



## Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, PA 19106  
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

David French  
PRESIDENT

Greg Lukianoff  
DIRECTOR OF LEGAL AND  
PUBLIC ADVOCACY

Rob Pfaltzgraff  
VICE PRESIDENT OF  
DEVELOPMENT,  
MANAGEMENT, AND  
MARKETING

### BOARD OF DIRECTORS

Alan Charles Kors  
CHAIRMAN

Harvey A. Silverglate  
VICE CHAIRMAN

William J. Hume  
Joseph M. Maline  
Michael Meyers  
Marlene Mieske  
Daphne Patai  
Virginia Postrel  
Ed Snider  
James E. Wiggins

### BOARD OF ADVISORS

Lloyd Buchanan  
T. Kenneth Cribb, Jr.  
Candace de Russy  
William A. Dunn  
Benjamin F. Hammond  
Nat Hentoff  
Roy Innis  
Wendy Kaminer  
Woody Kaplan  
Leonard Liggio  
Herbert London  
Peter L. Malkin  
Milton Rosenberg  
John R. Searle  
Ricky Silberman  
Christina Hoff Sommers

November 18, 2005

Peggy A. Lautenschlager  
Attorney General of the State of Wisconsin  
17 West Main Street  
P.O. Box 7857  
Madison, Wisconsin 53707-7857

### **Re: Resident Assistants at the University of Wisconsin at Eau Claire**

*Sent by U.S. Mail and Facsimile (608-267-2779)*

Dear Attorney General Lautenschlager:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (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, freedom of religion, academic freedom, due process, and, in this case, freedom of speech and of the press on America's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

Responding to a plea for help from undergraduate resident assistant (RA) Lance Steiger, who wished to lead a Bible study in his room on his own time, FIRE brought to public attention the University of Wisconsin at Eau Claire's (UWEC's) admittedly unwritten "policy" banning RAs from holding even private, unofficial Bible studies (or studies of the Koran or Torah) in their own dorms or dorm rooms. FIRE's exposure of UWEC's unjustified ban on religious expression has led to significant and sustained public outcry over the situation.

FIRE is aware that both University of Wisconsin System President Kevin Reilly and a group of 25 Wisconsin state legislators have written asking for the Wisconsin attorney general's legal opinion as to whether UWEC's policy is constitutional. Unfortunately, the university's submission of evidence about its own policies was far from complete. As a result, FIRE would like to take this opportunity to furnish the attorney general with more complete information about UWEC's policies and practices as they relate to the policies, practices, and duties of RAs on that campus.

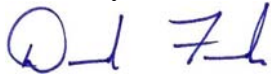
When FIRE first exposed this policy to the public, it contrasted UWEC's ban on RAs' holding Bible studies in their own dorms or dorm rooms with the public praise from officials of UWEC's Department of Housing and Residence Life for an RA who had hosted for three years an official hall production of the controversial feminist play *The Vagina Monologues* (a UWEC student newspaper article containing this praise is attached to this letter). FIRE also pointed out that UWEC's own job description for RAs gives them the responsibility "[t]o help organize and promote educational, recreational, social, and cultural activities that the students want and need," and asks them to "actively assist" in the "political" programs of the dorm. The job description also makes no mention of a prohibition on private Bible study groups led by RAs in their own dorm rooms. As UWEC did not include this job description in its letter to the attorney general's office, FIRE has attached it to this letter.

UWEC can point to no written policy that would ban private, RA-led Bible studies. Yet it insists that its unwritten ban is justified out of a concern that "[o]rganizing and leading student activities from their own rooms and residence halls might well result in residents feeling undue pressure to participate" and, in the words of Associate Director of Housing and Residence Life Deborah Newman, because students who knew that their RAs led Bible studies might "feel judged or pushed in a direction that does not work for them." However, UWEC officially sponsors several programs in which RAs advocate controversial ideological positions through programs such as "The V-Day Campaign," which culminates in a production of *The Vagina Monologues*; "The F-Word," in which "participants [are] introduced to feminism as a non-threatening, productive, socially necessary way of thought"; and a "Can You Recognize Racism?" program in which "[t]he object is for the participants to understand that racism is a pervasive influence in our society." These and many more examples of controversial political programs led by RAs are detailed in a UWEC document entitled "MOSAIC: University of Wisconsin-Eau Claire Commitment to Diversity," which we have attached to this letter.

When UWEC allows some RAs to officially advocate ideologically charged and controversial positions within the residence halls and then prohibits other RAs from holding private Bible studies in their own rooms, it is engaging in unconstitutional viewpoint discrimination. Indeed, if feeling "undue pressure to participate" in activities is truly UWEC's concern, it strains credulity for UWEC to contend that hall residents would feel more "pushed" to attend a private, voluntary Bible study led by their RAs than to attend these well-funded, heavily promoted, and highly ideological programs led by their RAs and supported by the university itself. It also seems unlikely in the extreme that, in accordance with UWEC's claim that for years it has banned leading, organizing, or recruiting students for "all activities, regardless of viewpoint," *nothing* that could be construed as "leading" or "organizing" these controversial and political student programs has taken place in RAs' own dorm rooms or dormitories.

FIRE hopes that the information attached to this letter will be helpful to the attorney general's office should it decide to make a determination on the constitutionality of UWEC's unwritten policy banning private Bible studies led by RAs in their own dorm rooms or dorms. Please feel free to contact us should you have any questions on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D French".

David French  
President

cc:

Kevin P. Reilly, President, University of Wisconsin System

David Walsh, Regent President, University of Wisconsin

Vicki Lord Larson, Interim Chancellor, University of Wisconsin-Eau Claire

State Senator Tom Reynolds

State Representative Scott Suder

Lance Steiger

Encl.