

Dear Dean Mengler,

This letter is in response to your school-wide email of Tuesday, April 22, 2008 in which you outline your reasons for overturning the recent decision of our Public Service Board (PSB) to authorize public service hours unconnected to abortion and contraceptive services at Planned Parenthood. We understand that you received emails and visits from students and faculty urging you to oppose the PSB's decision. As supporters of that decision, we feel that we cannot remain silent.

First and foremost we would like to stress that our motivation in writing this letter is to do what is in the best interest of our school. We have all chosen to pursue our legal education here at a new law school and our legal reputations are inextricably linked with the success, or perceived failure, of the University of St. Thomas School of Law. The future of our school's reputation in the legal community, as well as in the community at large, depends on the law school continuing to attract not only those Catholic students who agree with the Church's teachings on the issues of abortion and contraception, but also those who respectfully disagree. It is in the spirit of this respectful disagreement that this letter is intended.

As you conceded in the aforementioned email, "the PSB Guidelines say nothing express about the Dean's role in appeals about a decision of the PSB to certify a placement as 'qualifying public service.'" Despite this admitted lack of formal authorization you have unilaterally decided, without citing any supporting evidence, that the same Guidelines "clearly contemplate a significant role for the Dean in helping the PSB implement this faculty policy." Assuming that this is true, the question becomes: In what way is overturning the PSB's considered decision "helping [it] to implement" its decision?

You also assert that "because public service is a graduation requirement [...] qualifying public service necessarily contain[s] an academic element." With this argument – again, unsupported – you have found authority to retract the PSB's decision absent a formal appeal by an aggrieved party. A review of § III-A-4 of the Academic Policy Manual covering the guidelines for required public service indicates that there is no academic component involved in public service. To the contrary, while public service is a prerequisite to graduation, the two reasons the requirement was imposed are listed as: (1) to connect law students to the broader community, and (2) to encourage pro bono work among law students when they become lawyers. To say these reasons "necessarily contain an academic element" is attenuated at best.

In reaching your conclusion you cite the 1999 decision of Father Dennis Dease, as President of the University, to deny "externship credit to an undergraduate student who wished to volunteer at Planned Parenthood on grounds that St. Thomas cannot endorse – with academic credit – student service at an organization whose mission is fundamentally in conflict with a core value of a Catholic University." Although the public service requirement at St. Thomas School of Law is a graduation requirement (and a commendable one which we fully support), it is not in any way connected to *academic credit*. This is explicitly stated in the standards for qualifying public service, which state that service must be uncompensated, meaning "the student receives neither monetary compensation nor academic or writing credit for work done in satisfaction of the public service requirement." Volunteer work, therefore, as contemplated by our PSB, is by definition neither paid nor rewarded with academic credit. Unlike an externship program, qualifying public service by individual law students is not supervised by

any faculty members, there is no program application, law students do not register for credit, and public service credit does not appear on a law student transcript. Since credit is neither awarded nor should be awarded for any of the volunteer work done by any law school student, the PSB's decision is distinguishable from Father Dease's 1999 decision.

The PSB Guidelines, as you pointed out, are "designed to encourage an ethic of servant-leadership within this community" and assert that "qualifying public service is restricted to 'any type of volunteer work that is consistent with the mission of the School of Law and the University of St. Thomas.'" The emphasis of the Guidelines is whether the type of *volunteer work* is consistent with the school's mission and not whether *all of the purposes* of the umbrella organization under which the volunteer work is done is consistent with the school's mission. The volunteer hours the PSB proposed to allow were within services such as STD/STI testing, cancer prevention and other health services that Planned Parenthood provides, which are unrelated to abortion or contraception, which clearly fall within the category of "healing the sick," and which cannot, therefore, be considered "fundamentally at odds with a core value of the Catholic Church" or the school's mission.

Additionally, the general guidelines to qualifying public service in § III-A-4 quotes *Octogesima Adveniens*:

Let each one examine himself, to see what he has done up to now, and what he ought to do. It is not enough to recall principles, state intentions, point to crying injustice and utter prophetic denunciations; these words will lack real weight unless they are accompanied for each individual by a livelier awareness of personal responsibility and by effective action [...] Thus, amid the diversity of situations, functions, and organizations, each one must determine, in his conscience, the actions which he is called to do.

Like the mission of our law school, this excerpt taken directly from the Academic Policy Manual suggests an individualized examination of conscience to determine the path of service among the laity. Certainly, it cannot be denied that the placement of this quote in the guidelines of qualifying public service was not to be a limiting agent, but rather an expansive one.

Finally, the nature of your decision flows directly against the spirit of the mission of St. Thomas School of Law, and the principles of due process we are supposed to learn at this institution. Our mission contemplates a dedication to the integration of "faith and reason in the *search* for truth." There was no search here. There was no openness. The process was completely opaque. A vocal minority of students and faculty were allowed to overturn a decision by a representative student body without a formal appeals process. The absence of this appeals process denied the rest of the student body an opportunity to publicly air their valid opinions, both for and against the PSB position. As a result, a very large number of students who had no idea this topic was even broached by the PSB until they received your e-mail overturning it were disenfranchised. Law school has taught us to be proud of living in a democracy where people – right or wrong – are allowed their day in court and their opportunity to be heard. Ours has been denied.

For these reasons we believe that as the school "attempts to live out our Catholic identity in a way that, on the one hand, is true to [its Catholic] identity and, on the other hand, is welcoming and embracing of those who differ" we must take care not to make decisions that close doors against future students and edge our school towards an extreme orthodox status. It is in the interest of each and every student at

St. Thomas School of Law that it is held in the highest regard as a legitimate seat of legal learning by the community around us. We believe that your unilateral conclusion to overturn the PSB's decision is a step in the wrong direction and we urge you to reconsider.

Sincerely,

Dave Corbett	Andy Pieper	Erin Collins	Laura Hammargren
Matt Mons	Vanessa Gutierrez	Michael Boulette	Colin Peterson
Nick Jannakos	Elizabeth Anderson	Jessica Peyton	Stephanie Margolis
Suzanne Jones	Geoff Garton	Versiree LaTanya Baker	Carrie Burton
Mike Lammers	Annie McQuillen	Shauna Kieffer	Rob Meyers
Dan Eaton	Chris Paul	Lisa Ellingson	Sarah Kerrigan
Tyrone Folliard	Tarcy Thompson	Jenn Krein	Jeffrey Klobucar
Shawn Stuckey	Jordan Anderson	Brandon Hoeft	Jillian Dease
Aaron Shockley	John LaBree	Heidi Hovis	Scott Nelson
David Griggs	Meghan McCauley	Marc Sugden	Shannon Gherty
Mark Hastie	Sonja Larson	Kalyan Pokala	Amy Bauch
Bonnie Wittenburg	Patrick Donaldson	Brian Lukasavitz	Amy Pearson
Jenna Grimsrud	Ted Hoffstrom	Ben Skoglund	Brandon Borgos
Jeanne Halvorson	Michael Weldon	Dominic Mitchell	Kevin T. Ravenscroft
Brent Schreiber	Michael Lawyer	Natalie Ratzlaff	Shannon Duffy
Andrew Flynn	Caity O'Rourke	Sarah Solz	Elizabeth Rusinak
Angela Rudolph	Brendan Rylander	Kathleen McDaniel	Lucy Sullivan
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