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## Law school can refuse to honor Christian group

It can't bar gays and get funding, justices find

By Joan Biskupic / USA TODAY  
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WASHINGTON — In a decision that could affect campus groups nationwide, the Supreme Court ruled 5-4 on Monday that a state law school can refuse to recognize a religious student group that discriminates against gay students and non-Christians.

The justices said a public university can condition official recognition of a student group on the group's agreement to open membership to all students who want to join.

In an opinion by Justice Ruth Bader Ginsburg, the court rejected arguments that a religious group could be exempt from school policy based on its First Amendment right to associate with members of its choosing.

"We hold that a law school may maintain — an open-access policy," Ginsburg said as she read portions of her opinion from the bench. She stressed that the disputed policy applied to all student groups and all comers: "To meet First Amendment measurement, the school need not provide a religion-based exception."

The case had been brought by the Christian Legal Society chapter at the University of California-Hastings College of Law. It began when school officials refused to recognize the group — and give it student-activity funding, meeting space and other privileges — based on the group's refusal to let gay students and non-Christians fully participate in the group.

Hastings said the group did not comply with a school non-discrimination policy that protects students based on religion and sexual orientation.

Lower courts rejected the Christian Legal Society's challenge, and on Monday, the justices narrowly affirmed. The decision could affect many campus organizations, religious and non-religious, that have specific beliefs and limited memberships.

### 5-4 ruling

Ginsburg was joined by Justices John Paul Stevens, Anthony Kennedy, Stephen Breyer and Sonia Sotomayor.

Dissenting were Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas and Samuel Alito.

Alito said the court's ruling, "arms public educational institutions with a handy weapon for suppressing the speech of unpopular groups."

The Rev. Gary White, director of religious life at Vanderbilt University, said that the university has about 35 religious groups for students. All of them follow the university's anti-discrimination rules, which means Christian groups such as the Christian Legal Society or the Vanderbilt Muslim Student Association can't bar non-believers from being members or leaders.

"If you have been a Catholic all your life and want to find out more about Islam, then you can join the Muslim student association," White said.

Carol Swain, a Vanderbilt law professor who advises the Christian Legal Society at Vanderbilt, said the group is open to everyone. The group of about 35 students sponsors Bible studies and lectures.

Swain said that anyone can run for office in the group, but leaders are expected to affirm Christian doctrines such as the Trinity and the inerrancy of the Bible, and confess Jesus as their savior. Leaders are also expected to refrain from sex outside of marriage.

Swain believes the Supreme Court's ruling is flawed because it undermines the First Amendment rights of Christian students. But she sees an upside to welcoming nonbelievers or those who disagree with the group's sexuality teaching .

"I say let them come and get exposed to the word of God," she said.

Kevin Twit, director of the Reformed University Fellowship at Belmont University, said his group abides by the school's nondiscrimination policies. He believes that a Christian school such as Belmont has more leeway when it comes to requirements for student leaders.

But he says that it's important any student leaders agree with the group's beliefs.

"If someone doesn't believe in our goals and values, why do they want to join?" he said.

At Tennessee State University, all student groups — except fraternities, sororities and honor societies — must file copies of their bylaws before being recognized by the school.

"One of the conditions of the by-laws is that the groups are open to any fully enrolled student of the university," said Cheryl Bates-Lee, director of media relations for Tennessee State.

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