

The American Alliance for Equal Rights

3571 Far West Blvd #17
Austin, TX 78731

November 4, 2025

Knox County Commission
City-County Building, Suite 603
400 Main Street
Knoxville, TN 37902

Re: Knox County's supplier-diversity program

Knox County Commissioners:

The organization I lead, the American Alliance for Equal Rights, is a national association that opposes racial discrimination in all forms. Since 2021, the Alliance has successfully challenged many programs that discriminate based on race. *See Our Cases*, americanallianceforequalrights.org/our-cases/. It is currently suing another Knoxville organization for racial discrimination in contracting, an organization that happens to be led by one of your former commissioners. *See Am. Alliance for Equal Rights v. The Women, LLC*, 3:25-cv-441-KAC-DCP (E.D. Tenn.).

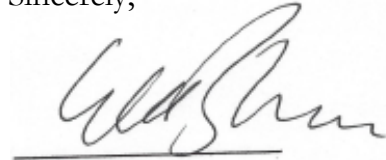
The Alliance is concerned that Knox County's supplier-diversity program violates the U.S. Constitution and other state and federal laws. For years, Knox County has pursued an official goal of "promot[ing] diversity" in its supplier base. *Procurement Regulations* 12-13 (Jan. 3, 2024), perma.cc/3BU8-Q5T8; *accord Procurement Regulations* 17 (Aug. 25, 2020), tinyurl.com/5m9fp9bd. To achieve that goal, the County requires all contractors to "take affirmative action" in hiring employees and subcontractors. *Knox County Government Sample Contract* 3-4 (June 23, 2025), perma.cc/H6J8-HJVV6. The County implements that requirement in multiple ways. It requires contractors to "encourage the use of minority ... business enterprises." *Id.* at 4. It requires contractors to "identify contracts" that they "awarded to minority owned ... businesses." *Id.* And it "strongly encourage[s]" contractors to "solicit minority owned and operated subcontractors." *Id.* at 16 (cleaned up).

These policies appear to encourage contractors to consider race. Considering race as a factor in hiring is illegal—both before and certainly after the Supreme Court's decision in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023). And under the Fourteenth Amendment's Equal Protection Clause, "What cannot be done directly cannot be done indirectly." *Harvard*, 600 U.S. at 230. As a governmental entity, Knox County cannot "encourage" private parties to hire based on race. *W.H. Scott Const. Co., Inc. v. Jackson*, 199 F.3d 206, 215 (5th Cir. 1999); *Monterey Mech. Co. v. Wilson*, 125 F.3d 702, 711 (9th Cir. 1997); *MD/DC/DE Broad. Ass'n v. FCC*, 236 F.3d 13, 17-19 (D.C. Cir. 2001).

The County's supplier-diversity program risks violating this legal command—and for no apparent reason. In the program's documents, the County suggests the program is mandated by "Executive Order 11246," and the County orders contractors to incorporate and follow that executive order. *E.g., Sample Contract* 3 ¶18. But President Trump repealed Executive Order 11246 in January. *See* EO 14173 §3(b)(i)-(ii) (Jan. 5, 2025). And he repealed it precisely because "diversity" programs like the County's encourage "race- and sex-based preferences" that "can violate the civil-rights laws." §1. The County should not be ordering or encouraging such "dangerous," "demeaning," and "illegal" preferences. §1.

The Alliance asks the County to eliminate its supplier-diversity program and all related mandates and provisions. If it does not, we will ask the Tennessee Attorney General's Civil Rights Enforcement Division to take all appropriate action, including litigation. "Eliminating racial discrimination means eliminating all of it." *Harvard*, 600 U.S. at 143. The County's policies should be brought up to date with that command.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Blum", is written over a horizontal line.

Edward Blum
President, American Alliance for
Equal Rights
edwardjayblum@gmail.com

cc: Tennessee Attorney General's Office, Civil Rights Enforcement Division