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in civil rights and constitutional cases of importance to the millions of people of Hispanic heritage





The 39th Congress recognized that the Thirteenth Amendment alone could not remedy the ongoing barriers preventing opportunities for Black people to meaningfully participate in the economy, and it decided to take further action. *See City of Memphis v. Greene*, 451 U.S. 100, 131 (1981) (White, J. concurring). Section 1981 and the Civil Rights Act of 1866, along with the Thirteenth Amendment and the later passage of the Fourteenth Amendment and the Enforcement Act of 1870, are eroding the remaining structural barriers in place that prevented Black citizens from having equal access to participate in the economy. *Pa.*, 458 U.S. 375, 391, 410 (1982) (Marshall, T., dissenting).

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However, it was the Black Codes enacted by southern states and the acts of private discrimination and violence against Black individuals that solidified the LILFREMHFWSödefegisl naRightvTQ( T

*See* Sullivan, 98 Yale L.J., at 549

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#### **IV. Applying Section 1981 to Prohibit Remedial Philanthropy Would Hinder Black**





/s/ Efrén C. Olivares

Efrén C. Olivares\*  
Southern Poverty Law Center  
150 E. Ponce De Leon Avenue, Suite 340  
Decatur, GA 30030  
Phone: 404-821-6443  
Email: [efren.olivares@splcenter.org](mailto:efren.olivares@splcenter.org)

*\*Pro hac vice* application forthcoming

/s/ Leslie Faith Jones

Leslie Faith Jones\*  
Andrea Alajbegovic\*  
Southern Poverty Law Center  
111 East Capitol Street, Suite 280  
Jackson, MS 39201  
Phone: (601) 317-7519  
Email: [leslie.jones@splcenter.org](mailto:leslie.jones@splcenter.org)  
Email: [andrea.alajbegovis@splcenter.org](mailto:andrea.alajbegovis@splcenter.org)

*\*Pro hac vice* applications forthcoming

*Counsel for Proposed Amicus Curiae Southern Poverty Law Center, Hispanic National Bar Association, and Asian Americans Advancing Justice AAJC*

Submitted: December 20, 2023

/s/ Jennifer Vail

Jennifer Vail\*  
Lucia Goin\*  
Southern Poverty Law Center  
1101 17<sup>th</sup> Street NW, Suite 705  
Washington, DC 20036  
Phone: (201) 469-6455  
Email: [jennifer.vail@splcenter.org](mailto:jennifer.vail@splcenter.org)  
Email: [lucia.goin@splcenter.org](mailto:lucia.goin@splcenter.org)

*\*Pro hac vice* applications forthcoming

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2023, a true and correct copy of the foregoing *Motion of Southern Poverty Law Center National Bar Association, and Asian Americans Advancing Justice AAJC*