



August 5, 2024

Christopher M. Carr, Attorney General
Office of the Attorney General
47 Trinity St., SW
Atlanta, GA 30334
Via email to ccarr@law.ga.gov and United States Postal Service

Re: Request for investigation of “race-based decision-making” in Georgia

Dear Attorney General Carr:

We write in connection with your office’s support for “race-neutral and meritocratic” systems that supposedly allow for equal opportunity and its opposition to systems that affirmatively privilege one race above others.¹

Your office has opposed “race-based decision-making” by both public and private entities conducting business in Georgia.²

Given this position, we expect your office will conduct investigations into -- and, if warranted, initiate action against -- entities that are found to have privileged majority white-owned businesses over businesses owned by people of other races. Such application of the law would be the natural extension of your office’s race-neutral thinking and efforts. Specifically, this letter suggests that your office turn its focus on financial institutions, and particularly venture capital funds, operating within Georgia.

For example, based on our research into publicly available information on their websites,³ several prominent private financial institutions operating within Georgia, including, for example, Primus Capital, Garden City Equity, and Linx Partners, appear to have primarily supported majority or entirely

¹ See, e.g., Brief of the Commonwealth of Virginia and 20 Other States as Amicus Curiae, *Coalition for T.J. v. Fairfax County School Board*, 2022 WL 986994 (4th Cir. June 21, 2022).

² See, e.g., Brief of Oklahoma and 18 Other States as Amicus Curiae, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

³ See www.primuscapital.com, www.gardencityequity.com, www.linxpartners.com, all last visited on August 2, 2024.



white-led businesses. Investigation into the circumstances of the business dealings of such institutions may be warranted to determine whether they are acting in compliance with Georgia law.⁴

As you know, it is unlawful for a financial institution to “discriminate in the extending of credit or the making of loans solely on the basis of . . . race . . .”⁵ in Georgia.

As the sworn officer and chief defender of the rule of law, it is your duty to challenge unlawful actions. To be consistent and avoid the appearance of arbitrariness, we would expect you to be concerned with and moved to respond to possible instances of white race favoritism that run afoul of the law and/or application of it for which your office advocates.

To be clear, we fully support efforts to expand economic opportunity to people of color and others who have been historically and systemically disadvantaged and denied opportunities for funding. Make no mistake, we fully support and will continue to advocate for the preservation and adoption of anti-discrimination laws and policies to address historic and persistent racial and other forms of discrimination that permeate every aspect of American life (i.e., education, employment, housing, wealth generation, etc.).

We also do not harbor any delusion that we live in a colorblind society. However, failure to investigate and act against entities that may have privileged business dealings with entities owned by white people over those owned and operated by people of color, for example, would be counter to the public positions your office has taken in favor of “race-neutral and meritocratic” systems, and also work to the detriment of a fair funding system.

Thank you for your attention to these matters, please feel free to contact Deputy Legal Director Scott McCoy, scott.mccoy@splcenter.org, with any follow-up questions.

Truly yours,

A handwritten signature in black ink, appearing to read 'Derwyn Bunton', written over a horizontal line.

Derwyn Bunton
Chief Legal Officer

cc: Governor Brian Kemp

⁴ If your investigation finds otherwise, please do not hesitate to inform us.

⁵ O.C.G.A. § 7-6-1.