

Students Stop College Fees for Politics

Liberals Lose Appeal to U.S. Supreme Court

WASHINGTON, DC — The U.S. Supreme Court killed the University of California student government's last chance to collect annual mandatory fees from students to fund political causes. In denying certiorari, the Court rejected the University of California Regents' appeal of a February ruling by the California Supreme Court in *Smith v. U.C. Regents*. Citing the First Amendment's freedom of speech clause, that ruling stated that mandatory student fees are unconstitutional if they are used for supporting groups with political or ideological agendas. (See *Education Reporter*, March 1993.)

After 14 years of litigation, the courts thus reached the same conclusion that the Small Claims Court decided in 1979

after a 30-minute hearing.

Student unions around the country had pleaded with U.C. Regents not to appeal this case to the U.S. Supreme Court, fearing that a Supreme Court decision would adversely affect political funding through mandatory student fees, nationwide. Millions of dollars collected annually from students are used to support mostly leftist political causes.

The victorious plaintiffs in this case are Arlo Smith, a former Berkeley law school student, his brother Averill, and Brad Sparks, who were joined by more than 35 other students in objecting to mandatory student fees to fund political activities. (See related Focus article, page 3).

Workshop Shows Administrators How to Deal with Christian Parents

ST. LOUIS, MO. — A workshop designed to train school board members and superintendents in how to deal with the threat of "religious right/ fundamentalist" parents was held at the University of Missouri on August 30. Titled "The Fourth 'R': Religion, Public Schools and the Supreme Court," the meeting discussed citizens who question school board policies on values-based curricula, Outcome-Based Education, and student-led school prayer. It was sponsored by Americans United for Separation of Church and State.

"From the sands of Sudan, where Muslim women are killed for not wearing veils, to the shores of Virginia Beach, fundamentalism is on the march."

Linton Deck, Ph.D.

"The religious right and fundamentalists have shown 'extremist tendencies' in opposing what the public school establishment has planned for their betterment," warned Dr. Linton Deck, director of education at the Center for Creative Leadership in Greensboro, North Carolina and former superintendent of schools in Fairfax, Virginia. Deck conducts workshops that train school administrators how to cope with what he calls "challenges to the First Amendment requirement for separation of church and state."

Deck's lecture included numerous stories illustrating how he feels "the religious right seek to put into policy their own political, religious viewpoint that is normally intolerant of other perspectives." He used the terms "religious right" and "fundamentalist" interchange-

ably. He cited the recent struggle between parents and public school administrators in Gaston County, North Carolina over the controversial OBE Odyssey curriculum. (See *Education Reporter*, July 1993)

Deck said he had expected that "everybody would be happy" to have

O d y s s e y pilot its curriculum in the economically-depressed community of textile mill workers, which has one of North Carolina's highest illiteracy rates. Gaston County, he said, had not been "successful in diversifying its economic base," i.e., it is a blue-collar community. Many OBE opponents accuse school administrators of piloting experimental curricula in areas where they think less well-educated parents are more likely to be intimidated by the establishment.

Superintendent Deck cited examples of how "fundamentalist Christians" in Gaston County led a vocal contingent against New Age teaching methods, asserting that the parents are "confused." He warned that this Gaston County example is typical of the dangerous opposition of the religious right and that "we ought to be deeply concerned." Deck urged his colleagues who experience "the very potent danger" of fundamentalism to consult books by James D. Hunter and Scott Appleby that warn about a "deep-seated" danger in our

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Iowa Conservatives Defund Liberal College Lobby



Julie McComish, president of Iowa State Eagle Forum Collegians

AMES, IA — Eagle Forum Collegians, College Republicans, and Accuracy in Academia brought about the defunding of Iowa State University's membership in the largest and oldest national student lobbying organization, the United States Students Association (USSA), at the Government of the Student Body (GSB) meeting. After three intense hours of lengthy discussion, the vote on September 29 was 26 to 11.

"The USSA supports abortion-on-demand, same-sex marriages, and Marxist political groups," ISU Eagle Forum Collegians President Julie McComish said. "And these are just a few of the radical USSA policy positions."

She said the USSA does not promote the interests of most students at the school and that ISU should not fund the organization.

GSB Sen. Ed Matney, an Eagle Forum Collegian and College Republican, introduced the successful "JUST SAY NO TO USSA!" resolution.

After "examining a report that Iowa

State had spent more than \$22,000 since March 1992 on USSA membership and related expenses," Matney said, "I knew this was the year to get Iowa State out of the group [USSA]."

Matney cited the *Smith v. Regents of the University of California* court case (See *Education Reporter*, March 1993) that a university cannot force students to support, through mandatory fees, political and ideological causes which they oppose." Matney also noted that the USSA had been exempt from going through the Finance Committee process in the past at ISU.

Accuracy in Academia Campus Reporter Bob Jennings said, "In my opinion, the [USSA] are a fraud. They're not the big political lobby that they say they are. They're lobbying students into believing that they wouldn't have a voice without USSA."

Jennings, a four year follower of the USSA, testified in April against ISU funding of the USSA. USSA supporters "accused me of being Joseph McCarthy and accused me of being funded by the CIA," Jennings said. He testified along with Margaret-Ann Cavett, a GSB senator who attended the USSA Washington DC conference in March. "She [Cavett] refused to attend the meetings because she was offended by the content of the sessions," Jennings said.

According to *Daily* staff writer Steven Martens, Cavett testified that she attended a session about unity on campus, during which USSA just "discussed how to get more money and media coverage."

"They have a very strong, very radical political agenda," Cavett told Martens. "They use student issues as a smoke screen to cloud what they are all about."

ISU's decision that they are all about nothing to do with USSA." ■

Nosy Questions Shock Parents: Curriculum Undermines Home Values

BLUE ASH, OH — One day in February, eight-year-old Elise Lemen brought home a book that shocked her parents. The 207-page tome, authored by Dr. Gregory Stock titled *The Kids Book of Questions*, contains 260 queries challenging traditional religious beliefs and encouraging children to second-guess parental decisions. A 3rd-grade student at Blue Ash Elementary School, Elise had obtained a copy of the book in her class library.

Anthony and Paula Lemen were appalled by the questions number 43, 154, and 205. The first asks, "Of all the things you have been told about God and about

religion, what do you think is true and what do you think isn't?" The second asks, "Have you had any personal experiences that lead you to believe in God? If so, why do you think there are so many people who haven't had such experiences? If not, why do you think so many other people have had them?" And the third asks: "Do you believe in God? If not, why do you think so many people believe in God? If so, what do you think God does all day?"

Mr. and Mrs. Lemen discovered that 93, 120, 163, 195, and 254 were calculated to undermine parental authority.

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EDUCATION BRIEFS

Joseph Fernandez, former chancellor of the New York City public schools, has assumed the newly created post of president of the Council of Great City Schools at a salary of \$90,000. The Council is an education organization funded by dues from urban school districts around the country. Omaha, which is one of the smaller districts, pays annual membership dues of \$22,279. Fernandez describes his new position as working "to harness the country's resources to improve the quality of education for all of our 5.4 million urban schoolchildren." Ann Mactier, an Omaha school board member, responded to Fernandez' critics in an open letter saying that "our country would not be what it is without Joe Fernandez." Fernandez' introduction of condom distribution and radical homosexual curricula to young children in the New York City schools led to his firing earlier this year.

The Iowa City (Iowa) School District's Equity Affirmative Action Advisory Committee issued a memo to parents asking that their children avoid wearing Halloween costumes that are insensitive to "special group members." Insensitive costumes listed included: witches, devils, gypsies and American Indian princesses. The list of recommended costumes included crayons, pencils and food.

This year Oklahoma City News Channel 4 aired an outstanding news report on Outcome-Based Education. It includes an interview with OBE curriculum architect William Spady and many parent and teacher opinions about OBE. For a copy of the video send \$15.00 to: OBE Special Report, News Channel 4, P.O. Box 14068, Oklahoma City, OK 73113.

A high school guidance counselor in St. Louis, MO confessed to poisoning his wife by putting arsenic in her food. The woman is now paralyzed from the neck down. She told police through head movements and magnetic letters that she suspected her husband of poisoning her, police said. The husband, James Boley, a counselor at Maplewood-Richmond Heights High School, admitted to the poisoning. It was later revealed that the motivation may have been his wife's \$200,000 life insurance policy.

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Scandal: \$40 Million Federal Funds Misspent: Michigan Teenagers' Drug Use Tops U.S. Average

LANSING, MI — Michigan youths turn to drugs and alcohol far more than those in the rest of the nation because education officials diverted \$40 million from federal anti-drug money to a controversial curriculum called the Michigan Model for Comprehensive Health Education.

A Western Michigan University survey released October 12 showed that nearly half of Michigan students have used an illicit drug by the time they leave high school. Crack cocaine is used by 8th and 10th-graders at three times the national average.

"Michigan children are using every drug at every grade level, exceeding and in some cases far exceeding, national lev-

last year by ordering an audit of the federal Drug-Free funds. (See *Education Reporter*, September 1993). At the Senate hearing, Peterson charged that Michigan Model officials spent:

- \$10 million in drug-prevention money on such items as: "large teeth and giant toothbrushes," \$81,900; bicycle pumps, \$11,000; and latex gloves, \$12,000.
- \$946,000 on promotional brochures to sell parents on the Michigan Model.
- \$212,000 on a health data collection that never got off the ground, some of which was spent on electronic bulletin boards to exchange personal messages such as an appeal for photos of the rock star Madonna.



els," said Robert Peterson, the state's new drug czar, who presented the findings of the survey to a state Senate committee. Peterson, who was appointed by Governor John Engler, began his watch of the state Office of Drug Control Policy

The Michigan Model for Comprehensive Health Education is supposed to teach youths about nutrition, disease prevention, drug abuse and reproductive health. Critics say it emphasizes sex education and talks more about condoms than abstinence.

Psych-Testing Banned by Employer; How Can Public Schools Give Them?

OAKLAND, CA — Prospective security guards subjected to psychological screening when they applied for employment with Target stores will receive \$1.3 million in compensation, in settlement of a class action suit filed in 1989. The written test, known as Rodgers Condensed CPI-MMPI (or "psych-screen"), was administered to 2,500 applicants in California between 1987 and 1991. Though admitting no wrongdoing, the Minneapolis-based discount chain agreed to ban the use of the test at its 113 California stores for at least five years.

Brad Seligman, the Oakland attorney who filed the suit, argued that the test invaded the privacy of the applicants and violated sexual, religious, and racial discrimination laws. "A number of the questions on the test are extremely invasive on matters of sexuality, religion, bodily

functions, and the like," said Seligman, who denies the contention of Target spokesmen that the test aided in the evaluation of the applicants' "emotional stability."

The 704 true-or-false questions sought to determine, among other things, whether or not the applicant believes in God and "one true religion," is "attracted to members of my own sex," and has "difficulty starting or holding my bowel movement."

If businesses can be prohibited from asking such questions of prospective employees, how can public schools get away with subjecting students to similar psychological batteries? "Good question," says Dave Melton, president of the Rutherford Institute.

Melton recently filed suit against a school system that subjected a student to

Public's Right to See Sex Ed Film Upheld

ALBANY, NY — The state's highest court ruled October 14 that the public has the right to inspect an explicit film about sexual intercourse used in a course at a publicly funded college. Nassau Community College officials had argued that "academic freedom" protected them from the state's 1974 Freedom of Information Law. The film, called *Sexual Intercourse*, has been used for 15 years and has been distributed to 200 universities around the country.

The case began four years ago when Citizens for a More Informed America learned about the film used in a class assignment in which students were instructed to experiment with masturbation. (See *Education Reporter*, April 1990.)

The group's director, Frank Russo, said, "This is a clear victory for parental rights and the right of people to know what's being done with their tax money."

Wilder Kills OBE — Then Backpedals

RICHMOND, VA — Governor Douglas Wilder, in response to accelerating protests from parents, ordered his state Department of Education in September to terminate Outcome-Based Education in his state. In so doing, he repudiated his own education appointees and, according to the *Washington Post*, handed a "victory to Christian conservatives and many local educators" who had asserted that OBE is "a back door attempt at social engineering."

The definition of Outcome-Based Education (known as OBE) has been elusive, but Governor Wilder came as close as anyone to identifying the crux of OBE when he said: "Knowledge and proficiency of basic skills must remain the basis for education in our commonwealth. . . . At the very center of all these goals must be a rigorous curriculum of basic facts, knowledge and information, and from that we can never retreat."

Last spring, the Virginia Board of Education, whose members are appointed by Wilder, had unanimously approved OBE. Wilder later backpedaled at the Southern Governor's Conference, saying: "We've not given up on OBE; we want to make certain that it is more palatable."

counseling sessions even though the child's parents had denied permission for his participation. The child subsequently began to experience panic attacks when separated from his parents. Melton attributes this "separation anxiety" to a "talking, feeling, and doing game" in which the child was encouraged to reveal intimate details of his home life.

Unlike Target, the school system in question made no amends for its abuses, and the presiding judge dismissed the suit. "The deference given to school officials is terrifying," says Melton, who characterizes public schools as "the last enclaves of totalitarianism." The judge's decision would seriously undermine parental rights and set a dangerous precedent if left unchallenged, says Melton, announcing his intention to appeal.

FOCUS: The Defeat of Coerced Student Politics

By Brad Sparks

The U.S. Supreme Court on October 4 let stand the landmark decision of the California Supreme Court on February 3 that it is unconstitutional to force students at the University of California to fund political activities out of a compulsory student body fee, now \$100.50 a year at Berkeley. Such activities by the

The vote was a unanimous 7-0 on the unconstitutionality of forced student funding.

student governments have included a vast array of anti-nuclear demonstrations, homosexual agitation, abortion propaganda, environmentalism, lobbying for the ERA, anti-Reagan marches, anti-death penalty broadsides, support for legalizing marijuana and a host of other issues all predictably reflecting the leftist party line. (More than 250 policy statements are in the record.)

The decision will have a **nationwide impact** due to the denial of the University's petition for certiorari by the nation's highest court and to the lead stature of the California court, which relied heavily on recent U.S. Supreme Court precedents in similar politicized labor union and bar association cases. By making these highest court rulings fully applicable in the education arena, the state court has forever altered the constitutional landscape in defense of the First Amendment — in this case freedom from coerced speech and financial support of repugnant causes.

The focus of the decision was on the political activities and the national, state and local election campaigning of the Associated Students of the University of California (ASUC) — the student government at Berkeley — using compulsory student political fees. Through the ASUC, student political groups and **full-time lobbies in Washington, D.C., Sacramento, and Berkeley**, are paid with the fees. Evidence in the record shows that money and free campus office space were also given to national and international political action organizations such as the Spartacist Youth League, CISPES/SAINTES, NARAL, Greenpeace, Sierra Club, NOW, Gay and Lesbian Union, and the Campaign for Economic Democracy/Students for Economic Democracy (when Tom Hayden and Jane Fonda were still together). More than 50 other organizations such as the ACLU were supported, too. Students who did not pay these coerced fees have been barred from admission or removed from enrollment at the University.

In an effort to make its ruling broadly applicable to as many campuses statewide (if not nationwide) as possible, the court only briefly alluded to the fee support for election campaigns of U.S. Rep. Ronald V. Dellums. Nor did the court mention the outrageous and contradicted testimony at trial that:

- The PLO maintained a fee-supported campus office in the Berkeley student headquarters through its student subsidiary (the dissenting opinion did allude to this in a footnote);
- Compulsory fees were paid for various anti-Semitic propaganda, such as the official graduate student newspaper's "Israel's Holy Terror" issue with a cover photo of then Prime Minister Menachem Begin's face distorted into a ghastly skull, and the endorsement and promotion of the UN's notorious Zionism is Racism resolution.
- Violent protests against Jeane Kirkpatrick's Berkeley campus speech and on-campus U.S. Marine Corps recruiters were supported by mandatory fees;
- The University and ASUC retaliated against Berkeley students who protested the left-wing agenda, including those who participated in this lawsuit, tactics included the University cutting off financial aid to student plaintiffs and fraudulently double-billing them for medical services;
- The University had improper under-the-table (or "ex parte") conversations

Student governments funnel tens of millions into guerrilla movements and terrorist organizations.

with the trial judge, which the judge inadvertently revealed on the record;

- More than \$10,000 a year in compulsory fees is spent subsidizing a group seeking to have the Southwestern U.S. secede from the Union in order to form a nation called Aztlan which would then merge with Mexico.
- Even the parent group of the notorious SLA that kidnapped Patty Hearst in Berkeley was funded before and for some time after the crime.

These specific facts are peculiar to the Berkeley campus alone and, by not relying upon such egregious violations of the First Amendment, the court apparently wanted to preempt anyone from claiming the decision does not apply to them because *their* campus did not do *these* kinds of things, or that *their* campus was not as "bad" or one-sided as Berkeley. The court noted that even to force stu-

dents to pay for, say, both Young Republicans and Young Democrats, or both pro-abortion and pro-life groups, would be unconstitutional as it "compounds" the wrong, since adherents of one view are forced to pay for the other view.

Although the February 3 decision came on a 5-2 ruling, in fact, the vote was a unanimous 7-0 on the unconstitutionality of forced student funding of (a) lobbying, (b) campaigning on ballot measures and candidates, and (c) all other so-called "off-campus" politics. Only a hair-splitting distinction about the alleged "educational" benefits of forcing students to pay for "on-campus" politics seemed to engage the dissenters, resulting in the 5-2 split. The majority refuted the dissenters' "educational" argument, noting there are constitutionally less drastic ways to "teach civics" than to force all students to finance the ideological agenda of a few.

This is the first such ruling in a case involving a *student government* — as opposed to the relatively less significant Ralph Nader PIRG groups. It is the *student governments* all over the country (Columbia, Dartmouth, Yale, Rutgers, etc.) that are run by left-wing activists controlling *millions of dollars* of mandato-

The left has successfully institutionalized the revolution.

rily-collected student fees. A very conservative estimate is that all such left-wing student governments funnel tens of millions of dollars into left/liberal propaganda, financial support of guerrilla movements and terrorist organizations, lobbying of legislatures (including full-time lobbying of U.S. Congress) and outright election campaigning. More than 350 university campuses nationwide — including the nine University of California campus student governments — subsidize a national leftwing lobbying group, the U.S. Student Association (USSA).

These figures include both cash and *non-cash* benefits such as free office space, utilities, bookkeeping services, and discount-rate telephones, printing, computer time, etc. One of ASUC's typical evasions has been to point to the line-item budget allocations for particular political operations and groups — altogether adding up to roughly \$200,000 a year — while ignoring the value of utilities, maintenance and administrative overhead costs of providing office space and other services to these political operations, which approximately triple the line-item cash amounts. Since ASUC gets all these resources already at a tax-free discount from the University, under its 501(c)(3) IRS exemption, the fair market

value never even comes into question.

The ASUC also channels commercial business profits above and beyond the compulsory fees into political action. Like student governments at many other campuses around the country, ASUC has a University-granted monopoly to run profit-making enterprises such as a bookstore, recreation center, travel agency, ski lodge, and various sundry shops, for which it has an unfair advantage over off-campus, taxpaying businesses because ASUC pays no business or property taxes.

The nationwide leftist takeover of student governments dates back to the 1970 Cambodian invasion protests when anti-war activists took over many buildings on campuses across the country. They were soon forced to leave the university administration buildings and classrooms. But they discovered they *did not have to leave the student union facilities* and they have been there ever since. Soft, liberal student government leaders were no match for the intimidation tactics of the radicals. The left has successfully "institutionalized the revolution," as radical faculty member John Searle put it back then (he is now a Berkeley administrator).

At Berkeley, Arlo Hale Smith and I led the 14-year-long lawsuit as lead plaintiffs among 36 students. I was an undergrad majoring in astrophysics. Arlo had graduated from Berkeley and was in law school at Hastings; he is now one of the lead attorneys in the case (interestingly he is an elected Democratic Party official, thus lending bipartisan color to the case with me, the Republican). On appeal, attorney Richard Stephens (and now Anthony Caso) of Pacific Legal Foundation joined the case. Arlo and I conducted almost all of the three-week trial in superior court, examining and cross-examining witnesses, introducing evidence, filing motions, etc., with the help and even testimony of a former senior legal advisor to the UC Regents, John Sparrow, who was also a retired judge of that same court.

It is time to say "no" to coerced funding of student politics.

Although ASUC historically has collected approximately \$1,000,000 a year in mandatory fees, much of which has supported politics (the exact percentage is to be determined by the trial court on remand), the ASUC has recently secured, through UC, a **near-tripling** of the political fees to \$100.50 per year which boosts the take to \$3 million annually. The other eight UC campus student governments also collect fees for similar

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country and across the world.”
 “From the sands of Sudan, where Muslim women are killed for not wearing veils, to the shores of Virginia Beach, fundamentalism is on the march,” Deck warned. “In the Sudan, apostasy is a crime meriting the death penalty.”

Deck warned that the “confused” opposition by Pat Robertson’s Christian Coalition and Robert Simonds’ Citizens for Excellence in Education (CEE) would lead to a “new dark age” as discussed by author Alvin Toffler, “who warns against the forces of organized religion and xenophobia.”

Deck went on to laud the Massachusetts Bay Colony roots of mandatory publicly funded education. He continued with a history of how “public educators and people of goodwill” have engineered “reasonable social change, such as desegregation by mandatory busing of schoolchildren in the ‘60s and ‘70s, and sexuality (sex education) and Outcome-Based Education in the ‘80s and ‘90s.”

Deck was joined in the workshop by Stephen Green, an attorney who identified himself as “a card carrying member of the ACLU.” Green is dismayed that the U.S. Supreme Court let stand two recent Appeals Court decisions permitting student-initiated school prayer at graduation ceremonies. Green complained that the “religious right misinterpreted” the two decisions. He then went on to criticize Robertson’s “legal SWAT teams.”

Green, who is the legal counsel for Americans United for Separation of Church and State, is usually opposed to the American Center for Law and Justice (ACLJ) on First Amendment issues. Founded by Pat Robertson in 1990, the ACLJ has a staff of 14 lawyers who have scored many legal victories in defense of religious freedom.

At the close of the workshop, many who attended expressed confusion and dismay about the message Deck and Green were sending to school administrators. Some of the workshop participants believed they might be the “religious right,” and they asked Deck and Green if they would define what they meant by the terms “fundamentalist” and “religious right.” Green’s response was that such people “seek to put into policy their own political, religious viewpoint that is normally intolerant of other perspectives” and that “they would probably vote for only a white, homecoming queen.” His definition was met with indignation by about 35% of the audience.

The workshop was similar to the controversial /I/D/E/A/ Institute conference held May 3-5 in Denver, Colorado (See *Education Reporter*, May and September 1993). A series of such training conferences has been held across the country. Some school administrators feel threatened by increasing parental concern over the failure of the public schools.

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“What things have adults told you that you suspect are not really true? Do you think they actually believe those things?” asks number 93. “Do your parents try to trick you into doing things they want you to do? If so, do you usually figure out what’s going on right away or not until later?” asks number 120. “Is there anything so bad that if you found out your mother had done it, you would turn her in to the police?” asks number 163. “What are the stupidest rules your parents have about what you can’t do or must do?” asks number 195. “What is the most unfair thing about the way your family is run?” asks number 254.

The Lemens fired off a letter of protest to Sycamore Community School Superintendent Garth Errington, complaining that the questions in the book “invade family privacy, undermine church and family values, and promote fear, violence, and disrespect for parental authority.” They noted that many of the questions rely on “values clarification and New Age techniques” and are so invasive that “even licensed psychiatrists and psychologists” could not ask them without parental permission. Concluding that “such a book has no place in any Sycamore Community School classroom,” the outraged parents urged Superintendent Errington “to investigate this incident and to report your findings to us.”

Nearly a month later, the Lemens received a letter from Superintendent Errington stating that a review committee had met and decided that the parents’ objections were without merit. “The key question, whether or not this book should be withdrawn from use,” wrote the superintendent, “was weighed within the light of how our United States Supreme Court has ruled in these matters.” The Court, said Errington, ruled in 1982 that library books may not be removed from a collection “simply because [complainants] dislike the ideas contained in those books and seek removal to prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”

Errington also argued that “the material, while mentioning God, does not promote or deny any religious belief, and therefore does not violate the establishment clause established in *Lemon vs. Kurtzman*.” He added that, since the book is not part of “an instructional program” and in any case “does not espouse a doctrine,” its use of values clarification and New Age techniques is irrelevant.

“We respect the right of any individual not to read a book,” the superintendent concluded, “but we also respect the right of an individual to have the choice to read a book.”

The Lemens have decided to remove their three school-age children from the public school.

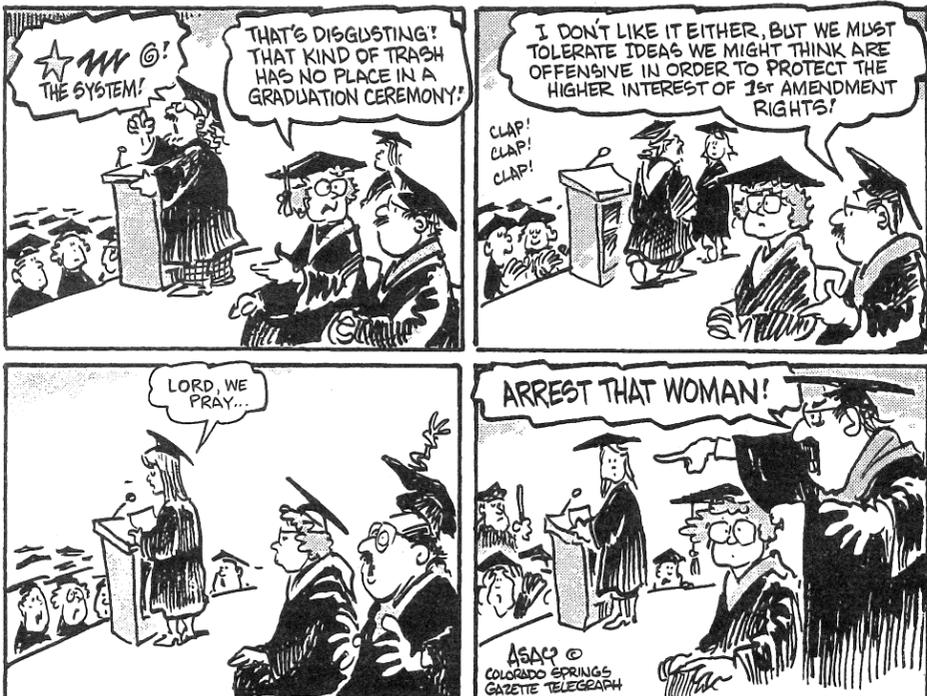
School Board Kills Sex Survey

WESTWOOD, CA — A Westwood High School senior in February proposed to survey her fellow students on their sexual attitudes and practices. Maija Blaufuss, daughter of School Board President Bix Blaufuss, had developed a questionnaire purporting to measure students’ self-esteem and sexual activity, their awareness of AIDS and other sexually transmitted diseases, their reliance on birth control or abstinence, and their assessment of the school system’s Family Life and Health Curriculum. She designed the survey with input from other members of Student Advocates for Family/Health Education and Professor John Kusel of the University of California at Berkeley.

The survey began with a self-esteem section asking students whether they agree or disagree with 17 statements such as the following: “All in all, I am inclined to feel that I am a failure.” The next 12 questions asked if the students had ever had sexual intercourse or oral sex “with males or females” and how

many partners they’ve had, how old they were when they first had intercourse, if they used contraceptives and what types, if they’ve ever been pregnant or gotten someone pregnant, how they would respond to a pregnancy, etc. The remaining questions asked the students to rate the quality of sex education provided by their parents and the school system and solicited their opinion of the seriousness of the “AIDS epidemic” and their knowledge of the means of contracting HIV.

Many parents just happened to be present when the school board met to consider authorizing the distribution of the survey. They objected to the explicit nature of the survey, questioned the motives behind it, and challenged the validity of the data it would generate. Their vocal opposition forced the board to table its decision until its next meeting. When the board met again in March, members rejected the survey on the advice of attorneys that its distribution might be illegal and could prompt lawsuits.



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purposes, as do the separate California State University system’s 19 campuses.

Though the 14 years were long and hard, we did reap some providential benefits from the delay — the defeat of chief justice Rose Bird and her two liberal associates in 1986 paved the way for us to achieve victory in the state supreme court on appeal (we had lost at every level except in small claims court!). A double irony is that one of the defeated justices, Joseph Grodin, was formerly the attorney for ASUC and had advised them

at that time (1972) in a letter that the compulsory fee was unconstitutional — a letter we have quoted to good advantage in our briefs.

The news reports indicate that the student leftists in the UC system are running scared as a result of this surprise decision. Initially, the ASUC backtracked on its announced plan to appeal to the U.S. Supreme Court after hearing from concerned student lobbyists at campuses around the nation who were worried that an adverse U.S. Supreme Court ruling

would be directly binding on them nationally, effectively shutting them down. Finally, ASUC and UC filed a joint petition for certiorari on the very last day of the deadline in July of this year.

“What it means is that we are going to have to drastically change our system of funding groups,” ASUC President Marco Pulisci told the campus newspaper, *Daily Californian* (Oct. 6, p. 1). “We are either going to have to not fund political groups, or we can continue to fund political groups and then . . . give people who

disagree their money back,” said ASUC Executive Vice President Scott Kamena, referring to two proposals by the UC President and the ASUC.

The California Supreme Court decision has a devastating *precedent-setting effect* — inspiring judges and student plaintiffs in other states — even if it is not directly controlling elsewhere. It is time to say “no” to coerced funding of student politics and this courageous state court has at long last given students the legal basis to do so.