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Is kindness illegal?

America First Legal claims the Dodgers' DEI efforts are "patently illegal" under Title VII – but is lifting up marginalized groups really the same as unlawful discrimination?

By Sidney Kanazawa

In a letter dated June 30, 2025, America First Legal Foundation, describing itself as "a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans," complained to the U.S. Equal Employment Opportunity Commission that the Los Angeles Dodgers baseball organization's (Los Angeles Dodgers, LLC) and its ownership's (Guggenheim Partners, LLC) embrace of diversity, equity, and inclusion "appear to discriminate against employees, or prospective employees, solely because of their skin color or sex."

No specific acts or practices are alleged. The complaint is based entirely on website descriptions of the Dodgers' and Guggenheim Partners' commitment to diversity, equity, and inclusion – which the letter claims is "patently illegal" because Title VII of the Civil Rights Act of 1964 "prohibits employment practices that treat a person worse because of race, color, sex, or national origin."

Is extending respect and dignity to historically marginalized groups treating someone else "worse" and "patently illegal?"

This is what the Dodgers' website says about their various diversity, equity, and inclusion initiatives: i to "empower our Asian employees, along with our allies, and honor our diverse Asian culture,"

- to "create an environment that will foster the growth, development, and well-being of the Dodger Black community,"

- to "encourage an open environment where employees can feel safe to be their authentic selves,"



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- to "ensure organizational representation and promote resources for professional development, business support, and community outreach that advances and empowers the Latinx community,"

- to "create a safe and equitable space for women to thrive and to demonstrate that women add tangible value to the organization's success."

[Quotes are from page A-3 of the America First Legal Foundation letter, including portions highlighted and NOT highlighted by America First Legal Foundation].

Is choosing to be kind, respectful and decent unlawful discrimination? Does Title VII really require us to turn a blind eye on acts that hurt families of color, women and the LGBTQ community – Asian Exclusion Acts, Alien Land Laws, Japanese in-

carceration during WWII, *Dred Scott*, *Plessy v. Ferguson*, Jim Crow, Lynching, Stonewall, Great Depression Mexican Repatriation, Operation Wetback, No Suffrage, Unequal Promotion and Pay?

In Hawaii, we are not perfect – and are still learning – but we have had a long history of diversity. If nothing else, we've learned that forming a more perfect union – an ohana (family) – among people from different parts of the world and different cultures requires humility, respect and humor. We eat each other's food. We use each other's words. We enjoy each other's cultural practices. We laugh at our differences and similarities. We recognize and adapt to each other's strengths and weaknesses. We are not and do not seek to be a single homogeneous melt-

ing pot. We embrace our individual and collective past. It happened. While we cannot change the past, we can change today and tomorrow. We can care for each other today and tomorrow. We can find ways to work and live productively together today and tomorrow. Like a proud bowl of salad, with different unique ingredients, we are tasty separately but are tastiest when we mix and harmonize together in one delicious shared dish.

We manage this diversity with the Aloha Spirit. As imbedded in our statutes, the Aloha Spirit "was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. 'Aloha' is more than a word of greeting or farewell or a salutation. 'Aloha' means mutual regard and affection and extends warmth in caring with no obligation in return. 'Aloha' is the essence of relationships in which each person is important to every other person for our collective existence." Hawaii Revised Statutes Section 5-7.5. It is about caring about others, recognizing we are all in this together, and appreciating we are at our best when we treat each other with equity and inclusion.

This is not unique to Hawaii. In Los Angeles, when Dr. Jerry Buss owned the Lakers, he had his own way of being kind, respectful and decent. At Buss's funeral, his long-term business partner (Frank Mariani) talked about how Buss did business. Unlike some who revel in dominating a business deal and taking everything for themselves, Buss would look at every deal from all sides and would do a deal only if it was fair to all sides. On one occasion, Buss agreed to a deal and then later

thought it was unfair to one of the participants, so he threw in a couple of extra players to make the deal fair. Even with his own players, he renegotiated Magic Johnson's and other players contacts with an eye toward their perspective, even before he was required to do so. Perhaps as a consequence, during the 33 years Buss owned the Lakers, the Lakers went to the NBA finals 16 times and won 10 times.

Professor Tom Tyler has studied and written extensively about procedural justice and why people cooperate and obey the law. He found people are generally satisfied with organization and government decisions – even when the decision is adverse to them - if they were given a *voice*, were treated with *respect and dignity*, and were judged by *fair and transparent rules* (not by individual whims or biases) applied by *selflessly trustworthy people*.

When we treat everyone who disagrees with us as an enemy, we cannot hear their voice, we cannot

show them respect, we cannot agree on rules and facts, and we cannot trust or be trusted. We are enemies. We are right, they are wrong. We are good, they are evil. We must prevail, they must lose. Our righteousness blinds us to our common humanity.

Blind hate of our fellow Americans will not help us “form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” Like the Aloha Spirit in Hawaii's Revised Statutes, our Constitution recognizes that “each person is important to every other person for our collective existence” with the preamble words, “We the People.” All of us. Not some of us. All of us. In that same spirit, Abraham Lincoln, in his First Inaugural Address before the start of the Civil War, called on our “better angels” to remember that “we are not enemies, but friends.” And in his Second Inaugural Address, as the

war was closing, President Lincoln urged us “with malice toward none with charity for all” to bind our wounds and care for each other “to achieve and cherish a just and lasting peace.”

Regardless of our differences, we are all in this together. Are we not stronger and “more perfect” when we courageously and kindly give each other a voice, treat each other with respect and dignity, and judge each other with fair and transparent rules in a selfless and trustworthy manner?

To be kind and respectful cannot be “patently illegal” and cannot be distorted into an assumption that we are treating someone else “worse.” Lifting up is not the same as pushing down. There is a difference. And we know it. Just as there is a difference between a culture of trust and a culture of fear, we can feel it and know when we are supporting trust or spreading fear. What kind of culture will we choose to promote for “ourselves and our posterity”? It is up to us. Every act done or not done and every word said or not said by

each of us builds our culture. What kind of culture will we normalize?

It is up to us.

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