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THE CHRONICLE OF HIGHER EDUCATION

Students

From the issue dated September 9, 2005

U.S. Court Says Southern Illinois U. Can't Bar Christian Group

By ELIZABETH F. FARRELL

Southern Illinois University at Carbondale cannot deny official university recognition to a campus Christian group, according to a preliminary injunction issued by the United States Court of Appeals for the Seventh Circuit. University officials had revoked the Christian Legal Society's university privileges last semester after deciding that the group's stance on homosexuality violated antidiscrimination laws.

The appeals court has not issued a final ruling, however. A three-judge panel of the court is scheduled to receive briefs from both sides in the dispute over the next two months. The injunction, issued last month, allows the Christian group to continue operating on the campus pending resolution of the case.

The central question in the case, *Christian Legal Society v. James E. Walker et al.*, is whether the group's free-association rights trump the university's antidiscrimination and affirmative-action policies. Lawyers for the Christian group contend that the First Amendment protects the group's right to pick its voting members and leaders based on religious criteria.

The group requires its members to obey biblical tenets regarding morality and sexuality, including the beliefs that homosexual conduct and premarital sex are immoral.

In contrast, Southern Illinois maintains that the group has an obligation to follow the university's rules, as well as state and federal laws on antidiscrimination, as a condition for official recognition.

But in its preliminary ruling, the appeals court criticized Southern Illinois for failing to clarify which law the group had violated.

'Growing Tension'

David A. French, president of the Foundation for Individual Rights in Education, a watchdog organization, said he was somewhat optimistic about the Christian group's chances of winning the case. But he added that the strong dissenting

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opinion filed by one of the court's judges in the preliminary ruling meant the case was far from resolved.

Southern Illinois officials did not respond to requests for comment.

The Christian Legal Society, which has chapters at 125 law schools, is well acquainted with the arguments against its organization. Over the past two years, five other higher-education institutions have tried to deny recognition to its chapters for similar reasons, according to Gregory S. Baylor, the director of the group's Center for Law and Religious Freedom.

In response, the group has sued each of those institutions. Law schools at the University of Toledo, Washburn University, and Ohio State University ultimately granted official recognition to the Christian Legal Society, and the lawsuits were dropped. Two other cases, at the University of California's Hastings College of Law and at Arizona State University, are still pending. The Southern Illinois case is the first to reach the appellate-court level.

"There's a growing tension between theologically conservative religious organizations and the greater push at universities toward sexual-orientation nondiscrimination rules," said Mr. Baylor. "These cases are a manifestation of that tension."

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