

Dear Ms. Hess and President White:

Under current parameters leasing the Kibbie Dome, is neither a celebration nor a restraint of First Amendment rights, it is a business decision. If the University of Idaho facilities renting policy is reduced to its simplest form, the access criterion is the ability to pay the rental fees. The ragged remnants of the Aryan Nation, may pay the fee and hold a three day celebration of their philosophy in the Kibbie Dome. Conversely, if the Latah County Search and Rescue organization wished to use the same facility, but were unable to pay the rental fee, they would be excluded.

Denying the use of University of Idaho conference facilities is not the equivalent of stifling speech. One premise does not logically follow the other. The University of Idaho is only one of many locally available conference venues. Indeed, there are free speech areas available on campus where speakers may proclaim their point of view to any willing listener. (Brother Jed's annual preaching appearances come to mind, for example.) If the Trinity Conference speakers were engaging an audience in a like manner, I would certainly consider it their constitutional right to do so.

The University's hosting of the Trinity Festival, if characterized as a business decision, is not an attractive argument. However, it is, perhaps, better than an appeal to constitutional nuance which may be discounted completely when Idaho citizens consider the following remarks from Trinity Festival organizers and like-minded supporters.

"Slavery as it existed in the South was not an adversarial relationship with pervasive racial animosity. Because of its dominantly patriarchal character, it was a relationship based upon mutual affection and confidence. There has never been a multi-racial society which has existed with such mutual intimacy and harmony in the history of the world. The credit for this must go to the predominance of Christianity. The gospel enabled men who were distinct in nearly every way, to live and work together, to be friends and often intimates. This happened to such an extent that moderns indoctrinated on "civil rights" propaganda would be thunderstruck to know the half of it."

"Slavery produced in the South a genuine affection between the races that we believe we can say has never existed in any nation before the War or since. Whatever its failures, slavery produced in the South a degree of mutual affection between the races which will never be achieved through any federally-mandated efforts."

The previous quotations are from the book "*Southern Slavery As It Was*" written by Steve Wilkins, pastor of Auburn Avenue Church, Monroe, Louisiana, and Doug Wilson, pastor of Christ Church, Moscow, Idaho. The book was published in 1996 by Canon Press, the publishing arm of Christ Church, Moscow. Both men are

featured speakers at the Trinity Conference and have repeatedly defended the book.)

The following comments by Doug Wilson, will, almost certainly not be supported by a majority of Idaho's citizens.

"A nation defended by her women is a nation no longer worth defending. When women are placed in the front line of defense, every Christian man should walk away from the cause of that nation as being beneath contempt. Taking this a step further, a nation as far gone as to think that women in combat is a viable way to go is a nation which is no longer defensible in principle – even if there remains a misguided desire to defend it." Douglas Wilson: Volume 10, Issue 3, *Credenda Agenda*

<http://www.credenda.org/issues/10-3husbandry.php?type=print>

Steve Wilkins, a featured speaker at the conference, asks and answers the following question regarding Native Americans in his audio taped series for home schooled students, *350 Years of American History*:

"What precisely did the Indians lose because of Christianity?

We can list a few things: They lost tyranny, oppression, and ignorance. They lost the terrifying spirit-world of paganism. They lost their ferocious hatred for others that fed fierce racism and cruelty. They lost the practices of human sacrifice and cannibalism, infanticide and euthanasia, immorality and homosexuality. They lost a way of life predicated upon death and destruction. Only in this century have such "losses" been viewed as a reason for grief"

<http://www.homeschoolchristian.com/ChristianEd/Wilkins.html>

Gregory Dickison, University of Idaho Law School graduate, and long-time Counsel for Christ Church, New St. Andrews, and Logos School is a regular contributor to *Credenda Agenda* magazine (the official sponsor of the Trinity Festival). Mr. Dickison offers the following thoughts on homosexuality and the desirability of a theocratic judiciary.

"So it is important to realize that a civil government based on biblical law would not be the oppressive system feared by non-Christians. Of course, there would be laws enforced against certain crimes which are currently ignored, such as homosexuality." *Credenda/Agenda* Vol. 3, No. 11
<http://www.credenda.org/old/issues/vol3/magi3-11.htm>

"The civil magistrate is the minister of God to execute wrath on the wrongdoer (Rom. 13:4). God has not left his civil minister without guidance on how to exercise his office. The Scriptures set forth clear standards of judgment for many offenses. Capital crimes, for example, include

premeditated killing (murder), kidnapping, sorcery, bestiality, adultery, homosexuality, and cursing one's parents (Ex. 21:14; 21:16; . . . God commands the judge to evaluate the *crime* rather than the criminal. If the crime is one for which God requires death, then death must be the punishment. Your eye *shall not pity*."

"Your Eye Shall Not Pity" *Credenda/Agenda* Vol. 3, No. 9

<http://www.credenda.org/old/issues/vol3/magi3-9.htm>

Confronted with these statements, University administrators will find scant support among students, faculty, and staff of the University of Idaho who are African-Americans, Native Americans, women, gay or lesbian, (and by logical extension, their family and friends across the state of Idaho and the nation). A Campus Climate Survey conducted in 2002 noted:

" ... several groups among the students and staff, reported that they perceived the climate as less favorable to them, including African-Americans, Native-Americans, sexual-minorities, and members of the LDS church and non-Christian religious minorities. "

DIVERSITY AND HUMAN RIGHTS AT THE UNIVERSITY OF IDAHO:
COMPREHENSIVE PLAN FOR ACTION AND ACCOUNTABILITY

<http://www.webs.uidaho.edu/hrc/DivPlanFinal4-20-04.pdf> p 35.

Students, faculty members or staff will be justified in claiming that the University is failing to provide for their safety and freedom from harassment if a thousand supporters of Mr. Wilkins and Mr. Wilson's philosophy converge on campus. It is ironic that the people who work and study on campus may need protection from a group who historically belittles and mocks "government schools," and repeatedly publishes articles critical of the values the University of Idaho claims to uphold; that is, affirmative action, democratic government, and appreciation and respect for cultural difference.

Citizens of Idaho understand that their tax dollars support the institution. For the most part they understand that free speech, however repugnant, is central to a democracy. Attorneys and members of the judiciary may appreciate the case law sustaining First Amendment rights but it is doubtful if the majority of people who foot the institutional bills, who fund scholarships, or who contribute to endowments will share that intellectualized enthusiasm if they are the targeted by bigoted, inaccurate, and cruel remarks, which in effect are sponsored by the University of Idaho. There is a significant gap between protecting First Amendment rights, and sheltering and promoting hate speech - a gap which donors are able to recognize. Administrators at the University of Idaho are asking employees and friends of the University and citizens of Idaho to endure defamation of this country, and ethnic and religious bias in exchange for thirty thousand dollars. When will imprudent administrative financial decisions cease to be associated with the University of Idaho?

The University explanation of free speech may not resonate with worried parents whose gay or lesbian child attends the University of Idaho. Tribal councils across the state may feel betrayed that the University of Idaho willingly rents facilities to a speaker who describes them as “cannibals” and “pagans;” or, they may justly feel that tribal members are being deliberately marginalized and publicly humiliated by such statements. Members of the Church of Jesus Christ of the Latter Day Saints will not welcome the bigoted characterization that their religion is a “cult.”

Happily, the guidelines provided by the Board of Regents for renting facilities are practical, straight forward, defensible, and applicable to this situation.

“Idaho State Board of Education Policies and Procedures
Section I Governing Policies & Procedures

J. Use of Institutional Facilities and Services with Regard to the
Private Sector Use of Institutional Facilities and Services

a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. **Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions’ provision of services and facilities should be educationally related.** In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged. “ (emphasis added)

...b. Priority and guidelines for use of institutional services and facilities is as follows:

- (1) **Institutionally sponsored programs and projects.**
- (2) **Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.**
- (3) **Local, state, or federally sponsored programs and projects.”**
(emphasis added)

The Trinity Festival does not, in my opinion and the opinion of many others across the state, meet the Board of Regents guidelines. Further, the use of University

housing and food service in direct competition with local businesses raises additional concerns. The prominent placement of an internet link from the Christ Church website **only** to the University of Idaho Conferences and Events for housing and food service needs may be viewed as prejudicial to hotels, motels, and restaurants in the area while offering an advantageous position to the University of Idaho. Absent any University disclaimer, the Trinity Festival appears to enjoy the uncritical approval of the institution.

The contract signed by the University of Idaho and a Christ Church representative includes the following clause:

“16. Breach, Termination:

. . . in the event of the breach by Permittee of one or more [of] the provisions of this Agreement, or any material misrepresentations in obtaining said Agreement, University may terminate this agreement, refuse to allow Permittee to take possession, and may terminate all activities of Permittee there from.” (pg. 7 of contract dated 11-11, 2004 by the University of Idaho representative)

The documentation included in material I received from my public records request included an *Unincorporated Nonprofit Association Appointment of Agent for Service of Process* issued by the Secretary of State of the State of Idaho. I presume that this document was provided by Christ Church to justify a non profit status claim, and perhaps to receive the non-profit organization rental rate. Christ Church is not registered as a 501(c)(3) organization. An Unincorporated Nonprofit Association Appointment of Agent for Service of Process does not validate the claim of non-profit status. Mr. Chuck Goodenough, Deputy Secretary of State-Idaho Commercial Division, offers the following explanation of this document.

“This is a filing office, we do not investigate and we have no regulatory authority. When an unincorporated non-profit association such as the one you refer to in Moscow files an appointment of agent for service of process with us, we file it and make it available as a public record. Unincorporated non-profit associations file nothing with us other than their appointment of agent for service of process; and the law makes even that filing optional. We do not review their operation and do not grant them anything. Uniform Unincorporated Nonprofit Association Act, Idaho Code Section 53-701, et seq.”

Contact information for Mr. Goodenough: Tel: (208) 334-2301)

(On a private note: This same kind of document was used by Christ Church representatives in a local property tax exemption complaint. The administrators and Counsel of Christ Church are aware that it has no merit in substantiating a claim as a non profit entity. Sworn testimony on the historic income of Canon Press given July 2004 and again in November of 2004 establishes that in the year 2000 and 2001 the revenue from the press was in excess of one million dollars. The expected income in 2004 was nine hundred thousand dollars. Canon Press is a vanity press

which publishes Doug Wilson's book. Currently he has approximately 32 books for sale in the Canon Press catalogue.) Lacking any independently prepared financial documents that factually support the claim of a non profit status, representatives of the University of Idaho might wonder if a material misrepresentation is present. Further investigation of this point may indicate a review of the rental rate provided to Christ Church.

Finally, I ask that you consider the difference between observing First Amendment rights and profiting from hate speech. The University of Idaho will realize thirty thousand dollars for the Kibbie Dome rental, and perhaps several thousand dollars from housing and food services. Weight that financial profit against the potential losses associated with donors withdrawing funding, damage (yet, again) to the institutional reputation, the public relations nightmare associated with hosting the Trinity Festival, and any future claim to credible leadership, or even concern, in diversity areas. In balance, this does not seem to be a wise trade-off.

I am not an attorney, and therefore I am neither qualified nor competent, (nor do I intend in any way) to suggest or advance any particular course of action, or, indeed, continued inaction regarding this complex and weighty matter.

Sincerely,
Rosemary Huskey