

October 30, 2020

We, the undersigned employees in the U.S. Environmental Protection Agency Office of General Counsel (OGC), acting in our personal capacities, strongly oppose the recent Executive Order on “Combating Race and Sex Stereotyping” signed September 22, 2020, and the related memos and guidance issued by the Office of Management and Budget and the Office of Personnel Management.

These directives brand discussions of the origins and effects of racism, sexism, and other forms of discrimination as “anti-American” and “divisive concepts.” This attempt to distort and suppress honest attempts to grapple with these central issues in our country is corrosive and dangerous, and it hinders necessary efforts to create healing for all.

- By characterizing efforts to address the impacts of racism as offensive, these directives result in further institutionalizing racism in the federal government.
- By forbidding federal employees from discussing anti-racism and other so-called “divisive concepts” in the workplace, these directives fly in the face of freedom of speech under the First Amendment, creating a chilling effect.
- By strangling these discussions among employees, federal grantees, and contractors, these directives are spreading a poisonous repression throughout the country.
- By encouraging employees to report on one another for any alleged “anti-American” utterance, with threatened disciplinary action to follow, the directives create a climate of fear in the federal workplace, similar to that engendered by Joseph McCarthy seventy years ago.
- By denying the racism experienced by Black, Indigenous, and People of Color (BIPOC) in the United States, the directives compound that racism.
- Similarly, by denying the oppression experienced by women and members of the LGBTQIA+ community, the directives further reinforce that oppression.

The American Historical Association aptly lays bare the bankruptcy of this approach:

It makes no sense, practically, intellectually, or ethically (or even from the standpoint of efficiency) to prohibit conversations that aim to heal division by understanding division. Like everything else, division has a history, both in the United States and across the world. Denying this history cannot erase it.

Rather than banning the “divisive concepts” from any educational venue—whether a classroom, a museum, a national park, or a workplace training session—historians seek to draw public attention to these concepts so that they can be discussed, debated, and

ultimately challenged. Unity is not achieved by pushing division under the rug; it can be won even in the face of difference.¹

We reject the approach of these directives. They are punitive and demeaning to federal employees, contractors, and grantees—especially those who are Black, Indigenous, and People of Color. These directives both perpetuate and amplify the harmful stereotyping they purport to discourage. They paint us as afraid to examine ourselves and our history. We give the people of the United States far more credit than does the Executive Order. Our people have the courage and the wherewithal to engage in difficult discussions on contentious issues, and to walk away broadened by the exchange of views.

Contrary to the accusations of divisiveness made in the directives, the trainings, events, and discussions around race and gender that we in OGC have been participating in during recent years have brought us closer to each other than ever before. Our community is strengthened by the open and thoughtful exchange of experiences and perspectives. We are committed to creating a work environment where all people are valued, respected, and treated fairly and equitably no matter their race, position, gender identity, sexual orientation or other aspect of identity. We know we still have work to do to achieve this and to make our office an inclusive and anti-racist organization and we commit to continuing that work.

Signed:

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¹[https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-urging-retraction-of-executive-order-prohibiting-the-inclusion-of-divisive-concepts-in-employee-training-sessions-\(october-2020\)](https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-urging-retraction-of-executive-order-prohibiting-the-inclusion-of-divisive-concepts-in-employee-training-sessions-(october-2020)).

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