

July 17, 2023

Nimesh M. Patel  
Akin Gump Strauss Hauer & Feld  
Robert S. Strauss Tower  
2001 K Street, NW  
Washington, DC 20006

Dear Mr. Patel,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Dennis Quinio  
Allen & Overy  
1221 Avenue of the Americas  
New York, NY 10020

Dear Mr. Quinio,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Mark A. Baugh  
Baker Donelson  
1600 West End Avenue  
Nashville, TN 37203

Dear Mr. Baugh,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

John J. Fedele  
Baker McKenzie  
815 Connecticut Avenue, NW  
Washington, DC 20006

Dear Mr. Fedele,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

D. Bruce Hoffman  
Cleary Gottlieb Steen & Hamilton  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037

Dear Mr. Hoffman,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Vadim Avdeychik  
Clifford Chance  
31 West 52nd Street  
New York, NY 10019

Dear Mr. Avdeychik,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

DeAnna Allen  
Cooley LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004

Dear Ms. Allen,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Matthew S. DelNero  
Covington & Burling  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001

Dear Mr. DelNero,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Vanessa L. Jackson  
Davis Polk  
450 Lexington Avenue  
New York, NY 10017

Dear Ms. Jackson,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Michael J. Gillespie  
Debevoise & Plimpton  
66 Hudson Boulevard  
New York, NY 10001

Dear Mr. Gillespie,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Abbi L. Cohen  
Dechert LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104

Dear Ms. Cohen,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Elliott I. Portnoy  
Dentons US LLP  
1900 K Street NW  
Washington, DC 20006

Dear Mr. Portnoy,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Edward Smith  
DLA Piper  
500 8th Street, NW  
Washington, DC 20004

Dear Mr. Smith,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Darwin Conner  
Eversheds Sutherland  
1114 6th Avenue  
New York, NY 10036

Dear Mr. Conner,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Timothy Wilkins  
Freshfields Bruckhaus Deringer  
601 Lexington Avenue  
31st Floor  
New York, NY 10022

Dear Mr. Wilkins,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Zakiyyah T. Salim-Williams  
Gibson, Dunn & Crutcher  
1050 Connecticut Avenue, NW  
Washington, DC 20036

Dear Ms. Salim-Williams,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Alicia Rubio-Spring  
Goodwin Procter  
100 Northern Avenue  
Boston, MA 02210

Dear Ms. Rubio-Spring,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Nikki Lewis Simon  
Greenberg Traurig  
333 SE 2nd Avenue  
Suite 4400  
Miami, Florida 33131

Dear Ms. Simon,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Benjamin Rubinstein  
Herbert Smith Freehills  
450 Lexington Avenue  
New York, NY 10017

Dear Mr. Rubinstein,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Miguel A. Zaldivar, Jr.  
Hogan Lovells  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004

Dear Mr. Zaldivar,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Nichole Olajuwon  
Holland & Knight  
811 Main Street  
Suite 2500  
Houston, TX 77002

Dear Ms. Olajuwon,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Yvette McGee Brown  
Jones Day  
325 John H. McConnell Boulevard  
Suite 600  
Columbus, OH 43215

Dear Ms. Brown,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Harold E. Franklin, Jr.  
King & Spalding  
1180 Peachtree Street, NE  
Suite 1600  
Atlanta, GA 30309

Dear Mr. Franklin,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Atif Khawaja  
Kirkland & Ellis  
601 Lexington Avenue  
New York, NY 10022

Dear Mr. Khawaja,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Pallavi Mehta Wahi  
K&L Gates  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104

Dear Ms. Wahi,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Betty M. Huber  
Latham & Watkins LLP  
1271 Avenue of the Americas  
New York, NY 10020

Dear Ms. Huber,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Doug Davison  
Linklaters LLP  
601 Thirteenth Street, NW  
Suite 400 South  
Washington, DC 20005

Dear Mr. Davison,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Jeremiah A. DeBerry  
Mayer Brown  
1221 Avenue of the Americas  
New York, NY 10020

Dear Mr. DeBerry,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Anthony Upshaw  
McDermott, Will & Emery  
The McDermott Building  
500 North Capitol Street, NW  
Washington, DC 20001

Dear Mr. Upshaw,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Mikeisha Anderson Jones  
Milbank LLP  
55 Hudson Yards  
New York, NY 10001

Dear Ms. Jones,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Malaika Lindo  
Morgan, Lewis & Bockius  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Ms. Lindo,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Natalie Kernisant  
Morrison & Foerster  
250 West 55th Street  
New York, NY 10019

Dear Ms. Kernisant,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Katherine A. Tapley  
Norton Rose Fulbright  
Frost Tower 111 W. Houston Street  
Suite 1800  
San Antonio, TX 78205

Dear Ms. Tapley,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Mitchell Zuklie  
Orrick, Herrington & Sutcliffe  
1000 Marsh Road  
Menlo Park, CA 94025

Dear Mr. Zuklie,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Tara K. Giunta  
Paul Hastings  
2050 M Street, NW  
Washington, DC 20036

Dear Ms. Giunta,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

The Honorable Jeh Johnson  
Paul, Weiss, Rifkind, Wharton & Garrison  
2001 K Street, NW  
Washington, DC 20006

Dear Mr. Johnson,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Mark Bunbury Jr.  
Proskauer Rose LLP  
Eleven Times Square  
New York, NY 10036

Dear Mr. Bunbury,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

The Honorable Crystal Nix-Hines  
Quinn Emanuel Urquhart & Sullivan  
865 S. Figueroa Street  
Los Angeles, CA 90017

Dear Ms. Nix-Hines,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Tyree P. Jones Jr.  
Reed Smith LLP  
1301 K Street, NW  
Suite 1000 - East Tower  
Washington, DC 20005

Dear Mr. Jones,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Alex Rene  
Ropes & Gray  
2099 Pennsylvania Avenue, NW  
Washington, DC 20006

Dear Mr. Rene,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

John J. Cannon III  
Shearman & Sterling  
599 Lexington Avenue  
New York, NY 10022

Dear Mr. Cannon,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Yolanda C. Garcia  
Sidley Austin  
2021 McKinney Avenue  
Suite 2000  
Dallas, TX 75201

Dear Ms. Garcia,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Carlos Dávila-Caballero  
Simpson Thacher  
425 Lexington Avenue  
New York, NY 10017

Dear Mr. Dávila-Caballero,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Brian V. Breheny  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, NW  
Washington, DC 20005

Dear Mr. Breheny,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

Frederick R. Nance  
Squire Patton Boggs  
1000 Key Tower  
127 Public Square  
Cleveland, OH 44114

Dear Mr. Nance,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Tracy Richelle High  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

Dear Ms. High,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Adam B. Banks  
Weil, Gotshal & Manges  
767 Fifth Avenue  
New York, NY 10153

Dear Mr. Banks,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Binoy Dharia  
White & Case LLP  
1221 6th Avenue  
New York, NY 10020

Dear Mr. Dharia,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.



July 17, 2023

April Williams  
Wilmer Cutler Pickering Hale & Dorr  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037

Dear Ms. Williams,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Allison Blixt  
Wilson Sonsini  
1301 Avenue of the Americas, 40th Floor  
New York, NY 10019

Dear Ms. Blixt,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.

July 17, 2023

Sylvia F. James  
Winston & Strawn LLP  
1901 L Street, NW  
Washington, DC 20036

Dear Ms. James,

I write regarding your firm's employment law practice. In recent years, many major corporations have adopted race-based hiring quotas and benchmarks as part of their "Diversity, Equity & Inclusion" ("DEI") initiatives.<sup>1</sup> This is often driven by investment firms like BlackRock that pressure companies to implement DEI hiring policies to satisfy their "Environmental, Social, and Governance" mandates. These initiatives are both unpopular and unlawful. Your firm has a duty to fully inform clients of the risks they incur by making employment decisions based on race.

The Supreme Court recently struck down racial discrimination in college admissions. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Title VI of the Civil Rights Act already prohibits federal fund recipients from discriminating based on race. Title VII likewise prohibits private employers from basing hiring decisions on race, prompting a U.S. Equal Employment Opportunity Commissioner to recently warn that "diversity programs pose both legal and practical risks for companies."<sup>2</sup>

Federal law has long prohibited treating employees differently because of their race. Employers should take to heart the Supreme Court's recent declaration that "eliminating racial discrimination means eliminating all of it." Congress will increasingly use its oversight powers—and private individuals and organizations will increasingly use the courts—to scrutinize the proliferation of race-based employment practices. To the extent that your firm continues to advise clients regarding DEI programs or operate one of your own, both you and those clients should take care to preserve relevant documents in anticipation of investigations and litigation.

Sincerely,



Tom Cotton  
United States Senator

<sup>1</sup> Marin Wolf & Kim Bhasin, *After decades of unmet diversity goals, some major employers turn to hard racial quotas*, CHICAGO TRIBUNE (Sept. 1, 2020), <https://www.chicagotribune.com/business/ct-biz-black-jobs-racial-hiring-quotas-20200901-4c3jln5mzb4bflnm7egljvm7e-story.html>.

<sup>2</sup> Andrea R. Lucas, *With Supreme Court affirmative action ruling, it's time for companies to take a hard look at their corporate diversity programs*, REUTERS (June 29, 2023), <https://www.reuters.com/legal/legalindustry/with-supreme-court-affirmative-action-ruling-its-time-companies-take-hard-look-2023-06-29/>.