



Trump's Executive Orders on Diversity, Equity, and Inclusion, Explained.

In his first week in office, President Trump issued a series of executive orders (EOs) targeting diversity, equity, and inclusion programs in the public and private sectors. These executive orders are designed to chill and prohibit lawful efforts to advance equal opportunity. They attempt to do so by spreading disinformation and distorting federal laws to advance an agenda based on division and hate.

What do the EOs do?

Among other things, the EOs direct the Trump administration agencies and staff to:

- Terminate diversity, equity, and inclusion offices, positions, and programs in the federal government.
- Terminate equity-related grants and contracts.
- Repeal prior executive orders designed to ensure equal opportunity in the workplace, including a decades-old executive order from the Johnson Administration that required contractors receiving federal funds to take active steps to prevent discrimination and address barriers to employment opportunities.
- Direct federal agencies to contractually obligate federal contractors and grantees to certify that they “do not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws,” while making clear that President Trump considers DEI to be illegal and immoral.
- Challenge the programs of publicly traded corporations, large nonprofits, philanthropic foundations, professional associations, and institutions of higher education that are designed to advance equity, including by threatening legal action, with the obvious goal of chilling their programs.
- Issue guidance that may seek to limit what state and local educational agencies and institutions of higher education can do to ensure equal access to education.

What don't the EOs do?

Equal opportunity and antidiscrimination obligations are enshrined in the U.S. Constitution and our federal civil rights laws. The EOs do not and cannot change that. The President's role is to implement laws; he cannot rewrite them. Diversity, equity, and inclusion policies and programs help organizations comply with civil rights laws by ensuring that all people are on an equal footing in the workplace and in educational and medical settings. Organizations that roll back these efforts risk violating anti-discrimination laws if unfair barriers persist. The EOs also do not halt programs that are specifically designed to remedy ongoing discrimination

against people of color and women that are codified in statute or regulation, like the Department of Transportation's Disadvantaged Business Enterprise Program.

The EOs also do not change the reality that the American Dream is not equally available to all. In 2023, the Department of Education reported that it received the most civil rights complaints in its history, most of which allege race, sex, or disability discrimination.¹ While the number of Black people with college degrees has increased over the last two decades, Black people remain relegated to lower wage jobs and less lucrative industries compared to white people with similar levels of education, and Black women experience some of the largest pay gaps.² Black people and other people of color in the United States suffer disproportionately from preventable disease and premature deaths, including high rates of maternal mortality,³ despite living in a country with one of the most advanced medical systems in the world⁴--racial disparities that persist even when accounting for socioeconomic status, lifestyle, insurance coverage, and other risk factors.⁵ These racial inequities hurt the American economy as a whole: A 2020 study by Citi estimates that the United States' aggregate economic output would have been \$16 trillion dollars higher since 2000 if we had closed racial gaps in wages, access to higher education, lending, and mortgage access.⁶

What are diversity, equity, and inclusion programs?

Programs that increase diversity, equity, inclusion, and accessibility are not quotas, which are illegal. Instead, they are strategies to equalize opportunities for groups of people who are unfairly disadvantaged, such as: engaging in broader outreach and recruitment measures to expand a college applicant pool; adopting a policy to only focus on necessary skills and qualifications in hiring; providing training to ensure that healthcare providers can effectively treat patients of all backgrounds; among others. At the end of the day, a successful diversity, equity, and inclusion program strives to ensure that no one feels excluded or treated unfairly. The federal government should encourage these programs, not limit them.

How can these EOs harm America as a whole?

Federal programs should serve everyone equally. The federal workforce is best able to serve our country if it reflects the full range of available talent. If the Trump administration fully implements these EOs, they will erect new barriers to federal programs and employment, making the federal government less able to meet the needs of the nation. The EOs also try to empower the Trump administration to interfere in private sector efforts to open up opportunity. Ultimately, these EOs will weaken our economy, endanger our national security, and threaten our multi-racial democracy.

We are prepared to use all of the tools at our disposal to ensure that everyone can advance the laudable goals of “diversity, equity, and inclusion” in all aspects of our daily lives.

For more information, please visit LDF's website at <https://www.naacpldf.org/equal-protection-initiative/> or contact Amalea Smirniotopoulos (asmirniotopoulos@naacpldf.org).

¹ Eesha Pendahrkar. *The Ed. Dept. Received the Most Civil Rights Complaints in History Last Year*. ED WEEK (May 9, 2023), <https://www.edweek.org/leadership/the-ed-dept-received-the-most-civil-rights-complaints-in-history-last-year/2023/05>.

² Ashley Jardina, et al., *The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers*, NAT'L BUREAU OF ECON. RESEARCH (Aug. 2023), <https://doi.org/10.3386/w31641>. National Women's Law Center, *Black Women Have Been Undervalued and Underpaid for Far Too Long* (Jul. 1, 2024), <https://nwlc.org/resource/black-womens-equal-pay-day-factsheet/>.

³ DONNA HOYER, NATIONAL CENTER FOR HEALTH STATISTICS, *MATERNAL MORTALITY RATES IN THE UNITED STATES, 2022* (2024), <https://www.cdc.gov/nchs/data/hestat/maternal-mortality/2022/maternal-mortality-rates-2022.pdf>.

⁴ See, e.g., Bruce G. Link, *Epidemiological Sociology and the Social Shaping of Population Health*, 49 J. HEALTH & SOC. BEHAV. 367, 372-75 (2008).

⁵ See Virginia Tangel et al., *Racial and Ethnic Disparities in Maternal Outcomes and the Disadvantage of Peripartum Black Women: A Multistate Analysis, 2007-2014*, 36 AM. J. PERINATOLOGY 835, 835, 843 (2019).

⁶ DANA M. PETERSON & CATHERINE L. MANN, CITI GPS: GLOBAL PERSPECTIVES & SOLUTIONS, *CLOSING THE RACIAL INEQUALITY GAPS: THE ECONOMIC COST OF BLACK INEQUALITY IN THE U.S.* (Sept. 2020), https://ir.citi.com/NvIUklHPilz14Hwd3oxqZBLMn1_XPqo5FrxsZDox6hhil84ZxaxEuJUWmak51UHvYk75VKeHCMI%3D.