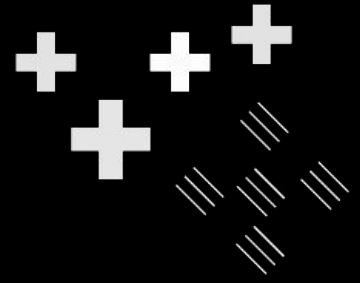




The Leadership Conference  
on Civil and Human Rights

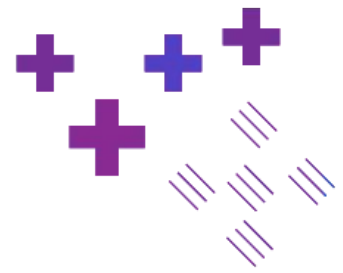


**Rights and Reversals:**

**The Shifting Course of DOJ's**

**Federal Civil Rights Enforcement**

**February 2025**



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On November 21, 2024, then President-elect Donald Trump [announced](#) that he would nominate Pam Bondi, former Florida attorney general, to be attorney general of the United States — one of the most important civil rights posts in all of government. Weeks later, on December 9, [Trump said](#) he would nominate Harmeet Dhillon, one of his personal lawyers, to lead the department’s Civil Rights Division. Given their extensive troubling civil rights records, their loyalty to the president, and the harm caused by Trump’s first term and his Department of Justice’s betrayal of the nation’s civil rights progress, civil rights organizations opposed these nominations.

The nation deserves DOJ leadership, including a U.S. attorney general, who understands that civil rights enforcement is a core function of the DOJ and is the department’s most important job. The United States needs an attorney general who is committed to defending the civil rights of all people and ensuring the DOJ is fair and independent. This is non-negotiable. Unfortunately, [Pam Bondi’s record](#) demonstrated that she would not adhere to the department’s civil rights enforcement role and to the rule of law. Still, on February 4, 2025, the Senate [confirmed](#) Ms. Bondi’s nomination.

Ms. Bondi’s active participation in and support of Trump’s efforts to overturn the 2020 election should have been disqualifying. Her record and [her responses during her confirmation hearing](#) reflected many positions that render her unfit for this role, including her inability to be independent and her troubling record on voting rights, LGBTQ rights, access to health care, the census, immigration, and more. At this critical time for democracy, Ms. Bondi has clearly shown that she lacks the independence needed at the DOJ to build trust in the department and to ensure the fair enforcement of our nation’s civil rights laws. People in America deserve better — they deserve an attorney general who will vigorously work for them, enforce our federal civil rights laws, and build a more just, multiracial democracy.

Even before Bondi was confirmed, just two days after taking office, the Trump administration [ordered a halt](#) to all ongoing litigation pending within the Civil Rights Division and directed the office to not pursue any new cases or enter into any settlement agreements.

And already, Attorney General Bondi has compounded this and is accelerating the cruel and chaotic plans to devastate the DOJ. On her first day in office, she issued more than a dozen troubling directives to weaponize the department, unravel progress, and pervert the rule of law. For example, one [directive](#), titled “Ending Illegal DEI and DEIA Discrimination and Preferences,” says that “To fulfill the Nation’s promise of equality for all Americans, the Department of Justice’s Civil Rights Division will investigate, eliminate, and penalize illegal DEI and DEIA preferences, mandates, policies, programs, and activities in the private sector and in educational institutions that receive federal funds.” Another [memo](#) seeks to revive the federal death penalty by ending the moratorium on federal

**“And already, Attorney General Bondi has compounded this and is accelerating the cruel and chaotic plans to devastate the DOJ.”**



executions put in place during the Biden administration. And [another one](#) regarding “zealous advocacy on behalf of the United States” refers to government attorneys serving as the president’s lawyers, stating that “When Department of Justice attorneys, for example, refuse to advance good-faith arguments by declining to appear in court or sign briefs, it undermines the constitutional order and deprives the President of the benefit of his lawyers.”

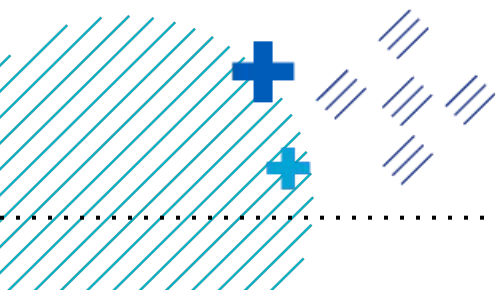
These and other actions confirm the civil rights community’s fears that Ms. Bondi does not possess the necessary independence to defend the U.S. Constitution and the rights of all people. They reflect the disturbing and regressive start to Trump’s second term that follows a first term defined by its hostility to the nation’s hard-won civil rights progress. And critically, they raise the stakes for the Senate’s consideration of Ms. Dhillon to lead the department’s Civil Rights Division.

### **Trump’s Dangerous First Term**

When Congress authorized the creation of the Civil Rights Division of the Department of Justice in 1957, the federal government, with bipartisan support, made a formal and ongoing commitment to defend the civil rights of all the people of this nation. While administrations since then have differed in how they staffed and prioritized the work of the division, the Biden administration largely [made good on this commitment](#) and worked to protect civil rights. This was in sharp (and welcome) contrast to the anti-civil rights actions of the first Trump administration and the hate he inflamed against marginalized communities.

Fewer than seven months into Trump’s first term, the nation witnessed horrifying acts of white supremacy, violent extremism, and domestic terrorism in Charlottesville, Va. — unacceptable and hate-fueled acts that President Trump refused to denounce by name until days after the fact. But even his tepid condemnation was short lived: The following day, Trump backtracked and [said that “both sides” were to blame](#), equating advocates for racial equality with neo-Nazis and white supremacists. Of course, Trump’s first term ended with a second impeachment in the wake of another horrifying act: the January 6 insurrection. Driven by lies, conspiracy theories, and racist rhetoric, January 6 was a direct and violent attempt to overthrow the results of the 2020 election — and an attack on the historic turnout of voters of color and American democracy as a whole. The insurrection, fueled by white supremacy and antisemitism, was not an isolated incident — it was a demonstration of the far-right’s determination to stifle an inclusive, multiracial democracy.

These shameful events bookended an administration that was motivated by a deep hostility to the protection of civil rights in America. And Congress — with its rollbacks of Obama-era protections for workers’ rights, public health, and the environment; its attempts to take health care away from tens of millions of people; and its unwillingness to consider and pass desperately needed reforms on a host of civil rights issues — proved woefully ineffective, especially during the 115th Congress when Republicans controlled both chambers, at advancing policies to promote and protect the civil and human rights of everyone in the United States and holding our leaders accountable. Trump would also go on to fulfill his campaign threats and reshape the federal judiciary with his appointment of three Supreme Court justices and 231 other lifetime judges to circuit and district courts, many who possessed





extreme anti-civil rights records and were opposed by the civil rights community — and who continue serving today in lifetime appointments on the federal bench. From the revocation of a fundamental right for the first time in our nation’s history — the right to abortion — and the reversal of affirmative action in higher education, to hundreds of decisions issued by district and circuit court judges across the nation, Trump’s appointees on the Supreme Court and other federal courts have caused great harm to millions of people across the country. And these judges — and more who he will soon appoint — will serve for decades to come.

With another Trump administration, the nation now braces for more. Indeed, the actions his administration has already taken have been alarming.

Throughout history, the civil rights community has looked to the Department of Justice as a leader in the fight for civil rights. The Justice Department was established with the mission to enforce the nation’s civil rights laws and promote racial justice. In the 1960s and 1970s, it was the newly created Civil Rights Division that played a significant role in desegregating schools in the old South. In the 1970s and 1980s, it was the Civil Rights Division that required police and fire departments across the country to open their ranks to people of color and women. It was the Civil Rights Division that forced counties to give up election systems that locked out voters of color, and it was the Civil Rights Division that prosecuted hate crimes when no local authority had the will.

That is the mission of the Civil Rights Division, and it is what the nation needs today.



At a time when the United States once again has a president whose candidacy and former presidency have emboldened and enabled forces of hate and division in the country; when the DOJ is poised to embrace and accelerate the anti-civil rights policy agenda of the first Trump term; and when vulnerable communities across this nation are already deeply terrified — of being profiled, of being deported, of being killed — the people of this nation deserve DOJ leadership, including at the Civil Rights Division, who will earnestly attempt to unify communities, take seriously their responsibility to enforce the nation’s federal civil rights laws, and check unjust and unconstitutional overreach by the executive. The United States needs leaders who will fulfill the duties of the office, who will provide a sense of security and stability when so much, so often, seems uncertain, and who will serve all people, not just the wealthy and powerful. The president’s nominees are not those leaders.

## **The Assistant Attorney General for Civil Rights**

The Civil Rights Division, which is often referred to as the “crown jewel” of the department and which is led by an assistant attorney general for civil rights, is responsible for enforcing the nation’s federal civil rights laws, for coordinating civil rights policy efforts across the entire federal government, and for ensuring equal treatment and equal justice under the law for everyone in America.

As history has shown, it is vital that the person who leads the division possesses the qualities necessary to lead such a significant federal civil rights agency. The person who fills this position should have:

- A track record of aggressively and affirmatively enforcing federal civil rights laws;
- A willingness to defend against dilution or weakening of these laws, including unnecessary funding and staffing cuts;
- An understanding of the traditions and operations of the Civil Rights Division;
- Experience affirmatively litigating cases in federal court across civil rights subject areas;
- The ability to manage effectively and lead a large organization, in addition to a well-established track record of promoting diversity, creating inclusive workplaces, and implementing fair employment policies in their prior hiring and management practices — ensuring equal opportunity for all.
- A willingness and ability to engage and meaningfully work with external civil rights advocates and affected communities; and
- A deep commitment to the important and historic mission of ensuring that the nation lives up to its promise of equality and justice for all.

**“Throughout history, the civil rights community has looked to the Department of Justice as a leader in the fight for civil rights.”**

## Trump's Nominee Poses a Threat to Civil Rights Enforcement

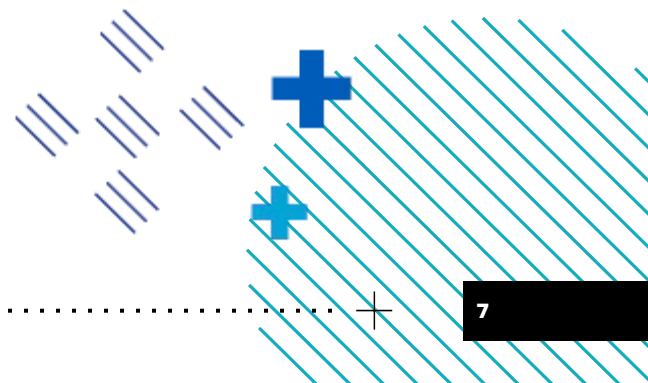
On December 9, 2024, exactly 67 years after the formal establishment of the Civil Rights Division under [AG Order No. 155-57](#), President-elect Trump [announced](#) his intent to nominate Harmeet Dhillon to be assistant attorney general for civil rights at the Department of Justice. The nomination alarmed many in the civil rights community and was another clear sign that the Trump administration seeks to yet again reverse the progress we have made as a nation.

Harmeet Dhillon has focused her career on diminishing civil rights rather than enforcing or protecting them, including by working to restrict voting access, helping to fuel the “big lie” and undermine democracy, attacking LGBTQ+ rights and reproductive rights, and more. This is deeply concerning. With attacks on civil and human rights already underway at the DOJ, Ms. Dhillon’s lack of independence and record of going after the rights of the very people that she would have the duty to defend is disqualifying.

The NAACP Legal Defense and Educational Fund [noted](#) that “In 2020, she recklessly spread conspiracy theories about the integrity of our elections, going so far as to suggest that Supreme Court justices should intervene on President Trump’s behalf.” They also stated: “As Black people continue to face barriers to voting across the country — as demonstrated in the most recent general elections — and as racial disparities across multiple sectors worsen, placing Dhillon in charge of enforcing voting rights and other civil rights laws would be a grave threat to our democracy.”

Strong DOJ leadership is needed today to ensure access to the ballot for all voters. The U.S. Court of Appeals for the Eighth Circuit, for example, [recently ruled](#) that Section 2 of the Voting Rights Act can only be enforced by the U.S. attorney general, saying there is no private plaintiff enforcement that has historically been critical to protecting the voting rights of communities of color. This is a devastating setback, as now it is only the DOJ, in the seven states within the Eighth Circuit, that can pursue action to defend the voting rights of people and communities — and it is subjected to the whims of those DOJ leaders. This is why it’s vital that these leaders, including the assistant attorney general for civil rights, possess a commitment to robustly enforcing the Voting Rights Act and other federal voting rights statutes.

Unfortunately, Dhillon’s nomination continues Trump’s dangerous trend of attempting to embed anti-civil rights ideologues and Trump loyalists in the Department of Justice and throughout government — severely compromising the federal government’s ability and critical responsibility to protect the vulnerable communities who rely on it the most. We deserve a leader who is chosen for their deep dedication to the protection of civil rights, not someone who is chosen precisely because of their anti-civil rights background. [Harmeet Dhillon’s](#) disturbing record indicates she was chosen to further divide our communities and advance an agenda that jeopardizes our civil rights and ability to participate in a thriving, multiracial democracy.



The individuals confirmed to serve at the Department of Justice will make a tremendous number of decisions that determine who they work for and whose rights they will defend. The attorney general, assistant attorney general for civil rights, and other DOJ leaders must be equipped and able to prioritize ending discrimination; addressing white supremacy and hate violence; and advancing racial, gender, disability, ethnic, religious, immigrant, and LGBTQ justice. They must show their commitment to defending the bedrock principle of equal justice for everyone. And they must demonstrate independence and fairness. This has not happened to date, but there is still time to demand better for our democracy and our communities and reject Dhillon's nomination. The nation deserves no less.

### **The Role of the Civil Rights Division**

In 1939, the DOJ established a Civil Rights Section within its Criminal Division, but it was given limited authority and a small staff. Fighting a World War against Nazism, however, made it increasingly difficult for the United States to defend racial discrimination within its own borders, especially while Black troops were committed to the struggle for anti-discrimination abroad. The return of Black veterans to the home front provided local leadership and a political framework for civil rights protest that the federal government could no longer ignore.

President Harry Truman established a Committee on Civil Rights in 1946, and its 1947 report — [“To Secure These Rights”](#) — recommended comprehensive civil rights legislation as well as the creation of a Civil Rights Division within the DOJ, which the report said “would give the federal civil rights enforcement program prestige, power, and

efficiency that it now lacks.” While the civil rights community — including through the creation of what was then known as the Leadership Conference on Civil Rights — lobbied for passage of President Truman's proposals, the Senate filibuster ultimately prevented their enactment. And although the next president — President Dwight D. Eisenhower — did not embrace civil rights as a political priority within his administration, his attorney general, Herbert Brownell, advocated for additional governmental efforts. Brownell collaborated with civil rights organizations, including the Leadership Conference on Civil Rights, to propose a civil rights bill that would require both civil remedies and criminal penalties for civil rights violations, which would provide various methods for redress to people subjected to discrimination and other wrongdoing.

The Department of Justice's Civil Rights Division was finally created nearly 70 years ago as part of the Civil Rights Act of 1957 — the first civil rights legislation since Reconstruction — which President Eisenhower signed into law on September 9, 1957. In addition to creating the division, the law authorized three important features: a position for an assistant attorney general for civil rights at the Department of Justice, the creation of the U.S. Commission on Civil Rights, and the use of civil suits against voting discrimination.

Three months later, on December 9, 1957, Attorney General William P. Rogers signed [AG Order No. 155-57](#), which formally established the Civil Rights Division. Since its creation, the division has been instrumental in promoting and protecting equal justice for all. Today, its 11 sections are responsible for enforcing the nation's federal civil rights laws — laws that have transformed the nation, outlawing discrimination in many facets of American life.



**Each of the division's sections has a specific mandate that touches millions of lives and is critical to promoting and protecting civil rights.**

The [Criminal Section](#) is responsible for investigating and prosecuting criminal cases impacting civil rights and the public interest.

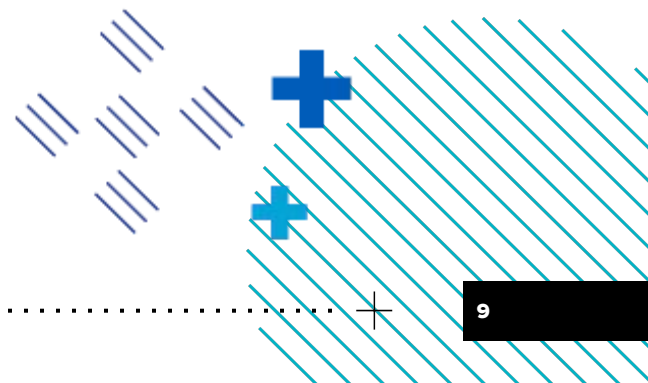
- As one of the oldest of the Civil Rights Division's 11 sections, the Criminal Section has been a leading force in spearheading critical investigations for horrific incidents like the assassinations of Dr. Martin Luther King, Jr. and Medgar Evers, the fatal shootings by the National Guard at Kent State University, the deaths of three civil rights workers (Chaney, Goodman, and Schwerner) in Mississippi during Freedom Summer, and the police beating of Rodney King in Los Angeles.
- The Criminal Section continues to [prosecute](#) the nation's leading criminal cases impacting civil rights and the public interest, namely in the areas of police brutality and misconduct, hate crimes, access to reproductive health clinics, slavery, and human trafficking.

The [Disability Rights Section](#) has the responsibility of protecting people from discrimination based on their disability and for guaranteeing equal opportunity and access for people with disabilities in the United States.

- More than 30 years ago, the staff of the Civil Rights Division was integral to the drafting of the [Americans with Disabilities Act](#) (ADA), monumental legislation signed into law by President George H.W. Bush that protects the millions of people living in the United States with a disability. The ADA, for example, helps to ensure that people with disabilities have full and equal [access to the ballot](#) in every election and prohibits [employment discrimination](#) for employers with 15 or more employees, including state and local governments.

**“Today, its 11 sections are responsible for enforcing the nation’s federal civil rights laws — laws that have transformed the nation, outlawing discrimination in many facets of American life.”**

- The Disability Rights Section enforces laws that protect people with disabilities, namely the ADA and the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits federal agencies from using or relying on genetic information related to employees or applicants for any decision regarding any aspect of employment. The section also enforces the landmark Supreme Court decision, *Olmstead v. L.C.*, which held that unjustified isolation of people with disabilities violates a person's civil rights under the ADA.

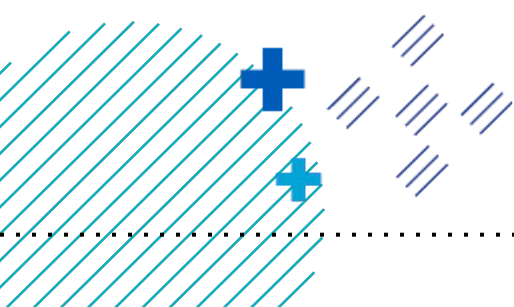


The [Educational Opportunities Section](#) is responsible for protecting students from discrimination and ensuring equal educational opportunities for all students studying within the United States.

- More than 70 years ago, racial segregation in public education was finally recognized as unconstitutional by the Supreme Court in its landmark decision, *Brown v. Board of Education*. The responsibility for enforcing this mandate to desegregate schools was vested in the Civil Rights Division when it was created in 1957 and then vested in the Educational Opportunities Section in 1969. After *Brown*, cases brought by the Civil Rights Division resulted in several historic decisions that required that school systems not only allow Black children to attend previously all-white schools, but that they "undo the harm" created by the segregated system.
- The Educational Opportunities Section is tasked with enforcing laws that protect students, namely Title IV of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act. [Title IX](#), for example, prohibits sex discrimination in any education program or activity receiving federal funding, though administrations over time have offered different interpretations of the law's protections.

The [Employment Litigation Section](#) and the [Immigrant and Employee Rights Section](#) protect employees from discrimination in the United States.

- With the passage of [Title VII](#) of the Civil Rights Act of 1964, discrimination in employment because of a person's race, color, religion, national origin, and sex was prohibited for the first time. The responsibility for enforcing this prohibition on employment discrimination was vested in the Civil Rights Division and then vested in the Employment Litigation Section when it was created in 1969. Shortly after its creation, the section brought lawsuits against the entire basic steel industry and against more than 250 trucking companies that had been denying their employees back pay, resulting in consent decrees that protected more than 200 million employees. Major lawsuits filed by the division between 1975 and 1982 resulted in local and state governments, especially police and fire departments, opening their ranks to people of color and women for the first time.
- The Employment Litigation Section and the Immigrant and Employee Rights Section continue to enforce laws that protect public employees and job applicants, namely Title VII of the Civil Rights Act of 1964, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Immigration and Nationality Act, and other federal laws prohibiting employment practices that discriminate on grounds of race, sex (including pregnancy and gender identity), religion, and national origin.



The [Housing and Civil Enforcement Section](#) is responsible for protecting people from discrimination in housing decisions, places of public accommodation, credit applications, and the use of land.

- With the passage of [Title II](#) of the Civil Rights Act of 1964, discrimination in public accommodations such as hotels, restaurants, theaters, and other places of entertainment was prohibited for the first time. Four years later, President Lyndon B. Johnson signed into law Title VIII of the Civil Rights Act of 1968, popularly called the [Fair Housing Act](#), which prohibited discrimination in the sale, rental, and advertising of housing based on a person's race, color, religion, or national origin. Later, housing discrimination based on disability, sex, or familial status became illegal, as did discriminatory practices of municipalities, banks, and insurance companies. The large task of enforcing these prohibitions in housing and lending fell upon the Housing and Civil Enforcement Section when it was created in 1969.
- The Housing and Civil Enforcement Section enforces numerous federal housing, credit, and land-use laws, namely the Fair Housing Act, the Equal Credit Opportunity Act, Title II of the Civil Rights Act of 1964, the Religious Land Use and Institutionalized Persons Act, and the Servicemembers Civil Relief Act. Since 1991, the section has also been administering a [Fair Housing Testing Program](#) whereby individuals pose as prospective renters and buyers to determine if discriminatory practices are being committed.

The [Special Litigation Section](#) is responsible for investigating and prosecuting civil cases impacting civil rights and the public interest, including the rights of people in prisons and jails, the rights of young people interacting with the juvenile justice system, the rights of people seeking to safely access reproductive health clinics and places of worship, and more.

- In 1968, Congress passed the [Omnibus Crime Control and Safe Streets Act](#), which outlawed discrimination on the basis of race, color, religion, national origin, or sex in any program or activity funded in whole or in part through criminal justice grants authorized by 42 U.S. Code, Chapter 46. The Special Litigation Section was tasked with enforcing this law, as well as the Civil Rights of Institutionalized Persons Act in 1980, Section 14141 of the Violent Crime Control and Law Enforcement Act in 1994, and the Religious Land Use and Institutionalized Persons Act in 2000.

The [Voting Section](#) is responsible for protecting voters from discrimination, preventing interference with the right to vote, and ensuring that all Americans have equal opportunity to participate in the democratic process in the United States.

- It was the early cases under the 1957 and 1960 Civil Rights Acts, brought by both the Civil Rights Division and a core of private civil rights lawyers, which ultimately shaped the contents of the historic 1965 Voting Rights Act (VRA). This landmark legislation dramatically increased the tools available to the division to protect voters attempting to exercise their right to vote, such as federal preclearance of voting laws in states and jurisdictions with a history of voting discrimination — though that tool was gutted by the Supreme Court in its *Shelby County v. Holder* decision in 2013.

- The Voting Section is tasked with enforcing laws that protect the right to vote, namely the VRA, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act, and the Civil Rights Act.

The Civil Rights Division is also responsible for ensuring that recipients of federal funds are complying with civil rights laws, for filing amicus briefs in cases that impact the public interest, for handling appeals of civil rights cases, and for developing policies that will enhance the effectiveness of the division.

- The [Federal Coordination and Compliance Section](#) has existed — under several different names and various forms — since 1969. The primary responsibility of this section is to ensure that the federal government does not violate the very statutes and regulations that it’s charged with enforcing. This requires the coordination of enforcement by more than 60 federal agencies of statutes that prohibit discrimination on the basis of race, color, national origin, sex, and religion in programs that receive federal assistance. In the past, this work has focused on [promoting language access](#) in several state court systems, including developing a [model language access plan](#) with Washington state and reaching an [agreement](#) with the Unified Judicial System of Pennsylvania to commit to providing qualified interpreters free of charge to limited English proficient litigants.

- Since its creation in 1974, the [Appellate Section](#) has been filing amicus briefs in cases that impact civil rights and the public interest and handling the appeals of civil rights cases brought by other sections of the Civil Rights Division.
- The [Policy and Strategy Section](#) conducts analysis of existing civil rights enforcement efforts, recommends new strategies and policy reform, and develops legislative proposals to enhance the effectiveness of the division. The section also monitors and reports on the division’s enforcement efforts.

**“It was the early cases under the 1957 and 1960 Civil Rights Acts, brought by both the Civil Rights Division and a core of private civil rights lawyers, which ultimately shaped the contents of the historic 1965 Voting Rights Act.”**

## The Importance of Having DOJ Leadership Who Will Enforce Civil Rights Laws

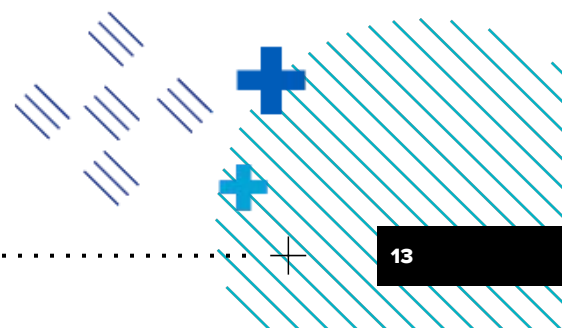
On issues of voting rights, disability rights, fair lending, police accountability, and so many others, a strong Civil Rights Division in both Republican and Democratic administrations has made a real difference in the lives of communities across the country.

Early cases under the 1957 and then the 1960 Civil Rights Acts, brought both by the Civil Rights Division and a core of private civil rights lawyers, ultimately shaped the contents of the 1965 Voting Rights Act. From 1960 to 1964, division attorneys traveled throughout the South to investigate voting discrimination and compiled overwhelming evidence of inequity. In a county-by-county and state-by-state campaign in Alabama, Georgia, Louisiana, and Mississippi, the division challenged voting discrimination in federal courts. The division faced hostile judges, defiant state and local officials, and widespread tactics of violence and intimidation toward Black people attempting to register to vote.

In statewide cases against Louisiana and Mississippi in 1961 and 1962, respectively, the Civil Rights Division argued that some state laws were designed with discriminatory intent while others had the effect of preventing Black people from voting. In Mississippi, for example, state provisions required Black people applying to vote to copy and interpret provisions of the state constitution to the satisfaction of the white registrars, which allowed them to summarily deny qualified Black residents the opportunity to register. In Louisiana, District Judge John Minor Wisdom [ruled](#) that parishes could no longer give Black people any tests that were more onerous than those that had previously been given to white people — which generally meant no tests at all. The Supreme Court [upheld](#) the decision, ruling that a court not only has “the power but the duty to render a decree which will, so far as possible, eliminate the discriminatory effects of the past as well as bar like discrimination in the future.”

The DOJ also worked with the Department of Health, Education, and Welfare to enforce desegregation orders against southern school districts, and in [Heart of Atlanta Motel, Inc. v. United States](#), the Civil Rights Division successfully defended the constitutionality of Title II, upholding the law and reinforcing the federal government’s authority to regulate interstate commerce to combat racial discrimination.

In the 70s, the DOJ challenged a city ordinance that prohibited the construction of multi-family housing in Black Jack, Missouri, a predominantly white suburb of St. Louis. The ordinance had a discriminatory effect by preventing Black Americans from accessing affordable housing. In [United States v. City of Black Jack, Missouri](#), the courts ruled in favor of the DOJ — finding that the ordinance violated the Fair Housing Act because it perpetuated racial segregation. Allowing the division to focus on discriminatory effect rather than only intent empowered it to take on significantly more cases. In 1980, the Civil Rights Division and the Yonkers branch of the NAACP [filed suit](#) against the city of Yonkers and the Yonkers School Board, charging that the city had engaged in systematic housing and school segregation for 30 years. This was the first case in which both school and housing segregation were challenged in the same lawsuit. After a three-month trial, the court found that the city had restricted housing projects to southwest Yonkers, an area predominantly comprised of people of color, for the purpose of enhancing racially segregated housing and intentionally to limit children of color to schools with student bodies that were predominantly children of color.



In 1978, the Civil Rights Division worked with the Equal Employment Opportunity Commission and other agencies to issue the “Uniform Guidelines on Employee Selection Procedures.” These guidelines provided employers, labor organizations, and the courts with uniform federal guidance on what employers could and should do to create and implement hiring practices and standards that are non-discriminatory. These guidelines applied to federal government hiring as well. The division also took important action to enforce civil rights laws, including enforcing the Voting Rights Act leading up to the 1980 Supreme Court decision in [City of Rome v. United States](#), which was authored by Justice Thurgood Marshall and upheld the constitutionality of Section 5 of the VRA.

Beginning in the 1980s following the election of President Ronald Reagan, however, the Civil Rights Division significantly decreased its enforcement of civil rights. Many of the policies pursued during this period constituted a dramatic and unfortunate break with longstanding federal civil rights policies of past Republican and Democratic administrations. Still, despite efforts to dismantle settled areas of civil rights law and policy, there were some advances due primarily to the initiative of a bipartisan consensus in Congress. For example, in 1982 Congress [extended the Voting Rights Act of 1965](#) and overturned the Supreme Court’s decision in *City of Mobile v. Bolden*. The law clarified that plaintiffs in voting rights cases could win their cases if they were able to show that voting system changes and reapportionments “resulted in” the denial of equal access to the political process. The new “results test” litigation was extensively pursued by the Civil Rights Division throughout the 80s.

Notably, in 1988 the Civil Rights Division joined with Latino voter plaintiffs in [challenging](#) Los Angeles County’s redistricting plan in what was likely the division’s biggest voting rights case ever filed. The district court ruled that the challenged redistricting plan discriminated against Latino voters in intent and effect and ordered a new plan with a majority Hispanic district. The U.S. Court of Appeals for the Ninth Circuit affirmed the finding of discriminatory intent, and the U.S. Supreme Court both refused to stay implementation of the new remedial plan and declined to review the Ninth Circuit’s decision. The DOJ also brought enforcement actions against entities that failed to comply with the newly passed Americans with Disabilities Act of 1990, including filing lawsuits against businesses that were inaccessible to people with disabilities. The DOJ also pursued actions under Title II of the ADA against state and local governments that failed to make programs and services accessible to people with disabilities, including ensuring accessible voting locations.

In January 1997, the division brought its first enforcement action under its civil pattern or practice authority against the Pittsburgh, Pennsylvania, police department. The division’s investigation found a pattern or practice of officers using excessive force, falsely arresting, and improperly stopping, searching and seizing individuals and evidence of racially discriminatory action. As a result, the division [entered into a consent decree](#) with the police department that spelled out a series of reforms to address its systemic problems. In 1999, the division [investigated](#) the Adam’s Mark Hotel chain for discrimination against Black hotel guests in Daytona, Florida, during the city’s Black College Reunion. The division’s settlement included compensation to the reunion attendees as well as a substantial contribution to Florida’s historically Black colleges to develop scholarships and cooperative education programs in hotel and hospitality management.

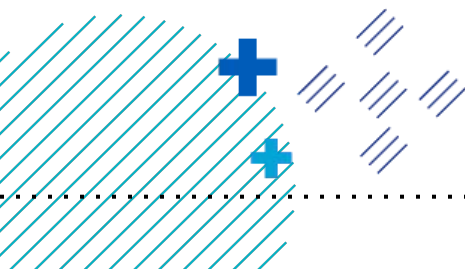
These examples — and there are many more — demonstrate why strong leadership and robust civil rights enforcement matter. The nation has made much progress when the federal government takes seriously its duty to protect the civil and human rights of all people in America.

During the George W. Bush administration, however, civil rights laws and protections were largely abandoned. The division's record on every score undermined effective enforcement of the nation's civil rights laws. It was the personnel changes to career staff, however, that was in many ways most disturbing, for it is the staff that builds trust with communities, develops the cases, and negotiates effective remedies. During this period, however, the criteria for hiring career staff became their [political backgrounds](#) instead of their civil rights experience.

This trend was reversed under President Obama, whose revitalized Civil Rights Division began to once again [fulfill America's promise](#) of equal justice and equal opportunity for all on a host of civil rights issues. For example:

- The Civil Rights Division under President Obama, who took office as the country was reeling from a great recession, took immediate action on fair lending issues to combat the discriminatory and predatory practices that in part caused the recession. The division opened a fair lending unit that, since 2010, obtained more than \$1.6 billion in relief for borrowers and other victims of discrimination.

- In 2009, the division recommitted itself to protecting disability rights and began vigorously enforcing the U.S. Supreme Court's *Olmstead v. L.C.* decision, which required public entities to provide community-based services to people with disabilities where appropriate and reasonable, instead of segregating them in institutions. "Because of the division's *Olmstead* work, today more than 53,000 people with disabilities will have meaningful opportunities to receive services in integrated, community-based settings," [according to a report](#) released by the division in January 2017. "In other areas, too, from transportation, to education, to voting, the division worked tirelessly to ensure that all people can live with independence, with dignity and with full inclusion in the mainstream of American life."
- In the wake of the 2014 shooting death of Michael Brown, the division's investigations of police departments in cities like Ferguson, Baltimore, and San Francisco found extremely troubling racial biases and civil rights violations in police operations. These investigations — and the damning reports by the division that followed — allowed the American people to better understand the crucial work of the division and some of the very real and ongoing civil rights offenses occurring across the country. By the end of the Obama administration, the division [was enforcing 19 agreements, including 14 consent decrees](#).



**“The nation has made much progress when the federal government takes seriously its duty to protect the civil and human rights of all people in America.”**

The division also took [significant action](#) to protect LGBTQ rights, voting rights, access to health care, workers’ rights, access to justice, and the right to live free from hate and religious discrimination — among other vital work to enforce the nation’s federal civil rights laws.

Tragically, the first Trump administration wasted little time [rolling back](#) the policies and enforcement that were so central to the division during the Obama administration.

### **Ongoing Whiplash of Federal Civil Rights Enforcement**

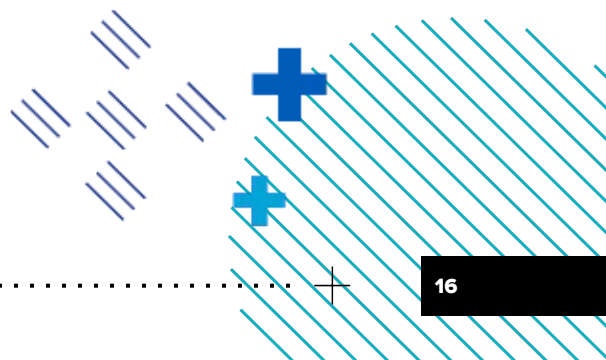
Beginning in 2017, during the division’s historic 60<sup>th</sup> year, the nation witnessed disturbing rollbacks to important civil rights achievements — [rollbacks](#) that lasted for the duration of Trump’s first term.

Jeff Sessions, who was the first U.S. senator to endorse candidate Donald Trump, became his nominee to serve as U.S. attorney general — and by a narrow margin, the Senate confirmed him. Trump’s attacks on people of color during his campaign were a prelude to an administration with a clear contempt for civil and human rights, and Sessions’ confirmation — [strongly opposed](#) by the civil rights community — was another ominous sign.

Sessions’ hostility to civil rights was longstanding. Nearly four decades ago, when Sessions was nominated for a federal judgeship in Alabama, Coretta Scott King summed up the concerns of many and [sent a letter](#) to the Senate Judiciary Committee about the damage Sessions would do on the federal bench. “I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband’s dream that he envisioned over twenty years ago.” As a U.S. senator for two decades, Sessions consistently opposed civil and human rights legislation, bearing out the concerns expressed by Mrs. King. As attorney general, he continued that troubling track record.

Additionally, Trump’s pick to head the Civil Rights Division, [Eric Dreiband](#), tarnished the department’s crown jewel that shone so brightly and so reliably under the previous administration, as the actions described below make clear. And after Sessions was forced to resign at Trump’s request, based on his long record of advancing positions that restricted civil and human rights in America, in addition to his lack of independence, the civil rights community also [opposed confirmation](#) of William Barr to serve as attorney general in 2019.

Under Sessions, Barr, Dreiband, and acting heads of the Civil Rights Division Thomas Wheeler and John Gore, the DOJ took an astonishing number of significant actions that undermined civil rights enforcement and undid the gains of prior administrations.





## The Trump DOJ Assault on Civil Rights

The Trump DOJ systematically rolled back civil rights protections, including for LGBTQ people. Early in the administration, it [rescinded](#) Title IX guidance clarifying protections for transgender students and [reversed](#) policies that interpreted Title VII of the Civil Rights Act as protecting LGBTQ workers. It [issued](#) sweeping guidance to federal agencies to create a license to discriminate against LGBTQ people and others and created a religious liberty task force at the DOJ. It repeatedly filed briefs in favor of businesses, schools, and organizations seeking religious exemptions to discriminate against LGBTQ people, including in [high-profile cases](#) like *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.

The division made drastic changes to its approach to voting rights enforcement, including reversing positions aimed at preventing racial discrimination. It [dropped](#) claims that Texas's voter ID law was intentionally discriminatory and [supported](#) state practices that purged voter rolls. The Civil Rights Division [sent](#) a letter to 44 states demanding extensive information on how they maintain their voter rolls — a request that was made on the same day that President Trump's so-called Commission on Election Integrity sent letters to all 50 states demanding intrusive and highly sensitive personal data about all registered voters. During the 2020 election, Attorney General Barr [authorized](#) the opening of election fraud investigations “if there are clear and apparently-credible allegations of irregularities that, if true, could potentially impact the outcome of a federal election in an individual State.” The memo, for which there was no factual basis, was viewed as an attempt to sow chaos and led to the resignation of Richard Pilger, director of the DOJ Criminal Division's Election Crimes branch.

DOJ also significantly curtailed federal oversight of law enforcement, [halting](#) the use of consent decrees to address unconstitutional policing practices and [ending](#) the Community Oriented Policing Services' Collaborative Reform Initiative. It [delayed](#) implementing a permanent program to collect data on arrest-related deaths, despite legislative mandates. Initiatives like [Operation Relentless Pursuit](#) redirected federal resources into policing strategies that replicated the punitive aspects of past policies, disproportionately affecting Black and Brown communities. It [rescinded](#) guidance that had allowed states, with minimal federal interference, to legalize marijuana, and it [disbanded](#) the Office for Access to Justice, a program designed to improve access to legal aid for underserved populations. And shamefully, the department [reversed](#) a nearly two-decade moratorium to resume the federal death penalty.

The department shifted its focus to challenging affirmative action and diversity initiatives in higher education, [opposing](#) race-conscious admissions policies at institutions like Harvard University. It also [suspended](#) all diversity and inclusion training for the department's employees and managers in compliance with an executive order banning anti-bias trainings. The DOJ argued that key provisions of the Affordable Care Act, including those safeguarding people with pre-existing conditions, were unconstitutional — before [arguing](#) that the entire law should be struck down. Of course, early in the first Trump administration, Sessions also [announced](#) a new “zero tolerance” policy toward people trying to enter the country — a policy that quickly, and inhumanely, separated hundreds of children from their families.

These DOJ actions — and far too many others — were a shameful betrayal of the department’s founding mission and its historical bipartisan tradition of enforcing the nation’s civil rights laws. The U.S. Commission on Civil Rights (USCCR) recognized this early on and [voted](#) in June 2017 to investigate the Trump administration’s federal civil rights enforcement, noting its “grave concerns about continuing signals from the current Administration, including the President’s proposed budget and statements of Cabinet and senior Administration officials, that the protection and fulfillment of civil rights of all persons will not be appropriately prioritized.”

Vanita Gupta, former president and CEO of The Leadership Conference, testified before the USCCR in 2018 as part of that investigation, [noting that](#) “Not only has this administration abdicated its responsibility to enforce federal civil rights laws, in many instances, President Trump has appointed individuals to lead federal civil rights offices who have devoted their careers to restricting civil rights or defending those who promote discrimination. He put the fox in charge of guarding the henhouse in agency after agency.”

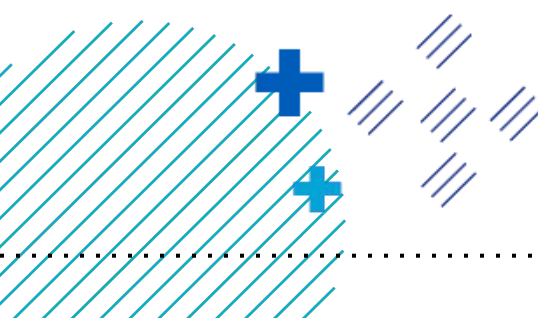
### Biden Administration’s Restoration of Civil Rights Enforcement

Much like the Obama DOJ did in the wake of Bush’s politicization of the Civil Rights Division, the Biden administration reinvigorated federal civil rights enforcement following Trump’s first term.

Early on, President Biden signaled his commitment to having a strong DOJ and Civil Rights Division that would return to its mission and enforce federal civil rights laws. He nominated [Vanita Gupta](#) to be the first woman of color and first civil rights lawyer to serve as associate attorney general, and he nominated civil rights lawyer [Kristen Clarke](#), former president and director of the Lawyers’ Committee for Civil Rights Under Law, to be the first woman confirmed and first Black woman ever to serve as assistant attorney general for civil rights. Together with Attorney General [Merrick Garland](#), the DOJ worked to restore independence and integrity to the department’s critical work.

The Department of Justice withdrew the federal government’s support for laws in [Connecticut](#) and [Idaho](#) that discriminated against trans student athletes. The Civil Rights Division [issued a memo](#) clarifying that — in the wake of the *Bostock* decision — Title IX protects LGBTQ students from discrimination. The department [rescinded](#) the Trump administration’s cruel and inhumane family separation policy and [issued a memo](#) to all federal prosecutors rescinding a 2017 memo from then-Attorney General Jeff Sessions, which mandated that prosecutors almost always pursue the harshest charges and stiffest penalties. Attorney General Garland [reversed a Trump-era policy](#) that curbed the use of consent decrees to address police misconduct and subsequently opened pattern or practice investigations into the City of Minneapolis, the [Minneapolis Police Department](#), the Louisville/Jefferson County metro government, and the [Louisville Metro Police Department](#). The DOJ also affirmed the federal government’s support for the Affordable Care Act by [switching positions](#) in *California v. Texas* — the case that had attempted to strike down the federal health care law.

And that was just in the first 100 days of the Biden administration.



The Department of Justice and the Civil Rights Division would go on over the course of the administration to take important action on behalf of people and communities across the nation. The department filed major lawsuits to enforce federal civil rights laws, including suing [Alabama](#) and [Virginia](#) for systematic voter purges close to election dates in violation of the National Voter Registration Act (NVRA), suing [Georgia](#) for voting procedures in violation of the Voting Rights Act, suing [Texas](#) to stop the state from enforcing a law that bans most abortions, suing [Arizona](#) for voting restrictions in violation of the NVRA and the Civil Rights Act of 1964, and suing Texas both for [restrictive voting procedures](#) and the [state's redistricting plan](#) in the wake of the 2020 Census. The department also [filed](#) a lawsuit to protect the rights of patients to access emergency medical care guaranteed by federal law, specifically the Emergency Medical Treatment and Labor Act (EMTALA), following Idaho's enactment of a near-total abortion ban. This litigation, in addition to numerous other lawsuits filed by the department, represented a welcome shift from the previous administration's lack of enforcement action.

In addition to litigation to enforce federal voting rights law, the DOJ [doubled](#) the Civil Rights Division's enforcement staff for protecting the right to vote, [monitored](#) compliance with federal voting rights laws during elections, [supported](#) the right of private plaintiffs to bring a lawsuit to enforce Section 2 of the Voting Rights Act, [issued](#) guidance to ensure states fully comply with election laws (specifically related to post-election "audits"), [released](#) guidance to ensure compliance with Section 2 of the VRA concerning redistricting maps, [published](#) a guide of state voting rules that apply after criminal convictions to help citizens vote, [filed](#) statements of interest in federal courts in Ohio and Alabama to promote the correct and uniform interpretation of voting laws guarding the rights of voters with disabilities, and more.

**“Much like the Obama DOJ did in the wake of Bush’s politicization of the Civil Rights Division, the Biden administration reinvigorated federal civil rights enforcement following Trump’s first term.”**

The department conducted investigations into police departments across the country, [finding](#) in Memphis, for example, that the city and the Memphis Police Department engaged in a pattern or practice of conduct that violates the U.S. Constitution and federal law, including unlawfully discriminating against Black people and people with behavioral health disabilities. Following an extensive investigation, the DOJ [determined](#) that conditions in Georgia's state-operated and private correctional facilities violated the Eighth Amendment and that the state engages in a pattern or practice of violating incarcerated persons' constitutional rights. And the DOJ [launched](#) the National Law Enforcement Accountability Database to help ensure that federal law enforcement candidates are vetted and that officers who have a history of misconduct aren't being rehired by other law enforcement agencies.

In response to the Supreme Court's ruling in *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. University of North Carolina*, the DOJ and the Department of Education [issued](#) guidance to colleges and universities emphasizing their ongoing obligation to protect students from discrimination under federal civil rights laws. Additionally, the DOJ joined the Department of Education to [release](#) guidance reminding schools and districts of their ongoing obligation to administer school discipline in a way that does not discriminate and enabling students, parents, and educators to ensure that schools are treating all students fairly and in accordance with Title VI of the Civil Rights Act of 1964.

Less than a month after the U.S. Supreme Court revoked the fundamental right to abortion by overturning *Roe v. Wade*, the department [established](#) a Reproductive Rights Task Force, chaired by Associate Attorney General Vanita Gupta, to monitor and evaluate state-based actions that threatened access to reproductive health care, including abortion. DOJ actions following the task force's formalization included [filing](#) a statement of interest in consolidated lawsuits seeking to protect the right to travel to another state to obtain an abortion that is legal in the destination state, suing people under the FACE Act for deliberately [obstructing](#) access to reproductive health care services, [issuing](#) a legal opinion allowing the U.S. Postal Service to continue delivering medication abortion, and more.

The department also took significant action on language access issues, disability rights, consumer protections, fair housing and lending, and other critical matters. The return of a strong Civil Rights Division and DOJ leadership during the Biden administration mattered tremendously for communities across the nation.

## Where We Are Now

Those in the first Trump administration, including in DOJ leadership, actively worked to ensure that the arc of the moral universe did not bend toward justice — and by all accounts, it appears his second term will be even worse. This is a moment in America to reflect on where we've been, where we are, and where we need to go in the ongoing struggle for civil rights and equal justice. While there have been many times that have felt hopeless and caused despair, the United States has come a long way in the more than 67 years since the division's creation. We have much more progress to make. But we also understand all too clearly that legacies of this nation's shameful past continue to permeate American institutions, including the federal government.

The Civil Rights Act of 1957 was The Leadership Conference coalition's first major legislative achievement, and the coalition has continued to work together since then to help pass every major federal civil rights statute that has been enacted into law. The nation has undoubtedly come a very long way from segregated lunch counters, poll taxes and literacy tests, and "whites only" job advertisements. But as attacks on voting rights, affirmative action, and diversity, equity, inclusion, and accessibility policies and programs are under increased assault, it is clear the work is not finished. In 2025, our vision of an America as good in practice as it is in promise is threatened by the steps the Trump administration and [Project 2025](#) could take — and are already taking — to retreat from the nation's longstanding commitment to civil rights enforcement.

The Civil Rights Division has been called the conscience of the federal government. We desperately need that conscience now. We urgently need a Justice Department that works for all of us.



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