

CONCERNED
WOMEN *for* AMERICA
LEGISLATIVE ACTION COMMITTEE

March 24, 2023

The Honorable Miguel A. Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

RE: “Direct Grant Programs, State-Administered Formula Grant Programs Proposed Rule”

Dear Secretary Cardona:

On behalf of the hundreds of thousands of members and supporters of Concerned Women for America Legislative Action Committee, I write in strong opposition to the proposal to rescind protections for faith-based student groups on college campuses that receive public funding. Young Women for America, a project of Concerned Women for America, has 15 college chapters across the United States that actively engages college students to think about how their Christian faith intersects with politics.

The Religious Liberty and Free Inquiry Final Rule¹ safeguards students' rights under the First Amendment to the U.S. Constitution from violation by public institutions, e.g., college campuses. The Final Rule was a response to cases of unconstitutional, unequal treatment of faith-based student groups at public institutions.

The Final Rule simply requires that publicly funded colleges and universities provide equal access to campus resources to faith-based student groups with leadership and membership requirements based on sincerely held religious beliefs.

The need remains. Unfortunately, faith-based student groups have been prohibited from requiring club leadership to share the club's stated religious beliefs and/or denied equal access to university resources that are given to other groups.² A leader from Chi Alpha, a parachurch organization with groups on college campuses nationwide, put it best when he said, "It's been like whack-a-mole at the county fair the past seven years."³ It is not uncommon for the YWA chapters to experience difficulties on their campus, like one of the YWA chapters, whose room reservations are often “lost” by the student who reserves rooms for campus organizations.

¹ Available at <https://www2.ed.gov/about/offices/list/ope/factsheetreligiouslibertyandfreeinquiry09032020.pdf> (last visited Mar. 24, 2023).

² See, e.g., “*Blin v. University of Iowa*,” Becket, <https://www.becketlaw.org/case/blinc-v-university-iowa/>.

³ “A Break on Campus,” Assemblies of God (July 8, 2021) <https://news.ag.org/News/A-Break-on-Campus>.

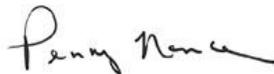
Christian student groups represent the majority of incidents. But student groups rooted in any faith, including minority religions, benefit from the protections under the Free Inquiry Rule. Ahmadiyya Muslims at West Virginia University and Baptist Campus Ministries at the University of Alabama are equally protected by the Free Inquiry Rule.

The complaint that the protections "are not necessary" and create "unduly burdensome" obligations is discouraging, to say the least. It conveys that the Administration is unwilling to work hard to protect students' First Amendment rights.

The Administration appears to satisfy itself with the fact that if a student group experiences a First Amendment violation, the student group can sue in court for "remedies without Departmental involvement." To be sure, student groups have been able to successfully defend their rights in court. But students should not have to endure years of litigation, legal costs, and uncertainty that would dominate the limited time that they have to experience college. It matters that the Department of Education will not get involved. If the federal government wants to be involved in funding schools, it ought to take some responsibility in controlling the leviathan it helped create. For instance, following an investigation into an allegation, the Department can take action to pull funding in whole or in part, facilitate arbitration, and more.

The status quo is unacceptable, least of all from institutions receiving trillions in taxpayer dollars. It is wrong to put the burden on the student groups, not the federal government enabling First Amendment violations, to defend students' rights.

Sincerely,



Penny Young Nance
CEO and President
Concerned Women for America LAC