



Californians for Equal Rights Foundation
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December 5, 2022

[via email]

U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Subject: Public Comment on the EEOC Strategic Plan for Fiscal Years 2022-2026

Dear U.S. Equal Employment Opportunity Commissioners,

On behalf of Californians for Equal Rights Foundation (CFER), I am submitting the public comment regarding EEOC's 2022-2026 Strategic Plan, with a specific focus on "Strategic Goal III." While we believe all objectives and correlated strategies in the new plan are laudable, we are concerned about the ideological biases implicit in the pursuit of diversity, equity, and inclusion as an institutional goal.

Notably, "a culture of accountability, inclusivity, and accessibility" anchored through enhancing "diversity, equity, inclusion, and accessibility in the workplace" can be easily corrupted by race-based thinking that translates into racial proportionality, quotas, thought conformity, and even segregation in the workplace. Although the motivation behind a push for more diversity, equity and inclusion (DEI) may be well intentioned, real-life applications have turned the pursuit of DEI into a dogma that hijacks and erodes equal opportunity and equal treatment. Examples of such practices abound. Just to name a few:

- The California Community Colleges Governing Board has considered an administrative policy update to mandate diversity, equity, inclusion and accessibility (DEIA) for faculty promotion and job applications, replacing academic freedom with a political litmus test.
- The University of Washington Medical School is currently in search for an assistant professor in ophthalmology. The successful candidate must submit a diversity statement outlining past and planned contributions to DEI.
- A BBC presenter wants to introduce diversity quotas to "broaden the range of classical music composers featured in concerts and on radio stations."
- Major entertainment giants such as Disney, NBC Universal, and Netflix have mandated "Diversity & Inclusion" quotas in their hiring practices.
- In 2021, Nasdaq adopted a set of new rules requiring diversity quotas on the boards of Nasdaq-listed companies.

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- A DEI consultancy named "The Root of Us LLC" has an online workshop called "Racial Healing Circle." Admission is "\$30 per session for white folks. Free for BIPOC." The consultancy also has a "BIPOC" policy and a reparations policy, which together advocate for race-based treatment.

DEI (or DEIA), is not an innocuous concept. It has become both a sociocultural fad and a lucrative business. Today, virtually every K-12 school, every university, every large corporation, every government agency, and every scientific society has a diversity, equity and inclusion program, department or office. Their directives and policies are always imposed from above. They are never subject to a vote or referendum by all the individuals who will be affected by them, or required to implement them. A primary political motive driving the diversity agenda appears to be the strong antipathy of establishment elites for the letter and spirit of the 1964 Civil Rights Act and the Fourteenth Amendment to the U.S. Constitution.

Promoting DEI as currently practiced directly contradicts EEOC's mission to "prevent and remedy discrimination and enforce civil rights in the workplace." Perpetuating DEI in employment practices will inevitably create heightened legal risks in violation of equal opportunity and equal protection for public and private employers. Since 2021, the California State Legislature has attempted twice to legalize racial quotas in civil services through the California Upward Mobility Act, in the name of DEI. The first proposal – Assembly Bill 105, was vetoed by California Governor Gavin Newsom on account of its unconstitutionality. The second proposal – Assembly Bill 1604, was significantly revised to remove any portion of illegal racial preferences, upon opposition from CFER and the Pacific Legal Foundation.

CFER is a non-partisan and non-profit organization founded in the wake of California's resounding affirmation of its constitutional guarantee of equal treatment. We are dedicated to raising public awareness about the importance of equality and merit as founding values of American liberal democracy. We urge the Commission to reconsider Strategic Goal III under the new strategic plan, to prevent the plan from promoting racial preferences, and to ensure that the plan maximizes your agency's capacity to combat workplace discrimination and build awareness through education and outreach.

Sincerely,
Wenyuan Wu
Wenyuan Wu,
Executive Director, Californians for Equal Rights Foundation