



ASIAN AMERICANS
**ADVANCING
JUSTICE**
AAJC

**Written Statement of
Asian Americans Advancing Justice**

**For the Record of the Hearing on
*“Ending Illegal DEI Discrimination & Preferences: Enforcing Our Civil Rights Laws”***

**United States Senate
Committee on the Judiciary
Subcommittee on The Constitution**

July 23, 2025

Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) submits this statement for the record in response to the hearing titled *“Ending Illegal DEI Discrimination & Preferences: Enforcing Our Civil Rights Laws.”* As a national organization committed to advancing civil and human rights for Asian Americans and other underserved communities, we strongly oppose efforts to dismantle diversity, equity, and inclusion (DEI) initiatives under the guise of enforcing civil rights.

Asian Americans and other communities continue to face discrimination and disadvantages in access to employment, education, services, and participation in public life. Diversity, equity, and inclusion initiatives have helped veterans, rural students, first-generation college students, and people with disabilities gain access to education and employment opportunities.¹ While some may perceive diversity, equity, and inclusion as disadvantaging them, perception is not the same as measurable harm. Studies show that these beliefs are often rooted in symbolic threat rather than actual loss of opportunity.²

Organizational Background

Advancing Justice | AAJC is a national non-profit, non-partisan organization that works through policy advocacy, community education, and litigation to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Founded in 1991, Advancing Justice | AAJC is one of the nation’s leading experts on civil rights issues of importance to the Asian American community.

¹ Congressional Research Service, Students with Disabilities Graduating from High School and Entering Postsecondary Education: In Brief, R44887 (updated July 10, 2017), https://www.congress.gov/crs_external_products/R/PDF/R44887/R44887.2.pdf.

² Rodney Coates, Beyond the Backlash: What Evidence Shows About the Economic Impact of DEI, THE CONVERSATION (May 29, 2025), <https://theconversation.com/beyond-the-backlash-what-evidence-shows-about-the-economic-impact-of-dei-252143>.

Asian Americans Advancing Justice | AAJC is a member of Asian Americans Advancing Justice (Advancing Justice), a national affiliation of four civil rights nonprofit organizations that joined together in 2013 to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities. The Advancing Justice affiliation is comprised of our nation's largest Asian American advocacy service organization located in Los Angeles (Advancing Justice | Southern California), the largest national Asian American policy advocacy organization located in Washington D.C. (Advancing Justice | AAJC), the leading Midwest Asian American advocacy organization (Advancing Justice | Chicago), and the Atlanta based Asian American advocacy organization that serves one of the largest and most rapidly growing Asian American communities in the South (Advancing Justice | Atlanta).

I. No Contradiction: Diversity, Equity, and Inclusion Is Legal

Diversity, equity, inclusion, and accessibility efforts are not only lawful, they are essential to fulfilling the promise of equal opportunity for people of all backgrounds. Federal anti-discrimination laws were enacted to ensure that all Americans, regardless of race, gender, disability, or background, have a fair chance to succeed. Diversity, equity, and inclusion initiatives are important tools to ensure compliance with anti-discrimination laws. These efforts are not about quotas or preferences for unqualified individuals. They are about ensuring that deserving individuals or communities from diverse backgrounds are not overlooked in favor of those who benefit from structural advantages.

The notion that these programs are uniformly unlawful or unconstitutional is wholly without basis. The Supreme Court has recently affirmed that, in the context of higher education admissions, race can be considered when tied to an applicant's character or unique contributions.³ These principles are not only supported by decades of bipartisan legislation and judicial precedent, but they are also grounded in the Constitution. The Equal Protection Clause of the Fourteenth Amendment and the First Amendment's protections of individual expression affirm that promoting equal opportunity and acknowledging identity are both lawful and foundational to American democracy. Diversity, equity, and inclusion initiatives are about fairness, not favoritism.

II. The Attacks on Diversity, Equity, and Inclusion Are Vague, Overbroad, and Unconstitutional

Recent executive branch actions and rhetoric seeking to eliminate diversity, equity, and inclusion⁴ are not only misguided but also dangerously vague and constitutionally suspect. Many of these attacks have sought to punish constitutionally-protected speech in violation of the First Amendment. In February, the National Endowment for the Arts began eliminating funding and

³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023), https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf.

⁴ E.g., Exec. Order No. 14,151, 90 Fed. Reg. 8339 (Jan. 20, 2025) (entitled *Ending Radical and Wasteful Government DEI Programs and Preferencing*); Exec. Order No. 14,173, 90 Fed. Reg. 8633 (Jan. 21, 2025) (entitled *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*).



requiring grant applicants to agree not to “operate any programs promoting ‘diversity, equity, and inclusion’ (DEI) that violate any applicable Federal anti-discrimination laws[.]”⁵

At the same time, these efforts fail to define what constitutes “DEI,” leaving individuals, institutions, and grantees uncertain about what proactive anti-discrimination expression and conduct is no longer favored by the federal government. This fails to give anyone fair notice of what the government views as prohibited, broadening even further the First Amendment problems by chilling protected speech.

Quite possibly, the administration has refused to define what it means because it so often uses “DEI” as a euphemism invoking prejudices against women, people of color, and others—suggesting that the administration’s effort to eradicate diversity, equity, and inclusion may itself be discriminatory. For example, following an airplane crash in January, President Trump baselessly suggested the blame lay in “a diversity and inclusion hiring initiative” at the Federal Aviation Administration.⁶ Likewise, Executive Order 14173 incorrectly blamed “illegal DEI and DEIA policies” for “threaten[ing] the safety of American[s]” on the grounds that they “diminish the importance of individual merit, aptitude, hard work, and determination in hiring.”⁷ There is no evidence to support these claims, but their purpose is not to be right—it is to demean women, people of color, and others. There is a term for when the government pursues a policy with the intention of harming people on the basis of their sex or race: denial of equal protection.

III. Dismantling Diversity, Equity, and Inclusion Temporarily Distracts From Government Neglect

The end goal of anti-equal opportunity proponents is to vilify diversity, equity, and inclusion itself, not to fix actual problems. The result is a sweeping, ideological campaign that seeks to suppress ideas and dismantle programs that have long been recognized as vital to civil rights progress and community stability. The push to eliminate diversity, equity, and inclusion does not solve systemic problems; it temporarily distracts from the government’s longstanding failure to address them. Diversity, equity, and inclusion initiatives are being used as a scapegoat for the very failures they seek to fix. By targeting diversity, equity, and inclusion, policymakers are deflecting from their own inaction on civil rights enforcement, equitable resource distribution, and inclusive policymaking.

Rather than address the structural barriers that continue to disadvantage communities, these attacks deflect blame and redirect public frustration toward those working to make our systems fairer. The irony is that diversity, equity, and inclusion lawfully exists precisely because our institutions have failed to deliver fair opportunities for all Americans. Stripping away diversity, equity, and inclusion does not fix broken systems; it exposes the unwillingness of those in power

⁵ Elizabeth Blair, *Trump's Changes to the Smithsonian Are the Latest in His Takeover of the Arts*, NPR (Mar. 29, 2025), <https://www.npr.org/2025/03/29/nx-s1-5333720/trumps-changes-to-the-smithsonian-are-the-latest-in-his-takeover-of-the-arts>.

⁶ Linda Qiu, *Trump Misleads on D.E.I. Policies in Blaming Biden for Plane Crash*, N.Y. Times (Jan. 30, 2025), <https://www.nytimes.com/2025/01/30/us/trump-dei-plane-crash-fact-check.html>.

⁷ 90 FR 8633 (Jan. 21, 2025).



to confront them. Efforts to dismantle it only deepen those government intervention failures, sending a dangerous signal that our constitutional commitments to fairness are negotiable values.

Rolling back diversity, equity, and inclusion initiatives has far-reaching consequences. Discrimination continues to limit innovation, productivity, and economic mobility. Data from the Department of Labor⁸, Pew Research Center⁹, and others¹⁰ show that Black, Latino, AANHPI, women, and people with disabilities face persistent discrimination. Rather than addressing these disparities, recent federal actions have withdrawn support from the very programs designed to confront them.

The Department of Justice's recent termination of the Anti-Hate Crimes Grant Program—abruptly defunding more than 550 organizations is a stark example¹¹, among others.¹² This decision not only silences communities and weakens public safety, but it also disregards congressional intent and undermines the federal government's responsibility to protect civil rights. Similarly, the executive order mandating English as the official language undermines language access, marginalizing millions of limited English proficient individuals, including 31.2% of Asian American adults.¹³

These actions do not reflect a neutral policy shift; they represent a retreat from the government's obligation to ensure equal protection and opportunity for all.

IV. Diversity, Equity, and Inclusion in Education, Workplaces, and Government

In education, students can still reflect on how race and identity have shaped their experiences, using personal narratives to highlight the barriers they've overcome and the strengths they've

⁸ U.S. Dep't of Labor, *Women's earnings by race and ethnicity as a percentage of White, non-Hispanic men's earnings*, <https://www.dol.gov/agencies/wb/data/earnings/race-percentage-white-hispanic>.

⁹ Pew Rsch. Ctr., *How Americans View Their Jobs* (Mar. 30, 2023), <https://www.pewresearch.org/social-trends/2023/03/30/how-americans-view-their-jobs/#about-four-in-ten-black-workers-say-they-have-experienced-discrimination-or-been-treated-unfairly-by-an-employer-because-of-their-race-or-ethnicity>.

¹⁰ WorkRise, *Racial Inequality, Labor Market, and Employment Opportunities* (2020), <https://www.workrisenetwork.org/sites/default/files/2020-09/racial-inequality-labor-market-and-employment-opportunities.pdf>.

¹¹ Council on Crim. Just., DOJ Funding Cuts: More Than 550 Organizations Impacted, New Analysis Finds, Council on Crim. Just. (May 2025), <https://counciloncj.org/doj-funding-cuts-more-than-550-organizations-impacted-new-analysis-finds/>.

¹² See, e.g., Andy Rose and Maria Aguilar Prieto, *From scholarships to housing, college students struggle with the effects of Trump orders against DEI*, CNN (Mar. 7, 2025), <https://edition.cnn.com/2025/03/07/us/university-dei-housing-scholarships-college/index.html>; CBS News, Melissa Quinn, *Supreme Court Asked to Weigh In on DEI Education Grants*, CBS News (March 26, 2025), <https://www.cbsnews.com/news/supreme-court-dei-grants-education-department/>; Melissa Quinn, *Trump Administration Asks the Supreme Court to Let It Cut NIH Grants*, MSN (March 26, 2025), <https://www.msn.com/en-us/news/other/trump-administration-asks-the-supreme-court-to-let-it-cut-nih-grants/ar-AA1JeTKz> (providing a non-exhaustive sampling of mainstream reporting on DEI-related funding actions).

¹³ Jennifer M. Haley et al., *Many Asian American and Native Hawaiian/Pacific Islander Adults May Face Health Care Access Challenges Related to Limited English Proficiency*, Urban Inst. (Dec. 2022), <https://www.urban.org/sites/default/files/2022-12/Many%20AANHPI%20Adults%20May%20Face%20Health%20Care%20Access%20Challenges%20Related%20to%20Limited%20English%20Proficiency.pdf>.



developed. This right to self-expression is protected by the First Amendment, and efforts to suppress such narratives risk forcing individuals to erase core aspects of their identity. Preventing Asian American students from sharing how race has shaped their lives under the guise of race-neutrality would perpetuate the model minority myth and ignore the very real discrimination our communities, and many others, continue to face.

In workplaces, diversity, equity, and inclusion initiatives help source the best talent¹⁴ and ensure fair hiring and promotion practices. Government agencies that integrate diversity, equity, and inclusion principles design services that meet the diverse needs of all populations, particularly those from historically underserved communities.¹⁵

V. Recommendations

To ensure that every one of all backgrounds has a fair shot at reaching their potential, we urge Congress to:

- **Require public, disaggregated reporting on disparities in hiring, pay, promotion, and service delivery** across race, gender, disability, and other protected categories. Transparency is essential to ensuring that taxpayer-funded institutions serve all Americans fairly and efficiently.
- **Fund Chief Diversity Officers and DEI task forces across federal agencies and institutions** to proactively identify and address discrimination, improve service delivery, and strengthen workforce equity. These roles support data-driven solutions and help recipients of tax funds meet their legal obligations under civil rights law.
- **Strengthen oversight of the Department of Justice Civil Rights Division** to prevent the misuse of civil rights laws for partisan purposes. Congress must ensure that enforcement remains focused on protecting Americans from discrimination, not dismantling lawful efforts to promote fairness and inclusion.

VI. Conclusion

Framed as a defense of civil rights, attempts to eliminate diversity, equity, and inclusion are a Trojan horse; their true aim is to erode equal opportunities and to lay the groundwork for dismantling protections for women, veterans, rural Americans, people with disabilities, and others. If equity for one group is deemed unlawful, equity for all is at risk. Allowing individuals to have an equal opportunity is not a threat to Americans or our nation's values; it is a reflection of our nation's highest ideals. Advancing Justice | AAJC stands committed to ensuring that all

¹⁴ Ajuolachi Nwoga, *Breaking the Invisible Wall: Barriers to DEI Program Implementation*, Scientific Research Publishing Inc. (July 27, 2023), <https://doi.org/10.4236/ojbm.2023.114100>; David Rock & Heidi Grant, *Why Diverse Teams are Smarter*, Harv. Bus. Rev. (Nov. 4, 2016) <https://hbr.org/2016/11/why-diverse-teams-are-smarter>; William J. Holstein, *Diversity is Even More Important in Hard Times*, N.Y. Times (Feb. 13, 2009) <https://www.nytimes.com/2009/02/14/business/14interview.html>.

¹⁵ Jose Rosa, *The Critical Importance of Diversity, Equity, and Inclusion (DEI) and the Detrimental Impact of Anti-DEI Policies*, RESEARCHGATE (Feb. 2025), <https://www.researchgate.net/publication/388819858>; Rachel Minkin, *Diversity, Equity and Inclusion in the Workplace*, PEW RSCH. CTR. (May 17, 2023), <https://www.pewresearch.org/social-trends/2023/05/17/diversity-equity-and-inclusion-in-the-workplace/>.



Americans have a fair opportunity to employment, education, government services, and a fairer society for all. For additional information, please contact Sim J. Singh Attariwala, Director of the Anti-Hate Program at Advancing Justice | AAJC, at SAttariwala@AdvancingJustice-AAJC.org.

