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PT. JUSTICE

Ray Taffora
070221011

WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

February 20, 2007

J.B. Van Hollen, Attorney General
Wisconsin Department of Justice
PO Box 7857
Madison, WI 53707

Dear Attorney General Van Hollen:

We are writing to request a formal opinion regarding a matter of grave concern to the families of Wisconsin. On Friday, February 9, 2007, the UW System Board of Regents approved a new freshman admissions policy. The policy takes effect immediately and is currently being used by officials throughout the 26 campuses of the System to determine admissions for the fall 2007 semester.

The new freshman admissions policy contains both requirements and criteria to be used in a holistic review of every applicant to the UW System. The new policy specifically identifies the use of race and ethnicity as criteria in the decision-making process for admissions.

This race- and ethnicity-based admissions policy appears to violate Wisconsin law. In specific, we identify Wisconsin State Statute 36.11(3)(a). This section states:

36.11(3)(a)

(3) Admission of applicants.

(a) The board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

This statute section was created in 1973, as a part of the merger process. UW System officials continue to assert that the new race- and ethnicity-based freshman admissions policy meets the standards of federal law based on U.S. Supreme Courts rulings from 2003. Those same rulings, however, don't pre-empt state law and the situation in Wisconsin is different because of the existence of statute 36.11(3)(a).

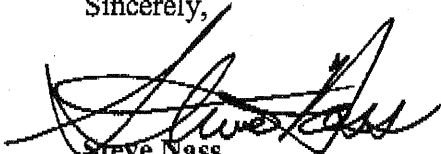
This matter needs your urgent review, since applicants will soon be receiving decision notifications from the UW System. It is clear that under the new policy, some applicants will be denied admissions and others will be admitted based on their race and ethnicity. The new UW System admissions policy will harm students and families based on factors completely outside of their control, namely race and ethnicity.

Under the reasoning of the UW System regarding race and ethnicity in terms of this statute, it could also decide to utilize the other prohibited factors, such as sectarian or partisan affiliations, religious beliefs, and gender. Of course, none of these factors has any place in the admissions process. Thus, the legislature in 1973 deemed it necessary to prohibit the use of such factors.

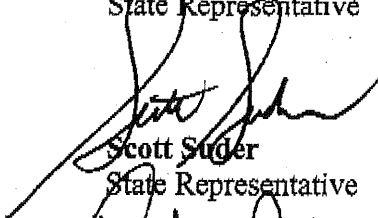
Additionally, if the UW System believes this state statute is unclear, a position we don't hold, then the Board of Regents has the obligation to request legislation specifically authorizing the use of race and ethnicity. However, these unelected public officials have simply chosen to ignore state law and to force the issue of legislative and potential legal confrontation.

We, the undersigned request your formal opinion on this matter and hope for your urgent response to this situation. The families of this state have hope that you will render a decision that promotes a fair and balanced process of admissions in the UW System.

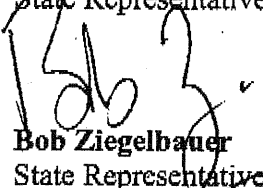
Sincerely,



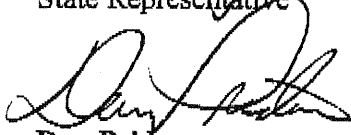
Steve Nass
State Representative



Scott Sugar
State Representative



Bob Ziegelbauer
State Representative




Don Pridemore
State Representative



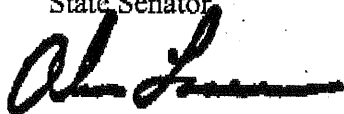
Glenn Grothman
State Senator



Mary Lazich
State Senator



Joseph Leibham
State Senator



Alan Lasee
State Senator

Gary Tauchen
State Representative

Thomas Lothian
State Representative

Rich Zipperer
State Representative

Samantha Kerkman
State Representative

Steve Kestell
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State Representative

Carol Owens
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