

University Student Fees Spent for Politics Ruled Unconstitutional by California Supreme Court

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Court Starts All-Out War on Abstinence Education

A Louisiana judge banned a "just say no" sex education program in Shreveport on March 18, ruling that it violates state laws against teaching "religion." State District Judge Frank Thaxton enjoined the Caddo Parish School Board from using the curricula called *Sex Respect* and *Facing Reality*, both of which encourage teenagers to abstain from premarital sex for health reasons.

The two curricula, which were developed with federal funds specifically for use in public schools and do not mention "God," "church" or "religion," had been adopted for use in Shreveport. The courses are used in about 2,000 schools nationwide.

The victorious lawyer, Allison A. Jones, was identified by the Associated Press as

having sued "on behalf of Planned Parenthood." She said the Shreveport opinion will be used in court challenges in other states, too.

"It is unconscionable that the truth about abstinence will be hidden from the children of Shreveport," said Kathleen Sullivan, director of Project Respect, the publisher of the two curricula. "The message of these texts to teenagers is very simple: Save yourself for tomorrow and your future family. You'll be so glad you did."

Louisiana's statute (LRS 17:281.A.(3)) requires that "The major emphasis of any sex education instruction offered in the public schools of the state shall be to encourage sexual abstinence between unmarried persons." ■

SACRAMENTO, CA — The California State Supreme Court on February 3 that the University of California at Berkeley may no longer force students to pay student activity fees that are spent to fund political groups or to engage in legislative lobbying. The landmark ruling in the case of *Smith v. Regents of the University of California* was 5 to 2 to forbid giving mandatory student fees to political groups, and 7 to 0 to forbid spending such fees for legislative lobbying.

University of California Regents have imposed a "real and substantial" burden on students' constitutional rights of free speech and association, wrote Justice Edward Panelli in the majority opinion. The Court ruled this practice unconstitutional because "students are, in fact, forced to support causes they strongly oppose."

The University of California at Berkeley has a long record of spending mandatory student fees for radical leftwing political activities. (See sample in box to the left.) This practice is quite common on university campuses throughout the country, and many observers believe that the leftwing movement is principally financed from these fees that nearly all college students are required to pay, and which turn over very large sums of money to the small cliques of students who control the student government.

All University of California (UC) students have been assessed a student activity fee since 1955. When the case started in 1979, the fee was \$12.50 per student per quarter. The sum collected from students and transferred to the student government, called the Associated Students of the University of California (ASUC), was upwards of a million dollars per year. Now the fee is \$50.25 per student per semester.

According to the Court, "Issues on which the ASUC Senate has taken positions include, for example, gay and lesbian rights, the proposed Equal Rights Amendment, gun control, the reelection of a particular United States Representative, a municipal initiative to legalize marijuana, and the treatment of political prisoners in foreign countries. The ASUC also subsidizes lobbying . . . in favor of using registration fees to fund abortions, against rent discrimination, against budget cuts for the University, and in favor of . . . a nuclear freeze initiative, public transportation fares, city investment policy, zoning, and rent control . . ."

The Court's ruling listed 15 "frankly political or ideological" groups to which funds were given from mandatory student fees: "Amnesty International, Berkeley Students for Peace, Campus N.O.W. (National Organization for Women), Campus Abortion Rights Action League, Gay and Lesbian League, Progressive Student Organization, REAP (Radical Education and Action Project), Spartacus Youth League, Students Against Intervention in El Salvador, Students for Economic Democracy, UC Berkeley

Feminist Alliance, Women Organized Against Sexual Harassment, UC Sierra Club, Conservation and National Resources Organization, and Greenpeace Berkeley."

The decision is expected to affect 28 universities and colleges in the California state system, all of which have mandatory student fees that are spent at the discretion of student government and are used to finance campus politics.

The losers in the case are the lobbyists and activists employed by the ASUC. They have reacted in anger that their automatic source of funding has been cut off. Mark Himelstein of San Francisco, the lawyer for the ASUC said: "Basically, this changes the method by which public universities fund student government in this state." The *Sacramento Bee* editorialized that the ruling has "pulled the plug on activism" at the UC-Berkeley campus.

See text of court document on page 4.

Many people believe it will work a similar change nationally because of the importance of the supreme court of our nation's largest state and because the ruling is so broadly written.

Richard M. Stephens, a Pacific Legal Foundation lawyer on the winning side of the case, said that now students "finally have the right to choose what sort of political speech one is going to support." The Court's decision follows the principles enunciated in a 1990 U.S. Supreme Court decision, *Keller v. State Bar* (1990), that prohibits the State Bar from using mandatory members' dues for political causes.

The central issue in the case was "the freedom of students not to be compelled and coerced to subsidize political and ideological causes." The court held that "the government may not compel a person to contribute money to support political or ideological causes." The court reminded us that courts have repeatedly stressed this principle by reciting Thomas Jefferson's view that, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical."

Judge Panelli responded to the bitter dissent of the minority by saying, "The dissenting opinion misleadingly asserts that this case is about the 'dissemination of controversial ideas' and wrongfully accuses the majority of somehow restricting speech. In fact, the case has nothing to do with restrictions on speech."

The case was originally brought in 1979 by Arlo Hale Smith, a Berkeley graduate, and Brad Sparks, then a senior majoring in astrophysics. They were joined by 34 other Berkeley students who resented their mandatory fees being used to lobby for leftwing causes.

See Court Nixes Politics, on page 4

EDUCATION BRIEFS

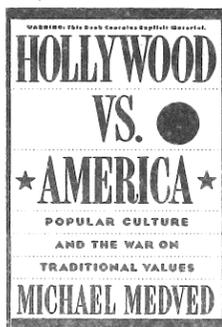


Book of the Month

Hollywood vs. America by Michael Medved, 1992, HarperCollins and Zondervan, New York, NY, 345 pp, \$20.00.

Why does Hollywood show such a glaring disregard for the traditional values so many Americans treasure? This is the question nationally-known film critic Michael Medved addresses in his latest book, *Hollywood vs. America*, in which he thoroughly examines the entertainment industry and shows its blatant attack on religion, the family, and America.

In *Hollywood vs. America*, Medved gives evidence that Hollywood is an "equal-opportunity offender" when it comes to its intense anti-religious bias — Protestants, Catholics, and Jews are all equally attacked. He also gives examples of how the family is regularly attacked by the entertainment industry, pointing out that it is rare to see a happily married couple or to see a positive parent/child relationship.



America-bashing is another negative message Medved sees coming out of Hollywood. Instead of reflecting love, pride, and gratitude for our country, movies today depict America as a "nightmarish land, where nothing is going right, where evil powers dominate," and where our history is based on "the rise of evil businessmen and the 'exploitative' capitalist system."

Medved makes the bold and powerful argument that Hollywood is *not* giving the public what it wants. He cites an Associated Press Media General poll released in 1990 showing that 80% of Americans objected to the amount of foul language in motion pictures, 82% objected to the amount of violence, 72% objected to the amount of explicit sexuality, and by a ratio of 3 to 1 they felt that movies today are worse than ever.

He also points out, that hidden beneath the highly-touted box office receipts, is the fact that movie attendance is at an all-time low. The receipts are misleading because they just reflect increased ticket prices, not the number of people who attend. Medved claims the root problem is a crisis of values. "The problem," he says, "isn't that the camera is out of focus, or that the editing is sloppy, or that the acting is bad. The problem is with the kind of stories Hollywood is telling and the kind of messages that it is sending in film after film. . . Modern films are technically brilliant, but they are morally and spiritually empty."

What is the reason behind Hollywood's hostile and negative messages? Medved shows that, surprisingly, the motivation is *not* money. "G" and "PG" rated films consistently earn more money than those rated

Does a Witch's Workshop Belong in the Classroom?

WEARE, NH — The public schools are most scrupulous about keeping religion out of the classrooms, but they do make some exceptions, at least when the religion is witchcraft. Seniors at John Stark Regional High School in New Hampshire received a thorough introduction to the subject early this year when self-proclaimed witch Carol Leonard made a presentation on Celtic culture. Leonard appeared at the request of English teacher Scottie Jenks, and with the approval of Principal Mark Roth.

Students in Jenks's English class had recently completed a unit on Celtic literature, which included the reading of the classic poem "Beowulf." Jenks cited their curiosity about Celtic history as the pretext for the appearance of an "expert" in the field. Leonard describes herself as a "follower of the Old Ways, of the Celtic Wicce, an earth-based spirituality."

She explained the meaning of certain traditions, celebrations, and symbols. Leonard told the class, "In the Old Way, there wasn't a lot of embarrassment or nervousness about sexuality. It was just an accepted part of your life. It was a gift. It was something to revere. It was sacred — a joy. So there wasn't a lot of tittering about sexuality like there, unfortunately, is today. It was very wholesome and understood."

Letters were sent home with students prior to Christmas vacation announcing the upcoming workshop. According to an article that appeared in the *Manchester Union Leader* on January 6, at least one parent communicated her objections to Principal Roth, complaining that the notice she received failed to identify Leonard as a witch and arguing that such a religious figure should not be allowed to address the class unless equal time were given to a spokesman for Christianity.

Roth approved the one-sided presentation, anyway. "We are sensitive to the beliefs of the parents," he told the *Union Leader*, "but we did not set out to offend anyone, but to give students factual information." Roth claimed that Leonard would address only the culture and history of the period, without mentioning religion or rituals. That assurance proved to be without foundation.

The bulk of Leonard's presentation was devoted to a film called *The Burning Time*, which offered a feminist, revisionist view of the Inquisition, taking broad, repeated swipes at Christianity, patriarchy, and capitalism. The film criticizes the medieval Church for falsely branding witches as "worshippers of the devil," demonizing sexuality, and oppressing women. "It took the Church 200 years of terror and death to

"R," but Hollywood continues to release a majority of "gore-and-sex drenched R-rated shockers."

"These are not bad people," Medved points out. He says that people in the movie business have a great desire to be taken seriously — not just thought of as an entertainer — but a respected "artist." In order to achieve this, they want to make a statement by moving away from the mainstream in our country. This book is a reminder that it is time for Americans to make their own statement to Hollywood — that they want movies to reflect the true and traditional values they hold so dear.



Carol Leonard, Celtic Wicce follower

transform the image of paganism into devil worship and folk culture into heresy," asserts the female narrator. According to the film, witches were, and are, feared because they represent "women's power."

"I think," a woman says in the film, "one of the reasons why people fear the word 'witch' so much is that it brings up ideas about women's power, and for 5,000 years or longer we have been propagandized really to fear women's power, to fear female power — to see it as something negative, something to be afraid of. Something destructive. Something evil. That's why for

See *Witch*, on page 3

Michigan Mother Arrested for Homeschooling

HALE, MI — On the night of March 9, 1993, Peggy Williams was arrested and sent to jail where she was fingerprinted and placed in a cell. Her crime? Homeschooling her three children.

"The very idea of the appearance of a police officer in the dark of night to arrest a mom for the 'crime' of educating her own children is repugnant and reminiscent of Nazi intimidation tactics," says her attorney David Melton, of the Rutherford Institute, a civil liberties organization specializing in the defense of religious liberty. "It is the knock on the door every homeschooler dreads."

Michigan school officials demand that, in order to homeschool, one of the parents must have a college degree. Mrs. Williams' husband is expected to get his bachelor's degree in accounting next month.

According to David Melton, Mrs. Williams was contacted by Leonard Burdek, attendance officer for the Iosco Intermediate School District, and informed that he was filling out a warrant for her arrest on truancy charges. Mrs. Williams was arrested a few hours later and sent to the Iosco County Jail in Tawas City, Michigan. She was later released on \$200 bail.

"Dragging a parent from the safety of her home in the dead of night is coercion and intimidation, plain and simple," said Melton. "Mom was arrested. Dad wasn't."

In Michigan the crime of truancy is punishable by a maximum penalty of two days in jail or a \$50 fine or both.

Chemistry teacher Jim Moore, who is dying of AIDS warned assemblies at Houston's Spring Woods High School to abstain from sexual activity. "Condoms aren't the answer," he said. He was using condoms when he contracted the disease and considers them "untrustworthy." "If you really understand the risk involved in your high-risk behavior, there is no issue," he told his audience. "If you want to live, you have to sacrifice something now."

Hillary Clinton has found a role not only in health care reorganization, but in education as well. She recently met with Secretary of Education Richard Riley and his deputy, former Vermont Gov. Madeleine Kunin, to review the education legislation that the administration is expected to send to Congress. Her agenda will include the establishment of a formal mechanism for the creation of national curriculum standards.

5,000 packets of seven condoms each were provided to students at Northern Illinois University by campus health services so that students could rate them in a survey called "The Great Condom Rating Contest." Students were given approximately two weeks to grade the condoms on color, texture, taste, etc. Health educators said the contest was really an exercise to encourage greater use of condoms and was particularly aimed at getting students to try different brands. The campus contest was paid for primarily with student fees, supplemented by an anti-AIDS grant. Last year, the campus service gave away 90,000 condoms. They also invented "Four Play," a game in which teams of students match knowledge of social health issues to win T-shirts and movie tickets.

The National Association for the Education of Young Children continues to promote a pro-gay curriculum for young children. The NAEYC's publication, called *Young Children*, contains two articles promoting classroom discussion of gay and lesbian families in pre-school, kindergarten, and early elementary grades.

An honor student accused of fatally shooting a teacher and janitor at a high school in Grayson, KY may have been influenced by the Stephen King novel *Rage*, in which a student shoots a teacher and holds a class hostage. Scott Pennington, the accused, age 17, had written a book report on the King novel. He walked into his senior English class, pulled a .38 caliber revolver and shot to death his teacher and then the janitor who entered the classroom to investigate.

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FOCUS: School Choice Saves Tax Dollars

by Tex Lexar

The Clintons are sending their daughter, Chelsea, to an expensive private school — not to public school. Too bad the President opposes giving that same choice to poor Americans. He opposes giving poor American families vouchers to allow their children to attend the public or private schools of their choice. And Mr. Clinton's Secretary of Education recently stated his opposition to funding even a pilot program merely to test the benefits of choice for children from poor families.

Although the Clintons have the \$10,700 necessary to send their own daughter to the private school of their choice, the parents of children who need most to escape inadequate inner-city public schools can't afford that tuition. Educational choice was invented to help these kids the public schools continue to fail.

During his campaign, Mr. Clinton insisted: "We should not have a private voucher system. Our public schools are underfunded." He should know better. More money isn't the answer. And too little money in the Washington, D.C. public schools is not the reason for the choice of a private school for Chelsea.

The Clintons sent their daughter to public school in Arkansas, which spends much less than half as much as Washington per

public school student. Washington spends about \$9,000 per student — more than any state and over twice as much as Texas. Washington spends almost as much per pupil as the annual tuition to the private school the Clintons were able to choose for their daughter.

Some argue, however, that providing any public money for educational choice would destroy the public schools by taking money away from them. To the contrary, choice would not cost money on a per-pupil basis. Choice could even save money. That's the lesson already learned by the Texas Public Policy Foundation in setting up its privately funded voucher program for public and private school choice in Bexar County.

That program already has provided vouchers for students to attend 73 different private schools in the San Antonio area. The average tuition in those private schools is about \$1,100 annually. As of 1990, the average expenditure per student in Texas' public schools was nearly four times as high — \$4,150 per pupil.

Public schools cost more than private schools on average — in large part because of the excessive administrative overhead in the public schools. For example, New York City public schools employ 7,000 bureau-



crats in their central offices, but the city's Catholic schools have fewer than 35 such employees.

Each student who goes to a non-public school costs the state less than it would cost to keep that student in public school. As a result, public education might save money — and be able to increase spending per pupil in the public schools — by helping more students to attend non-public schools.

According to an August 1992 study by the Reason Foundation, for example, the savings from choice could be dramatic. The study found that California would begin to save money once 17 percent or more of public school students used a \$2,600 public voucher to transfer to non-public schools. The study determined that 52 percent of parents with children in California public schools (and two-thirds of African-American parents) said they would use such a voucher. If that happened, the Reason study estimated that California could save \$3 billion in state money.

Similarly, the Milwaukee school choice program — perhaps the nation's only pub-

licly funded school choice program — includes only 617 students, but has freed up more than \$2 million a year for the public schools.

Bill Clinton praised the publicly funded Milwaukee school choice plan until his campaign for President. As President, he should do more for educational choice than just exercise it himself.

Witch Continued from page 2

me it's important to use that word . . . to realize we don't have to fear it."

The film makes much of the fact that some early churches were built "over pagan shrines" and asserts that many pagan goddesses were transformed into saints by the Church. The narrator also insinuates that the Virgin Mary and Joan of Arc could be perceived as goddesses. Identifying "peace, militarism, and ecology" as issues of particular concern to contemporary witches, she concludes by expressing her longing for a future "when women reclaim their power."

Education Conference Examines Problems and Offers Solutions

The fourth annual Education Policy Conference held in St. Louis February 12-13 attracted teachers, businessmen, community leaders, and concerned parents from all over the country. Attendees were primarily citizens who closely monitor such issues as Political Correctness, Outcome-Based Education, Privacy-Invasive Questionnaires, Assessment Testing, Sex Education, Abstinence Education, and the National Education Association.

The more than 20 speakers included Dr. Jeffrey Hart, Michigan State Senator Doug Carl, Peg Luksik, Dr. Judith Reisman, and other experts. They offered informative talks on the challenges we face in education and presented workable solutions, along with the encouragement of some recent triumphs.

Many would agree with the words of Senator Joan Gubbins who said that, "Schools are stealing the parents' place in the child's life."

Dr. Hart, senior editor of *National Review*, pointed out his concern that today "less time is given to academic achievement, and more and more time is spent on things that make you feel better." He stated that our obstacles in education today are "monopoly, self interest, and slough."

On the topic of sex education, author Dr. Judith Reisman shared the shocking results of her research on the Kinsey Reports. She asserted that "the abuse of our children's innocence is one of the greatest contempt of our society." Pat Socia, from the Medical Institute for Sexual Health, gave helpful instruction on how to make abstinence education appealing to young people.

Peg Luksik and Anita Hoge shared infor-



Donna Hearne

mation on the Outcome-Based Education battle in Pennsylvania. Mrs. Luksik explained that in Outcome-Based Education, students are tested on their attitudes and values, and she gave evidence that this information is being forwarded to the federal level. Anita Hoge revealed that the tests given to children "measure how well they would comply without protest."

Mrs. Luksik asserted that the goal of education today is no longer excellence or academics. She claimed that "goals are for industry," and "the redefinition of education is a worker." She explained that industry is looking for human capital with compliant attitudes to survive in the workplace.

Donna Hearne, executive director of the Constitutional Coalition which sponsored the conference, closed the event with a strong challenge to play a part in the fight for better education.

Individual speeches are available on cassette for \$7.00 each. The complete set of 16 conference cassettes is \$106.00. Order from ACTS, Inc. 14153 Clayton Road, Ballwin, MO 63011, phone (314)394-0611.

No More Hurt Feelings Over Bad Grades in School

DETROIT, MI — Public school students in Michigan may not be learning anything, but at least they don't have to worry about getting bad grades on their report cards. A new "no-fault" assessment system introduced in the Detroit area dispenses with esteem-deflating grades altogether in favor of less traumatic terminology. Traditional subject classifications are likewise barred from the Northville Public Schools student progress report.

Instead, parents will be informed that their offspring "Meets Expectations" or "Needs Development" in the following areas: "Uses Investigating Skills," "Uses Creative Thinking Skills," "Uses Problem Solving Strategies," "Understands Bloom's Taxonomy," "Demonstrates Task Commitment," and "Demonstrates Positive

Affective Attitudes." Whether or not parents will understand what any of that means remains uncertain.

A first-grade teacher at McIntyre Elementary School told the *Detroit News* that the new evaluation system measures the student's growth and development, rather than specific skills. She described the new, non-judgmental report cards as "more developmentally appropriate" and more reflective of changes in teaching and curriculum. The nebulous assessments, she said, will allow parents to "talk about school in a more supportive way and not to blame the child."

However, conscientious parents may conclude that the grading system "needs development," and that teachers who shirk their responsibilities deserve a big "F."

Excerpts from the "Statement of the Case" filed by Smith et al. on appeal from the judgment of the Superior Court, Alameda County (which ruled in favor of the University in 1982).

In this litigation, 36 present and former students (hereafter "students") of the University of California at Berkeley, and in their taxpayer capacities, protest the University's unconstitutional and illegal coercion of quarterly payments of mandatory \$12.50 membership dues to a one-sided radical/left instrument of mass political action, an independent student organization called the Associated Students of the University of California (ASUC), which propagates views repugnant to their own.

The students strenuously object to being forced to make campaign contributions of cash and non-cash (free office space, labor, phones, cars, printing, etc.) assets through ASUC year after year to Assemblyman Tom Hayden's and Jane Fonda's notorious California Campaign for Economic Democracy ("CED"), to other radical/left Democratic Party candidates Congressman Ronald V. Dellums and Assemblyman Tom Bates, and to the Dellums "machine" in Berkeley city politics.

ASUC has laundered cash for lobbying purposes to Hayden's student branch at CED headquarters in Santa Monica (Students for Economic Democracy or "SED") through the ASUC Student Lobby in Sacramento and from there to a former Berkeley ASUC Voter Registration Project Coordinator working at CED/SED headquarters.

As recently as 1986, ASUC made at least three separate cash contributions, so far as is known at present, to the campaign against Measure C, the Berkeley city district election plan on the ballot, which was hotly opposed by the Dellums machine's leftist political party in Berkeley, called Berkeley Citizens Action ("BCA").

It has been official ASUC policy since 1973 to support the "candidates, programs and platforms of the April Coalition" (the original name for the BCA) and since 1974 to support Dellums' re-election and political plans.

ASUC adopts and widely publicizes official "ASUC positions" on "all issues of the day" and does so "in the name of the ASUC," asserting that it "speak[s] for the students of the University of California at Berkeley as a whole," i.e., for "the entire student body" of about 30,000 students including the plaintiffs.

Cost of publicity for the full-time production and dissemination of ASUC's official positions through the ASUC Senate alone exceeds \$40,000/yr. in labor, printing, advertising, supplies, etc., not including Senate office space, maintenance, administrative overhead, and the expenses of still other full-time ASUC lobbyists in the operating divisions and executive offices all working to advance ASUC's positions, and all financed out of compulsory dues extracted from willing and unwilling students alike.

ASUC propagandizes its official "ASUC positions" in the names of all students (thus including dissenters whose dissent is never mentioned) and against their will in order to achieve fixed ideological objectives, which are enhanced by the false appearance of student unanimity and solidarity.

ASUC's one-sided official positions are

predictably left/liberal: pro-radical Democratic Party/Marxist candidates, pro-ERA, pro-Nuclear Freeze Initiative, pro-abortion, pro-homosexual, pro-Sandinista, pro-Third World Liberation, pro-environmentalism, pro-welfare state, anti-business, anti-family, anti-military, anti-draft, anti-Reagan, anti-Zionist, anti-nuclear, anti-South Africa, anti-law enforcement, etc. There are copies of more than 250 official ASUC political-position statements in evidence and are too voluminous even to list here.

ASUC enforces rigid adherence to its leftist orthodoxy with the help of friendly University officials or their connivance through various means, either directly or through intermediaries, including:

(a) Paying groups of thugs who attempt to ruthlessly suppress dissent from the leftist party-line.

(b) Arranging with the University to threaten students with being "kicked out of school" for even partial nonpayment of politicized ASUC membership fees.

(c) Retaliating against students who question ASUC's use of mandatory dues for left-wing causes, for example: When plaintiff Brad Sparks began his investigation of ASUC, the University repeatedly lied to the Federal Government that Sparks had dropped out of school (when in fact he was attending classes and was properly registered) in order to get his financial aid terminated - it took many months and the intervention of Sparks' U.S. Senator to get his aid resumed. Sparks' student partner in the investigation of ASUC was fraudulently double-billed by the University for \$1,500, which then tried to throw him out of school for refusing to pay twice.

(d) Filing baseless harassment suits against 77 students (including 32 of those herein) who had the courage to protest ASUC's unconstitutional political fee ripoff through the Small Claims Court.

(e) Ex parte communications with judges to squelch suits protesting ASUC fee abuse.

(f) Sending paid lobbyists to legislative hearings in Sacramento to oppose bills for voluntary student fees.

(g) Threatening to cut off funding to any ASUC operation or activity group that disobeys ASUC's political boycott policies.

Who can forget the nationwide outrage when former U.N. Amb. Jeane J. Kirkpatrick had her Berkeley campus speech viciously disrupted by an ASUC-funded student organization whose spokesman, ASUC Senator Robert Bryzman, proudly confessed his group's role to the media? University Regents' committee minutes show no action was taken against the organization responsible, even though a statewide ASUC Student Body Presidents' Council representative who testified in defense admitted that "other speakers had been disrupted on campus," too.

Indeed, two eyewitnesses testified at trial about how two other ASUC-funded student groups (which had once shared free ASUC office space with Bryzman's group and continued to collaborate together) had physically assaulted a Marine recruiter's table in the free speech area on campus and screamed that the Marines should "get off

campus, had no right to be here, they were militarists out to destroy freedom in the United States and they were reactionary," etc. They blocked other students from approaching the table, which was knocked over, and they tore up the literature offered. There were at least two arrests in this incident culminating several days of repeated harassment of the Marines.

One of the ASUC-funded groups that attacked the Marines' table, the so-called Berkeley Students for Peace (sic!), used mandatory fees to print and circulate leaflets threatening: "The question is not 'Should the Marines be on campus,' the question is 'Should the Marines BE?'"

There was testimony about still another group funded from mandatory ASUC fees that disrupted a Political Science Dept. symposium on the draft:

Q: What happened there with Spartacus Youth League?

A: Roughly 15 Spartacus members came into the meeting. They sat down in front and stood to the side with large placards and banners. Whenever someone they did not care for began to speak, they began shouting and chanting and blocking the audience's view with their placards. . . . The audience was not happy with not being able to hear the people they had come to hear.

These four groups, Berkeley Students for Peace, Progressive Student Organization, Students Against Intervention in El Salvador and Spartacus Youth League received from ASUC a total of approximately \$4,700/yr. in coerced student fees. However, this does not include an estimated \$6,000/yr. in free ASUC office space per office (based on utility costs alone), nor fair market office rental value, administrative overhead and other costs ASUC pays for out of the compulsory student membership fees.

Not only was no action ever taken against these ASUC-funded groups by the University or ASUC, but ASUC continued to fund and approve them long afterwards. Without sanctions of any kind, these groups of thugs are free to intimidate and terrorize dissenters at will. This was not surprising to the plaintiffs, since it confirmed what they had long known - that sympathetic University officials condone and even collaborate with ASUC in suppressing dissent.

ASUC has a long track record of supporting violent student and non-student groups that help maintain ASUC's left-wing stranglehold on the Berkeley campus through intimidation tactics and even terrorism. Not only does ASUC financially support such terrorist groups as the Palestine Liberation Organization ("PLO") and the South West African People's Organization ("SWAPO") but it gives free office space to the PLO's official campus representatives in 300 Eshleman Hall (ASUC's campus office building).

Indeed, ASUC actually helped establish the murderous Symbionese Liberation Army ("SLA"), which in 1974 kidnapped UC-Berkeley student Patricia Hearst, the daughter of then University Regent Mrs. Catherine Hearst. ASUC funded for a year after the Hearst kidnapping the Black Cultural Association, the Vacaville prison

Court Nixes Politics

Continued from page 1

A 16-day trial took place in 1982, which amassed more than 10,000 pages of documents. Alameda Superior Court Judge Zook Sutton ruled that the mandatory student fees were not illegal. The students appealed and the case has been winding its way through the courts ever since.

The ASUC's executive vice-president claimed at the trial that the student government was not "political" because the ASUC did not give funding to the Young Republicans or the Young Democrats. However, the Court found that the ASUC did use mandatory fees "to fund a great deal of activity that is indisputably political and even 'partisan' by any reasonable definition."

The ASUC admitted at the trial that it gave funds to "a group that supports the nuclear freeze initiative," "organizations that support the proposed Equal Rights Amendment," "organizations that hold demonstrations against the policies of the Reagan administration," "organizations that oppose U.S. aid to the government of El Salvador," "organizations that support gay rights legislation," "a group that advocates replacement of our current form of government with a revolutionary socialist regime," and "a group that supports abolition of the death penalty."

ASUC spending in behalf of the proposed Equal Rights Amendment included sending several Berkeley students to march in the pro-ERA demonstration in Chicago in 1980.

Continuing the recitation of the ASUC's political activities, the Court stated, "consider the ASUC's decision to fund the Young Spartacus League. This group, according to the record, supported the former Soviet Union's invasion of Afghanistan, opposed the Solidarity movement in Poland, and, to quote its successful application for ASUC funding, 'seeks to build a revolutionary socialist movement which can intervene in all social struggles armed with a working class program based on the politics of Marx, Lenin and Trotsky, as part of a disciplined revolutionary movement.' . . . To fund the Young Spartacus League as 'nonpartisan,' while denying funding to the Young Republicans and Young Democrats as 'partisan,' borders on the absurd."

In regard to direct lobbying before legislative bodies, the Court noted that the ASUC spent mandatory student fees to lobby for "a nuclear freeze initiative, public transportation fares, city investment policy, zoning, rent control, rent discrimination, the use of registration fees to fund abortions, budget cuts for the University, and mandatory student fees."

The lawyer for the Regents argued that it is "virtually impossible" to define the terms "political" and "ideological." However, the Court ruled that the Supreme Court has "required labor unions and a state bar association to identify 'political' and 'ideological' activities that cannot properly be charged to mandatory contributors," and the University should do it, too. ■

inmates' organization from which the infamous Donald DeFreeze splintered off the SLA. ASUC continues to fund the Vacaville Prison Project (from \$2,400 to \$14,000/yr., not including office, etc.), which taught prisoners how to organize the Black Cultural Association/SLA. ■