

THE ATTORNEY GENERAL

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Opinions

Opinion No. KP-0505

Re: "Diversity, Equity, and Inclusion" in Texas

S U M M A R Y

Our nation was founded on the radical notion that all are created equal. Though we have often failed to live up to that promise, it remains as a constitutional lodestar-both in the U.S. and Texas Constitutions. The race-and sex-based, public sector preferences discussed in this opinion cannot survive strict scrutiny and are therefore unconstitutional. Furthermore, a large body of DEI practices in the private sector triggers

liability under Title VII, the Texas Commission on Human Rights Act, and Section 1981 in addition to state and federal securities law.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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