



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff
PRESIDENT

Robert L. Shibley
VICE PRESIDENT

William Creeley
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Alan Charles Kors
CO-FOUNDER AND
CHAIRMAN EMERITUS

BOARD OF DIRECTORS

Harvey A. Silverglate
CO-FOUNDER AND
CHAIRMAN

Barbara Bishop
James E. Ferguson II
William J. Hume
Richard Losick
Joseph M. Maline
Marlene Mieske
Daphne Patai
Virginia Postrel
Daniel Shuchman

BOARD OF ADVISORS

Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
William A. Dunn
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Peter L. Malkin
Muriel Morisey
Steven Pinker
Milton Rosenberg
John R. Searle
Christina Hoff Sommers

March 26, 2010

President Richard H. Brodhead
Office of the President
Duke University
207 Allen Building
Box 90001
Durham, North Carolina 27708-0001

Sent via U.S. Mail and Facsimile (919-684-3050)

Dear President Brodhead:

It is with great disappointment that FIRE writes you for the second time within a single month about the unfair treatment of Duke students. FIRE is gravely concerned about the withdrawal of promised event space by the Duke Women's Center for the Duke Students for Life's "Discussion with a Duke Mother" event. This denial of event space is unjustifiable both according to the stated mission of the Duke Women's Center and the promises of free expression made by Duke University itself, and seems to indicate that Duke University is taking a secretive but officially enforced stance on the issue of abortion that has resulted in differential viewpoint-based treatment of campus groups.

This is our understanding of the facts; please inform us if you believe we are in error. As part of a "Week for Life" event held on campus during the week of March 15–19, 2010, Duke Students for Life (DSFL), an officially recognized student group, planned a "Discussion with a Duke Mother" to be held on Thursday, March 18, at a venue within the Duke Women's Center. The event was to have featured a Duke student who is a mother speaking about motherhood generally and the challenges of simultaneously being both a mother and a Duke undergraduate. DSFL was initially allowed to reserve the space within the Women's Center, but the day before the event, the reservation was abruptly canceled.

Duke Women's Center Gender Violence Prevention Specialist Martin Liccardo informed the group in a voicemail left on the afternoon of March 17 that the event was canceled because "we have a problem with" the event. He informed the group in an e-mail on the morning of March 18 that the event was canceled "due to a conflict." This conflict was not about double-booking the space; Liccardo told DSFL later that day that the "conflict" was ideological. He told DSFL that because the event was associated with the Week for Life and DSFL, the event could not be held at the Women's Center. He said, "We had a very strong reaction

from students in general who use our space who said this was something that was upsetting and not OK. So based on that, we said, OK, we are going to respond to this and stop the program.” He further said that some Duke students were uncomfortable with DSFL using the Women’s Center space and were “traumatized” by the ultrasound fetal development pictures that the group had displayed on the Bryan Center Plaza.

Duke University has expressly committed itself to freedom of expression for its students and faculty members. The 2009-2010 version of *The Duke Community Standard in Practice: A Guide for Undergraduates* states that “**Freedom of inquiry and the free exchange of ideas are essential for the fulfillment of the university’s mission.**” Duke’s Harassment Policy, promulgated by the Office for Institutional Equity, likewise notes that “**Duke University is committed to the free and vigorous discussion of ideas and issues...**” (Emphases added.) These commendable statements do not seem to have been respected by the Women’s Center in its decision to cancel DSFL’s discussion on Duke student motherhood at the last minute.

According to the website of the Women’s Center itself, the Center’s mission is to “promote[] a campus culture that ensures **the full participation and agency of women students at Duke.**” (Emphasis added.) Further elaborating on this mission, the section entitled “A Feminist Framework” notes the following:

The Women’s Center strives to inculcate feminist attributes and goals in every aspect of its programs and administration. To say that our work is “feminist” is to acknowledge that gender is a central lens through which we conduct inquiry and develop practices and policies—critically considering what it means to be sexed, raced, and historically and culturally situated and proposing alternatives to traditionally male models of leadership, thought and practice. **We ascribe to a broadly defined, fluctuating and inclusive feminist ideology that welcomes discordant viewpoints from varied experiences.** [Emphasis added.]

Also, under the heading of “Strategies,” the Center lists, “Offering Support - We believe **supportive and inclusive communities** enable individuals to do more than they can do alone; the collective action of a community can leverage resources, make positive change and give life meaning.” (Emphasis added.)

By its own declarations, then, the Women’s Center emphasizes inclusiveness, a broad definition of feminist ideology, discordant viewpoints, varied experiences, inclusion, and the full participation of Duke’s women students. All of these beliefs would seem to indicate that a discussion on motherhood, which is after all an extremely common experience for women, would hardly be out of place at the Duke Women’s Center.

The Women’s Center’s canceling of the event, then, would appear to be solely based on its opinion of the viewpoint of the group hosting the event, Duke Students for Life, despite the fact that the Center claims to welcome “the full participation and agency of women students at Duke” and “discordant viewpoints from varied experiences.” The conversation between members of DSFL and Liccardo made abundantly clear that despite these commitments, the Women’s Center

is not open or welcoming to students with pro-life views on the question of abortion rights, as Liccardo suggested in these lines quoted by DSFL:

The association with Week for Life, it was indeed, the reason why it was making our students uncomfortable ...

A picture of a fetal development does not have a place in here ...

A mothering discussion during Week for Life that to me, well, I should not even say to me, but to the students we actually encounter, had a smack of a political agenda ...

Yet, it was not the presence of a possible political agenda that was Liccardo's problem. The attitude that only one set of views is acceptable to the Women's Center is manifested with regard to the Women's Center's choice of events that it hosts or promotes. Atop the Center's homepage, for example, is an announcement of an upcoming speech by Jessica Valenti, a well-known pro-choice feminist speaker and founder of the website *feministing.com*. Furthermore, the Women's Center advertises that it advises the student organization Students for Choice, which is "committed to reproductive and gender justice, and we plan actions designed to alter anti-choice culture, while promoting understanding of pro-choice ideas to the general public and to anti-choice individuals."

Duke is a private university and is therefore within its rights to openly and institutionally endorse the viewpoint that women should have the right to obtain abortions. However, Duke is not within its rights to force this viewpoint on its students through the agency of the Women's Center, nor, as in this case, to silence those who disagree with Duke's official viewpoint on abortion while also claiming to students, faculty, and the public that "Freedom of inquiry and the free exchange of ideas are essential for the fulfillment of the university's mission." Furthermore, it is thoroughly hypocritical for the Duke Women's Center to insist that it respects "the full participation and agency of women students at Duke" or that it holds to a "broadly defined, fluctuating and inclusive feminist ideology that welcomes discordant viewpoints from varied experiences" while it bans pro-life events.

A Gallup poll taken in May 2009 (*located at* <http://www.gallup.com/poll/118399/more-americans-pro-life-than-pro-choice-first-time.aspx>) indicated that 49% of American women identified themselves as "pro-life," while 44% defined themselves as "pro-choice," and support among women for either side of the issue has not dropped below 40% since 2001. While opinion among women on Duke's campus may or may not be as evenly divided as that found in America as a whole, it is undoubtedly the case that a large proportion of Duke's female students are pro-life. Is Duke really prepared to declare that discussion of these women's views is unwelcome on its campus or particularly in the Duke Women's Center, which, according to its own website, is "dedicated to helping **every woman at Duke** become self-assured with a kind of streetwise savvy that comes from actively engaging with the world"? (Emphasis added.)

Duke has a moral and legal responsibility not to publicly misrepresent itself to its students, faculty, or alumni. If Duke intends to officially declare itself a pro-choice university at which students who hold pro-life views are to be silenced by university staff and centers in order to

ensure that pro-choice students feel comfortable, Duke owes it to its students to warn them of this mission ahead of time so that those who do not feel that they can seek an education at such a place can choose to attend a school where their expressive rights will not be compromised. If Duke does not intend to take an official position on the controversial issue of abortion, however, it must disavow the decision by the Women's Center to cancel the event by Duke Students for Life and ensure that such viewpoint-based discrimination does not happen in the future.

Please clarify whether Duke Students for Life is or is not able to reserve and utilize space in the Women's Center or elsewhere on an equal basis with other student groups, as Duke Students for Life currently has no clear idea of where on campus it is allowed to express its opinions or hold events. Because of the severity and ongoing nature of this matter, FIRE requests a response by April 5, 2010.

Sincerely,



Robert L. Shibley
Vice President
Trinity '00, Law '03

cc:

Larry Moneta, Vice President for Student Affairs
Sue Wasiolek, Assistant Vice President for Student Affairs and Dean of Students
Ada Gregory, Director, Duke University Women's Center
Martin Liccardo, Gender Violence Prevention Specialist, Duke University Women's Center
Chris Roby, Director, Office of Student Activities & Facilities
Kate Hendricks, Deputy General Counsel, Office of University Counsel