



June 30, 2021

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

On behalf of DOJ Pride, congratulations on your appointment as the 86th Attorney General of the United States. Welcome back to the Department of Justice, and happy LGBTQ Pride Month!

DOJ Pride was founded in 1994 to represent the thousands of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) employees and contractors, as well as their allies, who serve the Department each day with professionalism and distinction. We have a history of collaborating with Department leadership to identify and address issues that affect the Department's LGBTQ+ employees. We write today to express our desire to work with you and your leadership team to foster a welcoming and inclusive workplace here at the Department.

During the last administration, LGBTQ+ employees experienced an extreme decline in morale and increased discomfort in their work environment. The current administration has taken admirable steps in reversing previous policy and embracing the contributions of LGBTQ+ employees. DOJ Pride is interested in maintaining open channels of communications to continue these positive steps and address employee concerns.

DECLINING MORALE

DOJ Pride surveyed its membership in October 2018 to assess members' perspectives on working for the Department. The results indicate that morale was low among LGBTQ+ individuals employed in the Department.

Only 31% of respondents agreed that "the Department of Justice values its LGBTQ employees," and only 43% agreed that "the Department of Justice does not discriminate on the basis of sexual orientation or gender identity or expression." Perhaps the starkest result was that fewer than 10% of respondents agreed that "the Department of Justice attracts and retains the best LGBTQ talent." Given the crucial role the Department fulfills in our society—enforcing the nation's laws and administering justice—we have been concerned that so many employees who dedicate themselves to the Department did not think the Department values them, or that it attracts

the best and brightest of the LGBTQ+ community.

These statistics point toward a set of issues the Department must address, including morale, recruitment, retention, and fair treatment. We understand that Assistant Attorney General Lee Lofthus will be serving as your office's liaison to the Department's affinity groups, and we look forward to raising and discussing these issues with him and others in leadership.

THE ADMINISTRATION'S RECENT CHANGES

President Biden has taken decisive steps to improve the environment for LGBTQ+ communities in the Federal Government.

- **First openly gay and transgender Senate-confirmed officials nominated and confirmed.** Representation matters – particularly in leadership positions. And we are thrilled to see Pete Buttigieg¹ and Dr. Rachel Levine² among those nominated and confirmed to serve at the highest levels of government. We hope to see more LGBTQ+ individuals in senior leadership positions in the Department of Justice and across the Federal Government, especially LGBTQ+ people of color.
- **Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.** President Biden signed this Executive Order (EO) that mandates that agencies apply the Supreme Court's finding in *Bostock v. Clayton County* expansively. In *Bostock*, the Court held that discrimination "because of . . . sex" in the employment context covers discrimination on the basis of gender identity and sexual orientation. The EO requires agencies to apply that reasoning to other civil rights laws that include sex as a protected category, including those touching on education, housing, and refugee policy. We look forward to learning more about the EO's implementation in the Department of Justice and across the Federal Government.
- **Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.** On January 20, 2021, President Biden signed this EO that revokes, in its entirety, the prior administration's Executive Order 13950 of September 22, 2020 (Combating Race and Sex Stereotyping). As a result of this new EO, Justice Management Division has rescinded its October 8, 2020 interim guidance that implemented EO 13950 and prohibited certain diversity and inclusion trainings and events. Pursuant to Assistant Attorney General Lee Loftus's January 21, 2021 memo, Department components should resume Diversity and Inclusion (D&I) training, programs, activities, and events, including public-facing training or programs. We look forward to hearing more about what the Department of Justice and the Department's many components will be doing to provide training programs to employees on LGBTQ+ issues.

¹ Pete Buttigieg is the first openly gay person confirmed to a Cabinet position: Secretary of Transportation.

² Dr. Rachel Levine is the first openly transgender person confirmed to a Senate-confirmed position: Assistant Secretary of Health at the Department of Health and Human Services.

- **Proclamation on LGBTQ Pride Month 2021.** On June 1, 2021, President Biden issued this Proclamation recognizing June 2021 as LGBTQ Pride Month. In the Proclamation, President Biden calls for the country to “reaffirm our commitment to standing in solidarity with LGBTQ+ Americans in their ongoing struggle against discrimination and injustice.”

Department leadership has taken welcome steps towards improving the environment for DOJ’s LGBTQ+ community.

- **Issuance of an Equal Employment Opportunity Statement.** On May 16, 2021, the Department issued a new Equal Employment Opportunity statement ensuring “that no applicant for employment or employee of our Department is denied equal opportunity because of race, color, religion, national origin, sex - including gender identity, sexual orientation, or pregnancy status - or because of age (over 40), physical or mental disability, protected genetic information, parental status, marital status, political affiliation, or any other non-merit based factor.” We welcome this unambiguous statement of the Department’s values and assurance to all employees that they will be able to pursue equal employment opportunities.
- **Recognition of LGBTQ+ Pride Month and hosting recognition event.** On June 21, 2021, the Department gathered for a live virtual program recognizing LGBTQ Pride month with keynote remarks from Dr. Rachel Levine. We appreciate your support and remarks at the event and for the role DOJ Pride had in organizing this event.

We applaud these changes!

LOOKING FORWARD

DOJ Pride Board members are ambitious. We are eager to develop a multi-prong approach to improving representation and morale at the Department. We urge you to take these immediate steps to ensure that the Department is a welcoming and inclusive place for LGBTQ+ people:

- Root out all forms of discrimination, harassment, and mistreatment of LGBTQ+ employees at the Department.
- Hold further activities and events to celebrate LGBTQ+ history and to educate Department employees on legal protections available to LGBTQ+ individuals. Activities and events like this would create a sense of empowerment and visibility within the Department.
- Develop recruitment activities, in collaboration with all of the Department’s employee resource groups, to encourage our nation’s most talented individuals to apply to work at the Department.

We expect these efforts to increase morale and create a stronger community within the Department. We look forward to working with your team to make these immediate steps a reality.

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Congratulations again on your appointment as Attorney General of the United States. We look forward to working with you and your staff to advance our mutual interest in making the Department of Justice a vibrant and effective workplace that is supportive, fair, and inclusive of all. Our membership greatly appreciated your remarks at this month's Pride observance event. We hope this event—and this letter—are just the beginning of our collaboration. DOJ Pride is eager to be a resource for, and a partner with, your office in supporting and empowering LGBTQ+ communities at the Department of Justice.

Respectfully,

Derek Julius (CIV)
President of DOJ Pride

Lindsay Dunn (CIV)
Nicholas Girard (ATR)
David Heath (USAO-CT)
Paul Killebrew (CRT)
Donald Lewis (BOP)
Michael Miller (FBI)
Kasey Odell (BOP)
Kris Anthony Pérez Hicks (ATR)
DOJ Pride Board of Directors

cc:

Assistant Attorney General for Administration Lee Lofthus
Office of the Deputy Attorney General
Office of the Associate Attorney General