



**NAME OF EVENT:** DEI and the First Amendment II

**DATE | TIME | LOCATION:** October 1, 2025 | 3:00 PM—4:00 PM | Virtual

**BRIEF DESCRIPTION:** Eight months into President Trump's second term, right-wing operatives continue to target diversity, equity, and inclusion programs. Through a growing web of hostile executive orders, state bans, and private lawsuits, enemies of diversity are using law to chill discussion of race, gender, sexuality and other "divisive" concepts. In the face of these attacks, diversity defenders are turning to the First Amendment—and in many cases, they are winning.

In this event, practitioners from across the country will share how they have successfully used arguments from freedom of speech, academic freedom, and freedom of association to defend inclusion in recent cases. Together, we will explore opportunities for First Amendment strategies to strengthen DEI programs going forward.

**SPEAKERS:**

**Lawrence Lustberg**, Co-Chair, White Collar & Investigations, Gibbons P.C. (*Saadeh v. New Jersey State Bar Association*)

**Robert McDuff**, Director of the George Riley Impact Litigation Initiative, Mississippi Center for Justice (*Jackson Federation of Teachers v. Fitch*)

**Katy Youker**, Director, Economic Justice Project, Lawyers' Committee for Civil Rights Under Law (*Chicago Women and Trades v. Trump*)

**Taonga Leslie**, Director of Policy and Program for Racial Justice, American Constitution Society

**AGENDA OF PROGRAM:**

- Welcome (5 mins)
- Introduction (5 mins)
- Moderated Conversation (40 mins)
- Q&A (10 min)

**READING MATERIALS:**

*303 Creative LLC v. Elenis*, 600 U.S. 570 (2023)

*Boy Scouts of America v. Dale*, 530 U.S. 640 (2000)

*Honeyfund.com Inc. v. DeSantis*, 94 F.4th 1272, 1280, 1283 (11th Cir. 2024)



*American Alliance for Equal Rights v. Fearless Fund Mgmt. LLC*, 103 F.4th 765 (11th Cir. 2024)

Brief of Prof. Roger Colinvaux as Amicus Curiae in Support of Defendants-Appellees

*S.F. AIDS Foundation v. Trump*, Ord. on Mot. for Prel. Inj. (N.D. Cal. June 9, 2025)

*Susman v. Trump* (D.D.C. June 27, 2025)

*Saadeh v. New Jersey State Bar Association* (N.J. App. Div. Dec. 20, 2024)

*Chicago Women in Trades v. Trump*, Ord. on Mot. for Prel. Inj. (N.D. Ill. April 14, 2025)

*Jackson Federation of Teachers v. Fitch*, Ord. on Mot. for Prel. Inj. (S.D. Miss, August 18, 2025)

Memo. in Support of Plaintiff's Mot. for TRO and Prel. Inj.

Kent Greenfield, *Using the First Amendment to Save Race-Conscious Admissions*, 4 Am. J. L. & Equality 201 (2024)

William M. Carter Jr., *The Second Founding and the First Amendment*, 99 TEXAS L. REV. 1065 (2021)

AMERICAN CONSTITUTION SOCIETY, *Program Guide: The First Amendment in Flux* (September 2025)