



U. S. Department of Justice

Office of the Associate Attorney General

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Washington, D.C. 20530

February 12, 2025

TO: THE CIVIL RIGHTS DIVISION

FROM: THE ACTING ASSOCIATE ATTORNEY GENERAL *CRM*

On January 20, 2025, President Trump signed Executive Order 14168, entitled, "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" (E.O. 14168). Section 3(f) of E.O. 14168 states:

The prior Administration argued that the Supreme Court's decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court's decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities.

The Supreme Court's holding in *Bostock* applied to discriminatory employment decisions under Title VII of the Civil Rights Act of 1964. Consistent with the E.O., it is the position of the Department of Justice that *Bostock*'s holding does not mandate gender identity-based access to single-sex spaces or athletics, nor does it impair Congress's guarantee to women of equal opportunity under Title IX.

The Department intends to issue further, more detailed guidance on this issue.

Section 7(c) of the E.O. directs agencies to promptly rescind all guidance documents inconsistent with E.O., including the Civil Rights Division's Memorandum of March 26, 2021, entitled "Application of *Bostock v. Clayton* to Title IX of the Education Amendments of 1972." That memorandum is hereby withdrawn.

Also pursuant to this directive, the Memorandum of March 10, 2022, issued by Assistant Attorney General Kristen Clarke, related to *Bostock*'s application to the non-discrimination provisions of the Safe Streets Act, the Juvenile Justice and Delinquency Prevention Act, the Victims of Crime Act, and the Violence Against Women Act, is withdrawn.

Like E.O. 11468, this guidance shall be implemented consistent with applicable law.