



Foundation for Individual Rights in Education

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June 30, 2004

Reverend David M. O'Connell, President
The Catholic University of America
Nugent Hall
620 Michigan Ave. NE
Washington, D.C. 20064

Sent by U.S. Mail and Facsimile (202-319-4441)

Dear President O'Connell,

As you can see from our directors and board of advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, academic freedom, due process, legal equality, voluntary association, and freedom of speech on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and of our activities.

We are greatly concerned by the threat posed to freedom of association and expression by the denial of official approval for a proposed student chapter of the NAACP. As Catholic University surely must understand, the freedom to unite with like-minded individuals in pursuit of a common goal is a hallmark of liberty and is essential to a vibrant civil society. The Catholic University of America must decide if it will choose to honor the full spirit of its stated commitments to free speech or if it will choose to set a precedent that allows for the arbitrary exclusion of certain student groups.

This is our understanding of the facts based on media accounts and public statements issued by the university and the NAACP. We ask you to correct any errors in our understanding, if any exist. In April of 2004, CUA rejected a student's request to establish a NAACP chapter on campus. The student, William Jawando, was given two reasons for the denial. First, he was told that two existing student organizations, the Black Organization of Students at Catholic University of America (BOSCUA) and Minority Voices, already represented African-American students on campus. According to CUA, the proposed organization would not only be redundant, but also would dilute the effectiveness of the existing groups. Second, CUA expressed concerns that the NAACP supports the right to abortion, a position at odds with the teachings of the Catholic Church and with CUA as a Church institution.

We find these explanations problematic for several reasons. First, there are real and substantial differences between the existing student organizations and the proposed NAACP chapter. BOSCUA states its purpose as “Enlightening ourselves and fellow students with regard to African-American culture, history, and the dilemmas confronting African American people in America today.” Among its stated goals are “to aid in the fostering of an African American identity” and “to fulfill the desires, aspirations and alleviate the anxieties of the African American community at CUA, as well as serve as an outward expression of the diverse CUA community.” In contrast, the NAACP is primarily engaged in civil rights advocacy and education. Mr. Jawando’s stated motivation for establishing the chapter was to organize activities relating to the November presidential election, including voter education and registration. This purpose evidently was not being served by existing campus organizations. The decidedly political and activist nature of the NAACP is clearly distinguishable from the more social and cultural mission of BOSCUA.

Likewise, Minority Voices is not a specifically African-American organization, but rather an umbrella organization of all CUA minority organizations. Its mission is to “bring unity and foster diversity among Minority Organizations at Catholic University of America.” It certainly cannot be argued that it shares the mission of the NAACP.

The suggestion that a single organization (or five, or ten) is sufficient to represent the entire spectrum of views, goals, and aspirations of CUA’s black students is misguided. An institution of higher education that takes seriously the intellectual development of its students should not wish to restrict their expressive outlets according to a narrow-minded belief in a single “black perspective.” We are certain that CUA does not mean to imply by its actions that black students share a single viewpoint any more than would female, Asian, or even Catholic students.

Indeed, students themselves are in the best position to judge whether existing organizations are fulfilling their needs. If an existing student group cannot or will not fulfill the needs of certain students, forming a new organization may be the only viable option for those students to band together in a meaningful way. It is significant that several members of BOSCUA are among those who wish to establish the NAACP chapter at CUA. Clearly, these students saw a distinction in the mission and purpose of the two groups that was sufficient to justify an investment of their time and energies into the new group. A university that takes seriously its mission to educate should welcome the continual development of ideas and perspectives—a process that sometimes makes apparent the need for students to forge more productive associations. Forcing students who share different goals and values into a single organization does not strengthen the group, it weakens it.

Though FIRE generally believes that a liberal policy of free expression best serves the educational mission of any university, we also recognize and respect the right of private, sectarian institutions to define their identities. In light of CUA’s unique status as an official institution of the Roman Catholic Church, we understand your reluctance to recognize an organization that advocates a position contrary to the teachings of the Church. However, we believe your apprehension in this respect is unfounded. First, recognizing a student group is seldom, if ever, understood as official university endorsement of all of the positions of that group. Indeed, since the Supreme Court decision in *Southworth v. Board of Regents of the*

University of Wisconsin (2000), public colleges are not even allowed to make decisions on funding student groups on the basis of viewpoint—a principle that makes explicit the distinction between recognizing and endorsing the views of a student club. Furthermore, the NAACP takes no official position on abortion. There has been no indication that the proposed chapter intends to engage the abortion issue in any way—on the contrary, the group has assured CUA that it will not. We would also like to point out that the national organization of the College Democrats, an existing organization at CUA, is specifically dedicated to advocating for abortion rights as part of its mission. Yet CUA has recognized and allowed the College Democrats to operate on campus, presumably with little disruption. Surely, if an organization such as the College Democrats, with its openly pro-choice platform, can peacefully coexist with CUA, so too can the NAACP.

We are aware that CUA takes very seriously its values as a Catholic institution. We also believe that it takes seriously its role as an educational institution and as a leader in academic excellence. These mandates need not be at odds. Catholic University of America needs to decide if it has room for a broader and more diverse community of ideas and associations. In its Student Handbook, CUA recognizes the importance of freedom of expression and dissent. The Handbook rightly states that “a university fosters and protects the right of individuals to express themselves even in a dissenting mode.” If freedom of expression is important to individuals, it becomes all the more important when those individuals come together to enhance their expressive capacities.

We ask that you reconsider your decision and extend formal recognition to the NAACP student group. To restrict freedom of association and freedom of speech is to risk stifling the free and open flow of ideas upon which higher education relies. Surely, this does not describe your vision for Catholic University of America.

We hope to hear from you soon about a resolution. FIRE is committed to supporting the rights of your students and, ultimately, to see this matter through to a just and moral conclusion.

I look forward to your response.

Sincerely,



Greg Lukianoff
Director of Legal and Public Advocacy

cc:

Frank G. Persico, Vice President and Chief of Staff, The Catholic University of America

John J. Convey, Provost, The Catholic University of America

Victor Nakas, Executive Director, Public Affairs, The Catholic University of America

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Kweisi Mfume, President, NAACP

William Jawando