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Central Michigan Gets Schooled In First Amendment

By: Joe Murray, The Bulletin
04/05/2007

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When one flips through the pages of Webster's or, in today's modern times, clicks through the pages of Dictionary.com, he or she will see that "organization," when used as a noun, is defined as a "a group of persons organized for some end or work."

The reader is also told to see the similar word of "association." How is association defined? An association is "an organization of people with a common purpose and having a formal structure." Hence, it does not take a rocket scientist, or even a college degree, to determine that the foundation of any successful organization is based on the like minds of its members. Well, think again.

In the past few weeks, a minor controversy began to brew on the almost-thawed campus of Central Michigan University (CMU). The story is one of intrigue, politics and deceit. It is one in which the agents of political correctness sought to muzzle a message they deemed "hateful." It is a story that centers on First Amendment freedoms on the campuses of public universities. It is, hence, the story of a conservative organization under siege by a liberal student body.

The story starts with Dennis Lennox, a typical college student. He studies, enjoys spending time with friends and actively engages the marketplace of ideas. There is, however, one thing that makes Lennox different from the majority of his college colleagues. He is the president of a chapter of the Young Americans for Freedom (YAF), a conservative group.

A portrait of former President Ronald Reagan greets visitors to the YAF's Web site. Under the picture is a famous Reagan quote, in which the late president opined, "the job is ours and the job must be done. If not by us, who? If not now, when?" The organization is unapologetically conservative, and traces its origins and mission to a speech delivered by Reagan in support of Barry Goldwater's 1964 run for the White House. At the time Reagan gave his endorsement, many "liberal" Republicans had balked at Goldwater being "too extreme."

According to the Web site, "Reagan convincingly spoke for limited government, upholding the Constitution, a strong national defense, and victory over Communism. It was evident to young conservatives that he was the man who would be the standard bearer for their cause." Thus, an organization was born. For the most part, things were going smoothly on the still winter-worn CMU campus. Students were doing what students do best - seeing the world through idealistic rose-colored lenses. That is, until, some students at CMU became frustrated with YAF's presence on campus.

YAF is a registered student organization at CMU and its constitution states that the club is "a conservative non-partisan, non-sectarian voluntary educational organization." And with a mission to advance conservative causes and educate fellow students in traditional thought, YAF became a lightning rod of controversy at CMU.

Last February, YAF reported that the CMU student government actively campaigned to strip YAF of its recognition and toss the organization to the campus curb. If blatant hostility from the university's elected leaders was not enough, many of YAF's opponents began to regularly attend YAF meetings for the sole purpose of causing a disruption. The admitted goal was to cripple the group's inner workings.

Optimistic that their plan was working, students opposing YAF developed a Facebook.com group that went by the name, "People who believe the Young Americans for Freedom is a Hate Group." The purpose of the group was to organize efforts to expel YAF from campus.

One of the students, who was also a member of the interactive group, suggested that liberal students infiltrate the group by joining and electing members that were opposed YAF to the club's board. It was this post that concerned Lennox. In an e-mail addressed to Thomas H. Idema, Jr., Director of Student Life for CMU, Lennox explained that some opposition students sought to destroy YAF from

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within and asked for guidance.

Lennox recognized that CMU had a "non-discrimination clause," i.e. a clause prohibiting ideological and political groups from qualifying membership on the basis of "political persuasion," and asked Idema, under the circumstances, "how far can (YAF) go in restricting membership without violating the non-discrimination clause?"

Responding to Lennox's email, Idema quoted the non-discrimination clause and stated, "you will notice (the clause) mentions membership and political persuasion. Based on that, I would tell you that you may not require members to be 'like-minded' as that opens yourself up to discrimination based on political persuasion." In other words, CMU had done away with the need for a Trojan horse, for CMU policy let the Greeks waltz right in.

Lennox had contacted the Foundation for Individual Rights in Education (FIRE), a Philadelphia-based civil rights organization dedicated to preserving First Amendment freedoms on campus, and FIRE wrote Michael Rao, President of CMU, asking him to reconsider university policy.

"Denying a political or ideological (student organization) the right to associate with other students who share the group's beliefs threatens the freedom of association and freedom of expression to which all CMU students are entitled by law," wrote Tara Sweeney, Senior Program Officer for FIRE.

Sweeney also noted that CMU's non-discrimination policy provided an exemption for religious organizations, for the policy read, "[a] religious-oriented RSO may use religious beliefs as a criterion for selection of membership or leadership to the extent required by the good faith religious beliefs of that RSO except that the use of this criterion may not result in discrimination based upon race, color, national origin, sex, handicap or age."

Thus, Sweeney asked, "if groups with a shared religious ideology are able to determine their membership based upon students' religious beliefs, then why are groups with a shared secular ideology not granted that same right?"

Within a few weeks, Rao wrote FIRE and informed the civil rights group, "[t]he university's counsel and other administrators have reviewed the issue raised in your letter and agree with your position."

"The university will change its policy to extend the rights currently in place for religious-oriented student organizations to all belief-based student organizations." In other words, a group like YAF would be able to limit its membership to only those students whom share the organization's core beliefs.

As a precaution, such beliefs had to be outlined in the organization's constitution and if a student satisfied the belief-based criteria, they could not be denied membership "on the basis of race, color, national origin, sex, handicap or age."

"Central Michigan University should be commended for quickly fixing its constitutionally unsound 'anti-discrimination' policy," stated Greg Lukianoff, president of FIRE.

"Freedom of association means little if you cannot deny membership to people who do not share the core beliefs of the group. A conservative political student group should be allowed to 'discriminate' in its membership on the basis of political beliefs, just as liberal, objectivist, anarchist, or Whig party groups should be allowed to exclude members who don't agree with their ideologies."

Joe Murray can be reached at jmurray@thebulletin.us

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