



FREEDOM OF SPEECH UNDER FIRE!

California Review

UCSD's Conservative Journal of News and Opinion

SPECIAL EDITION

<http://www.californiareview.org> Updated Daily! email: calrev@ucsd.edu

Volume XXI Number 4

Quote of the Quarter

“I will fight for the Constitution of the United States on any platform and in any arena.”

— Robert Forouzandeh, student advocate general for the *Koala* and Speaker of the Freedom Alliance



In This Issue:

- How the administration invalidated a valid hearing
- A message from *The Koala*
- The importance of free speech
- Opinions from other students and another publication
- The media's vigilance in defending student rights
- The illegitimacy of closed hearings
- The *California Review's* indignation toward the administration's actions

SPECIAL EDITION

ADMINISTRATION SQUASHES STUDENTS' RIGHTS

University attempts to silence The Koala and doesn't want you knowing about it



Illustration by John Marquez

The administration is attempting to exterminate *The Koala* through a monkey trial of shaky charges and questionable procedures, including the illegal exclusion of media presence at the hearing, despite the insistence of the defense. Because the student-run Judicial Board decided to allow media presence at the hearing, the University refused to present its case and has since invalidated a legitimate proceeding, and will probably continue doing so until it receives the verdict it wants.

The administration has ignored federal and state laws and precedents in pursuing its self-serving agenda; this short issue is intended to expose the administration for the autocratic sham it really is.

Freedom of Speech Under Fire at UCSD

Administration Invalidates Official Hearing *Verdict probably would have been 'not guilty'*

Al Canata and Dustin Frelich
Staff Writers

Because the Judicial Board stood behind its decision to open the *Koala* hearing to the media despite a walkout by the prosecution, the University has nullified what would presumably have been a not-guilty verdict due to the lack of a prosecution.

The administration's decision has already been criticized due to its questionable legality and the appearance that it will do whatever is necessary to destroy the *Koala*.

"Once again, the University has made it apparent that it will act in every illegal manner possible in order to fabricate an untrue guilty verdict against the *Koala* and to cover up its illegal actions at the same time," said Robert Forouzandeh,

the *Koala's* student advocate general.

The Judicial Board decided the hearing would proceed despite the lack of a prosecution. The *Koala* presented only a shell of its defense.

"We did not want to reveal our strategy because we were worried that the University was going to once again violate the laws of the land and go ahead and present another case; we want to make sure our secrets are kept secret and we can present them if the case is brought up again," predicted Forouzandeh.

Forouzandeh said the *Koala* defense lies on three premises: the person who took photographs at the MEChA meeting was not a part of the *Koala*, this individual acted

without the consent from the *Koala*, and that no disruption even occurred.

"There is no evidence to prove anything against the *Koala*, they (The University) do not even know who took the pictures, they have no proof that the *Koala* was even involved in the incident at all. The *Koala* members were at the MEChA meeting as a result of a request made by Ernesto Martinez asking for more "dialogue" between *Koala* and SAAC members. The *Koala* members acted respectfully and civilly during the meeting and caused no disruption of any kind."

The Judicial Board's decision to allow media coverage was met with gratitude from the *Koala*.

"I'd like to go ahead and

thank you, as a board, for standing up to the oppressive, tyrannical, totalitarian methods the University has tried to deploy upon you, trying to illegitimize your authority as an independent, autonomous board at this school, and I commend you for your courage and your bravery to stand up to this dictatorship," said Forouzandeh.

The *Koala* felt that University representative Cara Silbaugh's refusal to present the administration's case due to media presence solidified its defense.

"You can say that the University has shown the legitimacy of its case by not presenting its case," said *Koala* principal member Jeremy Rode.

Koala Editor-in-Chief George Liddle put a slightly different spin on the University's

walkout.

"I have a lot of respect for the University that they respected our rights as students and our needs, because this is eighth week, we've all got classes tomorrow, and by not wasting our time presenting their case, I think that was a very magnanimous thing for the University to do," said Liddle.

Despite Liddle's jovial attitude, the *Koala* knows the University still threatens its existence as a student organization. The administration claims it is trying to reschedule the hearing before the same Judicial Board, but it is quite likely that the hearing will be scheduled over the summer before and officer appointed by the administration. Massive protest is expected if such a decision is reached.

A message from the *Koala's* Legal Team

On the night of May 22, 2002 a diverse group of UCSD students came together under one flag and one cause, to defend student rights. This occurred at the *Koala* hearing which took place in which students of all walks of life and all political ideologies placed their differences aside and united to fight an oppressive UCSD administration bent on ignoring all principles of the Constitution of the United States and of California in order to pursue their political witch hunt of the *Koala* organization.

Because an 'innocent' verdict would have been returned by the Judicial Board, the UCSD administration once again chose to ignore every shred of rights afforded to the citizens of this nation and of this state. The school administration (similar in action to those of the Taliban) has invalidated the hearing of the Judicial Board (an autonomous entity) and ordered a re-trial.

The fact of the matter is that the administration knows their charges are fabricated and completely illegitimate, that is why they attempt to keep the hearing silent from the media. As a result another illegal trial will have to take place against the *Koala*, therefore violating its double jeopardy rights afforded under the Constitution which as many ignorant school administrators do not understand is SUPREME to the School's Code of Conduct in every way shape or form.

My fellow students, I am not a member of the *Koala* nor do I read their publication. But I still urge you that we must not let the rights of the *Koala* which is a completely innocent party in regards to the charges brought against it be violated by this totalitarian regime at our University, because if we allow them to get away, who will be next? It could be you when you are written up for "allegedly" drinking or "allegedly" cheating on schoolwork... The line in the sand must be drawn here and now.

When the new illegal hearing date is announced, it will be publicized; show up and stand up for your fellow students who are being prosecuted for an act which they did not commit.

-Robert Forouzandeh

Student Advocate General for the *Koala*
Chairman, UCSD Freedom Alliance

UCSD Must Rally Behind the Media

Chris Taylor
Staff Writer

College administrations have often been likened to small microcosms of fascism. The small group of individuals that runs the university and calls all the shots only pretends to

give students a voice. However, as was shown last week, the administration may be successfully resisted and their fascist actions may be revealed for the campus to see.

Present at the hearing were members of the *Guardian*, *California Review*, *Nightcap*,

SRTV, and Warren TV. These students, from different ideologies and with different goals, still came together to protest the barring of the freedom of the press.

The students of UCSD have been stereotyped as apathetic. How much more

apathetic would they be if they were not allowed to know of the insidious tactics of the administration? Student media affects the students more than they often understand. Just a quick glimpse through the *Guardian* gives a student the run down of the campus news.

Glancing through the *New Indicator* or the *California Review* gives the students a brief description of viewpoints on the issues at hand. Everyone has flipped to Channel 18 and watched all

See "Media" on following page

Taking the First

Freedom of speech is integral to democracy

Cristina Conde
Staff Writer

The First Amendment states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Time and time again, this amendment, perhaps more than other amendments, has been the casualty of hypocrisy. People in general respect the ideals behind this amendment; except when it protects offensive material.

The First Amendment gives all Americans the right to speak their minds, challenge the status quo, and develop their own point of view. This is a right that is vital and should be given to all citizens.

It is critical for human development to challenge the norm by continually testing the boundaries set by society. Without free speech, there is no democracy. The government has no right to challenge free speech because it is considered an unalienable right.

Free speech is a means to draw public support, challenge injustices, and redress what has been wronged in what matters most to individuals. It is a form of personal expression.

Without free speech, how are people to know what matters most? How are people to know about and change injustices? Criticisms and answers to those criticisms should be allowed to be clearly voiced.

All decision making has a beginning in which ideas are thrown back and forth between different and opposing views. Decisions that are made after much consultation, discussion and consideration by a wide spectrum of opposing views are far better because they consider all opinions. A government that decides without the expressed opinions it seeks to rule over is a dangerous government.

Governments have a need to protect all its citizens. Many would argue free speech should be allowed, except when materials contain hateful, obscene, or troubling content. People argue these types of materials violate the rights of many. But taking away the rights of some, is taking away the rights of all.

Government should be a forum of equality. It is not equality for the majority or those in power, but also to those who are of the minority. The government should protect those who are outspoken, as well as those who are not.

Taking away one type of speech gives those in power to judge what should and should not be censored. There is a fine line

between what is considered offensive speech and what is not. Who has the right to judge this fine line?

Perhaps the language is so ambiguous because it is impossible to devise a law so precise that it censors one type of material without putting another in danger. How does a government decide what speech is important and beneficial to its people, and what is not welcomed? Deciding what is offensive, hateful, troubling or distasteful is indeed very subjective. Based on a matter of opinion, no one should be given the power to decide what should be allowed to be in print or spoken.

Perhaps the motives of our Founding Fathers is to protect the views of the minority from the majority who find opposing views troubling. The gift of free speech from the Founding Fathers who wrote the Constitution is one to be cherished and protected, not censored.

The First Amendment will always be challenged because of changing times. A healthy society will always have people who hold contrasting views. There will be opinions that will be considered offensive, but this is expected in any society that allows all people to have a voice. This is the true test of democracy.

Editorial: University's disregard for students' rights must not be tolerated

The *California Review* vehemently opposes the administration's utter contempt and disregard for the democratic ideal of free speech, and we as journalists will not tolerate it.

The administration is arguing a questionable interpretation of a very vague rule not as its reason to destroy the *Koala*, but as its excuse.

The federal government was never able to successfully prosecute Al Capone on murder charges, but it managed to convict him on tax evasion. Thus, the administration is trying to lock away its designated enemy through laughable charges pressed in kangaroo court with no media to alert the public of its tyranny.

The administration is breaking state and federal law by barring media presence at the *Koala* hearings. Fortunately, the All-Campus Judicial Board chaired by Parisa Baharian has been a pillar of liberty by its insistence that the media may cover the hearing, despite the administration's endless bombardment of baseless complaints.

The *California Review* as an organization has no official opinion on the content of the *Koala*, nor should one

be pertinent to our defense of the publication. Free speech is free speech, and we feel it's our responsibility to defend that vital right at UCSD, even if we don't necessarily agree with what is said.

It is not difficult to realize that if the administration has the power to shut down a student publication because it disagrees with its content, then none of us are safe. When one student is silenced at UCSD, then everyone's right to free speech is in danger. The students as a whole must not sit idly as its rights are infringed upon, because if they are not defended, they will inevitably be lost.

Furthermore, we cannot help but feel utter contempt for the student organizations and individuals who appear to be in bed with the administration. MEChA, the organization that held the meeting where the incident in question occurred, has apparently bestowed upon Director of Student Policies and Judicial Affairs Nick Aguilar an office filled with awards and citations of merit for advancing the "Mechista" cause.

It is Aguilar who invalidated the hearing, because it is Aguilar who argued that the Judicial Board has no right to

recognize state and federal law takes precedence over UCSD disciplinary procedure.

The real question now is what shall come next for the *Koala*. While Aguilar "hopes" to reschedule the hearing before the same Judicial Board, it's entirely possible that he'll be "forced" to schedule the hearing for over the summer, to be presided by a hearing officer loyal to the administration.

Therefore, the *California Review* call upon our elected AS Council to vocally condemn all parties and individuals responsible for damaging the students' right to free speech, and to organize a student demonstration with enough magnitude to show the administration that it cannot get away with such an atrocity.

Shame on Nick Aguilar. Shame on Chancellor Dynes. Shame on Vice-Chancellor Joe Watson. Shame on prosecutor Cara Silbaugh. Shame on MEChA. Each party has shown utter disdain for freedom of speech and due process; each has done its share in compromising student rights at UCSD, and hopefully, UCSD will not stand for it.



California Review

"Imperium et Libertas"

Editor-in-Chief

Terrence P. Morrissey

Managing Editor

Ryan Darby

Business Director

Al Canata

Technology Director

Lucas W. Simmons

Contributing Staff Writers

Al Canata

Cristina Conde

Dustin Frelich

Chris Taylor

Founders and Members

of

the Pantheon

H.W. Crocker III '83,

Brigadier Editor Emeritus

E. Clasen Young '84,

President Emeritus

C. Brandon Crocker '85

Imperator Emeritus

Legal Counsel

The Praetorian Guard

and Charles Purdy IV

(Praetorian Praefectus)

The opinions and views contained in the *California Review* are solely those of the writers and do not necessarily represent the collective opinions of the California Review staff, the ASUCSD, or the Regents of the University of California. ©2001 *California Review*. All rights reserved. Irish pride.

The *California Review* (Restitutor Orbis) was founded on the sunny afternoon of the Seventh day of January, Nineteen Hundred and Eighty-Two, by discipuli cum civitas listening to Respighi and engaging in discourse on preserving the American Way.

Please address all letters, manuscripts, and blank checks to:
California Review

Temple of Mars the Avenger

9500 Gilman Drive
0077 Box #A-4
La Jolla, CA 92093

CalRev@ucsd.edu

A Freethinking University?

David Fischer
Contributor

No one can interfere with a student organization's rights to assemble. Thus, the trial of the *Koala* for disruption of a MEChA meeting is absolutely necessary in ensuring the rights of students are not overstepped. The administration, however, ironically seems not show any respect for the justice or law it claims to uphold by attempting to force the Judicial Board to have closed hearings in the hearing of the *Koala*.

A photographer who the administration claims is a *Koala* member photographed MEChA officer Ernesto Martinez, a disruption worthy of being investigated, as it was used in the next issue of the *Koala* to mock Martinez. A trial is absolutely necessary to determine whether they are responsible for such a disturbance for the sole purpose of ridicule. A fair trial.

Instead of going forth with a just trial, the University decided not to participate in the public hearing of the

Koala. The prosecution stormed out after the media was permitted to stay.

Under the University Conduct Code, a hearing is "closed to the public unless otherwise agreed to by all accused students and . . . witnesses" (22.17.16.16 A). Thus, witnesses for the administration can claim the right to privacy and close the hearing from the scrutinizing eye of public justice. The administration fails to realize, however, that this rule goes against federal law and judicial precedent.

In "Richmond Newspapers, Inc. v. Virginia," the Supreme Court ruled that public trials assure "that the proceedings [are] conducted fairly to all concerned and discouraging perjury, the misconduct of participants, or decisions based on secret bias or partiality." Instead of allowing the *Koala* "a fair and accurate adjudication of guilt or innocence," the administration wants to invite unfairness and prejudice into the hearing by closing

it off to the public and the press.

The University plans to declare the ruling of the Judicial Board void so that they may have another trial on the University's terms. Their second closed hearing cannot ensure that all sides are being treated fairly.

It is in the interest of ALL students that this be an open hearing. Only public hearings guarantee that all sides are represented reasonably and that the trial is fair. Without them, the University is free to use its influence to squelch any institution it does not view as likeminded. In the interest of diversity, the administration must allow all opinions an equal opportunity to be expressed, not just its own.

This is not an issue of political ideology, race or belief. It is in the interest of justice and evenhandedness. I urge all students to attend the next hearing of the *Koala* and let the administration know that we will not be told what to do!

Media continued from

previous page

sorts of bizarre shows that are only conceivable because of the creative juices flowing at SRTV.

To restrict this important aspect of student life is deplorable. Fortunately for the UCSD students, the majority of on campus media finally decided to stand up for their right to inform the students. At the hearing on Wednesday night, ideologies of all kinds, left to right, moral to amoral, dry facts to zany interpretations, stood together in support of the right of the students to be informed of the process confronting the year's most publicized controversy. Regardless of their views of the *Koala*, these groups represented the students' right to decide what is right and wrong about this situation.

The *California Review* praises the on-campus publications and media for their staunch support of the rights

that our country has entitled us to. For some — who had made it clear that they would stay at the hearing until removed by the police — if these fundamental rights are taken away from us, then we have admitted, as a student body, that we will allow the administration to do whatever it wants behind close doors, even if it is strictly illegal.

By standing up against this grim reality, students have shown that they are capable of fighting the administration. What tricks the University will pull out of its hat now remains to be seen, but I am sure that the students will be there waiting to show the University that they will not relent their freedoms.

We at the *California Review* salute all campus media and student publications and their continuing support of our Constitutional Freedom of the Press. Onward to Victory.

Media Unites

In light of current events, the media organizations at UCSD have united and are calling for the campus to join in our efforts to defend the rights of the press and student organizations on campus. If this concerns you openly discuss this issue with your friends, college and AS representatives, Chancellor Dynes (dynes@ucsd.edu), and Vice-Chancellor of Student Affairs Joseph Watson (jwatson@ucsd.edu).

This statement was drafted by students affiliated with the *California Review*, the *Guardian*, the *Koala*, KSDT, the *New Indicator*, *Nightcap*, SRTV, and *Temper*. Please e-mail us your thoughts at mediaalliance@libertad.ucsd.edu.

The Students Have Spoken

UCSD students voice their thoughts on The Koala

Al Canata
Staff Writer

"They're a student org like any other student org. There's a lot of different types of publications on campus. I don't see any reason why they shouldn't be. I'm a big fan of freedom of speech. I don't care what they're saying... They have the right to do it. Were aren't paying them much, they don't get much money from the University."

— Josh Shupack

"I think it brings it a little more fun, a little bit more of a comical side to students life here on top off all the stress that they get."

— Roger Ngo

"There's the issue of free speech and the *Koala*; you have to recognize their right to exist as a free speech organization. On the other hand sometimes they go a little to far in that sense. If you want to recognize them as a student organization on campus you kinda have to do with the fact that they kinda offend a lot people."

Do you think that's a reason to kick them off campus?

"No, because I can get offended by something that someone says about you know whatever Mexicans, I don't care. But it's enough to kick someone off campus because of it."

— Joseph Escamilla

"I think they have a right to be a student org as long as they don't cross over UCSD policy and don't offend too many students, but they should do it in good humor and do it for humor. But the *Koala* was founded to be a bit on the edge." — Jeff Chao

"From what they're like printing out and stuff dude, nah. That's too much, they're pushing the First Amendment; like, supposedly, like, it's a First Amendment right to publish that. But they're pushing it."

Do you think they go to far?

"Yeah."

— Mike Dionela

"Even though I don't agree with what the *Koala* says nor do I agree with its degrading nature towards groups on campus, I think that once we start censoring information we don't like, we run a slippery slope of censorship. We should know how to discern between ideas that are factual and ideas that are not."

— Shira Landau

"Absolutely. Even though it tends to be slightly distasteful. It's a publication and it has the right to free speech. If we don't let people that we don't like speak, then this country is based on a lie."

— Erika Cheng

Comments from The Scene, UCSD's new media magazine

The issues brought up in the *Koala* hearing are significant not only to the the process and regulations brought to the attention of media publications, but the First Amendment rights that it addresses. Therefore, it is only appropriate that we let our opinion be known that there are many unfair legal issues being risen. First, it is the right of any student organization to have an open hearing in order to openly address the accusations and alleged violations that it is being held on. This is important because it informs us what is the liberal "tolerance" levels of our school, and how strongly it tranfers First Amendment rights to the collegiate level. Essentially, if there are freedom of speech rights being violated, not only are we subject to constrain those violations, but we are entitled to express our opinion on the matter, as well. In addition, we cannot comment on an appropriate result due to the fact that the details of this trial has not been disclosed to any of the student organizations, and it is the duty of our school to indeed inform us of the case pending.

Thanks to The Scene for its contribution!

Our Student Advocate Speaks Out

I find it very disconcerting that Nick Aguilar is trying to take away the power of the Judicial Board by nullifying last week's *Koala* hearing. The Judicial Boards are fundamental to the judicial process at this school, and their powers and responsibilities are very clearly defined. Parisa Baharian was acting well within her powers as the presiding officer when she decided to open the hearing to the media, and Aguilar's attempt to limit the authority of the Judicial Board has dangerous implications for student rights and the ability of students to have their cases heard by a panel of their peers.

Brie Finegold,

AS Commissioner of Student Advocacy

Check for updates on our fight for students' rights at...

www.californiareview.org

Updated daily.

- Do you take the First Amendment seriously?
- Do you think secret trials are innately farcical and undeniably un-American?
- Are you fed up with our administration silencing those they disagree with and trying to ruin our college experience?

Then join the *California Review*, because we're **right**.

Want to help us fight the good fight at UCSD? Donations are tax deductible. Address all blank checks to the *California Review* or donate online at www.californiareview.org.



California Review
Temple of Mars the Avenger
P.O. Box 948513
La Jolla, CA 92037
CalRev@ucsd.edu