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Gender and Free Speech at Google

On August 7, 2017, technology (tech) giant Google fired James Damore, a 28-year-old software engineer who had been employed by the company since 2013. The move came after Damore penned an internal company memo titled "Google's Ideological Echo Chamber," which posited that innate biological differences between men and women—as opposed to hiring biases, gender discrimination, or a hostile workplace—were at least partly responsible for the low numbers of women in tech.[1] At the time, 20% of Google's tech workforce, 25% of its senior leadership, and 31% of its overall staff, was female.[2] Damore also admonished Google for allegedly silencing opinions that challenged what he viewed as the company's politically liberal belief system, calling it a "politically correct monoculture."[3] He posted the memo to an online Google forum, and on August 5, 2017, it was leaked to the public.[4] (See **Appendix A** for the memo's full text.)

According to Google CEO Sundar Pichai, Damore was fired because elements of the memo breached the company's code of conduct (see **Exhibit 1** for sections of the code). In an email to employees, Pichai wrote that the document "has clearly impacted our co-workers, some of whom are hurting and feel judged based on their gender. Our co-workers shouldn't have to worry that each time they open their mouths to speak in a meeting, they have to prove that they are not like the memo states, being 'agreeable' rather than 'assertive,' showing a 'lower stress tolerance,' or being 'neurotic.'"[5]

Some applauded Google's swift decision to fire Damore. Adriana Gascoigne, CEO of the nonprofit organization Girls in Tech, wrote that Google's actions underscored the company's intolerance of ". . . any marginalization of minority groups and women in the workplace . . . ."[6] Critics, however, accused Google of elevating one political ideology over others. Wrote David French, contributor to the politically conservative *National Review*, "As the politicization of everything proceeds apace, the 'company line' has increasingly moved well beyond promoting its own products to promoting a particular kind of politics. Major corporations and virtually every university in the nation are now political entities just as much as they're commercial entities, and they wear their progressivism on their sleeves."[7] Still others criticized Google for terminating Damore's employment over a seemingly innocuous act of expression. As Jeet Heer, an editor at the liberal-leaning magazine *The New Republic,* wrote, "Firing people for their ideas should be opposed."[8]

Pichai had scheduled an all-staff town hall meeting for August 10 to discuss the issues emerging from the controversy, but he later cancelled the meeting out of concern for employees' safety. In an internal email, he explained that some of the questions that employees had submitted for discussion had been leaked to the public, and websites had begun to publish employees' names.[9] Danielle Brown,

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Google's new vice president and chief diversity and inclusion officer, who had been hired just a few weeks before the memo went public, was thrust into the spotlight. She needed to decide how she might advise Pichai and Google's top leadership team on dealing with the fallout (see **Exhibits 2** and **3** for background on Brown and Damore, respectively).

Google in Brief

Founded in 1998, Google Inc. offered a range of Internet-related products and services, including: Google Now and Google Search, both of which provided information and digital search tools to users; online advertising platforms AdWords and AdSense; video content hosting site YouTube; mobile platform Android; digital entertainment platform Google Play; mobile payment system Google Wallet; and cloud-based storage system Google Drive.[10] The company's search engine was near ubiquitous, with roughly 80% of all Internet searches worldwide performed on the site.[11] Headquartered in Mountain View, California, Google was an operating subsidiary of parent company Alphabet Inc., which reported 2016 revenues of $90 billion and net income exceeding $19 billion (see **Exhibit 4** for Alphabet's key financials).[12] Google employed over 70,000 people.[13]

Whether through its nearly 90,000 internal email lists or 8,000 discussion groups, Google's employees routinely engaged in spirited debates and discussions about both work-related and broader societal issues. Reflecting the company's desire to maintain an open, egalitarian culture, employees were encouraged to ask candid questions directly to senior leadership in all-staff meetings. According to a former employee, Google's "culture has always been a somewhat messy, dynamic, and aspirational ecosystem, rooted in a strong sense of ethics."[14] Its code of conduct opened with "Don't be evil."[15]

Google was a notoriously selective employer, with some estimates pegging the company's hiring rate as low as 0.2%.[16] Many of its employees were graduates of a handful of elite colleges and universities, such as Stanford University, the University of California, Berkeley, Carnegie Mellon University, and Massachusetts Institute of Technology.[17] Like many of its peer companies, Google's employees—in particular its tech staff—comprised largely white and Asian males (see **Exhibit 5** for a breakdown of employee demographics by sex and race, along with comparative demographics about the U.S. workforce as a whole and students receiving computer science degrees).

According to its diversity website, Google had implemented a range of programs and initiatives to broaden employee representation and mitigate hiring biases. As Pichai explained, Google initiated such efforts because "a diverse mix of voices leads to better discussions, decisions, and outcomes for everyone."[18] In 2015, the company announced that it would spend $150 million each year on diversity programs, up from $115 million the previous year.[19]

Google's diversity initiatives fell into four categories: communities, education, hiring, and inclusion. Through these four streams, an article in *Fortune* explained, Google aimed to imbue a focus on diversity throughout the company, rather than having management dictate a set of hiring goals.[20] In the communities and education categories, Google funded research to better understand the drivers of female and minority student enrollment in computer science programs. Through its Made with Code initiative, the company sought to encourage young girls to experiment with coding through an interactive website.[21] Google was also a prominent supporter of Black Girls Code, an organization that trained young African-American girls to code.[22] In addition, the company financially supported science, technology, engineering, and math (STEM) programs in communities with large minority populations, such as Harlem, New York, and Oakland, California.[23]

In the hiring category, Google sought to diversify its recruiting pool. It had started programs with Howard University, a prestigious historically black university in Washington, D.C., to recruit the school's top computer science students.[24] Likewise, Google initiated the Building Opportunities for Leadership and Development (BOLD) program, which recruited promising interns of color with no technical background. The company also encouraged its many active employee groups (e.g., Asian, Black, disabled, Latinx, and the 9,000-member Women at Google group) to tap into their networks to broaden the pool of applicants.[25] Lastly, Google authorized an estimated 700 employees to spend 20% of their time at work spearheading diversity efforts.[26] Under the inclusion category, Google's Women Techmakers platform supported female tech entrepreneurs by connecting them with resources, information, and events such as the Grace Hopper conference (named for the pioneering female computer programmer), the largest women's computing conference in the world.[27]

A key feature of the company's diversity efforts was its unconscious bias training for employees. These trainings aimed to raise awareness of participants' own tacit biases and deconstruct stereotypes rooted in both gender and race through 60- to 90-minute interactive sessions.[28] To unearth and examine unconscious biases, the sessions used the Implicit Association Test (IAT) — an online exercise that asked people to quickly attribute characteristics to certain groups (for instance, the gender IAT prompted people to attribute either traditionally male or traditionally female traits to men or women). As of May 2017, 72% of Google's employees had attended at least one such training.[29] But these sessions did not always achieve their intended objective, and many experts questioned their effectiveness. One source noted that by highlighting the prevalence of biases, these trainings may serve to legitimate such biases.[30] Such trainings could even cause employees to feel greater animosity toward other groups if they were forced to attend.[31] According to Damore, it was his experience at an unconscious bias training that prompted him to write the memo.[32]

By July 2017, when Brown joined Google, the company's multipronged diversity efforts had yielded marginal results. From 2014 (the year Google first released employee demographic data) to 2017, the proportion of female tech employees at the company had moved from 17% to 20%, and the percentage of women in leadership positions had risen from 21% to 25%.[33] As one article summarized, progress on increasing diversity at the company was "slow but real."[34] Brown, who had previously served as the VP of human resources and group chief human resources officer at Intel, was excited to join Google, tweeting in late June that she was "looking forward to driving this important work forward."[35]

But she also faced challenges. When Brown joined, Google was embroiled in a U.S. Department of Labor investigation over alleged gender pay discrimination.[36] And while the company had made some progress on recruiting and hiring women, it had achieved almost no demonstrable gains in increasing non-Asian racial diversity. The proportion of African-American employees in Google's U.S. offices had remained at 2% from 2014 to 2017, and representation of Hispanic employees had increased by one percentage point (3% in 2014; 4% in 2017).[37]

Gender in Tech and Beyond

Across tech, women and non-Asian people of color were underrepresented relative to the general population. While women made up 47% of the U.S. labor force (and earned more college degrees than men), they represented just 25% of the national computing workforce in 2015.[38,39] Disaggregating by race and ethnicity revealed very low representation of Latina and Black women (1% and 3%, respectively) across the industry (see **Exhibit 6**).[40] Similarly, at major tech companies across Silicon Valley, including Apple, Facebook, Microsoft, and Twitter, women represented no more than 23% of the tech workforce (see **Exhibit 7**).[41]

Like Google, most major tech companies had initiated programs or policies aimed at diversifying their workforce or correcting for existing bias, with varying degrees of success. Most large tech companies held unconscious bias trainings; in the U.S., companies spent roughly $8 billion annually on diversity trainings.[42] Some companies also pursued systemic solutions. For instance, in 2015, Salesforce CEO Marc Benioff ordered a review of all employees' salaries to detect, and then rectify, pay disparities between male and female staff.[43] Another notable example was Intel's 2015 decision to begin to tie company-wide bonuses to its diversity efforts. If the company achieved hiring goals (for instance, a successful 2016 goal for women and underrepresented minorities to make up 45% of new hires), Intel would pay every employee a bonus.[a,44] This initiative was rolled out during Brown's tenure.

Many of these companies' motivations to diversify moved beyond a desire to improve their public image. Underrepresentation among developers could result in serious product defects, like a voice-activated human-robot interface in the early 2000s that would not respond to female voices.[45] As the Internet permeated ever more facets of daily life, the implications of poor representation at the design stage were far-reaching. In addition, there was some evidence suggesting that more diverse companies achieved enhanced economic returns.[46] Other studies, however, reported less conclusive findings around the relationship between diversity and financial performance.[47] This body of research remained mixed.

Venture capital (VC) was another largely male-dominated sector in Silicon Valley. In 2014, just 6% of VC partners were female, down from 10% in 1999.[48] This decline was notable, especially as at least one study had found that VC funds with more female partners achieved better returns.[49] The absence of female venture capitalists might partially explain why none of the 15 largest privately-held U.S. tech startups in 2017 had a female CEO.[50] Research showed that female entrepreneurs were far less likely to be funded by venture capitalists than men.[51] Leadership roles were also weighted toward men. Roughly 26% of companies in Silicon Valley had no women on their boards.[b,52]

These trends were reflected across industries. According to a McKinsey & Company analysis of 222 companies with over 12 million employees, men and women occupied entry-level positions at almost equal rates (52% and 48%, respectively). Yet once they reached managerial roles, women held just 37% of positions. Representation was even more lopsided in vice president posts (28% female) and in the C-suite (21% female).[53] As of 2017, just 5% of CEOs at S&P 500 companies were female.[54] Women of color, in particular, saw representation decline at higher leadership levels (see **Exhibit 8**). Across industries, women were also paid less, earning around 83% of their male counterparts' salaries.[55] There was some variation among countries as well; a smaller proportion of women in the U.S. joined the workforce than in many European countries, due in part to policy differences in family leave.[56]

Why So Few Women in Tech?

Several hypotheses had been advanced to explain the comparatively low number of women in tech.

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[a] Importantly, Intel's goals were not quotas, which were illegal in the U.S. By contrast, several European countries (e.g., Belgium, Iceland, Italy, the Netherlands, Norway, and Spain) had passed legislation requiring that public companies appoint a certain percentage of women to their boards. Source: "The Spread of Gender Quotas for Company Boards," *The Economist*, March 25, 2014, https://www.economist.com/blogs/economist-explains/2014/03/economist-explains-14, accessed January 2018.

[b] Meanwhile, in China, 61% of tech firms had at least one female director, and 17% of VC partners were women. Source: Sarah Lacy, "Women in Tech Are Rising Higher in China Than in the U.S.," *The Atlantic*, November 13, 2017, https://www.theatlantic.com/technology/archive/2017/11/women-china-tech/545588/, accessed January 2018.

The Leaky Pipeline?

While there had been an increase in female students' enrollment in most other STEM fields over time, there had been a sharp decline in female enrollment in computer science programs from 37% in 1984 to 18% in 2017 (see **Exhibit 9**).[c,57] Unsurprisingly, there was a concurrent decline in the percentage of women in computing occupations in the U.S. from the late 1980s to the 2010s (see **Exhibit 10**). Because universities graduated disproportionately high numbers of male, white, and Asian computer science students, many companies claimed that the pool of qualified women, Black, and Hispanic candidates was prohibitively small, an issue commonly referred to as the "pipeline problem."[58]

Some colleges had made progress on increasing female enrollment in computer science programs. From 2006 to 2016, California-based Harvey Mudd College had seen the percentage of female freshmen majoring in computer science jump from 15% to 55%.[59] The college credited this increase to efforts to make the introductory computer science course more focused on using computers to solve problems rather than on learning a specific coding language, supporting female students to attend the Grace Hopper Conference, and encouraging early internships. Carnegie Mellon University, located in Pennsylvania, had also increased the proportion of female freshmen majoring in computer science from 8% in the 1990s to 48% in 2016.[60] The spike was largely attributed to the efforts of a female professor who focused on connecting female students with women mentors in the tech industry.

The pipeline was also "leaky." Women left tech jobs at over twice the rate of their male counterparts (41% vs. 17%).[61] Studies suggested that a higher proportion of women left STEM careers than non-STEM careers. The primary reasons included "workplace conditions, a lack of access to key creative roles, and a sense of feeling stalled in one's career," not, as many believed, to care for their families.[62] Another study found that 33% of women leaving the tech workforce did so to find a better opportunity. A further 32% left due to an unfair workplace, with women of color leaving principally for this reason.[63]

These results were corroborated across industries. A survey of 70,000 employees examining why representation declined at higher levels found that women were not leaving to raise children at higher rates than men. Just 2% of corporate employees in this survey—male or female—planned to do so. The study noted that among entry-level employees, women were roughly 18% less likely to be promoted to a managerial position than men, and that "if entry-level women were promoted at the same rate as their male peers, the number of women at the senior vice president and C-suite levels would more than double."[64] The hiring disparity was not due to lack of ambition; women expressed interest in advancement, and asked for promotions, at similar rates to men.

Some industry observers felt that the pipeline problem might oversimplify the issue and allow executives to ignore efforts needed to ensure that workplaces were welcoming to all employees.[65] They speculated that both unconscious bias and the culture of tech alienated women.

Unconscious Bias?

Many experts pointed to unconscious (or implicit) bias to explain girls' lower rates of enrollment in computer science programs. According to this explanation, every society had deeply held, but not necessarily explicit, ideas about what constituted appropriate behavior and career tracks for men and women. In the U.S., one such idea was that men were better at mathematics than women, and women

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[c] The disparity was not universal. In Malaysia and Indonesia, for instance, women earned nearly half of all computer science degrees. Source: Christine Corbett and Catherine Hill, "Solving the Equation: The Variables for Women's Success in Engineering and Computing," p. 44, *American Association of University Women*, March 2015, https://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=solving-the-equation, accessed January 2018.

were better at reading and writing than men. Children were exposed to these ideas early in life, and when girls internalized these biases, they tended to underestimate their own abilities at traditionally male tasks.[66] Teachers also held these biases, with one study showing that STEM faculty rated male science students' application packets more favorably than female students with identical packets.[67]

As another study revealed, hiring managers overestimated men's mathematical aptitude while simultaneously underestimating women's.[68] Moreover, tech companies' recruiting sessions at universities typically featured male speakers giving presentations that relied on gender stereotypes and "geek culture references" that related primarily to young men.[69] Additional studies had revealed racial bias in hiring, with one 2003 study showing that people with "white sounding" names, like Emily or Greg, received more interview requests than those with "African American sounding" names, like Lakisha or Jamal, all other qualifications held constant.[70]

Once in the workplace, women reported having their skills questioned (with men sometimes openly pondering whether their companies were "lowering the bar" to hire women and minorities), being asked to take meeting notes or get coffee while their male colleagues were not, and being evaluated on their personality rather than the quality of their work.[71] Research underscored these anecdotes. One study found that on the website GitHub, an open-source online repository where anyone could propose software solutions for collaborative coding projects, women's code was accepted slightly more often than men's (78.6% vs. 74.6%), but only when their gender was unknown.[72] When female coders' identities were known, their code was accepted less often than men's code.

Implicit biases were thought to lead to "stereotype threat," defined as a stressor "that people experience[d] when they fear[ed] being judged in terms of a group-based stereotype."[73] Studies revealed that if a person belonged to a group that was associated with a negative stereotype, that person would perform worse on a task if he or she was reminded of his or her association with the minority group prior to performing the task.[74] Such reminders appeared to prompt feelings of self-doubt. A male-dominated environment could potentially trigger stereotype threat among women because the environment indirectly reinforced the idea that women did not belong in tech.

Any bias against women in computing, however, was a relatively recent development. During World War II, women were instrumental in programming the ENIAC, a computer used to calculate the trajectory of weapons.[75] Throughout the 1950s and 1960s, computing was largely dominated by women. As an article in *The Atlantic* described, at that time computing was considered a repetitive, secretarial job, and thus suitable for women.[76] FLOW-MATIC, the first compiler to enable coding in English was developed by Dr. Grace Hopper, who later went on to establish COBOL as the first standard programming language and achieve the rank of U.S. Navy Rear Admiral.[77] Hopper even relied on ideas about gender to demonstrate the suitability of computing for women, writing in a 1967 *Cosmopolitan* article that programming was "just like planning a dinner," and that "[w]omen are 'naturals' at computer programming."[78]

By the 1970s, this perception was beginning to change. Many sources pointed to the emergence of home computers to explain the shift.[79] Because home computers were widely viewed as gaming systems more appropriate for boys, parents disproportionately purchased them for their sons, thereby enabling boys to experiment with coding throughout their adolescence. By the time they reached college, these boys were generally more fluent coders than girls.

Toxic Culture?

Despite firms' efforts to diversify, many women reported experiencing pervasive discrimination and an unwelcoming environment in Silicon Valley. A 2015 survey of more than 200 women in tech

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revealed that six in ten had warded off unwanted sexual advances in the workplace, one in three had felt unsafe due to work-related circumstances, and 87% had received demeaning comments from male colleagues (see **Exhibit 11a** for more findings and **Exhibit 11b** for results from another survey looking at men's experience with harassment).[80] One female Google employee claimed that male colleagues had subjected her to "lewd comments, pranks and even physical violence."[81] In 2015, venture capitalist Ellen Pao filed a lawsuit against VC firm Kleiner Perkins Caufield & Byers for alleged sexual discrimination.[82] Writing for *The Cut*, Pao detailed her experiences being excluded from male-only events, overlooked for promotion, underpaid, and sexually harassed at the firm.[83] While Pao's lawsuit was ultimately unsuccessful, she was credited with empowering other women to disclose their own experiences with sexism in Silicon Valley, dubbed the "Pao effect."[84] In May 2016, she and seven other like-minded women founded Project Include, an advocacy group focused on combating sexism in tech.

In early 2017, software engineer Susan Fowler detailed her account of experiencing several instances of sexual misconduct at the ride-sharing company Uber in a blog post.[85] According to Fowler, when she reported to management that she had been propositioned for sex by her manager, she was told that since the offender was a "high-performer," he would not be punished. Fowler's story contributed to the eventual resignation of Uber CEO Travis Kalanick and the termination of 20 other employees.[86] In June 2017, six women founders reported that venture capitalist Justin Caldbeck had made unwanted sexual advances toward them; he later resigned.[87] A few months later, Mike Cagney, CEO of online lender Social Finance, or SoFi, was pushed out after more than 30 people recounted witnessing his inappropriate sexual conduct.[88] Notably, these allegations of harassment and assault in tech echoed a larger cultural movement in the U.S., starting in late 2017, called #MeToo, which saw the professional demise of several actors, film directors, journalists, and politicians accused of sexual wrong-doing.

Many outside observers viewed Fowler's and others' experiences as symptoms of a broader problem embedded in the culture of tech, sometimes called "bro culture." One opinion piece claimed that male-dominated tech companies were run like "corporate frat houses, where employees are chosen like pledges, based on 'culture fit.' Women get hired, but they rarely get promoted and sometimes complain of being harassed. Minorities and older workers are excluded."[89] Bro culture could take both benign and more sinister forms. As one article summarized, "Internal documents such as Damore's are the soft end of the sort of hostile working environment female employees can face at overwhelmingly male tech firms. At the extreme end, as companies such as Uber . . . have learned, this environment can result in claims of sexual harassment and illegal discrimination."[90] As many pointed out, the environment itself likely discouraged women to pursue a career in tech.[91] Some studies had also found that companies claiming to reward skill and raw talent (i.e., a meritocracy)—as many tech companies did—were actually more likely to have gender- and race-based compensation disparities because the emphasis on a meritocracy reinforced managers' implicit bias against women and minority groups.[92]

Biology?

At the heart of Damore's argument was the idea that gender disparities in tech were at least partially due to innate differences in the interests and aptitudes of men and women. At least one academic thought Damore was more or less correct. As a professor of evolutionary psychology wrote, "almost all of the Google memo's empirical claims are scientifically accurate."[93] And, Damore reasoned, if he were right, tech companies' emphasis on mitigating unconscious bias was misguided at best, harmful at worst. On average, Damore argued, women exhibited more "[o]penness directed towards feelings and aesthetics rather than ideas. Women generally also have a stronger interest in people rather than things, relative to men[.]"[94] To support his argument, Damore cited a 2008 article looking at differences in personality traits between men and women across 55 cultures; the article indeed reported that on average, women were more agreeable, anxious, cooperative, and neurotic than men.[95]

However, after the memo went public, David Schmitt, one of the authors of the very study that Damore had cited, wrote: "These sex differences . . . are not very large, with biological sex perhaps accounting for only 10 percent of the variance." Schmitt went on to say, "It is unclear to me that this sex difference would play a role in success within the Google workplace (in particular, not being able to handle the stressors of leadership in the workplace. That's a huge stretch to me)."[96]

Stanford University computer science lecturer Cynthia Lee also critiqued Damore's focus on population-level averages. "Google isn't average," Lee wrote. "What do averages have to do with hiring practices at a company that famously hires fewer than one percent of applicants?"[97] Lee posited that Damore's focus on science was "a red herring." She argued that the numerous accounts of sexual harassment emerging from the tech industry, including those of Pao and Fowler, were evidence enough of bias. Parsing out small population-level differences between men and women, she claimed, missed the broader point. "Regardless of whether biological differences exist," Lee wrote, "there is no shortage of glaring evidence, in individual stories and in scientific studies, that women in tech experience bias and a general lack of a welcoming environment, as do underrepresented minorities."[98]

Damore's argument was not new. In 2005, Larry Summers, at the time the president of Harvard University, questioned women's abilities to learn and contribute to science, noting that one reason for gender disparities might be "issues of intrinsic aptitude."[99] Yet a 2014 paper concluded that while boys performed slightly better in spatial skill tasks, differences in mathematical aptitude between the sexes were marginal.[100] The review also included data showing differences in characteristics across cultures, which suggested that gender differences were at least partially influenced by social norms.

Other studies similarly found that the differences between men and women, while they existed, were quite small. A 2005 review of 46 meta-analyses found that 78% of the studies reported either no difference or marginal (and often statistically insignificant) differences between men and women on such measures as cognitive abilities, communication, and personality traits.[101] And it was unclear whether the differences that did persist (for instance, girls being more agreeable than boys, and boys exhibiting more aggression than girls) were biological in origin, due to socialization, or some mix of the two.[102] As one expert wrote, "While there are (of course) biological differences between the sexes, social science has shown that men and women are more similar than different on a wide range of characteristics[.]"[103]

Some took issue with Damore's reliance on evolutionary psychology, arguing that studies in this field, when taken out of context, were too easily used to prop up racist and sexist theories.[104] These observers made the argument that had Damore included studies dissecting the differences in scientific aptitude among people of different races, in addition to those comparing male versus female performance, the memo would have been even more widely denounced. As Lee wrote:

> It is striking to me that the manifesto author repeatedly lists race alongside gender when listing programs and preferences he thinks should be done away with, but . . . never purports to have any scientific backing for this. The omission is telling. Would defenders of the memo still be comfortable if the author had casually summarized race and IQ studies to argue that purported biological differences—not discrimination or unequal access to education—explained Google's shortage of African-American programmers?[105]

Recommendations for Increasing Workplace Diversity

A 2016 article in the *Harvard Business Review* outlined three strategies for effectively increasing diversity in the workplace: "engage managers in solving the problem, expose them to people from

different groups, and encourage social accountability for change."[106] Empowering managers to mentor women and minorities also had positive effects. When managers mentored, the article reported, they became invested in the careers of their mentees, resulting in positive effects for both parties. Robust mentoring programs increased minority representation in managerial roles by 9% to 24%. Creating diverse, self-managed teams that worked together toward a shared goal was also associated with an increase in women and minorities in managerial roles over time. Lastly, social accountability, or "the desire to look fair-minded," was associated with increased representation, largely through the mechanism of corporate diversity task forces and diversity managers at companies.[107]

The mentorship issue was particularly salient. A 2016 survey of 500 women in tech found that the two most significant barriers to the advancement of women were a lack of mentors and a dearth of female role models in the industry.[108] Being able to visualize the trajectory of successful women in industry was a significant motivator, especially for younger women. While women valued female role models, as many as 84% of women in tech had no female mentors who could help them get promoted.[109] A 2011 meta-analysis reported that the stereotypes that people hold of "leaders" were associated with traditionally masculine traits, and further noted the need of having visible female leaders as role models.[110] This issue was also relevant to universities; women made up just 15% of tenured computer science professors in North America.[111]

Prominent scholar Iris Bohnet had laid out a number of recommendations for mitigating bias in interviews and hiring. These included using decision aids (e.g., work-sample tests and problem-solving exercises) and structured interviews, rather than the more common unstructured interview.[112] Unstructured interviews were found to be more susceptible to bias. They allowed hiring managers to make decisions based on gut instinct and were also ineffective predictors of employee performance.

Google, in fact, had introduced something along the lines of Bohnet's recommendations to overcome disparities in promotions. Rather than rely on self-nomination, Google systematically asked "all employees who met the criteria for promotion to nominate themselves and directed managers to follow suit within their workgroups." In addition, female senior leaders explained the "importance of self-promotion, signaling that this behavior was expected and desirable for women as well as men."[113]

Free Speech in the Workplace

Gender disparities aside, the other gnawing issue facing Brown was the backlash directed toward Google over its decision to fire Damore. While many did not necessarily agree with the content of the memo, they took issue with Google's response, which they viewed as retaliatory and a violation of Damore's right to free speech.[114] Both Brown and Pichai had affirmed the importance of preserving Google's culture of open debate, while emphasizing that employees must do so within the confines of company policy. Brown had written, "Part of building an open, inclusive environment means fostering a culture in which those with alternative views, including different political views, feel safe sharing their opinions. But that discourse needs to work alongside the principles of equal employment found in our Code of Conduct, policies, and anti-discrimination laws."[115] Pichai echoed:

> [W]e strongly support the right of Googlers to express themselves, and much of what was in that memo is fair to debate, regardless of whether a vast majority of Googlers disagree with it. However, portions of the memo violate our Code of Conduct and cross the line by advancing harmful gender stereotypes in our workplace. Our job is to build great products for users that make a difference in their lives. To suggest [that] a group of our colleagues have traits that make them less biologically suited to that work is offensive and not OK.[116]

Damore, however, believed that he had not been permitted to express himself. In an interview with *The New York Times,* he said, "I have a legal right to express my concerns about the terms and conditions of my working environment and to bring up potentially illegal behavior, which is what my document does."[117] Damore was reportedly considering suing Google for "illegal dismissal."[118]

Might Damore Have a Legal Case?

First Amendment rights   The First Amendment to the U.S. Constitution stated in part that "Congress shall make no law . . . abridging the freedom of speech."[119] However, these first amendment rights only protected individuals from government censorship; these protections did not extend to private entities.[120] Companies had significant leeway to set their own standards and policies regarding employee conduct.[121] Moreover, as one observer noted, Damore's ability to express himself was not suppressed; if anything, the fallout from the memo succeeded in transmitting his ideas to a massive audience, but he was not immune from the consequences of his decision to post the memo.[122]

At-will employment   Most U.S. states, including California, organized employment law according to "at-will employment," wherein either the employer or the staff member could terminate the working relationship at any time. As a Cornell employment law professor explained, unless workers were unionized or had other specific contractual protections, they ". . .can be fired for any reason or no reason."[123] An important caveat, however, was that private entities could not, by federal law, terminate employees for discriminatory reasons. Per Title VII of the 1964 Civil Rights Act, employers could not discriminate because of a person's "race, color, religion, sex, or national origin."[124] While Title VII was most often cited in lawsuits alleging discrimination against minority groups, Damore could theoretically ground his case in Title VII if he could prove that he was fired because of gender- or race-based discrimination.[125]

National Labor Relations Act   Section 7 of the National Labor Relations Act protected employees' "right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."[126] While Damore was not attempting to unionize workers, an article in *Fortune* noted that he could potentially claim that his memo constituted "concerted activities" to engage Google employees in a discussion about potentially improving the company's policies and practices.[127] However, as one expert wrote, "It's going to be a hard sell that this activity was either concerted or for mutual aid or protection, rather than simply venting or pitting one group of workers against the others, which does not sound very mutual."[128]

Damore also reportedly filed a complaint with the National Labor Relations Board (NLRB)—the federal agency responsible for adjudicating alleged violations of the National Labor Relations Act—in which he claimed that "Google's upper management is misrepresenting and shaming me in order to silence my complaints."[129] Federal law prohibited companies from punishing employees who had filed complaints with the NLRB.[130] If Damore could prove that his firing was retaliatory, he might have legal grounds to sue the company.[131] However, it was unclear whether he filed the complaint in the days leading up to his dismissal, as was initially reported, or after he was fired.[d,132]

California state laws   As Brown knew, the fact that Damore was employed in California could work in his favor. Sections 1101 and 1102 of the California Fair Employment and Housing Act granted

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[d] While news outlets initially reported that Damore filed the complaint on August 2, later reports indicated that the complaint was filed on August 7, the day he was fired. Source: Steve Kovach, "The engineer Google fired over the diversity memo has filed a complaint with federal labor officials," *Business Insider*, August 8, 2017.

10

some protections to employees for political action. As 1101 stated: "No employer shall make, adopt, or enforce any rule, regulation, or policy: (a) Forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office [or] (b) Controlling or directing, or tending to control or direct the political activities or affiliations of employees."[133] Similarly, Section 1102 stated: "No employer shall coerce or influence or attempt to coerce or influence his employees through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity."[134]

Observers were divided on whether the California statutes would be applicable to Damore. As one source explained, these statutes were meant to protect Californians running for political office from repercussions at their workplaces. It did not, claimed this source, allow employees to engage in political activity while at work.[135] Yet another source cited a 1979 California court case wherein the state's Supreme Court clarified that political activities could constitute a broad range of actions, including "espousal of a candidate or a cause" and participation in "broad social movements."[136] If Damore could prove that his firing was politically motivated, this source argued, these laws would apply. As an employee rights attorney said, "James Damore's best claim is under Section 1102. He's been discriminated against based on his viewpoint." Regardless of which laws may apply, if Damore did sue, many believed that Google would likely settle to avoid any further unwanted public attention.[137]

Debating Free Speech

Societies had long grappled with what types of speech should be protected and what should not. Interpreting the broad guarantees to free speech in the First Amendment of the U.S. Constitution, for example, had not been an easy task for the U.S. Supreme Court. Over time, the Supreme Court had upheld people's rights to critique the government and hold political protests, but struck down the right to incite action that might cause harm, like needlessly yelling "fire" in a crowded movie theater.[138] International bodies also offered ideas. Per Article 19 of the Universal Declaration of Human Rights, "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."[139]

The issue held special resonance for tech companies. As Andrew McLaughlin, former director of public policy at Google, said "[W]e built this incredible common space, platforms like Facebook and Twitter were created, blogging platforms where anybody could show up and speak." He continued, "The idea . . . of the marketplace of ideas was that as people came to the [virtual town] square, they would hear the racists, and they would hear the anti-racists, and they would gravitate towards the truth."[140] However, McLaughlin continued, the virtual public square was inching closer toward becoming a tragedy of the commons, a common space at risk of falling into disrepair because of the sheer volume of vitriol therein. As one observer said, Google must address "the fact that [its] core product, which was designed to be based on 'the collective intelligence of the web,' has dredged up the web's collective bigotry instead."[141] The tendency for people to debate sensitive topics via digital channels, like Google's many discussion boards, further complicated matters. Observers pondered whether such social media platforms were eroding the ability to have honest, reasoned debate.[142]

One prominent argument for curtailing free speech was grounded in the 19th century British philosopher John Stuart Mill's view that people should be able to express themselves freely, so long as they did not cause "harm to others." What constituted harm, however, was a matter of debate. For some, harm was limited to the possibility of physical harm, as in the case of falsely shouting "fire" in a theater. For others, harm encompassed a compromise to the dignity of others, as in the case of "hate speech" directed toward a specific ethnic or racial group. A second, more recent argument, was that

free speech should be curtailed if it caused offense. This argument set a lower bar for curtailing free speech. On this argument, a number of features needed to be considered, including "the extent, duration and social value of the speech, the ease with which it can be avoided, the motives of the speaker, the number of people offended, the intensity of the offense, and the general interest of the community."[143]

Both of these arguments carried a presumption in favor of free speech. A third approach was to determine what constituted appropriate speech within a specific context based on its value. For example, in a democratic society, every person was deemed an equal in being able to "develop and exercise their goals, talents, and abilities."[144] Speech that compromised that ability for some members of society would fall outside the scope of a right to speech. Extended to a corporation, the key was to determine the value of free speech within that context.

A "Politically Correct Monoculture"?

In his memo, Damore wrote, "My larger point is that we [at Google] have an intolerance for ideas and evidence that don't fit a certain ideology." He went on to say: "Viewpoint diversity is arguably the most important type of diversity and political orientation is one of the most fundamental and significant ways in which people view things differently. In highly progressive environments, conservatives are a minority that feel like they need to stay in the closet to avoid open hostility."[145] Data indeed indicated that Silicon Valley was a mostly progressive, liberal area. As shown in **Exhibit 12**, employees at Facebook, Google, and Twitter donated far more money to the Democratic candidate for U.S. president, Hillary Clinton, in the 2016 election than they did for Republican candidate Donald Trump.[146] In the San Francisco Bay area, Trump ultimately received less than 20% of overall votes.[147]

Anecdotally, conservative employees at tech companies reported hiding their political affiliation from their colleagues. They feared reprisals both personally and professionally. As one conservative tech worker asked, "If I say I want more border security, are people going to complain to HR about that? Am I going to get fired for saying that?"[148] The increasing political polarization in the U.S. had intensified these individuals' feelings of isolation.[149]

Reactions to the Memo

Responding to the memo, Facebook COO Sheryl Sandberg wrote, "Inequality in tech isn't due to gender differences. It's due to cultural stereotypes that persist."[150] A writer for *The Economist* penned an imagined email from Google co-founder Larry Page to Damore. The hypothetical email suggested that Damore included only a few purposefully chosen data points to support his argument but left out other salient points, for instance that men, on average, score lower on self-discipline and cooperation measures, two important traits for coders. It called the memo "a triumph of motivated reasoning."[151]

Many others—from both sides of the political spectrum—questioned Google's decision to fire Damore. Alexandra DeSanctis wrote in the *National Review*, "It is getting more difficult by the day to have a rational conversation about anything."[152] Clarence Page, in an opinion piece in the *Chicago Tribune,* wrote that ideas "need to be argued openly, not censored and driven underground to fester without intellectual challenge."[153] Continuing, Page opined, "Firing Damore makes a martyr of him."

Brown had written to employees that the memo "advanced incorrect assumptions about gender." She said that Damore's ideas were "not a viewpoint that I or this company endorses."[154] Soon thereafter, Brown disabled her Twitter feed in response to abusive tweets disparaging her physical

appearance and accusing her of policing employees' free speech.[155] Brown needed to decide how she might advise Pichai and Google's top leadership team on dealing with the controversy.

Exhibit 1   Sections of Google's Code of Conduct

"Preface[:] 'Don't be evil.' Googlers generally apply those words to how we serve our users. But 'Don't be evil' is much more than that. Yes, it's about providing our users unbiased access to information, focusing on their needs and giving them the best products and services that we can. But it's also about doing the right thing more generally—following the law, acting honorably, and treating each other with respect.

The Google Code of Conduct is one of the ways we put 'Don't be evil' into practice. It's built around the recognition that everything we do in connection with our work at Google will be, and should be, measured against the highest possible standards of ethical business conduct. We set the bar that high for practical as well as aspirational reasons: Our commitment to the highest standards helps us hire great people, build great products, and attract loyal users. Trust and mutual respect among employees and users are the foundation of our success, and they are something we need to earn every day. . . .

No Retaliation[:] Google prohibits retaliation against any worker here at Google who reports or participates in an investigation of a possible violation of our Code, policies, or the law. . ."

"I.3. Privacy, Security and Freedom of Expression [:] Google is committed to advancing privacy and freedom of expression for our users around the world.

"II. Respect Each Other[:] We are committed to a supportive work environment, where employees have the opportunity to reach their fullest potential. Each Googler is expected to do their utmost to create a workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind. . ."

"II.1. Equal Opportunity Employment[:] Employment here is based solely upon individual merit and qualifications directly related to professional competence. We strictly prohibit unlawful discrimination or harassment of any kind, including discrimination or harassment on the basis of race, color, religion, veteran status, national origin, ancestry, pregnancy status, sex, gender identity or expression, age, marital status, mental or physical disability, medical condition, sexual orientation or any other characteristics protected by law. We also make all reasonable accommodations to meet our obligations under laws protecting the rights of the disabled. . ."

"II.2. Positive Environment[:] Google prohibits unlawful harassment in any form—verbal, physical, or visual. If you believe you've been bullied or harassed by anyone at Google, or by a Google partner or vendor, we should immediately report the incident to your supervisor, Human Resources or both. Similarly, supervisors and managers who learn of any such incident should immediately report it to Human Resources. HR will promptly and thoroughly investigate any complaints and take appropriate action."

"II.5. Dog Policy [:] Google's affection for our canine friends is an integral facet of our corporate culture. We like cats, but we're a dog company, so as a general rule we feel cats visiting our offices would be fairly stressed out. . .

And remember… don't be evil, and if you see something that you think isn't right – speak up!

Source: Alphabet,   "Google   Code   of   Conduct,"   Updated   April   11,   2012, https://web.archive.org/web/20170215041510/https://abc.xyz/investor/other/google-code-of-conduct.html, accessed July 2018.

Note: The Code was subsequently updated on August 7, 2017. Note - The casewriters could not locate any publicly available updates to Google's code of conduct between April 2012 and August 2017.

Exhibit 2   Danielle Brown, LinkedIn Profile, as of March 2018

Experience:

- VP and Chief Diversity & Inclusion Officer, People Operations @ Google, Mtn. View, CA; Jun 2017-Present

- Intel Corporation, Santa Clara, CA; Aug 2009-Jun 2017

    o   VP, HR and Chief Diversity & Inclusion Officer and Chief of Staff to the CEO; Aug 2014-Jun 2017

    o   Chief of Staff, Human Resources; Jan 2013-Jul 2014

    o   Intel Executive Leadership Development; Jul 2011-Jan 2013

    o   Associate, Accelerated Development Initiative; Aug 2009-Jul 2011

- Institutional Sales Manager, Midwest Region, Gilead Sciences, Foster City, CA; Apr 2007-Jan 2009

- Health Systems Manager, TAP Pharmaceuticals; 2003-2007

- Senior Financial Analyst, Abbott Laboratories; 2001-2003

- Consultant, Mergers and Acquisitions Risk Services, PricewaterhouseCoopers, Chicago, IL; 2000-2001

Education:

- University of Michigan – Stephen M. Ross School of Business; MBA, Corporate Strategy, 2005-2008

- Michigan State University; BA, Business, 1996-1999.

Source: Danielle Mastrangel Brown, LinkedIn, https://www.linkedin.com/in/danielle-mastrangel-brown-b33343a/, accessed March 2018.

Exhibit 3   James Damore LinkedIn Profile, as of March 2018

Experience:

- Google, Mountain View, CA; May 2013-Aug 2017

    o   Software Engineer, Dec 2013-Aug 2017

    o   Software Engineering Intern, May 2013-Aug 2013

- Research Scientist, Massachusetts Institute of Technology, Jun 2010-Aug 2011

- Research Intern, Harvard University, Cambridge, MA; Jun 2009-Aug 2009

- Research Intern, Princeton University, Jun 2008-Aug 2008, Princeton, NJ

Education:

- Harvard University; Master of Science – MS, Systems Biology, 2011-2013*

- University of Illinois at Urbana-Champaign; BS, Molecular Biology, Physics, Chemistry, 2007-2010

Source: James Damore, LinkedIn, https://www.linkedin.com/in/james-damore-b277b62b/, accessed March 2018.

Note: *Damore also reportedly claimed to have received a Ph.D. in Systems Biology from Harvard University. On August 9, 2017, this degree was apparently removed from his LinkedIn page. Source: Steve Kovach, "Fired Google Engineer Who Wrote the Anti-Diversity Manifesto Appears to Have Removed a Ph.D. From his LinkedIn Page," *Business Insider,* August 9, 2017, http://www.businessinsider.com/james-damore-removes-phd-studies-linkedin-2017-8, accessed March 2018.

Exhibit 4   Alphabet Selected Financials, 2012-2016, in US$ Millions

For the Fiscal Period Ending	Dec. 31, 2012	Dec. 31, 2013	Dec. 31, 2014	Dec. 31, 2015	Dec. 31, 2016
Revenue	46,039	55,519	66,001	74,989	90,272
Cost of Goods Sold	17,176	21,993	25,313	28,164	35,138
Gross Profit	28,863	33,526	40,688	46,825	55,134
Selling General & Admin Exp.	8,946	10,986	13,982	15,183	17,470
R&D Exp.	6,083	7,137	9,832	12,282	13,948
Other Operating Exp., Total	15,029	18,123	23,814	27,465	31,418
Operating Income	13,834	15,403	16,874	19,360	23,716
Interest Expense	-85	-81	-101	-104	-124
Interest and Invest. Income	700	766	746	999	1,220
Net Interest Exp.	615	685	645	895	1,096
Currency Exchange Gains (Loss)	-514	-379	-402	-422	-475
Other Non-Operating Inc. (Exp.)	64	81	130	152	88
EBT Excl. Unusual Items	13,999	15,790	17,247	19,985	24,425
Impairment of Goodwill	0	0	0	0	0
Gain (Loss) on Sale of Invest.	282	166	390	-334	-275
Gain (Loss) on Sale of Assets	188	-57	0	0	0
Asset Writedown	0	0	-378	0	0
Other Unusual Items	0	0	0	0	0
EBT Incl. Unusual Items	14,469	15,899	17,259	19,651	24,150
Income Tax Expense	2,916	2,739	3,639	3,303	4,672
Earnings from Cont. Ops.	11,553	13,160	13,620	16,348	19,478
Earnings of Discontinued Ops.	-816	-427	516	0	0
Extraord. Item & Account. Change	0	0	0	0	0
Net Income to Company	10,737	12,733	14,136	16,348	19,478
Minority Int. in Earnings	0	0	0	0	0
Net Income	10,737	12,733	14,136	16,348	19,478

Source: Alphabet, "Key Stats 2012-2016," accessed via Capital IQ, a division of Standard & Poor's.

Exhibit 5   Demographics of Google Employees, U.S. Workforce, and Computer Science Graduates

Group	Google 2017			U.S. Civilian Labor Force, 2016	Computer Science Bachelor's Degrees Awarded in U.S., 2014
	Overall	**Leadership**	**Tech Only**		
Sex:					
Male	69%	75%	80%	53%	82%
Female	31%	25%	20%	47%	18%
Race:					
White	56%	68%	53%	78%	59%
Black/African-American	2%	2%	1%	12%	10%
Asian	35%	27%	39%	6%	10%
All other groups*	4%	2%	3%	3%	3%
Ethnicity:					
Hispanic origin	4%	2%	3%	17%	10%

Source: Casewriter, compiled from: Google, "Our Workplace," 2017, https://diversity.google/commitments/; U.S. Bureau of Labor Statistics, "Table 3.1.: Civilian Labor Force, by Age, Sex, Race, and Ethnicity, 1996, 2006, 2016, and Projected 2026,"October 24, 2017, https://www.bls.gov/emp/ep_table_301.htm; National Science Foundation, "Table 5-7. Bachelor's Degrees Awarded, by Citizenship, Ethnicity, Race, Sex, and Field: 2014," 2017, https://www.nsf.gov/statistics/2017/nsf17310/static/data/tab5-7.pdf; all accessed March 2018.

Note: For Google employees, data about gender is representative of all Google employees worldwide; data about race/ethnicity is for U.S.-based employees only.

*All other groups includes individuals of multiple racial origin as well as those identifying as American Indian, Alaska Native, Native Hawaiian, and Other Pacific Islanders.

** A further 8% were reported as "other" or "unknown race or ethnicity."

Exhibit 6   Percentage of U.S. Computing Jobs Held by Women, Disaggregated by Race, 2015

Group	%
All Women	25%
White Women	16%
Asian Women	5%
Black/African-American Women	3%
Latina/Hispanic Women	1%

Source: Catherine Ashcraft, Brad McLain, and Elizabeth Eger, "Women in Tech: The Facts," *National Center for Women & Information Technology,* 2016 Update, p. 6, https://www.ncwit.org/sites/default/files/resources/womenintech_facts_fullreport_05132016.pdf, accessed December 2017.

Exhibit 7 Employee Demographics by Sex and Race, Apple, Facebook, Microsoft, and Twitter, 2017

Facebook		
Gender	**Overall Employees**	**Tech Only**
Male	65%	81%
Female	35%	19%
Race/Ethnicity	**Overall Employees**	**Tech Only**
White	49%	45%
Asian	40%	49%
Black	3%	1%
Hispanic	5%	3%
Two or More Races	3%	2%
Other	1%	<1%

Apple		
Gender	**Overall Employees**	**Tech Only**
Male	68%	77%
Female	32%	23%
Race/Ethnicity	**Overall Employees**	**Tech Only**
White	54%	52%
Asian	21%	31%
Black	9%	7%
Hispanic	13%	8%
Two or More Races	3%	2%
Other	1%	1%

Microsoft		
Gender	**Overall Employees**	**Tech Only**
Male	74%	81%
Female	26%	19%
Race/Ethnicity	**Overall Employees**	**Tech Only**
White	56%	52%
Asian	31%	38%
Black	4%	3%
Hispanic	6%	4%
Two or More Races	2%	2%
Other	1%	1%

Twitter (2016 data)		
Gender	**Overall Employees**	**Tech Only**
Male	63%	85%
Female	37%	15%
Race/Ethnicity	**Overall Employees**	**Tech Only**
White	57%	52%
Asian	32%	39%
Black	3%	2%
Hispanic	4%	4%
Two or More Races	3%	3%
Other	1%	<1%

Source: Casewriter, compiled from: Facebook, "Facebook Diversity Update: Building a More Diverse, Inclusive Workplace," August 2, 2017, https://fbnewsroomus.files.wordpress.com/2017/08/fb_diversity_2017_final.pdf; Apple, "Inclusion & Diversity," 2017, https://www.apple.com/diversity/; Microsoft, "Global Diversity and Inclusion," 2017, https://www.microsoft.com/en-us/diversity/inside-microsoft/default.aspx#epgDivFocusArea; Jeffrey Siminoff, "Building a More Inclusive Twitter," *Twitter,* January 19, 2017, https://blog.twitter.com/en_us/topics/company/2017/building-a-more-inclusive-twitter-in-2016.html; all accessed December 2017.

Note: For all companies, data on gender is representative of all employees worldwide, whereas race/ethnicity data is for U.S.-based employees only.

Exhibit 8   Percent of Employees by Position at 222 Sample Companies, by Race and Gender, 2017


1 = Entry level   3 = Senior manager/director   5 = Senior vice president
2 = Manager   4 = Vice president   6 = C-suite

White men

1	2	3	4	5	6
36	47	54	61	70	67

White women

1	2	3	4	5	6
31	26	26	23	18	18	100%

Men of color

1	2	3	4	5	6
16	16	13	11	9	12

Women of color

1	2	3	4	5	6
17	11	8	6	4	3

Entry level ⟶ C-suite
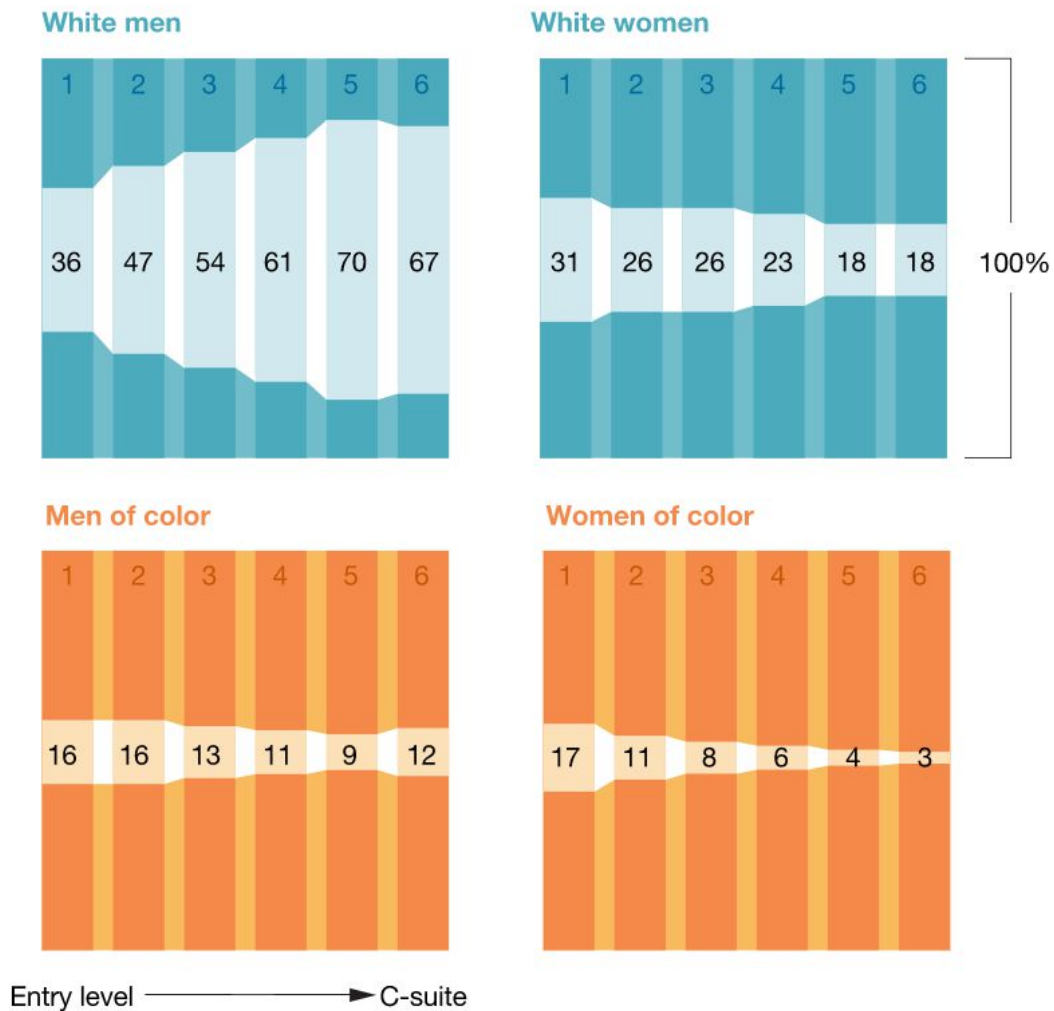
Source: Alexis Krivkovich, Kelsey Robinson, Irina Starikova, Rachel Valentino, and Lareina Yee, "Women in the Workplace 2017," *McKinsey & Company,* October 2017, https://www.mckinsey.com/global-themes/gender-equality/women-in-the-workplace-2017, accessed January 2018.

Exhibit 9   Proportion of Female Undergraduates Earning a STEM Degree in the U.S., 1970-2014
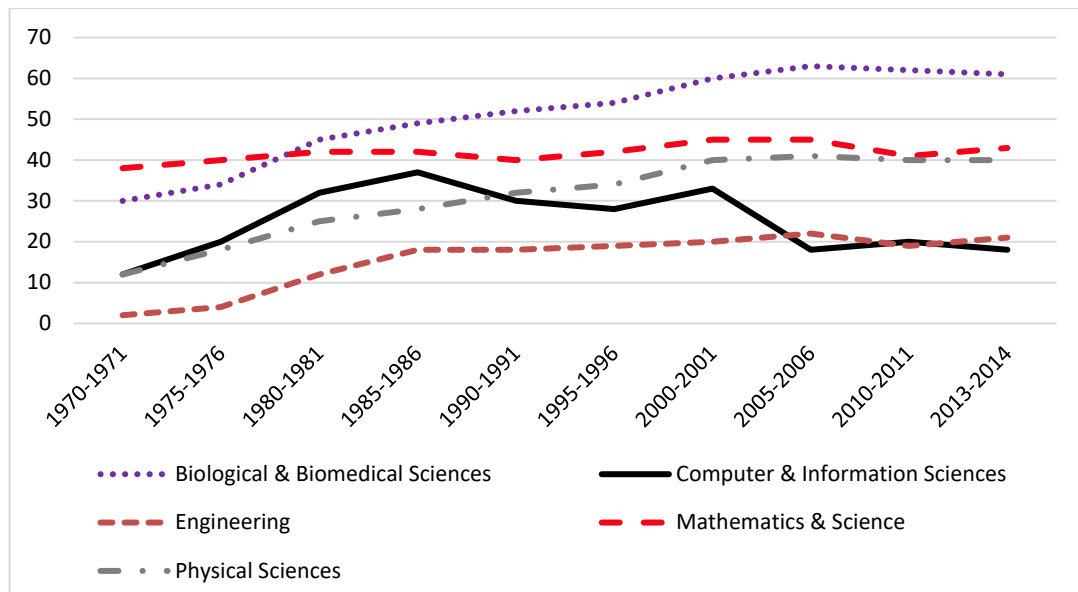
Source: Catherine Ashcraft, Brad McLain, and Elizabeth Eger, "Women in Tech: The Facts," *National Center for Women & Information Technology,* 2016 Update, p. 7, https://www.ncwit.org/sites/default/files/resources/womenintech_facts_fullreport_05132016.pdf, accessed December 2017.

Exhibit 10   Percentage of Women in Computing Occupations in the U.S., 1985-2015
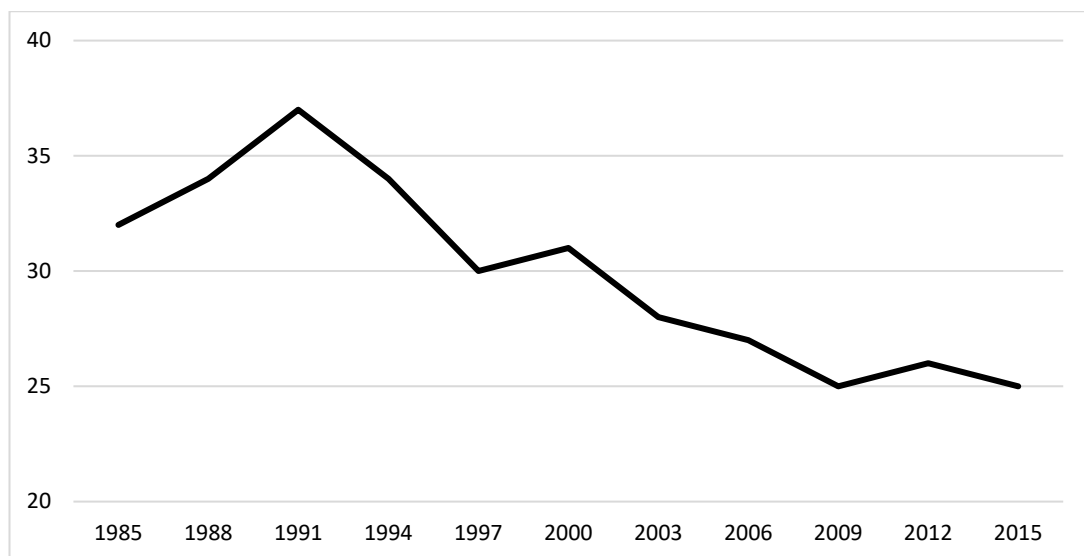
Source: Catherine Ashcraft, Brad McLain, and Elizabeth Eger, "Women in Tech: The Facts," *National Center for Women & Information Technology,* 2016 Update, p. 7, https://www.ncwit.org/sites/default/files/resources/womenintech_facts_fullreport_05132016.pdf, accessed December 2017.

Exhibit 11a   Elephant in the Valley Survey Findings, 2015 (Women Respondents Only)

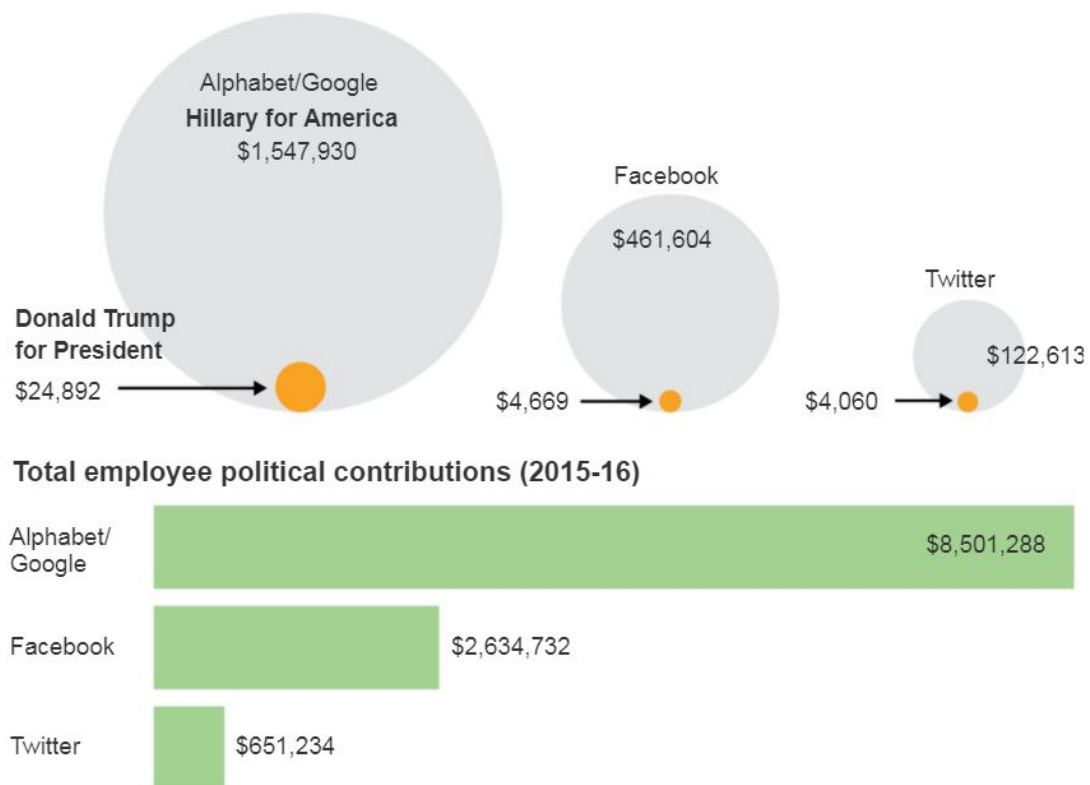| Selected Responses (Women Only)	
% of respondents who have been told they are too aggressive	84%
% who have been asked to do lower-level tasks (e.g., note-taking) that men are not asked to do	47%
% who have felt excluded from key social/networking opportunities because of gender	66%
% who have felt they have not had the same opportunities as their male counterparts	59%
% who have witnessed sexist behavior at company off-sites and/or industry conferences	90%
% who have had clients/colleagues address questions to male peers that should have been addressed to them	88%
% who have had clients/colleagues make eye contact with male colleagues but not them	84%
% who have received demeaning comments from male colleagues	87%
% who were asked about family life, marital status, and children during interviews	75%
% who shortened their maternity leave because they thought it would negatively impact their career	52%
% who reported experiencing unwanted sexual advances	60%
% who have felt afraid for their personal safety because of work-related circumstances	33%
% who were dissatisfied by the course of action taken once reported sexual harassment	60%

Source: Casewriter, compiled from: Trae Vassallo, Ellen Levy, Michele Madansky, Hillary Mickell, Bennett Porter, Monica Leas, and Julie Oberweis, "Elephant in the Valley," https://www.elephantinthevalley.com/, accessed January 2018.

Note: The survey was conducted among 200+ women working in tech, most of whom had 10 or more years of experience in the industry. Most (91%) survey respondents lived in the Silicon Valley/San Francisco Bay area, 77% were over the age of 40, and 75% had children.

Exhibit 11b   Tech and Startup Culture Survey, 2017 (Men Respondents Only Included Below)

Selected Responses (Men Only)	
% of respondents who have experienced harassment while working at a tech company	16%
% of respondents who have witnessed harassment while working at a tech company	38%
Types of Harassment Experienced by Men Employees	
Offensive slurs/jokes	40%
Ageist	37%
Professional character	33%
Political	30%
Mental abuse	23%
Racial	23%
Religious	20%
Classist	20%
Homophobic	17%
Sexist	7%

Source: Casewriter, compiled from: "Tech and Startup Culture Survey," *Women Who Tech, Lincoln Park Strategies,* August 2017, http://www.womenwhotech.com/wp-content/uploads/2017/08/WWTSurveyfinalAug15.pdf, accessed April 2018.

Exhibit 12   Employee Contributions to Presidential Campaigns (2015-2016), by Company

Alphabet/Google
Hillary for America
$1,547,930

Facebook

$461,604

Twitter

$122,613

Donald Trump for President

$24,892 →

$4,669 →

$4,060 →

Total employee political contributions (2015-16)

Company	Amount
Alphabet/Google	$8,501,288
Facebook	$2,634,732
Twitter	$651,234

Source: Deepa Seetharaman, Yoree Koh, and Georgia Wells, "Silicon Valley Struggles to Add Conservatives to Its Ranks," *The Wall Street Journal,* December 1, 2017, https://www.wsj.com/articles/silicon-valley-struggles-to-add-conservatives-to-its-ranks-1512136801?mg=prod/accounts-wsj, accessed January 2018.

Appendix A: Full Text, James Damore's Memo, July 2017

Google's Ideological Echo Chamber

How bias clouds our thinking about diversity and inclusion
go/pc-considered-harmful
James Damore - damore@
July 2017
Feel free to comment (they aren't disabled, the doc may just be overloaded).
For longer form discussions see g/pc-harmful-discuss

Reply to public response and misrepresentation

I value diversity and inclusion, am not denying that sexism exists, and don't endorse using stereotypes. When addressing the gap in representation in the population, we need to look at population level differences in distributions. If we can't have an honest discussion about this, then we can never truly solve the problem.

Psychological safety is built on mutual respect and acceptance, but unfortunately our culture of shaming and misrepresentation is disrespectful and unaccepting of anyone outside its echo chamber.

Despite what the public response seems to have been, I've gotten many†personal messages from fellow Googlers expressing their gratitude for bringing up these very important issues which they agree with but would never have the courage to say or defend because of our shaming culture and the possibility of being fired. This needs to change.

TL;DR

- Google's political bias has equated the freedom from offense with psychological safety, but shaming into silence is the antithesis of psychological safety.
- This silencing has created an ideological echo chamber where some ideas are too sacred to be honestly discussed.
- The lack of discussion fosters the most extreme and authoritarian elements of this ideology.
    - Extreme: all disparities in representation are due to oppression
    - Authoritarian: we should discriminate to correct for this oppression
- Differences in distributions of traits between men and women may in part explain why we don't have 50% representation of women in tech and leadership.
- Discrimination to reach equal representation is unfair, divisive, and bad for business.

Background[e]

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[e] This document is mostly written from the perspective of Google's Mountain View campus, I can't speak about other offices or countries.

People generally have good intentions, but we all have biases which are invisible to us. Thankfully, open and honest discussion with those who disagree can highlight our blind spots and help us grow, which is why I wrote this document.[f] Google has several biases and honest discussion about these biases is being silenced by the dominant ideology. What follows is by no means the complete story, but it's a perspective that desperately needs to be told at Google.

Google's biases

At Google, we talk so much about unconscious bias as it applies to race and gender, but we rarely discuss our moral biases. Political orientation is actually a result of deep moral preferences and thus biases. Considering that the overwhelming majority of the social sciences, media, and Google lean left, we should critically examine these prejudices:

Left Biases	Right Biases
Compassion for the weak	Respect for the strong/authority
Disparities are due to injustices	Disparities are natural and just
Humans are inherently cooperative	Humans are inherently competitive
Change is good (unstable)	Change is dangerous (stable)
Open	Closed
Idealist	Pragmatic

Neither side is 100% correct and both viewpoints are necessary for a functioning society or, in this case, company. A company too far to the right may be slow to react, overly hierarchical, and untrusting of others. In contrast, a company too far to the left will constantly be changing (deprecating much loved services), over diversify its interests (ignoring or being ashamed of its core business), and overly trust its employees and competitors.

Only facts and reason can shed light on these biases, but when it comes to diversity and inclusion, Google's left bias has created a politically correct monoculture that maintains its hold by shaming dissenters into silence. This silence removes any checks against encroaching extremist and authoritarian policies. For the rest of this document, I'll concentrate on the extreme stance that all differences in outcome are due to differential treatment and the authoritarian element that's required to actually discriminate to create equal representation.

Possible non-bias causes of the gender gap in tech[g]

At Google, we're regularly told that implicit (unconscious) and explicit biases are holding women back in tech and leadership. Of course, men and women experience bias, tech, and the workplace differently and we should be cognizant of this, but it's far from the whole story.

On average, men and women biologically differ in many ways. These differences aren't just socially constructed because:

- They're universal across human cultures
- They often have clear biological causes and links to prenatal testosterone
- Biological males that were castrated at birth and raised as females often still identify and act like males
- The underlying traits are highly heritable
- They're exactly what we would predict from an evolutionary psychology perspective

Note, I'm not saying that all men differ from all women in the following ways or that these differences are "just." I'm simply stating that the distribution of preferences and abilities of men and women differ in part due to biological causes and that these differences may explain why we don't see equal representation of women in tech

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[f] Of course, I may be biased and only see evidence that supports my viewpoint. In terms of political biases, I consider myself a classical liberal and strongly value individualism and reason. I'd be very happy to discuss any of the document further and provide more citations.

[g] Throughout the document, by "tech", I mostly mean software engineering.

and leadership. Many of these differences are small and there's significant overlap between men and women, so you can't say anything about an individual given these population level distributions.
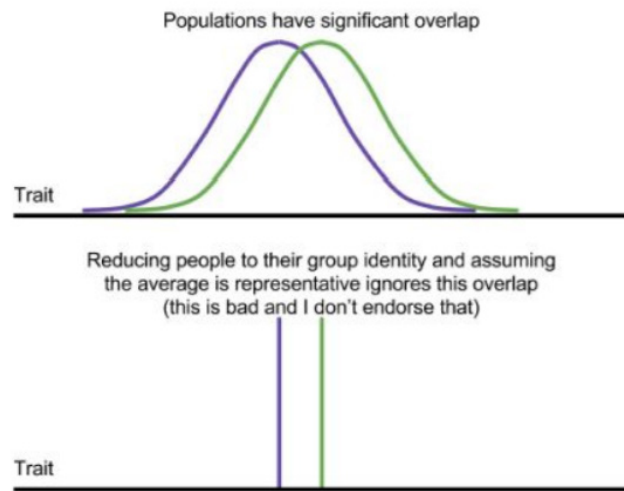
Personality differences

Women, on average, have more:

- Openness directed towards feelings and aesthetics rather than ideas. Women generally also have a stronger interest in people rather than things, relative to men (also interpreted as empathizing vs. systemizing).
    - These two differences in part explain why women relatively prefer jobs in social or artistic areas. More men may like coding because it requires systemizing and even within SWEs, comparatively more women work on front end, which deals with both people and aesthetics.
- Extraversion expressed as gregariousness rather than assertiveness. Also, higher agreeableness.
    - This leads to women generally having a harder time negotiating salary, asking for raises, speaking up, and leading. Note that these are just average differences and there's overlap between men and women, but this is seen solely as a women's issue. This leads to exclusory programs like Stretch and swaths of men without support.
- Neuroticism (higher anxiety, lower stress tolerance).
    - This may contribute to the higher levels of anxiety women report on Googlegeist and to the lower number of women in high stress jobs.

Note that contrary to what a social constructionist would argue, research suggests that "greater nation-level gender equality leads to psychological dissimilarity in men's and women's personality traits." Because as "society becomes more prosperous and more egalitarian, innate dispositional differences between men and women have more space to develop and the gap that exists between men and women in their personality traits becomes wider." We need to stop assuming that gender gaps imply sexism.

Men's higher drive for status

We always ask why we don't see women in top leadership positions, but we never ask why we see so many men in these jobs. These positions often require long, stressful hours that may not be worth it if you want a balanced and fulfilling life.

Status is the primary metric that men are judged on,[h] pushing many men into these higher paying, less satisfying jobs for the status that they entail. Note, the same forces that lead men into high pay/high stress jobs in tech and leadership cause men to take undesirable and dangerous jobs like coal mining, garbage collection, and firefighting, and suffer 93% of work-related deaths.

Non-discriminatory ways to reduce the gender gap

Below I'll go over some of the differences in distribution of traits between men and women that I outlined in the previous section and suggest ways to address them to increase women's representation in tech without resorting to discrimination. Google is already making strides in many of these areas, but I think it's still instructive to list them:

- Women on average show a higher interest in people and men in things
  - We can make software engineering more people-oriented with pair programming and more collaboration. Unfortunately, there may be limits to how people-oriented certain roles at Google can be and we shouldn't deceive ourselves or students into thinking otherwise (some of our programs to get female students into coding might be doing this).
- Women on average are more cooperative
  - Allow those exhibiting cooperative behavior to thrive. Recent updates to Perf may be doing this to an extent, but maybe there's more we can do.
  - This doesn't mean that we should remove all competitiveness from Google. Competitiveness and self reliance can be valuable traits and we shouldn't necessarily disadvantage those that have them, like what's been done in education.
- Women on average are more prone to anxiety
  - Make tech and leadership less stressful. Google already partly does this with its many stress reduction courses and benefits.
- Women on average look for more work-life balance while men have a higher drive for status on average
  - Unfortunately, as long as tech and leadership remain high status, lucrative careers, men may disproportionately want to be in them. Allowing and truly endorsing (as part of our culture) part time work though can keep more women in tech.
- The male gender role is currently inflexible
  - Feminism has made great progress in freeing women from the female gender role, but men are still very much tied to the male gender role. If we, as a society, allow men to be more "feminine," then the gender gap will shrink, although probably because men will leave tech and leadership for traditionally "feminine" roles.

Philosophically, I don't think we should do arbitrary social engineering of tech just to make it appealing to equal portions of both men and women. For each of these changes, we need principled reasons for why it helps Google; that is, we should be optimizing for Google—with Google's diversity being a component of that. For example, currently those willing to work extra hours or take extra stress will inevitably get ahead and if we try to change that too much, it may have disastrous consequences. Also, when considering the costs and benefits, we should keep in mind that Google's funding is finite so its allocation is more zero-sum than is generally acknowledged.

The harm of Google's biases

I strongly believe in gender and racial diversity, and I think we should strive for more. However, to achieve a more equal gender and race representation, Google has created several discriminatory practices:

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[h] For heterosexual romantic relationships, men are more strongly judged by status and women by beauty. Again, this has biological origins and is culturally universal.

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- Programs, mentoring, and classes only for people with a certain gender or race[i]
- A high priority queue and special treatment for "diversity" candidates
- Hiring practices which can effectively lower the bar for "diversity" candidates by decreasing the false negative rate
- Reconsidering any set of people if it's not "diverse" enough, but not showing that same scrutiny in the reverse direction (clear confirmation bias)
- Setting org level OKRs for increased representation which can incentivize illegal discrimination[j]

These practices are based on false assumptions generated by our biases and can actually increase race and gender tensions. We're told by senior leadership that what we're doing is both the morally and economically correct thing to do, but without evidence this is just veiled left ideology[k] that can irreparably harm Google.

Why we're blind

We all have biases and use motivated reasoning to dismiss ideas that run counter to our internal values. Just as some on the Right deny science that runs counter to the "God > humans > environment" hierarchy (e.g., evolution and climate change), the Left tends to deny science concerning biological differences between people (e.g., IQ[l] and sex differences). Thankfully, climate scientists and evolutionary biologists generally aren't on the right. Unfortunately, the overwhelming majority of humanities and social sciences lean left (about 95%), which creates enormous confirmation bias, changes what's being studied, and maintains myths like social constructionism and the gender wage gap.[m] Google's left leaning makes us blind to this bias and uncritical of its results, which we're using to justify highly politicized programs.

In addition to the Left's affinity for those it sees as weak, humans are generally biased towards protecting females. As mentioned before, this likely evolved because males are biologically disposable and because women are generally more cooperative and agreeable than men. We have extensive government and Google programs, fields of study, and legal and social norms to protect women, but when a man complains about a gender issue issue [*sic*] affecting men, he's labelled as a misogynist and a whiner.[n] Nearly every difference between men and women is interpreted as a form of women's oppression. As with many things in life, gender differences are often a case of "grass being greener on the other side"; unfortunately, taxpayer and Google money is being spent to water only one side of the lawn.

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[i] Stretch, BOLD, CSSI, Engineering Practicum (to an extent), and several other Google funded internal and external programs are for people with a certain gender or race.

[j] Instead set Googlegeist OKRs, potentially for certain demographics. We can increase representation at an org level by either making it a better environment for certain groups (which would be seen in survey scores) or discriminating based on a protected status (which is illegal and I've seen it done). Increased representation OKRs can incentivize the latter and create zero-sum struggles between orgs.

[k] Communism promised to be both morally and economically superior to capitalism, but every attempt became morally corrupt and an economic failure. As it became clear that the working class of the liberal democracies wasn't going to overthrow their "capitalist oppressors," the Marxist intellectuals transitioned from class warfare to gender and race politics. The core oppressor-oppressed dynamics remained, but now the oppressor is the "white, straight, cis-gendered patriarchy."

[l] Ironically, IQ tests were initially championed by the Left when meritocracy meant helping the victims of aristocracy.

[m] Yes, in a national aggregate, women have lower salaries than men for a variety of reasons. For the same work though, women get paid just as much as men. Considering women spend more money than men and that salary represents how much the employee sacrifices (e.g. more hours, stress, and danger), we really need to rethink our stereotypes around power.

[n] "The traditionalist system of gender does not deal well with the idea of men needing support. Men are expected to be strong, to not complain, and to deal with problems on their own. Men's problems are more often seen as personal failings rather than victimhood, due to our gendered idea of agency. This discourages men from bringing attention to their issues (whether individual or group-wide issues), for fear of being seen as whiners, complainers, or weak."

This same compassion for those seen as weak creates political correctness,[o] which constrains discourse and is complacent to the extremely sensitive PC-authoritarians that use violence and shaming to advance their cause. While Google hasn't harbored the violent leftist protests that we're seeing at universities, the frequent shaming in TGIF and in our culture has created the same silent, psychologically unsafe environment.

Suggestions

I hope it's clear that I'm not saying that diversity is bad, that Google or society is 100% fair, that we shouldn't try to correct for existing biases, or that minorities have the same experience of those in the majority. My larger point is that we have an intolerance for ideas and evidence that don't fit a certain ideology. I'm also not saying that we should restrict people to certain gender roles; I'm advocating for quite the opposite: treat people as individuals, not as just another member of their group (tribalism).

My concrete suggestions are to:

- De-moralize diversity.
    - As soon as we start to moralize an issue, we stop thinking about it in terms of costs and benefits, dismiss anyone that disagrees as immoral, and harshly punish those we see as villains to protect the "victims."
- Stop alienating conservatives.
    - Viewpoint diversity is arguably the most important type of diversity and political orientation is one of the most fundamental and significant ways in which people view things differently.
    - In highly progressive environments, conservatives are a minority that feel like they need to stay in the closet to avoid open hostility. We should empower those with different ideologies to be able to express themselves.
    - Alienating conservatives is both non-inclusive and generally bad business because conservatives tend to be higher in conscientiousness, which is required for much of the drudgery and maintenance work characteristic of a mature company.
- Confront Google's biases.
    - I've mostly concentrated on how our biases cloud our thinking about diversity and inclusion, but our moral biases are farther reaching than that.
    - I would start by breaking down Googlegeist scores by political orientation and personality to give a fuller picture into how our biases are affecting our culture.
- Stop restricting programs and classes to certain genders or races.
    - These discriminatory practices are both unfair and divisive. Instead focus on some of the non-discriminatory practices I outlined.
- Have an open and honest discussion about the costs and benefits of our diversity programs.
    - Discriminating just to increase the representation of women in tech is as misguided and biased as mandating increases for women's representation in the homeless, work-related and violent deaths, prisons, and school dropouts.
    - There's currently very little transparency into the extent of our diversity programs which keeps it immune to criticism from those outside its ideological echo chamber.
    - These programs are highly politicized which further alienates non-progressives.
    - I realize that some of our programs may be precautions against government accusations of discrimination, but that can easily backfire since they incentivize illegal discrimination.
- Focus on psychological safety, not just race/gender diversity.
    - We should focus on psychological safety, which has shown positive effects and should (hopefully) not lead to unfair discrimination.
    - We need psychological safety and shared values to gain the benefits of diversity.
    - Having representative viewpoints is important for those designing and testing our products, but the benefits are less clear for those more removed from UX.

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[o] Political correctness is defined as "the avoidance of forms of expression or action that are perceived to exclude, marginalize, or insult groups of people who are socially disadvantaged or discriminated against," which makes it clear why it's a phenomenon of the Left and a tool of authoritarians.

- De-emphasize empathy.
  - I've heard several calls for increased empathy on diversity issues. While I strongly support trying to understand how and why people think the way they do, relying on affective empathy—feeling another's pain—causes us to focus on anecdotes, favor individuals similar to us, and harbor other irrational and dangerous biases. Being emotionally unengaged helps us better reason about the facts.
- Prioritize intention.
  - Our focus on microaggressions and other unintentional transgressions increases our sensitivity, which is not universally positive: sensitivity increases both our tendency to take offense and our self censorship, leading to authoritarian policies. Speaking up without the fear of being harshly judged is central to psychological safety, but these practices can remove that safety by judging unintentional transgressions.
  - Microaggression training incorrectly and dangerously equates speech with violence and isn't backed by evidence.
- Be open about the science of human nature.
  - Once we acknowledge that not all differences are socially constructed or due to discrimination, we open our eyes to a more accurate view of the human condition which is necessary if we actually want to solve problems.
- Reconsider making Unconscious Bias training mandatory for promo committees.
  - We haven't been able to measure any effect of our Unconscious Bias training and it has the potential for overcorrecting or backlash, especially if made mandatory.
  - Some of the suggested methods of the current training (v2.3) are likely useful, but the political bias of the presentation is clear from the factual inaccuracies and the examples shown.
  - Spend more time on the many other types of biases besides stereotypes. Stereotypes are much more accurate and responsive to new information than the training suggests (I'm not advocating for using stereotypes, I [*sic*] just pointing out the factual inaccuracy of what's said in the training).

Source: Retyped from: James Damore, "Google's Ideological Echo Chamber," *Document Cloud,* July 2017, https://www.documentcloud.org/documents/3914586-Googles-Ideological-Echo-Chamber.html, accessed December 2017.

Notes: TL;DR = Too Long; Didn't Read (Internet shorthand for a summary of a longer piece of writing). OKRs = Objectives and Key Results. BOLD = Building Opportunities for Leadership and Development (a Google diversity program). CSSI = Computer Science Summer Institute (a Google program).

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