

Court's ruling gives cause to rethink fees

In a 5-2 decision last week, the California Supreme Court ruled that using student fees to fund political or ideological organizations was unconstitutional.

Although the decision itself carries no weight in Oregon, it's founded on a U.S. Supreme Court ruling concerning the use of members' fees collected by state bar associations.

The California case was brought to court in 1979 by students at the University of California at Berkeley who protested the use of student fees to fund organizations they considered to be partisan rather than educational.

The state Supreme Court said using student fees for a partisan organization implied consent on the part of the students paying the fees, even when some students oppose the organization.

This was tantamount to compelling speech in favor of the organization by students who opposed it, and "compelled speech offends the First Amendment, just as do restrictions on speech." To compel speech, the government must have "a sufficiently compelling interest," according to the court.

The court said the rule would apply when a group's efforts to achieve its political or ideological goals "begins to outweigh any legitimate claim it may have to be educating students on the University's behalf."

Organizations whose primary activity is lobbying for causes off-campus are considered non-educational. As an example, the court cited a similar New York case concerning student funding for NYPIRG, the New York equivalent of OSPIRG, that said any educational benefits "vanish when NYPIRG money is spent in the halls of the state legislature."

On this basis, the court applied its ruling to 14 Berkeley student associations, including Amnesty International, Campus N.O.W., Campus Abortion Rights Action League, Gay and Lesbian League, UC Sierra Club and Greenpeace Berkeley.

At this University, there are several similar organizations that would be threatened by such a lawsuit. They include Amnesty International, Oregon Student Lobby, OSPIRG, Students Against Apartheid, Student Campaign for Disarmament, Students for Choice, Lesbian Gay and Bisexual Alliance, and the United States Student Association.

The ruling does not altogether eliminate funding through student fees, but rather requires the university to offer refunds to students based on the percentage of their fees that went to the group or groups they oppose.

Although there is no immediate threat to University groups, the potential is only a lawsuit away, especially in these times of rising tuition and fees and diminishing state support. And with the supporting federal precedent, which was followed by the California court, such a suit would likely be successful.

It would be wise for the ASUO, the IFC and the administration to sit down now and consider new methods for funding student groups before the cost of defending such lengthy litigation is incurred.



LETTERS

Self-defense

The actions of several men in Eugene and three marines nationally show us that some people are still violently directing their hate, fear and ignorance against gay, lesbian and bisexual people. Each day we face the possibility that we may be attacked, beaten and maybe killed for the person whom we love and have sex with.

We do not have to stand for the physical assaults focused at us. Nor should we walk in fear or hang our heads low in shame for who we are. The Lesbian Gay and Bisexual Alliance is offering a way to learn how to be more assertive in our defense, and to defend ourselves against the brutality that may be directed against us.

A workshop for gays, lesbians and bisexuals will take place Saturday, Feb. 13 from 10 a.m. to 2 p.m. and Feb. 14 from 12 p.m. to 4 p.m. in Room 77 Esslinger Hall. The workshop is free and will include instruction on avoiding conflict and defending yourself in the event of violence. Lloyd French and Nadia Telsey will be instructing the two-day course.

The contact person is Sean Sloane, and he can be reached at 345-1039 or 346-1142. We hope to see you there so we can begin learning to take an active role in our defense.

Benjamin T. Novinger
Sean Sloane
LGBA volunteers

Carson joke

I was at the Student Senate meeting Feb. 2 that confirmed Ed Carson to the Incidental Fee Committee seat and found it to be quite a joke.

For one thing, the IFC opening was not advertised before the nomination. During the meeting, ASUO President Bobby Lee said he supports affirmative-action guidelines when appointing people and suggested it should be written into the constitution. That way they would have to notify students of position openings so everyone has the opportunity to apply. It is hypocritical to support a policy you don't follow.

I also was surprised that student questions to Carson were not allowed because they were thought of after the floor was closed to the senate only. I understand some policy is necessary to keep things flowing, but Carson will be a part of the

committee that decides where all student funds will be going. All students should be allowed to have their say.

The biggest joke of the meeting was Carson himself. He denied being racist, sexist or homophobic. He said he believed no group should have special opportunities that other students don't have. How then can he accept the nomination when he knows he had an opportunity that no other student had, but deserved?

Michael Lum
English

Urination reply

We were amused after reading Adam Bratland's letter "Urination Breakdown" (ODE, Feb. 2). It does, however, clearly illustrate a point we have long suspected — some people expect to be told everything.

From our earliest field trips in first grade, we were either told where the restrooms were or we found them ourselves — before we were in dire need.

Grow up. Bratland should look for a restroom before he's desperate.

By the way, in Deady Hall there are two men's bathrooms (one on the top floor, one on the basement floor), two women's bathrooms (one on the top floor, one on 1M), and a unisex bathroom on the first floor that anyone can use by standing in line.

How Bratland got to the top floor and couldn't find the men's bathroom is beyond us.

And another thing — many women do not use the unisex bathroom because many men who use it either leave the lid up or leave it "wet." Because it is a unisex bathroom, those who use it should leave it so anyone can use it.

Jo Gibson
Russian
Scott MacDonald
Math GTF

Get serious

Dynorrific? Please. On Thursday, Feb. 4, the *Emerald* ran a typically uninformative and embarrassing article on the sport of rock climbing. "On the Rocks" was an extremely meager attempt to portray a sport that is based on knowledge of safety and climbing ethics, not on a style of clothing ("brightly

colored commandos") or absurd statements of enthusiasm.

Perhaps crimpomatic or carabinorrific could be used in an equally ridiculous follow-up. Instead of a page full of redundant pictures of "mellow" dudes clinging to the columns, maybe it would better serve the reader by including some information on proper procedure. Even a photo essay should provide at least a reference to a source of more information, i.e. The Outdoor Program (346-4365).

The author is unnamed, but he should remember that placing protection is used to protect the climber from hitting the ground — technique and ability "protects the climber from falling."

Kendall Cook
Pre-business

Carson no joke

When I am denied the opportunity to attend the University and fulfill my obligations as an Incidental Fee Committee member because I can't afford the rising costs of higher education, I get a little angry. And when I'm replaced by the managing editor of the *Oregon Commentator*, which has historically and recently expressed very homophobic, racist and misogynist views, I get even more angry.

Commentator articles that stick out in my mind include stories on Saferide and sexual assault report forms. Both stories ridiculed the seriousness of rape and blamed the survivors of sexual assault. The parody on Saferide was titled "RamRod" and described a similar service run by men who used it to rape female passengers. I didn't think that was too funny. I know Carson didn't write these articles, but silly me, I connect them with him, the managing editor.

And then I find out there was no opportunity for others to even apply for the open IFC position. No advertisement, no job announcements, nothing. I know there are students on this campus who are more qualified than Carson to fill this position. But I may not be "right," and we never will find out because equal opportunity does not exist at the very exclusive University.

Barbara Rodgers
Eugene

Oregon Daily Emerald

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