



FIRE

Foundation for Individual
Rights and Expression

October 13, 2022

Dean Jakub Tolar
Office of the Dean
University of Minnesota Medical School
Pediatric BMT, MMC 293
420 Delaware Street SE
Minneapolis, Minnesota 55455

Sent via U.S. Mail and Electronic Mail (tolar003@umn.edu)

Dear Dean Tolar:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is concerned that incoming University of Minnesota Medical School (UMMS) students may be required to affirm contested political viewpoints² in violation of their First Amendment right against compelled speech.³

On August 19, at the annual White Coat Ceremony for incoming medical students, the class—led by Associate Dean of Undergraduate Education Robert Englander—reportedly read the following oath, which was written by a 15-student committee:⁴

With gratitude, we, the students of the University of Minnesota
Twin Cities Medical School Class of 2026, stand here today among

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² The following is our understanding of the pertinent facts, which is based on public information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ It has long been settled law that the First Amendment is binding on public universities like UMMS. *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted). Accordingly, the decisions and actions of a public university—including the pursuit of disciplinary sanctions, and maintenance of policies implicating student and faculty expression—must be consistent with the First Amendment. *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973); *Dambrot v. Central Mich. Univ.*, 55 F.3d 1177 (6th Cir. 1995).

⁴ Noelle Fitchett, *Students recite woke pledge during white coat ceremony*, CAMPUS REFORM (Sept. 26, 2022), <https://campusreform.org/article?id=20259>.

our friends, families, peer, mentors, and communities who have supported us in reaching this milestone. Our institution is located on Dakota land. Today, many Indigenous people from throughout the state, including Dakota and Ojibwe (ooj-*jib*-way), call the Twin Cities home; we also recognize this acknowledgment is not enough.

We commit to uprooting the legacy and perpetuation of structural violence deeply embedded within the healthcare system. We recognize inequities built by past and present traumas rooted in white supremacy, colonialism, the gender binary, ableism, and all forms of oppression. As we enter this profession with opportunity for growth, we commit to promoting a culture of anti-racism, listening, and amplifying voices for positive change. We pledge to honor all Indigenous ways of healing that have been historically marginalized by Western medicine. Knowing that health is intimately connected to our environment, we commit to healing our planet and communities.

We vow to embrace our role as community members and strive to embody cultural humility. We promise to continue restoring trust in the medical system and fulfilling our responsibilities as educators and advocates. We commit to collaborating with social, political, and additional systems to advance health equity. We will learn from the scientific innovations made before us and pledge to advance and share this knowledge with peers and neighbors. We recognize the importance of being in community with and advocating for those we serve.⁵

[...]

While UMMS may encourage students to adopt these views, the First Amendment bars the university from requiring them to do so. The First Amendment protects not only the right to speak, but the right to *refrain* from speaking.⁶ Requiring new students to “vow” or “commit” to contested political viewpoints violates students’ clear expressive rights, is inconsistent with the role of the university as a bastion of free inquiry, and cannot be enforced at a public institution.⁷

⁵ UMMS, *Medical School White Coat Ceremony* (Aug. 19, 2022), https://mediaspace.umn.edu/media/t/1_o65gj1l1; Christopher F. Rufo (@realchrisrufo), TWITTER (Oct. 9, 2022, 10:43: AM), <https://twitter.com/realchrisrufo/status/1579120384519307265>; Christopher F. Rufo (@realchrisrufo), TWITTER (Oct. 11, 2022, 2:41 PM), [https://twitter.com/realchrisrufo/status/1579904917761708034?s=51&t=Oftzv1r8GTiQ7vUAoDzu0A](https://twitter.com/realchrisrufo/status/1579904917761708034?s=51&t=Oftzv1r8GTiQ7vUAoDzu0A;);

⁶ See *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (“[T]he right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all.”).

⁷ The use of land acknowledgment statements is a contested public issue. See, e.g., Graeme Wood, ‘*Land Acknowledgments*’ Are Just Moral Exhibitionism, ATLANTIC (Nov. 28, 2021),

UMMS can require students to adhere to established medical standards, but this authority cannot be abused to demand allegiance to prescribed ideological views—even ones that some students do indeed hold.⁸ Specifically, UMMS may not compel students to recite a land acknowledgment, commit to “uprooting the legacy and perpetuation of structural violence deeply embedded within the healthcare system,” or “promote[e] a culture of anti-racism.” Nor may it force students to express a commitment to “embody cultural humility,” or “advance health equity.” Even if written by a group of students, UMMS may not subsequently require *all* students adhere to these views.

Because students may reasonably perceive recitation of this oath as mandatory, FIRE calls on UMMS to make clear that students may refuse to say it without penalty, and that students will not have to affirm any political viewpoints as a condition of their continued education at the school.

We request receipt of a response to this letter no later than the close of business on October 20, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach', with a long, sweeping horizontal stroke extending to the right.

Zachary Greenberg
Senior Program Officer, Campus Rights Advocacy

Cc: Joan T.A. Gabel, University of Minnesota President
Douglas R. Peterson, General Counsel

<https://www.theatlantic.com/ideas/archive/2021/11/against-land-acknowledgements-native-american/620820>; Harmeet Kaur, *Land acknowledgments are often an empty gesture, some Indigenous people say*, CNN (updated Nov. 22, 2021), <https://www.cnn.com/2021/11/22/us/native-americans-land-acknowledgments-cec/index.html>.

⁸ See *Wooley*, 430 U.S. at 714 (“[W]here the State’s interest is to disseminate an ideology, no matter how acceptable to some, such interest cannot outweigh an individual’s First Amendment right to avoid becoming the courier for such message.”).