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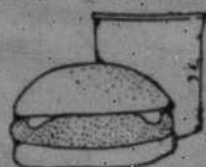
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AG's opinion may threaten 'liberal' use of student fees

Oregon Attorney General Dave Frohnmayer recently issued an opinion that may have substantial consequences for some of the programs now funded through student incidental fees.

The opinion recognizes many of the concerns raised in recent years by students who are unhappy with the traditional use of fee money to support liberal causes, and it may cause problems for those programs with off-campus advocacy rules.

One consequence of the opinion is the almost certain, eventual prohibition by the Oregon State Board of Higher Education of such "activities" as the fee-supported litigation against state investment in South Africa. The AG strongly implied that such activities are unconstitutional as well as contrary to Oregon law regarding the use of state funds, and the OSBHE will likely respond quickly to this point.

This is good, for while I believe, as do most students, that investment in the economy of South Africa is both morally wrong and economically short-sighted, student fees are not meant to be used to mount legal challenges on general social issues. The litigation should be continued, but the ASUO should pay for it from other sources.

For some reason, the opinion notes that public employees can't engage in certain political activities during working hours, then comments offhand that students are not public employees. In fact, many of the students who work for advocacy programs are paid with public money, a fact of which the AG may be unaware.

Former State Senator and current Supreme Court Justice Wallace Carson once reminded the chancellor's representative at a legislative hearing that incidental fees are intended to serve the needs of students. The AG cited this comment, but the general tone of the opinion is that the OSBHE should begin to more strictly oversee the use of the money, or provide some clearer, tougher guidelines to institutional executives directing them to do so.

Incidental fees are public funds, no matter how often student leaders holler that "the money belongs to the students." The ASUO leadership ought to rapidly prepare some constructive suggestions regarding the inevitable new administrative rules, and I hope that they now recognize, after

years of talk and little action, the need to rapidly develop independent revenue sources not under the control of the Board. I hope, too, that they will convince the Oregon Student Lobby Board to refocus OSLE energy on helping all of the state student associations to do the same.

The opinion admits that the state has a right, indeed a historic obligation, to make its campuses places of lively discussion and activities of the sort that make students better informed and more complete citizens. However, the AG goes on to conclude that "advocacy" activities such as lobbying and administrative input, while valuable on campus, acquire a taint of impropriety when taken, say, to Salem.

Commentary

The theory behind this approach is that benefit to participants is not enough; there must always be a sort of macro-benefit, an osmotic exchange that can only happen when students are together on campus in a critical mass.

How is this concept to be applied, for example, to an intramural program? To a school like Portland State University that, for practical purposes, has no traditional campus? Why should students on field placements or professional internships pay the fee at all?

There is a more fundamental problem with this theory. The opinion seems to deny the cultural educational legitimacy of taking an idea from the "what if" stage into the actual push and pull of practical politics. What could be more important to an informed citizenry than how to do precisely this?

Some students have complained that only liberal groups get money to do advocacy. These groups, which have always tried to involve students, are now the ones threatened by the opinion. While it may be time that the Incidental Fee Committee has a predilection to make subjective wrongheadedness the test of fundability, conservative students have not mounted any effort to get funds for organizations they support, except for the Oregon Commentator, an atypical program.

Some students, including Bob Davis of the Commentator, believe that conservative students are simply not inclined to seek public funding to advance their viewpoints. Perhaps

the question of access to student fee money for conservative groups will become moot as a consequence of the AG opinion, but unless the OSBHE substantially restricts the activity of groups that exist to advocate off-campus on issues, the conservative students may ask for a slice of the pie. If they don't ask, they shouldn't complain.

The AG said specifically that the burden of persuasion is on the OSBHE to show the legitimacy of funding programs that act off-campus "in pursuit of fixed ideological goals." In practice, this may mean that a group that advocates off-campus on any issue may have to do to great lengths to convince not the IFC, but the administration and the Board, that the programs' one-sided advocacy is educationally sound as culturally beneficial in the absence of student-funded opposition views, as part of a student activities program.

This will not work easily, well or for long. If the ASUO leadership digs in its heels and refuses to recognize this emerging reality, conservative students, legislators and community members may methodically snuff out student-based advocacy as we know it. No amount of pious assertions that "we work in the public interest" or "if this bill passes, all students benefit" will do any good. Ball game over.

The good liberals on campus will trot out in response to the AG opinion and to mine their usual responses, among which will be "we were fairly elected to represent the student viewpoint on the issues we ran on." So what? The issue is not majoritarianism.

The Constitution, upon the First Amendment to which rests part of the AG's opinion, is intended in part to protect minorities from coercion by the majority, even when the majority is made up of good liberals. The AG concludes that such coercion includes the collection of mandatory fees for certain types of advocacy groups.

Lobbying is sexy, but how will we lobby if the OSLE suddenly has no fee dollars, no alternate funding sources and no useful grassroots network? ASUO programs, too, have rarely pursued substantial alternate funding because the IFC gives it away and President Olum doesn't intervene.

Both may change soon, due to external pressure. It's time to wake up.

By Alan Contreras



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