



COMPILED ARTICLES & RESOURCES

LEADING WITH RACE IN CLIMATE SOLUTIONS

Revised February 2024

Produced by the [Leading with Race in Climate Solutions](#) project

Table of Contents

I. Overview / Summary Resources – Start Here	2
II. What is Happening?	2
A. News and Recent Events	2
B. Affirmative Action Ruling	2
a. Statements / Press Releases / Reactions to the SCOTUS Decision on Affirmative Action	2
b. Legal Analysis and Advice	2
c. Webinars on Implications of SCOTUS Decision on Affirmative Action	3
d. Who is behind the attacks? Opponents of Leading with Race	3
C. Future Trends	3
III. Reference Laws, Policies, and Court Cases	4
A. Relevant Federal Constitutional Amendments and Statutes	4
B. Executive Orders	4
IV. What Can Be Done	4
A. Local and State Government Guidance	4
a. Step 1: Setting Bold Racial Equity Commitments in Service of Universal Goals	4
b. Step 2: Use Race-Conscious but Facially Neutral Means	5
c. Step 3: Measure What Matters and Adapt	5
B. Examples of Race Conscious Government Guidance and Policies	6
C. On the Imperative to Organize and Address Growing Attacks on Racial Justice	6

I. Overview / Summary Resources – Start Here

If you are limited on time or looking for where to start, check out

- [Advancing Racial Equity: Legal Guidance for Advocates - Othering and Belonging Institute](#)
- [What the Supreme Court Decision on Affirmative Action Means for Climate Equity Policy - Non Profit News | Nonprofit Quarterly](#)
- [Government Alliance on Race and Equity \(GARE\) Communications Guide](#)
- [Racial Equity Toolkit: An Opportunity to Operationalize Racial Equity](#)
- [Special Edition: The Supreme Court Overturns Affirmative Action - American Civil Liberties Union](#) (podcast)

II. What is Happening?

A. News and Recent Events

- a. Conservative Attacks on Race Consciousness - Leading with Race in Climate Solutions project

B. Affirmative Action Ruling

- a. **Statements / Press Releases / Reactions to the SCOTUS Decision on Affirmative Action**

- [Statement on SCOTUS Ruling on Affirmative Action - The Greenlining Institute](#)
- [College admissions affirmative action case won't sway our dedication to equity - The Kresge Foundation](#)
- [Affirmative Action Decision Is a Call to Double Down on Racial Equity - Stanford Social Innovation Review](#)
- [New approaches needed to diversify campuses after Supreme Court ruling - Othering and Belonging Institute](#)

- b. **Legal Analysis and Advice**

- Congressional Research Service:
 - [The Constitution and Race-Conscious Government Action...](#)
 - [Equal Protection: Strict Scrutiny of Racial Classifications](#)
- [Advancing Racial Equity: Legal Guidance for Advocates - Othering and Belonging Institute](#)

- [What Constitutes a “Racial Classification”? Equal Protection Doctrine Scrutinized - Academia](#)
 - [The Supreme Court Affirmative Action Rulings: An Analysis - Harvard Magazine](#)
- c. Webinars on Implications of SCOTUS Decision on Affirmative Action**
- [Unpacking the Supreme Court's ruling on Affirmative Action - Othering & Belonging Institute \(7/3/23\)](#)
 - Panelists: [John A. Powell](#), Erwin Chemerinsky, Sheryll Cashin
 - [Affirmative Action, SCOTUS and Solidarity - Othering and Belonging Institute \(7/11/23\)](#)
 - Panelists: Linda Sarsour, Kent Wong, Rachel Godsil, Rabbi Jonah Dov Pesner, John Powell
 - [Seeking Pathways to Racial Equity After the End of Affirmative Action - Race Forward \(7/13/23\)](#) Password for video: 6dh=3myr | [video files in Upright folder](#)
 - Panelists: Cathy Albiasa, Judith Dangerfield, Margaret Daun, Glenn Harris
- d. Who is behind the attacks? Opponents of Leading with Race**
- Some of the networked conservative opposition includes: [Edward Blum](#), [Pacific Legal Foundation](#), [American Civil Rights Project](#), [The Federalist Society](#), [Heritage Foundation](#), and Stephen Miller's [America First Legal](#)

C. Future Trends

- a. [The Magnet-School Wars and the Future of Colorblindness - The Stanford Law Review](#)
- b. [Supreme Court Won't Hear Virginia High School's Admissions Case on Race - The New York Times](#)
- c. [Facially neutral, racially biased | The New Criterion](#)
 - i. The defender of waterboarding, John Yoo, outlining the conservative position, esp. how folks should go after use of proxies for race:
- d. [After Affirmative Action Ends | The New Yorker](#)
 - i. On legality of “race-neutral” methods:

III. Reference Laws, Policies, and Court Cases

A. Relevant Federal Constitutional Amendments and Statutes

- a. [Background on 14th Amendment of the Constitution, Equal Protection Clause](#)
- b. [Title VI, Civil Rights Act of 1964, Section 2000d](#)
- c. [Civil Rights Act of 1866](#) – used by Blum-led alliance in ruling against Fearless Fund¹ and in attacking Perkins Coie and MoFo for diversity fellowships
 - i. a Reconstruction-era law meant to grant economic rights to enslaved people who were emancipated.

B. Executive Orders

- a. **Executive Order 14091** ■ [2023-03779 Racial Equity EO.pdf](#)
- b. **Executive Order 13985**, [January 20, 2021](#)
 - i. Consistent with these aims, each agency must assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups.
 - ii. Requires equity assessments

IV. What Can Be Done

A. Local and State Government Guidance

- a. **Step 1: Setting Bold Racial Equity Commitments in Service of Universal Goals**
 - i. Learning from Biden Administration Action on Advancing Racial Equity Across the Administration
 1. See introduction to [Executive Order 14091 on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government](#)
 - a. And also [Executive Order 13985](#)

¹ <https://www.washingtonpost.com/business/2023/09/30/injunction-fearless-fund-black-women/>

2. [Advancing Equity and Racial Justice Through the Federal Government | The White House](#) for links to agency equity plans and more.
 - ii. Targeted Universalism | Universal Design
 1. [Targeted Universalism - Othering & Belonging Institute](#)
 2. [Equity 2.0? What is Targeted Universalism and How Does It Address Inequality? - Non Profit News | Nonprofit Quarterly](#)
 - iii. Comprehensive Advice
 1. Guidance for Local and State Governance
 - a. [Policy Memo: Using Federal Funds for Racial & Economic Justice | Local Progress Impact Lab](#)
 - b. [Building for the All: Infrastructure Standards | PolicyLink](#)
 - i. *REPORT and BRIEF* on advancing and institutionalizing legally-defensible equity standards in federal infrastructure and investments at state and local levels.
 - c. [Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action - GARE](#)
 - d. [Racial Equity Action Plans - GARE](#)
- b. Step 2: Use Race-Conscious but Facially Neutral Means**
- i. Examples of using race-neutral criteria and mechanisms to advance racial equity:
 1. [Berkeley has lost thousands of Black residents. A new housing policy aims to help some return - Berkeleyside](#)
 2. [With End of Affirmative Action, a Push for a New Tool: Adversity Scores - New York Times](#)
 3. [With race-based admissions no longer an option, states may imitate Texas Top 10% Plan - Texas Tribune](#)
 - ii. On targeting resources to Geographic Area Based on Index of Factors
 1. [On LA County's Covid-19 Vulnerability and Recovery Index Dashboard and Equity Explorer Mapping Tool](#) to direct federal funding
 2. [Climate and Economic Justice Screening Tool](#)
 3. [CalEnviroScreen](#)
 4. [CDC Social Vulnerability Index](#)
- c. Step 3: Measure What Matters and Adapt**
- i. Measure What Matters - Racial Equity Impact Assessments & Data for Racial Equity
 1. [Measuring What Matters - Institute on Race, Power and Political Economy](#)
 2. [To keep promises of achieving racial equity, let's start keeping score - The Boston Globe](#)

3. [The Black Progress Index: Examining the social factors that influence Black well-being - Brookings](#)
4. [Factoring Equity into Benefit-Cost Analysis - The Regulatory Review](#)
5. [About Racial Equity Impact Assessments \(REIAs\)](#)
6. [Racial equity impact assessments - allincities.org](#)
7. [Racial Disparities - Othering & Belonging Institute](#)

B. Examples of Race Conscious Government Guidance and Policies

- a. **Examples of and guidance toward legally-defensible policies to advance racial equity**
 - i. [The Structural Racism Remedies Project - Othering & Belonging Institute](#)
 - ii. [Repository of City Racial Equity Policies and Decisions - National League of Cities](#)
 - iii. [Improving the Effectiveness of Project Labor Agreements](#) See pages 66-69 “6. Proposition 16, Proposition 209, and Paths Forward in Public Construction Employment” for legal guidance on government action/responsibility with respect to racial equity on infrastructure and construction contracts in California.

C. On the Imperative to Organize and Address Growing Attacks on Racial Justice

- a. [It's Open Season on Civil Rights. Philanthropy Must Not Retreat - Philanthropy.com](#)
- b. [Letters to the Editor: Stacey Abrams and Julián Castro Are Right: Retreat on Civil Rights Isn't an Option - Philanthropy.com](#)