My comments on the Third Assignment.

Let’s be clear about the categories under the first criterion; extension and connotation

As explained, extension of a term is a specific example. In the handout this was illustrated by proper names of race horses. So, let’s take up LGBTQ. Ellen DeGeneres is an example of a L, Pete Buttigieg example of G. Chelsea Manning is an example of T

For just “sex” in so far as the 1964 Act was concerned any clearly male will do, e.g. Buster Posey, Donald Trump. For female, Hilary Clinton.

If these are not familiar, we have the examples in the law suit on discrimination, e.g. the name of the funeral director, the adjunct professor, etc. So, those examples were ready made, and a good paper would have discussed those examples when it came to the protection concern, i.e. they were not protected under the strict meaning of the word “sex” “gender at birth” because in 1964 it did not include “sexual orientation”. This is were connotation comes in; the 1964 connotation (conceptual meaning) and the current understanding that in connotes sexual orientation. We now know that it is more than “preference”: It is not that people just prefer to be gay.

So, is it ambiguous or equivocation? I don’t think either term is ambiguous or vague. The two terms are very clear, especially when the extension is made. Specific example cited above certainly at that point clearly establish that they are not ambiguous. So, what about equivocation of the connotation?

Here we might say that the conceptual meaning has come to have at least two meanings; biology at birth and orientation later. That is exactly what is at issue before the Supreme Court. In short, they can go two ways. First confirm what the Indiana Court held and decide under the new meaning the 1964 Act protects LGBTQ. The Supreme Court has done this in the past. Years ago, the Court held that the Commerce Clause of the Constitution did not apply to manufacturing i.e. “manufacturing” did not mean “commerce.”

On the other hand, the Court may rule that it is up to Congress to widen the meaning of “sex” to cover sexual orientation.

I am not sure any of this will be save by the alleged clarity of “gender”. In some contexts, “sex” and “gender” can be used interchangeably, e.g. “His sex (gender) was male at birth”. Sometimes not, e.g. “Are you interested in sex tonight”.

By they way, there is some protection for sexual orientation. It is the federal law known at Title IX. This applies to educational institutions receiving federal aid. It directly applies to their sports programs. A gay tennis player can’t be excluded from the team simply because he is gay.