

## NEWS

### **Proponents obtain no**

#### **legal opinion**

by Michael Gendall

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The state's attorney general's office declined to offer a legal opinion regarding the controversial University of Wisconsin-Eau Claire Bible-study ban last week. The office received requests from both the UW System and the delegation of 25 Republican legislators and both parties are disappointed with the recent declination.

"We got a quick response," UW System spokesperson Doug Bradley said. "I think we had asked in hopes of getting some expert legal opinion and she declined to opine, so it is what it is."

State Rep. Scott Suder, R-Abbotsford, who was among the group of 25 requesting Attorney General Peg Lautenschlager's opinion, questioned the attorney general's motives for declining to fulfill what he says was part of her job responsibility.

"The attorney general is supposed to be there to answer questions with regard to practices of the state that may place the state in a precarious legal position," Suder said of Lautenschlager, who is facing reelection next year. "She took a pass, and if she took a pass for political reasons, that should tell voters a great deal about her impartiality."

The Bible-study ban, confirmed to exist at both UW-Eau Claire and UW-Madison, prohibits resident assistants from leading Bible studies and other ideological activities in their residence halls.

The UW System maintains the lack of such a policy would violate the establishment clause of the First Amendment.

Others, perhaps most notably U.S. Rep. Mark Green, R-Wis., argue such a policy violates other constitutional rights of the resident assistants.

"You simply should not ask students to surrender their freedoms and their rights merely because they choose to be RAs, whether it be the right of freedom of worship ... or the right of freedom of speech," Green, a 2006 gubernatorial candidate, said. "To say that someone can't be an RA because they take a position or have a belief that somebody might find objectionable, you would essentially say that RAs can't write for student newspapers, they can't say things publicly, and that's wrong."

According to Green, however, the content of the public letter from Deputy Attorney General Daniel Bach to UW System President Kevin Reilly indicates the attorney general believes the policy to be unconstitutional.

"The fact that the attorney general isn't willing to stand up for this policy I think sends a very clear message," Green said. "Essentially the attorney general recognizes that if this policy isn't rescinded, they're very likely to get sued and quite frankly they're likely to lose."

The UW System will issue a formal statement early this week acknowledging the deputy attorney general's letter, according to Bradley.

Contacted Friday, the attorney general's office declined comment on either letter.

Meanwhile, Suder said he and state Rep. Rob Kreibich, R-Eau Claire, will be conducting an informal hearing

on the matter in Altoona, Wis., tonight.

“It’s not a formal committee hearing per se but it may be a prelude to committee hearings,” Suder said.

“We’re going to hopefully find more information and allow students and community residents to weigh in on the matter and we’ll decide from there.”

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