

Wisconsin Family Action: U.S. Supreme Court once again oversteps authority

Posted on Tuesday, Jun 16, 2020

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

MADISON, WI – Today, the U.S. Supreme Court [issued its decision in three](#) Title VII cases. On a 6-3 vote, the court ruled that Title VII prohibits discrimination in employment “on the basis of sex.” Title VII is the Civil Rights Act of 1964.

One of the cases involved Harris Funeral Homes in Detroit, Michigan. This family-run business has the delicate task of serving grieving families. Tom Rost, owner of Harris Funeral Homes, had that in mind when a male employee of six years decided to start living as a woman and insisted on dressing as one at work. Tom held the employee to the dress code he agreed to at time of hire and was promptly sued. The U.S. Supreme Court’s ruling today dictates how Tom and other employers can run their businesses, regardless of their beliefs.

The Court ruled that an employer who fires an individual “merely for being gay or transgender violates Title VII.” Essentially, the Court is saying that the word sex in laws from the 1960’s, also includes sexual orientation and gender identity.

While many aspects of the Court’s ruling are troubling, the most concerning is that the Court again has shown its inclination to make law, not interpret law. Changing the definition of a word in a congressionally passed law is not the purview of the court; that is for the legislative branch.

Justice Alito, with Justice Thomas agreeing, wrote in his dissent: **“There is only one word for what the Court has done today: legislation.” “A more brazen abuse of our authority to interpret statutes is hard to recall.” “The question is not whether discrimination because of sexual orientation or**

gender identity *should be* outlawed. The question is *whether Congress did that in 1964.*

President of Wisconsin Family Action Julaine Appling commented, “Today’s decision by the high court causes significant problems. At a minimum, it undermines equal opportunities for women. Males identifying as female will take women’s places on athletics team and on the award podium, as recently happened at the Connecticut girls’ high-school track finals where two boys identifying as girls have won 15 girls’ state-track-and-field titles over the past two years. It jeopardizes bodily privacy rights of women by forcing organizations to open women’s shelters, locker rooms, restrooms, and showers to men who say they are women. In addition, it forces employers, such as Harris Funeral Homes, to choose between violating their religious beliefs or facing lawsuits and financial hardship.

“We will continue to analyze the decision to determine its impact on Wisconsin law and specifically on faith-based employers such as churches, schools, and para-church ministries. The breadth of the Court’s decision remains to be determined.”

By June 30, the court will be handing down more opinions that directly touch on religious liberty and rights of conscience.

Wisconsin Family Action was part of a friend-of-the-court [amicus](#) in the *Harris* case that was represented by Alliance Defending Freedom (ADF). Read ADF’s statement [here](#).