



Foundation for Individual Rights in Education

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November 4, 2003

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Sent by Facsimile and U.S. Mail

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Dear President Jischke,

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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, due process, legal equality and—in the matter of the Stewart Christian Women's Cooperative Residence—voluntary association, freedom of speech, and religious liberty on America's college campuses.

We consider this matter to be of the utmost urgency, with the most essential constitutional and moral values at stake. We understand that Purdue University is requiring the Stewart Christian Women's Cooperative Residence, a student cooperative housing group, either to adopt a policy that would prevent the group from discriminating on matters of faith in its membership or to face deactivation. In other words, if it wishes to exist at Purdue, this Christian group will have to relinquish its right to decide to be made up of Christians and to be run in accordance with its Christian faith. It should be obvious that this tramples the group's associational, religious, and freedom of speech rights. Similar types of policies were attempted and abandoned (after FIRE's intervention and substantial public uproar) last year at the University of North Carolina at Chapel Hill and at Rutgers University in New Jersey.

This is our understanding of the facts. Please let us know if you believe we are in error. The Stewart Christian Women's Cooperative Residence (the Stewart Cooperative), is a cooperative housing group for female Christian students at Purdue. This property was deeded to the Stewart Cooperative Association, Inc.—comprised of the alumni, current members, and advisors of the residential group—by the Purdue Cooperative Housing Association, Inc., in May 2000.

The Stewart Cooperative's constitution makes it clear that the group's membership is restricted to young Christian women for religious reasons in order

to provide a “wholesome environment” for members to “serve and worship Jesus Christ.” Each member also adheres to a “statement of beliefs” that requires members to subscribe to, and to live according to, certain Christian beliefs. Those joining the group are asked to sign the document in order to indicate their willingness to live under these guidelines.

On October 14, 2003, Stephanie Colbert, the president of the Stewart Cooperative, received a message from the Student Activities and Organizations Area of the Office of the Dean of Students informing her that the Stewart Cooperative was required to amend its membership statement to read, “Membership and participation are free from discrimination based on race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam-era veteran.” Sharon Winslow, the group’s house advisor, received a similar message on October 20. The Stewart Cooperative was given until November 21 to adopt this provision. This statement is in direct conflict with current membership requirements of the Stewart Cooperative, however, which require that members of the organization be Christians and adhere to certain Christian beliefs.

Purdue has stated that the adoption of this clause is not negotiable. An October 9, 2003, e-mail written by Tamara Rice, assistant dean of students, states that R. Pablo Malavenda, associate dean of student activities and organizations, told her that any organization that does not add the nondiscrimination clause to its constitution will “face deactivation.” Because the deed to the property contains a covenant stating that the “Grantee shall at all times maintain its status as a recognized Purdue University student organization,” this policy directly threatens the living arrangements of the students of the Stewart Cooperative. If Purdue deactivates the Stewart Cooperative, its member students may lose their housing.

Most importantly, however, this particular application of a nondiscrimination policy to a voluntary student religious association denies its members the rights of freedom of association, freedom of expression, and the free exercise of religion—all of which are constitutional rights that Purdue, as a state institution, is legally obligated to uphold. To insist that a religious student organization not discriminate on issues of faith and on matters of voluntary association that flow from the practice of its faith—to insist, in short, that a Christian organization not be Christian—not only deprives the individual members of that organization of their rights under the free exercise clause of the First Amendment, but also imposes upon them an ideology alien to their conscience, in violation of the First Amendment to the Constitution of the United States.

The U.S. Supreme Court recently reaffirmed its commitment to this principle in *Boy Scouts of America v. Dale* (2000). In its decision, the U.S. Supreme Court stated that “implicit in the right to engage in activities protected by the First Amendment is a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.” This right, the Court proclaimed, is “crucial in preventing the majority from imposing its views on groups that would rather express other, perhaps unpopular, ideas.” Consequently, the Court held that the “forced inclusion of an unwanted person infringes the group’s freedom of expressive association if the presence of that person affects in a significant way the group’s ability to advocate public or private viewpoints.”

Purdue cannot and must not forbid a religious student organization from making discriminations based on issues of faith. A Muslim organization has a right to be Muslim. A Jewish organization has a right to be Jewish. A Christian organization has a right to be Christian. It is tyranny and intolerance—not tolerance—to forbid such voluntary associations. At public universities, it is a denial of core constitutional rights to forbid such voluntary associations. FIRE requests that Purdue University act to correct this problem immediately and directly, recognizing that the forced adoption of the current nondiscrimination requirements by student religious organizations is an assault upon religious liberty, freedom of association, and freedom of speech in violation of the United States Constitution. Because of the time-sensitive nature of this situation, we would appreciate a response by November 10.

We request simply that you restore the members of the Stewart Cooperative to their essential rights and dignities, and we hope to see this matter resolved with sanity, fairness, common sense, and legal equality toward your students. The Supreme Court has made it manifestly clear that the rights of free association apply to religious individuals and groups. Please do not fight the Bill of Rights.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thor L. Halvorssen". The signature is fluid and cursive, with a large initial "T" and "H".

Thor L. Halvorssen
Chief Executive Officer

cc:

L. Tony Hawkins, Dean of Students, Purdue University
Tamara J. Rice, Assistant Dean of Students, Purdue University
R. Pablo Malavenda, Associate Dean of Student Activities/Organizations, Purdue University
Stephen J. Akers, Executive Associate Dean, Purdue University
Kathy Peters, Assistant Dean, Purdue University
Heather Webb, Student Affairs Specialist, Purdue University
J. Timothy McGinley, Chairman, Purdue University Board of Trustees, Purdue University
Kori Hurley, President, Stewart Cooperative Association, Inc.