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Media

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The Legal Defense Fund Launches New Equal Protection Initiative Aimed at Preserving the Tools Needed to Remove Barriers to Equal Opportunities

Washington, DC – Today, in response to ongoing attacks on efforts to address racial inequality, the Legal Defense Fund (LDF) announced the launch of its Equal Protection Initiative (EPI), an interdisciplinary project to protect and advance public and private sector efforts to remove barriers to equal opportunity for Black people. As part of this new initiative, LDF also released comprehensive guidance offering concrete recommendations for advancing equal opportunity in the workplace, business, and philanthropy. This guidance serves as a call to action for companies not yet engaged to recognize that opening the doors of opportunity will boost innovation and success.

“Our national security, our ability to compete in a global economy, and the health of our multi-racial democracy depend on ensuring that opportunities are equally available to everyone,” Janai Nelson, LDF’s President and Director-Counsel said. “Talent and skills are found in people of all races and backgrounds. We cannot leave talent on the table. Our guidance gives employers, businesses, and funders practical tools to advance these goals.”

“Investing in programs that advance racial equality is more important than ever. Opponents of civil rights have sought to expand the Supreme Court’s limited ruling in the higher education affirmative action case, *Students for Fair Admissions v. Harvard/UNC*, to dismantle tools our country has long relied on to combat discrimination. LDF’s new Equal Protection Initiative will marshal the power of litigation, policy, research, organizing, and communications to meet these challenges and ensure that all have equal access to opportunities to thrive in our multi-racial democracy.”

LDF’s recent report, *The Economic Imperative to Ensure Equal Opportunity: Guidance for Employers, Businesses, and Funders*, explains what employers, businesses, and funders can do to break down barriers to opportunity following the Supreme Court’s *Students for Fair Admissions* decision, which only addressed the application of the Equal Protection Clause and Title VI in higher education and does not change the law governing most activities of employers, businesses, and philanthropic organizations. As LDF explains in its guidance, employers continue to have “numerous lawful means of creating more diverse and inclusive workplaces and meeting their obligation to ensure equal opportunities for all.”

In its guidance, LDF recommends employers, businesses, and philanthropic organizations:

- Communicate the value of diversity and equal opportunity, including explaining how these programs impact the organization’s mission and goals from the boardroom to the mailroom.
- Build robust pipelines by (a) ensuring all internship, fellowship, and mentoring programs include universities that serve a disproportionate share of students from communities that are underrepresented in the organization’s economic sector, and (b) creating pipeline programs with communities, schools, or institutions that serve a disproportionate share of those individuals.
- Expand recruitment efforts to ensure that the organization’s applicant pool reflects the diversity of the labor market and does not unjustifiably exclude qualified applicants.
- Establish aspirational goals to address underrepresentation of excluded groups through lawful and effective means, such as targeted recruiting.
- Diligently comply with anti-discrimination laws.
- Remove or significantly limit criminal history and credit checks, which can improperly screen out qualified candidates for non-job-related reasons and have an adverse disparate impact on Black and Latinx candidates.
- Foster an inclusive work environment.
- Support Employee Resource Groups and mentorship programs.
- Ensure that firms owned by people of color have a meaningful opportunity to compete for business relationships.
- Collect data and measure progress on key diversity and inclusion metrics.
- Conduct an equity audit, which can assess whether an organization’s policies and practices are marred by obstacles to equal opportunity.
- Simplify the application process for funding to reduce burdens on promising applicants with limited resources and experience with grants.
- Above all, remain steadfast in the laudable and lawful goal of creating equitable and inclusive workplaces.

The guidance can be accessed [here](#).

Since its inception more than 80 years ago, LDF has been at the forefront of shaping the legal meaning of equal protection under the U.S. Constitution, most notably through its watershed victory in *Brown v. Board of Education*. LDF has played a role in every Supreme Court case defending affirmative action in higher education and is a leading voice in the decades-long struggle for equitable college admissions policies and equal employment opportunities, from its early efforts to desegregate colleges and universities and equalize workplaces throughout the Jim Crow South to the passage of the Civil Rights Act of 1964 to its ongoing advocacy for advancing equal opportunity in higher education and employment.

LDF’s Equal Protection Initiative seeks to fully realize the U.S. Constitution’s promise of equal protection under law by safeguarding, expanding, and deepening government and private sector efforts to remove and remediate barriers to equal opportunity for Black people in the economy, education, and other areas through race-conscious and race-neutral means. In addition to releasing today’s guidance for employers, businesses, and funders, EPI has released [guidance](#) with partner organizations on equalizing access to higher education in the aftermath of the *SFFA* decision; advocated for the federal government to strengthen and preserve race-conscious contracting programs; and filed *amicus* briefs defending race-conscious and race-neutral programs to advance racial equality in education and employment. Moreover, LDF—along with Asian Americans Advancing Justice-AAJC, LatinoJustice PRLDEF, the National Center for Lesbian Rights, and the National Women’s Law Center—created the Advancing Racial Equity

Alliance, a multi-racial and intersectional coalition to protect and affirmatively expand efforts to advance equality for people of color, women and girls, and LGBTQ+ individuals. Visit <https://www.naacpldf.org/equal-protection-initiative/> to learn more about LDF's efforts.

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About the Legal Defense Fund

Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.