

OPINION & EDITORIAL

Battle for free expression beginning

by Charles Parsons

Friday, December 2, 2005

It's about damn time.

Just minutes after resident assistant Lance Steiger filed a federal lawsuit against the University of Wisconsin-Eau Claire, UWEC Interim Chancellor Vicki Lord Larson announced the unconstitutional policy banning RAs from holding Bible studies in their dorm rooms was suspended.

Ms. Larson's e-mail announcing the change cites inconsistencies and confusion, but it was ultimately the lawsuit that changed the policy. Weeks of public scrutiny and almost universal condemnation from students, public officials and the national press failed to convince officials at UWEC they were in the wrong. Yet only 31 minutes after Mr. Steiger filed his lawsuit, an e-mail was released announcing the change.

Interesting.

In an institution that talks about "teachable moments," it is clear that the lesson here is to protect your rights. UWEC had a clear moral obligation to guarantee the right to free expression to all its students, yet it was the legal obligation — and threat of costly litigation and an expensive settlement — that ultimately triumphed.

While Mr. Steiger and FIRE are no doubt basking in the warm glow of a well-fought skirmish, the battle — indeed, the war — has barely begun. Nothing short of a definitive legal ruling will ensure that this kind of abridgement of rights doesn't continue in the UW System.

As of right now, UW-Madison continues a similar written policy concerning its house fellows. Housing Director Paul Evans stated Wednesday — after the policy at Eau Claire had been suspended — that the flagship campus would continue its policy. "I think it's a good policy. It's very viewpoint-neutral," he told The Badger Herald. "The house fellow position is a very unique position, and I think we need to be careful about what kinds of things they might be leading on their floor."

The funny thing is that Mr. Evans didn't say anything unreasonable. Ensuring that house fellows and UW Housing employees do not abuse their positions and indoctrinate residents, even inadvertently, is a worthy goal. But combating that kind of atmosphere by prohibiting expression is like saying that one can combat discrimination by not talking about race.

Come to think of it, we don't openly discuss race, either. Or gender. Or poverty.

The solution to these types of environments has always been an increase in dialogue, debate and expression. We combat hate with knowledge. We combat indoctrination with plurality.

At heart is a profound misunderstanding of viewpoint-neutrality by the UW System as a whole. UW chancellors, administrators and student governments have almost uniformly chosen the narrowest possible

definition, a definition that stifles speech and chills expression throughout this fine institution. In their minds, viewpoint-neutrality creates a vanilla landscape where viewpoints are simply not expressed. A belief or ideal is acceptable only if it doesn't come in contact with another.

But the Supreme Court never intended *Southworth* to be a noose around the neck of expression. Instead, when properly interpreted, the landmark ruling ensures that all ideologies are given a level playing field by mandating that organizations and individuals are judged independently of their ideology.

It seems that many in the UW System believe that allowing ideological organizations to exist on campus and even to obtain funding, whether through segregated fees or through institutional funds, is an implicit endorsement of that ideology.

Yet, there has never been a case where allowing an ideology to exist has been deemed endorsement. In fact, it has been quite the opposite. The courts have ruled time and again that endorsement is active and requires the suppression of alternate ideologies or beliefs.

Nonetheless, it seems that the system has decided to take the narrow road, to the detriment of its students. Rather than engage us all in a wide range of thought and knowledge, the UW System has instead decided we are best served in silence.

What are we left with, then, in an institution of higher education that de-emphasizes the free exchange of thought and even actively discriminates against the expression of many viewpoints?

UW System President Kevin Reilly has announced the creation of an advisory committee to make recommendations for a system-wide policy to address the problems in Eau Claire and Madison. It's unlikely the committee will even touch upon the larger issues involved, especially since it will be comprised of student-life experts — likely the same people who have proposed or defended the current rules.

There is always the slim hope that the committee or its recommendations will spark a larger debate about the state of free expression on UW campuses. Then we can all stand up and be heard in our beautiful multitude of voices.

Charles Parsons (cparsons@badgerherald.com) is a senior majoring in English literature and is editorial page editor of The Badger Herald.

Copyright © 1999-2005 Badger Herald, Inc. Some rights reserved.