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FRIDAY, OCTOBER 25, 2002

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A PLACE FOR `WRONG' VIEW ON CAMPUS

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YOU MIGHT THINK THAT LAW STUDENTS WOULD BE ONE GROUP OF PEOPLE WHO WOULD PROPERLY APPRECIATE THINGS LIKE FREEDOM OF CONSCIENCE, SPEECH, AND ASSOCIATION. APPARENTLY, YOU WOULD BE WRONG.

Recently at the Washington University law school in St. Louis, a group called Law Students Pro-Life - which opposes abortion, euthanasia, and assisted suicide - applied for official recognition by the Student Bar Association. Without such recognition, a group cannot receive university funding, use campus facilities on a par with other student organizations, get a listing in the student brochure, have a university-affiliated Web site, or advertise its activities on campus bulletin boards.

On Sept. 10, the Student Bar Association voted 27-10, with one absention, to deny recognition to the group. The reason? In a letter to Law Students Pro-Life chairman Jordan Siverd, bar association president Elliott Friedman explained that the panel was concerned about "the narrowness of your group's interests and goals." In particular, there were objections that the group "was not touching on all possible prolife issues" because its constitution did not take a stand against the death penalty. The letter also suggested that in order to qualify for recognition, the group could broaden its scope by promoting "discussion of the issues as a whole, not simply the prolife side" and by opening its membership to "students both subscribing to and disagreeing with the political viewpoint."

The message seemed blatant: Change your moral and political outlook, or forget about university recognition. "In short," observed Alan Charles Kors, a leading critic of the suppression of free speech on college campuses, "Law Students Pro-Life had the wrong conscience."

The group applied for recognition a second time, and was rejected yet again on Sept. 23.

I disagree, sometimes vehemently, with the prolife agenda. But it's easy enough to support the free speech rights of those with whom you agree.

The claim that Law Students Pro-Life is hypocritical or intellectually inconsistent in opposing abortion and euthanasia but not the death penalty is rubbish. Right-to-life advocates regard abortion (and euthanasia) as the taking of an innocent human life. Whatever one thinks of the death penalty, taking the life of a person convicted under due process of a capital crime is a very different matter.

What's really hypocritical - and "narrow" - is the double standard that the Student Bar Association appeared to apply. While chiding the group for its single-issue focus, it had recognized, as critics pointed out, other organizations with an equally limited agenda: for instance, the Jewish Law Society and the Black Law Students' Association, dedicated to serving the needs, respectively, of Jewish and African-American students, or OUTLAW, a group which describes its mission as promoting a "supportive, positive, and safe [environment] for individuals of sexual and gender diversity." Presumably, OUTLAW was not required to give equal time to conservative traditionalist beliefs about sex and gender in order to be eligible for university funding.

Law Students Pro-Life eventually won its battle, but only after enlisting the support of vocal off-campus allies. The Foundation for Individual Rights in Education, a group co-founded by Kors and Boston attorney Harvey Silverglate which defends freedom of speech in academia, championed the group's cause and widely publicized its plight. The Missouri chapter of the American Civil Liberties Union got involved as well, joining the foundation in sending an open letter to the Student Bar Association, urging its members to "reaffirm their commitment to tolerance, openness, and pluralism."

A national petition circulated by the foundation was signed by more than 200 professors, students, and concerned citizens around the country. Law school dean Joel Seligman was deluged with phone calls and e-mails, prompting him to ask the bar association to have yet another vote on recognizing the prolife group. In his words, "We appear to have stomped our foot down and said there's only one ideologically and politically appropriate way to behave."

At a preliminary meeting, most members of the governing body seemed determined to stand their ground. Then, in a surprise ending on Oct. 15, the association voted 27-6, with four abstentions, to recognize Law Students Pro-Life. Maybe they realized that there was no glory in sticking by a decision that was morally and legally indefensible - the decision to bar a student group from

campus because its beliefs are political incorrect. Too bad it took public shaming for them to remember the principles that should be self-evident to any student of US law.

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