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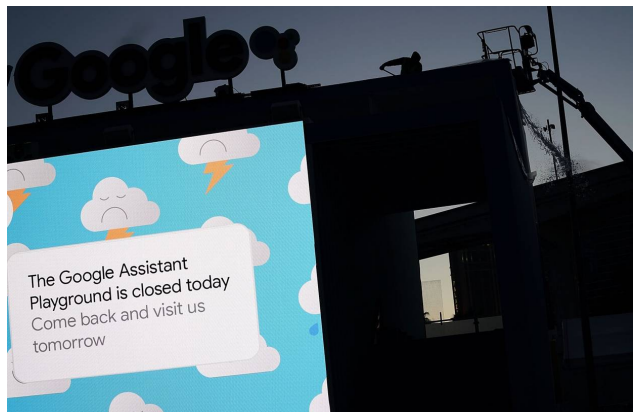
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OPINION | COMMENTARY

OK Google, You've Been Served

The company may find its political monoculture hard to defend under California labor law.



A Google exhibit at the Consumer Electronics Show in Las Vegas, Jan. 9. PHOTO: ALEX WONG/GETTY IMAGES

By *Allysia Finley*

Jan. 15, 2018 2:21 p.m. ET

Does Google discriminate against white, male and conservative employees? Two former Google workers allege as much in a class-action lawsuit they filed against the company last week. While they may have difficulty prevailing in court, they make a strong case that Google aggressively promotes a political agenda and is far from a neutral broker of information.

Former Google engineers James Damore and David Gudeman claim they were fired for failing to conform to the company's progressive culture. Last summer Mr. Damore published what was initially an internal *cri de coeur* against Google's "ideological echo chamber" that criticized its intolerance for alternative views and suggested biology may make men better suited, on average, for tech jobs. Many Google employees demanded Mr. Damore's termination and a purge of those who shared his views. Senior managers allegedly told Mr. Damore that he was fired for "perpetuating gender stereotypes."

Mr. Gudeman was fired after he questioned a Muslim co-worker who claimed he was being targeted by the federal government because of his religion. According to the lawsuit, Google claimed Mr. Gudeman had accused the colleague of terrorism.

Messrs. Damore and Gudeman claim to be victims of sex, race and political

discrimination. Discrimination in employment on the basis of race, sex, national origin and religion are prohibited by Title VII of the Civil Rights Act of 1964. But federal law doesn't forbid employers to discriminate based on their political or cultural views. So the plaintiffs are suing under California labor law, which prohibits employers from "forbidding or preventing employees from engaging or participating in politics." Employers also cannot discharge or threaten to terminate employees to coerce them into political action.

To win certification as a class action, the plaintiffs must demonstrate that numerous Google employees suffered a common injury. To win their case, they'll have to show that Google itself adopted or enforced a policy that forbade employees from engaging in politics and led to systematic discrimination against white, conservative men—or alternatively that Google fired Messrs. Damore and Gudeman to force employees to adopt progressive views.

Google's likely defense will be that it pledges to "create a respectful culture that is free of harassment, intimidation, or unlawful discrimination of any kind," and that the firing of Messrs. Damore and Gudeman was in furtherance of this policy. But the plaintiffs make a good case that Google has selectively and unfairly enforced its policy, and in doing so has promoted a hostile workplace.

Mr. Damore alleges that after he and some co-workers complained about Google's ideological conformity and diversity training—"bias busting" seminars on "white male privilege" and the like—they were shunned, denounced and punished. One manager sent out a mass email describing Mr. Damore's memo as "repulsive and intellectually dishonest" and allegedly "promoted posts that advocated for physical violence" against him. A co-worker emailed Mr. Damore: "You're a misogynist and a terrible person. I will keep hounding you until one of us is fired. [Expletive] you." Mr. Damore says he forwarded the email to the human-resources department and was told to work from home. He was fired soon after. Another manager allegedly threatened to ask Google's employee-relations department to sift through old posts on Google's "conservatives@" mailing list for code-of-conduct violations.

The plaintiffs also include nearly 100 pages of employee postings on Google's chat system that disparage conservatives as well as white men. Several employees circulated a meme asserting that "'America First' is a slogan for American Nazis" and "you should absolutely punch Nazis."

Others posted: "If you want to increase diversity at Google, fire all the bigoted white men" and "by being a white male you are in a privileged class that is actively harmful to others." One described Mr. Damore and his supporters as "a cancer within our culture." Many demonstrated an animus toward Christianity—for instance: "People in Indiana are bigots, but they don't call it bigotry. What do they call it? Religious freedom."

Managers allegedly maintained “blacklists” of conservatives who were blocked from working on their teams, which thwarted their advancement. One manager who blacklisted an intern because he refused to alter his political views allegedly wrote to a fellow manager: “I don’t think he was aware that there were real consequences for his actions. That might have given him the right motivation to change his beliefs or at least to keep his mouth shut.”

According to the lawsuit, Google “relies on crowdsourced harassment and ‘pecking’ to enforce social norms (including politics) that it feels it cannot write directly into its policies.” It’s as if the company were using machine learning to program its employees’ politics.

Even if Google prevails in the lawsuit, it may consider whether this is any way to run a business. Ideological uniformity can undermine the ability to connect with disparate consumers and generate innovative ideas. That’s especially true for a company like Google, whose founding mission was to make information “universally accessibly and useful.” People with divergent political views may have different ideas about what information is useful.

Silencing alternative views and sheltering employees from uncomfortable ideas, as many colleges do, will surely undermine Google’s own ability to attract creative thinkers. Employee intolerance might have also contributed to its subsidiary YouTube’s censorship in 2016 of conservative PragerU videos. And the Daily Caller reported last week that the search engine was providing selective and inaccurate “fact checks” for conservative, but not liberal, sites.

Google’s Orwellian conceptions of inclusivity and diversity also ought to raise questions about its commitment to an “open internet.” How exactly does it define open?

Ms. Finley is a member of the Journal’s editorial board.

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