



FIRE is a nonprofit educational foundation devoted to free speech, individual liberty, religious freedom, the rights of conscience, legal equality, due process, and academic freedom on our nation's campuses.

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Foundation for Individual Rights in Education

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Donna E. Shalala, President
University of Miami
PO Box 248006
Coral Gables, FL 33124

Sent via U.S. Mail and Facsimile (305-284-3768)

Dear President Shalala,

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, academic freedom, due process, legal equality and, as in the case of Advocates for Conservative Thought at the University of Miami (UM), voluntary association and freedom of speech on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and of our activities.

We are deeply concerned by the threat to freedom of association and expression posed by your institution's refusal to recognize the student group Advocates for Conservative Thought (ACT).

This is our understanding of the facts. Please correct any errors in our understanding, if they exist. In the fall of 2002, the student leaders of ACT applied to UM's Committee on Student Organizations (COSO) for approval as an official student organization. (According to COSO's website, www.miami.edu/coso/, approval provides students with university recognition, access to university facilities and funding, and other benefits.) ACT's constitution—submitted with its application to COSO—states that the group was created to “assist in the



Read excerpts from *The Shadow University* by Alan Charles Kors & Harvey A. Silverglate.

exposition and promotion of conservative principles and ideas in society,” and to sponsor lectures, offer speeches, and distribute literature to this end. The constitution also states that ACT seeks to focus on conservative philosophy, not partisan politics: “[ACT] shall not endorse, support, or oppose any candidate or proposed legislation or expend funds to intervene in any political campaign on behalf of any candidate or proposed legislation.”



Read *Thought Reform 101* by Alan Charles Kors.

On January 14, 2003, the group received a letter from COSO rejecting its application for approval. In that letter, COSO wrote: “The Committee believes that the Advocates for Conservative Thought overlap with the role that the College Republicans and the Council for Democracy already play on campus.”

A brief examination of these groups’ missions shows that quite the opposite is true. According to the “Statement of Purpose” in its constitution, College Republicans at the University of Miami seeks “to provide through its organization, a means to encourage participation in the activities of the Republican Party [and] to promote in every honorable way the platform and candidates of the Republican Party.” Clearly, this partisan mission stands in categorical contrast to the intellectual mission of ACT, which explicitly seeks to avoid political activity.



Read *Memo to Free Speech Advocates University of Wisconsin-Madison* by Harvey A. Silverglate.

COSO’s letter suggests that the students of ACT should turn to the Council for Democracy as a vehicle to promote their views. That group’s constitution declares that it is “dedicated to nurturing a neutral public forum,” that it seeks to “present a variety of ideas from a neutral perspective,” and that it “pledges never to promote or advance any particular ideas”—in other words, that it explicitly renounces any philosophical identity whatsoever. ACT, in contrast, does not seek to provide “a neutral public forum”; rather, it seeks to provide a forum specifically for the intellectual and educational discussion and dissemination of explicitly conservative views and ideas. ACT does not pledge “never to promote or advance any particular ideas” or to “present a variety of ideas from a neutral perspective.” Rather, they seek to do the exact opposite. Clearly, the Council for Democracy, with its mission to provide a “neutral public forum,” is as unsuitable for ACT’s intellectual purposes as the College Democrats would be for the intellectual purposes of Marxist, feminist, or democratic socialist students.

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We are troubled not only by COSO’s argument that ACT’s mission overlaps with those two other groups, but also by the apparent

double standard that COSO uses, as agent for UM, in its evaluation of applications for approval. The standard used to evaluate ACT's constitution is far more stringent than that used for the evaluation of virtually all other groups. A survey of the student groups on your campus shows this.

Although COSO sponsors the University of Miami Young Democrats, for example, it also sponsors several organizations that could be considered liberal in philosophy, but not necessarily loyal to the Democratic Party: Amnesty International, Students for a Free Tibet, Habitat for Humanity, Earth Alert, and Animal Allies. (We further note that, beyond their philosophies, the purpose and activities of these groups overlap and intersect in many ways.) UM recognizes, rightly, that "liberal" does not mean "Democrat"—that there is a wide spectrum of views, philosophies, and attitudes that could be called "liberal." Why, then, does your institution believe that "conservative" necessarily means "Republican"?

COSO promotes religious diversity by approving three different nondenominational Christian groups—Campus Crusade for Christ, Chi Alpha Christian Fellowship, and the InterVarsity Christian Fellowship. (These are separate, too, from explicitly denominational groups, like the Catholic Students Association or the Episcopal Students Organization.) In addition, COSO acknowledges both the Islamic Society and the Muslim Students Organization. Altogether, UM hosts ten Christian groups and two Muslim groups. Certainly, these groups overlap to some degree in their missions, purposes, and activities.

COSO's tolerance for a diversity of student groups also extends to those that focus on environmental issues. UM students can join Earth Alert, Geological and Environmental Outings, or the Surfrider Club (which focuses on "the world's oceans, waves and beaches"), three groups that are all dedicated to fostering "awareness" and "understanding" of environmental issues.

COSO has approved many different groups that explore certain professions. For example, students interested in engineering can join the American Society of Civil Engineers, the American Society of Mechanical Engineers, the Society of Manufacturing Engineers, the Architectural Engineering Institute, the Institute of Industrial Engineers, the Association of Cuban-American Engineers, the National Society of Black Engineers, the Society of

Hispanic Professional Engineers, and the Society of Women Engineers. Students interested in business can join Entrepreneurship Club—or they can join the Generation-X Entrepreneur Club, the Strictly Business Association (which focuses on minority students), and Women in Business. Lastly, COSO allows the University of Miami Filmmakers Association, the Black Filmmakers Association, QuantUM Entertainment, and the National Broadcasting Society all to exist on campus.

COSO is very tolerant of cultural diversity when it grants approval to student organizations. COSO has registered the African Students Union, United Black Students, and Brothers Overcoming Negativity and Destruction—three groups devoted to cultural and social issues impacting African and African-American students. COSO has registered the Asian American Students Association, but it also registers the Filipino Student Association, the Friendship Club of China, the Indian Students Association, and OASIS (a group focused on Arab culture). COSO approved the Latin American Student Association, but it also approved the Columbian Student Association and the Hispanic Heritage Month Association. Lastly, although COSO approved the Caribbean Students Association, it still approved the Federacion de Estudiantes Cubanos, the Haitian Student Organization, the Trinidad and Tobago Cultural Association, the United Dominican Association, the Virgin Islands Students Association, and the Organization for Jamaican Unity—six organizations that, altogether, could fall under the purview of the Caribbean Students Association.

We do not suggest that these groups do not merit approval by the university. Indeed, to the contrary, if the available resources permit it, UM always should encourage greater diversity of associations, not less. (Significantly, COSO never suggested that limited resources justified denying approval to ACT.) Nevertheless, if your institution can permit students interested in Haitian culture to organize separately from the Caribbean Students Association, surely it can also allow conservative students to organize separately from the College Republicans and the Council for Democracy.

Perhaps most troubling of all, FIRE has reason to question whether or not the members of COSO proceeded with a commitment to fundamental fairness when they rejected ACT's request for funding. The January 14 letter from COSO stated that one of ACT's objectives is to "advocate for conservative ideas through

aiding conservative candidates and issues via forums, recruitment, meetings and political action.” In their response to COSO, dated January 20, 2003, the leaders of ACT stated: “The highlighted statement is *not anywhere* within the Advocates for Conservative Thought (ACT) Constitution and consequently cannot and does not apply to ACT. The statement used was within another group’s constitution: the Conservative Advocacy and Action Club—that group was rejected for an overlap with the College Republicans [emphasis in the original].”

Given your institution’s stated devotion to the principles of free expression and association, and the self-evident contradiction between that mission and COSO’s decision, we bring this matter first to your attention (rather than to the public’s attention) in order to give you an opportunity to engage in immediate self-corrective measures. No private institution that cherishes the rights of free association and expression can, in good conscience, extend fewer rights and freedoms to their students than a public institution, bound by the Constitution. To restrict freedom of association and freedom of speech is to create a stifled and intellectually bereft environment—the very antithesis of liberal learning. Surely, this does not describe your vision for the University of Miami.

We have no desire to take this matter public if it can be resolved discreetly, and we hope to hear from you soon about a resolution. FIRE is committed to supporting the rights of your students and, ultimately, to see this matter through to a just and moral conclusion. Please spare the University of Miami the embarrassment of fighting against the bedrock principles of free expression, free association, and basic fairness.

Sincerely,

Alan Charles Kors
President

cc:

William W. Sandler, Jr., Dean of Students
Renee Dickens Callan, Director, Student Activities and
Leadership Programs
Members of the Committee on Student Organizations (COSO)
Advocates for Conservative Thought (ACT)

Because Your Liberty is a Precious Thing
