



#TrumpTruthBan

EO 13950 PRIMER

The NAACP Legal Defense and Educational Fund (“LDF”) has filed a class action lawsuit, challenging the constitutionality of President Trump’s Executive Truth Ban (“Truth Ban” or “Order”), prohibiting speech addressing diversity and inclusion. LDF is challenging the EO as a violation of the First Amendment guarantee of Free Speech and the Fifth Amendment guarantees of Due Process and the Equal Protection of the Law.

The litigation is exceedingly important, because a change in the Administration does not automatically rescind this Truth Ban and there has already been a broad chilling effect. Our litigation is supported by a broad coalition of national and local organizations, including the African American Policy Forum, which have condemned this censorship and demanded that the **#TruthBeTold** about our nation’s pervasive history of racism and sexism.



WHAT IS EO 13950?

On September 22, 2020, President Trump issued **Executive Order 13950**, entitled “**Executive Order on Combating Race and Sex Stereotyping**.” Contrary to its title, the Truth Ban is an unprecedented act by the Trump Administration that significantly hinders important efforts—including trainings and other forms of private speech in the workplace—to eradicate race and sex stereotyping and other continuing manifestations of entrenched discrimination and bias against people of color, women, and LGBTQ+ individuals.

WHO DOES THE EO IMPACT?

The Truth Ban’s censorship applies to current and prospective federal contractors, subcontractors, federal grant recipients, U.S. military, as well as federal agencies and agency employees. The Order goes into effect on November 22, 2020. The Order’s restrictions apply to all federal contracts or specified federal grants executed on or after this date.

WHAT DOES THE EO PROHIBIT?

One of the most problematic aspects of the Truth Ban is that it is vague and ambiguous. For example, portions of the Order prohibit any training that concerns the United States’ history of race or gender discrimination in a manner that may hurt the feelings of an attendee. In fact, the Order appears to prohibit broad categories of speech, including but not limited to the topics of unconscious or implicit bias; white privilege, male privilege or cis-gender privilege; systemic racism or sexism; and other related topics that may cause someone “discomfort, guilt, or anguish ... on account of his or her race or sex”— a notably vague and subjective standard. For example, on October 8, 2020, in response to the Order, the Department of Justice suspended not only diversity and inclusion trainings, but also all related “programs, activities, and events that employees are required or permitted to attend while on Government-paid time.” The Order also establishes a hotline for people to report such speech in the workplace and establishes penalties for violators of the Order.

MORE INFORMATION

For more information about the Order, please visit our website at naacpldf.org or contact **Amber Koonce** at akoonce@naacpldf.org.