

## **Cardinal Charged With Illegal Discrimination Against Muslims and Women**

*In the wake of the first criminal indictment of a Catholic Bishop, Cardinal Donald Wuerl, Archbishop of Washington, has been charged with violations of the Human Rights Act for allegedly discriminating against Muslims and women at Catholic U*

**Oct. 17, 2011** - [PRLog](#) -- In the wake of the first-ever criminal indictment of a Catholic Bishop and a Catholic Diocese for failure to report suspected child abuse, Cardinal Donald Wuerl, Archbishop of Washington, has been charged with violations of the Human Rights Act for allegedly discriminating illegally against both Muslims and women at Catholic University in the District of Columbia.

In a formal legal complaint at the Office of Human Rights, it is charged that Wuerl, Chancellor of the university, aided and abetted discrimination at CUA against Muslim students by denying them the same equal access to its facilities and services enjoyed by other student groups, including Jewish ones, solely on the basis of their religion.

The complaint cites "clearly established law that a private (even Catholic) university must make its facilities and services equally available to all student groups without regard to factors like religion and/or sexual orientation, even if it does not have to provide formal university recognition to all such groups."

The 60-page complaint "further charges that 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 be sponsoring an organization that is not Catholic,' whereas the University does in fact have a student organization for Jewish students."

On another ground, the "complaint also charges that eliminating all mixed-gender dormitories on campus, and henceforth forcing students who live on campus to reside in single-sex segregated residences, constitutes discrimination on the basis of sex against female students since students will be assigned to dormitories solely on the basis of their sex, and many will be denied their residence of choice solely because of, and on the basis of, their sex."

A similar charge based upon CUA's newly sex-segregated dormitories has also be filed against John Garvey, CUA's President, and is currently pending before the Office of Human Rights.

A hearing closed to the public was recently held in that case, says public interest law professor John Banzhaf, who attended.

Although CUA has continued to defend segregating its dormitories by sex, it has refused to publicly explain to the public, or even to its students, why it believes that it is legal under the Human Rights Act, a statute which generally prohibits discrimination based upon factors like religion, sex, or sexual orientation unless it can be shown that, without such discrimination, the entity could simply not continue functioning: i.e., the "business necessity" exception.

"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 facilities other student groups enjoy, especially since many Catholic universities, including nearby Georgetown University, permit associations of Muslim students," says Prof. Banzhaf, who has won more than one hundred discrimination cases under the Act.

Indeed, while Georgetown will soon provide space for the religious activities -- including five daily prayers

-- of its Muslim students at a new Interfaith Center, the complaint charges that "usually, or at least frequently, these Muslim students at CUA find that they must perform their prayers surrounded by symbols of Catholicism – e.g., a wooden crucifix, paintings of Jesus, pictures of priests and theologians, etc. – which many Muslim students find inappropriate and not especially conducive to praying according to their very different religious beliefs. Furthermore, some Muslim students find they must do their meditation in the 'school's chapels and at the cathedral that looms over the entire campus - the Basilica of the National Shrine of the Immaculate Conception' – hardly a place where students of a very different religion are likely to feel very comfortable."

The fact that the university apparently lied about its reason for discriminating against Muslim students -- falsely 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 other religious groups like Jews was wrong, says Banzhaf.

He notes further that the denial of recognition to a Muslim student group could hardly be based upon fundamental Catholic doctrine since 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.

Similarly, since CUA has had mixed-gender dormitories for about a quarter of a century, many other Catholic universities continue to provide students the choice of unsegregated campus housing, and Garvey failed to cite any religious reasons whatsoever for this recent decision to segregate CUA's dorms, it is very likely that Garvey and Wuerl will also be found guilty of discriminating illegally on the basis of sex, argues Banzhaf.

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