

## SCOTUS Hearing Cases on Providing Special Protections for LGBTQ Persons

Eagle Forum Foundation recently signed amicus briefs before the U. S. Supreme Court on two cases, [Altitude Express Inc. v. Zarda](#) and [Harris Funeral Homes v. Equal Employment Opportunity Commission \(EEOC\)](#), that pose a dangerous threat to current precedent defining [Title VII of the Civil Rights Act of 1964](#).  
By Eagle Forum  
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In 2010, Donald Zarda, an employee of a sky-diving company, Altitude Express, was terminated as a sky-dive instructor after a complaint was filed from a female skydiver. The woman alleged Zarda inappropriately touched her while tandem jumping and he used his sexual orientation as a gay man to excuse the behavior. Zarda went to [court](#) on the basis that he was let go of his employment at Altitude Express because of his sexual orientation. The Supreme Court will decide whether the prohibition in [Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2\(a\)\(1\)](#), against employment discrimination “because of . . . sex” includes discrimination based on a person’s sexual orientation.

The second case, [Harris Funeral Homes v. EEOC](#), is a result of a biological male employee deciding that he identified as female. Harris Funeral Homes, owned by Thomas Rost, let the funeral director Aimee Stephens, a biological male, go from his job after he [decided](#), after six years of employment, that he identified as a woman and wanted to dress in women’s clothing to work. This violated the business’s dress code and went against Rost’s conscience as a Christian. In this case, the question posed to the Supreme Court is whether Title VII’s “because of ... sex” clause, [42 U.S.C. 2000e-2\(a\)\(1\)](#), includes “gender identity” and “transgender status” and whether the decision in [Price Waterhouse v. Hopkins](#) prohibits an employer from applying sex-specific policies to their employees’ biological sex rather than their gender identity.

Both cases have the potential to land in decisions expanding the scope of Title VII’s “because of...sex” to include sexual orientation and gender identity (SOGI). If this happens, special [protections](#) for a select group of people will be granted at the expense of everyone else. Expanding Title VII to include SOGI language threatens the [First Amendment](#) and will force Christian business owners to violate their conscience. On top of this, if a person’s SOGI is really [fluid](#), as the Left asserts, the [ramifications](#) of the law will also cause problems in employment practices, employee privacy, and undermine sex-based protections and opportunities. Eagle Forum is proud to stand in defense of the Constitution and will continue to fight attempts to normalize the SOGI movement in the public sphere.

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*Questions or legislative concerns, please don't hesitate to contact our D.C. Executive Director Kirsten Hasler directly via email at [kirsten@eagleforum.org](mailto:kirsten@eagleforum.org) or phone at 202-445-8531.*