Drew Constable

From: Public Comments
Sent: Sunday, April 6, 2025 9:25 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Megan Gandy, email - meganegandy@gmail.com, phone number - , org - , zip-code - 26501

Date of Submission: 04/06/2025

Diversity, equity, and inclusion helps everyone. Research shows that when we have a more diverse workforce, it is stronger and more efficient than when it is monolithic. When people are treated equitably, every benefits because of the improvements in society. When all voices are included, we get to move past the shallow "yes man" lip service and get to the meat of what it means to make our livelihood stronger. It is a mistake to end DEI programs. Our state will be weaker without them.

Drew Constable

From: Public Comments
Sent: Sunday, April 6, 2025 10:31 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Betty Rivard, email - bettyrivard@yahoo.com, phone number - , org - Unaffiliated, zip-code - 25301

Date of Submission: 04/06/2025

West Virginia has worked hard under administrations led by both parties to be known as a welcoming state. This bill sends the wrong message and is a step backwards in the progress we have made. It is dismissive of our residents who are women or in a minority based on any of the designated factors. We are ALL West Virginians and deserving of respect regardless of our differences. Please vote against this bill. Thank you.

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 12:04 AM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Eli Baumwell, email - ebaumwell@acluwv.org, phone number - , org - ACLU of WV, zip-code - 25302

Date of Submission: 04/07/2025

The ACLU of West Virginia adamantly opposes SB 474 (Ending Diversity, Equity, and Inclusion Programs) and urges rejection of this bill. It raises numerous constitutional questions, contradicts federal civil rights law, and is simply bad policy. More fundamentally, it is an attack on the free exchange of ideas that is essential to our democracy.

SB 474 represents an significant infringement on free speech and academic freedom in West Virginia. It has a chilling effect on public discourse, suppressing discussions of race, history, and structural inequality. The Supreme Court has repeatedly recognized that schools and universities play a crucial role in fostering free expression. In *Tinker v. Des Moines Independent Community School District* (1969), the Court ruled that "the classroom is peculiarly the 'marketplace of ideas,'" where students should be exposed to a broad range of perspectives.

SB 474 would impose a government-mandated restriction on that marketplace, dictating which topics may be discussed and which must be silenced.

The Supreme Court has previously warned against such suppression. In *Sweezy v. New Hampshire* (1957), the Court stated:

"The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth... Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

While co-opting civil rights language, this bill also undermines federal civil rights laws. Federal and state guidance has long held that compliance with civil rights law permits, and in some cases requires, proactive steps to prevent discriminatory outcomes. Diversity, equity, and inclusion programs serve that purpose.

Beyond its legal and constitutional flaws, SB 474 reflects a serious misunderstanding of diversity, equity, and inclusion initiatives. These programs do not indoctrinate, or impose ideology, or rely on quotas. They ensure that people of all backgrounds have equal access to opportunities. Diversity, equity, and

inclusion efforts include support for first-generation college students, outreach to underrepresented faculty, and job opportunities for displaced coal workers.

Systemic racism and implicit bias are fact. There is no shortage of historical documentation of the ways race, sex, gender, and sexuality were explicitly cited to deprive some people of rights. Similarly, there's no shortage of studies today that demonstrate that significant disparities persist.

The median white household in America has almost eight times the wealth of the median Black household and five times the wealth of the median Hispanic household. This wealth gap is a direct result of historical policies, including redlining, exclusion from the GI Bill, and employment discrimination.

The *National Bureau of Economic Research* (2019) found that Black and Hispanic mortgage applicants were 40% to 80% more likely to be denied loans compared to similarly situated white applicants. Redlining maps from the 1930s, originally backed by the federal government, continue to correlate strongly with racial disparities in homeownership rates today.

The Sentencing Project (2023) reports that Black Americans are incarcerated at five time the rate of white Americans, despite similar rates of drug use. West Virginia's own Department of Corrections data reflects racial disparities in sentencing and parole denials.

A Harvard University study found that job applicants with "Black-sounding" names were 50 percent less likely to receive callbacks for interviews compared to those with "white-sounding" names, even when résumés were identical. In fact, applicants with "black-sounding" name were less likely than applicants with "white-sounding names" even when the later group reported having a felony on their record.

The U.S. Department of Education reports that schools serving majority-Black and Latino students receive, on average, $23 billion less in funding per year than majority-white schools, even after controlling for income levels. These funding disparities lead to larger class sizes, fewer advanced courses, and fewer resources.

By restricting public institutions from addressing these inequities through DEI programs, SB 474 actively suppresses efforts to create a fairer and more just society. Prohibiting discussions about systemic discrimination does not make discrimination disappear. In fact failing to acknowledge or address it, will only allow it to proliferate.

The bill is also vague. The prohibition on using state funds for "DEI statements" or "promoting DEI ideologies" is undefined and subject to arbitrary enforcement. Such ambiguity violates constitutional protections against vague laws. In *Village of Hoffman Estates v. Flipside* (1982), the Supreme Court ruled that laws restricting speech must be clear and precise; otherwise, they create an unconstitutional chilling effect. This bill does exactly that—it forces institutions into silence, unsure of what they can lawfully discuss.

Finally, this bill is bad policy. Diversity improves educational outcomes, workplace productivity, and overall institutional performance.

SB 474 does not protect free speech; it restricts it. It does not promote fairness; it undermines it. And it does not advance West Virginia's interests; it harms them. As Justice Oliver Wendell Holmes famously

stated, “the best test of truth is the power of the thought to get itself accepted in the competition of the market.”

SB 474 is an attempt to rig that competition, to silence certain truths and eliminate certain perspectives. That is not the American way.

The ACLU of West Virginia urges you to reject this unconstitutional, legally dubious, and deeply misguided legislation. We should be fostering open dialogue—not banning it.

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 7:54 AM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Denise McDavid, email - denmcdavid@yahoo.com, phone number - (304) 553-3189, org - Title, zip-code - 26287

Date of Submission: 04/07/2025

VOTE NO!

Drew Constable

From: Arbogast, Molly <marbogast.naswwv@socialworkers.org>
Sent: Monday, April 7, 2025 8:52 AM
To: House Judiciary
Subject: Public Comment: SB474
Attachments: NASW WV - sb474 comment .pdf

Good morning – below and in the attached pdf is public comment from NASW West Virginia on SB474 being heard in Committee today.

The National Association of Social Workers, West Virginia Chapter (NASW WV), strongly opposes SB 474. This bill would prohibit diversity, equity, and inclusion (DEI) programs within public institutions, undermining the core values of the social work profession and putting vulnerable communities at greater risk of harm.

Social workers are guided by a Code of Ethics that emphasizes the dignity and worth of every person, the importance of human relationships, and the commitment to social justice. Programs supporting diversity, equity, and inclusion are essential tools for identifying and addressing systemic barriers. Not everyone is afforded the same opportunities, especially in reference to individuals with historically excluded identities. Diversity, Equity, and Inclusion are not about discounting merit; these initiatives are about making sure all individuals are given the same chance to prove their merit.

Efforts to eliminate these programs under SB 474 directly conflict with best practices in social work. Research shows that inclusive environments improve outcomes in education, employment, and health. Removing these programs sends a dangerous message and limits the capacity of our institutions to serve all West Virginians.

Social workers are trained to recognize and challenge injustice. We know that DEI work is not about exclusion or division — it's about ensuring everyone has a fair chance to thrive. We urge lawmakers to reject SB 474 and instead invest in inclusive practices that reflect the diversity and resilience of our state.

Thank you for your time and consideration.

Molly Arbogast, MSW, LSW, CSWM
Executive Director – NASW West Virginia Chapter
(she/her)

NASW West Virginia
400 Patterson Lane
Charleston, WV 25311
Office Phone: 304.345.6279

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in

Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

NASW
National Association of Social Workers
WEST VIRGINIA CHAPTER

The National Association of Social Workers, West Virginia Chapter (NASW WV), strongly opposes SB 474. This bill would prohibit diversity, equity, and inclusion (DEI) programs within public institutions, undermining the core values of the social work profession and putting vulnerable communities at greater risk of harm.

Social workers are guided by a Code of Ethics that emphasizes the dignity and worth of every person, the importance of human relationships, and the commitment to social justice. Programs supporting diversity, equity, and inclusion are essential tools for identifying and addressing systemic barriers. Not everyone is afforded the same opportunities, especially in reference to individuals with historically excluded identities. Diversity, Equity, and Inclusion are not about discounting merit; these initiatives are about making sure all individuals are given the same chance to prove their merit.

Efforts to eliminate these programs under SB 474 directly conflict with best practices in social work. Research shows that inclusive environments improve outcomes in education, employment, and health. Removing these programs sends a dangerous message and limits the capacity of our institutions to serve all West Virginians.

Social workers are trained to recognize and challenge injustice. DEI work is not about exclusion or division — it's about ensuring everyone has a fair chance to thrive. We urge lawmakers to reject SB 474 and instead invest in inclusive practices that reflect the diversity and resilience of our state.

Thank you for your time and consideration.

Molly Arbogast, MSW, LSW, CSWM
Executive Director
NASW West Virginia

Halle Stewart, MSW
Membership & Advocacy Manager
NASW West Virginia

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 9:07 AM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Christine Hedges, email - cmh3790@yahoo.com, phone number - (304) 377-6092, org - Kanawha Valley NOW, zip-code - 25301

Date of Submission: 04/07/2025

SB 474 will drive young people from our state. It is not only divisive it is mean spirited. There are important things that the legislature should be doing instead of this. Vote no
Christine Hedges
Charleston WV

Drew Constable

From: Carli Mareneck <cmareneck@yahoo.com>
Sent: Monday, April 7, 2025 9:33 AM
To: House Judiciary
Subject: Bill 474

Please do not pass Bill 474.
Our Constitution is based on the premise of working together toward equality for all citizens.
Bill 474 if passed will destroy this very premise and hurt our most vulnerable West Virginian citizens.
Your duty is to our Constitution and hopefully your conscience can guide the committee to decide against this heinous legislation.
Thank you.
Sincerely, Carli Mareneck

Sent from my phone

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 11:37 AM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Sarah Umberger, email - sarahumberger@gmail.com, phone number - (304) 667-6749, org - , zip-code - 24901

Date of Submission: 04/07/2025

The initials DEI have become a big bogeyman and something that we're all supposed to hate, but is there really anything wrong with promoting diversity, equity, and inclusion? Isn't that what Christianity and most religions stand for? We are a nation of people who have come here from many countries and cultures and have become more enriched by it.

Please stop and think before you vote today to support a bill that's purely based on the political winds.

Please vote against SB 474

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 1:07 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Katherine Dooley, email - dooleylaw@aol.com, phone number - (304) 541-1393, org - , zip-code - 25311

Date of Submission: 04/07/2025

Please vote no on SB 474. It does nothing to improve the lives of West Virginians and, in fact, marginalizes women and Black people. It will result in the rolling back of equal rights and lead to discrimination in many sectors of our society.

VOTE NO!

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 2:58 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Aju James, email - basiljames91@gmail.com, phone number - , org - , zip-code - 25311

Date of Submission: 04/07/2025

I am writing to oppose SB 474 and request that this bill be not moved out of the Judiciary Committee. This bill is intentionally crafted vaguely and ambiguously such that everyday West Virginians maybe be harassed and intimidated by special interest groups with an axe to grind. It stands against values that most West Virginians hold - diversity, equity, and inclusion

This bill claims to oppose the positioning of any race as superior to others. However, the comments made by supportive Senators reveal its true purpose, which is to end any little protection against discrimination that is currently afforded to minority groups. If this bill passes, thousands of West Virginians will be harassed and discriminated against on the basis of their race, gender, sexuality, and ability.

Existing and historical patterns of discrimination have made it necessary for public agencies, religious organizations, and non profits to target their efforts to reach particular communities. This is made necessary because these communities were previously denied opportunities and were excluded from such provisions. As a result of such targeted programs, marginalized communities have made slow progress towards social equality. If this bill passes, those gains will be rolled back and existing programs will have to shutter. This will be a tremendous blow to social progress in our state.

Please oppose the passage of this bill.

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 3:55 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Annie CRONAN YORICK, email - acyorickattorney@gmail.com, phone number - (304) 216-2251, org - Humman Rights Attorney, zip-code - 26505

Date of Submission: 04/07/2025

The Governor and this Bill confuse DEI with Affirmative Action ("AA"). AA is an active effort to promote members of minority populations into the mainstream so their protected class is proportionally represented in any given body. This is a quota system and has rightly been deemed discriminatory because it puts unprepared candidates in positions *because* of their protected status.

DEI is quite different. It is ancillary to the 14th Amendment; it prohibits discrimination based on one's membership in a protected class. It ensures equality of opportunity for all. It does not give a position to someone because they check a box.

The 14th Amendment has been in place since 1866; it did not adequately address the problem. In that time, we have seen Jim Crow racial segregation, gender discrimination, LGBTQ+ oppression, and significant under-accommodation of those with disabilities.

Women in WV are paid seventy-four cents on the dollar to men for equal work. Self-identified LGBTQ+ citizens comprise 9.3% of the U.S. population, according to a February 20, 2025, Gallup Poll, and have $1 trillion in spending power. The CDC said in December 2024 that twenty-eight percent of the US population has a disability, yet we needed the ADA - which WV rarely enforces.

No, the 14th Amendment does not 'take care' of it. And no, discrimination has not been conquered in WV or anywhere else.

Which word offends you most? Diversity? Equity? Or Inclusion? Doesn't the Pledge of Allegiance end with "With Liberty and Justice for All?"

To eliminate DEI is to return to the *de facto* Affirmative Action for the straight, White, Christian male, despite his merit or mediocrity.

Do you expect work-ready people to stay in West Virginia if it readily dismisses their struggles? Do you think WV can attract businesses with a diverse workforce to a State that won't protect their people's rights?

It harms no one to give everyone equal opportunity, which is why we have DEI in place. Please don't cave to the propaganda. Let's continue to be the solution, not the problem.

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 3:57 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Annie CRONAN YORICK, email - acyorickattorney@gmail.com, phone number - (304) 216-2251, org - Human Rights Attorney, zip-code - 26505

Date of Submission: 04/07/2025

The Governor and this Bill confuse DEI with Affirmative Action ("AA"). AA is an active effort to promote members of minority populations into the mainstream so their protected class is proportionally represented in any given body. This is a quota system and has rightly been deemed discriminatory because it puts unprepared candidates in positions *because* of their protected status.

DEI is quite different. It is ancillary to the 14th Amendment; it prohibits discrimination based on one's membership in a protected class. It ensures equality of opportunity for all. It does not give a position to someone because they check a box.

The 14th Amendment has been in place since 1866; it did not adequately address the problem. In that time, we have seen Jim Crow racial segregation, gender discrimination, LGBTQ+ oppression, and significant under-accommodation of those with disabilities.

Women in WV are paid seventy-four cents on the dollar to men for equal work. Self-identified LGBTQ+ citizens comprise 9.3% of the U.S. population, according to a February 20, 2025, Gallup Poll, and have $1 trillion in spending power. The CDC said in December 2024 that twenty-eight percent of the US population has a disability, yet we needed the ADA - which WV rarely enforces.

No, the 14th Amendment does not 'take care' of it. And no, discrimination has not been conquered in WV or anywhere else.

Which word offends you most? Diversity? Equity? Or Inclusion? Doesn't the Pledge of Allegiance end with "With Liberty and Justice for All?"

To eliminate DEI is to return to the *de facto* Affirmative Action for the straight, White, Christian male, despite his merit or mediocrity.

Do you expect work-ready people to stay in West Virginia if it readily dismisses their struggles? Do you think WV can attract businesses with a diverse workforce to a State that won't protect their people's rights?

It harms no one to give everyone equal opportunity, which is why we have DEI in place. Please don't cave to the propaganda. Let's continue to be the solution, not the problem.

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 4:27 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Kathy Showen, email - kshowen@suddenlink.net, phone number - , org - , zip-code - 25313

Date of Submission: 04/07/2025

Vote NO on SB 474! We are setting ourselves back over 100 years if this passes! We are in danger of becoming a white supremacist nation!

Drew Constable

From: Public Comments
Sent: Monday, April 7, 2025 10:15 PM
To: House Judiciary
Subject: Public Comments on SB 474

Contact Info: name - Judy K. Ball, PhD, MPA, email - LWVofWV@gmail.com, phone number - (240) 997-1222, org - League of Women Voters of West Virginia, Legislative Action Workgroup, zip-code - 26508

Date of Submission: 04/07/2025

TESTIMONY in Opposition to SB 474

The League of Women Voters supports equal rights for all under state and federal law regardless of race, color, gender, religion, national origin, age, sexual orientation, or disability.

The League **OPPOSES SB 474**'s attempt to strip Diversity, Equity, and Inclusion (DEI) initiatives from WV's government, primary and secondary schools, and higher education.

And we are shocked that any reasonably well-informed person would believe DEI is simply not necessary, or not necessary any longer. Rather than considering the impacts of past wrongs to be righted, many -- even those in power -- simply wave off the lingering effects of racism and sexism. They dismiss any need for DEI with statements like "we don't need it anymore" and banning DEI is "about ending discrimination." ("'We don't need it anymore': WV Senate passes bill banning DEI in state government, schools," *West Virginia Watch*, 3/26/2025) Those statements came from male and female members of the WV Senate in its current 2025 session. That's 2025, not 1825.

We agree on one thing. DEI might never have been necessary if the United States of America had not been born, grew, and matured with such reverence for homogeneity, inequity, and exclusion (HIE). Our history is full of it.

But our agreement is short-lived. The HIE was never just about individuals; it became systemic. As such, it burrowed into our institutions, often without our even recognizing it. Historical HIE may be in the past, but its remnants still affect us today. As does our denial, obviously.

With systemic disorders, a cure requires widespread, in depth recognition, reconsideration, redress. Sepsis, a systemic infection, can't be cured by suppressing the cough that was its first symptom. Addiction can't be cured simply by locking someone up until they detox. Similarly, a localized, short-lived approach to curing systemic racism and sexism isn't enough. The infection runs too deeply in our society and institutions. Whether we want to admit it or not.

The League of Women Voters urges you to vote against SB 474. Votes in favor of this bill are votes to deny history and the needs of your most vulnerable constituents in favor of making destructive political points.

Thank you for your service.