

THE JOURNAL OF  
**LAW, MEDICINE  
& ETHICS**

VOLUME 49:2 • SUMMER 2021

---

EDITORIAL STAFF

EDITOR-IN-CHIEF

**Aaron S. Kesselheim, M.D., J.D.,  
M.P.H.**

EDITOR

**Edward J. Hutchinson**

ASSISTANT EDITOR

**Margo G. Smith**

---

THE AMERICAN SOCIETY OF  
LAW, MEDICINE & ETHICS

EXECUTIVE DIRECTOR

**Edward J. Hutchinson**

CONFERENCE & MEMBERSHIP

DIRECTOR

**Katie Kenney Johnson**

Founding Editor

**George J. Annas, J.D., M.P.H.**

The *Journal of Law, Medicine & Ethics*  
is owned and published by  
the American Society of Law,  
Medicine & Ethics, Inc.

The views and opinions expressed  
in the *Journal* are those of the authors  
and do not necessarily represent  
the views or opinions of the publisher  
or the *Journal's* editorial staff.

## LETTER FROM THE EDITOR

In 2020 the United States was faced with two separate and yet intertwined crises that challenged both the health and safety of its people, and the very idea of what this nation represents. The first challenge was an external one, COVID-19; it caused the death of thousands of our countrymen and sickened millions more. The second crisis, the central role of racism in American life, was a crisis of our own creation and one that finds its origins in the very founding of what would become our nation more than four hundred years ago. The murder of George Floyd was only the latest example of this racism brought to bear in everyday life, but Floyd's death in 2020 gave new energy to a movement that reckoned with the role racism plays in the life of all Americans. It was a phenomenon we all witnessed even as we continue to fight COVID-19 and see the disparate impacts the virus has on people of color and the poor.

The American Society of Law, Medicine & Ethics has long been interested in exploring this area; in the 1980s the society made health disparities one of our core areas of interest in our mission statement. The past year has brought ample opportunities to explore those disparities. This *JLME* issue that you hold in your hands is the first of two issues that will examine racism and health in the United States. It contains the symposium "Race and Ethnicity in 21st Century Health Care," which is guest-edited by Laura Specker Sullivan and Robert M. Sade. In early 2022, we will publish another symposium exploring the issue from some broader perspectives with a symposium on Health Law and Anti-Racism.

This symposium, which is part of the longstanding partnership between *JLME* and the Thomas Pitts Memorial Lectureship at the Medical University of South Carolina, explores many of the broader questions around racism and health care while also bringing a number of deeply personal stories into the light as well. While some of the articles in the symposium explore affirmative action in medical school admissions, critical race theory, health equity, and social justice, two articles, one by Thaddeus John Bell and one by Lenworth Jacobs, each take an autobiographical approach as the authors explore their own paths to becoming a physician and their efforts in fighting the racism they faced along the way. These deeply fascinating personal stories add depth and context to the broader work we offer elsewhere in the collection of papers. We are proud to publish this important work and look forward to bring our readers more of it in the coming year and beyond.

Ted Hutchinson  
Editor  
*JLME*

**The Journal of Law, Medicine & Ethics (JLME):** Material published in *The Journal of Law, Medicine & Ethics* (JLME) contributes to the educational mission of the American Society of Law, Medicine & Ethics (ASLME), covering public health, health disparities, patient safety and quality of care, and biomedical science and research, and more.

The Journal of Law, Medicine & Ethics is published by Cambridge University Press on behalf of the American Society of Law, Medicine & Ethics.

ISSN: 1073-1105

E-ISSN: 1748-720X

Copyright © 2021, the American Society of Law, Medicine & Ethics. All rights reserved. No portion of the contents may be reproduced in any form without written permission from the publisher

Printed in the USA by The Sheridan Group

#### Editorial Office

*Journal of Law, Medicine & Ethics*, 765 Commonwealth Avenue, Suite 1704, Boston, MA 02215 USA  
Phone: 617-262-4990; Fax: 617-437-7596  
E-mail: thutchinson@aslme.org

**Letters to the Editors:** Comments on articles in the Journal should be addressed to the Editor at the editorial office or emailed to thutchinson@aslme.org

**Submission Guidelines:** For submission guidelines, please contact the editorial office at thutchinson@aslme.org or go to [cambridge.org/jlme/submit](http://cambridge.org/jlme/submit)

**Supplements:** Initial inquiries should be directed to the Editor at the editorial office or emailed to thutchinson@aslme.org

**Subscribe or Recommend a Subscription to your Librarian:** Go to [cambridge.org/jlme/subscribe](http://cambridge.org/jlme/subscribe) or email subscriptions\_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

**Copyright and Permissions:** To request permission for republishing, reproducing, or distributing material from this journal, please visit the desired article at [cambridge.org/jlme](http://cambridge.org/jlme) and click "Rights & Permissions." For additional information, please see [cambridge.org/about-us/rights-permissions](http://cambridge.org/about-us/rights-permissions).

**Advertising and Reprints:** Contact [ad\\_sales@cambridge.org](mailto:ad_sales@cambridge.org). Acceptance of advertising in this journal in no way implies endorsement of the advertised product or service by Cambridge University Press, the American Society of Law, Medicine & Ethics or the journal editor(s). We reserve the right to reject any advertising it deems as inappropriate for this journal.

**Member Subscription Information:** American Society of Law, Medicine & Ethics member inquiries, change of address, back issues, claims, and membership renewal requests should be addressed to Membership Director, American Society of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 1704, Boston, MA 02215; telephone: (617) 262-4990. Requests for replacement issues should be made within six months of the missing or damaged issue. Beyond six months and at the request of the American Society of Law, Medicine & Ethics, the publisher will supply replacement issues when losses have been sustained in transit and when the reserve stock permits.

**Claims or Change of Address for Non-Members:** Should be directed to [subscriptions\\_newyork@cambridge.org](mailto:subscriptions_newyork@cambridge.org) (in the USA, Canada or Mexico) or [journals@cambridge.org](mailto:journals@cambridge.org) (elsewhere).

**Discover the Entire JLME Back Archive:** [cambridge.org/jlme/read](http://cambridge.org/jlme/read)

**Follow JLME on Twitter @JLME\_ASLME**

# THE JOURNAL OF LAW, MEDICINE & ETHICS

VOLUME 49:2 • SUMMER 2021

## BOARD OF EDITORS

Anita Allen-Castellitto, J.D., Ph.D.  
*University of Pennsylvania Law School*

Wendy K. Mariner, J.D., LL.M., M.P.H.  
*Boston University School of Public Health*

R. Alta Charo, J.D.  
*University of Wisconsin Law School*

Maxwell J. Mehlman, J.D.  
*Case Western Reserve University*

Ellen Wright Clayton, M.D., J.D.  
*Vanderbilt University School of Medicine*

E. Haavi Morreim, Ph.D.  
*University of Tennessee College of Medicine*

Bernard M. Dickens, Ph.D., LL.D., LL.M.  
*University of Toronto Faculty of Law*

Thomas H. Murray, Ph.D.  
*The Hastings Center*

Barry Furrow, J.D.  
*Drexel University Earle Mack School of Law*

Wendy E. Parmet, J.D.  
*Northeastern University School of Law*

Jay A. Gold, M.D., J.D., M.P.H.  
*MetaStar, Inc.*

Karen H. Rothenberg, J.D., M.P.A.  
*University of Maryland School of Law*

Lawrence O. Gostin, J.D., LL.D. (Hon.)  
*Georgetown University Law Center  
Johns Hopkins University*

Margaret A. Somerville, A.M., FRSC  
*McGill University*

Ana Smith Iltis, Ph.D.  
*Wake Forest University*

Daniel P. Sulmasy, O.F.M., M.D., Ph.D.  
*University of Chicago*

Nancy M. P. King, J.D.  
*Wake Forest School of Medicine*

Lois Snyder Sulmasy, J.D.  
*American College of Physicians*

John D. Lantos, M.D.  
*Children's Mercy Hospital*

Susan M. Wolf, J.D.  
*University of Minnesota Law School*

Stuart J. Youngner, M.D.  
*Case Western Reserve University*