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A MISSED OPPORTUNITY FOR STATE CONVERSATION: HOW SB 1286 COULD HAVE PAVED COMMON GROUND FOR OKLAHOMANS

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I. INTRODUCTION

In 2020, Oklahoma's legislature missed a timely opportunity to adopt a bill to create a commission that would recommend changes of state legislation and policies related to diversity, including racial discrimination and bias. State Senator George Young of the 48th District authored, and State Representative Regina Goodwin coauthored, State Senate Bill 1286 (SB 1286).¹ SB 1286 would have created the *first* Oklahoma Commission on Race and Equality. The commission would contribute insight and

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1. *Bill Information for SB 1286*, Oklahoma State Legislature, <http://www.oklegislature.gov/BillInfo.aspx?Bill=sb1286&Session=2000> (last visited Oct. 4 2020).

advise on Oklahoma diversity to the production and implementation of Oklahoma laws.

This essay shall examine the background and motives of the proposed SB 1286, consider the diversity landscape in Oklahoma's legal education, legal field, and legislature, and explain why the diversity conversation in Oklahoma should not divide Oklahomans.

II. BACKGROUND

A. Senator Young's Background

Reverend Doctor George E. Young, Sr. was born in Memphis, Tennessee.² After thirty years of pastoral service, Reverend Young retired in 2013.³ Reverend Young was elected to the Oklahoma State House of Representatives in 2014.⁴ He was later elected as the Democratic Caucus Vice Chair and served as the Oklahoma Legislative Black Caucus Chair.⁵ On November 6, 2018, he was elected to the Oklahoma State Senate.⁶

B. Author of SB 1286: Senator Young

Senator Young authored SB 1286 in November 2019, with the purpose of bringing diversity to the forefront of Oklahoma state legislation.⁷ SB 1286 was authored before the country knew of what transpired with George Floyd and the impassioned debates of race and policing that ensued surrounding his death.⁸ Senator Young said there was no single event that motivated him to attempt to create Oklahoma's first commission on race and equality. Rather, he said, "I have seen so much as an African American growing up in Tennessee. It was living my entire life as an African American that motivated me. Social issues are heard all the time, but nothing is done."⁹ Creating a state commission that would focus on the issues that inspired and continues to inspire masses of people to march and

2. *Senator George Young*, Oklahoma Senate, <https://oksenate.gov/senators/george-young> (last visited Oct. 3, 2020).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. Telephone Interview with George Young, Oklahoma State Senator (Sept. 24, 2020).

8. *Id.*

9. *Id.*

protest across the country and Oklahoma was at the core of Senator Young's motivation.

C. The Structure of SB 1286

One notable feature of the proposed bill was the structure and various sources of appointments. The well-rounded commission would have provided oversight and recommendations to state lawmakers that would have improved the lives of Oklahomans.¹⁰ The commission would consist of thirty members.¹¹ The members were to be appointed as follows: eight members appointed by the Governor, eight members appointed by the President Pro Tempore of the Senate, eight members appointed by the Speaker of the House of Representatives, and six members appointed by the Oklahoma Legislative Black Caucus. All members would have been appointed for a term of five years.¹²

The commission authority would operate primarily by reviewing legislation and proposing recommended changes to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The authority provided in the bill was as follows:

1. Advise on equality issues relating to racial discrimination and bias, state agencies and employees, communities, organizations, and businesses of this state which desire the services of the commission;
2. Monitor legislation to determine whether legislation is discriminatory toward one race or ethnicity, or whether the race or ethnicity of an individual would have an effect on the enforcement of the legislation;
3. Act as a resource and clearinghouse for research on the issues related to racial discrimination and bias;
4. Conduct meetings and seminars within the state as appropriate to support the goals and duties of the commission; and
5. Report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives of its activities. The report recommendations may include recommendations concerning needed legislation or regulatory

10. *Id.*

11. S.B. 1286, 57th Leg., 2d Sess. § 1(A) (Okla. 2020).

12. *Id.*

changes relating to racial discrimination and bias.¹³

If this bill would have been enacted into law, diversity would have become a matter which legislators would want to consider to prevent the commission from proposing additional changes to its bill. “[T]he Oklahoma legislative process requires a ‘fiscal impact’ be provided on each bill, shouldn’t we really want to know the ‘human impact’ most importantly?”¹⁴

D. The Timing of the Proposed SB 1286 Conversation

SB 1286 would have gone into effect on November 1, 2020, the month of the presidential election. It would have been during a time in which the names Breonna Taylor, George Floyd, Jacob Blake, and countless other African Americans shot by law enforcement compelled the country to enter into deeper conversations regarding race and equality in America. As seen across the country, these conversations often lead to passionate debate in political discourse. Inevitably Americans and, in particular, Oklahomans, vary in political affiliation and ideology. As a result, national campaigns, like Black Lives Matter, are interpreted as peaceful activism to police injustice by its supporters but seen as race rioting by those who oppose the movement.¹⁵

Similarly, headlines of detained Central American children at our southern border are perceived as children in cages by pro-immigration supporters but as security to a migrant invasion by stricter immigration opposers. Race and equality conversations that become arguments pivot away from resolutions each side of the argument wishes to have addressed. At the core of these standstill arguments are missed opportunities for productive—or at the minimum, educational—conversations to better understand each perspective. The national conversation of race and discrimination in our country and state has divided some and united others. Nonetheless, in a sense, by authoring SB 1286, Senator Young has publicly declared to the state of Oklahoma and to his fellow Oklahoma lawmakers that now, more than ever, is the time for the conversation. SB 1286 was a missed opportunity for Oklahoma lawmakers to have that

13. *Id.* § 1(D).

14. Interview with Jim Roth, Dean and Professor of Law, Oklahoma City University School of Law (Jan. 13, 2021).

15. Black Lives Matter, <https://blacklivesmatter.com/about/> (last visited Oct. 3, 2020).

conversation for Oklahomans.

E. SB 1286 Pushback

SB 1286's path to state implementation was denied, as it failed to survive through committee.¹⁶ Although Oklahoma lawmakers are not having the diversity conversation this specific bill recommends, Oklahomans deserve to have their representatives deliberate and focus on their respective needs. Given the adverse climate of opposing approaches to inclusion in our country and state, having this particular conversation in the state legislature could pave common ground in Oklahoma. Ultimately, SB 1286 sought to bring in the needs of all Oklahomans, including the many nonracial needs. Senator Young said, "[t]he idea of diversity is inclusive. This includes the needs of the Hispanic, Asian, and Muslim communities, etc. Because this bill isn't just racial, it is equality driven."¹⁷ It is important to note and echo that *diversity is not exclusive to racial matters*. Some people may habitually link or associate diversity to just racial or ethnic affairs, and while there is a strong nexus between diversity and race or ethnic affairs, it also includes an individual's income, social class, gender, and other factors. "Diversity, equity, and inclusion (DEI) initiatives should factor in multiple aspects of diversity, such as class and disability, as well as gender and race."¹⁸

The needs of the rural, suburban, and inner-city communities in Oklahoma should also be considered in the conversation of state diversity. The differing Oklahoma communities should receive consideration and appreciation for each of their respective needs. "SB 1286 sought to combat the needs of our inner cities and rural areas. We need the right perspectives to address race but also equality in the general sense for all Oklahomans."¹⁹ Collin Walke, an Oklahoma House of Representative for the 87th District, an alumnus of the Oklahoma City University School of

16. *Bill Information for SB 1286*, Oklahoma State Legislature, <http://www.oklegislature.gov/BillInfo.aspx?Bill=sb1286&Session=2000> (last visited Oct. 4 2020).

17. Telephone Interview with George Young, Oklahoma State Senator (Sept. 24, 2020).

18. John C. Williams, Marina Multhaupt & Sky Mihaylo, *Why Companies Should Add Class to Their Diversity Discussions*, HARVARD BUSINESS REVIEW (Sept. 5, 2018), <https://hbr.org/2018/09/why-companies-should-add-class-to-their-diversity-discussions>.

19. Telephone Interview with George Young, Oklahoma State Senator (Sept. 24, 2020).

Law (“OCU Law”), “finds it odd when people reject the idea of learning about diversity.”²⁰ Representative Walke thinks it doesn’t make sense and that it is bizarre when state legislators or anyone decides to vote against something that promotes diversity with the rationale, “[that it is] an issue that doesn’t affect me because I am a white straight male, and my constituency is ninety-percent white.”²¹ Investigating how race or gender status may affect individuals is an educational experience.²² When considering the lack of support for SB 1286, Representative Walke believes “No one should be scared of anything that promotes diversity. What is inherently terrifying from diversity? Nothing. There is nothing to be scared of. Any time for something like SB 1286 to be passed is a good time.”²³ Despite the fact SB 1286 failed to survive the committee, it is not a failure. The mere creation of the bill may prove to be a step forward toward common ground in Oklahoma. If more state legislators begin to author bills similar to SB 1286, perhaps the diversity conversation may be ignited outside the doors of the State Capitol and throughout Oklahoma.

III. COMMENTARY

A. Why the Diversity Conversation Matters for Oklahoma’s Legal System

Senator Young believes “there is a clear problem [and therefore] these discussions are important.”²⁴ Law enforcement and the jailing of certain groups more than others are among the reasons the diversity conversation matters to Senator Young.²⁵ “We know that minor drug crimes lead to higher sentences for certain people. Let’s stop the targeting of minority low-income communities. The system is a money-making machine—one that needs products. Unfortunately, low-income minorities are that product.”²⁶ According to the Oklahoma Policy Institute, “Oklahomans of color still face huge gaps in wealth, health, and opportunity. These gaps reflect a long history of violence and discrimination, as well as continuing state and national policies that disproportionately arrest and incarcerate

20. Interview with Collin Walke, Oklahoma House Representative (Sept. 23, 2020).

21. *Id.*

22. *Id.*

23. *Id.*

24. Telephone Interview with George Young, Oklahoma State Senator (Sept. 24, 2020).

25. *Id.*

26. *Id.*

Oklahomans of color, [and] suppress wages . . . for Oklahomans.”²⁷ Thus, the diversity conversation matters because state laws affect all Oklahomans. Now, more than ever, differences should be set aside to move Oklahoma forward in the direction of state unity. A more united Oklahoma is a stronger Oklahoma, and that should be one of the goals and motivations of a state legislature.

Furthermore, the fact that SB 1286 did not survive committee is reflective on where Oklahoma currently stands on the consideration of diversity when creating state legislation and emphasizes the importance of the race and equality conversation for Oklahomans. Having the diversity conversation in the Oklahoma legislature does not necessarily mean state laws would lean entirely one sided on an issue. It would merely be the beginning of an ongoing pursuit towards common ground for the needs of *all* Oklahomans. Discussing and acting to combat diversity issues in the state legislature and outside of it would immensely benefit Oklahoma’s legal system and Oklahomans.

B. Diversity in Oklahoma’s Legal Education

According to the United States Census Bureau, Oklahoma’s total population as estimated in July 2019 amounts to 3,956,971.²⁸ Of Oklahoma’s population, White/Caucasians comprise 74%, Hispanic/Latinos 11.1%, African Americans 7.8%, American Indians 9.4%, and Asians 2.4%.²⁹ The statistics are clear—Oklahoma is overwhelmingly a White/Caucasian state. Diversity legislation impacting Oklahomans is likely to be litigated more often due to the ever-growing diverse group of attorneys admitted to practice law in Oklahoma. Further, according to the American Bar Association Standard 509 Information Report, OCU Law led all Oklahoma law schools in the total enrollment of students that identified as being diverse in 2019. The University of Tulsa College of Law had 88 out of 307 enrolled students who identify as diverse.³⁰ The University of Oklahoma College of Law had 140 out of 500

27. Race & Equity, Oklahoma Policy Institute (2019), <https://okpolicy.org/issues/race-equity/> (last visited Dec 10, 2020).

28. United States Census Bureau, <https://www.census.gov/quickfacts/OK> (last visited Oct. 4, 2020).

29. *Id.*

30. American Bar Association, *Section of Legal Education and Admissions to the Bar*, <http://www.abarequreddisclosures.org/Disclosure509.aspx> (choose “2019” from Standard 509 Information Reports; then choose “University of Tulsa”).

enrolled students who identify as diverse.³¹ OCU Law led all Oklahoma law schools with 167 out of 400 enrolled students who identified as diverse.³² OCU Law has demonstrated its priority to produce competent and diverse attorneys that will advocate for diverse Oklahomans.

Dean and Professor of Law of OCU Law, Jim Roth, believes, “we must recognize the importance of diversity in existence and effect.”³³ Dean Roth further elaborated

Our laws and legal systems have been historically dominated by male and pale perspectives, devoid of a fuller understanding of the reality-as-lived American experience. And over time these narrow views have too narrowly framed the laws that now more broadly impact our lives disparately, which is why it is critical for policy makers to know the practical implications of the laws they pass. That’s why I am grateful that OCU School of Law walks the walk to attract and educate tomorrow’s lawyers who can correct the disparities that unfairly impact diverse citizens and move us towards that more perfect union we were all promised.³⁴

Christopher Sokol, the Director of Student Success at OCU Law, stated, “OCU Law is committed to recruiting diverse students and ensuring their success once admitted At OCU Law, we embrace diversity in all its forms. Our student body represents a rich tapestry of backgrounds, skills, abilities, and perspectives. Here, everyone has an equal voice.”³⁵

Mr. Sokol, and other Directors of Student Success across law schools, play an instrumental role in ensuring that students of untraditional or diverse backgrounds excel in their legal studies and later contribute to their respective legal markets. Directors like Mr. Sokol often have a profound influence on future attorneys, judges, or lawmakers through relationships

31. American Bar Association, *Section of Legal Education and Admissions to the Bar*, <http://www.abarequireddisclosures.org/Disclosure509.aspx> (choose “2019” from Standard 509 Information Reports; then choose “University of Oklahoma”).

32. American Bar Association, *Section of Legal Education and Admissions to the Bar*, <http://www.abarequireddisclosures.org/Disclosure509.aspx> (choose “2019” from Standard 509 Information Reports; then choose “Oklahoma City University”).

33. Interview with Jim Roth, Dean and Professor of Law, Oklahoma City University School of Law (Jan. 13, 2021).

34. *Id.*

35. Interview with Christopher Sokol, Director of Student Success, Oklahoma City University School of Law (Oct. 2, 2020).

that are unmeasurable or difficult to attain through statistics. In other words, the behind-the-scenes interaction and personal investments in law students may play an essential role in the legal market.

A testament of OCU Law's diverse student success is alumnus Javier Hernandez, Oklahoma's *first* Deferred Action of Childhood Arrival (DACA) recipient admitted to the Oklahoma bar.³⁶ According to the U.S. Citizenship and Immigration Services, "certain people who [come] to the United States as children and meet . . . guidelines may request consideration of [DACA] for . . . two years, subject to renewal. . . . [DACA] is a use of prosecutorial discretion to defer removal action . . . for a certain period of time."³⁷ Mr. Hernandez is encouraged that OCU Law values recruiting diverse classes because, "Oklahoma is in dire need of more Latina, Latino, and Latinx attorneys who speak our people's language and understand our people's culture."³⁸ Mr. Hernandez has experienced firsthand, before and after the practice of law, how language and culture may impact a potential client's willingness to engage in the legal system. "We often hear— 'I had trouble finding a Spanish-speaking attorney.' Our people are afraid to enter the judicial system. This fear can be lessened and their rights protected by having an attorney who can communicate with them and help navigate the complex legal system."³⁹ Mr. Hernandez is optimistic to see the positive impact the Latina, Latino, and Latinx community can have in Oklahoma's practice of law.⁴⁰

Another example of diverse student success is OCU Law alumnus and Oklahoma House Representative for the 89th District, Jose Cruz. Representative Cruz believes

diversity in the law is crucial because our country's most oppressive legislation goes unchecked in the name of national security, at the expense of minorities' rights. For example, in this administration, agency heads are improperly appointed, agency officials perform forced medical procedures on detainees, and

36. Miguel Rios, *Cover: Shadow of Doubt*, OKLAHOMA GAZETTE, (May 10, 2019), <https://www.okgazette.com/oklahoma/cover-shadow-of-doubt/Content?oid=6155341>.

37. United States Citizenship and Immigration Services, *Consideration of Deferred Action for Childhood Arrivals*, <https://www.uscis.gov/archive/consideration-of-deferred-action-for-childhood-arrivals-daca>.

38. Telephone Interview with Javier Hernandez, Partner, Hernandez and Dunn (Oct. 2, 2020).

39. *Id.*

40. *Id.*

they also conduct unconstitutional raids. These officials use false warrants to convince non-English-speaking immigrants that their arrest is constitutional. Unfortunately, these are only a few of the injustices, because down to the county and municipal levels, immigrants face legal injustices every day.⁴¹

Mr. Hernandez and Representative Cruz are exceptional examples of how diversity can serve in Oklahoma's legal system. However, there is a lack of Latino or Hispanic presence in the legal profession. According to statistics from the Hispanic National Bar Association (HNBA), "Hispanics – who are 18 percent of the population – comprise about 4 percent of U.S. lawyers. For Latinas, these numbers are even smaller; Latinas account for less than 2 percent of American lawyers."⁴² OCU Law's investment in diversifying recruitment should continue to have an impact in Oklahoma's legal profession.

C. Diversity in Oklahoma's Legal Market

Oklahoma law schools are not alone in the value placed on diversity. Oklahoma law firms also value acquiring a wide range of attorneys with unique backgrounds to better serve the needs of clients. Crowe & Dunlevy, one of Oklahoma's most distinguished law firms, has made its mission to recruit diverse attorneys. Aimee Majoue, an OCU Law alumna, serves on the board of the Crowe & Dunlevy's Diversity Scholar Program. The Diversity Scholar Program was created to break barriers that keep diverse law students from being in the same pipeline for big firm jobs as non-diverse law students.⁴³ It not only provides financial support to diverse law students but also provides them mentorship and opportunities that may not otherwise be available to the law student.⁴⁴ Ms. Majoue believes the Diversity Scholar Program "has impacted Crowe & Dunlevy in that we have not only increased the number of our diverse attorneys but more

41. Interview with Jose Cruz, Oklahoma House Representative District 89 (Oct. 2, 2020).

42. Raul A. Reyes, 'Where Are all the Latino Lawyers?': Hispanics Scarce in the Legal Profession' NBC NEWS (Oct. 13, 2017, 7:51 AM), <https://www.nbcnews.com/news/latino/where-are-all-latino-lawyers-hispanics-scarce-legal-profession-n809141>.

43. Interview with Aimee Majoue, Associate Attorney, Crowe & Dunlevy, PC. (Oct. 2, 2020).

44. *Id.*

importantly have provided mentorship and presence throughout the Oklahoma law school communities for diverse students.”⁴⁵ She believes that for the same reasons as the legal field benefits from diversity, the law school classroom benefits from having a diverse group of students.⁴⁶ “Diverse ideas only come from having diverse groups representing their background and experiences. Differing opinions, thoughts, ideas, and interpretations of the law are what makes the law a living and breathing thing that needs to constantly be challenged so that true justice may be achieved by our justice system.”⁴⁷

Similar to the rationale of SB 1286, Oklahoma law schools and prominent firms are visibly doing their part to diversify the legal market in Oklahoma under the notion that “more diversity is needed for even better representation of our clients, but also for working productively with opposing counsel on cases.”⁴⁸

D. The State Legislature Conversation on Race and Equality is Pending, Not Dead

Oklahoma’s legislature is currently disproportionately White. Keaton Ross has found that “Black and Hispanic lawmakers have historically been underrepresented in the state legislature.”⁴⁹ “[I]n Oklahoma we have seen low electoral participation and a group of candidates and elected officials who do not reflect the diversity of our population.”⁵⁰ “The vote allows citizens to participate in the political process and ensures that elected officials stay accountable to their constituents.”⁵¹ It may be reasonable that an increased legal market of diverse attorneys in Oklahoma could one day lead to an increase in diversity in the state legislature that would more accurately reflect the diversity in the Oklahoma population.

As mentioned, law schools and law firms in Oklahoma recognize the

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. Keaton Ross, *Legislature Is Disproportionately White. These Candidates Are Trying to Change That*, OKLAHOMA WATCH (July 6, 2020), <https://oklahomawatch.org/2020/07/06/oklahomas-state-legislature-is-disproportionately-white-these-candidates-are-trying-to-change-that/>.

50. *Id.*

51. Voting & Elections, Oklahoma Policy Institute (2020), <https://okpolicy.org/issues/voting-elections/> (last visited Dec. 10, 2020).

importance of recruiting diversity to better serve the legal profession in the state. As a result, the voices of those recruited to law schools like OCU Law, and who are later recruited to influential firms like Crowe & Dunlevy, may have an effect in future conversations of race and equality in Oklahoma's legislature. Diversity continues to impact legal education and the practice of law, and thus diversity within the state legislature will impact lawmaking. Therefore, the race and equality conversation remains pending due to SB 1286 not passing through committee.

When asked whether he was optimistic about SB 1286 becoming law in Oklahoma, Senator Young responded:

I am more optimistic because of the national conversation. In fact, I will resubmit this bill next session. This bill isn't dead. The recent verdict of Breonna Taylor makes this more of a conversation people are having. I have more folks that are listening because of where our country is at. Let's look at things that can actually make a difference. Let's make strong recommendations. And that is what SB 1286 would do.⁵²

Irrespective to political party affiliation, political ideology, or preferred media sources, the matter of race and equality in this country and state is worthy of the conversation.

D. "Out of Many, One" The Diversity Conversation Should Not Divide Oklahomans

The people of Oklahoma and state lawmakers should learn something from the unique friendship of the late Justices Scalia and Ginsburg. They were two giants of the Supreme Court who could not have sat further away on the bench in terms of their approach to judicial interpretation yet who could not have sat any closer in their allegiance to each other as people. Comparably, in this current political climate, it seems that some of America's citizens and states cannot sit further away from each other at the bench of the union.

Justice Scalia, before his passing, stated the following on his dear friendship with Justice Ginsburg: "Call us the odd couple. She likes opera, and she's a very nice person. What's not to like? Except her views on the

52. Telephone Interview with George Young, Oklahoma State Senator (Sept. 24, 2020).

law.”⁵³ Justice Ginsburg appropriately responded at the funeral of the late Justice Scalia. “Toward the end of the opera ‘Scalia/Ginsburg,’ tenor Scalia and soprano Ginsburg sing a duet: ‘We are different, we are one,’ different in our interpretation of written texts, one in our reverence for the Constitution and the institution we serve.”⁵⁴ The friendship of Justice Scalia and Justice Ginsburg far surpassed any differences the pair held while on the bench. “Just as powerful as their shared love of opera and jurisprudence may have been their upbringing in the outer boroughs of New York. Scalia was a conservative from a liberal metropolis; Ginsburg was a liberal who worked, increasingly, in a conservative court.”⁵⁵ Both of these Supreme Court justices are praised highly by supporters of their approaches to judicial review. Yet, given their polar opposite jurisprudence, it is oxymoronic that the pair were such close allies. Their friendship serves as an example that should be mirrored by Americans and Oklahomans.

While it may be difficult to objectively discern the complexities of the race and equality conversation, it is essential to approach the conversation with no preconceived notion of an ultimate winner or loser. Oklahomans should have the diversity conversation by consciously distinguishing between a debate and dialogue. “Debate involves a closed, strategic form of persuasion aimed at winning an argument. It involves making a case for your side, then listening attentively to the other side to identify flaws in their logic that you can use against them.”⁵⁶ Debating what is intended to be a conversation is counterintuitive to finding concrete resolution. Oklahomans should work together through diversity issues by genuine dialogue. “Dialogue . . . involves a process of opening, sharing and discovery. . . . It usually requires a carefully facilitated process where the participants share personal stories about their own experiences and often

53. Manuel Ceneta, *Antonin Scalia: In his own unforgettable words*, LOS ANGELES TIMES (Feb. 13, 2016, 6:56 PM), <https://www.latimes.com/nation/la-na-scalia-quotes-20160213-story.html>.

54. Shannon Bream & Bill Mears, *The Ginsburg and Scalia Show: “Best Buddies” on and off the bench*, FOX NEWS (Sept. 21, 2020), <https://www.foxnews.com/politics/the-ginsburg-and-scalia-show-best-buddies-on-and-off-the-bench>.

55. Jennifer Senior, *The Ginsburg-Scalia Act Was Not a Farce*, THE NEW YORK TIMES (Sept. 22, 2020), <https://www.nytimes.com/2020/09/22/opinion/ruth-bader-ginsburg-antonin-scalia.html>.

56. Peter Coleman, *Can’t touch this - why talking across our political divide is not enough*, THE HILL (May 13, 2020, 8:30 AM), <https://thehill.com/opinion/campaign/497365-cant-touch-this-why-talking-across-our-political-divide-is-not-enough>.

learn new things about themselves, the others and the issues under discussion.”⁵⁷

However, the diversity conversation alone is not the solution. The conversation of race and equality is the beginning for both sides of a race or equality issue to better understanding each other. Understanding complex diversity issues impacting the legal system may lead to compromise and resolution. Taking extreme stances on either side of an argument tends to neglect the middle, where common ground can be found. “It’s hard to remember sometimes that political disagreements, in the not-too-distant past, weren’t necessarily cause to retreat into our respective corners, and that ideological differences weren’t viewed as moral defects.”⁵⁸ Justice Scalia once stated, “I attack ideas, I don’t attack people - and some very good people have some very bad ideas.”⁵⁹ He was speaking about his judicial disagreements with Justice Ginsburg.

Oklahomans should not be divided because of the diversity conversation. The rationale of “attacking ideas and not people,” demonstrated by the unique friendship of the late Justice Scalia and the late Justice Ginsburg, is *key* if the Oklahoma legislature is to one day adopt measures of diversity and inclusion with bills similar to SB 1286.

57. *Id.*

58. Senior, *supra* note 53.

59. Ceneta, *supra* note 51.