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How Trump Upended 60 Years of Civil Rights in Two Months

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Credit...Illustration by Vartika Sharma

Essay

An assault on federal protections may bring about a new era of unchecked discrimination.

Credit...Illustration by Vartika Sharma

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Last year, a little-known office in the U.S. Department of Labor helped Black workers at a Texas medical center recover \$900,000 in back wages, and Black workers at a Caterpillar manufacturing plant in Illinois recover \$800,000, each time over allegations that those applicants lost out on jobs because of their race. Called the Office of Federal Contract Compliance Programs, this division investigates and fights employment discrimination for one-fifth of the U.S. labor force. It was created in 1965 when President Lyndon B. Johnson signed an executive order strengthening the provision of the Civil Rights Act of 1964 that banned racial discrimination by employers. The O.F.C.C.P. specifically enforced the law among businesses and institutions that contracted with the government or received federal funds. The landmark law also banned segregation and discrimination in all public places, including schools, libraries, restaurants and buses.

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For more than 60 years, the executive order helped many thousands of workers who had endured discrimination. Yet despite the law, research shows that Black Americans continue to face pervasive employment discrimination at a rate that has not declined since the late 1980s.

On his second day in office, President Donald Trump labeled O.F.C.C.P.'s efforts to enforce the 1964 Civil Rights Act illegal and discriminatory — presumably against white people. He signed his own executive order revoking Johnson's on behalf of, as he put it, "hardworking Americans who deserve a shot at the American dream."

Within the week, Trump's acting secretary of labor ordered the O.F.C.C.P. to "immediately cease and desist all investigative and enforcement activity" and close all open cases. A few weeks later, O.F.C.C.P.'s acting director proposed slashing its staff by 90 percent. In fewer than two months, six decades of civil rights enforcement was essentially dead.

Trump has justified these actions by claiming he is rooting out racial discrimination disguised as “diversity, equity and inclusion.” Indeed, the other federal agency charged with investigating employment discrimination, the Equal Employment Opportunity Commission, recently created a page on its website dedicated to helping white Americans file complaints based on being victimized by diversity, equity and inclusion programs.

But to see what Trump is doing as simply eliminating so-called “D.E.I.” is to misunderstand the scale and the consequences. What’s at stake is not only corporate diversity trainings, equity offices and the use of pronouns in email signatures. Many diversity, equity and inclusion programs were put in place to help ensure compliance with civil rights laws and to foster integration in a society that for most of its history explicitly discriminated against Black Americans. No court has deemed these programs illegal. Yet in the opening months of his second term, Trump has capitalized on the unpopularity of equality efforts among some Americans, glibly wielding the language of D.E.I. to initiate the broadest and most significant assault on civil rights and racial integration in this country in more than a century.

Image

President Lyndon B. Johnson meeting with civil rights leaders (from left, Rev. Dr. Martin Luther King Jr., Whitney Young and James Farmer) in January 1964, months before the signing of the Civil Rights Act. Credit...GHI/Universal History Archive/Universal Images Group, via Getty Images

Since returning to power, Trump has used his singular authority as the head of the federal government to recast the white majority as the primary victims of systemic racial discrimination — though no evidence, not even self-reporting among white people, shows this to be true. In addition to upending long-established enforcement of civil rights law in employment, he has undermined civil rights protections in housing and education and environmental policy; crippled or shuttered entire federal civil rights agencies; and retracted federal findings of civil rights violations against police departments. He has forced by mandate, threat and coercion the elimination of policies and cultural norms focused on integration and equality throughout government, education and the private sector. Trump has claimed — though he has no authority to do so — to have repealed birthright citizenship, which was embedded in the Constitution at the end of slavery to guarantee Black Americans citizenship by birthright and grants automatic citizenship to all people born on American soil.

Trump’s actions have not materialized out of nowhere. Conservatives have spent decades chipping away both at civil rights protections and the national will to address racial inequality. Since the racial reckoning of 2020, Republicans have toppled affirmative action in college admissions and waged an enormously successful campaign to make the language of equity and inclusion anathema, to label books and lessons about the nation’s history “anti-white” and “divisive” and to prohibit everything from Black studies to university diversity offices. And earlier this month, the Supreme Court, which over the years has made it increasingly challenging for Black Americans to prove discrimination, has now made it easier for straight white people to do so.

The notion that equality efforts have gone too far has proved seductive to many white Americans, who are the least likely of all groups to believe that racism is an obstacle for Black Americans. Polling shows the majority of Republicans see efforts to ameliorate racism as “making life more difficult for white Americans” and believe that racism against Black Americans was a problem in the past, but that now white Americans suffer from racism more than any other group.

And Trump’s message is most likely finding a broader audience. Pew Research Center polling on racial attitudes six months before the 2024 election showed that the percentage of Democratic voters who believed white people “benefit a great deal from advantages in society that Black people did not have” plummeted 15 points in just two years. The legal scholar Ian Haney López explained what he believes caused the rapid decline. “Many white liberals were themselves skeptical of diversity, equity and inclusion, were themselves disposed to complaints about ‘wokeness’ and its demands that people be sensitive about speech around racial issues,” he told me. “And so now when there are all these attacks on D.E.I., there are surprisingly few defenders.”

Still, the efficiency with which Trump has collapsed the civil rights and equality infrastructure of the federal government has stunned the nation’s veteran civil rights leaders. “This is a full-on assault on all that we have gained in the last 125 years,” Maya Wiley, president and chief executive of The Leadership Conference on Civil and Human Rights, told me. “Civil rights is the architecture of democracy, so the only reason you do this is because you are trying to steal democratic power from people.”

Civil rights activists fear that the threat of losing federal funds or being investigated and punished for trying to integrate, combined with the decimation of the entities charged with defending them, is creating an environment where institutions will be afraid to admit too many Black students, hire too many Black staff members or put scientific, medical or economic resources toward alleviating the singular disparities Black people still face across American life. The Trump administration is “actually creating incentives to exclude Black folks,” says LaTosha Brown, a community organizer and co-founder of Black Voters Matter.

The resounding success of the civil rights movement was in largely convincing American society that racism was wrong. But its citizens never agreed on how best to correct racism’s harms. While it seems clear that, say, when it comes to crime, passing laws alone is not enough (that’s why we have law enforcement), we can lose sight of that principle when it comes to the rights of minority groups. If you are a member of the racial majority, or the group that holds power, rights can feel both innate and abstract, invisible and assumed. But for Black Americans and other historically marginalized groups, the right to be treated as equal citizens, to be treated fairly by the government, private companies and individuals, has for most of the history of this country not been guaranteed. These rights needed to be codified and enforced precisely because the deprivation of those rights was codified and enforced for almost as long as this country existed.

When in the past the federal government stopped enforcing these laws, those rights have always deteriorated.

Today, as the Trump administration is systematically taking apart the enforcement apparatus of the federal government, agency by agency, it is sending a powerful message to American institutions that discrimination will not be punished. This may once again leave Black Americans with rights that exist largely on paper.

No corner of the massive federal bureaucracy is being left untouched by Trump's dismantling of civil rights. In March, Lee Zeldin, administrator of the Environmental Protection Agency, shuttered the Office of Environmental Justice and External Civil Rights and announced he was eliminating all 10 of its regional divisions. President George H.W. Bush established the office in 1992 because he saw the disproportionate exposure to deadly pollutants, toxic waste and pesticides faced by Black people and other marginalized groups across the country as an issue that the federal government needed to address. Over three decades, the office has worked to protect communities suffering and dying from industrial pollution and to track the impacts of pollution and climate change.

To Zeldin, these efforts amounted to "D.E.I." and "forced discrimination" — though it is unclear how or against whom. In March, the administration moved to dismiss a landmark environmental-justice suit in Louisiana against a chemical plant located in a poor, predominantly Black community where the cancer risk was so high — the highest in the country, in fact — that a nearby elementary school had to be shuttered. The government had been moving to curb the plant's dangerous emissions, and the case was set to go to trial in April, before the administration abandoned it. The Trump administration has also terminated a settlement requiring officials in a rural Alabama town to help families in another poor Black community that had been exposed to raw sewage for decades.

Trump has scuttled the entire civil rights divisions of the Social Security Administration and the Department of Homeland Security, and closed the division in the Department of Veterans Affairs that sought to address longstanding racial disparities in how veterans receive compensation for their disabilities.

In April, Trump issued another executive order that seeks to abolish the linchpin of modern civil rights enforcement, known as "disparate impact liability." Sixty years after the civil rights movement made racial discrimination illegal, discrimination is rarely explicit. Disparate impact recognizes that nearly all discrimination today is covert and hidden behind race-neutral policies or actions. When state legislators create new congressional maps that eliminate majority-Black districts, for instance, they are not going to declare that they are doing so to dilute Black voting power. But under disparate impact, Black residents don't have to prove that legislators intended to discriminate. They can prove discrimination if the accused cannot show that there was a legitimate reason for the disparity and that there weren't other actions they could have taken that would have done less harm. Without disparate impact, it would be impossible for most

people who have experienced discrimination in housing or employment or education to prove it, and so its elimination would essentially gut any remaining ability to enforce civil rights law today.

In the realm of housing, the administration has repealed a federal rule making clear that cities, counties and states that receive federal funding must take seriously their obligation, enshrined in the 1968 Fair Housing Act, to take proactive steps to integrate housing. It has also slashed funding for enforcement against housing discrimination and promised to cut in half the staff of the Department of Housing and Urban Development, which enforces the Fair Housing Act.

Image

President Trump signing executive orders, including “Ending Radical and Wasteful Government D.E.I. Programs and Preferencing,” on Jan. 20, 2025, hours after being sworn into office. Credit...Anna Moneymaker/Getty Images

Civil rights enforcement at the Department of Education is similarly being taken apart. The administration announced that it was eliminating seven of the department’s 12 regional civil rights offices, which compel schools to integrate, collect educational data that reveals racial and other disparities and investigate discrimination in schools and universities.

The Education Department sent a letter to all educational institutions receiving federal funds asserting without evidence that they were engaging in “pervasive and repugnant race-based” discrimination against white and Asian students. Federal data shows that Black students are disproportionately concentrated in schools with fewer resources and less funding, and experience significant academic disparities. And yet the letter told public schools and universities that they had 14 days to purge all diversity and equity efforts — which include programs that try to help diversify teaching staffs and help Black students close the achievement gaps they suffer from nationwide — or lose access to federal funds.

This reveals another powerful tool the Trump administration is using to subvert civil rights: the might of the federal dollar. By withholding federal money from integration and equity programs, it is turning the Civil Rights Act against its aims. The law originally derived its tremendous power not just from the authority it gave the federal government to sue to force compliance but from the way it deployed federal money to incentivize integration and fair treatment. Recognizing that schools, local and state governments, universities and thousands of private employers, from airplane manufacturers to pharmaceutical companies, received billions of federal dollars to do their work, the law gave the government the power to strip funds from any organization that discriminated against not just Black people but anyone based on their race, color or nationality (and later gender, disability, sexuality and veteran status). These categories of people were called “protected classes” precisely because they belonged to marginalized groups whose rights needed protection from the majority.

It was the threat of both lawsuits and losing federal funds — a full decade after the Supreme Court’s *Brown v. Board of Education* decision made school segregation illegal — that finally forced recalcitrant Southern school districts to desegregate. Now the Trump administration is

dismissing longstanding federal court orders against school districts that still have never fully integrated, and using the law to force the end of programs designed to eliminate racial disparities that Black and other students face.

But probably the starkest change is the redirecting of the Department of Justice away from fighting anti-Black discrimination and toward eliminating integration efforts. Harmeet Dhillon, the new head of the department's Civil Rights Division, sent a memo to the staff making it clear the mandate going forward would be to enforce Trump's executive orders targeting diversity programs. While Black Americans have historically relied on the federal government to vindicate their rights when facing discrimination from state and local officials, the Trump administration has moved to dismiss voting rights and civil rights cases involving police departments and close Department of Education investigations into anti-Black discrimination, at the same time that it is bringing new investigations against institutions that have diversity programs. The Civil Rights Division of the Justice Department was created by the Civil Rights Act of 1957 precisely for the purpose of protecting the voting rights of Black citizens and prosecuting crimes against civil rights workers. The remaking of the storied division into one that no longer focuses on defending the civil rights of marginalized groups has led to a mass exodus, with some 70 percent of its attorneys leaving or planning to leave, according to recent news reports.

Black Americans may now struggle to find protection of their civil rights in the private sector as well. In mid-March, the E.E.O.C.'s acting chair, Andrea Lucas, sent letters to 20 of the nation's most prominent law firms questioning whether their employment practices, including their work to integrate the profession, are violating the 1964 Civil Rights Act. Lucas demanded that the law firms provide extensive hiring and compensation data for staff and fellowship programs, and has encouraged employees to report their firms for engaging in "potentially unlawful" diversity efforts. Lucas used the firms' own promotion of their integration work as evidence that they may be discriminating against white people. But this claim stands in stark contrast to the data: Despite these diversity efforts, just 4.4 percent of lawyers at law firms nationwide are Black.

A few days after Lucas sent her letters, Trump announced that one of the nation's most prestigious firms, Paul Weiss, agreed to eliminate its integration programs and allow an auditor to search out any diversity and equity employment practices, among other concessions. In a statement sent to colleagues, the firm's chairman said it was retaining its "longstanding commitment to diversity in all of its forms," but agreed to "follow the law with respect to our employment practices."

By targeting these law firms, Trump seems to be trying to kneecap the private civil rights enforcement infrastructure as well. Most of the firms that received Lucas's letter have partners or other attorneys who sit on the board of the Lawyers' Committee for Civil Rights Under Law, which was formed in 1963 after President John F. Kennedy convened a meeting of more than 200 lawyers to help defend the rights of Black Americans. Last year, the Paul Weiss firm was recognized for its pro bono work with the organization, including partnering on suits against the white-nationalist groups the Proud Boys and the Patriot Front. Private firms and in-house corporate legal departments have donated more than one million pro bono hours to the

Lawyers' Committee and its clients in the last decade alone. Now Paul Weiss has agreed to do pro bono work for the administration. The capitulation roiled the profession.

"The Lawyers' Committee got the commitment of America's most prominent, most powerful law firms to assure fairness and equality through enforcement of civil rights," says William Robinson, a former executive director of the Lawyers' Committee. "That's what Trump is attacking." Trump, he said, is dismantling the Civil Rights Act "by executive fiat."

President Trump claims that destroying what he calls "D.E.I." will return the United States to a meritocracy, and, in his words, bring a new American "golden age." But the metaphor reveals more than it perhaps intends. America's last golden age was called the Gilded Age, an era around the turn of the last century known for its rapid economic growth and ostentatious wealth. But there's a reason that era evokes an image where Black people exist outside the frame. What Trump calls the golden age, Black Americans call the Nadir, the lowest point, a term coined by the historian Rayford W. Logan to describe the period when, with the blessing of the federal government, the rights that Black Americans achieved following slavery's demise were violently and systematically taken away.

It can be hard to imagine how quickly racial progress can disappear. But consider that during Reconstruction, Radical Republicans in Congress propelled the establishment of the first national civil rights in the country's history. Congress passed a series of laws and constitutional amendments granting Black Americans citizenship by birthright; protecting their right to vote, hold office and serve on juries; and prohibiting discrimination in housing, public places and on public transit. Under the protection of the federal government, Black Americans were able to own land, start businesses, build schools and colleges, work middle-class jobs in the federal government, vote and serve in office. In 1870, for example, Hiram Revels became the first Black person elected to the U.S. Senate, representing Mississippi, and in 1873, Henry Hayne became the first Black man to attend the University of South Carolina, making it the only integrated public university in the South. These were stunning feats in majority-Black states that less than a decade earlier enslaved nearly all the Black people within their borders. Progress must have felt inevitable.

Image

A woodcut from 1870 depicting Hiram Revels, Republican of Mississippi, taking the oath of office to become the nation's first Black senator. Credit...Bettmann/Getty Images

But just four years later, in 1877, the Republican Rutherford B. Hayes, following a contested presidential election, secured Southern Democratic support by agreeing to withdraw federal troops who protected Black Southerners from the violence of their former enslavers and insured their ability to cast a ballot.

Though the rights of Black Americans remained enshrined in the Constitution, almost immediately states began to pass both explicit segregation laws and so-called "race-neutral" laws such as grandfather clauses, which dictated that men whose grandfathers had cast a ballot

before 1867 were the only ones guaranteed the right to vote. These laws almost completely disenfranchised Black people, of course, because before then nearly all Black people had been enslaved and were therefore unable to vote.

Forced to live under what W.E.B. Du Bois called the “veil” of codified segregation and racial oppression, Black people were vanquished from institutions, workplaces and public spaces they once shared with white Americans. Under the cover of law, states stripped Black Americans of their ability to vote, to serve on juries, to ride on integrated train cars, to shop in integrated stores. For nearly a century, there would be no more Black senators and no Black students at the University of South Carolina, as the America that could have been succumbed to the America that always was.

As racial apartheid was being systematically erected on a state level, Black people looked to the federal government for protection. But in 1913, President Woodrow Wilson, whose father was an enslaver and a chaplain in the Confederate Army, nationalized Jim Crow when he allowed the federal government to segregate its work force, putting the presidential stamp of approval on discrimination against Black citizens.

It is no accident that we remember so little of this time when Black Americans won their rights and then quickly lost them. Much of this amnesia was a consequence of a sophisticated disinformation campaign promulgated by a turn-of-the-century version of the Moms for Liberty — a group of white women called the United Daughters of the Confederacy. Following the Civil War, the United Daughters worked to cement the “Lost Cause” narrative across the South by successfully advocating that school textbooks and curriculum and public monuments valorize the white slaveholding South and justify the stripping of Black Americans’ rights. They advanced a narrative that Reconstruction had been a failure because Black people — unscrupulous, ignorant and incapable of self-governance — had ascended into positions that were rightfully white. In her 1895 textbook, “A School History of the United States,” Susan Pendleton Lee, a member of the Lexington, Va., chapter of the U.D.C. who said she aimed to give children “a just and interesting account of the whole country,” wrote that “many of the Negroes in the legislatures, in the courts of justice, and in the magistrate’s chair could neither read nor write, and were unable to understand any of the important questions of the troublous times. Government administered by such irresponsible hands, became every day more unjust and corrupt,” while “the hard lot of the intelligent, cultivated white population ... saw the States they loved so well thus ruined and degraded.”

Today conservatives rely on a similar forced forgetting, rebranding their attacks on civil rights as an attempt to defend them. This subversion reduces the 1964 Civil Rights Act to a simple mandate to make colorblindness — a blindness to the existence and saliency of race — the law of the land. It is an ahistoric interpretation that treats those who today try to use race to integrate as equivalent to those who once used race to segregate. By this logic, the Civil Rights Act itself becomes unmoored from the very legacy of anti-Blackness that forced Congress to pass the law in the first place.

But all the civil rights acts going back to the 1800s — all of them — were passed by Congress to try to end the subordination, discrimination and segregation of a people whose ancestors were enslaved. Millions of Americans living today took their first breaths in a country where, because they are Black, they were excluded by law from homes, from neighborhoods, from loans, from schools, from parks, from universities, from jobs, from stores, from restaurants, from hospitals, from libraries and, in some parts of the country, from entire professions.

There is no resemblant history for white Americans, and no evidence that white Americans today face systemic discrimination in a nation where they remain the majority and where the federal government and most institutions, especially this nation's most elite ones, are still overwhelmingly run by white people. This is how the efforts to erase the history of racism and Black American freedom struggles intersect with the efforts to roll back civil rights. Over the last few years, in the name of equality, many Republican-led states have passed laws that forbid accurate teaching about racism and encourage the purging of books and curricula about Black Americans and other marginalized groups. President Trump is now federalizing these laws, forcing them onto states, universities and communities. He is promising to take over this nation's most prestigious public museums and purge them of exhibits that "divide Americans based on race, or promote programs or ideologies inconsistent with Federal law and policy."

That's because every lesson plan and plaque that recounts slavery or legal discrimination, every commemoration that celebrates Black firsts, reminds us why civil rights laws and enforcement agencies, race-conscious research and diversity hiring and educational policies were required to begin with, and why they remain necessary today.

By deploying the Civil Rights Act against the very people it was created to protect, conservatives hope to get as close to their ultimate goal as possible: repealing it. The mainstream conservative writer Christopher Caldwell argues that the Civil Rights Act of 1964 forced upon society a new Constitution irreconcilable with the first. He has argued that efforts to enforce the law robbed the South of its democracy and created onerous rules that limited American freedoms. His analysis diminishes the fact that "democracy" in the South before the civil rights acts existed only for white people, and that the act vastly expanded freedoms for Black Americans and other marginalized groups. White men, Caldwell wrote in his 2020 book, "The Age of Entitlement: Americas Since the Sixties," "fell asleep thinking of themselves as the people who had built this country and woke up to find themselves occupying the bottom rung of an official hierarchy of races."

That sentiment about the Civil Rights Act is evidently shared by Mike Gonzales, a senior fellow at the Heritage Foundation, the conservative think tank that published "Project 2025." He wrote in February that Trump is "on the warpath against the radical '60s," adding "many of the things that conservatives are setting out to dismantle have their origin in that fateful decade."

An America without the '60s, of course, is an America without civil rights, women's rights, immigrant rights, disability rights and gay rights. It is an America where meritocracy did not and could not exist.

The astounding ambit of Trump's first months has made it possible to imagine a future that looks eerily like the past. An America where the Constitution still stands, but Black people and other marginalized groups receive virtually no protection from the federal government, and the actions of that government instead encourage discrimination. An America where Black people may nearly disappear, first from textbooks, curriculum and museums, and then from predominantly white institutions and entire professions, such as law, medicine and science, where they are already severely underrepresented. And since conservatives are also threatening and defunding medical and other programs at historically Black colleges and have sued even Black organizations that have tried to specifically help Black people, the America Trump may be bringing about is an America that the vast majority of Black Americans alive today have never lived in — a second Nadir.

It may seem unfathomable. But history provides a warning: In this country, when the circumstances are right, the fragile norms around race can be dislodged, and freedoms can erode and then evaporate.

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