



AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY

**THE AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY OPPOSES THE  
CONFIRMATION OF NEOMI RAO FOR THE U.S. COURT OF APPEALS, DC CIRCUIT**

*Organization of equal opportunity and diversity professionals finds that Ms. Rao lacks judicial experience and will be a partisan in matters involving affirmative action, diversity and equal opportunity*

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Contact: Shirley J. Wilcher

240-893-9475

[execdir@aaaed.org](mailto:execdir@aaaed.org)

[www.aaaed.org](http://www.aaaed.org)

Washington, DC, March 6, 2019 - The American Association for Access, Equity and Diversity (AAAED), an organization of equal opportunity, diversity and affirmative action professionals, has announced that it opposes the confirmation of Ms. Neomi Rao for United States Court of Appeals, District of Columbia Circuit. Like her predecessor Clarence Thomas, the conservative Ms. Rao is, reportedly, on a short list of potential nominees in the event of another vacancy on the U.S. Supreme Court.<sup>1</sup>

Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED is a national not-for-profit association of professionals working in the areas of equal opportunity, compliance and diversity. The longest-serving organization of individuals in the equal opportunity and diversity professions, AAAED has 45 years of leadership providing quality professional training to practitioners and promoting understanding and advocacy of affirmative action and other equal opportunity laws.

The DC Circuit is considered the second most important federal court and its decisions have a profound effect on the rights of minorities, women, individuals with disabilities and the LGBTQ community. This court has also been the stepping stone for candidates to the Supreme Court of the United States.

Ms. Rao is a former law clerk of Justice Clarence Thomas, Associate White House Counsel in the Administration of President George W. Bush and a former law professor at George Mason University. She is currently White House Administrator of the Office of Information and Regulatory Affairs. She has no judicial experience. "Even in her college years, Ms. Rao displayed an extraordinary contempt for issues and actions in support of multiculturalism and affirmative action," stated Shirley J. Wilcher, Executive Director. As Editor-in-Chief of a Yale University publication, she wrote "Myths of racial and sexual oppression propagate themselves, create hysteria, and finally lead to the formation of some whining new group."<sup>2</sup> In a book review on Elitism, she wrote, "In this age of affirmative action, women's

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<sup>1</sup> See Johnson and Orr, "Trump White House urging allies to prepare for possible RBG departure," *Politico*, Politico, January 10, 2019, <https://www.politico.com/story/2019/01/10/trump-white-house-urging-allies-to-prepare-for-possible-rbg-departure-1096102> (accessed 4th March, 2019).

<sup>2</sup> *Yale Free Press*, "Submission, Silence, Mediocrity," Yale Free Press, <https://www.documentcloud.org/documents/5684271-Rao-Submission-Silence-Mediocracy.html>.

rights, special rights for the handicapped and welfare for the indigent and lazy, elitism is a forgotten and embarrassing concept.”<sup>3</sup> As a law and graduate student at the University of Chicago, she described affirmative action as the “anointed dragon of liberal excess.”<sup>4</sup> In her legal writings, Ms. Rao has also expressed opposition to supporting the constitutional right of equal protection regarding sexual orientation and gender identity.

“Her ‘blame the victim’ views on the role of women in instances of rape and assault were equally troubling,” added Ms. Wilcher. On February 11, 2019, Ms. Rao wrote a letter to the Senate Judiciary Committee expressing regret for her previous sentiments on date rape. The National Women’s Law Center responded:” [T]he damage to survivors is done. We are not fooled by her claims of evolved thinking after she rolled back protections for survivors of sexual assault in her role at OIRA.”<sup>5</sup> The Law Center is referring to Ms. Rao’s approval as OIRA Administrator of the controversial proposed Title IX regulations on sexual assault posted by the U.S. Department of Education. AAAED submitted comments expressing serious concerns about the efficacy of the proposal for the protection of survivors of sexual harassment and assault.<sup>6</sup> Ms. Rao was also at OIRA when the Office of Management and Budget attempted to halt the addition of pay data to the Equal Employment Opportunity Commission’s EEO-1 form, a document that many employers are required to submit to the government regarding the racial, ethnic and gender composition of their workforces. A federal court recently decided against the stay and allowed the pay data addition to go forward.

“For her absolute absence of judicial experience and her extreme opposition to the rights of minorities, women, the LGBTQ community and others, we stand with organizations for whom equal opportunity is essential to a just society and oppose the confirmation of Ms. Rao for the District of Columbia Circuit,” stated Ms. Wilcher.<sup>7</sup> For a copy of the full statement to the Senate, click here:

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<sup>3</sup> Neomi Rao, “In Defense of Authentic Elitism,” *Yale Free Press*, Yale Free Press, <https://assets.documentcloud.org/documents/5684158/Jan-1995-Rao-in-Defense-of-Authentic-Elitism.pdf>;

See also, Stephanie Mencimer, *Mother Jones*, “Trump’s Nominee to Replace Kavanaugh Questioned Date Rape, Discrimination, and Climate Change,” January 14, 2019, <https://www.motherjones.com/politics/2019/01/trumps-nominee-to-replace-kavanaugh-questioned-date-rape-discrimination-and-climate-change/> (accessed 4th March, 2019).

<sup>4</sup> Neomi Rao, “One Writer’s Battles,” November 10, 1996, <https://assets.documentcloud.org/documents/5684160/11-10-96-Rao-One-Writers-Battles.pdf>; See Sarah Von der Lippe’s critique of Ms. Rao and her views on affirmative action in contracting: “Neomi Rao and Affirmative Action: Another Reason to Oppose,” *People for the American Way*, People for the American Way, February 4, 2019, <http://www.pfaw.org/blog-posts/neomi-rao-and-affirmative-action-another-reason-to-oppose/>, (accessed 4th March, 2019).

<sup>5</sup> *National Women’s Law Center*, Five Things You Should Know About D.C. Circuit Nominee Neomi Rao, National Women’s Law Center, <https://nwlc.org/blog/five-things-you-should-know-about-d-c-circuit-nominee-neomi-rao/> . See Letter of Neomi Rao to the Senate Judiciary Committee, February 11, 2019, <https://www.judiciary.senate.gov/imo/media/doc/Letter%20from%20N.%20Rao%20to%20SJC.pdf>, (accessed 4th March, 2019).

<sup>6</sup> See AAAED Comments on Proposed Title IX Regulations, [https://www.aaaed.org/images/aaaed/Press\\_Releases/2019/AAAED-Comments-OCR-NPRM.pdf](https://www.aaaed.org/images/aaaed/Press_Releases/2019/AAAED-Comments-OCR-NPRM.pdf); *National Women’s Law Center et al. v. Office of Management and Budget, et al.*, Civil Action No. 17-cv-2458 (TSC), U.S. D.Ct, (DDC), March 4, 2019, <https://www.courtlistener.com/recap/gov.uscourts.dcd.191146/gov.uscourts.dcd.191146.45.0.pdf>.

<sup>7</sup> See, e.g., Statement of NAACP Legal Defense and Educational Fund, Inc, “The Senate Must Reject Neomi Rao’s Nomination to the D.C. Circuit,” <file:///C:/Users/Shirley/Downloads/NeomiRaoBackground.pdf> ; Letter from 76 South Asian Women Civil and Human Rights Lawyers, Law Professors, and Survivor Advocates,

<file:///C:/Users/Shirley/Documents/AAED%20News%20Release%20Statement%20in%20Opposition%20of%20Rao%20for%20DC%20Circuit%20030619%20Final.pdf>

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