

Trump's Anti-DEI Executive Orders

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COMMENTARY

By [Peter Berkowitz](#)

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The accusation that he seeks dictatorial power has dogged Donald Trump since before he was elected president in 2016. Yet President Trump's salvo of executive orders commencing shortly after he returned to the White House one month ago includes many that impose limits on government. Prominent among them is his Inauguration Day Executive Order, "[Ending Radical and Wasteful Government DEI Programs and Preferencing](#)."

Trump's Jan. 20 anti-DEI executive order rescinded the pro-DEI Executive Order – "[Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)" – that President Joe Biden signed in January 2021 on his first day in the White House. The Trump directive withdraws from the federal government authority Biden granted it to prefer some individuals and disfavor others based on race. On Jan. 22, Trump went further, issuing an [executive order](#) that abolished affirmative action in federal-government contracting. This one revoked President Lyndon Johnson's landmark 1965 [Executive Order 11246](#), which has been interpreted as mandating racial preferences.

By terminating federal diversity, equity, and inclusion programs and affirmative action initiatives, the Trump administration aims to advance the president's [Second Inaugural Address](#) promise to "end the government policy of trying to socially engineer race and gender into every aspect of public and private life." Instead, Trump stated, he would "forge a society that is colorblind and merit-based."

On Feb. 12 in "[Trump Is on the Wrong Side of History by Design](#)," New York Times columnist Jamelle Bouie decried "the right-wing crusade against 'diversity, equity and inclusion.'" Bouie acknowledged that "a certain set of well-meaning cultural liberals" along with "people of a more moderate or conservative persuasion" and even some critics of capitalism on "the political left" have respectable if not correct concerns about DEI's excesses. But the Times columnist attributed thoroughly malign motives to Trump and his backers.

Coming from the Trump administration, argues Bouie, the terms "colorblind" and "merit-based" serve as dog whistles for racism and white supremacy. The Trump team opposes, Bouie contends, "the mere presence of a woman or nonwhite person or disabled or transgender person in any high-skilled, high-status position" (this will come as surprise to, [among others](#), Chief of Staff Susie Wiles, Attorney General Pam Bondi, US Ambassador to the United Nations nominee Elise Stefanik, HUD Secretary Scott Turner, and Secretary of

State Marco Rubio). For Trump and the political right, the “alternative isn’t some heretofore unknown standard of merit; it is the reintroduction of something like segregation,” charged Bouie. Trump’s “attack on D.E.I. isn’t about increasing merit or fighting wrongful discrimination; it is about reimposing hierarchies of race and gender (among other categories) onto American society.”

In contrast to Bouie, on Feb. 14 in the Wall Street Journal, Rev. Corey B. Brooks, founder and senior pastor of New Beginnings Church of Chicago and CEO of Project H.O.O.D., welcomed Trump’s determination to terminate government classification of individuals, and intervention in social and political life, based on race. Nevertheless, in “Trump’s Colorblind Message Energizes Black Americans,” Brooks found “bittersweet” Trump’s inaugural-address promise to disregard race and focus on merit. Trump’s words were sweet because, Rev. Brooks explained, “I live by them everyday as I minister to my community”; they were bitter because “I can only wonder where our community would be today if we had followed those words since the 1960s.”

Before then, a “culture of opportunity, self-reliance and meritocracy” enabled African Americans to build better lives despite racism. That changed when “far too many of us were seduced by post-’60s liberalism,” Brooks laments. “We were told by the federal government that bureaucrats would uplift us through social programs, housing, food vouchers, busing, racial preferences and one education plan after another.” Yet his “heart aches to see how a once God-fearing and hard-working people betrayed itself into poverty and, worse, into mental enslavement to the government.”

To restore his community’s culture of self-reliance, Brooks asks “only one thing from Mr. Trump – to come to my neighborhood and tell the people: ‘You are on your own.’” The president would “be echoing Frederick Douglass, who said after slavery, ‘I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us.’”

Bouie and Brooks advance fundamental alternatives. The New York Times columnist wishes to perpetuate government and private-sector discrimination to rectify America’s legacy of racial injustice. With decades of experience serving his beleaguered community in inner-city Chicago, the clergyman wants government to recede to give individuals, families, churches, and other voluntary associations the opportunity to organize and manage their lives.

Brooks’ view has several advantages. It conforms to America’s founding principles, which affirm equal rights under law. It fits with the limits on federal power built into the Constitution. It respects civil society as the domain where individuals take responsibility for themselves and one another. It is consistent with history: As Brooks argues, with the onset of government intervention in the 1960s, Chicago’s vibrant black communities of the 1940s and

1950s gave way to single-parent households, illiteracy, and crime. And it recognizes that government programs that treat people differently based on race promote dependency among the favored, resentment among the disfavored, and wariness among all.

Can the Trump administration dismantle the race-based programs that have been incorporated into American law? Thomas Powers addresses that question in "[Trump and the DEI Counter-Revolution](#)," published in *Quillette* in early February. He gives reason to hope that the administration's effort to rein in government's power to allocate benefits and burdens based on race can restore respect for individual rights and equality under law.

Author of "American Multiculturalism and The Anti-Discrimination Regime" and professor and chair of political science at Carthage College, Powers identifies two principal accounts of the sources of DEI's influence in American politics.

The first focuses on ideas and culture. It contends that DEI stems from variants on "radical progressive ideology." These include "cultural Marxism ([Christopher Rufo](#)), postmodernism ([James Lindsay and Helen Pluckrose](#)), or social-justice activism manifested as some strange new Puritanism ([Andrew Doyle](#)) or other quasi-religious impulse ([John McWhorter](#))." If these critics are correct, argues Powers, then "the actions of the Trump administration are superficial and doomed to fail unless accompanied by some broader intellectual and cultural movement to change Americans' hearts and minds."

The second view concerning the rise and entrenchment of DEI concentrates on law and public policy. It is "advanced by authors like [Richard Epstein](#), [R. Shep Melnick](#), and [Christopher Caldwell](#)" and maintains that "DEI is the consequence of the civil-rights revolution broadly construed and of the contours of anti-discrimination law in its particulars." If DEI is a creature of law and public policy, argues Powers, then "we have every reason to think that the Trump administration's actions are going to change the landscape of democratic life for the long haul."

Persuaded that DEI arises out of transformations in American law, Powers believes that the Trump administration may well succeed in undoing the diversity, equity, and inclusion regime. But the stakes go well beyond the law because, Powers observes, DEI is bound up with an ideology at war with basic principles of American constitutional government. It "champions the identities of groups, not the rights of individuals; it obliterates the boundary between public and private; it harnesses the state to legislate morality, not to protect liberty; it demands respect and is dissatisfied with mere toleration; and it stirs people up where the liberal tradition tries to calm them down," he writes. "It has upended our understanding of something as basic to human life as 'sex' or 'gender,' and in political initiatives like the 1619 Project, would make contempt for modern life a kind of virtue."

Nevertheless, Powers argues, DEI is in the main a product of progressives' radicalization of the 1964 Civil Rights Act. The act "banned overt acts of discrimination by government in public gathering spaces (Title II, covering 'public accommodations') and in employment decisions like hiring, firing, and promotion (Title VII)." However, progressives reinterpreted the act to authorize government pursuit of equality of result based on group identity. The shift from equality of opportunity at which the Civil Rights Act originally aimed to equality of result pursued by its progressive interpreters – sometimes backed by conservatives – required dramatic expansion of state power. The ambition to achieve equal group representation in positions of prestige and power compelled government to practice affirmative action, redistribute wealth, and police thought and censor speech to root out "hostile environment harassment" in government, the workplace, and higher education.

Successful legal reform, however, will take the nation only so far in placing civil-rights law on a sound footing. That's because the two accounts of the sources of DEI that Powers identifies – ideas, and law and public policy – are intimately connected. America's elite undergraduate institutions and law schools saturate the nation's future lawyers, judges, and policymakers in progressive ideology.

To restore respect for individual rights, equality under law, and limited government, substantial reform must be undertaken concurrently in law and public policy *and* in education.

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