

November 4, 2005

President Stephen J. Kopp
Office of the President
Marshall University
1 John Marshall Drive
Huntington, West Virginia 25755

Sent by U.S. Mail and Facsimile (304-696-6453)

Dear President Kopp:

As you can see from the list of our Directors and Board of Advisors, FIRE unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, and freedom of speech on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is gravely concerned by the possibility that Marshall University is unlawfully discriminating against students on the basis of race in class enrollment. According to Marshall's website, certain sections of an introductory course for first-year students, University Studies 101, contain racial restrictions which limit

As a public institution of higher education, Marshall violates the U.S. Constitution as well as its own policies when it excludes any student from a class on the basis of that student's race. The legal and regulatory prohibitions on such practices are considerable. The 1954 decision of the U.S. Supreme Court in *Brown v. Board of Education* confirmed that racially segregated classes violate the Equal Protection Clause of the Fourteenth Amendment, while Title VI of the Civil Rights Act of 1964 forb

rights of Marshall University's students are respected and preserved. We request a response on this matter by November 18, 2005.

Sincerely,

Robert L. Shibley
Program Manager

cc:

Sarah Denman, Provost and Senior Vice President for Academic Affairs, Marshall University

Frances Hensley, Associate Vice President for Academic Affairs, Marshall University

Michelle Duncan, Director, University College, Marshall University

Randolph Cullum, Academic Advisor, University College, Marshall University

Maurice Raeburn Cooley, Director, Center for African American Students' Programs,
Marshall University

Larry G. Jarrett, Department of Geography, Marshall University

Fran L. Jackson, Department of Multicultural