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RELIGIOUS STUDENTS ON PUBLIC CAMPUSES

May students at state universities meet on campus for prayer, worship and Bible study? May visiting speakers talk about religious topics? Do students have a right to evangelize on campus?

Over the last decade, such questions came up at one public university after another, putting college administrators in a quandary. They didn't seem to know whether the Constitution permits, requires or forbids them to allow such religious activities. Judges were similarly confused; various courts rendered conflicting decisions.

Finally, as a result of a new breed of Christian lawyers determined to assert their rights in federal courts, the Supreme Court provided a decisive answer. In the landmark case of Widmar v. Vincent, the Supreme Court ruled 8-to-1 last December in favor of a Christian student group that had been prevented from holding religious meetings at a state university. The decision rests on the straightforward principle that religious speech is entitled to the same constitutional protection as any other forms of speech on campus.

The Widmar story began at the University of Missouri at Kansas City in 1973. A student group called "Cornerstone" began meeting in University classrooms and at the student center for worship, prayer, Bible study, and personal testimonies. In 1977 the University informed Cornerstone that its meetings violated a 1972 University regulation which provided that "No university buildings or grounds ... may be used for purposes of religious worship or religious teaching by either student or nonstudent groups."

Eleven Cornerstone students filed suit. The U.S. District Court for the Western District of Missouri ruled in favor of the University, taking the position that the First Amendment not only permits but requires the University to deny religious groups all access to university facilities.

The students appealed to the Eighth Circuit Court of Appeals, which reversed the lower court and held that the University must give Cornerstone the same privileges it gives other student groups that meet on campus, such as the Students for a Democratic Society and the Young Socialist Alliance. Instead of accepting defeat gracefully, the

University appealed to the U.S. Supreme Court.

Justice Powell, writing for the majority of eight Justices who affirmed the Court of Appeals decision, discussed the case primarily in terms of the First Amendment's Freedom of Speech Clause rather than the Free Exercise of Religion Clause. The Supreme Court emphasized that a state's regulation of speech must always be "content-neutral." In other words, since the University of Missouri generally permits student groups to meet on campus and discuss topics of their choice, it cannot discriminate against those students who choose religion as their topic for discussion.

The Widmar decision provides guidelines for resolving many issues which Christians have encountered on state university campuses when they meet together to share their faith. If a meeting of a student group on public college campuses is voluntary and student-initiated, it is protected. When a state university has an "open forum" policy allowing groups to meet on campus, it cannot discriminate against student groups who meet in "open forum" for religious purposes.

For students and any other individuals not employed by the school, a state university may not impose restrictions on their religious speech which do not apply equally to other forms of speech. Thus, if a school allows outsiders onto the campus to speak, it would be unconstitutional to prevent an outside speaker from speaking about or referring to religious issues or topics. The efforts by some state unviersities to forbid the mention of Christ in speeches is simply unconstitutional.

If a school generally allows students to discuss topics with fellow students, it cannot restrict discussions about religion. Under Widmar, it is unconstitutional for a school to single out evangelism as a form of speech subject to regulation.

The Widmar decision should be good news to the best and the brightest high school seniors who will enter college in the fall. The 12th annual survey of high school high achievers, published by Who's Who Among American High School Students, reported that 75 percent consider themselves to be an active member of a religion; 50 percent attend religious services weekly; and another 19 percent attend regularly. In the post-Widmar era, they won't be treated like second-class citizens if they want to discuss their faith on campus.