



October 17, 2022

Ms. Elizabeth M. Cannon  
Director, Seattle Field Office  
Roberta Steele  
U.S. Equal Employment Opportunity Commission  
909 First Ave., Ste. 400  
Seattle, WA 98104-1061

### **Investigation Request/Starbucks Corporation**

Dear Ms. Cannon:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We write pursuant to 29 C.F.R. § 1601.6(a), as an “organization ... request[ing] the issuance of a Commissioner charge for an inquiry into individual or systemic discrimination,” related to Starbucks Corporation’s illegal employment practices.<sup>1</sup>

Starbucks is a publicly traded Washington corporation with its corporate headquarters located at 2401 Utah Avenue South, Seattle, Washington. On October 14, 2020, it announced a training program limited to “Black, Indigenous and People of Color (BIPOC) partners” and a program of racial balancing to achieve “BIPOC representation of at least 30% at all corporate levels and at least 40% at all retail and manufacturing roles by 2025.”<sup>2</sup> On January 11, 2022, it announced another training program limited to “BIPOC partners.”<sup>3</sup>

The announced training programs facially violate 42 U.S.C. § 2000e-2(d), which prohibits race, color, sex, or national origin discrimination “in admission to, or employment in, any program established to provide apprenticeship or other training.” The announced racial balancing program facially violates 42 U.S.C. § 2000e-2(a). Also, as of January 11, 2022, the company’s self-reported employment data shows that 71% of all its employees are female and that its workforce is “48.2% BIPOC.”<sup>4</sup> This means that white employees, particularly white men, are statistically

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<sup>1</sup> Copies of this letter are also addressed to each Member of the Commission and AFL makes the same request of them pursuant to 29 C.F.R. § 1601.6(a).

<sup>2</sup> Starbucks, *Our Commitment to Inclusion, Diversity, and Equity at Starbucks*, (Oct. 14, 2020), <https://bit.ly/3dSSKpC>.

<sup>3</sup> Starbucks, *Starbucks Broadens Efforts to Advance Racial and Social Equity on Behalf of Partners and Communities*, (Jan. 11, 2022), <https://bit.ly/3CnNOCC>.

<sup>4</sup> *Id.*

underrepresented in the company's workforce, and potentially the subjects of invidious discrimination.<sup>5</sup>

Here, a Commissioner's charge is particularly appropriate because there is ample reason to believe that the company has knowingly and intentionally violated federal law, and that it will continue to do so. For example, on March 25, 2022, the American Civil Rights Project sent Starbucks an open letter explaining how the above-described employment practices violate federal law. The company responded with a letter stating that "it is not in the best interest of Starbucks to...retract the Policies."<sup>6</sup>

The company's employment practices, as described herein, are patently illegal.<sup>7</sup> They are also deeply harmful. Discrimination based on immutable characteristics such as race, color, national origin, or sex "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone."<sup>8</sup> More broadly, the discrimination highlighted in this case necessarily foments contention and resentment, it is "odious and destructive."<sup>9</sup> It truly "is a sordid business, this divvying us up" by race or sex.<sup>10</sup>

Thank you in advance for your consideration. Please feel free to contact me if you have any questions.

Sincerely,

/s/ Reed D. Rubinstein  
Senior Counselor and Director of Oversight  
and Investigations  
America First Legal Foundation

Cc: The Honorable Charlotte A. Burrows, Commission Chair  
The Honorable Jocelyn Samuels, Commission Vice Chair  
The Honorable Janet Dhillon, Commissioner  
The Honorable Keith E. Sonderling, Commissioner  
The Honorable Andrea R. Lucas, Commissioner

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<sup>5</sup> Nicholas Jones *et al.*, *Improved Race and Ethnicity Measures Reveal U.S. Population is Much More Multiracial*, UNITED STATES CENSUS BUREAU (Aug. 12, 2022), <https://bit.ly/3C1AS49>.

<sup>6</sup> *National Center for Public Policy Research v. Schultz*, 22-2-02945 (Spokane Super. Ct.); Dan Morenoff, *Starbucks' Shareholder Sues to Stop Its Civil Rights Violations from Wasting Corporate Assets*, American Civil Rights Project (Aug. 30, 2022), <https://bit.ly/3E3hA0M>.

<sup>7</sup> *Bob Jones Univ. v. United States*, 461 U.S. 574, 593 (1983) ("racial discrimination in education violates a most fundamental national public policy, as well as rights of individuals").

<sup>8</sup> *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

<sup>9</sup> *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

<sup>10</sup> *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).