

**BLOGS**

Discrimination

Minnesota Sues President Trump to Prevent Enforcement of Executive Orders that Seek to Restrict Rights of Transgender People

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On April 22, 2025, the state of Minnesota filed a [lawsuit](#) against President Trump, asking the U.S. District Court for the District of Minnesota to declare two Executive Orders issued by President Trump unlawful and to enjoin the federal government from enforcing them against Minnesota.

The Executive Orders challenged in the lawsuit—“[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)” (the “Gender Ideology Order”) and “[Keeping Men Out of Women’s Sports](#)” (the “Sports Ban Order”)—seek to restrict the rights of transgender people. Although the lawsuit is focused on whether federal law requires, or permits, schools to prohibit transgender students from participating on sports teams that align with their gender identity, it could provide important guidance to employers about how to navigate LGBTQ+ nondiscrimination obligations under federal, state and local employment discrimination laws.

Conflicting Federal and State Interpretations of Sex and Gender Identity

As background, the Gender Ideology Order purports to define “sex” as “an individual’s immutable biological classification as either male or female” and states that “‘sex’ is not a synonym for and does not include the concept of ‘gender identity.’” The Gender Ideology Order, among other things, prohibits federal funds from being used to promote “gender ideology,” which, “includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex” and permits “the false claim that males can identify as and thus become women and vice versa.” The Gender Ideology Order also directs the U.S. Attorney General to issue guidance “to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964.”

The Sports Ban Order directs federal agencies to rescind funding to any educational program that permits transgender girls and women to participate on a sports team for girls and women.

Related People

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After President Trump issued the Gender Ideology Order and Sports Ban Order earlier this year, Minnesota Attorney General Keith Ellison issued a formal opinion concluding that the Sports Ban Order does not have the force of law and does not supersede the nondiscrimination provisions of the Minnesota Human Rights Act (the "MHRA"). The MHRA prohibits discrimination in education on the basis of one's sexual orientation or gender identity, and it defines "gender identity" as "a person's inherent sense of being a man, woman, both or neither." The MHRA further states that a person's gender identity "may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics." In the formal opinion, Attorney General Ellison stated that it would be a violation of the MHRA for a covered educational institution to prohibit transgender student athletes from participating in extracurricular activities according to their gender identity.

In response to Attorney General Ellison's opinion, U.S. Attorney General Pam Bondi sent a letter to Attorney General Ellison, stating that "[r]equiring girls to compete against boys in sports and athletic events violates Title IX" and "[i]t therefore does not matter if Minnesota state law allows, or even requires, state athletic associations or other similar entities to require girls to compete against boys in sports and athletic events." The letter stated that the U.S. Department of Justice ("DOJ") is prepared "to take all appropriate action to enforce federal law" and referenced seeking the termination of federal funds for non-compliant states and state entities. In a separate letter, the DOJ's Civil Rights Division requested that Attorney General Ellison "clarify" his opinion regarding the MHRA's applicability to sports and threatened the loss of federal funding for Minnesota schools.

In response, Attorney General Ellison sued President Trump on behalf of the state of Minnesota. In the lawsuit, the state argues that Title IX—which prohibits schools that receive federal funds from discriminating on the basis of sex—does not require schools to discriminate against students because of their gender identity. The state further asserts that Title IX does not require schools to ban all transgender women and girls from participating on sports teams that align with their gender identity.

Implications for Employers Navigating Conflicting Legal Obligations

Although the lawsuit focuses on the enforcement of the Gender Ideology and Sports Ban Orders against schools, it highlights the potentially conflicting obligations that might arise under federal and state law depending on the outcome of legal challenges to a variety of Executive Orders by President Trump and the current White House administration's interpretation of federal laws. For example, President Trump has rescinded certain past affirmative action obligations as to women and minorities for federal contractors and banned those actions going forward by federal contractors, but state government contractors continue to have certain affirmative action obligations as to women and minorities under the MHRA. The court's decision in the lawsuit brought by Minnesota could shed light on how employers should navigate these conflicts moving forward.

In addition, this case also could impact the enforceability of the Gender Ideology Order, which conflicts with many states' employment laws and federal employment law as interpreted by the U.S. Supreme Court. As a reminder, in *Bostock v. Clayton County*, the U.S. Supreme Court held that under Title VII, discrimination "because of sex" includes discrimination based on sexual orientation and gender identity. As noted above, however, contrary to *Bostock*, the Gender Ideology Order's definition of "sex" specifically excludes "gender identity." Furthermore, the MHRA's prohibition against discrimination on the basis of an individual's gender identity applies to employment, in addition to education. Whether—and to what extent—the Gender Ideology Order is enforced by courts will impact employers' strategies for compliance with conflicting laws and executive orders.

Although there is much uncertainty for employers to navigate right now, what remains clear is that federal law and Minnesota law have not changed: discrimination against transgender and non-binary people is prohibited under federal and Minnesota law. While employers should consider the Trump Administration's enforcement agenda, they also should continue to comply with applicable statutory law and case law and promote nondiscriminatory workplaces.



If you have any questions about the impact of this lawsuit, please contact [Graciela Quintana](#), or your regular Lathrop GPM attorney.