

AG Kaul: Joins coalition opposing Trump order appearing to ban implicit bias training

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MADISON, Wis. – Attorney General Josh Kaul joined a coalition of attorneys general urging President Donald Trump to rescind his Executive Order on “Combating Race and Sex Stereotyping” that could be misconstrued to prohibit implicit bias trainings for federal contractors and federal grantees. The potential chilling effect of this Order in the midst of the nation’s reignited racial justice movement is of particular concern. The attorneys general affirm the vital role implicit bias trainings play in furthering the goals of diversity, equity and inclusion, and seek a commitment from the federal government to expand trainings aimed at understanding and combating racial injustice.

“This executive order would take us backwards,” said AG Kaul. “Implicit bias trainings strengthen workplaces by helping them become more diverse, equitable, and inclusive. The federal government should be promoting implicit bias trainings, not interfering with them.”

The vague and contradictory executive order decrees a federal policy “not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes.” The order goes on to provide a deeply troubling definition of “race and sex scapegoating” that gravely mischaracterizes how typical diversity and implicit bias trainings are conducted.

A primary goal of diversity training in the workplace is to raise awareness of the value of collaborating with people of different cultures, races, genders, ethnicities, ages, beliefs, experiences and ideas. The American economy has greatly benefited from diversity and inclusion training as a more informed and diverse workforce has increased ingenuity and creativity, produced dramatic increase in productivity and profits, expanded markets, and attracted diverse talent to American firms.

Science has demonstrated that all people possess implicit biases, a tendency to process information based on unconscious associations and feelings. Implicit bias is not always harmful, but when fueled by stereotypes implicit biases may impede collaboration and affect understanding, judgment, actions and decisions that unconsciously harm members of certain groups. To eliminate harmful bias, a conscious awareness of one’s own implicit bias is critical.

“All constituents, wherever they may be employed, deserve access to a workplace free of unlawful bias and discrimination. Whether it is intended to ban implicit bias or unconscious bias trainings or merely has the tragic and foreseeable consequence of reducing this important work, we firmly oppose the Order’s application in our states,” the attorneys general state. “Unless the Order is somehow revised to provide clear and unequivocal support for the continued use of implicit bias and unconscious bias trainings, it should be withdrawn,” the attorneys general further state in the letter.

Given the vague and contradictory nature of the order, the attorneys general seek clarification regarding who the order would apply to, and whether the intention of the order is to unlawfully ban or direct the substance of diversity trainings by state actors. As state agencies and officials are frequent recipients of federal grants, the order could be misconstrued as intending to prohibit states from conducting implicit bias training.

“Equal justice under law will not be achieved until we acknowledge and reckon with the racial inequities that persist in our society. The nationwide movement for racial justice has heightened awareness of not only how we treat each other as individuals, but also the role systems play in affording, or restraining, the advancement of particular groups. Our workplaces, public, private and non-profit, are grappling with how to become more inclusive and equitable. To that end, government should expand and increase its commitment to trainings centered on understanding and combating racial injustice. Now is the time for greater communication and support for diversity, equity and inclusion, not less. We therefore urge you to withdraw the Order,” the attorneys general state.

The letter is signed by Wisconsin Attorney General Josh Kaul and the attorneys general of California, Colorado, Connecticut, Washington, D.C., Delaware, Hawaii, Illinois, Massachusetts, Maryland, Michigan, Minnesota, New Jersey, Nevada, Oregon, Pennsylvania, Rhode Island, Virginia, and Vermont.

<https://www.doj.state.wi.us/news-releases/ag-kaul-joins-coalition-opposing-trump-order-appearing-ban-implicit-bias-training>