



DEFENDING DEI

'Enough': Campus Diversity Advocates Sue Over Trump's Anti-DEI Orders

By [Katherine Mangan](#) February 4, 2025



President Trump speaks to reporters as he signs initiatives and executive orders in the Oval Office on Monday. ERIC LEE, THE NEW YORK TIMES, REDUX

President Trump overstepped his authority in trying to stamp out diversity, equity, and inclusion efforts with “unconstitutionally vague” executive orders that seek to roll back decades of civil-rights progress and silence those those who disagree with him, a

[lawsuit](#) filed Monday states.

The lawsuit is higher education's first major attempt to push back against a deluge of executive actions in the first weeks of Trump's tenure. Paulette Granberry Russell, president and chief executive of the National Association of Diversity Officers in Higher Education, said she understands why many colleges are preemptively shutting down programs and erasing references to diversity from their websites.

But, she added in an interview on Tuesday, "As frightening as it feels right now, there's a point at which you have to say 'enough.'"

The plaintiffs, including the diversity officers' association, known as NADOHE, and the American Association of University Professors, said Trump had failed to define terms such as DEI, equity, and "illegal DEIA," that he wants to eliminate.

Colleges are left wondering "whether, and for how long, they can rely on the federal funding that Congress appropriated using its exclusive power of the purse," the lawsuit states.

Nothing in the U.S. Constitution gives the president or the executive branch the power to dictate government spending, the lawsuit, filed in U.S. District Court in Maryland, argues.

"In the United States, there is no king. The president can exercise only those powers the Constitution grants to the executive, and only in ways that do not violate the rights the Constitution grants to the American people," it states. "In his crusade to erase diversity, equity, inclusion, and accessibility from our country, President Trump cannot usurp Congress's exclusive power of the purse, nor can he silence those who disagree with him by threatening them with the loss of federal funds and other enforcement actions."

In one of two sweeping [executive orders](#) filed within 48 hours of taking office, Trump directed federal agencies to terminate all "discriminatory and illegal" DEI programs and

activities. Under the orders, federal contractors or grantees must certify that they don't operate any illegal DEI programs, but they don't spell out what would make them illegal. He also ordered individual agencies to identify up to nine colleges, companies, or nonprofits for civil investigation and potential lawsuits. It singled out colleges with endowments of more than \$1 billion.

There are about [130 colleges](#) in that category. The only way they can ensure they aren't on the administration's hit list, the lawsuit states, is to end all diversity-related programs and stop voicing support for any related principles that could possibly trouble the Trump administration. In other words, the lawsuit says, colleges must censor their own speech.

Trump's order also [rescinded the decades-old executive order](#) signed by President Lyndon B. Johnson requiring colleges to adopt fair-hiring practices, known as equal employment opportunity.

Trump accused colleges of using potentially illegal, as well as "dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called 'diversity, equity, and inclusion (DEI)' or 'diversity, equity, inclusion and accessibility (DEIA).'"

"These measures are an affront not only to the progress we have collectively achieved but also to the constitutional freedoms we hold dear."

The orders deprive people of their rights without due process because someone with ordinary intelligence can't make out what exactly is being prohibited, the lawsuit states. They're written in such a way that the president is authorizing or encouraging enforcement in a discriminatory manner.

Granberry Russell, the NADOHE president, said in a [written statement](#) that the

administration's actions represent a direct threat to her profession's core values.

"In issuing these far-reaching executive orders, the Trump administration has created an environment of fear and uncertainty, hoping to compel institutions, organizations and individuals to reconsider their commitment to equity and justice," she said. "These measures are an affront not only to the progress we have collectively achieved but also to the constitutional freedoms we hold dear."

The lawsuit sends a message, she added, that "NADOHE will not waver. We will continue to live our values, opposing injustice and resisting any attempts to silence the voices advocating for inclusion and equity."

In Tuesday's interview, Granberry Russell said the executive orders, coming on the heels of a barrage of state bills taking aim at DEI, have created "chaos on top of chaos." Since 2023, *The Chronicle* has [tracked](#) 106 bills in 29 states and the U.S. Congress that would dismantle DEI activities. Fourteen have become law. It's also [logged](#) cases where colleges have closed DEI offices, canceled trainings, and taken similar steps across 232 campuses in 34 states, even those in which no anti-DEI bills had been introduced.

With dizzying speed in the past few weeks, colleges have been announcing shutdowns of diversity offices, layoffs, and other changes clearly aimed at avoiding lawsuits or funding cuts. Some are doing so even when they've been assured by campus lawyers that their programs are legal.

"I hope what the lawsuit communicates is that if we stand up for our constitutional rights, if we believe in the rule of law, then we have to defend our work," Granberry Russell told *The Chronicle*.

NADOHE members rely on grants from several federal agencies to cover projects including advancing STEM education, improving health outcomes in underserved communities, reducing disparities in juvenile justice, and promoting clean energy technology.

The AAUP has [reiterated its strong support](#) for diversity and equity amid what it called a “dangerous and ongoing backlash.” Its members rely on federal grants to cover the salaries of medical school faculty, graduate students, and other researchers who focus on health equity and the impact of environmental risks on diverse communities.

“We need our colleges and universities to stand up and fight for their long-held commitments and not fold like deck chairs,” the association’s president, Todd Wolfson, said in an interview on Tuesday. If colleges don’t do that now, they “may not be around in four years.”

In a written statement, he added: “The elimination of DEI programs and initiatives at public academic institutions are a threat to the democratic purposes of higher education as a public good. The AAUP is proud to stand up and defend our campuses and communities from this vague and destructive executive order.”

“We need our colleges and universities to stand up and fight for their long-held commitments and not fold like deck chairs.”

The lawsuit states that Trump has made it clear, in his efforts to stamp out DEI efforts, that “his goal is to punish those who recognize or choose to speak out about this country’s history on issues of enslavement, racial exclusion, health disparities, gender inequality, treatment of individuals with disabilities, and discrimination.”

The president can have his own views about these matters and try to turn them into policy, it states. “But he cannot seize Congress’s power of the purse,” it states. “He cannot deny due process to millions of Americans. And he cannot abridge or disrupt the free speech of those who disagree.”

Cori Mishkin, a higher-education lawyer with Reed Smith LLP, said colleges that are shutting down programs or making other changes are acting preemptively before

receiving guidance from the Education Department. She said they need to continue to assess their programs and their receipt of federal money and “prepare for what’s coming.”

The lawsuit was filed on the plaintiffs’ behalf by Democracy Forward, a left-leaning nonprofit advocacy group. Other plaintiffs included Baltimore’s mayor and city council and a group representing the interests of restaurant workers. An earlier lawsuit filed by Democracy Forward prompted a federal judge to [temporarily halt](#) a funding freeze Trump had ordered that threatened to hold up billions of dollars of grants and loans to colleges.

The White House’s media relations office did not immediately respond to a request for comment on the DEI lawsuit.

Trump and conservative allies argue that DEI discriminates against white people and men by giving unfair advantages to Blacks, Hispanics, Native Americans, and women. Advocates say these efforts are needed to overcome the effects of centuries of discrimination.

Jasper Smith, a Chronicle reporting fellow, contributed to this story.

Read other items in this [The Dismantling of DEI](#) package.

We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.

Tags Diversity, Equity, & Inclusion Race Political Influence & Activism Law & Policy

Share    

