

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.¹ 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."²

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

¹ 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>.

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United States Senate

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.¹ 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.

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United States Senate

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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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United States Senate

July 17, 2023

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

Dear Mr. Gillespie,

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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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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July 17, 2023

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

Dear Mr. Conner,

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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.¹ 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.

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Sincerely,



Tom Cotton
United States Senator

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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July 17, 2023

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

Dear Mr. Khawaja,

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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Sincerely,



Tom Cotton
United States Senator

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July 17, 2023

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

Dear Ms. Jones,

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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United States Senate

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.¹ 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.

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United States Senate

July 17, 2023

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

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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.¹ 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.

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July 17, 2023

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

Dear Mr. Cannon,

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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.¹ 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.

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United States Senate

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.¹ 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."²

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

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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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.¹ 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.

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United States Senate

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.¹ 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.

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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.¹ 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.

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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.¹ 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.

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