

Three judges, including two Trump appointees, rule against the Department of Education's anti-DEI policy

CNN —

President Donald Trump's efforts to crackdown on diversity, equity and inclusion programs suffered a major legal blow Thursday as three separate judges – two of them appointed by the president – ruled against a Department of Education policy that threatened to withhold federal funding for schools engaging in DEI or incorporating race in certain ways in many other aspects of student life.

The policy was first laid out in a so-called [Dear Colleague letter](#) sent to schools in February. Starting this month, schools receiving federal funding would be subject to certain certification mandates requiring that they turn over information regarding their compliance with the Trump administration's prohibitions.

US District Judge Landya McCafferty [said in a scathing opinion](#) that the administration's policy, was "textbook viewpoint discrimination," likely violating the First Amendment's free speech protections. She and another judge, US District Judge Dabney Friedrich, a Trump appointee, also concluded that the policy was likely unconstitutionally vague.

She also concluded that the National Education Association, the administration's opponent in the case, was likely to succeed in its

arguments that the policy was unconstitutionally vague and that the agency ran afoul of procedural steps required by law in how it implemented the policy.

"The ban on DEI embodied in the 2025 Letter leaves teachers with a Hobson's Choice," McCafferty, a Barack Obama appointee who sits in New Hampshire, wrote, noting that the educators must choose between teaching curricula that invites penalty from the federal government or risking their professional credentials by aiding the Trump policy.

"The Constitution requires more," she wrote.

Friedrich, a Trump appointee who announced her ruling after a hearing Thursday in Washington DC, said that the letter failed to "delineate between a lawful DEI practice and an unlawful one," making the task of reviewing compliance too difficult.

The third ruling against the policy came from Judge Stephanie Gallagher, a Trump appointee who sits in Baltimore. She found that the Dear Colleague letter ran afoul of procedural requirements required by law for implementing new agency policy.

"This Court takes no view as to whether the policies at issue here are good or bad, prudent or foolish, fair or unfair," Gallagher said in her ruling. "But this Court is constitutionally required to closely scrutinize whether the government went about creating and implementing them in the manner the law requires. The government did not."

The rulings come after the Trump administration reached a short-term agreement with the challengers in the New Hampshire case to pause enforcement of the policy while the judge considered whether to issue

a preliminary injunction. That agreement was set to expire on Thursday.

Trump has waged war on DEI efforts since the start of his second term and has taken action against several elite universities, demanding changes to their DEI programs. The administration has already rolled back DEI programs, arrested international students and revoked their visas, and frozen federal funding for schools that have refused to submit to its demands.

The administration [froze over \\$2 billion](#) in multi-year grants and contracts at Harvard University after its leaders refused to make key policy changes, including eliminating DEI programs, resulting in a clash over academic freedom, federal funding and campus oversight as Harvard sued the federal government.

Policy changes were also demanded of Columbia University, though the school later [announced several changes](#) to address the Trump administration's demands, an apparent concession to the federal government.

The NAACP, which filed the case in DC's federal court, said Friedrich's ruling "is a victory for Black and Brown students across the country, whose right to an equal education has been directly threatened by this Administration's corrosive actions and misinterpretations of civil rights law."

The group representing the teachers' associations and public school district that sued over the policy in Baltimore also celebrated the ruling there.

"This ruling is a win for educators, students and communities across the nation," Democracy Forward President and CEO Skye Perryman

said. "The nationwide injunction will pause at least part of the chaos the Trump administration is unleashing in classrooms and learning communities throughout the country."

This story has been updated with additional developments.

CNN's Sunlen Serfaty and Emily R. Condon contributed to this report.