critical areas of society where equality has the most significant impact. The first area of focus has been on equitable employment policies aimed at eliminating discriminatory practices by employers. (Leonard, 1984) The second area focus has been on equitable admission and enrollment in schools of higher education. (Loury & Garman, 1993) As Chapter 10 of (Cochran et al., 2015) describes, equality can be broken down into three categories. These equality categories include equality under the law, equality of opportunity, and equality of material well-being, also known as equality of result. Each equality category is interdependent and, in many ways, contributes to a person's ability to obtain and maintain gainful employment.

In most cases, for a person to obtain and maintain gainful employment, they must receive specialized education. Equality becomes unattainable when discriminatory or inequitable practices exist in the educational or employment system. Based on this, in order to achieve equality, Affirmative Action must be taken in order to ensure equality for all, particularly in the areas of education and employment. The policies that support equitable education and employment must be protected under law and socially practiced in society to provide equality of opportunity and well-being, which makes the June 2023 Supreme Court ruling described later in this paper more concerning.

As the Stanford Encyclopedia of Philosophy describes, "the development, defense, and contestation of preferential Affirmative Action has proceeded along two paths. One has been legal and administrative as courts, legislatures, and executive departments of government have made and applied rules requiring Affirmative Action. The other has been the path of public debate, where the practice of preferential treatment has spawned a vast literature, pro, and con." (Fullinwider, 2018) These two parallel debates have continued over the past 60 years and have worked to further the pursuit of equality. As further described by the Stanford Encyclopedia of Philosophy, when looking at key policy milestones specific to Affirmative Action, the "ebb and flow of public controversy over Affirmative Action can be pictured as two spikes on a line, the first spike representing a period of passionate debate that began around 1972 and

tapered off after 1980, and the second indicating a resurgence of debate in the 1990s leading up to Supreme Court's decisions in 2003 and 2016 upholding certain kinds of Affirmative Action. The first spike encompassed controversy about gender and racial preferences alike. This is because, in the beginning, Affirmative Action was as much about the factory, the firehouse, and the corporate suite as about the college campus. The second spike represents a quarrel about race and ethnicity. This is because the burning issue at the turn of the twentieth-first century is about college admissions.” (Fullinwider, 2018)

Milestones such as the Civil Rights Act of 1991 (A. Act, 1991) and California’s Proposition 209 (Spann, 1997) also play critical roles in the continued evolution of Affirmative Action. Proposition 209 (Alvarez & Bedolla, 2004), also known as the California Civil Rights Initiative, is an example of a substantial shift in the original approach of Affirmative Action. California's Proposition 209 states that “neither the State of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as criterion for either discriminating against or granting preferential treatment to, any individual or group in the operation of the state’s system of public employment, public education or public contracting.” (Spann, 1997) Proposition 209 demonstrates how Affirmative Action has shifted away from hiring mandates/quotas and moved to more strategic initiatives aimed at equal representation. (Cochran et al., 2015)

Most recently, on June 29, 2023, the U.S. Supreme Court delivered a 6-3 ruling with a conservative majority on the *20-1199 Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (Supp, 2016). The Supreme Court’s decision ruled to limit the scope of Affirmative Action in higher education. This ruling marked the end of a forty-year precedent that permitted institutions of higher learning to factor race into their admissions processes. The decision was triggered by lawsuits alleging racial discrimination towards Asian Americans in the admissions practices of Harvard University and the University of North Carolina. The court's conservative majority found these universities' race-conscious admissions policies to be in breach of the Fourteenth Amendment's equal protection clause. They concluded that although the universities pursued diversity, their admissions methods failed to meet the

necessary legal standards and were therefore ruled illegal. Justice Sonia Sotomayor vehemently disagreed with this ruling, asserting that it undoes significant progress and undermines the advantages of racial diversity in higher education. (McClellan, 2023)

The Supreme Court's ruling will have grave potential to restrict educational opportunities for racial minorities as colleges may have to limit race-sensitive admissions. This change could alter recruitment strategies, possibly skewing toward majority demographics and exacerbating disparities in career opportunities and advancement for underrepresented groups, significantly impacting the workforce's diversity and readiness for various careers. The evolution of Affirmative Action now appears to be at risk. Conservative groups are expected to leverage the June 2023 ruling to intensify legal challenges, possibly scrutinizing Affirmative Action-associated policies across all societal sectors, thus further limiting opportunities for diverse populations.

The historical overview provided in this section highlights the essential need for Public administrators to understand the history, evolution, and current context of Affirmative Action to effectively manage and administer current and future public policies. Affirmative Action is a crucial driver in creating equality, and its history demonstrates the complexity of the structural and institutional racist systems that exist. It also helps to demonstrate pivotal moments in our history where defending progress and capitalizing on opportunities to create positive change exist. As highlighted in Chapter 10 of (Cochran et al., 2015), “Today, government and educational institutions continue to strive to ameliorate the underrepresentation of targeted groups in the economy and in higher education.” (Cochran et al., 2015)

The Current Context of Affirmative Action

When analyzing the history of Affirmative Action, we see that many of the critical policy milestones directly correlate to other key societal milestones. We first see that in 1964, the same year the Civil Rights Act was passed, the country was engrossed by civil unrest, which resulted in riots across the country. (Collins, 2018) We then see in 1991, the same year that the second Civil Rights Act was passed, the brutal beating of Rodney King by police, which aired on television across the nation. (Lasley, 1994) The correlation of the key milestones in 1964 and 1991 lends proof to the impact of events such as the murder

of Brianna Taylor (Martin, 2021) and George Floyd (Dreyer et al., 2020). Coupled with the COVID-19 Pandemic (Ruger, 2020), these events have seemingly created similar periods of increased social readiness to address equality. We can also correlate events such as the January 6th Attack on the Capital and other radical conservative actions as further support for the potential wave of changes precipitated by societal milestones.

Much of the reason Affirmative Action has been so heavily debated in the social context over its history is that while Affirmative Action policies exist, inequalities are still pervasive. Furthermore, times of societal change often occur during times of extreme divisiveness in the United States. Countless studies have shown that many inequalities continue to exist in our current society. (Givens, Gennuso, Pollock, & Johnson, 2021) One such study analyzed various metrics comparing the state of black workers and families from 1968 to 2018. (Jones, Schmitt, & Wilson, 2018) In 1968, President Johnson commissioned a report by the National Advisory Commission on Civil Disorders (Disorders & Commission, 1968) in response to increased riots around the country driven by continued inequalities. It was known as the Kerner Commission Report. In a study by (Jones et al., 2018) entitled "50 Years after the Kerner Commission: African Americans are better off in many ways but are still disadvantaged by racial inequality," various metrics are compared to quantify equality-focused improvements made for Blacks in the U.S. (Disorders & Commission, 1968) The study found that while "African Americans are in many ways better off in absolute terms than they were in 1968, they are still disadvantaged in important ways relative to whites. In several important respects, African Americans have lost ground relative to whites, and, in a few cases, even relative to African Americans in 1968." (Jones et al., 2018) One area of improvement demonstrated that "African Americans today are much better educated than they were in 1968 but still lag behind whites in overall educational attainment. More than 90 percent of younger African Americans (ages 25 to 29) have graduated from high school, compared with just over half in 1968—which means they have nearly closed the gap with white high school graduation rates. They are also more than twice as likely to have a college degree as in 1968 but are still half as likely as young whites to have a college degree." (Jones et al., 2018) The improved educational outcomes could be

attributed to the work of Affirmative Action in education, again highlighting the detrimental impact the recent Supreme Court ruling might have on the progress made this far.

Conversely, positive change in many metrics studied by (Jones et al., 2018) has not been achieved. Most prominently, “black workers still make only 82.5 cents on every dollar earned by white workers, African Americans are 2.5 times as likely to be in poverty as whites, and the median white family has almost 10 times as much wealth as the median black family.” (Jones et al., 2018) In homeownership, unemployment, and incarceration, “America has failed to deliver any progress for African Americans over the last five decades. In these areas, their situation has either failed to improve relative to whites or has worsened. In 2017, the black unemployment rate was 7.5 percent, up from 6.7 percent in 1968, and is still roughly twice the white unemployment rate. In 2015, the black homeownership rate was just over 40 percent, virtually unchanged since 1968, trailing 30 points behind the white homeownership rate, which saw modest gains over the same period. Furthermore, the share of African Americans in prison or jail almost tripled between 1968 and 2016 and is currently more than six times the white incarceration rate.” (Jones et al., 2018) The study by (Jones et al., 2018) demonstrates that equality has yet to be realized. While critics of Affirmative Action see the results of such studies as a failure, they also seem to fuel the continued debate and engagement in equality.

Shifting the Context of Affirmative Action

As stated in the introduction, by analyzing key Affirmative Action policy milestones and their correlation to key societal events related to equality, it becomes apparent that the current political and social context has created an environment of readiness. The readiness created by many equality-related social events provides a unique opportunity to make substantial advancements related to Affirmative Action. In looking at the political context present during such events as the murder of George Floyd, the COVID-19 Pandemic, and the January 6th Attack, we look at the policies and actions of the Trump Administration. During the Trump Administration, many of the policies and directives related to Affirmative Actions were impacted. (Konrad, 2018) One example of how Affirmative Action was impacted during President Trump’s term in office is a policy prohibiting federal contractors from

conducting implicit bias training. (Portnoy et al., 2021) Implicit bias training serves a vital role in Affirmative Action. In an article by (Woolhandler et al., 2021) titled "Public Policy and Health in the Trump Era," the author explains that part of Trump's strategy was to appeal "to racism, nativism, and religious bigotry" (Woolhandler et al., 2021) which resulted in "emboldened white nationalists and vigilantes, and encouraged police violence and, at the end of his term in office, insurrection" (Woolhandler et al., 2021) During the Trump Presidency, there was also multiple conservative Supreme Court Justices appointed. While all policies have a lasting impact, none compare to the lasting impact Supreme Court appointments have on the political and social context. The June 2023 Affirmative Action Supreme Court ruling serves as an exact example.

However, while critics of President Trump believe the country took a significant step back in its efforts to achieve equality, it appears that the Trump Administration's actions created a "slingshot" scenario. The combined effect of societal events outlined above, coupled with the controversial, conservative policies of the Trump Administration, seems to have precipitated a societal response which in turn created a rapid acceleration in creating the readiness required for change. Adding to this effect was the disruptive nature of the COVID Pandemic. During the Pandemic, society paused and gained a heightened sense of social responsibility. (Dickinson et al., 2021)

In his inaugural address to Congress, President Biden stated the country had experienced over the previous year "The worst pandemic in a century. The worst economic crisis since the Great Depression. The worst attack on our democracy since the civil war". (Strauss, 2021) In response to the murder of George Floyd, the President stated, "We have all seen the knee of injustice on the neck of Black America. Now is our opportunity to make real progress". (Strauss, 2021) In support of the country's increased readiness for change, President Biden explains, "America is on the move again. Turning peril into possibility. Crisis into opportunity. Setback into strength.". (Strauss, 2021) The speech to Congress by President Biden further supports the readiness for change in society. Some might argue that the recent Supreme Court ruling contradicts the hope for change laid out by President Biden, but as history has shown, setbacks can also precipitate progress. While the direct outcomes of Affirmative Action certainly

demonstrate that progress must still be made, the attitudes and beliefs of society have shifted dramatically since the passage of the Civil Rights Act of 1964. This shift in the country's social context creates an environment of readiness more conducive to change. Public administrators must utilize the current environment to propel the shift to equality driven by Affirmative Action.

Policy Recommendations

In order to access the current policy environment specific to Affirmative Action, an interview was conducted with an Affirmative Action subject matter expert named Tyler Wurtz. (Tyler Wurtz, 2022) Mr. Wurtz is an Associate Consultant at DCI Consulting in Washington, DC. DCI Consulting provides “expert solutions to hundreds of employers on the complex issues of Equal Employment Opportunity (EEO) compliance. DCI’s consulting staff are recognized experts in pay equality analyses, affirmative action plan development and implementation, employee selection and test validation, diversity metrics, and OFCCP audit and litigation support.” (Consulting, 2022)

During the interview, Mr. Wurtz explained a few key areas of current policy considerations related to Affirmative Action. The first consideration included an explanation of the Office of Federal Contract Compliance Programs (OFCCP) (Kreiter, 1999) and the Equal Employment Opportunity Commission’s (EEOC) (Kreiter, 1999) use of “Frequently Asked Questions” (FAQs) or executive mandates. (Modesitt, 2010) Administrations use these FAQs to bypass legislative revisions in order to “drive certain political agendas.” (Tyler Wurtz, 2022) Understanding that legislation in the current political environment is not easily changed, FAQs become a more expedient way to change regulations and mandates related to Affirmative Action. (Tyler Wurtz, 2022) The frequent utilization of EEOC FAQs creates a problematic scenario where each time the administration changes, so do the guidance and mandates of Affirmative Action. Mr. Wurtz suggests that in order to make change sustainable, legislation should be passed to codify the progress Affirmative Action has made rather than utilizing the EEOC FAQs process. A policy that prohibits drastic changes in guidance, based on the current administration, will help to avoid regression and turbulence during each change of administration. (Tyler Wurtz, 2022)

Secondly, Mr. Wurtz points out that Affirmative Action currently only looks at the overall category of "minorities and women." By not looking at the sub-categories within the minority population, specific organizations may have drastically underrepresented groups. Mr. Wurtz suggests that policies should require that the category of minorities be broken down by minority groups. This will help to ensure that all minorities within the qualified workforce are equally represented. (Tyler Wurtz, 2022) This policy would ensure equality among all minority groups within the generalized category of minority employees.

Lastly, policies related to Affirmative Action must include plans for recruitment, internal growth opportunities, and professional development for current employees. Evidence suggests that steps taken by employers to provide opportunities for professional growth within the existing workforce will result in a more diverse and qualified workforce. (Tyler Wurtz, 2022) The policies offered and reviewed by Mr. Wurtz provide actionable steps for public administrators and work to capitalize on the current environment related to equality. These policies recommendations underscore the essential need to support and defend all policies that foster diversity, including those associated with Affirmative Action.

Conclusion

Society must fully recognize that diversity and equality are cornerstones of a progressive society. They represent the principle that everyone, regardless of race, gender, sexual orientation, religion, or socioeconomic status, should have equal access to opportunities and be treated with respect and fairness. History has shown that diversity brings a range of perspectives, ideas, and experiences that can lead to more significant innovation, problem-solving, and decision-making. It fosters mutual respect and understanding among people of different backgrounds, which is vital for a peaceful, inclusive society. Conversely, equality is about treating everyone the same, ensuring that individuals are not discriminated against based on their differences. However, treating everyone equally does not necessarily mean treating them the same. It means recognizing their unique circumstances and needs and creating an environment where everyone can thrive. Affirmative Action is a vital policy tool in promoting diversity and equality. It provides a method for correcting systemic imbalances and structural biases in institutions by giving

special consideration to historically disadvantaged groups. Affirmative Action does not seek to provide an unfair advantage but to level the playing field for those who start at a disadvantage due to systemic inequities. The absence of diversity, equality, and equity has detrimental impacts on public health, education, and society as a whole.

A lack of equality in healthcare access can lead to disparities in health outcomes, as demonstrated by the COVID-19 Pandemic. Minority and marginalized communities often face barriers to healthcare and bear a disproportionate burden of diseases. Addressing these inequities can improve health outcomes and the well-being of these communities, contributing to a healthier society overall. Educational inequities perpetuate socioeconomic disparities. Without access to quality education, disadvantaged groups struggle to break the cycle of poverty. Affirmative Action has and must continue to help provide equal educational opportunities, leading to a more educated and skilled workforce. A lack of diversity and equality has historically led to social unrest, economic disparity, and a lack of social cohesion. The sense of injustice can breed resentment and conflict. On the contrary, a diverse, equitable society fosters mutual respect, social harmony, and shared prosperity, all essential considerations for public administrators. To create a healthy, educated, and harmonious society, embracing diversity, promoting equality, and working towards achieving equity is crucial. Policies like Affirmative Action can help bridge the gaps and bring us closer to realizing this goal.

As this paper describes, Affirmative Action is a set of policies that has evolved for over 60 years. The progress made by Affirmative Action has been much slower than expected following the Civil Rights Act of 1964 but has remained steady. (Dometrius & Sigelman, 1984) This paper uses the correlation of political, legal, and social contexts associated with Affirmative Action to highlight the current state of readiness present to address equality. In order to fully leverage this unique period of readiness, administrators and policymakers must understand the progress and challenges faced throughout our history. As we continue to study the public policy process, we understand the impact policies, such as Affirmative Action, have on society. We also understand that public will and readiness must not only exist to enact policies but must also be present for those policies to effectuate change. Based on research

completed for this assignment, it seems clear that now, possibly for the first time and despite recent setbacks, society is ready and willing to make substantial changes in equality. This current political, legal, and social environment was only possible with 60 years of Affirmative Action.

References

- Act, A. (1991). The Civil Rights Act of 1991. In: Chicago, IL.
- Act, C. R. (1964). Civil rights act of 1964. *Title VII, Equal Employment Opportunities*.
- Alvarez, R. M., & Bedolla, L. G. (2004). The revolution against affirmative Action in California: Racism, economics, and Proposition 209. *State Politics & Policy Quarterly*, 4(1), 1-17.
- American Association for Access, E. a. D. A. (2022). AFFIRMATIVE ACTION POLICIES THROUGHOUT HISTORY. Retrieved from https://www.aaaed.org/aaaed/History_of_Affirmative_Action.asp
- Britannica, T. E. o. E. affirmative action definition. In *Encyclopedia Britannica*. britannica.com: Encyclopedia Britannica.
- Cochran, C. E., Mayer, L. C., Carr, T., Cayer, N. J., & McKenzie, M. (2015). *American public policy: An introduction*: Cengage Learning.
- Collins, A. V. (2018). *The Dawn Broke Hot and Somber: U.S. Race Riots of 1964*: ABC-CLIO.
- Consulting, D. (2022). DCI Consulting. Retrieved from <https://www.dciconsult.com/>
- Dickinson, K. L., Roberts, J. D., Banacos, N., Neuberger, L., Koebele, E., Blanch-Hartigan, D., & Shanahan, E. A. (2021). Structural racism and the COVID-19 experience in the United States. *Health security*, 19(S1), S-14-S-26.
- Disorders, U. S. N. A. C. o. C., & Commission, U. S. K. (1968). *Report of the national advisory commission on civil disorders*: U.S. Government Printing Office.
- Dometrius, N. C., & Sigelman, L. (1984). Assessing progress toward affirmative action goals in state and local government: A new benchmark. *Public Administration Review*, 241-246.
- Dreyer, B. P., Trent, M., Anderson, A. T., Askew, G. L., Boyd, R., Coker, T. R., . . . Mendoza, F. (2020). The death of George Floyd: bending the arc of history toward justice for generations of children. *Pediatrics*, 146(3).
- Fullinwider, R. (2018). Affirmative Action. {S}ummer 2018. Retrieved from <https://plato.stanford.edu/archives/sum2018/entries/affirmative-action/>
- Givens, M. L., Gennuso, K. P., Pollock, E. A., & Johnson, S. L. (2021). Deconstructing inequities—transparent values in measurement and analytic choices. In (Vol. 384, pp. 1861-1865): Mass Medical Soc.
- Hersch, J., & Shinall, J. B. (2015). Fifty years later: The legacy of the Civil Rights Act of 1964. *Journal of Policy Analysis and Management*, 34(2), 424-456.
- Jones, J., Schmitt, J., & Wilson, V. (2018). *50 years after the Kerner Commission: African Americans are better off in many ways but are still disadvantaged by racial inequality*: Economic Policy Institute Washington, DC.
- Konrad, A. M. (2018). Denial of racism and the Trump presidency. *Equality, Diversity and Inclusion: An International Journal*.
- Kreiter, N. (1999). Equal Employment Opportunity EEOC and OFCCP. *The Test of Our Progress: The Clinton Record on Civil Rights*, 172.
- Lasley, J. R. (1994). The impact of the Rodney King incident on citizen attitudes toward police. *Policing and Society: An International Journal*, 3(4), 245-255.
- Leonard, J. S. (1984). The impact of affirmative Action on employment. *Journal of Labor Economics*, 2(4), 439-463.

- Loury, L. D., & Garman, D. (1993). Affirmative Action in higher education. *The American Economic Review*, 83(2), 99-103.
- Martin, J. (2021). Breonna Taylor: Transforming a Hashtag into Defunding the Police. *J. Crim. L. & Criminology*, 111, 995.
- McClellan, C. (2023). When Claims Collide: Students for Fair Admissions v. Harvard and the Meaning of Discrimination. *U of Penn Law School, Public Law Research Paper*(23-20).
- Modesitt, N. M. (2010). Reinventing the EEOC. *SMUL Rev.*, 63, 1237.
- Portnoy, G. A., Doran, J. M., Isom, J. E., Wilkins, K. M., DeViva, J. C., & Stacy, M. A. (2021). An evidence-based path forward for diversity training in medicine. *The Lancet Psychiatry*, 8(3), 181-182.
- Remmert, J. E. (1969). Executive Order 11,246: Executive Encroachment. *ABAJ*, 55, 1037.
- Ruger, J. P. (2020). Social justice as a foundation for democracy and health. *BMJ*, 371.
- Spann, G. A. (1997). Proposition 209. *Duke LJ*, 47, 187.
- Strauss, D. (2021). 'Crisis into opportunity': Biden lays out vision for sweeping change in speech to Congress. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2021/apr/28/america-is-on-the-move-again-biden-to-give-first-congressional-address>
- Supp, F. (2016). Admissions, Inc. v. President & Fellows of Harvard College, 980 F. 3 d. *UCLA L. REV*, 89, 91-92.
- Sykes, M. (1995). The origins of affirmative Action. *National NOW Times*, 1, 8-14.
- Tyler Wurtz, M. S. (2022, 4/1/22) *Associate Consultant, DCI Consulting/Interviewer: M. Litterer*. Rutgers EMPA The Public Policy Process.
- Woolhandler, S., Himmelstein, D. U., Ahmed, S., Bailey, Z., Bassett, M. T., Bird, M., . . . Chowkwanyun, M. (2021). Public policy and health in the Trump era. *The Lancet*, 397(10275), 705-753.