



April 1, 2026

Danielle Conway, Dean  
Penn State Dickinson Law  
150 S. College Street  
Carlisle, PA 17013

Dear Dean Conway:

The America First Policy Institute (AFPI) is writing to express serious concerns regarding the mandatory first-year course entitled “Race and the Equal Protection of the Law” (REPL), and its compatibility with both federal civil rights law and the constitutional obligations of Penn State as a public institution.

Based on a review of course materials, assigned readings, and related communications, there is substantial reason to believe that the REPL course, as currently structured and implemented, creates a racially hostile educational environment in violation of Title VI of the Civil Rights Act of 1964. Course materials repeatedly emphasize race-based frameworks that categorize individuals according to identity and systemic positioning, including themes portraying individuals as “oppressors” or “oppressed” based on skin color, and presenting American legal institutions as fundamentally structured by racial hierarchy.

For example, assigned readings and instructional materials include content emphasizing that:

- Racial power structures inherently shape American legal systems;
- Racial identity categories determine social and legal outcomes; and
- Individuals are situated within systems of privilege or oppression based on race.

These claims are presented without meaningful—or, in some cases, *any*—accompanying course engagement with credible scholarship presenting critiques or alternatives. By failing to engage with a range of scholarly perspectives on these important issues, this course could be fairly described as “indoctrinating” rather than “educating” students. This assessment is bolstered by student reports to AFPI regarding pressure to parrot perspectives presented to them in this class.

These concerns are compounded by evidence of a broader lack of viewpoint diversity within the law school environment. Notably, following a school-wide email you sent on

January 26, 2026 addressing recent federal immigration enforcement actions, a student attempted to circulate a response presenting an alternative viewpoint. As reflected in the attached documentation, the school administration blocked the distribution of that response to the student body. The student attempted to appeal this decision, which was denied again; the denial of the appeal and the initial moderation did not indicate any violation of the school's content standards as the reason the email could not be sent.

This act of censorship raises serious First Amendment concerns. As a public university, Penn State is bound by constitutional constraints that prohibit viewpoint discrimination. Preventing a student from expressing a dissenting perspective—particularly in response to an official institutional communication—constitutes a serious departure from these principles and suggests an environment in which only one viewpoint is permitted.

Given these concerns, we respectfully request that Penn State Dickinson Law take immediate corrective action. At a minimum, the REPL course should be made optional rather than mandatory. Preferably, the course should be removed from the law school's curriculum entirely and replaced with programming that promotes genuine intellectual diversity and open inquiry. While we understand that the school justifies the mandatory nature of the REPL course to satisfy American Bar Association accreditation standards, we believe the course is superfluous. Indeed, documentation indicates that Penn State Dickinson Law previously utilized orientation programming to address diversity-related ABA accreditation requirements. In light of this, the REPL course appears duplicative of existing measures intended to satisfy ABA standards, making a mandatory, year-long course unnecessary for compliance.

This letter also serves to inform you that we are concurrently submitting a formal complaint to the U.S. Department of Education, requesting an investigation into the American Bar Association's accreditation standards and their potential role in fostering the type of environment described herein. Penn State Dickinson Law is referenced in that complaint as a representative example. As a courtesy, a copy of the complaint is attached here.

The imperative for American legal education programs to teach a wide range of viewpoints cannot be overstated. Certainly, viewpoint diversity and absence of race-based hostility in these programs is essential to developing young attorneys and is in fact required when such programs are federally-funded and taught by public institutions. Your swift correction of the significant deficiencies reported in this letter is paramount. We welcome the opportunity to discuss these concerns further.

Sincerely,

Leigh Ann O'Neill  
Chief Legal Affairs Officer  
America First Policy Institute

cc: Neeli Bendapudi, Ph.D, President, Penn State University