

November 11, 2004

William L. Jenkins
Interim Chancellor
Office of the Chancellor
Louisiana State University
156 Thomas Boyd Hall
Baton Rouge, Louisiana 70803

Sent by U.S. Mail and Facsimile (225-578-5982)

Dear Chancellor Jenkins:

As you can see from our Directors and Board of Advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, due process, legal equality, voluntary association, freedom of speech, and religious liberty on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and activities.

We consider this matter to be of the utmost urgency, with the most essential constitutional and moral values at stake. We understand that Louisiana State University is requiring the Muslim Students Association (MSA) to add language to its constitution that would prevent the group from using its faith to decide its membership. LSU has told the group that it will not be officially recognized as a student organization if it chooses not to include this language. In other words, the Muslim group would have to relinquish its right to decide to be run by Muslims and in accordance with the Muslim faith if it wishes to exist at LSU. It should be obvious that this unlawfully and immorally tramples the group's associational, religious, and free speech rights.

This is our understanding of the facts, gathered from student accounts and additional documents. Please correct any factual misunderstandings, if any exist.

At the start of fall 2003, the Muslim Students Association, which has existed on

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membership on the basis of race, color, religion, sex, national origin, age, disability, marital status, veteran's status, or sexual orientation." MSA leaders immediately spoke with Associate Dean of Students Kathleen White about their concerns. They explained to White that such a statement of nondiscrimination would be contradictory to the group's religious beliefs. Furthermore, contrary to White's claim that all organizations would be required to abide by the

inclusion of an unwanted person infringes the group's freedom of expressive association if the presence of that person affects in a significant way the group's ability to advocate public or private viewpoints."

LSU, as a public institution of higher education, cannot and must not forbid religious student organizations from determining their mission and membership based on issues of faith. A Muslim organization has a right to be Muslim. A Jewish organization has a right to be Jewish. A Christian organization has a right to be Christian. It is tyranny, not tolerance, to prohibit such voluntary associations. At public universities, it is also a denial of core constitutional rights. LSU may not dictate the beliefs of its students, nor may it prohibit the exercise of those beliefs. As Supreme Court Justice Robert Jackson concluded more than fifty years ago in *West Virginia Board of Education v. Barnette* (1943), "[I]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what will be orthodox, in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." LSU administrators, as agents of the state of Louisiana, are indeed such officials. Any religious student organization at LSU is entitled to the full protections of the U.S. Constitution, including the right to exclude from its mission statement anything that would hinder its ability to effectively convey its message.

LSU should be aware that this fall, FIRE successfully concluded a case at Ohio State University concerning a proposed policy similar to that at issue at LSU. In that case, Ohio State was planning to adopt a policy requiring student organizations not to discriminate on the basis of "religion." FIRE intervened with a letter to Ohio State's president on behalf of a broad interfaith coalition of Muslim and Christian student organizations that believed that the policy interfered with the First Amendment's guarantees of religious freedom and free association. FIRE's effort coincided with that of the Christian Legal Society, which filed a lawsuit asserting the same claims against Ohio State. As a result, Ohio State agreed to change its "nondiscrimination" policy so that faith-based groups at the university would be granted their right to make decisions based on the tenets of their faiths. Rutgers University in New Jersey, Tufts University in Massachusetts, and Purdue University in Indiana have made similar decisions to respect religious belief. You may wish to read more about FIRE's efforts to defend religious freedom on these and other campuses across the nation at www.thefire.org/religiousliberty.

FIRE requests that Louisiana State University act immediately to correct this ongoing injustice by officially recognizing the Muslim Students Association and other faith-based groups potentially denied recognition under this policy, and by restoring to its students the essential rights of freedom of religion, expression, and association guaranteed by the U.S. Constitution. FIRE further requests that LSU establish a clear policy stating that groups with an expressive purpose may define their mission and membership on the basis of beliefs that reflect that purpose, and that to the extent to which any nondiscrimination policy violates this principle,

expressive groups will be exempted from it. Honoring the rights and dignities of its students does not mean that LSU endorses the particular message of any particular student group—it signifies only that the university recognizes and respects the basic liberties that belong to all of its students.

We hope to see this matter resolved with fairness, common sense, and respect for the principle of legal equality. Because of the urgency of this situation and the continuing violation of the MSA's constitutional rights, please respond to us by Friday, November 19, 2004.

I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. French", is written over a pink horizontal line.

David French
President

cc:

Risa Palm, Executive Vice Chancellor for Academic Affairs and Provost, Louisiana State University

F. Neil Mathews, Vice Chancellor, Louisiana State University

Kevin S. Price, Dean of Students, Louisiana State University

Kathleen C. White, Associate Dean, Louisiana State University

Katrice Albert, Director, Office of Multicultural Affairs, Louisiana State University

Mohammad Inamullah, General Secretary, Muslim Students Association at Louisiana State University