

# ABA-Wide 21-Day Racial Equity Habit-Building Challenge ©

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If we are to live up to our own time, then victory won't lighten in the blade,/But in all of the bridges we have made. /That is the promise to glade, the hill be climbed. /If only we dare it because being American is more than a pride we inherit./ It is the past we step into and how we repair it.

-Amanda Gorman

The [ABA Diversity and Inclusion Advisory Council](#) is proud to announce our participation in a “21-Day Racial Equity Habit-Building Challenge ©,” and we invite all ABA members to join us. The 21-Day Challenge concept was conceived several years ago by diversity expert [Eddie Moore, Jr.](#) to advance deeper understandings of the intersections of race, power, privilege, supremacy and oppression. We are grateful to him for publicly sharing and encouraging others to use this concept as an educational tool.

This Challenge builds off of the [Challenge created by the Labor and Employment Law Section](#) in June 2020, which created its own syllabus for the Section.

## The Goal of the Challenge

The goal of the Challenge is to assist each of us to become more aware, compassionate, constructive, engaged people in the quest for racial equity. It transcends our roles as lawyers. Non-lawyers are also welcome to participate.

## How it Works

It is, of course, completely voluntary to do, and participation in the Challenge shall not be construed as agreement with every word of every assignment nor a commitment by any person to a particular professional position or strategy. Further, participants are free to opt out of participating along the way. There is no grade at the end of the Challenge. While it is not the intention of the Challenge to cause offense, some participants may be offended by some language used in the lessons.

The Challenge invites participants to complete a syllabus of 21 short assignments (typically taking 15-30 minutes), over 21 consecutive days, that include readings, videos or podcasts. It has been intentionally crafted to focus on the Black American experience. The assignments seek to expose participants to perspectives on elements of Black history, identity and culture, and to the Black community's experience of racism in America. Even this focus on Black Americans cannot possibly highlight all of the diversity of experiences and opinions within the Black community itself, much less substitute for learnings about any other community of color. This syllabus is but an introduction to what we hope will be a rewarding journey that extends far beyond the limits of this project.

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# 1 Opening

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- Listen to Youth Poet Laureate Amanda Gorman's poem, given at the 2021 Presidential Inauguration, [The Hill We Climb](#), PBS.org (January 20, 2021). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
- [1619 Project- Fresh Air](#), (podcast) NPR (November 17, 2021). (Submitted by D&I Advisory Council 21-Day Challenge Committee)

## 2 Black History is US History, Part I

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- Eddie S. Glaude, Jr., [How James Baldwin Told the Truth About Racism in America](#), Time Magazine (June 25, 2020). [Submitted by Franchising Forum]
  - Isabel Wilkerson, [The Great Migration and the Power of a Single Decision](#), TED Talks (2017). [Submitted by the D&I Advisory Council 21-Day Challenge Committee]
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## 3 Black History is US History, Part II

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- Austin Curtis, [Black Panthers, White Lies](#), TEDx Ohio State University (Apr. 6, 2016) (13 mins). [Submitted by the Section of Public Contract Law]
  - Nora McGreevy, [Lawsuit Seeks Reparations for Victims of 1921 Tulsa Race Massacre](#), Smithsonian Magazine (September 3, 2020). [Submitted by the Section of Tort Trial and Insurance Practice (TIPS)]
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## 4 Changing the Educational Landscape toward Equity, Part I

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- [Kids Explain Black History Month](#), Global Citizen (March 6, 2017). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Nicole Scialabba, [How Implicit Bias Impacts Our Children in Education](#) (October 2, 2017). [Submitted by the Section of Litigation]
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## 5 Changing the Educational Landscape toward Racial Equity, Part II; Equity in Child Welfare

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- [The Problem We All Live With, Part I](#), This American Life (podcast) (July 31, 2015). (30 mins) [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Vivek Sankaran, [With Child Welfare, Racism is Hiding in the Discretion, The Imprint](#) (June 21, 2020). [Submitted by the Section of Litigation]
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## 6 Racial Equity in Law School Education

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- Teri A. McMurty-Chubb, [The Practical Implications of Unexamined Assumptions: Disrupting Flawed Legal Arguments to Advance the Cause of Justice](#), Social Science Research Network, (July 27, 2019).
- Or, if you prefer watching/listening, view the first 20 minutes of the same author describing the material in: [Webinar Recording of “Teaching Strategies and Assessments to Interrupt Implicit and Explicit Bias”](#) [Submitted by the Section of Legal Education and Admissions to the Bar]

## 7 Young Lawyers Advancing Racial Equity and Implicit Bias Learning

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- Melissa Little, [Implicit Bias: Be an Advocate for Change](#), TYL (May 2018). [Submitted by the Young Lawyers Division]
  - Take one or more short, visual tests from Harvard's Implicit Association Test to learn more about how implicit associations work. Please focus on Race, Race-Weapons, or Skin Tone [Implicit Association Test](#) (IAT) [Submitted by D&I Advisory Council 21-Day Challenge Committee]
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## 8 Building Racial Equity within Legal Workplaces, Part I

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- [Better Practices: A Roundtable Discussion on Advancing Diversity and Inclusion in the Legal Profession](#) (watch from 0:00-21:11) (21 mins) [Submitted by the Section of Real Property, Trusts, and Estates]
- Tsedale M. Melaku, [Why Women and People of Color Still Hear 'You Don't Look Like a Lawyer'](#), Harvard Business Review (August 7, 2019). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
- J. Shontavia Johnson, Tonya M. Evans, and Yolanda M. King, [Diversifying Intellectual Property Law: Why Women of Color Remain "Invisible" and How to Provide More Seats at the Table](#), ABA-IPL *Landslide*® Magazine (April 2018). [Submitted by the Section of Intellectual Property Law]

## 9 Building Racial Equity within Legal Workplaces, Part II

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- Danielle Cadet, [\*Your Black Colleagues May Look Like They Are Okay – Chances Are They Are Not\*](#), Refinery29 (May 2020). [Submitted by the Section of Labor and Employment Law]
  - Arin N. Reeves, [\*Written in Black & White: Exploring Confirmation Bias in Racialized Perceptions of Writing Skills\*](#), Nextions (2014). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Tracey J. Coates, Eva N. Juncker, & Geoffrey Witherspoon, [\*Law Firm Origination Policies: Climbing the Mountain to Equity\*](#), Law Practice Today (June 15, 2020). [Submitted by the Law Practice Division]
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## 10 Economic Inequity is the Legacy of Racial Inequality

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- Karma Allen, [\*More than 50% of homeless families are black, government report finds\*](#), ABCNews (Jan. 22, 2020). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
- Scott Winship, Richard V. Reeves, and Katherine Guyot, [\*The Inheritance of Black Poverty: It's All About the Men\*](#), Brookings Institute (March 22, 2018). [Submitted by D&I Advisory Council 21-Day Challenge Committee]

# 11 Recognizing Racial Equity as a Matter of Basic Survival

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- Felicia Isaac, [\*Climate Change Is Hurting Expectant Black Mothers\*](#), *Natural Resources and Environment Magazine* (January 15, 2021). [Submitted by Section of Environment, Energy, and Resources]
  - Nina Martin and Renee Montagne, [\*Nothing Protects Black Women from Dying in Pregnancy and Childbirth: Not education. Not income. Not even being an expert on racial disparities in health care\*](#), *ProPublica* (December 7, 2017). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Leila Fadel, [\*The Separate and Unequal Health System Highlighted By COVID-19\*](#), NPR (January 21, 2021). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Ibram X. Kendi, [\*Who Gets to Be Afraid in America?\*](#), *The Atlantic* (May 12, 2020). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
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# 12 The Moral and Ethical Imperative for Business and Law to Advance Equity

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- Banks, Kira Hudson & Richard Harvey, [\*Is Your Company Actually Fighting Racism, or Just Talking About It?\*](#), *Harvard Business Review* (Jun. 11, 2020). [Submitted by the Section of Public Contract Law]

- Suhuyini Abudulai, Winda Chan, Jasmine D. Smith, Simi Solebo, [\*Anti-Racist Speech and Action: Where Does the Legal Profession and Model Rule 8.4\(g\) Go from Here?\*](#), *Business Law Today* (Oct. 8, 2020). [Submitted by the Business Law Section]
  - David Douglass, [\*The Ethical Obligation to Promote Diversity ~ Future Now Conference\*](#) The Illinois Supreme Court Commission on Professionalism (September 2019). (16 mins) [Submitted by D&I Advisory Council 21-Day Challenge Committee]
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## 13 Mass Incarceration is America's Shame and Black America's Burden

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- Michelle Alexander, [\*The New Jim Crow: How the war on drugs gave birth to a permanent American Undercaste\*](#), *The Nation*, March 9, 2010. [Submitted by D&I Advisory Council 21-Day Challenge Committee]
  - Andrea Dennis, [\*The Music of Mass Incarceration\*](#) (December 1, 2020). [Submitted by the Section of Intellectual Property Law]
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## 14 Ending Police Brutality that Disproportionately Impacts Black Americans

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- Megan Ming Francis, [\*Let's get to the root of racial injustice\*](#), TEDTalks, March 21, 2016. (19 mins). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
- Juan Thomas, [\*Reimagining Policing\*](#), *Human Rights Magazine* (Jan. 12, 2021). [Submitted by Section of Civil Rights and Social Justice]



## 15 Black to the Future

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- Wilson Adam Schooley, [\*Seeking Sankofa: Any Hope for a 'Post-Racial' Future Resides in Facing Our Racial Reality\*](#), *Human Rights Magazine* (May 16, 2019). [Submitted by Section of Civil Rights and Social Justice]
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## 16 Ending Courtroom Bias

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- Hon. Bernice B. Donald (U.S. Court of Appeals for the Sixth Circuit, [\*Judges on Race: Reducing Implicit Bias In Courtrooms\*](#), *Law360* (December 6, 2020). [Submitted by the Judicial Division]
  - [\*Hidden Injustice: Bias on the Bench\*](#) (view the 3rd video down) (12 mins). [Submitted by the Judicial Division]
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## 17 How Legislation and Local Action Can Advance Racial Justice

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- Elí Salomón Contreras, [\*How One Voice Changed Florida's Political Calculus: An Interview with Desmond Meade\*](#), *TYL* (August 13, 2019). [Submitted by the Young Lawyers Division]

- [Monumental Conversations](#), CNN, (July 9, 2020). (26 mins) [*Submitted by the Section of State and Local Government*]
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## 18 Intersectionality: Is the Legal Profession Hostile to Black Women?

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- Cynthia L. Cooper, [Report on Women of Color Lawyers Lands During National Reckoning with Race](#) (July 29, 2020). [*Submitted by the Commission on Women in the Profession*]
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## 19 Intersectionality: Black Immigrant Experiences

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- Jeremy Raff, [Why Black Undocumented Immigrants Are at Greater Risk for Deportation](#), *The Atlantic* (December 30, 2017). [*Submitted by Commission on Immigration*]
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## 20 Dismantling White Supremacy

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- Liz Mineo, [How Textbooks Taught White Supremacy](#), *Harvard Gazette* (September 4, 2020). [*Submitted by Franchising Forum*]
- [Black Lives Matter at the United Nations](#) (20 mins). [*Submitted by the Section of International Law*]

# 21 Restorative Justice

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- Ta-Nehisi Coates, [The Case for Reparations](#), (*The Atlantic*, May 21, 2014). [Submitted by D&I Advisory Council 21-Day Challenge Committee]
- Alice Walker, [The World Rising](#) (2017). Submitted by D&I Advisory Council 21-Day Challenge Committee]

## Additional Resources

### Racial Equity in the Justice System and ABA Diversity and Inclusion Center

[Central clearinghouse of ABA-related information and resources](#) for attorneys, the legal profession and the public on a wealth of issues addressing bias, racism and prejudice in the justice system and society.

Learn more about the [Diversity and Inclusion Center](#), the principal entity advancing the ABA's commitment to eliminating bias and enhancing diversity in the legal profession and wider community.

### Business Law Section

Read more features from the Business Law Section in their online magazine, *Business Law Today*, where you can find all of their Diversity and Inclusion articles: [Business of Law, Topic: Diversity and Inclusion](#)

### Center for Public Education

[Insights issue on the 50<sup>th</sup> anniversary of the Civil Rights Act](#) (focus especially on pps. 23-29: Perspectives on: What Is the Legacy of the Civil Rights Act of

1964?)

[The 50<sup>th</sup> anniversary of Brown v. Board of Education Teaching Guide](#)

## Commission on Immigration

RAICES: [Black Immigrant Lives are Under Attack – RAICES](#)

## Franchising Forum

Learning from Andra Terrell, [ABA Forum on Franchising Member Andra Terrell, VP, Deputy General Counsel, and Assistant Secretary at Cajun Operating Company d/b/a Church's Chicken, presentation at The Ohio State University](#) (22 mins)

## Government and Public Sector Lawyers Division

<https://www.justice.gov/hatecrimes>

## Judicial Division

[Racial Equity and Inclusion Resources](#)

## Law Practice Division

Law Practice Today: A New Era and A New Perspective [View the Law Practice Division's \*Law Practice Today\*](#)

## Law Students Division

[The importance of pipeline programs: I would not be here without them](#)  
Read more about students leading equity and other important on-campus efforts from the [Law Student Division Page](#).

## Section of Civil Rights and Social Justice

[Sign up to join a free webinar from the Section of Civil Rights and Social Justice's Covid-19 Webinar Series](#), which has been running since March 2020, and has featured several topics and discussions specifically hosted by members of the Black legal community. [Read the full "Black to the Future"](#)

[edition of Human Rights Magazine, from the Section of Civil Rights and Social Justice.](#)

[A Lesson on Critical Race Theory](#) by Janel George

## Section of International Law

[Tackling Racism in the MENA \[Middle East and North Africa\]: New Emerging Voices from the Region](#) (22 mins)

## Section of Labor and Employment Law

[View the Section of Labor and Employment Law's version of the 21-Day Racial Equity Habit-Building Challenge ©, which was the first entity to advance this Challenge.](#)

## Section of Legal Education and Admissions to the Bar

[Catherine Smith: \*Seven Principles: Increasing Access to Law School Among Students of Color\*](#)

## Section of Litigation

See more Racial and Social Justice Resources from the Section of Litigation

## Section of Public Contract Law

[Access the Public Contract Law Section's version of the 21-Day Racial Equity Habit-Building Challenge ©](#)

## Section of Real Property, Trusts, and Estates

[ABA Resolution 10H: Placating Landlords, Protecting Tenants](#)

## Solo, Small Firm, and General Practice (GP Solo) Division

[GP Solo's "Diversity Matters" Magazine Edition \(July/August 2019\)](#)

[Can You Breathe?](#) By Cedric Ashley

## Young Lawyers Division

## Men of Color Project Addresses Lack of Diversity in the Legal Profession

Learn more about [Young Lawyer initiatives and programs](#).

- Black Lawyers Speak Episode 5: “Black Judges Matter,” [Un]CommonLaw Podcast (Bloomberg): [Black Lawyers Speak, Ep. 5](#) (23 mins) (submitted by **Section of Tort Trial and Insurance Practice and Franchising Forum**)
- Silence is Not an Option - Podcast on CNN Audio (submitted by **Section of State and Local Government**): [Can You Vote Your Way to Change?](#) (23 mins)
- Understanding Intersectionality: [The Human Rights Situation of the Afro-LGBTI Population in Brazil](#) (submitted by the **Section of Labor and Employment Law**)
- Dimensions of Diversity Wheel”(view an example [here](#) and [here](#)) and input your own dimensions and background. (submitted by the D&I Advisory Council 21-Day Challenge Committee)

## Discussion Questions

View discussion questions for Week 1 below. This site will be updated with additional questions as the Challenge continues!

### Day 1: Opening

- What are your goals in completing this Challenge?
- What is a primary theme of Amanda Gorman’s poem that stands out to you?
- What is the greatest “hill” the US needs to climb at this moment in history?
- What did you learn about slavery and Reconstruction in school?

- How does what you learned growing up compare with Nikole Hannah-Jones's overview of these periods in U.S. history?

## Day 2: Black History is US History, Part I

- Review this quote from the Eddie S. Glaude, Jr. piece: "The current crisis around policing and the protests in the streets confront us with the ugliness of who we are as a nation....This moral reckoning requires confession and repair"
  - What might "confession and repair" look like to you in your community? What actions are required?
- What was the Great Migration? How did the Great Migration impact U.S. history and modern culture today? How did it impact you?

## Day 3: Black History is US History, Part II

- What did you know about the Black Panther Party before watching Austin Curtis's talk? What do you know now?
  - To what reason/s do you attribute the collective misconceptions about the Black Panther Party?
- Consider the story that purportedly sparked the 1921 Tulsa Race Massacre. What does that story have in common with other instances of racial violence in U.S. history?

## Day 4: Changing the Educational Landscape toward Equity, Part I

- What role do adults play in children's lives to help them observe and combat the formation or perpetuation of harmful implicit bias behaviors?
- What is the first step to combating implicit bias that the article by Nicole Scialabba recommends? Is this step a norm in your workplace? Why or why not?

## Day 5: Changing the Educational Landscape toward Racial Equity, Part II; Equity in Child Welfare

- Does proximity to those of different races than ourselves change our behavior or beliefs? Why or why not?
- What systemic changes are most critical in the public school system and in the child welfare systems after listening to and reading these resources?
- Why and how have these systems remained the same year after year?

## Day 6: Racial Equity in Law School Education

- If you are an attorney, how did the law school classroom allow or not allow flawed, racist, or other inaccurate legal arguments to flourish?
- If you are not an attorney, how can you use social media to push for racial equity in your workplace or other spaces where you live and work?

## Day 7: Young Lawyers Advancing Racial Equity and Implicit Bias Learning

- What is a key takeaway you have from Desmond Meade's work?
- What were your IAT results? How will your results push you to reflect on your behaviors moving forward?

## Day 8: Building Racial Equity within Legal Workplaces, Part I

- What are the implications of lawyers who are women of color receiving the brunt of microaggressions in the legal workplace?
- How aware were/are you of the microaggressions that women of color face in the workplace? Why is that so?

## Day 9: Building Racial Equity within Legal Workplaces, Part II



- What policies does your organization have that do not make space for Black employees, especially after traumatic events in the news that disproportionately impact Black employees?
- The Nextions article on writing samples is less than 7 years old. If the same study were to be conducted in your law firm today, do you think the results would be similar? Why or why not?
- What are historical issues that have contributed to Black employees not receiving credit (be it origination credit, as in law firms, or other types of credit relevant to non-law firm organizations) for their work?

## Day 10: Economic Inequity is the Legal of Racial Inequality

- How are the statistics shared in the articles about Black generational wealth and poverty reflective of the inherent racial segregation of many communities?
- What are the impacts of such disproportionately inherited wealth?
- What is the source/s of inherited wealth?

## Day 11: Recognizing Racial Equity as a Matter of Basic Survival

- The articles on this day discuss racism in the healthcare system, and the life-threatening outcomes that it can and does generate. How does racism in the legal profession intersect with the healthcare sector?
  - How can/does racism in the legal profession also impact (disproportionately Black) lives?
- Consider your racial and ethnic background. How has it informed your interactions with law enforcement? What do you do when you are scared of a perceived danger in your home or neighborhood? Why?
  - How might your answer be different than someone of a different race than you?

## Day 12: The Moral and Ethical Imperative for Business and Law to Advance Equity

- What is the difference between “morals” and “ethics” with regard to the legal profession? Why is advancing equity not merely a moral imperative for lawyers, but also a matter of legal ethics?
- Has your state adopted Model Rule 8.4(g)? Do you think this Model Rule goes far enough in preventing racism and advancing equity among lawyers in their engagement with each other and the public?

## Day 13: Mass Incarceration is America's Shame and Black America's Burden

- Consider the history presented in Michelle Alexander's article describing the New Jim Crow. What did you learn about and/or experience during the Nixon years and the years following regarding the War on Drugs? How does Alexander's article change your perception of this history?
- What has the role of rap music been in the history of mass incarceration, and in recent history regarding amplifying an array of Black experiences with police brutality and violence?

## Day 14: Ending Police Brutality that Disproportionately Impacts Black Americans

- What points do Megan Ming Francis and Juan Thomas make about the ineffectiveness of approaching issues of police brutality against Black Americans as ones of simply “bad apples”?
- What is the history of policing in the US? Why is this context so important in today's conversations about disproportionate police violence against Black Americans?

## Day 15: Black to the Future

- Why is learning about the past so critical to moving forward?
- How have you been working to educate yourself on topics of Black History that are oftentimes not taught in U.S. schools?
- How can the workplace be a conduit for further learning on Black History and the role of current systems of power on the impacts of slavery and other historic injustices (specifically those against Black Americans)?

## **Day 16: Ending Courtroom Bias**

- What is your reaction to learning that even judges can be biased? Do you feel this conversation is discussed enough?
  - For those who attended law school, what did you learn about judges and how people become judges? Is there an implicit assumption that they are “free from bias”?

## **Day 17: How Legislation and Local Action Can Advance Racial Justice**

- Desmond Meade shares his experiences in Florida as an activist and leader. He speaks in some of his answers about his law degree and the benefit being a lawyer provides to his work. What unique benefits can lawyers provide in the conversation around activism, local action, and affecting policy change in their communities?
- Consider the conversation around Confederate monuments from the CNN podcast. Does your organization uphold monuments, either literal or figurative, from the past that are harmful or speak to a time in history that caused disproportionate harm to Black people? Why have those monuments remained? How can they be removed?

## **Day 18: Intersectionality: Is the Legal Profession Hostile to Black Women?**

- What is intersectionality? The term was initially coined in relationship to the legal profession, specifically related to an employment discrimination case brought forward by Black women. How do you define intersectionality?
- The question for the theme of this day's reading is mostly rhetorical, but what are the ways in which the article details how the legal profession is hostile to Black women?
  - What are ways change could take place to eliminate the disproportionate hostility Black women legal professionals face?

## Day 19: Intersectionality: Black Immigrant Experiences

- President Biden has deported thousands of Black immigrants (primarily from Haiti) since the start of his administration, and past Presidents of both parties have also targeted Black immigrants for deportations historically.
- What are the impacts that Black immigrants uniquely face at the intersections of race, national origin, native tongue, and immigrant status?

## Day 20: Dismantling White Supremacy

- How does white supremacy operate on a national scale? A global scale?
- Reflect back (as you may have earlier in this Challenge) on what you learned in school about race. Did your textbooks discuss white people with the same specificity they discussed Black people?
- How does avoiding discussing race issues in textbooks and other teaching material perpetuate inequality and white supremacy?

## Day 21: Restorative Justice

- What are reparations? Is this your first time learning about them? If so, why do you think that could be? If not, when did you first learn about them?
- How have economic inequity and racial inequity been intertwined in US history, especially related to laws and policies?
- How will you seek to make change and work toward restorative justice?

## Pledge Groups

The following ABA entities and affiliated groups have had participants (current # listed in parentheses, and counting!) who have pledged to participate in the Challenge:

- American Immigration Lawyers Association
- Center for Human Rights
- Commission on Hispanic Legal Rights and Responsibilities
- Commission on Immigration
- Forum on Franchising
- Government and Public Sector Lawyers Division
- Judicial Division
- Law Student Division
- Section of Antitrust Law
- Section of Business Law
- Section of Civil Rights and Social Justice

- Section of International Law
- Section of Labor and Employment Law
- Section of Litigation
- Section of Real Property, Trusts, and Estates
- Solo, Small Firm, and General Practice Division

## Special Thanks

Special Thanks to the D&I Advisory Council 21-Day Challenge Committee:

- Samantha Grant, 21-Day Challenge Committee Chair
- Hon. Adrienne Nelson, Diversity and Inclusion Center and Advisory Council Chair
- Kelly Dermody, Section of Labor and Employment Law
- Michelle Jacobson, Section of International Law
- Lillian Moy, Coalition on Racial and Ethnic Justice
- Hon. Maureen Mulligan, Commission on Women in the Profession
- Juan Thomas, Section of Civil Rights and Social Justice