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Gays Lose Lawsuit Against GU

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A D.C. Superior Court judge ruled yesterday that Georgetown University may withhold privileges from a campus gay-student organization because the university's adherence to Catholic beliefs against homosexuality is protected by the First Amendment.

Judge Sylvia Bacon dismissed a lawsuit brought by gay students against the university three years ago. She said that although the school receives federal funds, the students cannot force the university to grant them official recognition because the federal government has not articulated a national policy on homosexual rights.

The students had argued the school should be required to recognize them under the D.C. human rights law, which bans discrimination on the basis of sexual preference. They said the refusal of official recognition denied them funding and other rights given to numerous other students organizations.

The students also claimed Georgetown is not a religious institution and it had acted arbitrarily in citing religious tenets as a basis for denying the gay group recognition.

However, the university argued that it is a religious institution de-

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Judge, Citing First Amendment, Dismisses Gays' Suit Against GU

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spite some of its secular activities and that its refusal to recognize the gay group was proper because the students "were participating in and promoting homosexual life styles" contrary to Catholic beliefs.

Bacon wrote that there was "no evidence that the beliefs on which the university acted were bizarre, without foundation or otherwise not entitled to recognition as sincerely held religious beliefs."

The judiciary, Bacon ruled, "cannot probe the proper interpretation or application of Roman Catholic beliefs on homosexuality or on the duties of the faithful."

The District's human rights act cannot override those beliefs because it "is a local enactment of well-motivated purpose but impermissible reach," Bacon wrote.

If the act were enforced, the university "would be compelled to grant 'university recognition' to groups which, in the view of the university, undermine the normative teachings of the Roman Catholic church."

Bacon wrote that her decision "is reached not because of any lack of respect for the rights of students or homosexuals but rather out of a belief that religious freedom requires it."

Ronald Bogard, attorney for the student group, said he will appeal Bacon's ruling. He accused university officials of being "totally insincere" and added that "it is just mind boggling" that the city "does not have the right to articulate its views on discrimination unless the federal legislature says this is a national issue."

"I think this is a real stab in the back at home rule."

Georgetown University President Timothy S. Healy issued a statement expressing surprise that the university's "Catholic roots" had been challenged at trial.

"No struggle, however, that sets the members of the university one against the other can end in 'victory,' nor can this house divide itself into winners and losers," Healy said.

"The faculty and students will look to close the rift these days have opened and heal the hurt that

they have brought; to show to all the men and women of Georgetown, even those who fought for a belief we cannot share, our rightful understanding of their worth. Our respect for each other is steadier ground for Georgetown's work and being than any ruling the law can give."

Bogard said the university's denial of privileges to the gay organization parallels practices of other universities that engage in racial discrimination based on religious belief.

Earlier this year, the Supreme Court ruled in a case involving Bob Jones University that such beliefs are not protected by the Constitution and that the Internal Revenue Service may deny tax exempt status to private universities that violate "a fundamental national public policy" by practicing racial discrimination.

In her opinion yesterday, Bacon cited the high court's decision but said there "is no similar national policy compelling government intervention in matters relating to sexual orientation."

The gay students had requested university recognition in order to benefit from such privileges as use of a campus mail box, mailing services, computer labeling services and the ability to apply for university funds.

The university notified the students their request was denied because Georgetown has "a history and tradition which is specifically Catholic."

Recognition by the university, officials said, "would be interpreted by many as endorsement of the positions taken by the gay movement on a full range of issues."

The university has allowed the students to meet on campus but has prohibited them from some activities, such as using the university's name on placards and placing literature in general mailings to students. At the trial, the university cited Catholic doctrine that holds homosexuality to be "gravely evil and a disordered use of the sexual faculty" and "morally wrong."

Addressing the university's secular activities, specifically its use of federal grants, Bacon ruled that none of those activities "deprives it (the university) of its status as a church-affiliated educational institution."