

KANSAS BILL PROTECTS CAMPUS RELIGIOUS RIGHTS



Bill Donohue comments on Kansas Senate Bill 175. It was introduced last month and was the subject of hearings by the Senate Judiciary Committee on March 9:

This bill would protect religious organizations on the campus of public universities from being subverted by their enemies. For many years, Catholic and Christian groups on colleges across the nation have been pressured to admit those who reject their mission: those seeking inclusion argue that they have a right to join, and even seek leadership positions, in these student clubs even though they do not accept the tenets of their faith. To what end? To bust them, of course.

Not surprisingly, those seeking to force their way into these groups are known for their assaults on religious liberty: Americans United for Separation of Church and State (the Great Plains chapter in Kansas is involved), and the American Civil Liberties Union, are leading the attack. They argue that the real issue is non-discrimination. It is not: Freedom of association is the paramount issue.

Twenty years ago, the U.S. Supreme Court held, in a unanimous decision, that the organizers of the St. Patrick's Day Parade had a First Amendment right to determine who was allowed to march. Justice David Souter argued that if those who are opposed to the mission of the parade were allowed to march, they would be able to veto the purpose of the parade. Citing freedom of association, the court ruled that the government has no authority to determine the strictures of a parade.

To be sure, the St. Patrick's Day parade is a private event, and the colleges in question are public institutions. But the operative right in both instances is freedom of association. Just as it makes no sense to allow the foes of a parade to participate, it makes no sense to allow the foes of a religious student club to participate. No one is stopping the foes from organizing, but to permit them to trump the First Amendment rights of religious students is to grant them veto power. If religious groups cannot insist on fidelity to their tenets, their right to organize is meaningless.