



**Testimony Before the Task Force on Defending Constitutional Rights and Exposing
Institutional Abuses**

Committee on Oversight and Government Reform

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Chairman, Ranking Member, and Distinguished Members of the Committee:

Thank you for the opportunity to testify before you today.

I currently serve as Senior Policy and Legal Analyst with Independent Women and Independent Women's Law Center. For almost 30 years, Independent Women broadens support for better policies to change the world. Independent Women's Law Center supports that mission by advocating for individual liberty, equal opportunity, and respect for the constitutional order. Today's subject matter is critical for all three.

When I came to testify on this issue in 2024, I identified three major factors barring the promise of colorblind meritocracy and equality under the law from being real in the United States.

First, the enforcement of anti-discrimination law in admissions and the workplace had become hypersensitive to mere statistical disparities in outcomes and alleged microaggressions while looking the other way as universities and companies announced—and then followed up on—their intention to actively discriminate in favor of preferred racial categories and against disfavored ones.

Second, and related, the legal doctrine of “disparate impact”—imagining “systemic racism” as a God of the gaps, to be assumed anytime outcomes don't come out perfectly racially balanced, even in the face of total lack of evidence of animus—had become baked into our legal system in a variety of ways. Disparate impact is—or optimistically, was—the legal enforcement arm of the DEI empire.

Third, the Biden administration, building on groundwork from President Obama, moved to redefine the basic word used in the Civil Rights Act of 1964 (hereafter, CRA), “sex,” which up until that point from time immemorial had meant biological sex, to include so-called “gender identity,” as declared by the individual, and used that false definition to transform all anti-discrimination law in the United States without a single legislative vote.

As I sit here before you today, I'm pleased to be able to say that enormous progress on each one of these fronts has been made by the Trump administration. In no era of my lifetime have more strides been made towards the American ideal of being judged by merit rather than immutable characteristics.

But this laudable progress is fragile. Despite being broadly popular even among Democrats in deep blue states, as shown even by popular vote in California,¹ equality under the law and colorblind meritocracy need codifying from this body and protection from the highest court.

Discrimination is Still Illegal if It's for "Diversity" Purposes

The main purpose of the Civil Rights Act of 1964 was to bar discrimination on the basis of race, sex, national origin, and religion from all important (small-p) public forums in American life. Its promise was that we would be judged by our merit and qualifications, whether we were applying for acceptance to a university or scholarship program, or for a job or promotion in the workplace.

For decades, however, we have failed to apply this simple and just principle, with many insisting that if discrimination was being used in order to produce a more "equitable" or "diverse" outcome, that made it somehow permissible or even morally necessary. But limiting Americans' opportunities by the color of their skin or other immutable characteristics is wrong regardless of the rationale. Further, it's illegal and unconstitutional.

The Trump administration has made great strides towards the colorblind ideal promised both by the CRA and the Constitution, perhaps more than have been made in my lifetime, or any time since the immediate aftermath of the 1964 Act's passage.

Immediately upon ascent to the office for a second term, President Trump issued two executive orders tackling the problem of "woke discrimination" head-on. EO 14173² prohibited discriminatory DEI practices within the federal government, and EO 14151³ tasked all agencies with rooting those same practices out in private institutions.

The promises of the president's EOs have taken time and a lot of hard legal and bureaucratic work across disparate agencies to come to fruition, but now across different agencies, this ideal—that it's illegal to use characteristics like race and sex to make important decisions about people's lives and work—is being shaped in real time.

Rooting Out Illegal Discrimination in Universities

¹ In 2020, at the height of racial hysteria, California Proposition 16, an attempt to repeal Proposition 209 which bars discrimination and preferential treatment in public institutions on the basis of race, sex, color, ethnicity, or national origin, was nevertheless defeated soundly by nearly 60% to 40. See: [https://ballotpedia.org/California_Proposition_16,_Repeal_Proposition_209_Affirmative_Action_Amendment_\(2020\)](https://ballotpedia.org/California_Proposition_16,_Repeal_Proposition_209_Affirmative_Action_Amendment_(2020)).

² Exec. Order No. 14,173, 90 Fed. Reg. 8633 (Jan. 31, 2025). ("Ending Illegal Discrimination and Restoring Merit-Based Opportunity")

³ Exec. Order No. 14,151, 90 Fed. Reg. 8339 (Jan. 29, 2025). ("Ending Radical and Wasteful Government DEI Programs and Preferencing")

For decades, universities have been the front lines for implementing the pernicious idea that if race and sex discrimination is being done for diversity, equity, and inclusion purposes, it's not only permissible but required. In the admissions context, this idea was given some limited purchase by the Supreme Court, which, prior to 2023, had okayed the soft discrimination embodied in affirmative action as a way to right past wrongs.

After *Students for Fair Admissions v. Harvard* in 2023,⁴ however, that exception to equality under the law was removed. And yet in defiance of both the law and general principles of colorblind meritocracy, universities have continued to behave as though some forms of discrimination are acceptable. *SFFA* provides a direct Supreme Court doctrinal basis for disallowing affirmative action in admissions, a carveout from Constitutional requirements of equal protection that was always alleged to be temporary, but in practice greenlighted blatant discrimination in admissions against white and Asian applicants. As employers governed under Title VII of the CRA, universities were *never* permitted to take race into account for job-related decisions, despite a long and public track record of doing so.

The previous administration, like prior Democratic administrations, encouraged and even demanded that universities illegally discriminate. This administration, by contrast, has shown through word and action it will not tolerate discrimination.

The current administration has relied mostly on three provisions of the CRA, as well as the *SFFA* case, to tackle three different fronts of university policy.

First, Title VII, which forbids discrimination in hiring, firing, and promotion, has been aimed at discriminatory hiring among faculty and administrators, as well as “diversicrat” administrative bodies like DEI offices. Second, Title IX has been used to go after the redefinition of sex universities have used to force women to accept males in their sports, locker rooms, bathrooms, and dormitories. And finally, Title VI activates the universities’ legal duties to provide a safe and non-discriminatory environment for students on campus, a guarantee universities have failed to deliver to Jewish students in the face of lawless protests initiated by pro-Palestine groups last summer.

(It is important to note that mere speech, no matter how ugly, does not mean a Title VI violation has taken place. Rather, the statute concerns the university’s duty to prevent *action*: harassment, preventing egress across the quad, denial of the school’s opportunities to students because of their Jewish background.)

In February 2025, the Trump administration’s Office for Civil Rights at the Department of Education (OCR) published a Dear Colleague Letter that warned universities of the consequences of racial discrimination in admissions, programs, and activities, as well as including a warning about loss of funding related to violations under Title VI of the Higher Education Act of 1965.⁵

⁴ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023).

⁵ U.S. Dep’t of Educ., Office for Civil Rights, *Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard* (Feb. 14, 2025), <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.

The Trump administration has used these three titles of the CRA to hold universities accountable for the illegal discrimination they've been practicing for decades, as well as to validly withhold grants and other funding, and to secure settlements from universities not in compliance.

Additionally, reexamination of accreditation requirements and bodies has provided the Trump administration with another tool to sanction universities in violation of the law. The president issued Executive Order 14279 directing the Department of Education to look into terminating accreditation for universities that continue to engage in illegal discriminatory conduct,⁶ and the administration has encouraged alternative accreditors to enter the market for the first time in decades.⁷

These investigations, lawsuits, and settlements have borne fruit. Columbia University, for example, has been forced to settle for \$200 million—and \$21 million more in a separate Equal Employment Opportunity Commission (EEOC) settlement. More importantly than money, the settlement requires Columbia to demonstrate to the federal government at regular intervals, through the disclosure of data, that it is racially discriminating neither in its admissions nor its employment policies.

Most recently, in June, the Department of Justice's Civil Rights Division issued a finding that the University of California, Davis School of Medicine was impermissibly using race in its admissions process.⁸

Additional Civil Rights investigations have been opened against UCLA, UC Berkeley, Stanford University, New York University, Northwestern University, and the University of Michigan, and the EEOC is investigating anti-white discrimination against employees at George Mason.

Further details of the administration's work on Title IX are available in the section about the definition of sex.

Under Trump's day two EO, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," agencies must identify at least nine compliance investigations into institutions with endowments over \$1 billion, so these investigations are likely to continue going forward.

Universities will undoubtedly continue to fight tooth and nail against the enforcement of anti-discrimination law, in ways both overt and covert. For example, some campuses have taken to renaming DEI offices and positions in an attempt to shield them from public scrutiny and legal sanction. It will take more than a year and a half of enforcement to wrest higher education away from its illegal and self-destructive commitment to discrimination against the Left's disfavored groups. Nevertheless, a year and a half of aggressive enforcement is a good start.

⁶ Exec. Order No. 14,279, 90 Fed. Reg. 17,529 (Apr. 28, 2025). ("Reforming Accreditation To Strengthen Higher Education").

⁷ Commission for Public Higher Education (CPHE).

⁸ Press Release, U.S. Dep't of Just., *Justice Department Finds University of California Davis Medical School Discriminates Based on Race in Admissions* (June 10, 2026), <https://www.justice.gov/opa/pr/justice-department-finds-university-california-davis-medical-school-discriminates-based-race-admissions>.

An End to Acceptance of “Diversity” Discrimination in the Workplace

Under the Trump administration, the EEOC has no longer been ignoring discrimination against some disfavored racial groups, like whites, males, and Asians, in corporate America. In what is likely the first case of many, the agency has rolled out a lawsuit against The New York Times for failing to promote a well-qualified white male employee because of the color of his skin.⁹ By contrast to many of the cases brought under the Biden administration, the New York Times case shows exactly the kind of racially motivated reasoning in workplace decisions Civil Rights law is meant to prevent. Under this administration, both the letter and the spirit of Title VII will be followed; there will be “no diversity exception”—Chairwoman Andrea Lucas’ words—to the colorblind meritocracy required by the law.¹⁰

Such examples of blatant and publicly trumpeted discrimination are not difficult to find in America’s corporate sector, and the Trump administration is likely to find a target-rich environment for enforcement. In 2020, an excess of two dozen senior business leaders, in sectors as diverse as banking, consulting, and tech, promised point-blank to hire a quota of 100,000 non-white workers for their companies over the coming decade. Other corporations made equally explicit promises to discriminate, publicly pledging themselves to a 30% black and Latino new hire quota (Adidas), or to fill 30% of leadership positions with “underrepresented groups” (Google). Other companies passed the diversity mandates not only onto themselves but their business partners; Microsoft, for example, required all its suppliers to provide “diversity disclosures” so they could be punished for insufficient racial quota-filling.¹¹

One imagines that The New York Times is just the first entity among many to discover that the law does not actually permit—let alone require—they to pass over qualified white males for positions in the name of DEI.

The main purpose of Title IX, Title VII, and other similar provisions of law is to *stop* discrimination against people for their race, sex, national origin, or religion. For decades now, the government has pursued companies for the most neutral and fair of decision-making processes and for ever-smaller “offenses” in one direction, while turning a blind eye towards or actively demanding that institutions discriminate against other, disfavored groups. This is not just, and neither is it in the plain text of the law.

Disparate Impact Cannot Coexist with True Equality

Since its invention in the 1971 case *Griggs v. Duke Power Co.*,¹² the logic behind “disparate impact liability” has been an affront to real equality and meritocracy. Because it imagines that

⁹ Press Release, U.S. Equal Emp. Opportunity Comm’n, *EEOC Sues The New York Times for DEI-Related Race and Sex Discrimination* (May 5, 2026), <https://www.eeoc.gov/newsroom/eeoc-sues-new-york-times-dei-related-race-and-sex-discrimination>.

¹⁰ *Id.*

¹¹ Hearing Before the H. Comm. on the Judiciary, 118th Cong. (2023), <https://www.congress.gov/118/chrg/CHRG-118hhrg56320/CHRG-118hhrg56320.pdf>.

¹² *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

one can work backwards from disparate results to discriminatory conduct, as University of San Diego School of Law Professor Gail Heriot has written, this interpretation of Title VII makes everything—any criteria for hiring whatsoever—presumptively illegal.¹³

This is, of course, because the baseline of perfect population-proportional outcomes by race, sex, national origin, and religion exists nowhere in the real world. Population-level differences exist across all four characteristics on every test, qualification, educational credential, and skill an employer could possibly seek or require.

The *Griggs* court imagined that they were creating a mechanism for getting at sneaky, unspoken discrimination, akin to the polling place literacy tests of the Jim Crow South. Instead, disparate impact liability has created a situation in which the EEOC can pick and choose between employers and hiring schemes to select the next victim, and worse, where employers are encouraged to actively discriminate against “majority” applicants in pursuit of a more “diverse” leadership brochure photo to show to the government.

Under the Biden administration, for example, the EEOC brought a lawsuit against the gas station chain Sheetz for a hiring process that screened out certain types of felons.¹⁴ Because black and Native American applicants were more likely to have those felonies on their records, the EEOC claimed that under disparate impact liability, the company was violating Title VII, even though at no point did the agency ever even allege that Sheetz was *trying* to discriminate against particular backgrounds. The fact that more applicants of certain races were screened out was enough for the lawsuit.

Curiously, although requiring a bachelor’s degree for, say, an entry-level receptionist job *also* leads to disproportionate outcomes in that black and Hispanic applicants are less likely to have a degree, and white and Asian applicants more likely, using that particular requirement to hire has never led to a lawsuit from the EEOC. I’ll leave it to the members of this Task Force to consider why that might be.

Even worse than the arbitrary nature of the EEOC’s previous enforcement, however, is the encouragement given to employers to discriminate on the basis of race to achieve more “equitable” results. This is exactly the opposite of the intent of Title VII, which is to discourage discrimination on the basis of race.

In the name of diversity, equity, and inclusion, past administrations have trashed the most important guarantee of the Civil Rights era and incentivized employers to discriminate against white, male, Asian, and other disfavored groups in order to try to force a predetermined racial outcome around the boardroom. The extent of this discrimination has been, without exaggeration, an example of *actual* systemic racism in the United States, one that has left untold

¹³ Gail L. Heriot, *Title VII Disparate Impact Liability Makes Almost Everything Presumptively Illegal*, 14 N.Y.U. J.L. & Liberty 1 (2020).

¹⁴ Complaint, *U.S. Equal Emp. Opportunity Comm'n v. Sheetz, Inc.*, No. 1:24-cv-01123 (D. Md. Apr. 17, 2024).

young Americans with real life-altering losses and often resentment against a system that has not rewarded them commensurate with their talents in a free competition.¹⁵

None of this is blessed or intended by the plain language of Title VII, nor can this interpretation be found in its legislative history or the public debate surrounding its passage. To the contrary, the Act's Senate co-managers wrote very clearly against such an interpretation in a memorandum to their colleagues: "There is no requirement in [T]itle VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better ... than members of other groups."¹⁶

Yet that's exactly what, under the Biden administration and previous Democratic administrations (and even some Republican ones), Title VII enforcement has become. Sacrificed for cheap ideological purposes was the actual intent of the law, the colorblind Constitution, and real equality.

All that has changed under the Trump administration, most recently with a critically important opinion from the Office of Legal Counsel, which declared this poisonous doctrine not only reversed but unconstitutional. According to the OLC, disparate impact liability "fosters the very discrimination its guidelines seek to address." Just so.

This opinion will provide the basis for future defendants like *Sheetz* to fight back against the abuse of the law from the EEOC, as showing mere "business necessity" will be enough to push the burden back to the plaintiff to show how a neutral hiring criterion constitutes actual discrimination, with the opinion noting explicitly that requirements such as background checks, aptitude tests, and SAT scores are "presumptively job-related."¹⁷

Furthermore, this opinion will likely generate the lawsuits necessary to give the Supreme Court an opportunity to fully rule in favor of the colorblind Constitution and the original purpose of the Civil Rights Act.

Restoring the Definition of Sex and Harassment

Title VII protects women from sexual harassment and discrimination in the workplace on the basis of sex. While these guarantees have been unevenly enforced, and definitions stretched, for decades, under the previous administration the EEOC took redefinition to the next level.

The Commission's regulatory guidance from April 2024 (now withdrawn) made it "harassment" under Title VII to maintain basic privacy for female employees in sensitive spaces, such as restrooms, showers, and locker rooms. The 2024 guidance also infringed upon Americans' free

¹⁵ Jacob Savage, *The Lost Generation*, Compact (Dec. 15, 2025), <https://www.compactmag.com/article/the-lost-generation/>.

¹⁶ Gail Heriot, *Disparate Impact and the Soft Coercion of the Uniform Guidelines on Employee Procedures*, SCOTUSblog (Feb. 23, 2010), <https://www.scotusblog.com/2010/02/disparate-impact-and-the-soft-coercion-of-the-uniform-guidelines-on-employee-procedures/>.

¹⁷ Constitutionality of Disparate-Impact Liability Under Title VII, 49 Op. O.L.C. ____ (June 9, 2026), <https://www.justice.gov/olc/media/1444871/dl>

speech and religious liberty rights in the workplace by claiming that “repeated and intentional” use of biologically correct, but unpreferred, pronouns is “harassment.”¹⁸

As the preeminent legal organization dedicated to preserving the common sense, biological definition of sex, Independent Women’s Law Center received inquiries from women in 2024 who had already been subjected to the results of this confusion.

As I testified in 2024:

“One woman who contacted us works with chemicals in an Ohio factory, the handling of which necessitates employees shower after work every day. The employer allowed a male, with full male anatomy, to shower with the women on the basis of proclaimed gender identity. When female employees complained about this obviously uncomfortable situation, the male was given a shower curtain, leaving the women in an intimate space, naked, with a man as a condition of their employment.

Another woman who contacted our Law Center tours with major concerts as part of her job, often in venues with group showers, until now separated by sex. Again, a man, with fully intact male genitals, was “accommodated” with access to the female showers. Even when the female employees tried to time their showers to avoid him, the male employee waited for them in order to shower alongside them. Unbelievably, in the age of microaggressions and EEOC-encouraged firings over mild jokes or offhand remarks blown up into harassment, allowing a man to hang out, waiting to watch his female coworkers shower is actually required, not prohibited, by the EEOC.

These are just two examples of situations where the privacy, safety, and comfort of women in the workplace have been sacrificed on the altar of gender identity politics required nowhere in the plain language of Title VII. The EEOC guidance explicitly states that employers who do not provide access to single-sex spaces on the basis of gender identity will be in violation of Title VII, forcing women to use the restroom, pump breast milk, and in some cases change or shower with male colleagues as a condition of employment...

The EEOC does not have the power to rewrite the protected categories of Title VII, and the EEOC’s invented definitions of the word “sex” in the statute are creating exactly the kind of workplace situations that subject female employees to discrimination and harassment that the EEOC actually is empowered to prevent. If a male employee repeatedly showing his penis to unwilling female coworkers does not qualify as sexual harassment under Title VII, it’s honestly hard to see what workplace behavior would.”¹⁹

Until President Trump came into office, instead of doing their job punishing harassment and discrimination on the basis of sex, the EEOC was actively engaged in an attempt to force employers to do both.

¹⁸ Enforcement Guidance on Harassment in the Workplace, U.S. Equal Employment Opportunity Commission, April 29, 2024.

¹⁹ Hearing Before the H. Comm. on the Judiciary, 118th Cong. (2023), <https://www.congress.gov/118/chrhrg/CHRG-118hhrg56320/CHRG-118hhrg56320.pdf>.

The Trump administration, by contrast, moved quickly and decisively to end the farce of rewriting anti-discrimination law to include self-proclaimed gender identity, and to restore the biological definition of sex to federal law. The president signed an Executive Order on day one, “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”²⁰ In it, the president declared:

“It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy.”

But the Trump administration has not been content merely to restore the *status quo ante* for all of human civilization with regard to the definition of sex. The administration has also moved to use Title IX to prevent schools from forcing women to surrender their privacy, dignity, and opportunities in order to admit males who identify as female to single-sex spaces. Title IX bars educational institutions receiving federal funding from discriminating on the basis of sex or permitting an environment of harassment so extreme that female students are functionally barred from fully accessing their educational opportunities, including sports opportunities. As with Title VII, while this provision has been used by past administrations to demand all kinds of bogus “equality” claims, it’s hard to imagine the plain text could mean anything if it *doesn’t* cover forcing young student athletes to compete with and change alongside men, with male genitalia, as a condition for participation.

Just a few months after taking office, the U.S. Department of Education’s Office for Civil Rights (OCR) opened a Title IX investigation into the University of Pennsylvania on exactly that basis, citing the president’s Executive Order protecting women’s sports and the biological definition of sex. By July of 2025, the University had surrendered and entered into a resolution agreement obligating it to prohibit males in women’s sports going forward, restore titles and records to the women robbed of them, and issue letters of apology to females affected.²¹

The administration has targeted for further action some K-12 schools and entire states (California and Maine) for their policies in this regard.

What Still Needs to Be Done

²⁰ Exec. Order No. 14,168, 90 Fed. Reg. 8615 (Jan. 30, 2025). (“Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”).

²¹ U.S. Dep’t of Educ., *U.S. Department of Education Announces the University of Pennsylvania Has Entered into a Resolution Agreement to Resolve its Title IX Violations* (July 1, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-university-of-pennsylvania-has-entered-resolution-agreement-resolve-its-title-ix-violations>.

The Trump administration has done an admirable job on the executive enforcement side, putting real equality under the law into action. But they're in office until 2028. How enduring are these victories and how likely are they to endure?

First, Congress (respectfully) needs to get back in action and make it clear that the law does not bless discrimination for special political purposes. That means not only codifying the Trump administration's prohibition on disparate impact liability and interpretations of Title IX and Title VII, but also reopening some of the changes made to the CRA in 1991.

Before the 1991 revisions, the only thing a complainant stood to gain by alleging invidious discrimination or a hostile work environment was what he or she had lost: an injunction requiring the employer to hire or grant a promotion, and lost wages from the moment the act of discrimination took place. Not only do these remedies make sense, they ensured that the claims that would be brought to the EEOC would be of at least a moderately serious nature, serious enough to lose a job over.

Since the 1990s, the originally somewhat loose definition of offense and harassment has combined with new and massive incentives for any disgruntled employee, and the recognition of the cumulative nature of multiple small incidents in the workplace to create some very unproductive incentives in these disputes. Too often, a disgruntled employee needs only to allege a series of "microaggressions" to trigger a settlement from the employer.

Not only does this clog up the agency and courts with frivolous cases, it has made employers extremely sensitive to any type of perceived offense, as judged by the most sensitive employee in the office. It's not an exaggeration to say that the entire culture of then-called "political correctness" that grew into what we call "woke" is in large part the result of employer fear of lawsuit because of these revisions to the law. In order to cover their butts, employers have had to get very picky about what employees joke about and reference in the workplace. A culture that stifles free exchange of ideas and punishes dissent is not conducive to a dynamic private sector or a broader ethos of free speech.

In addition to Congress, the courts have a huge role to play here. As Chief Justice John Roberts memorably wrote in *Parents Involved in Community Schools v. Seattle School District No. 1*, all the way back in 2007, "the way to stop discrimination on the basis of race is to stop discriminating on the basis of race."²² In cases since, like *SFFA*²³ and even a recent case regarding redrawing district lines,²⁴ this Supreme Court has repeatedly signaled its allegiance to the principle that racial discrimination is not just forbidden by federal law, but by the Equal Protection Clause of the 14th Amendment.

Ultimately, the buck stops with the Supreme Court to call a halt to all this nonsense and enforce that simple mandate: Our Constitution is colorblind. There is no "diversity exception" to this just principle of our law. Ultimately, that means narrowing or overturning *Griggs*, correcting or striking down those parts of the law or regulatory interpretation that offend that basic equality

²² *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007).

²³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023).

²⁴ *Allen v. Milligan*, 599 U.S. 1 (2023).

principle. It means ensuring that the plain meanings of basic words like “sex” are not twisted to gut protections Congress meant to enshrine.

As Claremont Institute Senior Fellow Jeremy Carl has written, “We can either have equal civil rights for every American, or we can abandon the concept entirely. There is no third way.”²⁵ We can either have civil rights and just treatment for every American, regardless of sex, race, national origin, or religion, or we can have a legalized racial hierarchy system and Balkanized, resentful politics that puts us at each other’s throats.

Americans of all political stripes, from red Florida to blue California, agree that we ought to be judged by the content of our character and what we have to offer on the basis of merit, whether we seek to offer that merit to an admissions committee, an employer, or as a contractor working with the federal government.

The Trump administration is, for the first time in decades, enforcing the Civil Rights Act and the Constitution equally, for all Americans. Now, it’s up to Congress and the Supreme Court to make sure that principle continues to flourish.

²⁵ Jeremy Carl, *Saving Civil Rights from Itself*, The Am. Mind (June 23, 2026), <https://americanmind.org/salvo/saving-civil-rights-from-itself/>.