



Written by [Bob Adelman](#) on April 26, 2021

Small Christian College Sues Biden Administration Over Campus-housing Rules

The College of the Ozarks, a small Christian college, [has sued](#) the Biden administration over its demand that, following [an outrageous ruling](#) by the Supreme Court, colleges must allow male and female students in the same bathrooms, dorm rooms, and dormitories.

Alliance Defending Freedom (ADF) is assisting the college in its fight to retain its right to follow its religious tenets. The suit declares that the Biden administration, through its administrative agency Housing and Urban Development (HUD), now suddenly “requires private religious colleges to place biological males into female dormitories and assign them as females’ roommates.”

The president of the college, Dr. Jerry Davis, said the move is just part of the escalating attack on religious freedom in the United States: “Religious freedom is under attack in America, and we won’t stand on the sidelines and watch.”

He added, “To threaten religious freedom is to threaten America itself. College of the Ozarks will not allow politicians to erode essential American rights or the ideals that shaped America’s founding.”

The college is suffering the consequences of the outrageous ruling by the Supreme Court last summer — *Bostock V. Clayton County, Georgia* — wherein six justices turned themselves into legislators, rewriting the intent of the Civil Rights Act of 1964 to fit the current narrative, ruling that here is to be no “discrimination” against the LGBTQ community, regardless of rights guaranteed in the Constitution protecting religious freedom.

That ruling, issued last June in a 6-3 decision, was covered by so-called conservative justice Neil Gorsuch. He wrote that Title VII protections extended to sexual orientation and gender identity even though that was the furthest thing from the mind of Congress when it was enacted 57 years ago.

Gorsuch himself predicted that “sex-segregated bathrooms, locker rooms, and dress codes will prove unsustainable after our decision today.”

And so they are.

Justice Samuel Alito, who joined Justices Thomas and Kavanaugh in dissenting (Chief Justice Roberts joined with the liberals on the court in the ruling), said the court was guilty, once again, of legislating from the bench:

There is only one word for what the Court has done today: legislation....



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A more brazen abuse of our authority to interpret statutes is hard to recall. The Court tries to convince readers that it is merely enforcing the terms of the statute, but that is preposterous.

The Biden administration is wasting no time in implementing its pro-LGBTQ, anti-religious freedom agenda. In his executive order issued on inauguration day, Biden declared:

Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports.

Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes.

Accordingly, he ordered HUD (and other agencies of the administrative state) “to consider whether to revise, suspend, or rescind such agency actions [that appeared to discriminate against the LGBTQ community] ... [and] to promulgate new agency actions as necessary to fully implement statutes that prohibit sex discrimination.”

HUD leapt at the opportunity, issuing its “intent” to “enforce” the newly revised and expanded Fair Housing Act to “prohibit discrimination on the basis of sexual orientation and gender identity.”

The College of the Ozarks, long a target of the anti-religious Left, is squarely in the agency’s crosshairs. The school, according to ADF Vice President Ryan Bangert, “believes that the Bible teaches that people are created as males and females. We’re designed by God in that way, and the school honors that by housing men and women separately.”

Bangert noted the linkage between *Bostock* and the current attack, claiming, more out of hope than confidence, that “it’s clear the Court did not intend it to be a sweeping rearrangement of American society and apply to dorm rooms.”

Whether the high court intended that outcome or not is now moot. The court, in its *Bostock* ruling, has opened the door to expanding the attack on religious freedom in the United States. That “sweeping rearrangement” is now gathering momentum, thanks to the high court’s expansion of the original intent of Congress back in 1964.

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