

Protecting Exclusion

[*opinion*] by Garret Hall

The Alpha Iota Omega Fraternity (AIO) has won the first battle in what is turning out to be another case that pits our first amendment right of freedom of association against our Fourteenth Amendment right of protection against discrimination.

The three-member fraternity sued the University of North Carolina at Chapel Hill last year for violating its First Amendment rights to free speech, free assembly, and the exercise of religion by denying it official recognition after its refusal to sign the University's Non-discrimination policy that all university organizations must sign.

The non-discrimination policy says that student organizations that wish to have access to student fees and priority reservation of campus space may not discriminate on a variety of criteria, though they may require members to have an interest in the subject matter of the organization and to support its work.

On March 2, 2005, Federal District Judge Frank Bullock in Greensboro issued a preliminary injunction that ordered the University to grant AIO official status as a student organization while the lawsuit is in progress.

While this case surely has a large implication for inclusively on our campus, what is even scarier is the effect that this case could have on our country.

If AIO were to receive a successful judgment, then student organizations at UNC-CH and others across the United States would have the right to disavow members because of their sexual orientation (and likely because of their skin color, ethnicity, or really any other reason they choose).

This would be a victory for groups that wish to have the freedom to discriminate and a loss for organizations that believe in equality and nondiscrimination.

This case is one of many cases in which the right-wing is pursuing legal action in a friendly court in hopes of eventually bringing the case to the Supreme Court and receiving a far-reaching judgment.

In this case, the Foundation for Individual Rights in Education (FIRE) and the Alliance Defense Fund has essentially co-opted an evangelical fraternity conveniently comprised of three evangelical people of color in an effort to further their political agenda.

Many people were surprised that Judge Bullock ordered the in-

junction. If you knew that Bullock was a law partner with Tom Ellis, a Jesse Helms strategist and Republican Party leader, and that he was a Reagan appointee, thanks to Helms' recommendation, then it is not surprising that he would issue this judgment.

While this preliminary decision is certainly unfortunate, UNC administrators should nevertheless be complimented on their willingness to take up the battle against discrimination.

In another case at Ohio State University, administrators caved-in and allowed religious organizations to discriminate when deciding their membership. Half of Ohio State's law professors signed a petition asserting that the change of policy "will make our gay, lesbian, and bisexual students second-class citizens."

Clearly our University has taken up the cause of protecting its LGBTIQ students' rights, but the community must nevertheless be concerned that this case is just one of many in which the religious right is attempting to force its moralist views upon everyone (See: Terry Schiavo, Ten Commandments, Abortion, etc.).

Progressive social policy and religious conservatism will, as always, be at odds, but it is essential that the University and the United States continue their movement (slowly) forward to a time when all students are equally respected.