



Representing the Diocese of Fargo
and the Diocese of Bismarck

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: House Judiciary Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1503
Date: February 16, 2021

The North Dakota Catholic Conference supports House Bill 1503.

Students should not lose their basic rights to speech, religious expression, and association when attending a public college or university. Unfortunately, campuses across the nation have enacted policies that infringe on those rights. House Bill 1503 would prevent such policies at our public colleges and universities.

The conference especially supports the language in the new subsection (h) at the bottom of page 2. This language would prevent campuses from adopting policies that restrict the right of student organizations to choose leaders that share the organization's beliefs and missions. These policies, sometimes called "all comers" policies, require student groups to accept anyone as a member and even a leader, even if the individual disagrees with or is hostile to the group's mission, purpose, or beliefs. Catholics could assume control over a Baptist group, Democrats and Republicans could take over each other's clubs, and racists could insert themselves into African-American student clubs. When organizations require that its leaders or members adhere to the organization's mission, campuses have penalized organizations and prevented them from having access to meeting space.

In a closely divided and somewhat confusing opinion, the United States Supreme Court allowed campuses to adopt these these "all comers" policies in *Christian Legal Society v. Martinez* and public universities across the nation continue to adopt them. The task of protecting student clubs, therefore, rests with the legislature.¹

College Republicans have the right to be Republicans, the College Atheists have the right to be atheists, and the College Christians have the right to be Christians. HB 1503 would protect these rights. We urge a **Do Pass** recommendation on HB 1503.

¹ Federal rules adopted by the past presidential administration provide some protection against “all comers” policies to religious student organizations. (34 C.F.R. § 75.500) However, those rules could be changed or rescinded by the new administration. Moreover, they do not extend the same self-definition protection to other student organizations.