

Without Justice: Trump's Across-the-Board Assault on Civil and Human Rights

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The Leadership Conference Education Fund is a 501(c)(3) organization that builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States.

In 1982, the Leadership Conference on Civil Rights (now The Leadership Conference on Civil and Human Rights, our sister organization) published a report, “Without Justice,” documenting the Justice Department’s attacks on civil rights during the first year of Ronald Reagan’s presidency. Thirty-five years later, the title of this report recalls that dark moment in our nation’s history and reminds us that civil rights progress in the United States has never been linear. Our country emerged from that time of retrenchment – and we will again.

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Introduction

Vanita Gupta

In August 2017, the nation witnessed horrifying acts of white supremacy, violent extremism, and domestic terrorism in Charlottesville, Virginia. These were unacceptable and hate-fueled acts that President Trump refused to denounce by name until days after the fact. But even his late and tepid condemnation was short-lived: The following day, the president backtracked and said that “both sides” were to blame, equating advocates for racial equality with neo-Nazis and white supremacists. Earlier this month, the president’s raw racism was again on full display with a denigrating, reprehensible outburst that has no place in our political discourse.

Even before Charlottesville and his most recent remarks, the Trump administration had demonstrated a well-documented hostility to civil rights. Moreover, Congress – with its rollbacks of Obama-era protections for workers’ rights, public health, and the environment; its attempts to take health care away from tens of millions of Americans; and its unwillingness to consider and pass desperately needed reforms on a host of civil rights issues – has proven ineffective at advancing policies to promote and protect the civil and human rights of everyone in the United States.

And now, this administration is trying to reshape the federal judiciary for a generation – first with the appointment of Neil Gorsuch to the Supreme Court, and subsequently with the nomination of dozens of lower court nominees, many of whom are young, extreme ideologues. These developments in all three branches of the federal government are leaving many in America with little faith that their civil and human rights will be protected.

Last year also marked the 60th anniversary of the Civil Rights Act of 1957, a law that created the Civil Rights Division of the Department of Justice. Sixty years ago, the federal government – with bipartisan support – made

a formal and ongoing commitment to defend the civil rights of all people in this nation. Today, at a time when the United States has a president whose candidacy and presidency have emboldened and enabled forces of hate and division in the country; when the Department of Justice (DOJ) and the entire administration have embraced an anti-civil rights policy agenda; and when vulnerable communities across this nation are already deeply terrified – of being profiled, deported, or even murdered – people in America deserve better. They deserve that commitment to civil rights the federal government made 60 years ago.

2017 wasn’t just a difficult year; it was an agonizing one. While our nation’s progress on civil rights has never been linear, such a dramatic shift in priorities has quickly thrust the United States into intense retrenchment. This report outlines what the administration did in its first year to undermine our nation’s civil and human rights progress – including the attempt to undermine the integrity and processes of the federal judiciary – and how the civil and human rights community fought back, and will continue to fight back, to ensure that the United States lives up to its ideals.

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The Trump Administration's Attacks on Civil and Human Rights

Ten days after the 2016 election, Trump announced that his choice for U.S. Attorney General would be Alabama Sen. Jeff Sessions – the first senator to support Trump's campaign. The following week, Trump announced Betsy DeVos as his pick for U.S. Secretary of Education.

The civil rights community was quick to note that Sessions had a 30-year record of racial insensitivity, bias against immigrants, disregard for the rule of law, and hostility to the protection of civil rights – and that confirming him to such a consequential position would jeopardize the equal and fair treatment of people of color, women, the LGBTQ community, people with disabilities, immigrants, and refugees. The community also recognized that DeVos had demonstrated no previous commitment to ensuring equal educational opportunities in schools or protecting students' civil rights. And after her confirmation hearing in January 2017, it was clear she would not be capable of, or committed to, enforcing the law – as is required of the agency's chief executive.

Given the vital civil rights enforcement responsibilities of the Departments of Justice and Education, those nominees in particular outraged the civil rights community – but they also energized it.

Thanks to the activism from civil rights groups, which universally opposed her, DeVos required Vice President Mike Pence's tie-breaking vote to take the helm of the Education Department. And Sessions' confirmation hearings represented the first time a sitting U.S. senator – Cory Booker, D. N.J. – testified against another senator nominated to a Cabinet position. Civil rights legend and Georgia Congressman John Lewis also testified against Sessions' confirmation, as did Congressional Black Caucus Chair Cedric Richmond of Louisiana.

Sessions and DeVos were just the tip of the iceberg.

Trump's Cabinet nominees included many individuals who civil rights organizations found objectionable, including Tom Price (Department of Health and Human Services), Mick Mulvaney (Office of Management and Budget), Steven Mnuchin (Department of the Treasury), Andrew Puzder (Department of Labor), Mark Green (Department of the Army), and Ben Carson (Department of Housing and Urban Development).

But not all were confirmed: Because of pressure from civil rights organizations and activists across the country, Puzder and Green withdrew themselves from consideration. Puzder's shameful nomination will be discussed later in this report. Green was a nominee for less than one month before outrage over his anti-LGBTQ, anti-Muslim, anti-immigrant, and anti-women record forced his withdrawal. Health and Human Services Secretary Price resigned from office in September, and Trump's pick to replace him – Alex Azar, who was confirmed on January 24, 2018 – also drew opposition from the civil rights community.

This administration has wasted no time rolling back the clock on our nation's civil and human rights achievements.

Voting rights under attack

Weeks after losing the popular vote, Trump tweeted that “In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.” Two months later, he tweeted that he would be “asking for a major investigation into VOTER FRAUD.” Trump's investigation took the form of a sham commission on election integrity, which he created through an executive order on May 11.

Civil rights organizations recognized immediately that Trump's voting commission, led by Pence and Kansas

Secretary of State Kris Kobach, would attempt to lay the groundwork for voter suppression, potentially through discriminatory policies such as photo ID and burdensome documentary proof of citizenship to vote.

On June 28, the commission sent letters to chief state election officials in all 50 states demanding intrusive and highly sensitive personal data about all registered voters in the nation – a move that backfired when most state officials refused. The same day, the Department of Justice’s Civil Rights Division sent a letter to election officials in 44 states demanding extensive information on how states maintain their voter rolls. The embattled commission, facing more than a dozen lawsuits (including from one of its own members, Maine Secretary of State Matthew Dunlap), had largely stalled because of pending litigation – meeting only twice. It also faced backlash from the civil rights community, which for months organized and fought back against it. On January 3, 2018, Trump unexpectedly dissolved the commission. While the threat of that specific entity is now over, threats to voting rights from the Trump administration and the Republican-led Congress – and from state legislatures across the country – continue to loom.

As the sham commission threatened to roll back voting rights in 2017, the Department of Justice was taking action to accomplish the same goal. Indeed, less than three weeks after Sessions’ confirmation, the Justice Department reversed the federal government’s longstanding position that a Texas voter ID law under legal challenge was intentionally racially discriminatory, despite having successfully advanced the argument for years in multiple federal courts. The district court subsequently rejected the position of the Sessions Justice Department and concluded the law was passed with discriminatory intent.

The Sessions Justice Department also filed a brief in the Supreme Court case *Husted v. A Philip Randolph Institute* arguing that it should be easier for states to purge registered voters from their rolls – again reversing not only its longstanding legal interpretation, but also the position it had taken in the lower courts in that case. Civil rights organizations filed briefs on the opposite side of the Justice Department.

The administration has made its view on voting rights clear: Instead of setting up a bipartisan commission to investigate actual problems such as racially discriminatory photo ID laws, this administration created a commission led by notorious vote suppressors to address a sham problem. And instead of building on the progress under the previous administration, the Sessions Justice Department has undermined voting rights enforcement and has actively sought to narrow the field of eligible

voters in this country.

Justice reform and policing rollbacks

Just weeks after he took office, Trump signed three executive orders “to fight crime, gangs, and drugs; restore law and order; and support the dedicated men and women of law enforcement.” The orders, though vague, were a harbinger for what became a year of unraveling for recent progress on justice reform and policing issues.

After several years of bipartisan federal criminal justice reform efforts, Jeff Sessions has advanced policies that would return the United States to discredited 1980s criminal justice policies and mass incarceration.

In February, Sessions withdrew an earlier Justice Department memo that sought to reduce and finally end the department’s use of private prisons.

In a March 31 memo, Sessions ordered a sweeping review of consent decrees with law enforcement agencies relating to police conduct – a crucial tool in the Justice Department’s efforts to ensure constitutional and accountable policing. The department also tried, unsuccessfully, to block a federal court in Baltimore from approving a consent decree between the city and the Baltimore Police Department to rein in discriminatory police practices that the department itself had negotiated over a multi-year period.

In May, Sessions announced in a two-page memo that the DOJ was abandoning its Smart on Crime initiative that had been hailed as a positive step forward in rehabilitating drug users and reducing the enormous costs of warehousing inmates. Later, he lifted the Obama administration’s ban on the transfer of some military surplus items to domestic law enforcement – rescinding guidelines that were created in the wake of Ferguson to protect the public from law enforcement misuse of military-grade weapons. In September, DOJ abruptly restructured the Community Oriented Policing Services’ Collaborative Reform Initiative, a Justice Department program that helped build trust between police officers and the communities they serve.

And just before the holidays, Sessions rescinded 25 guidance documents, including a letter sent to chief judges and court administrators to help state and local efforts to reform harmful practices related to the assessment and enforcement of fines and fees. While the 2016 DOJ sought to end the creation of discriminatory and unconstitutional debtors’ prisons, the 2017 DOJ under Sessions’ direction has demonstrated a willingness to jail people who simply couldn’t afford to pay a fine.

Earlier this month, Sessions also rescinded guidance that had allowed states, with minimal federal interference, to legalize marijuana. This move will further reignite the War on Drugs.

Sessions' record thus far as Attorney General has come as no surprise to justice reform advocates. As a senator in 2016, Sessions derailed an effort to pass meaningful, bipartisan sentencing reform legislation – a bill that would have, among other things, been an important step toward reducing mandatory minimum sentences for certain drug crimes.

Education Department rollbacks

Despite intense opposition from the civil rights community, the Senate – with Vice President Pence's tie-breaking vote – confirmed Betsy DeVos as the nation's 11th Secretary of Education. Three weeks later, before a joint session of Congress, Trump called education the "civil rights issue of our time."

That statement was not wrong. The fight for educational equity is one of the most significant legacies of the civil rights movement, and today high-quality public education remains a fundamental civil and human right. But DeVos at the helm of the Education Department is in fact damaging civil rights protections for all students.

For example, DeVos appeared before appropriations subcommittees in both chambers of Congress in 2017 to defend Trump's budget proposal, which would have – among other things – reduced the staff at the department's Office for Civil Rights (OCR) by more than 40 employees. Her testimony in both the House and Senate also raised concerns, when both Rep. Katherine Clark, D. Mass., and Sen. Jeff Merkley, D. Ore., asked DeVos about discrimination against LGBTQ students. Her answers were unclear, and she offered only rhetoric in response.

DeVos' appointment of Candice Jackson as acting Assistant Secretary for Civil Rights was also concerning and raised questions about the direction of the office and the status of longstanding protections for students. In past writings, Jackson appeared to be ignorant of the history and continued presence of race and sex discrimination, claiming that equal opportunity and affirmative action policies discriminate against White students.

Jackson's hostility to civil rights was evident in a memo she sent to OCR staff discouraging systemic investigations of discrimination in favor of individual investigations, despite OCR's responsibility for investigating systemic discrimination whenever and wherever it occurs.

Later in the year, DeVos made announcement after announcement scrapping clarifying guidance explain-

ing schools' and districts' obligations under civil rights law. DeVos launched an attack on students' civil rights by rescinding guidance related to Title IX and schools' obligations regarding sexual violence and educational opportunity. While Title IX remains the law of the land, advocates viewed DeVos' move as an attempt to silence the voices of survivors of sexual assault.

Then in October, DeVos rescinded 72 guidance documents outlining the rights of students with disabilities. Later in the month, the Department of Education announced it was withdrawing nearly 600 policy documents regarding K-12 and higher education.

Also troubling is Trump's nominee to permanently replace Jackson at OCR, Ken Marcus, who was not confirmed in 2017. Throughout his career, Marcus has not demonstrated a commitment to civil rights laws upon which marginalized students rely, nor did he – during his confirmation hearing – show his willingness and ability to protect all students in the United States from discrimination.

LGBTQ rights undermined at agencies and in courts

One of DeVos' most troubling moves came just weeks after being sworn in as secretary. In February, DOJ's Civil Rights Division under Sessions' direction and the Department of Education's Office for Civil Rights jointly rescinded Title IX guidance clarifying protections under the law for transgender students. The guidance presented best practices to school administrators, educators, students, and parents from schools across the country and advised schools on complying with the law. It was a much-needed clarification that, under federal law, schools must treat students equally and with dignity, consistent with their gender identity. The message that DeVos and Sessions sent to transgender students was clear: The Trump administration will not stand up for your civil rights.

The Department of Education issued new instructions in June regarding complaints involving transgender students, but they only sowed a new level of confusion and doubt for students, families, and schools, and failed to acknowledge relevant case law.

It was not the last time the administration threatened the rights of transgender people in America. In July, Trump declared in a series of tweets that he was barring transgender people from serving in the military, and then followed through with a presidential memo in August – though the issue is still tied up in the courts.

Just as he did on voting rights and justice reform, Attorney General Sessions demonstrated throughout the

year his willingness to roll back hard-fought civil rights achievements for LGBTQ people.

In late July, the Sessions Justice Department filed a legal brief in a Second Circuit case called *Zarda v. Altitude Express, Inc.* arguing that Title VII of the Civil Rights Act of 1964 does not prohibit discrimination based on sexual orientation – a decision that contravened recent court decisions and Equal Employment Opportunity Commission guidance. His DOJ also filed a brief with the U.S. Supreme Court in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* arguing that businesses have a right to discriminate against LGBTQ customers. And it filed a brief in the U.S. District Court for the District of Columbia asking the court to dismiss a lawsuit against the president’s transgender military ban.

Sessions also reversed a Justice Department policy in October clarifying that transgender workers are protected from discrimination under Title VII of the Civil Rights Act of 1964, and then – the following day – issued sweeping religious liberty guidance to federal agencies, which the civil rights community believes will create a license to discriminate against LGBTQ individuals and others.

In January 2018, the Department of Health and Human Services announced a proposed rule to allow health care providers to discriminate against patients. It also created within the department’s Office for Civil Rights a new division – the Conscience and Religious Freedom Division – to address related claims. The civil rights community viewed these moves as continuing to create a license to discriminate against women and the LGBTQ community.

For LGBTQ people in the United States, Trump’s first year as president was in many ways demoralizing. Federal civil rights agencies reversed policies and positions meant to advance inclusion and equality for all, sending a disturbing message to the LGBTQ community: We’re not interested in protecting you.

Weakening of economic security

This administration has also harmed working people in America despite many campaign promises.

This was immediately evident in Trump’s initial choice for Labor Secretary – Andrew Puzder, the CEO of CKE Restaurant Holdings, which is the parent company of Carl’s Jr., Hardees, and other fast food restaurants. Puzder’s record in the fast food industry, advocates argued, clearly demonstrated a blatant disregard for his employees. As CEO, Puzder faced frequent and repeated lawsuits from workers alleging wage theft, workplace discrimination, and dangerous working conditions –

and their advertising campaigns relied on scantily-clad women in alluring poses to sell hamburgers.

The Secretary of Labor is the official charged with ensuring the well-being and rights of working people and advancing their employment opportunities. Puzder’s background demonstrated an inability to fulfill the duties of the office, and after considerable outcry from civil rights organizations he withdrew himself from consideration. Trump’s second nominee, Alex Acosta, would not make specific commitments on the record about basic workplace protections, raising the minimum wage, or ensuring that DOL’s policy and enforcement efforts would be effectively carried out to further the interests of all working people. The Senate confirmed him in April.

Civil rights groups were also troubled by the nominations of Patrick Pizzella to be Deputy Secretary of Labor, Marvin Kaplan to serve on the National Labor Relations Board, and Janet Dhillon and Daniel Gade to be chair and member, respectively, of the Equal Employment Opportunity Commission. Only Kaplan won confirmation from the Senate in 2017.

And in November, when Richard Cordray resigned as the director of the Consumer Financial Protection Bureau (CFPB), Trump appointed Office of Management and Budget Director Mick Mulvaney to serve as interim director.

Mulvaney, who as a member of Congress called the consumer bureau a “sick, sad” joke and co-sponsored legislation to eliminate it, has already started turning back the clock on the agency’s progress. In January 2018, the CFPB announced it would reconsider its landmark payday lending rule, and then abruptly dropped a lawsuit against four online payday lenders who unlawfully made loans of up to 950 percent APR in at least 17 states. Mulvaney also requested \$0 in quarterly funding from the Federal Reserve, opting instead to use the bureau’s emergency reserve fund.

Throughout its first year, the administration worked quietly to undermine the livelihoods of low- and middle-income working people.

In June, Secretary Acosta requested information on the Obama-era overtime rule, signaling his intent to lower the salary threshold of the overtime rule. The rule, promulgated by the Obama administration, would have restored overtime protections to millions of middle-class working people by increasing the salary threshold. It also would have benefitted 12.5 million people, providing them with extra pay for extra work or more time with their families. But just prior to the rule taking

effect, business organizations challenged the rule in the courts. After a federal district court judge in Texas struck the rule down in August 2017, DOL withdrew its appeal in the Fifth Circuit, ending the litigation.

In August, the administration halted an Equal Employment Opportunity Commission rule that required large companies to disclose what they pay employees by sex, race, and ethnicity – a rule that was intended to remedy the unequal pay that remains rampant in the American workplace. Then in December, DOL proposed changing another Obama-era rule that prohibited employers from pooling together tips and redistributing them to workers who do not traditionally earn tips. Advocates fear that, under this DOL proposal, employers will not redistribute anything – they will just pocket the tips for themselves. This would in effect make tips the property of employers.

Far from fighting for working people in America, this administration has worked to undermine basic worker protections.

Immigrant rights and protections under attack

One week after his inauguration, Trump signed the first version of his Muslim travel and refugee ban – a ban that, through many iterations, federal courts struck down.

In February, the Department of Homeland Security issued a memo updating immigration enforcement guidance that drastically increased the use of expedited removal and essentially eliminated priorities for deportation.

On June 15, the administration rescinded Obama's Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, an initiative that – had it gone into effect – would have offered a pathway to citizenship for immigrant parents with children who are citizens or residents of the United States. Less than two months later, Trump targeted Obama's other executive action that has protected 800,000 young immigrants from deportation: DACA. The rescission of the Deferred Action for Childhood Arrivals program, announced by Attorney General Sessions in early September, created an unnecessary crisis and has left these young immigrants who contribute significantly to our country in frightening limbo.

Trump's decision to end DACA ignited a firestorm of protests across the nation, as more than 100 young immigrants began to lose their protected status daily. Trump provided March 5, 2018, as the stated deadline for Congress to act to protect Dreamers.

The administration has also ended the Temporary Protected Status for several countries. In early November, the administration announced that it would terminate the Temporary Protected Status (TPS) for Nicaraguan immigrants in January 2019. Later in the month, the administration said it would end TPS in 18 months for approximately 59,000 Haitians living in the United States. And in January 2018, the administration told nearly 200,000 Salvadorans that their TPS would end as well. The administration also announced its decision to bar citizens from Haiti from receiving H2-A and H2-B visas – just days after multiple sources reported that Trump called the country a “shithole.”

Media and telecommunications rollbacks

At the end of January 2017, under new Federal Communications Commission (FCC) Chair Ajit Pai, the FCC refused to defend prison phone rate rules in federal court – rules that advocates had worked on for 15 years that would have brought down the costs of calls from prison, which can reach as high as \$10 per minute.

The FCC also rescinded its 2014 Joint Sales Agreement (JSA) guidance on February 3, which had led to the only increase in television diversity in recent years. The same day, Pai revoked the Lifeline Broadband Provider (LBP) designations for nine broadband service providers, reducing the number of providers offering broadband and thus decreasing the competitive forces available to drive down prices.

Also troubling to civil rights advocates was the FCC's vote in November to roll back hard fought civil rights advances at a time when our educational and economic opportunities, as well as political participation, are increasingly dependent upon communications infrastructure and technology. One proposal approved by the commission will gut Lifeline, the program dedicated to bringing phone and internet service within reach for people of color, low-income people, seniors, veterans, and people with disabilities – with particularly egregious consequences for tribal areas. Another proposal eliminated several rules promoting competition and diversity in the broadcast media, undermining ownership chances for women and people of color.

Failing to ensure that media can be accessed by all members of society is a denial of civil rights.

A fair and accurate census is threatened

A fair and accurate census, and the collection of useful, objective data about our nation's people, housing, economy, and communities generally, is among the most important civil rights issues of our day and impacts every issue discussed so far in this report. Although it is still years away, officials are making decisions right now

that will affect how successful the 2020 Census will be.

With the June resignation of U.S. Census Bureau Director John Thompson, the bureau has been without permanent leadership for more than half a year during a critical moment of preparation for the decennial census. The bureau is in dire need of a strong leader with the clout to advocate for the resources needed to ensure a successful 2020 Census and provide stability through the final years of the decade.

The rumored pick for deputy director of the Census Bureau, Thomas Brunell, would break from the tradition of choosing a nonpolitical person for the job and is likely to politicize the census: He authored a book called “Redistricting and Representation: Why Competitive Elections Are Bad For America.”

In early December, the Office of Management and Budget (OMB) missed a deadline to decide how information about race and ethnicity will be collected on the 2020 Census. Under consideration were proposals that would prioritize a combined race and ethnicity question for people of Hispanic origin and allow respondents to select more than one race and ethnicity – in addition to a proposal that would create a new ethnic category for persons of Middle Eastern and North African origin.

But in January 2018, the Census Bureau announced that the questionnaire for the 2018 End-to-End Census Test will use race and ethnicity questions from the 2010 Census instead of updated questions recommended by Census Bureau staff. This suggests that the Office of Management and Budget will not revise the official standards for collecting and reporting this data, despite recommendations from a federal agency working group to do so.

In a letter dated December 12, the Department of Justice wrote to acting Census Bureau Director Ron Jarmin requesting that the bureau include a question about citizenship on the 2020 Census. It was an untimely and unnecessarily intrusive request that would destroy any chance for an accurate count, discard years of careful research, and increase costs significantly. Civil rights organizations immediately urged Secretary of Commerce Wilbur Ross to reject the request.

All the while, funding for the 2020 Census continues to be inadequate. Trump’s budget proposal fell woefully short of funding preparations for the census, and it is now up to Congress to ensure that sufficient funding is provided for a fair and accurate count. The census is conducted only once each decade and plays a key role in the implementation and enforcement of the nation’s civil rights laws. It also influences the allocation of more than

\$600 billion in federal government resources to states, localities, and families every year. It is critical we get it right.

Congress' Actions to Undo Civil Rights

Congress has also worked in alarming ways over the last year to undo civil rights protections.

Use of the Congressional Review Act

The Congressional Review Act (CRA), passed in 1996, allows lawmakers to repeal recently finalized rules from federal agencies with a majority vote in both chambers of Congress and limited time for debate. The CRA also blocks federal agencies from issuing future rules that are “substantially the same” as the one repealed, unless authorized by Congress.

Since the CRA became law, Congress only used it once in two decades to repeal a Clinton administration rule. In 2017, Republicans used it 15 times to overturn the prior administration’s regulations. Of these 15, four were particularly troubling to the civil rights community:

1. On March 27, Trump signed a resolution of disapproval under the CRA that repealed a U.S. Department of Education accountability rule finalized in 2016 to clarify states’ obligations under the Every Student Succeeds Act. The rule would have helped states, districts, and schools to implement the law faithfully and meet their legal obligations to historically marginalized groups of students by ensuring states don’t take federal funds while flouting the law’s mandates.
2. On the same day, Trump signed a resolution of disapproval under the CRA that repealed the Fair Pay and Safe Workplaces Executive Order. The order represented a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees. It accomplished this by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.
3. On April 13, Trump signed a resolution of disapproval under the CRA that overturned the U.S. Department of Health and Human Services’ final rule updating the regulations governing the Title X family planning program – a vital source of family planning and related preventive care for low-income, uninsured, and young people across the country. The rule clarified and reinforced the longstanding requirement that health care providers may not be excluded from the program for reasons unrelated to their qualifications to perform Title X-funded services.
4. On November 1, Trump signed a resolution of disapproval under the CRA that repealed the Consumer Financial Protection Bureau’s rule on forced arbitration. Overturning the rule will enable big banks, payday lenders, and other financial companies to force victims of fraud, discrimination, or other unlawful conduct into a “kangaroo court” process where their claims are decided by hired arbitration firms rather than by judges and juries – harming consumers and undermining civil rights and consumer protection laws.

Those are just four of the rules repealed, and Congress may repeal more. In early December, lawmakers introduced a resolution that would repeal the Consumer Financial Protection Bureau’s (CFPB) payday lending rule – a commonsense policy that requires lenders to ensure that borrowers have enough money to repay their loans, on time, without forcing them into a more precarious financial position. Payday lending is a 21st century civil rights issue, and the CFPB’s rule was a major victory for civil and consumer rights. Repealing it – or “reconsidering” it, as Mulvaney indicated the bureau will do – would be a step in the wrong direction for the financial health of the nation.

Congressional efforts to undo health care and provide tax breaks for the wealthy

Two of the largest fights in Congress in 2017 were not about policies to advance civil and human rights and move the United States forward; they were about stripping health care from millions of Americans and giving large tax cuts to millionaires, billionaires, and wealthy corporations.

During his campaign, Trump repeatedly promised that he would immediately repeal and replace the Affordable Care Act (ACA), famously saying at the 2016 Republican National Convention that “I alone can fix it.” But as members of Congress introduced legislation throughout the summer to repeal the law, people across the country made it clear that the destruction of the ACA was not in the best interest of people in America.

From the Better Care Reconciliation Act in July, when Republican Sens. Susan Collins, Lisa Murkowski, and John McCain voted to sink the repeal effort, to the Graham-Cassidy proposal in September, which the Senate never voted on, the administration’s plan to repeal and replace the ACA failed time and again in 2017. And it was largely because of Americans who organized, spoke out, and made their voices heard in their communities and in Washington, D.C. Throughout the summer, people across the country made one thing clear: They wanted the ACA strengthened, not gutted.

But the administration continued its efforts to sabotage the ACA. On October 12, Trump signed an executive order to undermine health care and then announced he would end subsidies for certain health care plans. And when he signed tax legislation into law in December, the bill included a repeal of the ACA’s individual mandate, which could leave 13 million low- and middle-income people uninsured. Nevertheless, the Affordable Care Act remains the law of the land.

The administration began a process to overhaul tax laws in late April when it released an outline that was, at the time, viewed largely as a tax giveaway for the wealthy and big corporations. In September, the administration and leadership in Congress unveiled tax principles that would provide trillions of dollars of unnecessary cuts to millionaires, billionaires, and corporations. The Tax Cuts and Jobs Act, which passed in December, did much of the same.

The civil and human rights community opposed the legislation, both because of its repeal of the individual mandate, and because the Congressional Budget Office found that the Senate plan would leave the nation’s poorest individuals worse off and increase the federal deficit by \$1.4 trillion over the next decade. Increasing

the deficit, advocates believe, will build more pressure to reduce it in the near term by cutting spending for crucial government programs like Medicaid and Medicare. The final tax bill also took the Child Tax Credit away from millions of children in immigrant families.

The administration’s attacks on these government programs has already begun. In January 2018, the Trump administration released new guidelines that allow states to seek waivers to require Medicaid recipients to work – requirements that represent a throwback to rejected racial stereotypes. The following day, the Centers for Medicare and Medicaid Services (CMS) gave Kentucky permission to impose such work requirements, and many are expected to follow.

The civil rights community also opposed many of the individuals who oversee these issues at federal agencies. Treasury Secretary Steven Mnuchin did not gain the support of the civil rights community, which believed he would serve as an inside-the-government representative of the wealthiest special interests in our society. Civil rights organizations also opposed the administration’s picks to lead the Department of Health and Human Services (HHS), Tom Price and then later Alex Azar. And the administration’s appointment of Roger Severino to lead the HHS Office for Civil Rights (OCR) was particularly troubling for civil rights advocates. Before taking office, Severino repeatedly denounced and actively worked to oppose OCR’s implementation of the ACA’s civil rights provision, Section 1557, which is the first federal civil rights law to prohibit sex discrimination in health care.

Severino’s record of working against civil rights should have disqualified him from directing OCR.

Stacking the federal courts with extreme judges

While the Republican-led Congress overturned Obama-era rules and worked to repeal health care for millions, Trump was nominating individuals to serve lifetime appointments on the federal bench.

From declaring segregated schools unconstitutional to striking down poll taxes, federal courts have long been critical in the fight for civil rights. Indeed, the composition of the federal judiciary is a civil and human rights issue of profound importance because federal judges are charged with dispensing justice – and that has a direct impact on civil and human rights protections for all. Independent and fair courts are also an important check on the other branches of government. But if this administration continues to nominate and the Senate continues to confirm radical individuals, that crucial check will be eviscerated.

The Federal Courts

The lower courts

Trump began attacking the federal judiciary before he was sworn in as president. As a candidate, Trump questioned Judge Gonzalo Curiel's ability to judge fairly in the Trump University case because "he's a Mexican" and repeatedly called Curiel a "hater." As president, he has referred to federal judges as "so-called" judges for ruling against his policies. He has called decisions "disgraceful" and "ridiculous" when the independent judiciary does its job.

In Trump's first year in office, the administration nominated overwhelmingly young, White men to serve on the federal bench – the least diverse set of nominees in decades. By the end of 2017, more than 90 percent of the judicial nominees were White and nearly 80 percent were male. And after Senate Republicans in 2016 left dozens of Obama nominees pending in the Senate Judiciary Committee and on the Senate floor, Trump in 2017 replaced at least 10 of Obama's nominees of color with White nominees, representing a huge setback for judicial diversity on the federal bench.

Trump also refused to allow the nonpartisan American Bar Association (ABA) to play its traditional role of evaluating judicial nominees prior to their nomination – a role the ABA has played since Eisenhower's administration, with the exception of George W. Bush's presidency. The ABA has a 15-person screening committee that contacts dozens of local lawyers and judges about a potential nominee's qualifications, focusing on three factors: competence, integrity, and temperament. They do not assess politics or judicial philosophy. The ratings – either Well Qualified, Qualified, or Not Qualified – are not made public unless the candidate is nominated. President Obama did not nominate anyone who received a Not Qualified rating.

But without using this traditional pre-nomination review

to screen out unqualified candidates, Trump has already nominated four people deemed Not Qualified by the ABA – two of them unanimously. The Senate, regrettably, confirmed one. The other, Brett Talley, was forced to withdraw. In January 2018, Trump re-nominated Holly Teeter and Charles Goodwin to district court seats despite their Not Qualified ratings – and the Senate Judiciary Committee quickly approved them.

In addition to discarding the ABA's role, Trump has also openly outsourced his judicial selection to the arch-conservative Federalist Society and Heritage Foundation in an effort to pursue his radical right agenda in the courts.

Trump ended his first year in office with 12 circuit court nominees confirmed, setting a new record. It was four times the number of circuit court confirmations compared to President Obama, who only had three during his first year in office.

But Trump also ended the year having to withdraw three district court nominees – Jeffrey Mateer, Brett Talley, and Matthew Petersen – after the intense advocacy of the civil rights community had broken through.

The U.S. Supreme Court

The withdrawal of three judicial nominees at the end of 2017 gained significant attention, and has rightly helped focus the nation on the importance of the courts. But in early 2017, before he nominated anyone to the district or circuit courts, Trump's first judicial nominee was his Supreme Court pick: Neil Gorsuch.

The civil and human rights community vigorously opposed Gorsuch's confirmation to the nation's highest court. His decade-long record on the federal bench, as well as his writings, speeches, and activities throughout his career, demonstrated that Gorsuch was a judge with an agenda.

The fears expressed by civil and human rights organizations quickly became realized. On June 26, 2017, Gorsuch, joined by Justices Thomas and Alito, dissented from an unsigned opinion in *Pavan v. Smith*, a ruling that said married same-sex couples cannot be treated differently in the issuance of birth certificates. The same day, Gorsuch again joined Thomas and Alito in dissenting from an unsigned opinion on Trump’s Muslim ban. If those three justices had their way, the ban would have taken effect in full. Gorsuch quickly aligned with the Court’s ultra-conservative members – those who have consistently ruled against civil rights protections.

There is much at stake for civil rights in the Supreme Court’s current term. *Masterpiece Cakeshop v. Colorado Civil Rights Commission* will decide whether businesses can claim a First Amendment right to discriminate against LGBT customers. *Janus v. AFSCME* will decide whether public sector unions are allowed to charge “fair share fees” for employees who benefit from a union contract and collective bargaining but are not members of the union. *Husted v. A. Philip Randolph Institute* will determine whether Ohio illegally purged voters from its rolls in 2016, effectively disenfranchising thousands of eligible voters. And *Gill v. Whitford* will decide when partisan gerrymandering is so egregious as to be unconstitutional.

The Senate Republicans’ unprecedented decision to not consider President Obama’s Supreme Court nominee for nearly a year – in order to allow a future Republican president to fill the vacancy – will have profound consequences for these and many other cases for years to come.

Moving Forward

The civil and human rights community understands that in coalition, there is strength – and in the face of so many attacks during this past year, progressive organizations have not stopped fighting back together.

And together, there were hard-fought victories. Andrew Puzder and Mark Green were forced to withdraw their Cabinet nominations after intense pressure from advocates. The administration’s health care plan failed to garner enough congressional votes to move forward and haunted lawmakers at town halls across the country, where activists made clear their opposition. Multiple federal courts have served as an appropriate check on the administration, including on Trump’s Muslim ban, his transgender military ban, and other discriminatory policies. Jeff Mateer, Brett Talley, and Matthew Petersen are no longer district court nominees following significant press coverage, viral videos, and considerable advocacy from the civil rights community.

And then there is the less tangible victory: People across the nation became engaged in the political process – many for the first time – to challenge the administration’s dangerous initiatives and Congress’ harmful proposals. That energy to protect civil and human rights, in 2017 and beyond, will be crucial to securing future victories. As advocates continue to stand on the right side of history, there will be moments in the years ahead to fight, and win, together.

In addition, the U.S. Commission on Civil Rights, which celebrated its 60th anniversary in 2017, voted in June to investigate the Trump administration’s federal civil rights enforcement. The commission’s statement announcing the assessment noted its “grave concerns about continuing signals from the current administration, including the President’s proposed budget and statements of Cabinet and senior administration officials, that the

protection and fulfillment of civil rights of all persons will not be appropriately prioritized.” This ongoing, two-year investigation will be crucial both to understanding the Trump administration’s across-the-board assault on civil rights and to holding officials accountable.

An attack on the civil and human rights of one community is an attack on the civil and human rights of all communities. The Leadership Conference on Civil and Human Rights coalition will continue to stand united against the administration’s assaults on our values of diversity, inclusion, justice, and equality. The coalition will continue to organize, educate, and advocate for the America we deserve. In 2018, our country’s leaders must respect, protect, and serve everyone in the United States. The nation will be watching – and will hold them accountable.

Appendix

Timeline: Trump Administration Civil and Human Rights Rollbacks

2017

On January 27, Trump signed an executive order – the first version of his Muslim travel ban – that discriminated against Muslims and banned refugees.

On January 31, under new Federal Communications Commission (FCC) Chairman Ajit Pai's leadership, the FCC refused to defend critical components of its prison phone rate rules in federal court – rules that were ultimately struck down in June.

On February 3, Trump signed an executive order outlining principles for regulating the U.S. financial system and calling for a 120-day review of existing laws, like the Dodd-Frank Wall Street Reform and Consumer Protection Act. The order was viewed as Trump's opening attack on consumer protection laws.

On February 3, the FCC rescinded its 2014 Joint Sales Agreement (JSA) guidance, which had led to the only increase in television diversity in recent years.

On February 3, FCC Chairman Pai revoked the Lifeline Broadband Provider (LBP) designations for nine broadband service providers, reducing the number of providers offering broadband and thus decreasing the competitive forces available to drive down prices.

On February 9, Trump signed three executive orders “to fight crime, gangs, and drugs; restore law and order; and support the dedicated men and women of law enforcement.” The orders, though vague, were viewed suspiciously by civil rights organizations.

On February 21, the Department of Homeland Security issued a memo updating immigration enforcement guidance, massively expanding the number of people subject to detention and deportation. The guidance drastically increased the use of expedited removal and essentially

eliminated the priorities for deportation.

On February 22, the Justice Department's Civil Rights Division and the Department of Education's Office for Civil Rights jointly rescinded Title IX guidance clarifying protections under the law for transgender students.

On February 23, Attorney General Sessions withdrew an earlier Justice Department memo that set a goal of reducing and ultimately ending the department's use of private prisons.

On February 27, the Department of Justice dropped the federal government's longstanding position that a Texas voter ID law under legal challenge was intentionally racially discriminatory, despite having successfully advanced that argument in multiple federal courts. The district court subsequently rejected the position of the Sessions Justice Department and concluded the law was passed with discriminatory intent.

On March 6, Trump signed a revised executive order restricting travel to the United States by citizens of Iran, Libya, Somalia, Sudan, Syria, and Yemen and drastically cutting back refugee admissions.

On March 6, a week after Trump called on lawmakers to repeal the Affordable Care Act during his address to Congress, House Republicans released a proposal to replace the ACA with a law that would restructure Medicaid and defund Planned Parenthood.

On March 16, the Trump administration released a budget blueprint that proposed a \$54 billion increase in military spending that would come from \$54 billion in direct cuts to non-defense programs. The blueprint also proposed spending \$4.1 billion through 2018 on the beginnings of construction of a wall through communities

on the U.S.-Mexico border.

On March 27, Trump signed a resolution of disapproval under the Congressional Review Act, which repealed a U.S. Department of Education accountability rule finalized last year that would clarify states' obligations under the Every Student Succeeds Act.

On March 27, Trump signed a resolution of disapproval under the Congressional Review Act, which repealed the Fair Pay and Safe Workplaces Executive Order. The order, signed by President Obama, represented a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

In a March 31 memo, Sessions ordered a sweeping review of consent decrees with law enforcement agencies relating to police conduct – a crucial tool in the Justice Department's efforts to ensure constitutional and accountable policing. The department also tried, unsuccessfully, to block a federal court in Baltimore from approving a consent decree between the city and the Baltimore Police Department to rein in discriminatory police practices that the department itself had negotiated over a multi-year period.

On April 13, Trump signed a resolution of disapproval under the Congressional Review Act, which overturned the U.S. Department of Health and Human Services' final rule updating the regulations governing the Title X family planning program – a vital source of family planning and related preventive care for low-income, uninsured, and young people across the country.

On April 26, Trump released an outline of a tax reform plan that was viewed largely as a tax giveaway for the wealthy and big corporations.

On April 26, Trump signed an executive order directing Secretary of Education Betsy DeVos to conduct a study on the federal government's role in education.

On May 4, Trump signed an executive order to overturn the Johnson Amendment, which precludes tax-exempt organizations, including places of worship, from engaging in any political campaign activity and would curtail the contraception mandate of the Affordable Care Act.

On May 11, Trump signed an executive order creating the so-called Presidential Advisory Commission on Election Integrity headed by Vice President Mike Pence and Kansas Secretary of State Kris Kobach, who has a history of trying to suppress the vote in Kansas.

On May 12, Sessions announced in a two-page memo that DOJ was abandoning its Smart on Crime initiative that had been hailed as a positive step forward in rehabilitating drug users and reducing the enormous costs of warehousing inmates.

On May 23, Trump released his fiscal year 2018 budget that included massive, unnecessary tax cuts for the wealthy and large corporations, which would be paid for by slashing basic living standards for the most vulnerable and by attacking critical programs like Social Security Disability Insurance, Medicaid, food assistance, and more.

On May 23, Trump's fiscal year 2018 budget proposed eliminating the Office of Federal Contract Compliance Programs (OFCCP) and transferring its functions to the Equal Employment Opportunity Commission (EEOC). This would have impeded the work of both the OFCCP and the EEOC as each have distinct missions and expertise, and would have thereby undermined the civil rights protections that employers and workers have relied on for almost 50 years.

On June 5, Trump released an infrastructure plan that focuses on putting public assets into private hands, creating another giveaway to wealthy corporations and millionaires at the expense of working families and communities.

On June 6, Secretary of Education Betsy DeVos testified before a Senate appropriations subcommittee and made unclear statements about whether she would allow federal funds to go to schools that discriminate against LGBTQ students. She made similarly troubling statements when testifying before a House committee in late March.

On June 6, the Department of Education's Office for Civil Rights (OCR) issued unclear new instructions on transgender student discrimination.

On June 8, OCR's acting head sent a memo to OCR staff discouraging systemic investigations in favor of individual investigations of discrimination.

On June 14, DeVos decided to delay implementation of and to renegotiate the Borrower Defense to Repayment and Gainful Employment regulations.

On June 15, the administration rescinded President Obama's Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, an initiative that – had it gone into effect – would have offered a pathway to citizenship for immigrant parents with children who are citizens or residents of the United States.

On June 27, Labor Secretary Acosta requested information on the Obama-era overtime rule, signaling his intent to lower the salary threshold of the overtime rule.

On June 28, the Justice Department's Civil Rights Division sent a letter to 44 states demanding extensive information on how they maintain their voter rolls. This request was made on the same day that President Trump's so-called Commission on Election Integrity sent letters to all 50 states demanding intrusive and highly sensitive personal data about all registered voters.

On July 26, Trump declared in a series of tweets that he was barring transgender people from serving in the military. He followed through with a presidential memo on August 25, though the issue is still being challenged in the courts.

On July 26, the Department of Justice filed a legal brief arguing that Title VII of the Civil Rights Act of 1964 does not prohibit discrimination based on sexual orientation – a decision that contravened recent court decisions and Equal Employment Opportunity Commission guidance.

On August 1, *The New York Times* reported that the “Trump administration is preparing to redirect resources of the Justice Department's civil rights division toward investigating and suing universities over affirmative action admissions policies deemed to discriminate against white applicants.” In a move without recent precedent, this investigation and enforcement effort was planned to be run out of the Civil Rights Division's front office by political appointees, instead of by experienced career staff in the division's educational opportunities section.

On August 2, Trump announced his support of Republican-backed legislation that would slash legal immigration in half over a decade.

On August 7, the Justice Department filed a brief in the Supreme Court in *Husted v. A. Philip Randolph Institute* arguing that it should be easier for states to purge registered voters from their rolls – reversing not only its longstanding legal interpretation, but also the position it had taken in the lower courts in that case.

On August 28, Sessions lifted the Obama administration's ban on the transfer of some military surplus items to domestic law enforcement – rescinding guidelines that were created in the wake of Ferguson to protect the public from law enforcement misuse of military-grade weapons.

On August 29, the administration halted an EEOC rule that required large companies to disclose what they pay employees by sex, race, and ethnicity – a rule that was

intended to remedy the unequal pay that remains rampant in the American workplace.

On September 5, Sessions announced that the administration was rescinding the Deferred Action for Childhood Arrivals (DACA) program.

On September 7, the Department of Justice filed a brief with the Supreme Court in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* arguing that businesses have a right to discriminate against LGBTQ customers.

On September 15, the Department of Justice ended the Community Oriented Policing Services' Collaborative Reform Initiative, a Justice Department program that aimed to help build trust between police officers and the communities they serve.

On September 22, DeVos announced that the Department of Education was rescinding guidance related to Title IX and schools' obligations regarding sexual violence and educational opportunity.

On September 24, Trump issued the third version of his Muslim travel ban which, unlike the previous versions, was of indefinite duration.

On September 27, the Trump administration and Republican leadership in Congress unveiled tax principles that would provide trillions in dollars of unnecessary tax cuts to millionaires, billionaires, and wealthy corporations.

On October 2, DeVos rescinded 72 guidance documents outlining the rights of students with disabilities, though it wasn't until October 21 until the public learned of the rescissions.

On October 4, the Department of Justice filed a brief in the U.S. District Court for the District of Columbia asking the court to dismiss a lawsuit against the president's transgender military ban.

On October 5, Sessions reversed a Justice Department policy which clarified that transgender workers are protected from discrimination under Title VII of the Civil Rights Act of 1964.

On October 6, the Department of Justice issued sweeping religious liberty guidance to federal agencies, which will create a license to discriminate against LGBTQ individuals and others.

On October 8, the White House released a list of hard-line immigration principles – a list of demands that included funding a border wall, deporting Central American children seeking sanctuary, and curbing grants

to sanctuary cities, effectively stalling any possible bipartisan agreement on a bill to protect Dreamers.

On October 12, Trump signed an executive order to undermine health care and, later that day, announced that he would end subsidies for certain health care plans.

On October 27, the Department of Education announced it was withdrawing nearly 600 policy documents regarding K-12 and higher education.

On November 1, Trump signed a resolution of disapproval under the Congressional Review Act, which repealed the Consumer Financial Protection Bureau's rule on forced arbitration. Overturning the rule will enable big banks, payday lenders, and other financial companies to force victims of fraud, discrimination, or other unlawful conduct into a "kangaroo court" process where their claims are decided by hired arbitration firms rather than by judges and juries – harming consumers and undermining civil rights and consumer protection laws.

On November 6, the Trump administration announced it will terminate the Temporary Protected Status (TPS) designation for Nicaragua.

On November 16, the Federal Communications Commission voted to gut Lifeline, the program dedicated to bringing phone and internet service within reach for people of color, low-income people, seniors, veterans, and people with disabilities, with particularly egregious consequences for tribal areas. They also voted to eliminate several rules promoting competition and diversity in the broadcast media, undermining ownership chances for women and people of color.

On November 20, the Trump administration announced it would terminate the Temporary Protected Status (TPS) designation in 18 months for approximately 59,000 Haitians living in the United States.

On November 24, Trump appointed Mick Mulvaney as acting director of the Consumer Financial Protection Bureau (CFPB). As a member of Congress, Mulvaney supported abolishing the consumer bureau and has in the past referred to the CFPB as a "sick, sad" joke.

On December 4, the Department of Labor proposed changing its longstanding position codified in regulation that prohibited employers from pooling together tips and redistributing them to workers who don't traditionally earn tips.

On December 12, the Department of Justice wrote to acting Census Bureau Director Ron Jarmin requesting a question about citizenship on the 2020 Census. It was an untimely and unnecessarily intrusive request that would

destroy any chance for an accurate count, discard years of careful research, and increase costs significantly.

On December 21, it was reported that Sessions rescinded 25 guidance documents, including a letter sent to chief judges and court administrators to help state and local efforts to reform harmful practices related to the assessment and enforcement of fines and fees.

2018

On January 4, Sessions rescinded guidance that had allowed states, with minimal federal interference, to legalize marijuana. This move will further reignite the War on Drugs.

On January 8, Trump re-nominated a slate of unqualified and biased judicial nominees, including two rated Not Qualified by the American Bar Association.

On January 8, the administration announced it would terminate the Temporary Protected Status (TPS) designation for nearly 200,000 Salvadorans.

On January 11, the Trump administration released new guidelines that allow states to seek waivers to require Medicaid recipients to work – requirements that represent a throwback to rejected racial stereotypes.

On January 16, the Consumer Financial Protection Bureau under Mulvaney's leadership announced it would reconsider the agency's payday lending rule.

On January 17, the administration announced its decision to bar citizens from Haiti from receiving H2-A and H2-B visas.

On January 18, the Department of Health and Human Services announced a proposed rule to allow health care providers to discriminate against patients, and within the department's Office for Civil Rights, a new division – the Conscience and Religious Freedom Division – to address related claims.

On January 18, the CFPB abruptly dropped a lawsuit against four online payday lenders who unlawfully made loans of up to 950 percent APR in at least 17 states.

Nominees

The Leadership Conference on Civil and Human Rights opposed the following Trump nominees:

Confirmed:

- [Alex Acosta](#), Secretary of Labor (could not support, urged 'no' vote)
- [Alex Azar](#), Secretary of Health and Human Services

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- [John Bush](#), U.S. Court of Appeals for the Sixth Circuit
 - [Amy Coney Barrett](#), U.S. Court of Appeals for the Seventh Circuit
 - [Betsy DeVos](#), Secretary of Education
 - [Allison Eid](#), U.S. Court of Appeals for the Tenth Circuit
 - [Neil Gorsuch](#), U.S. Supreme Court
 - [Leonard Steven Gras](#), U.S. Court of Appeals for the Eighth Circuit
 - [Marvin Kaplan](#), National Labor Relations Board
 - [Gregory Katsas](#), U.S. Court of Appeals for the District of Columbia Circuit
 - [Joan Larsen](#), U.S. Court of Appeals for the Sixth Circuit
 - [Steven Mnuchin](#), Secretary of the Treasury
 - [Mick Mulvaney](#), Director of the Office of Management and Budget
 - [Tom Price](#), Secretary of Health and Human Services (resigned)
 - [Jeff Sessions](#), Attorney General
 - [David Stras](#), U.S. Court of Appeals for the Eighth Circuit
 - [Don Willett](#), U.S. Court of Appeals for the Fifth Circuit
 - [Stuart Kyle Duncan](#), U.S. Court of Appeals for the Fifth Circuit
 - [Thomas Farr](#), U.S. District Court for the Eastern District of North Carolina
 - [Charles Goodwin](#), U.S. District Court for the Western District of Oklahoma
 - [Ryan Holte](#), U.S. Court of Federal Claims
 - [Matthew Kacsmaryk](#), U.S. District Court for the Northern District of Texas
 - [Ken Marcus](#), Assistant Secretary for Civil Rights, U.S. Department of Education
 - [Howard Nielson](#), U.S. District Court for the District of Utah
 - [Mark Norris](#), U.S. District Court for the Western District of Tennessee
 - [Patrick Pizzella](#), Deputy Secretary of Labor
 - [Holly Teeter](#), U.S. District Court for the District of Kansas

Withdrawn:

- [Mark Green](#), Secretary of the Army
- [Jeff Mateer](#), U.S. District Court for the Eastern District of Texas
- Matthew Petersen, U.S. District Court for the District of Columbia
- [Andrew Puzder](#), Secretary of Labor
- [Brett Talley](#), U.S. District Court for the Middle District of Alabama

Pending:

- [Michael Brennan](#), U.S. Court of Appeals for the Seventh Circuit
- [Eric Dreiband](#), Assistant Attorney General for Civil Rights, Department of Justice

Returned to the president, not re-nominated:

- [Damien Schiff](#), U.S. Court of Federal Claims
- [Stephen Schwartz](#), U.S. Court of Federal Claims

The Leadership Conference on Civil and Human Rights expressed serious concerns about the following nominations/appointments:

- [Stephanos Bibas](#), U.S. Court of Appeals for the Third Circuit
 - [Ben Carson](#), Secretary of Housing and Urban Development
 - [Janet Dhillon](#), Chair, Equal Employment Opportunity Commission
 - [Daniel Gade](#), Member, Equal Employment Opportunity Commission
 - [James Ho](#), U.S. Court of Appeals for the Fifth Circuit
 - [Candice Jackson](#), Acting Assistant Secretary for Civil Rights at the Department of Education
 - [Roger Severino](#), Director of the Office for Civil Rights at the Department of Health and Human Services
 - [Amul Thapar](#), U.S. Court of Appeals for the Sixth Circuit
-



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