



Written by [R. Cort Kirkwood](#) on October 31, 2011

## Banzhaf Alleges Catholic University Discriminates Against Muslim Students

On the heels of his legal complaint against the university because it [has reverted](#) to single-sex dormitories, Banzhaf now claims, in a 60-page complaint with the Washington, D.C. [Office of Human Rights](#), that the school is discriminating against Muslim students because it does not officially sanction a Muslim student group.

Banzhaf also claims that it is discriminating because it does not provide a place for Muslims to worship that does not have Catholic symbolism.



### The Complaint

[Banzhaf](#), a [professor](#) at [George Washington University Law School](#), said the university's discrimination against Muslims is clear because "an attempt was made to cover up the animus in such a decision against Muslim students, based solely upon their religion, by falsely claiming that the reason for the discrimination was that CUA 'should [not] be sponsoring an organization that is not Catholic,' whereas the University does in fact have a student organization for Jewish students."

That organization is the [Jewish Law Students Association](#), recognized by Catholic University's [Columbus School of Law](#). The group appears to be mainly secular in nature.

[Banzhaf's release](#) stated:

The fact that the university apparently lied about its reason for discriminating against Muslim students — claiming that it should not be sponsoring a student organization which is not Catholic, while all the time sponsoring an organization for Jewish students — shows its "consciousness of guilt," knowledge that discriminating against Muslims but not against other religious groups like Jews was wrong.

Banzhaf [also complained](#) that the lack of worship space is discriminatory. Catholic University "does not provide space — as other universities do — for the many daily prayers Muslim students must make, forcing them instead to find temporarily empty classrooms where they are often surrounded by Catholic symbols which are incongruous to their religion."

Furthermore, it appears that Muslims on campus may even be forced to do their meditation in the school's chapels or in the Basilica of the National Shrine of the Immaculate Conception — hardly places where students of a very different religion are likely to feel very comfortable.

[Banzhaf told](#) Fox News, "It shouldn't be too difficult somewhere on the campus for the university to set aside a small room where Muslims can pray without having to stare up and be looked down upon by a cross of Jesus."

Banzhaf also claims to be an expert on Catholic doctrine. "Denying Muslim students the opportunity to form a student group on campus could hardly be based upon any fundamental Catholic doctrine since



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Georgetown University not only has such a Muslim student group, but also provides its Muslim students with a separate prayer room and even a Muslim chaplain," the [press release said](#).

Oddly, Banzhaf [has admitted](#) that no Muslim student had complained about the school's policy on Muslim student groups or the lack of religious worship space.

Although D.C. law permits some discrimination if it can prove it is a "business necessity," meaning that not discriminating would drive the institution out of business, [Banzhaf said](#) that standard does not apply to Catholic University because it cannot show that not permitting prayer rooms and sanctioning group activities for Muslims is a "business necessity."

"There is no way that Catholic University can show that it is a 'business necessity' to discriminate against Muslim students by denying them access to the same benefits other student groups enjoy, especially since many Catholic universities, including nearby Georgetown University, permit associations of Muslim students, and courts have held that any such denial cannot lawfully be based even on the most deeply held religious beliefs," [Banzhaf insisted](#).

One of his colleagues at the law school isn't so sure Banzhaf can prevail, the [Washington Post reported](#). Aside from their exception for "business necessity," which Banzhaf argues is inoperative, the District's laws also protect religion itself. Robert Tuttle [told the Post](#) that the city's law permits religious groups "to give 'preference' to people of the same religion or political persuasion 'to promote the religious or political principles for which it is established.'"

### **How He Got the Idea**

University officials say Banzhaf got the idea to file his complaint against the school from [an article](#) in the *Post* about the rising number of Muslims at the school. That article quoted a Muslim student who said the school told him it will not sanction a Muslim student group.

The student is not upset about it, the [Post reported](#). "He found a faculty adviser and filled out the required paperwork but heard nothing back for a while," said the newspaper.

Then, an administrator pulled him aside and said it wouldn't work to have a Muslim group at such a major Catholic institution.

When asked about the experience, Basiri is hesitant to say anything negative about a school that he says has embraced him so fully and given him a chance to grow in faith and academics.

"I understand the difficulty," he said. "In Iran, if you tried to start a Catholic group at a Muslim university, that would be just as strange and hard to make it work."

### **No Catholic Doctrine at Catholic University**

In June, Banzhaf flew into a rage because the president of Catholic University, [John Garvey, announced in an op-ed](#) in the *Wall Street Journal* that the school is reinstating single-sex dorms to fight the poisonous culture of drinking and sex on campus. Garvey admitted the remedy was "slightly old-fashioned," the [Post reported](#), but he said he wants a "more wholesome environment" at the school. "A little separation is a healthy thing," he said.

Banzhaf did not agree and immediately [began his](#) attacks against the school. In that case as well, Banzhaf claimed the school cannot show a "business necessity," and like all leftists, he also flung down the race card, LifeSite News reported.

"Suppose a university decided that there would be less racial tension if all the blacks were in a black



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dorm, all the whites were in a white dorm,” LifeSite quoted him as saying. “Each one is, quote, getting their own dormitory, and maybe some of them would be happier that way. But surely no one would suggest that it’s lawful.”

## **Banzhaf’s Antics**

Banzhaf’s legal tactics are legendary. He has repeatedly filed suits against the the tobacco and fast-food industries because their products, he argues, are inherently dangerous.

[According to](#) his website, “As a young lawyer, John Banzhaf brought a legal action which required broadcast stations to provide hundreds of millions of dollars of free broadcast time for anti-smoking messages — an action which resulted in the first ever decline in cigarette consumption, something even the 1964 Surgeon General’s Report was not able to achieve.” He is the founder of Action on Smoking and Health.

Another of his accomplishments has been [his campaign for “potty parity”](#) to ensure that public restrooms are of equal size for both sexes.

Now, however, besides attacking legal industries, he is turning his sights on the constitutional rights of religious institutions to set policies guided by religious dogma.



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