

LEGAL UPDATE

Federal Court Partially Blocks Trump DEI Executive Orders

On **Feb. 21, 2025**, the U.S. District Court for the District of Maryland issued a nationwide [preliminary injunction](#), temporarily blocking certain provisions of Executive Orders (EO) [14151](#) and [14173](#) issued by President Donald Trump on Jan. 20, 2025, and Jan. 21, 2025, respectively. The EOs aim to combat “illegal diversity, equity and inclusion (DEI) programs” in the federal and private sectors.

Background

EOs 14151 and 14173 seek to terminate all illegal DEI mandates, policies, programs, preferences and activities in the federal and private sectors. The following orders are among those included in the EOs:

- **EO 14151** directs executive agencies to terminate “equity-related” grants or contracts (“**Termination Provision**”); and
- **EO 14173** directs:
 - Executive agencies to include in every contract or grant award a certification that the contractor or grantee does not operate any programs promoting DEI that violate applicable federal antidiscrimination laws (“**Certification Provision**”); and
 - The U.S. attorney general to take appropriate measures to end illegal DEI in the private sector, deter such programs or principles, and identify potential civil compliance investigations (including a requirement that the U.S. attorney general submits a report recommending measures to combat illegal private-sector DEI initiatives) (“**Enforcement Threat Provision**”).

Court Ruling

In *National Association of Diversity Officers in Higher Education v. Trump*, the plaintiffs argue that the above provisions are unconstitutional and should be vacated. In its ruling, the District Court of Maryland temporarily blocked the Termination and Certification Provisions and part of the Enforcement Threat Provision. In its opinion, the court reasoned that:

- The Termination and Enforcement Threat Provisions are likely unconstitutionally vague because they fail to define key terms, including “equity-related” and “illegal DEI,” and, therefore, do not provide fair notice of what is required under the EOs; and
- The Certification and Enforcement Threat Provisions likely violate the First Amendment right to freedom of speech by seeking to deter DEI-related speech with which the government disagrees.

However, the court declined to enjoin the portion of EO 14173 that directs the U.S. attorney general to submit a report recommending measures to combat illegal private-sector DEI initiatives.



HIGHLIGHTS & IMPORTANT DATES

- On **Jan. 20, 2025**, and **Jan. 21, 2025**, Trump issued two EOs aimed at combating illegal DEI in the federal and private sectors.
- On **Feb. 3, 2025**, a group of plaintiffs filed a complaint alleging that certain provisions of the EOs were unconstitutional.
- On **Feb. 21, 2025**, the U.S. District Court for the District of Maryland temporarily blocked parts of Trump’s DEI EOs.



Employer Takeaways

While the preliminary injunction provides temporary relief from certain enforcement activity under the EOs, including the Termination and Certification Provisions for government contractors, employers should prepare for uncertainty since the injunction is only temporary and is likely to be appealed by the Trump administration.

Moreover, neither the initial EOs nor the preliminary injunction alter employers' legal obligations, as employers are still prohibited from considering an individual's protected trait (e.g., race, color, sex, religion, age or national origin) in employment decisions. Therefore, employers may consider reviewing existing DEI practices to ensure they do not discriminate on the basis of a federally protected trait.