



# FIRE

Foundation for Individual  
Rights and Expression

November 22, 2022

John R. Porter  
c/o Amanda Hyde, Administrative Assistant  
President's Office  
Lindenwood University  
209 S Kingshighway Street  
Saint Charles, Missouri 63301

*Sent via Electronic Mail (ahyde@lindenwood.edu)*

Dear President Porter:

FIRE appreciates your response to our recent letters. However, our concerns are not alleviated. Particularly, we remain concerned that Lindenwood University claims student organizations may not endorse political candidates.

To be clear, your own Institutional Non-Partisan Policy allows students and student organizations to engage in core political speech, like endorsing candidates. It makes clear that the “policy is in no way meant to deter students or organizations on campus from engaging in political discussions and debate.”<sup>1</sup> But even if LU policy did prohibit such expression, any such limit on free expression would violate LU’s clear, contractually binding commitment,<sup>2</sup> by which it is professed that LU “values freedom of expression and the open exchange of ideas and, in particular, values the expression of controversial ideas and differing views.”<sup>3</sup>

Additionally, as we explained, only LU itself cannot endorse candidates due to its status as a 501(c)(3) tax-exempt organization—students and student groups who endorse candidates in their personal capacities, and not on the university’s behalf, face no such bar. The practice of students endorsing candidates therefore cannot endanger LU’s tax-exempt status, and LU accordingly must allow students to do so under its strong free expression promises.

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<sup>1</sup> *Political Nonpartisanship Policy*, LINDENWOOD UNIV., <https://www.lindenwood.edu/policies/list/political-nonpartisanship-policy> [<https://perma.cc/QS5G-D7AM>].

<sup>2</sup> *Corso v. Creighton Univ.*, 731 F.2d 529, 531 (8th Cir. 1984) (holding that disciplinary procedures found in the student handbook are enforced as a contract between students and their university).

<sup>3</sup> *Bias & Incident Reporting*, LINDENWOOD UNIV., <https://www.lindenwood.edu/diversity-equity-and-inclusion/bias-incident-reporting> [<https://perma.cc/GKN6-NT9K>].

More to the point, LU must allow the College Republicans—and all other student groups at the university—to include candidate-endorsement clauses in their proposed constitutions, and to endorse candidates for office if they choose to do so. We request a substantive response to this letter no later than close of business on December 6, 2022.

Sincerely,



Sabrina Conza  
Program Officer, Campus Rights Advocacy

Cc: Carynn Smith, Director, Student Involvement