

September 12, 2019

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor, and Pensions
United States Senate
Dirksen Senate Office Building 428
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor, and Pensions
United States Senate
Dirksen Senate Office Building 428
Washington, D.C. 20510

Dear Chairman Alexander and Ranking Member Murray:

We write to ask you to include S. 1168, the Equal Campus Access Act, and its protection for faith-based student organizations in the base text of legislation to reauthorize the Higher Education Act, as well as in any other significant legislation regarding higher education. S. 1168 protects students of all religious traditions by ensuring that their faith-based organizations will be allowed to meet on campuses nationwide to discuss their religious ideas and values free from the harassment that has become far too common on many public college campuses.

The undersigned represent diverse beliefs regarding theology, but we agree on affirming the freedom of all students to organize based upon their shared religious beliefs. The right to assemble together based on religiously informed beliefs is foundational to a free and truly pluralistic society. This right includes the ability to choose leaders who affirmatively support the distinctive religious messages and missions of our various groups.

But the fact is that faith-based student organizations are being discriminated against on public college campuses solely because they require their leaders to agree with their core religious beliefs. Basic religious freedom—and common sense—require that a religious group be permitted to require that its leaders agree with its religious message and mission. Unfortunately, on too many college campuses, religious student organizations are denied this essential freedom.

For example, in the past year, a leading Midwestern public university announced its intention to exclude from campus over thirty religious student organizations because they required their leaders to agree with the organizations' religious beliefs. These threatened groups represented a variety of faiths, including the Catholic, Muslim, Sikh, Evangelical, Jewish, Church of Jesus Christ of Latter-Day Saints, Lutheran, Orthodox Christian, and nondenominational Christian faiths.

Religious student organizations are told that they must abandon their leadership standards if they are to remain on campus. That is, the religious student organizations will no longer be a “recognized” student organization if they require their leaders to agree with their religious beliefs. Loss of “recognition” means the loss of meeting space as well as the loss of access to a variety of channels of communication with other students, including communication through university websites and access to the student organizations fair. And in the eyes of other students, loss of “recognition” stigmatizes religious student

organizations as wrongdoers simply because they require their leaders to agree with their religious beliefs and message.

Because this problem is national in scope, a national solution is needed. Congress has acted before to protect the right of religious student organizations to meet at public secondary schools. In 1984, when high school students were being denied permission to meet for religious speech, Congress enacted the Equal Access Act, 20 U.S.C. §§ 4071-74, a law with a remarkable track record of success for over three decades. The United States Supreme Court upheld the Equal Access Act, by an 8-1 vote, in *Board of Education v. Mergens*, 496 U.S. 226 (1990). Similarly, Congress enacted Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-1(a), to protect religious organizations' right to hire persons who share the organizations' religious beliefs. The Supreme Court unanimously upheld Title VII's constitutionality in *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987).

If America is to continue to be a nation characterized by religious diversity, religious freedom must be taught by word and example on public university campuses. Sadly, at too many public universities, the lesson being taught is the opposite: If a religious organization expects its leaders to take its religious beliefs seriously, it will be excluded from campus. This lesson contradicts the lesson of respect for religious freedom and religious diversity that all Americans rightly expect of public universities.

For these reasons, we respectfully ask you to include the text of S. 1168 in the base bill of any legislation to reauthorize the Higher Education Act as well as in any other significant legislation regarding higher education.

Respectfully,

Leith Anderson
President
National Association of Evangelicals

Rabbi Abba Cohen
Vice President for Government Affairs & Washington Director
Agudath Israel of America

Most Rev. Robert J. McManus
Bishop of Worcester
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