

## Religious groups placed on probation

By Mary Jo Pitzl

In a 4-3 decision, the ASUN Student Court ruled Thursday that Christian lecturer Josh McDowell's campus speech Jan. 30 violated the NU Board of Regents' religion policy. The court placed the four student religious groups who sponsored McDowell's speech on one-year organization probation.

In his dissent, Chief Justice Scott Cook said the court has no authority to place the groups on probation, arguing that ASUN's legislative branch has that responsibility.

The opinion was delivered 16 days after the seven-member court heard arguments in the Persson vs. Campus Crusade case. The case was brought by UNL sophomores Randall Lambrecht and Scott Persson, who claimed that McDowell's speech in the Nebraska Union violated the regents' religion policy and university postal regulations.

The regents' religion policy, adopted in 1973, states "university facilities will not be available for any organized event or activity if one of its essential features is religious worship or testimony in any of its various forms."

Persson and Lambrecht asked for the student charters of the sponsoring organizations to be revoked.

### Defendants named

Defendants named in the suit included Campus Crusade for Christ, Marlin SeEVERS, president; Baptist Student Union, Richard Heir, president; Inter-Varsity Christian Fellowship, Susan Ewert, president; and Navigators-UNL, Weldon Hoppe, president, Kristin Torell, vice president and Lynn Rogers, secretary/treasurer.

"Testimony," the cornerstone for arguments in the case, was clarified in the court's 17-page opinion.

Writing for the majority, student justice Bob Gleason said: "Religious testimony is understood by this Court to be, and by any reasonable standard is, an open public declaration of a personal religious or spiritual revelation."

"The evidence clearly indicates that an essential feature of the speech was an open

public declaration on the part of Mr. McDowell of a personal religious or spiritual revelation," Gleason wrote.

Chief Justice Cook was joined in his dissent by Justice Mari Lane. Justice Karen Langland wrote a separate dissent.

### Vague and overbroad

In his dissent, Cook said the university's religion policy is "vague and overbroad" and therefore should be unenforceable. His opinion revealed a concern that students' right to freedom of speech is restricted by the policy.

Cook acknowledged that the Student Court is not the forum for deciding constitutional issues and said he feels the court should adopt a new policy in the interest of protecting students' freedom of speech.

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"The court should imply a very strict standard of review where the regulation in question governs speech," Cook wrote.

The court also is incorrectly assuming legislative duties by placing the four student organizations on probation, Cook said. There is no authority for such a move, he said.

In her dissent, Langland said the court's definition of "testimony" forbids free speech and therefore is "overly restrictive."

### Guideline, not rule

Langland noted that the regents' religion policy was not established as a rule but rather as a guideline.

"Any sanction imposed as a result of this court's decision would be too harsh," Langland concluded.

The one-year probation, to be monitored by ASUN's Constitutions Committee, prohibits the organizations from using university facilities for their activities. Included in the ban are use of the Nebraska Union for organizational meetings and the student banking services.

Although the court was divided in its religion policy interpretation, all seven

justices agreed that charges of violating campus mail policy were unfounded. No such policy exists, the court ruled.

Lambrecht said he and Persson were pleased with the court's decision. He said he hopes the case will set a precedent for future disputes on religion policy limitations.

Lynn Rogers, secretary/treasurer of Navigators-UNL said in a press conference Thursday afternoon that all four sponsoring organizations "regret that testimony is defined in such a restrictive sense."

### New hearing

Rogers said the four groups plan to ask the court for a new hearing, at which they will produce two new pieces of evidence. He declined comment on what the evidence would be.

Rogers said he hopes the case won't have to be heard again in higher courts, but the groups feel a need to fight for freedom of speech.

"The very fact 'testimony' has not been defined by the regents has put all Christian groups in a position where they don't know what they can say, what they can do in the university," Rogers said.

Rogers said that the court's finding against religious groups prompted him to announce his plan to run as a write-in candidate for ASUN president. He said if elected, he would not just push to have the religion policy rewritten, but to have it abolished as restrictive of free speech.

When asked what he would do to protect the constitution's provision for separation of church and state, Rogers directed the issue to the regents.

### Sport center

"That might be an interesting question to ask the regents since they allow testimony and religious worship in the Bob Devaney Sports Center," Rogers said.

Amending its religion policy in 1978, the board of regents exempted the sports center from the university wide policy.

ASUN President Bud Cuca disagreed with certain points of Chief Justice Cook's dissent. Cuca said that because the Student Court is a branch of ASUN and ASUN is charged with regulatory powers, the court has the right to place the four organizations on probation.

Cuca said the court has a right to carry out its own decisions, "but I couldn't give you a document that would support that."

Answering to Rogers' allegation that there is no longer an appeals process for Student Court decisions because the Council on Student Life was abolished last summer, Cuca said an appeals process still exists.

The Student Court has the option to either hear the defendants' request for a new trial or to set up an appeals board, Cuca said. He said this policy has been adopted in the absence of the CSL appeals process.

## Regents once mandated student church attendance

Although university officials may have difficulty interpreting the current religion policy, there was a time when NU religious practices were outlined explicitly.

In 1872, three years after the university was founded, the NU Board of Regents ruled that students must attend daily chapel exercises and Sunday church services, according to Robert N. Manley in *A Centennial History of the University of Nebraska*.

Chancellor Allen R. Benton and most of the faculty then were ordained ministers, Manley wrote. He added that ordained faculty members were nothing unusual, but

rather were in keeping with practices of most universities of the day.

In his inaugural address, Benton said that state-supported education need not be atheistic, for a university "must always be interested in truth, and all truth is permeated with the idea of God." People would demand that Christian principles be recognized, he said, "because it reflects the average religious character of the people."

Organized protest to the religious policy started in 1875, culminating in Benton's resignation at the end of the year. Manley's book says Benton was the victim of a "squeeze play."

## Wessels scores highest on test; Munson declines

By Patti Gallagher

LSD party candidate Tim I. Munson made his mark in the opening ASUN presidential candidate debates by pointing out similarities between his position and Christ's. Thursday, Munson demonstrated another enviable quality. He studies.

Munson was the only presidential candidate who declined to participate in a test about the UNL system administered by the Innocents Society. According to Innocents President Bob Moodie, Munson "cited reasons of studying" for refusing to take the test.

Munson could not be reached for comment Thursday afternoon.

The 100 questions were given to the other three candidates to test "the objective knowledge that is considered necessary for ASUN presidential candidates," Moodie said.

US party candidate Renee Wessels scored 92 percent on the test. STAR party candidate John Parsons scored 76 and Jay Willhoft, running independently, answered 44 of 100 questions correctly.

The test also was issued to a control group of six students who have been involved in ASUN activities for one year or more, Moodie said. The average control group score was 81.1 percent, he said.

Moodie said he wrote the test with the suggestions of three other students. ASUN President Bud Cuca, Daily Nebraskan

Editor in Chief Rocky Strunk and Daily Nebraskan ASUN reporter Kent Warneke also contributed.

Fifty test questions were "Who is" material, Moodie said. Questions included identifying UNL administrators, members of the NU Board of Regents, persons influential in student affairs, deans of all colleges, and some student leaders.

Moodie said the "Who is" group is composed of "people the president would have to know."

The remaining half of the test centered on ASUN procedures and structure, procedures of the regents, and a couple of miscellaneous questions, he said.

Although no one question seemed to consistently stump the candidates, "the

specific deans tended to be the most difficult for both the candidates and the control group," Moodie said.

The Innocents Society, an academic honorary for seniors, issues the test annually to ASUN candidates in cooperation with the Daily Nebraskan. In past years, Moodie said, the tests have been essays which were printed in the paper.

He said the process was changed last year because campaign coverage of the candidates' overlapping essay publication was becoming redundant.

Although Wessels, Parsons and Willhoft were not required to take the test, Moodie said, the three participants were "very cooperative."



Photo by Tom Gessner

### Hot metal

Ted Sheffield, junior, carefully holds a long steel rod to control the flow of the 2000 degrees metal. Ted's father, Prof. Thomas Sheffield, is a sculpture teacher. The statue's mold, which determines its shape, was made by UNL graduate Larry Smith.