

## SUMMARY OF ARGUMENT

The language of Title VII requires an interpretation that covers retaliation against former employees. Section 704(a) requires only that an employment relationship be linked to the retaliatory conduct. The necessary link need not be that of current employment. Section 701(f) does not exclude former employees, although it does contain express exclusions as to certain groups.

The denial of benefits earned during covered employment, but taking effect after the end of such employment, violates the statute, as this Court held in *Hishon v. King & Spalding*, 467 U.S. 69 (1984).

The policy of Title VII precludes an interpretation that will render its anti-retaliation provisions meaningless. The Fourth Circuit's decision leaves the discriminating employer free to retaliate against any employee who has left its employment for nondiscriminatory reasons, whether voluntary or involuntary. The lack of protection against retaliation will cause current employees not to seek the protections of Title VII, and will cause them to refuse to provide truthful testimony in support of a Title VII claim, since doing so could result in, among other things, loss of post-employment benefits and the inability to obtain a decent job in the future. Leaving former employees without recourse against retaliation would profoundly frustrate the goals of Title VII.