

Nancy E. Glowa
City Solicitor

Arthur J. Goldberg
Deputy City Solicitor

Samuel A. Aylesworth
First Assistant City Solicitor



Assistant City Solicitors
Paul S. Kawai
Keplin K. U. Allwaters
Sean M. McKendry
Megan B. Bayer
Brian A. Schwartz

Public Records Access Officer
Seah Levy

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

February 8, 2021

Louis A. DePasquale
City Manager
City of Cambridge
City Hall, 795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: Response to Awaiting Report No. 20-52 Requesting a Report on Determining What Impact the Executive Order on Combating Race and Sex Stereotyping May Have on the City of Cambridge and its Community Partners and What Options the City May Have to Work Around this Order

Dear Mr. DePasquale:

I write in response to the above-referenced awaiting report item seeking a “report on determining what impact the executive order on combating race and sex stereotyping may have on the City of Cambridge and its community partners and what options the city may have to work around this order.” As explained in more detail below, former President Trump’s Executive Order 13950 of September 22, 2020 (the “2020 Executive Order”) has been revoked by President Biden’s Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government of January 20, 2021 (the “2021 Executive Order”), and thus, the provisions of the 2020 Executive Order are no longer in effect. In addition, City staff have surveyed those departments which were most likely to receive federal grants for any programs with a diversity component, specifically, the Community Development Department, the Human Rights Commission, the Department of Human Service Programs, the Cambridge Police Department, and the Public Health Department. None of those departments’ federal grants funded any programs with a diversity education component that would have triggered Executive Order 13950 and thus called the funding into question.

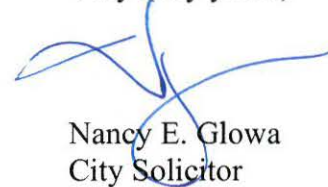
By way of background, former President Trump issued the 2020 Executive Order, which sought to, among other things, require federal grant recipients, as a condition of receiving a grant, to certify that the funds received would not be used to promote certain

ideology. Specifically, the 2020 Executive Order would have jeopardized the funding of programs funded by federal grants that included a diversity education component that promoted any of the following: “that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual’s moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.”

The City’s first step in addressing the potential effects of the 2020 Executive Order was to reach out to City departments to determine whether any City programs funded by federal grants contained a diversity education component that promoted any of the topics listed in (a) through (h) above, and thus, would be potentially jeopardized. As noted above, none of the City departments which were most likely to receive federal grants to fund programs with a diversity education component had any federal grants for programs that promote any of the prohibited topics listed in Executive Order 13950, and thus, none of the federal grants of any of those departments would have been impacted by Executive Order 13950. Moreover, President Biden signed the 2021 Executive Order on January 20, 2021, which, at Section 10(a), revoked the 2020 Executive Order. Thus, the issues presented by the 2020 Executive Order are now moot as a result of President Biden’s revocation of same via the 2021 Executive Order.

If you have any questions on this matter, please let me know.

Very truly yours,



Nancy E. Glowa
City Solicitor