



Foundation for Individual Rights in Education

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Dear President DeGioia:

As you can see from the list of 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, freedom of speech, due process, legal equality, freedom of association, religious liberty, and freedom of conscience on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

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FIRE is concerned about the contradiction between Georgetown University's stated promises of freedom of expression and its unequal treatment of student organization H*yas for Choice, to which Georgetown has denied official status and the attendant benefits. Georgetown has both a moral and contractual responsibility to uphold the promises of freedom of expression it has made to its students. While a private Catholic university has a First Amendment freedom of association right to enforce a religious ideology, Georgetown has specifically chosen not to exercise that right and instead promises freedom of expression. It is therefore unclear why H*yas for Choice may not have equal rights on campus when other student groups that clearly oppose Catholic beliefs, not only in identity but also in practice, are allowed to enjoy official status.

Here are the facts; please correct us if you believe we are in error. On February 5, 2010, H*yas for Choice and United Feminists, the latter an "official" Georgetown student organization, wrote an open letter to you. The groups argued that Georgetown engages in "censorship of programming that includes information about non-reproductive sexual practices." They also pointed out that Georgetown's own policies, including the Center for Student Programs Speech & Expression Policy, prevent Georgetown officials from "obstructing the free

exchange of ideas” because such obstruction “is an attack on the core principles the University lives by and may not be tolerated.” They thus argued:

The university is not just limiting free speech by barring H*yas for Choice and other pro-choice perspectives from full enfranchisement in the University community; by allowing discourse around reproductive rights to be one-sided and by endorsing one particular viewpoint the University also eliminates any prospect for real, substantive dialogue.

[...]

Prohibiting the recognition of H*yas for Choice as a legitimized student organization is in direct conflict with the Center for Student Programs free speech policy and Georgetown’s commitment to open dialogue. As such, H*yas for Choice or any future pro-choice organization should have equal status with all other student groups. This status imparts access to the same monetary benefits as all other groups and the ability to use Georgetown’s name and/or logo in association with the group.

Indeed, the Speech & Expression Policy is an expression of the actual values of Georgetown’s community and a promise upon which students rely when choosing to attend Georgetown. The Preamble to the policy notes:

In January 1989, the following guidelines on speech and expression for the Main Campus of Georgetown University were implemented. They were developed by the Committee on Speech and Expression and presented to the University community after widespread consultation with faculty, students and administrators. The Committee on Speech and Expression, composed of four faculty members and four undergraduate students, is a standing committee that advises the Vice President for Student Affairs on matters relating to speech and expression. The Vice President for Student Affairs is responsible for administering these guidelines.

The policy guiding speech and expression is intended to ensure the “untrammeled expression of ideas and information.” [See <http://csp.georgetown.edu/policies.html>.]

The Preamble continues by promising Georgetown students that their expression will be governed by constitutional principles of free speech at a university free of “ideology” and any “vested interest”:

A university that sends contrary “signals” to any of its members (as, obviously, by tolerating plagiarism, violence, intellectual shoddiness, **or any sort of special pleading in the interest of ideology or vested interest**) betrays its mission.

“Free speech” is central to the life of the university. The category “free speech” suggests another realm of life and argument, that of American constitutional law. Indeed, members of a university community exercise “dual citizenship”: we are academics and we are

Americans. The rights and obligations that flow from our participation in each of the two orders—academic and constitutional—are not reducible to those of either one, nor super[s]eded by one or the other, but neither are they in conflict. [...] The long and short of the matter is that “time, place and manner” are the only norms allowable in governing the expression of ideas and sharing of information that is the very life of the university. [Boldface added; number omitted; italics in original.]

Furthermore, on the same Web page as these promises, Georgetown promotes a 2008 letter to “Student Organization Leaders” from Erika L. Cohen-Derr, Director of Student Programs. Cohen-Derr states, “The funds allocated to student organizations come from student tuition and fees. ... Our goals and yours are the same: to provide high quality programs that reflect Georgetown’s diverse community.” Taken together, these are strong promises of equal access to Georgetown’s funds for student organizations. Again, these are promises upon which students rely when they matriculate at the university.

Yet, it appears that by failing to give equal rights to H*yas for Choice, Georgetown is failing to honor its moral and contractual promises to its students. It appears that Vice President for Student Affairs Todd A. Olson, who is “responsible for administering these guidelines,” has acted directly contrary to them. In his February 24 response to the letter from H*yas for Choice and United Feminists, he wrote that H*yas for Choice was not “eligible for access to university benefits” associated with official recognition because of the group’s expressive purpose:

As a Catholic and Jesuit institution, however, Georgetown cannot support organizations whose stated purpose conflicts with Catholic moral teaching. For that reason, H*yas for Choice, a group whose constitution espouses “advocating for reproductive choice” is not eligible for access to university benefits. [...] [A]s a Catholic and Jesuit university our policies must reflect our identity and our values.

This statement directly conflicts with the promises stated above. In particular, it is very difficult to understand how Georgetown and Vice President Olson understand the stated purposes of other ideological or religious student groups—for example, the university’s Muslim Students Association (MSA) and Jewish Students Association (JSA)—in relation to “Catholic moral teaching.” Both are official student organizations at Georgetown even though their stated purposes include conduct that is explicitly distinct from Catholic and Jesuit identity.

MSA’s stated purpose is to “unite the Muslim student community through a series of spiritual, educational and social activities” (see <http://studentorgs.georgetown.edu/?type=95>). JSA similarly is engaged in non-Catholic, non-Jesuit moral and spiritual activities. JSA

makes sure regular religious services, study sessions, and other activities are made available to students and to all members of the Jewish community at Georgetown.

As an entirely student-led organization, the JSA provides students with the opportunity to form an active part of their own Jewish life on campus. Students lead religious services, organize activities, and help steer the Jewish community at Georgetown. The JSA also works closely with Georgetown’s Jewish Chaplaincy, which employs three full-time

professional staff dedicated to Georgetown's Jewish Community. [See [http://www12.georgetown.edu/students/organizations/jsa/.](http://www12.georgetown.edu/students/organizations/jsa/)]

It truly is baffling that diversity of identity and diversity of belief at Georgetown, considering not only expression but also conduct, explicitly encompasses university benefits provided to Jewish and Muslim students but not to H*yas for Choice. Please clarify for us and for the Georgetown community whether students do in fact have equal rights without "any sort of special pleading in the interest of ideology or vested interest."

Again, Georgetown has a First Amendment right to freedom of association which permits the university to determine its own mission and values. Some students and faculty members may indeed wish to be part of an institution that places ideology, religious values, and other "vested interests" above free speech and equal treatment. Yet, Georgetown may not promise something that it simultaneously refuses to deliver. The campus community deserves an explanation why Georgetown seems to have chosen to promulgate a free speech policy that does not mean in practice what it plainly says. Please clarify Georgetown's position in this matter.

FIRE hopes to resolve this question so that members of the Georgetown and wider communities will better understand what Georgetown values. Is the university dedicated to a free marketplace of ideas or to an unequal playing field? Saint Thomas Aquinas did not shy away from confronting the fullest variety of objections to a vast number of theological questions, and Father Peter Abelard did not shy away from confronting the *sic* and *non* aspects of many controversial issues; does Georgetown? We request a response by May 18, 2010.

Sincerely,



Adam Kissel
Director, Individual Rights Defense Program

cc:

James J. O'Donnell, Provost
Todd A. Olson, Vice President for Student Affairs and Dean of Students
Erika Cohen-Derr, Director of Student Programs
Philip L. Boroughs, S.J., Vice President for Mission and Ministry
Fr. Kevin O'Brien, S.J., Executive Director of Campus Ministry
Ennio Mastroianni, Senior Roman Catholic Chaplain
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