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Attorney general refuses to give opinion

Lautenschlager's office suggests aspects for System to consider

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The attorney general's office has declined to offer an opinion on the legality of UW-Eau Claire restricting senior resident assistant Lance Steiger from hosting Bible studies in his room or residence hall.

If the attorney general's office took a position, Deputy Attorney General Daniel Bach wrote in a Monday letter to UW System President Kevin Reilly, it would be unable to defend the state or any of its affiliates in future lawsuits concerning the issue.

"I think it imprudent to put this department ... in the position of being unable to perform our representational functions on behalf of the state," Bach wrote.

Reilly requested Attorney General Peg Lautenschlager's legal opinion on the policy Nov. 14, asking she assess the constitutionality of prohibiting RAs from conducting religious, political or sales-related events in their dorms.

Bach did highlight several aspects of the debate for the System to consider from a legal standpoint. Questions he raised in the letter include why the policy isn't System wide if it is so vital and how the policy compares to other forms of prohibition in residence halls.

But without Lautenschlager's official opinion, the System will have to initiate a new course of action to assess the legality of the policy, said Doug Bradley, communications director for the System.

"There are some suggestions (in Bach's letter)," he said. "We're going to have to do some other consultation and get a process in place ... that means it could take us a little more time."

State Rep. Rob Kreibich, R-Eau Claire, called Lautenschlager's decision a "devastating blow" to the System.

"If they were looking for vindication, they sure didn't get it," he said. "The university will not be able to hide behind any pending attorney general decision."

Kreibich said the letter he and 24 other legislators signed also asking for Lautenschlager's opinion did not place the attorney general in the same compromising position.

"Our questions were more practical and basically would not have ... raised the lawsuit concerns as much," he said.

Bradley said the System is continuing to weigh the issue and welcomes input from outside parties - though he said "political rhetoric" will only complicate the process.

"We're anxious to partner and we're willing and we're hopeful," he said. "I think everybody is going to be

better served by working together."

The next step, Kreibich said, is to organize legislative hearings to deliberate the issue before the end of the fall semester.

He has planned a listening session from 6:30 to 8 p.m. Monday in Altoona to gather public opinion on the matter, and is planning to initiate hearings in his Colleges and Universities Committee in the coming weeks.

He said he hopes to see Steiger, Eau Claire officials, System officials and lawyers and legislators from other bodies present at the capitol to participate.

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