



CHRISTIAN LEGAL SOCIETY

Seeking Justice with the Love of God

March 16, 2016

The Honorable Craig McPherson
Room 268-W
The State Capitol
300 Southwest Tenth Street
Topeka, Kansas 66612

Re: Support for SB No 175 and its protection for religious student groups on campus

Dear Representative McPherson:

The Christian Legal Society urges the House to pass SB 175, which will protect students' religious liberty in the vitally important context of Kansas' public colleges and universities. Last fall, the entire country witnessed the intolerance for free speech, religious liberty, and traditional values that has become prevalent on many public university campuses. SB 175 would protect religious groups from the harassment that too frequently occurs on public university campuses when student government associations or campus administrators decide that traditional religious groups are not "progressive" enough in their beliefs.

First, the claim that SB 175 might somehow jeopardize federal financial aid is clearly meritless. The legislatures of Ohio, Idaho, Tennessee, Oklahoma, Arizona, Virginia, and North Carolina all have enacted laws similar to SB 175, and their colleges continue to receive federal financial aid. Ohio enacted its law five years ago. If the federal government viewed such laws as a violation of federal law, we would know it by now.

Second, SB 175 is needed to protect religious student organizations from being excluded from state college campuses solely because they require their leaders to agree with the organizations' core religious beliefs. It is common sense – and basic religious liberty -- that religious organizations should be able to select leaders who agree with their religious beliefs.

Last March, CLS provided the House Standing Committee on Federal and State Affairs with numerous letters from public university officials or student governments at California State University, Vanderbilt University, Ohio State University, Oklahoma University, and Boise State University. These letters threatened to exclude religious groups from campus solely because they required their leaders to agree with the groups' religious beliefs. These letters exemplify the problem that SB 175 will prevent in Kansas.

Indeed, this problem occurred at Washburn School of Law in 2004. The CLS student chapter had allowed a student to lead its weekly Bible study. During the study, it became clear that the student did not hold CLS's traditional Christian beliefs. CLS told the student he was welcome to attend its Bible studies, but that he could not lead future CLS Bible studies. Even though the student admitted that he disagreed with CLS's religious beliefs, he filed a "religious

Letter to Representative McPherson

March 30, 201

Page 2 of 2

discrimination” complaint with the Washburn Student Bar Association, which threatened to penalize CLS for its refusal to allow a student who disagreed with its religious beliefs to lead its Bible study. Only after CLS filed a federal lawsuit did the Student Bar Association reverse course.

SB 175 would prevent such a problem from recurring in Kansas. By passing SB 175, the legislature will ensure that Kansas taxpayers’ money is not spent on the unnecessary litigation that would result if Kansas’s public universities interpreted their existing policies -- or adopted new policies in the future -- to penalize religious groups because they require their leaders to share their religious beliefs.

SB 175 allows Kansas colleges to have whatever policies they wish, except that their policies must respect religious student groups’ right to choose their leaders according to their religious beliefs. SB 175 simply ensures that a state college may not misuse its policies to punish religious groups for exercising their basic religious liberty. This should be common ground across the political spectrum: government officials, including state college administrators, should not dictate to religious organizations who their leaders should be. If “separation of church and state” means anything, it means that.

The genius of American religious liberty is that we protect every American’s religious beliefs and practices, no matter how unpopular or unfashionable those beliefs and practices may be at any given time. But religious liberty is fragile, too easily taken for granted and too often neglected. Passage of SB 175 represents an important step in defending religious liberty on Kansas’s public college campuses. Thank you for your diligent work to safeguard religious liberty.

Yours truly,

/s/ Kim Colby

Kimberlee Wood Colby

Director, Center for Law and Religious Freedom

Christian Legal Society