



U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, DC 20507

Office of the Chair

Victoria A. Lipnic
Acting Chair

August 31, 2017

The Honorable Charles Grassley

The Honorable Dianne Feinstein

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510-6050

Dear Chairman Grassley and Ranking Member Feinstein,

I write to urge your support for Eric Dreiband, the nominee for the position of U.S. Assistant Attorney General for Civil Rights.

I currently serve as a Commissioner and Acting Chair of the U.S. Equal Employment Opportunity Commission (EEOC). I have known Eric for 15 years from when we served together at the U.S. Department of Labor (DOL) during the administration of President George W. Bush. Eric was the Deputy Administrator of the Wage and Hour Division, an agency which reported to me in my position as the Assistant Secretary of Labor for Employment Standards. I was so impressed with his work and character when he served in Wage and Hour, that I recommended him to Cari Dominguez, then the Acting Chair of the EEOC, and to the White House, to serve as the General Counsel of the EEOC. He was nominated by President Bush and confirmed by unanimous consent of the Senate in July 2003. He served as the EEOC's General Counsel from August 2003 to September 2005.

During his time as General Counsel of the EEOC, I had occasion to work with him as my portfolio at DOL included the Office of Federal Contract Compliance Programs (OFCCP) and there were a number of issues that crossed over between OFCCP and EEOC. Over the past seven years, as I have served as a Commissioner and now Acting Chair of the EEOC, I am quite familiar with his work from when he was General Counsel of the EEOC, as many matters he handled are well-known in the agency. His commitment to fairly enforcing the law is without question.

He is widely respected by the staff at the EEOC, especially in the General Counsel's office.

Among the cases he handled or oversaw during his tenure at the EEOC:

- *EEOC v. Morgan Stanley & Co., Inc.*: The EEOC filed suit in this case alleging that Morgan Stanley discriminated against women in its Institutional Equity Division with respect to promotion and compensation. The case settled for \$54 million in July 2004, including a \$40 million fund for the victims of sex discrimination. This case was widely known in the financial services industry and sent a strong signal as to sex discrimination in that industry in compensation.
- *EEOC v. Abercrombie & Fitch Stores, Inc.*: In this landmark case, the EEOC filed suit alleging that Abercrombie & Fitch, which operates a nationwide chain of retail stores, violated Title VII of the Civil Rights Act of 1964 by maintaining recruiting and hiring practices that excluded minorities and women and adopting a restrictive marketing image, and other policies, which limited minority and female employment. The case settled for \$50 million in November 2004.
- *EEOC v. Steak 'N Shake, Inc.*: In this case brought in 2004, the EEOC filed suit on behalf of an individual for violations of the Americans with Disabilities Act. Not every EEOC case involves a large class of people. The EEOC brings many cases every year on behalf of individuals. It is important for the General Counsel to be mindful of this and Eric certainly was in his tenure, as this case illustrates.
- *EEOC v. Rivera Vineyards, Inc.*: The EEOC filed suit in this case in 2003 charging that the company engaged in sexual harassment, retaliation, and job segregation for a class of Latino farm workers. The \$1,050,000 settlement in June 2005 was one of the largest employment discrimination settlements the EEOC in the agribusiness industry and sent an important message as to protections for vulnerable farmworkers.
- *EEOC v. Sidley Austin LLP*: The EEOC filed suit in this case in 2005 alleging that the law firm violated the Age Discrimination in Employment Act (ADEA) when it selected “partners” for expulsion from the firm on account of age or forced them to retire. The case settled for \$27.5 million and sent a strong signal about mandatory retirement ages in violation of the ADEA.

The claims against him that he will not be a supporter of civil rights or that he will not enforce the law bear no resemblance to his record of public service at the EEOC.

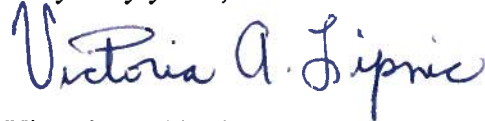
I have also enclosed two charts that tell the story of the EEOC’s litigation program over the past decade and a half. I often use these charts in presentations and they are based on publicly available information, available on the EEOC website. You can see that during his tenure as General Counsel, the EEOC was filing nearly 400 merits lawsuits per year in federal district courts around the country. There has been a steady decline since then, reaching a low for fiscal year 2016 of 86 merits lawsuits. It takes tremendous diligence as the General Counsel to maintain and ensure a vigorous docket. As the record demonstrates, Eric believes in strong, effective law enforcement.

In his professional capacity, he understands who he is representing. He takes seriously the ethical rule to zealously represent his clients – whether that has been the people depending on the work of the DOL or of the EEOC, or, in private practice, the companies being prosecuted by these and other federal agencies. He leaves no stone unturned – either as to the law or the facts.

The American public would be well-served by having this intelligent, fair-minded, dedicated man return to public service. As someone who has dedicated much of my career to public service and to civil rights in employment, I am confident he will protect the civil rights of all Americans.

I recommend him highly and urge your confirmation of him.

Very truly yours,

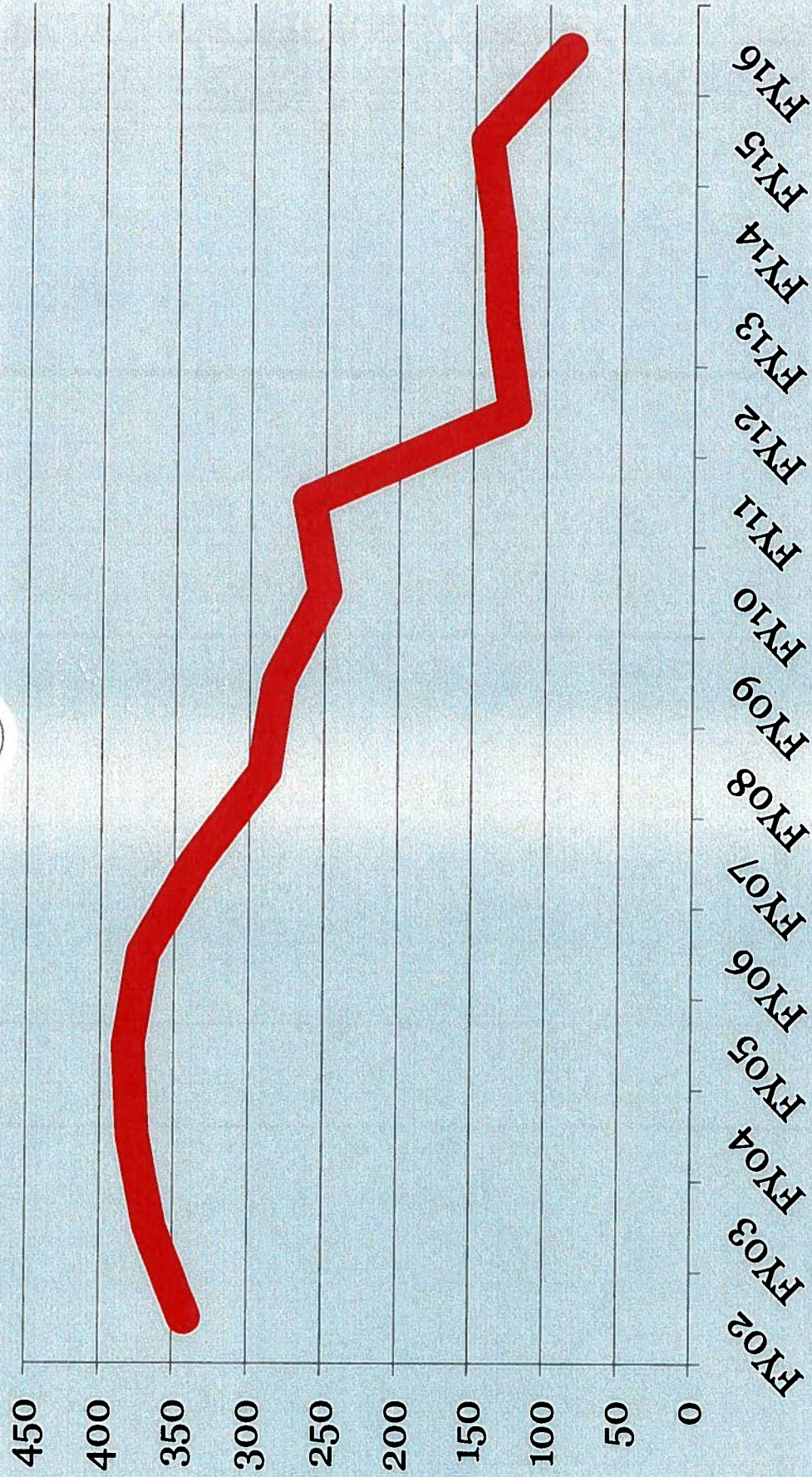
A handwritten signature in blue ink that reads "Victoria A. Lipnic". The signature is written in a cursive, flowing style.

Victoria A. Lipnic

Attachments

EEOC MERITS SUITS FILED (FY2002 – FY2016)

1



EEOC MONETARY BENEFITS (IN MILLIONS) RECOVERED FROM LITIGATION (FY2002 – FY2016)

3

