



August 31, 2020

Mayor Jenny A. Durkan
600 4th Avenue
7th Floor
Seattle, WA 98104

Dear Mayor Durkan:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole, regarding a July training on “Internalized Racial Superiority for White People.”¹

This training likely violated Title VII’s prohibition against segregating employees by race. As a refresher, Title VII states:

It shall be an unlawful employment practice for an employer . . . to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.²

There’s no exception in Title VII that says, “unless you have good intentions.” Rather, it provides that you may not segregate an individual by race in any way which would tend to adversely affect that person’s status as an employee. I *know*. I had to check twice myself. Segregation is *still* prohibited in 2020. Amazing.

Let’s take a look at the training materials from this session. One of the first training documents defines “Four Types of Racism”(Who says it’s four? Why not five? Or three-hundred-six?). One of the four types of racism is “internalized racism,” defined as “The internalization of the racist stereotypes, values, images and ideologies perpetuated by the white dominant society about one’s racial group.”³ And what qualities constitute “internalized racism”? Well, according to the next slide, here are characteristics of “Internalized Racial Superiority”:

Perfectionism, individualism, imposition, arrogance, paternalism, silence, intellectualization, control, violence, comfort, appropriation, cognitive

¹ Christopher F. Rufo, Seattle Office of Civil Rights Training on “Internalized Racial Superiority for White People,” July 29, 2020, <https://christopherrufo.com/seattle-office-of-civil-rights-training-on-internalized-racial-superiority-for-white-people/>.

² 42 U.S.C. § 2000e-2.

³ Christopher F. Rufo, Seattle Office of Civil Rights Training on “Internalized Racial Superiority for White People,” July 29, 2020, <https://christopherrufo.com/seattle-office-of-civil-rights-training-on-internalized-racial-superiority-for-white-people/>.



dissonance, objectivity, anti-blackness, feeling oneself to be the “true” victim, either/or and categorical thinking (separating, seeing distinctions and not connections).⁴

What is Seattle doing here? Playing Mad-Libs? There is no way that separating white employees from other employees and telling them that this grab-bag of characteristics are inherent to white people and are bad (and therefore, that they have these characteristics and are bad) does not adversely affect their status in the eyes of their coworkers.

The obverse also is true. This juvenile grouping of terms necessarily stereotypes non-whites too. Respectfully, how much did the City of Seattle pay for these priceless insights?

Later on in the presentation, employees are told to “Choose one prompt that you feel compelled to respond to”. The prompts are:

- 1) How are you aware of the ways that your family benefits economically from the system of white supremacy even as it directly and violently harms Black people and non-Black people of color and Indigenous people?
- 2) How are you aware of your “white silence” (not naming race, racism or the system of white supremacy or taking action to end it) when it comes to comments and actions that cause harm to Black people?
- 3) How is your “white fragility” showing up at work? (White fragility is a reflexive, defensive and sometimes deflecting response that we as white people can experience when feeling challenged about our relationship to race, racism and the system of white supremacy.)⁵

Note that these aren’t even framed as questions people could possibly answer in the negative. They aren’t “Does your family benefit economically from the system of white supremacy?”, but “How are you aware of the ways that your family benefits economically from the system of white supremacy?” In other words, the questions are of the “When did you stop beating your wife?” variety.

In addition, notice that “Black, non-Black people of color and Indigenous people” are all grouped together (apparently, we all look alike) as victims of white supremacy – i.e., white people are presumptively bad/entitled, and non-white people of all races are their victims. Again, how can this not encourage non-white employees to be biased against and perhaps even racially harass white employees under the guise of “challenging your relationship to race and racism”? As the Supreme Court noted in *Harris v. Forklift Systems*, “When the workplace is permeated with ‘discriminatory intimidation, ridicule, and insult, that is ‘sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment,’

⁴ *Id.*

⁵ *Id.*



Title VII is violated.”⁶ The Court added, “Title VII comes into play before the harassing conduct leads to a nervous breakdown.”⁷ The Ninth Circuit stated in *Vasquez v. County of Los Angeles*:

To prevail on a hostile workplace claim premised on either race or sex, a plaintiff must show: (1) that he was subjected to verbal or physical conduct of a racial or sexual nature; (2) that the conduct was unwelcome; and (3) that the conduct was sufficiently severe or pervasive to alter the conditions of the plaintiff’s employment and create a hostile work environment.⁸

The Ninth Circuit more recently explained, interpreting the requirements of *Vasquez*:

“[S]imple teasing, offhand comments, and isolated incidents (unless extremely serious)” are not sufficient to create an actionable claim under Title VII, but the harassment need not be so severe as to cause diagnosed psychological injury. It is enough “if such hostile conduct pollutes the victim’s workplace, making it more difficult for her to do her job, to take pride in her work, and to desire to stay in her position.” We have held that such hostility need not be directly targeted at the plaintiff to be relevant to his or her hostile work environment claim.⁹

This training was created and required by the employer (which in itself is remarkable – usually employers are at great pains to deny that they knew anything about any discriminatory statements. If nothing else, this level of cluelessness is deeply impressive). Employees likely feared to register any opposition for fear of losing their jobs, but given that these materials were leaked to the press, it seems indisputable that at least some employees found this conduct unwelcome.

Furthermore, one of the action items on another slide entitled “What Do We Do In White People Space?” (Pro tip: When in doubt whether a statement is racist [or just plain dumb] try substituting a race different from that in your original sentence) is “Action to shift power: taking action to redistribute resources, change who’s in power, alter institutions, etc.”¹⁰ A white employee could very reasonably conclude that this means that white employees should not seek promotions in deference to “people of color,” or that they are unlikely to receive such promotions if sought – after all, they are informed that this is “White People Space,” and that they need to “change who’s in power,” which clearly means that white people should not be in power. This certainly could affect an employee’s desire to remain in her position at all.

⁶ *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993)(citations omitted).

⁷ *Id.* at 22.

⁸ *Vasquez v. County of Los Angeles*, 349 F.3d 634, 642 (9th Cir. 2003).

⁹ *Reynaga v. Roseburg Forest Products*, 847 F.3d 678, 687 (9th Cir. 2017) (citations omitted).

¹⁰ Christopher F. Rufo, Seattle Office of Civil Rights Training on “Internalized Racial Superiority for White People,” July 29, 2020, <https://christopherrufo.com/seattle-office-of-civil-rights-training-on-internalized-racial-superiority-for-white-people/>.



UNITED STATES COMMISSION ON CIVIL RIGHTS

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This is nothing more than singling out people of a particular race as class enemies and forcing them to abase themselves before the reigning orthodoxy. In the old days, we called this totalitarianism. More simply, idiocy.

I urge you to end such trainings immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Kirsanow'.

Peter Kirsanow
Commissioner