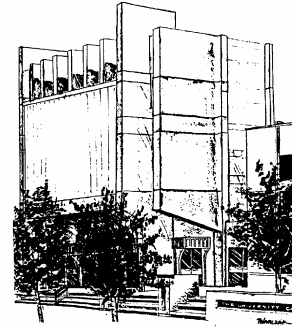


University of Wisconsin-Madison Roman Catholic Foundation  
723 State Street  
Madison, Wisconsin 53703  
(608) 258-3140 ext. 106  
(608) 258-3141 Fax



*St. Paul's University Catholic Center  
The Birthplace of Catholic Campus Ministry*

March 1, 2006

John D. Wiley, Chancellor  
University of Wisconsin- Madison  
161 Bascom Hall, 500 Lincoln Dr.  
Madison, WI 53706

Re: UW Roman Catholic Foundation and Segregated Student Fees

Dear Chancellor Wiley:

In response to the public outcry over the treatment of UW-Eau Claire house fellow Lance Steiger, UW System President Kevin Reilly recently wrote the following to Attorney General Peg Lautenschlager.

Consistent with the decision of the United States Supreme Court in *Widmar v. Vincent*, 454 U.S. 263 (1981), the University and all UW System institutions have made available campus facilities for use by student religious organizations. Moreover, in light of *Rosenberger v. Rectors and Visitors of the University of Virginia*, 515 U.S. 819 (1995) and *Southworth v. Board of Regents*, 529 U.W. 217 (2000), the UW System and its institutions have taken care to avoid viewpoint discrimination among student organizations and to assure that student fees are distributed in a viewpoint neutral manner.

I was heartened to see President Reilly draw attention to these three Supreme Court cases. Reilly's contention, however, "*that student fees are distributed in a viewpoint neutral manner,*" is not at all reflective of the actual situation, at the least as the University of Wisconsin Roman Catholic Foundation (UWRCF) has experienced it at the hands of UW- Madison administrators.

To be specific, I want to protest the shameful treatment the UWRCF (a.k.a. St. Paul University Catholic Center) has received from the Chancellor's representatives in the Dean of Students Office.

After weekly serving the University's some ten thousand Catholics at our student center and of over 100 years of service to the university, we are disheartened this year to find our student organization systematically discriminated against by the Dean of Students Office. For example, Elton Crim, as the Chancellor's representative, in an address before the Student Financial Services Committee this past semester, argued that, in his view, the UWRCF should not be funded by seg fees. Mr. Crim went so far as to *warn* the committee, that the UWRCF was preying upon the SSFC as "an easy mark to receive funding." You can read the *Badger Herald's* partial coverage of his address at: [http://badgerherald.com/news/2005/11/18/ssfc\\_newcomer\\_raises.php](http://badgerherald.com/news/2005/11/18/ssfc_newcomer_raises.php)

How could a budget hearing, following such a speech by the Chancellor's personal delegate, possibly be fair? Crim's speech coupled with other communications from the Dean's office, emboldened and incited the SSFC to seek to aggressively cut what they perceived to be religious aspects of the UWRCF budget. To illustrate, the SSFC voted to cut our student authored Lenten Book because of its religious content and character. This booklet is authored each year by forty different UW students, and is distributed to some 8,000 students. Publication was de-funded when an SSFC committee member, citing the Dean's memo, said it was "too Catholic" and that the University "cannot fund worship," in the form of a Catholic booklet.

If I hadn't heard this sort of thing so frequently during our budget and eligibility hearings, I wouldn't have believed such ignorance of Rosenberger and other related Supreme Court cases was possible by a committee charged with the *viewpoint neutral* distribution of segregated fees.

Mr. Crim's remarks were but one of many attempts by Interim Dean Bequam's office to derail or minimize the funding the UWRCF received from SSFC. The Dean's office issued a steady stream of unconstitutional, religiously discriminatory communications to the SSFC. Repeatedly this past semester, the UWRCF obtained from the Student Judiciary, judgments against this discriminatory treatment incited by the Dean's office.<sup>1</sup>

Yet when the UWRCF budget finally came before the Student Council for approval, the Dean's Office, in the person of Interim Dean Lori Bequam, once again made an appearance to speak against the UWRCF. Fortunately the students on the council saw her appearance there (she never spoke regarding any other student organization) as discrimination.

Now the Freedom from Religion Foundation has picked up this anti-religious campaign against the UWRCF and would have you, the Chancellor, follow suit.

Since receiving eligibility two years ago, as the first and only funded religious organization<sup>2</sup> in SSFC's history, the UWRCF have been subjected to egregious, sustained and blatant discrimination. And contrary to what many editors in student newspapers have assumed<sup>3</sup>, this discrimination has been initiated and sustained not by students on SSFC, but rather by the Dean of Students Office and those members of the administration working with SSFC. On several occasions, students questioned the propriety of the administration's behavior. In fact, if it had not been for students on the SJ<sup>4</sup>, who were familiar with the Supreme Court cases, overturning the SSFC's eligibility decision, the UWRCF would not be SSFC eligible today.

---

<sup>1</sup> J The SJ main ruling can be read at: [http://evangelicalcatholic.org/SSFC/Judgment%20--%20UWRCF%20v.%20SSFC%20\(II\).htm](http://evangelicalcatholic.org/SSFC/Judgment%20--%20UWRCF%20v.%20SSFC%20(II).htm).

<sup>2</sup> If the University were truly interested in a non-discriminatory segregated fee system, you would think this absence of religious SSFC groups would raise questions about the need for affirmative action. Given the interest and participation of students in religious groups at universities, it strikes one as odd that the UWRCF is the sole religious organization that is funded by SSFC. The Jewish Cultural Collective (JCC) took pains to say, "we are a cultural and not a religious group." If religion has nothing to do with receiving or not receiving funding, why did JCC deny what we all know-- that they are religious.

<sup>3</sup> Students were outraged by this discriminatory treatment, but mistaken in where they placed the blame: [http://badgerherald.com/oped/2005/10/18/exclusionary\\_rule\\_.php](http://badgerherald.com/oped/2005/10/18/exclusionary_rule_.php) <http://www.dailycardinal.com/article.php?storyid=1027381> [http://badgerherald.com/news/2005/11/11/ssfc\\_hears\\_uwrcf\\_pro.php](http://badgerherald.com/news/2005/11/11/ssfc_hears_uwrcf_pro.php) [http://badgerherald.com/oped/2005/11/15/ignorance\\_irrespons.php](http://badgerherald.com/oped/2005/11/15/ignorance_irrespons.php)

<sup>4</sup> UW legal pressured Chief Justice Fox on his ruling in our case.

Our personal experience with UW officials and the seg-fee system has led to a great deal of sympathy for the complaints earlier UW students made before the Supreme Court:

Next, the plaintiffs [Fry, Thompson & Southworth] claim that under the current system, discrimination against religious groups is still possible. In support of this argument, the plaintiffs point to a meeting between University officials and student government representatives in which the University directed the student government to contact it if the representatives had any concerns about funding religious speech or activities. Rather than constituting viewpoint discrimination, this consultation actually serves as another check on the student government's discretion because *the University can preempt any effort by the SSFC or the ASM Finance Committee to discriminate against an RSO based on the RSO's religious affiliation or viewpoint*. After all, University officials guided by their legal counsel are more likely to properly understand the constitutional mandates of the First Amendment, than are undergraduate students *who may wrongly believe that the First Amendment requires—as opposed to prohibits—such discrimination*. This open-door policy, therefore, actually serves to safeguard the interests of viewpoint neutrality. However, if the University applies this policy in a way that results in actual incidents of discrimination, once more that would justify an as-applied challenge.<sup>5</sup>

In the case of the UWRCF, there is no doubt that University officials were the primary agitators of the discrimination. The UWRCF can produce a veritable mountain of audio<sup>6</sup>, documentary and testimonial evidence to the sustained discrimination we have received by University officials, especially those in the Dean's office acting as the Chancellor's representatives.

Such anti-religious politics of university administrators sabotage the intent of Southworth, Widmar, and Rosenberger. We must work to end religious discrimination in the university.

Chancellor Wiley, we respectfully request that you do intervene in the case of the University of Wisconsin Roman Catholic Foundation., but not as the Freedom From Religion Foundation would have you do. Rather we ask you to raise a clear voice that discrimination will not be tolerated at this university, and that all viewpoints, religious or non-religious, will receive equal treatment and protection from your office. We ask that you redress the remaining inequities of our budget as approved by ASM.

Sincerely,

Tim Kruse  
UWRCF staff  
UW-Madison student

---

<sup>5</sup> Page 48ff of the Fry, Thompson, Southworth decision.

<sup>6</sup> If you wish to view our full complaint against the University, it is posted at <http://evangelicalcatholic.org/SSFCCounts.htm> .