



December 16, 2025

VIA electronic portal

The Honorable Andrea R. Lucas
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

RE: Investigation Request: Penguin Random House, LLC

Dear Chair Lucas:

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 seeking an investigation into the apparent unlawful hiring and promotion practices by Penguin Random House, LLC (“PRH” or “the Company”). Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* prohibits employers from engaging in employment or other hiring practices when race, color, religion, sex, or national origin is a motivating factor for any employment decision. § 2000e-2(m). As detailed below, PRH’s employment practices appear to discriminate against prospective and current employees in recruitment, retention, and development because of their skin color and/or sex. Specifically, despite proclaiming to “include” all demographics, these policies appear to be designed to exclude white men. This is unlawful. *See* 42 U.S. Code § 2000e-2, *et seq.* Accordingly, we respectfully request that you issue a Commissioner Charge to investigate PRH pursuant to 29 C.F.R. § 1601.6(a) and take appropriate enforcement action.

I. PRH is a Major U.S. Publisher

PRH was formed from the 2013 merger of Penguin (a U.K. company) and Random House (a U.S. company), which were founded in 1935 and 1927, respectively. PRH is now a Delaware company with its main headquarters located at 1745 Broadway, New York, NY 10019.¹ PRH describes itself as “the U.S. arm of Penguin Random House, the world’s largest trade publisher, which comprises more than 300 editorially and

¹ *Offices*, PENGUIN RANDOM HOUSE, <https://perma.cc/CA4U-LK RK>.

creatively independent publishing imprints globally.”² In 2024, PRH earned over \$ 3.9 billion in U.S. publishing revenues.”³

II. PRH Promotes Unlawful DEI Practices

PRH appears to use race, color, sex, and national origin as the basis for various employment and personnel decisions in its United States operations.⁴ PRH does not shy away from or seek to disguise these practices. Instead, on one of its website pages titled “Our Approach to Diversity, Equity & Inclusion” PRH proclaims: “As Penguin Random House, we hold a collective belief that a diverse range of voices needs to be elevated and heard.”⁵ In describing its Diversity, Equity, and Inclusion (“DEI”) efforts, it identifies its “five pillars” that shape PRH’s actions as follows:

- **Leadership Investment:** Hold leaders accountable for implementing PRH’s DEI vision, setting goals, achieving results, and being role models.
- **Diversity & Representation:** Ensure that PRH attracts, sources, and recruits candidates who will help achieve our mission to “create books for everyone” responsibly and with authenticity.
- **Professional Development:** Integrate DEI principles into talent development and retention efforts.
- **Psychological Safety & Belonging:** Create a psychologically safe, inclusive work environment through comprehensive Learning & Development programs and concise DEI communication.
- **Content & Marketplace:** Demonstrate a measurable companywide increase in content we’re acquiring, publishing, and promoting from the widest range of contributors with the ultimate goal of publishing books that reflect the world we live in.⁶

PRH also maintains race- and sex-based demographic data to show its growth in diversity.⁷ Framing its race and sex-based hiring and retention as needed “to create books for everyone,” PRH states it “must embrace, encourage, and make space for diverse perspectives and varied approaches in our workforce and workplace.”⁸ Sup-

² See *Penguin Random House LLC v. Ben Gibson*, No. 6:24-cv-01573, ECF. No. 1 at ¶ 20, (M.D. Fla. Aug. 29, 2024).

³ Jim Milliot, *PRH Sales Rose 8.5% in 2024, Topping \$5 Billion*, PUBLISHER’S WKLY. (Mar. 31, 2025), <https://perma.cc/N33R-AXZT>.

⁴ AFL does not address PRH’s decisions regarding the subject matter or content it chooses to publish. AFL’s focus herein is specifically with respect to PRH’s employment practices.

⁵ See *Social Impact: Our Commitments*, PENGUIN RANDOM HOUSE, <https://perma.cc/4C8Q-FPQF>.

⁶ *Id.*

⁷ *About-Us: Our People*, PENGUIN RANDOM HOUSE, <https://perma.cc/Q848-CCRJ> (Oct. 16, 2025).

⁸ *Id.*

porting its actions, PRH's website displays a 2024 graph of its workforce demographics of white versus BIPOC employees,⁹ proudly stating that while "the publishing industry has made modest progress in increasing racial diversity since 2019, ... Penguin Random House surpass[es]the industry average across most categories."¹⁰

PRH continues to promote Diversity, Equity & Inclusion in 2025, boasting:

We bring people together by amplifying storytelling and a diverse range of voices, not only in the books and in the authors we publish, *but also within our company*, by working to create the most equitable and inclusive home where all are welcome and where every person is empowered to be themselves and to share their perspectives. For more information about our commitment to Diversity, Equity & Inclusion, view our Social Impact page.¹¹

And, in June 2025, PRH revealed that, "While our entry-level, individual contributor, and people manager populations *continue to* diversify racially, there's still much work to be done to increase the diversity of our company leadership, especially within our People Manager and Executive Teams."¹² PRH also emphasized its need to increase employee demographics based on race:

The percentage of Black new hires is now beginning to trend upward after significant dips in 2022 and 2023. Overall, we have not yet achieved and maintained our new hire demographic goals, and the continued importance of our targeted recruitment and outreach efforts cannot be overstated.¹³

While PRH has recently revised its website content from earlier this year to downplay the apparent illegality of its policies, its practices have seemingly not changed, as can be seen in PRH's self-described, "Our Commitments:"

While these [five] pillars have advanced our progress in establishing more inclusive business practices, there is still much more important work to do. Together with our Diversity, Equity & Inclusion Councils, Employee Resource Groups, and leadership teams, we will continue our ongoing and evolving plan for action to achieve our aspiration of creating an inclusive corporate environment and publishing community.¹⁴

⁹ See *id.*

¹⁰ *About-Us: Our People*, PENGUIN RANDOM HOUSE, <https://perma.cc/GUP8-MCPJ> (June 26, 2025).

¹¹ *About-Us: Our People*, *supra* note 7 (emphasis added).

¹² *About-Us: Our People*, *supra* note 10 (emphasis added).

¹³ *Id.*

¹⁴ See Social Impact: Our Commitments, *supra* note 5.

PRH's job postings claim the organization "values the array of talents and perspectives that a diverse workforce brings. All qualified applicants will receive consideration for employment without regard to race, national origin, religion, age, color, sex, sexual orientation, gender identity, disability, or protected veteran status."¹⁵ Yet, the Company's own website pages belie this rhetoric. The Company maintains desired workforce demographics, compares White versus BIPOC representation,¹⁶ and promotes employment development through Diversity, Equity, and Inclusion Councils,¹⁷ which the EEOC has warned may violate federal law.¹⁸

III. PRH Appears to be Violating Federal Law

The United States Constitution, applicable statutory text, and Title VII are clear: racial, ethnic, and sexual orientation-based considerations in hiring, training, compensation, and promotion are patently unlawful. *See* 42 U.S.C. § 2000e-2(a), (d), and (m).¹⁹ Such practices are inherently and profoundly harmful.²⁰

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."²¹ More broadly, the discrimination ... necessarily foments contention and resentment; it is "odious and destructive."²²

"Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality."²³ It truly "is a sordid business, this divvying us up" by race or sex.²⁴

¹⁵ *See, e.g., Administrator, Contracts and Invoices – (Hybrid)*, PENGUIN RANDOM HOUSE: CAREERS, <https://perma.cc/AY46-U46W>.

¹⁶ About-Us: Our People, *supra* note 7 (emphasis added).

¹⁷ Social Impact: Our Commitments, *supra* note 5.

¹⁸ *What You Should Know About DEI-Related Discrimination at Work*, U.S. EQUAL EMP. OPPORTUNITY COMM'N, <https://perma.cc/P2RH-29R2>.

¹⁹ *See, e.g., United Steelworkers of Am. v. Weber*, 443 U.S. 193, 208 (1979); *Johnson v. Transp. Agency*, 480 U.S. 616, 621–41 (1987); *see also Bostock v. Clayton Cnty., Ga.*, 590 U.S. 644 (2020).

²⁰ Compare 42 U.S.C. § 2000e-2, with 42 U.S.C. § 1981. Our civil rights laws "promote hiring on the basis of job qualifications, rather than on the basis of race or color," or sex, or national origin, or religion. *See Ricci v. DeStefano*, 557 U.S. 557, 582 (2009); *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 279 (1976). Racial discrimination is invidious in all contexts. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 214 (2023).

²¹ *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

²² *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

²³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 208 (2023) (quoting *Rice v. Cayetano*, 528 U.S. 495, 517 (2000)).

²⁴ *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).

Further, as the Supreme Court of the United States recently made clear, “As a textual matter, Title VII’s disparate-treatment provision draws no distinctions between majority-group plaintiffs and minority-group plaintiffs. Rather, the provision makes it unlawful ‘to fail or refuse to hire or to discharge *any individual*, or otherwise to discriminate against *any individual* with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.’”²⁵

Here, PRH’s statements reveal the high likelihood that the Company takes racial characteristics into account when making hiring and promotion decisions in violation of 42 U.S.C. § 2000-e. PRH’s overt commitment to incorporating DEI ideology in its employment practices, along with its own statements that PRH prioritizes race and other immutable characteristics when selecting its workforce give rise to grounds for investigation into its corporate practices. By focusing its “DEI efforts” on demographics exclusive of white males, PRH has created policies that appear to effectively exclude this demographic from the favored consideration that other groups receive. Furthermore, PRH’s admission that it tracks the granular demographic data—which would be required to ascertain the effectiveness of any such workforce discrimination initiative—supports the inference that these policies carry a discriminatory intent and the need for the EEOC to conduct a prompt investigation.²⁶

IV. Investigation Request

PRH proudly proclaims its continued goal to diversify the Company by prioritizing race over merit-based hiring and placement. PRH maintains granular demographic data on its website which indicates that these racially discriminatory initiatives are ongoing. Therefore, AFL hereby requests that the EEOC investigate:

- How PRH “hold[s] leaders accountable for implementing PRH’s DEI vision” by examining application data and internal human resources policies and practices,
- How PRH “integrate[s] DEI principles into talent development and retention efforts” by examining the same data and policies,
- Whether PRH operates any potential supplier diversity program by reviewing contracts, internal policies, and practices, and
- Whether or not PRH operates any Employee Resource Groups (ERGs) that exclude employees on the basis of protected characteristics or that limit opportunities to preferred races or sexes.

²⁵ *Ames v. Ohio Dep’t of Youth Servs.*, 605 U.S. 303, 309–10 (2025) (citing 42 U.S.C. § 2000e–2(a)(1)) (emphasis in original).

²⁶ PRH’s boilerplate commitments to Equal Employment Opportunity hiring practices are contradicted and belied by its numerous public statements and the manner in which it tracks its workforce’s protected characteristics.

If the EEOC determines that any of these practices rise to the level of illegality, we request the EEOC take all appropriate action to vindicate the rights of the American people to live free from racial discrimination.

V. Conclusion

According to its own public statements, PRH appears to be violating Title VII of the Civil Rights Act and engaging in unlawful employment practices in the name of DEI, specifically through its employee and workforce development, promotion, recruitment, and retention programs. Based on this evidence, the EEOC has ample basis to initiate an investigation.²⁷

Thank you in advance for your consideration.

Sincerely,

/s/ Robert A. Crossin
America First Legal Foundation

cc: Arlean Nieto, (Acting) Director
Kimberly Cruz, Regional Attorney
U.S. Equal Employment Opportunity Commission
New York District Office
Kalpana Kotagal, Commissioner
Brittany Bull Panuccio, Commissioner
Catherine Eschbach, General Counsel (Acting)

²⁷ See, e.g., *United States v. Morton Salt*, 338 U.S. 632, 642–43 (1950); *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186 (1946).