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AAJC

President and CEO

Maya Wiley

June 18, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 142 undersigned organizations, we urge you to promote, protect, and strengthen programs that achieve diversity, equity, inclusion, and accessibilityⁱ (DEIA) for private employers and government entities.ⁱⁱ These crucial initiatives seek to remedy past and ongoing racial discrimination, which is often compounded by other forms of discrimination and inequity based on sex, disability, age, or national origin, and ensure that the nation can reap the benefits of diversity, equity, inclusion, and accessibility in our economy and across our society.ⁱⁱⁱ It is not possible for businesses to maximize profit and shareholder value, for federal contractors and private employers to comply with the law, for individual employees to reach their full potential, or for federal agencies to fulfill their mandates, without also pursuing diversity, equity, inclusion, and accessibility. This pursuit is vital to economic growth – while underscoring key American values of equal opportunity, freedom, and fairness.

Diversity, Equity, Inclusion, and Accessibility (DEIA) Programs Are Lawful and Help Ensure Compliance with Civil Rights Laws.

For more than 150 years, federal law has recognized and explicitly prohibited racial discrimination in business arrangements. Signed 125 days after the ratification of the 13th Amendment to the Constitution, the Civil Rights Act of 1866^{iv} made clear that the federal government has a responsibility to affirmatively ensure that Black people and other people of color can fully participate in the nation's economy. Building upon and expanding that basic principle, Congress passed Title VII of the Civil Rights Act of 1964^v nearly 100 years later. Since then, the march of progress has moved forward, even while it has been too slow and incomplete.^{vi}

Today, civil rights laws require employers to provide employees with safe work environments free from discrimination, harassment, and intimidation. As you rightly recognized in signing Executive Order 14035, DEIA strategies help employers meet their

June 18, 2024
Page 2 of 10

obligations under these laws^{vii} by enabling them to identify and remedy individual and systemic barriers to opportunity. In this way, DEIA strategies contribute to better working conditions and facilitate compliance with these obligations.^{viii}

Congress has charged federal agencies with advancing these same goals and a whole-of-government commitment is therefore needed.^{ix} While the Department of Justice, Equal Employment Opportunity Commission, and the Office of Federal Contract Compliance Programs (OFCCP) play critical roles in enforcing federal employment nondiscrimination laws and policy,^x other agencies have mandates that require the advancement of diversity, equity, inclusion, and accessibility principles to fulfill their missions. For example, the Department of Commerce is responsible for creating the conditions for economic growth and opportunity for all communities;^{xi} and the Small Business Administration helps Americans start, grow, and build resilient businesses.^{xii} The Department of Labor can use multiple levers, in addition to enforcement of nondiscrimination laws through OFCCP, to promote, and develop the welfare of all wage earners, job seekers, and retirees.^{xiii} DEIA strategies contribute to the work and success of all of these federal agencies.^{xiv}

Unfortunately, opponents seek to manipulate and weaponize civil rights law and the tools of racial progress to maintain white supremacy and reverse the gains we have made toward an America that lives up to its ideals as a nation.^{xv} In addition to disregarding or misrepresenting the well-established role of the federal government in promoting equal economic opportunity, opponents of racial progress have mischaracterized the Supreme Court's June 2023 decisions in *Students for Fair Admissions (SFFA) v. Harvard College/University of North Carolina (UNC)* in a cynical effort to advance a longstanding agenda of economic exclusion and discrimination. The Supreme Court's decisions do not change employers' duty to create workplaces free from discrimination, including through efforts designed to achieve diversity, equity, inclusion, and accessibility.^{xvi} Employers should double down on creating opportunities for all – and the federal government must demonstrate leadership and provide clarity to that end.

Ensuring Diversity, Equity, Inclusion, and Accessibility in Our Economy Benefits Marginalized Communities, Individual Businesses, and the Nation as a Whole.

The vast majority of Americans across racial, ideological, and generational lines agree that corporate America should reflect the racial diversity of America, businesses should take active steps to make sure that companies reflect America's racial diversity, and racial diversity in business leads to greater profitability and innovation.^{xvii} As the American public has correctly recognized, racial diversity is good for business.^{xviii}

However, race-based barriers to wage equality, credit access, and educational opportunity continue to hinder economic progress. The widespread effects of ongoing discrimination contribute to the problem of occupational segregation, in which Black workers are overrepresented in lower paying and higher risk industries.^{xix} Racial disparities in hiring, promotion, and pay persist at significant cost to individuals, families, and the economy as a whole.^{xx} From evidence that *low*-credit risk businesses with Black and Latino owners were approved for full financing at nearly the same rate as *high/medium*-credit risk white-

June 18, 2024
Page 3 of 10

owned firms,^{xxi} to the ongoing overwhelming underrepresentation of Black women business founders among recipients of venture capital funding (despite comprising the fastest growing group of entrepreneurs)^{xxii} and underrepresentation of Asian American/Native Hawaiian/Pacific Islander, African American/Black, Hispanic/Latino, or Native American/Alaska Native executives among C-Suite roles in the S&P 500,^{xxiii} comprehensive action is urgently needed.

Failure to address discrimination and ensure diversity, equity, inclusion, and accessibility is coming at a significant cost.^{xxiv} If sufficient action had been taken two decades ago to remove these barriers to equal opportunity, research has shown that there might have been an additional 0.2 percentage point growth to real GDP per year, an additional 770,000 new homeowners, an additional \$90 to \$113 billion in income, six million more jobs per year, and \$13 trillion in cumulative revenue.^{xxv}

Ongoing discrimination in our economy, whether demonstrated through responses to national polls,^{xxvi} litigation brought by the federal government,^{xxvii} or macro-economic analysis^{xxviii} demands action by all actors and sectors. America is at its best when we break down barriers to ensure all of us — no matter what we look like or where we come from — can succeed. We all benefit when Black, white, Latino, Asian American and Pacific Islander, Middle Eastern, and Indigenous people are empowered to bring their skills and talents to good jobs where they are valued and treated with respect and dignity. When employers remove unfair barriers, seek out applicants from all racial and ethnic backgrounds, and create a workplace culture that fosters respect, workers, businesses, and the nation as a whole can thrive.

While there are those who seek to roll back the clock, halt racial progress, and undermine the gains we have made as a nation,^{xxix} our laws and our values will not allow us to move backwards. We urge you to do all that you can to promote, protect, and expand programs that lead to diversity, equity, inclusion, and accessibility. We look forward to working with you and leaders across our government to achieve these goals. For any questions, please contact Liz King, education equity senior program director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
The Leadership Conference Education Fund
A. Philip Randolph Institute
AAPI New Jersey
Act To Change
AFL-CIO
African American Policy Forum
AFT, AFL-CIO
American Association of University Women
American Atheists
American Civil Liberties Union
American Humanist Association
American Pride Rises

June 18, 2024
Page 4 of 10

APIA Scholars
Arab American Institute (AAI)
Arizona Asian American Native Hawaiian Pacific Islander for Equity
Asian American Federal Employees for Nondiscrimination (AAFEN)
Asian American Federation
Asian Americans Advancing Justice-AAJC
Asian and Pacific Islander American Vote (APIAVote)
Asian Law Alliance
Association of People Supporting Employment First (APSE)
Autistic Self Advocacy Network (ASAN)
Bazelon Center for Mental Health Law
Center for American Progress
Center for Law and Social Policy
Center for Responsible Lending
Center for WorkLife Law
Children's Defense Fund
Clearinghouse on Women's Issues
Coalition on Human Needs
Communications Workers of America
Crescent City Media Group/Center for Civic Action
Disability Rights Advocates
Disability Rights Education & Defense Fund
EdTrust
Education Law Center-PA
EPIC
Equal Rights Advocates
Equality California
Family Voices NJ
Family Voices of Tennessee
Federation of Families of Central Florida, Inc.
Feminist Majority Foundation
Girls Inc.
Hispanic Federation
Houston Immigration Legal Services Collaborative
Human Rights Campaign
Human Rights First
IDRA (Intercultural Development Research Association)
Impact Fund
Japanese American Citizens League (JACL)
Jewish Council for Public Affairs
Joint Center for Political and Economic Studies
Just Solutions
Justice in Aging

June 18, 2024
Page 5 of 10

JustLeadership USA
Keshet
Lambda Legal
Latino Farmers & Ranchers International, Inc.
Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
League of United Latin American Citizens [LULAC]
Louisiana Advocates for Immigrants in Detention
Maine Parent Federation
Mi Familia Vota
Minority Business Enterprise Legal Defense and Education Fund, Inc.
Missouri Asian American Youth Foundation
Montgomery County Progressive Asian American Network (MoCoPAAN)
NAAAP
NAACP
NAACP Legal Defense & Educational Fund, Inc. (LDF)
Nathaniel R. Jones Foundation
National Asian American Pacific Islander Mental Health Association (NAAPIMHA)
National Asian Pacific American Bar Association (NAPABA)
National Association for Latino Community Asset Builders (NALCAB)
National Association of Social Workers (NASW)
National Black Justice Coalition
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Coalition on Black Civic Participation/Black Women's Roundtable
National Community Action Partnership
National Consumer Law Center (on behalf of its low-income clients)
National Council of Churches
National Council of Jewish Women
National Council of Negro Women (NCNW)
National Disability Rights Network (NDRN)
National Education Association (NEA)
National Employment Law Project
National Employment Lawyers Association
National Fair Housing Alliance
National Housing Law Project
National Institute for Workers' Rights
National LGBTQ Task Force Action Fund
National Organization for Women
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Young Farmers Coalition

June 18, 2024
Page 6 of 10

NCAAT In Action
NETWORK Lobby for Catholic Social Justice
North Carolina Asian Americans Together (NCAAT)
OCA - Asian Pacific American Advocates
Open to All
Parents as Teachers
PEAK Parent Center
PEAL Center
People For the American Way
PERIL: the Polarization & Extremism Research and Innovation Lab
PolicyLink
Pride at Work
Progress Arizona
Project On Government Oversight
Public Justice
Reproaction
Rights CoLab
Robert F. Kennedy Human Rights
Rural Coalition
Self-Help Credit Union
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
Silver State Equality-Nevada
Sojourners/SojoAction
South Asian Public Health Association (SAPHA)
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center Action Fund
SPAN Parent Advocacy Network
Springfield Food Policy Council/40 Acres Farms
Texas Parent to Parent
The Arc of the United States
The Parents' Place of MD
The Restaurant Opportunities Center of Michigan (ROC Michigan)
The Restaurant Opportunities Center of Pennsylvania (ROC PA)
The Restaurant Opportunities Centers United (ROC UNITED)
The Sikh Coalition
The Workers Circle
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism
United Steelworkers
Vermont Federation of Families for Children's Mental Health
Women Employed
Working IDEAL

June 18, 2024
Page 7 of 10

Workplace Fairness

ⁱ For the purposes of this letter, DEIA programs, policies, and initiatives are those which ensure that all people—regardless of identity, race, ethnicity, sex (including sexual orientation and gender identity), background, disability, culture, religion, age, and beliefs—are consistently and systematically treated fairly, justly, and impartially (including individuals who belong to underserved communities that have been denied such treatment) and have their talents and skills recognized and appreciated; and which are intended to design, construct, develop, and maintain facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. These programs include efforts to: expand recruitment efforts to increase the diversity of qualified job applicants; create an inclusive work environment, such as by providing workforce trainings to prevent and remedy harassment; set aspirational workforce representation goals; communicate the value of diversity and its importance to the work; assess artificial barriers to equity, such as algorithmically-based hiring systems, for potentially discriminatory outcomes; and remove job qualifications that are unnecessary and unrelated to the position to increase the diversity of qualified applicants (such as degree requirements that are not job-related).

ⁱⁱ These comments are offered, in part, in response to the Department of Commerce’s Notice published in the Federal Register on November 29, 2023 regarding the draft Business Diversity Principles. Organizations have submitted separate detailed comments that included both support for those principles and specific recommendations for how they should be strengthened. The Department’s Notice requesting comment is available here:

<https://www.federalregister.gov/documents/2023/11/29/2023-26254/business-diversity-principles>

ⁱⁱⁱ This letter is largely focused on ongoing racial disparities in our economy, racial discrimination, and the attacks on efforts to achieve racial diversity, equity, inclusion, and accessibility. Discrimination, exclusion, and inequities do not exist solely on the basis of race and strategies to achieve diversity, equity, and inclusion have never been exclusively about race. For many people of color, these barriers and experiences of discrimination and marginalization are amplified because of their intersectional identities. Women, religious minorities, language minorities, seniors, immigrants, and people who are LGBTQ+ or disabled do not have equitable access to our economy because of the barriers they face. As is the refrain of The Leadership Conference, the struggle of civil rights cannot be won by any one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for everyone.

^{iv} 42 U.S.C. § 1981, commonly referred to as “Section 1981.” For more about Section 1981, see

<https://crsreports.congress.gov/product/pdf/IF/IF12535>.

^v For more about Title VII see: <https://www.justice.gov/crt/laws-we-enforce>. Title VII of the Civil Rights Act makes it unlawful for an employer to discriminate against someone because of race, color, religion, sex (including pregnancy, childbirth, and related conditions, sexual orientation, and gender identity), or national origin. Additional federal laws protecting people from employment discrimination include: the Americans with Disabilities Act, the Rehabilitation Act, the Workforce Innovation and Opportunity Act, the Vietnam Era Veterans’ Readjustment Assistance Act, the Civil Service Reform Act, and the Pregnant Workers Fairness Act.

^{vi} See, for example: Bowdler, Janis and Benjamin Harris. “Racial Inequality in the United States.” U.S. Department of the Treasury. July 21, 2022. <https://home.treasury.gov/news/featured-stories/racial-inequality-in-the-united-states>; Perry, Andre, Hannah Stephens and Manann Donoghoe. “Black wealth is increasing, but so is the racial wealth gap.” *Brookings*. January 9, 2024. <https://www.brookings.edu/articles/black-wealth-is-increasing-but-so-is-the-racial-wealth-gap/>; McKay, Lisa Camner. “How the racial wealth gap has evolved—and why it persists.” *Federal*

Reserve Bank of Minneapolis. October 3, 2022. <https://www.minneapolisfed.org/article/2022/how-the-racial-wealth-gap-has-evolved-and-why-it-persists>;

^{vii} U.S. Equal Employment Opportunity Commission, “Best practices for employers and human resources/eeo professionals,” available at <https://www.eeoc.gov/initiatives/e-race/best-practices-employers-and-human-resourceeseo-professionals>

^{viii} Courts have already considered and answered the question of whether DEIA policies alone violate civil rights law. See, for example: *Bissett v. Beau Rivage Resorts Inc.*, 442 F. App’x 148, 152–53 (5th Cir. 2011); *Roy v. Soar Corp.*, 2014 WL 4209549 (E.D. Pa. Aug. 25, 2014); *Jones v. Bernanke*, 493 F. Supp. 2d 18, 29 (D.D.C. 2007), aff’d on other grounds, 557 F.3d 670 (D.C. Cir. 2009).

^{ix} In addition to the mandates of individual federal agencies, previous presidents have for many decades also invoked the national imperative of achieving diversity, equity, inclusion, and accessibility. On June 25, 1941, President Franklin D. Roosevelt signed EO 8802 prohibiting ethnic or racial discrimination in the nation’s defense industry, including in companies, unions, and federal agencies and establishing the Fair Employment Practice Committee (see: <https://www.archives.gov/milestone-documents/executive-order-8802>). This was built upon by President Dwight D. Eisenhower who signed EO 10479 on August 13, 1953 establishing the anti-discrimination Government Contract Committee (see: <https://www.presidency.ucsb.edu/documents/executive-order-10479-establishing-the-government-contract-committee>). This was superseded by EO 10925, signed by President John F. Kennedy on March 6, 1961, establishing the President’s Committee on Equal Employment Opportunity (see: https://archives.federalregister.gov/issue_slice/1961/3/8/1975-1980.pdf). On September 24, 1965, President Lyndon B. Johnson signed EO 11246 prohibiting federal contractors and federally-assisted construction contractors and subcontractors from discriminating in employment decisions on the basis of race, color, religion, and national origin. President Johnson amended the Executive Order with EO 11375 on October 13, 1967 to include sex and President Barack H. Obama further amended EO 11246 to include sexual orientation and gender identity on July 21, 2014 with EO 13672 (see: <https://www.dol.gov/agencies/ofccp/about/executive-order-11246-history> and https://archives.federalregister.gov/issue_slice/1967/10/17/14299-14304.pdf).

^x See: “Overview”. U.S. Equal Employment Opportunity Commission. Accessed on May 22, 2024. <https://www.eeoc.gov/overview> and “About Us”. Office of Federal Contract Compliance Programs. Accessed on May 22, 2024. <https://www.dol.gov/agencies/ofccp/about>.

^{xi} “About Commerce”. U.S. Department of Commerce. Accessed on May 22, 2024. <https://www.commerce.gov/about>

^{xii} “Organization”. U.S. Small Business Administration. Accessed on May 22, 2024. <https://www.sba.gov/about-sba/organization>

^{xiii} “About Us.” U.S. Department of Labor. Accessed on May 22, 2024. <https://www.dol.gov/general/aboutdol>

^{xiv} See also: Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government signed on January 20, 2021 (available here: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>); Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce signed on June 25, 2021 (available here: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>); and Executive Order 14091: Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government signed on February 16, 2023 (available here: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>). The Leadership Conference Education Fund released a report in April 2023 evaluating the work of federal agencies in implementing the mandates of these Executive Orders: <https://civilrights.org/2023/04/13/one-year-after-biden-administration-releases-agency-equity-action-plans-civil-rights-group-calls-for-data-to-track-progress/>.

^{xv} See, for example: D’Innocenzio and Alexandra Olson, “DEI opponents are using a 1866 Civil Rights law to challenge equity policies in the workplace.” *APNews*. January 14, 2024. <https://apnews.com/article/dei-corporate-diversity-supreme-court-affirmative-action-a4ddf354423fee9697310366248f646>

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- ^{xvi} See, for example, statement from EEOC Chair Charlotte A. Burrows, Chair of the U.S. Equal Employment Opportunity Commission (EEOC): <https://www.eeoc.gov/newsroom/statement-eeoc-chair-charlotte-burrows-supreme-court-ruling-college-affirmative-action>
- ^{xvii} “New Poll by the Black Economic Alliance Foundation/The Harris Poll: Corporate Diversity Initiatives Overwhelmingly Supported Across Racial, Ideological, and Generational Lines.” Black Economic Alliance Foundation. August 28, 2023. <https://foundation.blackeconomicalliance.org/press-release/new-poll-by-the-black-economic-alliance-foundation-the-harris-poll-corporate-diversity-initiatives-overwhelmingly-supported-across-racial-ideological-and-generational-lines/>.
- ^{xviii} See, for example: Dixon-Fyle, Sundiatu and Celia Huber, María del Mar Martínez Márquez, Sara Prince, Ashley Thomas, and Dame Vivian Hunt. “Diversity matters even more: The case for holistic impact.” McKinsey & Company. December 5, 2023. <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-matters-even-more-the-case-for-holistic-impact>; Adams, Desmond. “Harnessing the Power of Diversity For Profitability.” *Forbes*. March 3, 2022. <https://www.forbes.com/sites/forbesbusinesscouncil/2022/03/03/harnessing-the-power-of-diversity-for-profitability/?sh=1dc089c8459a>
- ^{xix} Role, Kemi. “Addressing Occupational Segregation Means Centering Black Women Workers”. National Employment Law Project. December 13, 2022. <https://www.nelp.org/addressing-occupational-segregation-means-centering-black-women-workers/>
- ^{xx} Connley, Courtney. “Why Black workers still face a promotion and wage gap that’s costing the economy trillions”. *CNBC*. April 16, 2021. <https://www.cnbc.com/2021/04/16/black-workers-face-promotion-and-wage-gaps-that-cost-the-economy-trillions.html>
- ^{xxi} “Small Business Credit Survey.” Federal Reserve Bank of New York. April 15, 2021. <https://www.newyorkfed.org/medialibrary/FedSmallBusiness/files/2021/sbcs-report-on-firms-owned-by-people-of-color>
- ^{xxii} “Black women are the fastest growing group of entrepreneurs. But the job isn’t easy.” J.P.Morgan. October 12, 2021. <https://www.jpmorgan.com/insights/business/business-planning/black-women-are-the-fastest-growing-group-of-entrepreneurs-but-the-job-isnt-easy>
- ^{xxiii} Paikeday, Tina Shah, and Nisa Qosja, Russell Reynolds Associates. “How to Fix the C-Suite Diversity Problem.” Harvard Law School Forum on Corporate Governance. February 25, 2023. <https://corpgov.law.harvard.edu/2023/02/25/how-to-fix-the-c-suite-diversity-problem/#:~:text=The%20headline%20finding%20is%20that,in%20most%20C%2Dsuite%20positions>
- ^{xxiv} For additional evidence of diversity’s impact on business results see, for example: Gompers, Paul and Silpa Kovvali. “The Other Diversity Dividend.” *Harvard Business Review*. July-August 2018. <https://hbr.org/2018/07/the-other-diversity-dividend>; Rock, David and Heidi Grant. “Why Diverse Teams Are Smarter.” *Harvard Business Review*. November 4, 2016. <https://hbr.org/2016/11/why-diverse-teams-are-smarter>;
- ^{xxv} “Closing the Racial Inequality Gaps: The Economic Cost of Black Inequality in the U.S.” Citi. September 2020. https://ir.citi.com/NvIUklHPilz14Hwd3oxqZBLMn1_XPqo5FrxsZD0x6hhil84ZxaxEuJUWmak51UHvYk75VKeHCMI%3D
- ^{xxvi} See, for example: Lloyd, Camille. “One in Four Black Workers Report Discrimination at Work.” *Gallup*. January 12, 2021. <https://news.gallup.com/poll/328394/one-four-black-workers-report-discrimination-work.aspx>
- ^{xxvii} See, for example: “EEOC Sues Tesla for Racial Harassment and Retaliation.” U.S. Equal Employment Opportunity Commission. September 28, 2023. <https://www.eeoc.gov/newsroom/eeoc-sues-tesla-racial-harassment-and-retaliation>; and “Pensec Settles EEOC Race Discrimination Claim.” U.S. Equal Employment Opportunity Commission. February 28, 2022. <https://www.eeoc.gov/newsroom/pensec-settles-eeoc-race-discrimination-claim>.
- ^{xxviii} See, for example: Hancock, Bryan and Monne Williams, James Manyika, Lareina Yee and Jackie Wong. “Race in the workplace: The Black experience in the US private sector.” McKinsey & Company. February 21, 2021. <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/race-in-the-workplace-the-black-experience-in-the-us-private-sector>; and Peterson, Dana M. and Catherine L. Mann. “Closing the Racial Inequality Gaps.” Citi. September 1, 2020. <https://www.citigroup.com/global/insights/citigips/closing-the-racial-inequality-gaps-20200922>.
- ^{xxix} See, for example: attorneys general letter to CEOs of Fortune 100 companies <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2023/pr23-27-letter.pdf> (note also a letter of response sent by 20 different attorneys general <https://oag.dc.gov/sites/default/files/2023->

June 18, 2024
Page 10 of 10

[07/Fortune%20100%20Letter%20-%20FINAL.pdf](#)); United States Senator Tom Cotton letter to law firms threatening them with future investigations <https://www.cotton.senate.gov/imo/media/doc/Senator%20Cotton%20Letters%20to%20Law%20Firms%20re%20DEI.pdf>; *National Center for Public Policy Research v. Schultz*, No. 22-cv-267 (E.D. Wash., dismissed Sept. 11, 2023); *Roberts v. Progressive Preferred Insurance Co.*, No. 23-cv-01597 (N.D. Ohio, filed Aug. 16, 2023); *Alliance for Fair Bd. Recruitment v. SEC*, No. 21-60626, 2023 WL 6862856 (5th Cir. Oct. 18, 2023); America First Legal letters to the U.S. Equal Employment Opportunity Commission (EEOC) such as <https://aflegal.org/category/press/>.