



## 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  
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March 14, 2007

RADM Denise Canton  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

*Sent via Electronic Mail (denise.canton@hhs.gov)*

Dear Rear Admiral Canton:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. The National Association of Scholars (NAS) is a non-partisan, non-profit organization of university professors, administrators, and graduate students devoted to the defense of traditional academic freedom, academic due process and the preservation of reasoned discourse in American higher education. The American Council of Trustees and Alumni (ACTA) is a non-profit organization dedicated to working with alumni, donors, trustees and education leaders across the country to support liberal arts education, uphold high academic standards, safeguard the free exchange of ideas on campus, and ensure that the next generation receives a philosophically-balanced, open-minded, high-quality education at an affordable price.

FIRE, NAS and ACTA are deeply concerned that by requiring its social workers to have degrees from programs accredited by the Council on Social Work Education (CSWE), the Department of Health and Human Services (HHS) is indirectly imposing an unconstitutional ideological litmus test on its employees. FIRE, NAS and ACTA each wrote to Admiral John Agwunobi in October, 2006, to express our concerns over this matter. Admiral Agwunobi informed us that you are responsible for policy development and that we should contact you if we had further comments or questions. We write to you jointly today to express our ongoing concern about the threat to freedom of conscience posed by HHS' exclusive relationship with CSWE.

CSWE requires graduates of its accredited programs to demonstrate a commitment to vague and politically loaded concepts such as "social and economic justice." Specifically, CSWE's Educational Policy Section 3.0 requires that "graduates [of CSWE-accredited programs] demonstrate the ability to...understand the forms and mechanisms of oppression and discrimination and apply strategies of advocacy and social change that advance social and economic justice." Educational Policy Section 4.2 requires that CSWE-accredited programs "integrate social and economic justice content grounded in an understanding of distributive justice, human and civil rights,

and the global interconnections of oppression.” Section 4.2 gives a highly politicized definition to the “social and economic justice” that Section 3.0 requires social work students to “advance” in order to graduate, virtually necessitating the evaluation of the political views of social work candidates.

Because no objective consensus on the “correct” meaning of such terminology can reasonably exist in a diverse democratic society, these vague evaluative criteria too often become vehicles for pressuring students to alter or abandon their core political, philosophical, or moral beliefs. As the Supreme Court stated with enduring eloquence in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943):

...[F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order...If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

Our concern over viewpoint discrimination is not merely hypothetical; we have seen specific cases of viewpoint discrimination against candidates for social work degrees with dissenting views.

Late last year, former student Emily Brooker sued Missouri State University (MSU) after she was penalized for refusing to sign an advocacy letter supporting homosexual adoption, a policy with which she does not agree. At the time of the incident, Ms. Brooker was pursuing a Bachelor of Social Work degree in MSU’s CSWE-accredited program, whose website proclaims that “the social work program...has met the high standards of CSWE and prepares students for beginning-level careers in the social work field.” In the wake of her refusal to allow her freedom of conscience to be violated, Ms. Brooker’s grade was adversely affected and a “Level 3” grievance was filed accusing her of violating tenets of the School of Social Work’s “Standards and Essential Functions for Social Work Education” relating to diversity, interpersonal skills, and professional behavior. Immediately upon the filing of the lawsuit, senior MSU administrators launched an investigation and quickly agreed to settle the lawsuit, pay for Ms. Brooker’s graduate education as well as living expenses, completely clear her record, and execute a self-study of the social work program, among other things.

At Rhode Island College’s CSWE-accredited School of Social Work, student Bill Felkner encountered similar problems. Felkner was explicitly told that he held “antithetical views to those that are espoused by the [social work] profession.” Further, he was ordered to lobby the Rhode Island legislature on behalf of public policies with which he disagreed, receiving a failing grade when he refused. Felkner was also told that in order to continue in the School of Social Work, he had to secure an internship working on behalf of “progressive social change.” He was also denied credit for the internship he accepted—working in the policy department of Rhode Island’s Republican governor’s office.

Given the tendentious guidelines currently imposed by CSWE, we fear that students like Ms. Brooker and Mr. Felkner will be effectively ineligible for jobs with HHS since their political and ideological views make it difficult, if not impossible, for them to obtain social work degrees from CSWE-accredited institutions.

Simply put, the U.S. government should not in any way reward an organization that maintains evaluative standards that infringe—as CSWE’s do—on social work students’ fundamental right to

freedom of conscience. We urge you to end your exclusive relationship with CSWE until CSWE agrees to remove the viewpoint discrimination that is currently mandated by its standards.

We would be happy to discuss this with you further.

Sincerely,

FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION



By:

Greg Lukianoff

Its: President

601 Walnut Street, Suite 510

Philadelphia, PA 19106

ph: (215) 717-3473

fax: (215) 717-3440

NATIONAL ASSOCIATION OF SCHOLARS



By:

Stephen H. Balch

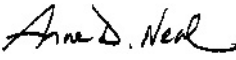
Its: President

221 Witherspoon Street, 2<sup>nd</sup> Floor

Princeton, NJ 08542

ph: (609) 683-7878

AMERICAN COUNCIL OF TRUSTEES AND ALUMNI

By: 

Anne D. Neal

Its: President

1726 M Street, NW, Suite 802

Washington, DC 20036

ph: (202) 467-6787

fax: (202) 467-6784