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## Notre Dame rejects bias policy on gays

### Supporters may target dorms, departments

BY CRAIG HARRIS  
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SOUTH BEND, Ind. — After a three-day hunger strike, gay-rights supporters at Notre Dame sipped mineral water while awaiting word yesterday on whether the university would extend its general anti-discrimination policy to include homosexuals.

By the time three bottles of water had been emptied at the gathering in the student union, the news came:

The country's best-known

**SOLO:** Notre Dame declines to join Big Ten Conference, citing individuality. **D10**

Catholic university wasn't about to change its doctrine regarding homosexuality.

The school's Board of Trustees, meeting in London, England, agreed with Notre Dame's top administrators, who have contended that making the change would allow the courts to set university policy through lawsuits.

"I'm obviously disappointed, but not very surprised," said Brian Monberg, one of

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# Anti-bias policy at Notre Dame won't include gays

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the 120 students who took part in the fast and later staged a sit-in in the administration building. "But the issue will not die. Even if the trustees vote no, this will not go away quietly."

Notre Dame thus has become a battleground for one of the most controversial social issues of the 1990s — whether homosexuals should be granted civil-rights protection against discrimination.

The Notre Dame decision came four days after Louisville Mayor Dave Armstrong signed into law a controversial ordinance that protects gays and lesbians from workplace discrimination in the city.

The Louisville Board of Aldermen passed the measure late last month, after three previous ordinances had failed over a period of seven years.

Proponents say such laws grant homosexuals nothing more than basic civil rights. Many foes say the laws provide special rights based on sexual orientation.

The issue is a particularly vexing one for Catholic institutions. Roman Catholic doctrine holds that homosexuals, no less than others, are to be loved, but that homosexual conduct is sinful.

The debate also has been joined against the backdrop of an effort by American bishops, in response to a Vatican request, to make Catholic colleges and universities more responsive to the church — a move that has raised concerns about academic freedom.

**AT NOTRE** Dame, the gay-rights issue has divided faculty and the 10,275 students, according to the Rev. Michael Baxter, who teaches moral theology.

"It's not our best moment," Baxter said. "It's a moment in the church where there is a lot of confusion."

Part of the problem for Notre Dame is trying to make homosexuals feel welcome on campus while adhering to Catholic belief.

Those in the Progressive Student Alliance, a small group of gay and straight students who organized the hunger strike, said they stopped eating for three days to draw attention to discrimination that homosexuals experience on campus.

"One of the purposes is to show solidarity," said Paul Ranogajec, an 18-year-old freshman from Chicago. "We had more than 100 people sign

up for the fast. We are willing to do this because we believe in the cause. Gay and lesbian groups on campus are not even recognized."

Those in the group said they would end their fast today, and they plan to lobby dorms and academic departments to change their written policies to include language protecting homosexuals.

"In the short run, we'll try to win some smaller battles to attack some other things we're after on a department-by-department basis," said Tim Byrne, a member of the alliance and a graduate student from Detroit. "I guess we retract a little bit and get at the small gains."

**OTHER STUDENTS** said the board's decision wasn't that big a deal.

"Not a lot of students are for or against it," said Molly Franke, a junior from Atlanta. "To me, it's a small group of people who want to make it an issue, and most people really don't care. This campus is so conservative. I don't know too many people who feel too passionate about it."

Franke said most students on campus were more interested — and relieved — that the board decided Notre Dame wouldn't join the Big Ten Conference in sports.

"The student body was adamantly opposed to that," she said.

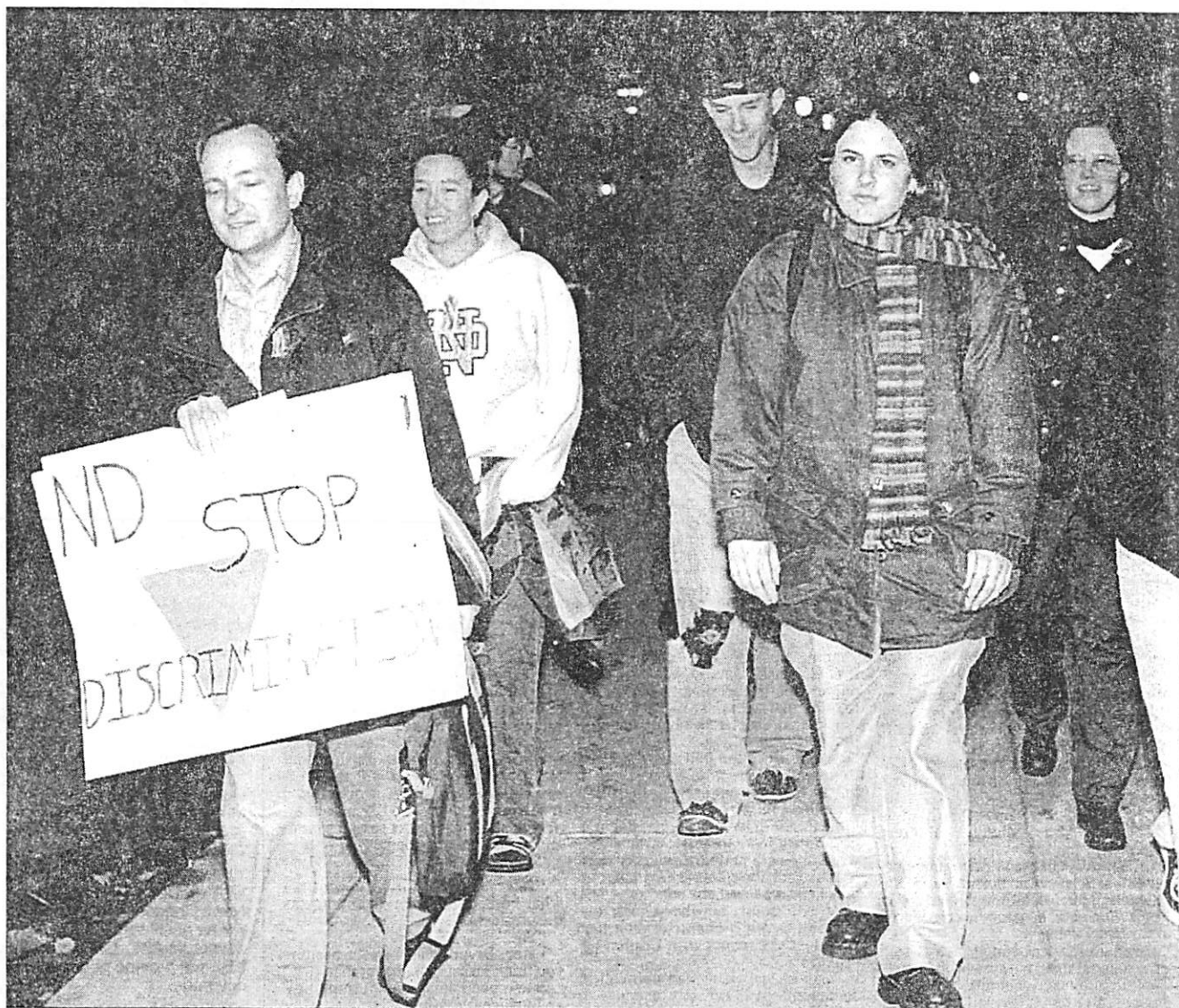
Some faculty members said the university doesn't need non-discrimination language for homosexuals.

"The university doesn't discriminate against anybody," said G. Robert Blakey, a law professor. "The effort to have a non-discrimination clause with orientation is because they want us to legitimize their conduct. Should you expect me to recognize your conduct when your conduct is inconsistent with my history and tradition?"

But history Professor Gail Bederman said not having language that specifically protects homosexuals from job discrimination keeps Notre Dame from recruiting the best teachers.

"The anti-discrimination clause would not condone homosexual behavior," Bederman said. "We need it to attract top-flight professors. We actually will lose heterosexuals who will not want to come here. This is part of academic diversity."

**AS IN** Louisville, the battle over gay rights has gone on at Notre Dame for years. It was first joined in



Notre Dame students went to a dining hall Wednesday for a symbolic glass of water before starting a hunger strike in support of gay rights.

ASSOCIATED PRESS

the late 1980s, according to Lawrence Bradley, a former professor who is gay. Bradley, who has three graduate degrees from Notre Dame, said that after he organized a gay alumni group in the early 1990s, he didn't receive the same plum teaching assignments.

"I have felt discrimination, but it has been subtle," he said. "The pervasive atmosphere is it's not accepted."

In 1995 Notre Dame banned a student group for homosexuals from meeting on campus, and the issue again picked up steam.

Two years later, the school began printing a "spirit of inclusion" statement in all university handbooks,

saying homosexuals were welcome and would not be the subject of discrimination.

Since then, all student and faculty groups have endorsed adding homosexuality to the university's anti-discrimination clause.

In November, the school's academic council narrowly approved the change and sent it to the Rev. Edward A. Malloy, Notre Dame's president, for approval.

**MALLOY THEN** convened a special meeting with the Board of Fellows, the school's top administrators, who determined that the non-discrimination policy shouldn't include sexual orientation.

Other Catholic schools, including Georgetown University, have adopted anti-discrimination proposals for homosexuals.

However, Dennis Brown, a Notre Dame spokesman, said most Catholic universities have not done so, and most that did were required to do so by state or local laws.

Brown said the board's decision yesterday likely ends any chance the issue will be addressed by the administration again in the near future.

In announcing its decision, the board pointed out that Congress has not extended federal protection to sexual orientation, and that no state or local laws in Indiana require such an action.

Still, the board said the university adheres to a non-discrimination policy through the inclusion statement, which "calls on us to act in accordance with this message and to recognize the dignity inherent in each person, including the gay and lesbian members of the Notre Dame community."

"At some point, reasonable people just have to agree to disagree," Brown said. "... At the same time, we have the spirit of inclusion on record to indicate that discrimination will not be tolerated here."

The Associated Press contributed to this story.