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March 25, 2025

By Electronic Mail

Andrea Lucas
Acting Chair
U.S. Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, D.C. 20507

Dear Acting Chair Lucas:

The undersigned organizations dedicated to gender and racial justice, defending civil rights, and ensuring workplace fairness write to express our grave concerns regarding your recent actions to advance the Trump anti-opportunity agenda, including (1) the [public letters](#) you sent to 20 major law firms on March 17, 2025, which falsely purport to carry the authority of the U.S. Equal Employment Opportunity Commission (“EEOC”) and request detailed information about the firms’ employment practices related to diversity, equity, and inclusion, and (2) the [“What You Should Know About DEI-Related Discrimination at Work”](#) document you issued on March 19 that purports to question the legality of such practices. An EEOC Commissioner, even the Chair, has no unilateral authority to demand the requested information and certainly does not have the power to change or reinterpret federal anti-discrimination law based on political whims. Given your lack of authority, these actions appear to be intended to intimidate private employers and will sow confusion regarding the legality of these programs. Efforts to promote diversity, equity, inclusion, and accessibility in the workplace are fundamental to preventing discrimination and remedying its impacts—the EEOC’s core mission. Pressuring employers to abandon these efforts will only create an environment that leaves workers more vulnerable to discrimination and, ultimately, leave employers more vulnerable to legal liability. We therefore urge you to immediately withdraw the March 17 letters and the “What You Should Know” document.

As you well know, the EEOC is the primary federal agency responsible for protecting workers from unlawful workplace discrimination, including harassment. The EEOC’s fundamental purpose is to ensure equal opportunity for all workers. As part of this mission, the EEOC has committed to supporting practices that help employers reduce barriers to equal opportunity, recruit diverse applicant pools, and create inclusive environments, as reflected in its [FY 2024-2028 Strategic Enforcement Plan](#). These practices are particularly critical in the legal profession, where, despite progress in recent years, women and people of color remain underrepresented due to persistent structural barriers. According to a [recent study](#), in 2024, just 31% of law firm associates were people of color, and 18% were women of color. Only 7% of associates were Latino, 6% were Black or African American, and 7% were LGBTQ. At the partner level, only 28% of partners were women, 12% were people of color, 5% were women of color, and under 3% were LGBTQ.

Federal law and regulations require that the EEOC follow specific procedures to pursue investigations and enforcement actions¹ and issue guidance documents.² While a single EEOC Commissioner may initiate an investigation by filing a charge of discrimination, such a charge must be made under penalty of perjury and, as a matter of law, cannot be made public.³

The public letters you sent to these 20 law firms are not charges of discrimination. And there is no authority under federal law for any EEOC Commissioner—even the Chair—to unilaterally force employers to disclose information through public demands. Yet these letters were issued on EEOC letterhead and publicized on the agency’s website, creating the misleading impression that they carry official agency authority. These letters inappropriately commandeer the agency’s bully pulpit to attempt to pressure these law firms into providing information they are not legally required to share; to chill their efforts to comply with Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and other civil rights laws by advancing diversity, equity, inclusion, and accessibility; and to retaliate against firms that do not share the Trump administration’s views opposing diversity, equity, inclusion, and accessibility.

These letters also send a message to *all* private businesses that the EEOC could publicly target them too, even in the absence of any basis for investigation. The result is to intimidate employers into voluntarily dropping programs and practices that support diversity, equity, inclusion, and accessibility, even though these programs and practices help employers to comply with federal employment antidiscrimination laws. Such a chilling effect is likely to impact workers far beyond the legal profession.

The letters and ‘guidance’ document are a transparent part of the Trump administration’s larger strategy to weaponize our nation’s civil rights laws and use the very agencies that are intended to protect civil rights to undermine them.⁴ But the EEOC is a bipartisan, independent agency, and no Commissioner can change the law. The EEOC has long understood that efforts to promote diversity, equity, inclusion, and accessibility can help facilitate employer compliance with federal antidiscrimination laws.⁵ The administration’s opposition to the values of diversity, equity,

¹ See 42 U.S.C. §§ 2000-e(5)(b), (f).

² See 29 C.F.R. § 1695.2(d) (“If the guidance document sets forth the Commission’s position on a legal principle for the first time or changes the Commission’s legal position on any issue, the Commission must approve the guidance document by majority vote.”).

³ See 42 U.S.C. § 2000-e(5)(b) (“Nothing said or done during [the charge process] may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”).

⁴ The letters also appear to be a direct response to President Trump’s executive order that seeks to punish the law firm Perkins Coie for its work on behalf of his political opponents. That executive order directed the EEOC to review and investigate the “diversity, equity, and inclusion” practices of large law firms. Executive Order 14230, Addressing Risks From Perkins Coie LLP, 90 Fed. Reg. 11781 (Mar. 11, 2025).

⁵ See, e.g., U.S. EQUAL EMP. OPPORTUNITY COMM’N, SECTION 15 RACE AND COLOR DISCRIMINATION, EEOC COMPLIANCE MANUAL §15 (noting that “Title VII permits diversity efforts designed to open up

inclusion, and accessibility does not change the fact that no law bars employers from seeking to ensure equal opportunity through the use of these programs, as many courts have recognized⁶ and the EEOC has itself argued.⁷ The Chair does not have the power to change the agency’s substantive position on the legality of these programs through informal guidance documents like the one issued on March 19.

The fact remains that the vast majority of discrimination claims are brought by people of color, women, LGBTQ+ people, and other historically marginalized groups that continue to be excluded from equal opportunity.⁸ In an economy with vast [wealth inequality](#) and persistent [occupational segregation](#), the EEOC should encourage employers to adopt practices that help them reduce barriers to opportunity, level the playing field for all workers, and [uphold their obligations](#) under civil rights laws.

We reiterate: you do not have the authority to require the 20 named law firms to provide the EEOC with the requested information, which includes not only information about their employment practices, but also personal information about employees and applicants, and information about any diversity, equity, and inclusion requirements clients may have related to their matters. And you do not have the authority to change Title VII or the agency’s interpretation and enforcement thereof through an informal guidance document. Employers should disregard the lawless attempts to intimidate them and continue to comply with federal nondiscrimination laws by ensuring that all workers have access to equal employment opportunity. We will be watching to ensure that the recent modest progress for women and lawyers of color at law firms does not regress.

opportunities to everyone,” and encouraging employers to engage in proactive steps to recruit a diverse applicant pool and assess and reduce barriers to equal opportunity, in order to “reduce the likelihood of Title VII violations.”).

⁶ See, e.g., *Young v. Colorado Dep’t of Corrections*, 94 F.4th 1242 (10th Cir. 2024); *Vavra v. Honeywell*, 106 F.4th 702 (7th Cir. 2024); *Mlynczak v. Bodman*, 442 F.3d 1050 (7th Cir. 2006) (finding that U.S. Department of Energy’s recruitment policy was intended to ensure “diversity in the applicant pool for positions at the agency” and was not evidence of discrimination because the efforts “were of the type that expand the pool of persons under consideration, which is permitted”); *Duffy v. Wolle*, 123 F.3d 1026, 1038-39 (8th Cir. 1997) (“An employer’s affirmative efforts to recruit minority and female applicants does not constitute discrimination. . . . An inclusive recruitment effort enables employers to generate the largest pool of qualified applicants and helps to ensure that minorities and women are not discriminatorily excluded from employment.”).

⁷ Brief for the EEOC as Amicus Curiae in *Vavra v. Honeywell Int’l, Inc.*, No. 23-2823 (7th Cir., Feb. 6, 2024), <https://www.eeoc.gov/sites/default/files/2024-02/Vavra%20v%20Honeywell%207C%20am-br%202-24%20tsp.pdf>; Brief for the EEOC as Amicus Curiae, n. 1 in *Roberts v. Progressive Preferred Ins. Co.*, 1:23-CV-1597 (N.D. Ohio Feb. 22, 2024), <https://www.eeoc.gov/sites/default/files/2024-02/Roberts%20v.%20Progressive%20Insurance%20ND%20Ohio%20am-brf%2002-24%20gcy.pdf>.

⁸ Brief for the NAACP Legal Defense and Education Fund et al. as Amicus Curiae, in *Ames v. Ohio Dep’t of Youth Services*, No. 23-1039 at 19-23 (Jan. 24, 2025).

For the reasons outlined above, we request that you withdraw the letters issued to 20 law firms on March 17 and the “What You Should Know” document issued on March 19.

Sincerely,

National Women’s Law Center
American Civil Liberties Union
Equal Rights Advocates
Lawyers' Committee for Civil Rights Under Law
NAACP Legal Defense and Educational Fund, Inc.
National Employment Law Project
National Partnership for Women & Families
The Leadership Conference on Civil and Human Rights

Cc:

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Cooley LLP
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Goodwin Procter LLP
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