

GRADUATE ASSEMBLY MEETING

December 4, 2003

SUMMARY OF THE MEETING

- [Received a Graduate Council survey on grad student participation in faculty hiring](#)
- [Ms. Molina resigned as External Affairs VP due to her upcoming delivery date.](#)
- [Heard a report from AGSE UAW 2865, GSIs, readers, and tutors, on attaining a new contract.](#)
- [Received a draft on a proposals by the campus on Principles of Community and discussions on diversity.](#)
- [Heard a report from the Ad Hoc Committee on November Resolutions Referring to UC-Managed National Labs.](#)
- [Approved recommendations by the Funding Committee for this round of grants.](#)
- [Heard a presentation on the No on Prop. 54 campaign and the expenditure of student fees.](#)
- [Heard a presentation on issues related to Prop. 54 and student fee autonomy and approved a motion to direct the GA President to negotiate on the GA's right to make spending decisions and to litigate if negotiations fail.](#)
- [Approved a Resolution to Support Photographers Locked Out by the Daily Californian.](#)
- [Approved a Resolution In Support of UC Berkeley's Affiliation with the Lawrence Berkeley National Lab.](#)
- [Approved a Resolution to Authorize Putting the Question of Graduate Student Autonomy Before the Electorate.](#)
- [Considered and did not approve a Resolution In Support of Academic Freedom and Research Throughout the UC](#)
- [Approved a Resolution Calling for the Graduate Assembly to Organize a Democratic Debate and Educational Forum on the University of California's Relationship with Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs.](#)
- [Elected Dawn Williams to serve as the GA's External Affairs Vice President.](#)
- [Approved a Resolution Calling for UC Regent Ward Connerly's Resignation/Removal.](#)
- [Approved a Resolution to Endorse the Civil Rights Boycott of Coors Beer.](#)
- [Approved a Resolution on Emergency Legal Defense Fund.](#)
- [Received a report from the GA's representatives on the Graduate Council.](#)

This regular meeting of the Graduate Assembly, concluding Fall Semester, was called to order by Jessica Quindel at 5:38 p.m. in the ASUC Senate Chamber. Ms. Quindel said she would like to welcome them to the last meeting of the semester. It was good to see them there, even in the rain.

APPROVAL OF THE AGENDA

Ms. Quindel said they have some things on the agenda that they don't often do. They'll hear a presentation from one of their lawyers. To respect his time, she would appreciate a motion when he arrives to hear from him at that point. Secondly, a candidate for the Office of External Affairs VP, who submitted a statement, has a class from 4:00 to 7:00, so instead of having that election as item D) under New Business, they'd consider it as M), the last item under New Business. She would entertain a motion to do that. It was so moved and seconded. The motion to amend the agenda passed with no objection.

Ms. Quindel said she wanted to make a few announcements about the meeting. Mr. Cantor, their Departmental Liaison, made nametags, and Delegates were asked to please return the tags at the end of the meeting so he doesn't have to make them again. Secondly, Ms. Quindel said she would really appreciate it if Delegates could clean up after themselves, since people who are still there end up cleaning up after everyone. Those people who clean aren't expected to clean up the trash.

Mr. Valleé moved to add a Resolution to the agenda, supporting the Institute of Labor and Employment, Schwarzenegger has targeted for termination at the end of the semester. Ms. Quindel said she wasn't sure that was allowed in the rules. Mr. Valleé asked if the GA didn't do that at their last meeting. Ms. Quindel said she's been reading the rules very carefully lately, which is why she tried to post things a week in advance. To make a motion, the item must be posted a week in advance, unless there's an emergency situation. Mr. Valleé said Schwarzenegger just announced this change three days ago. Ms. Quindel said it was up to the Delegates. She wanted to make sure people were aware of the section of the ASUC Constitution that states that everything must be public for a week. The motion to add the item to the agenda was seconded. Ms. Quindel called for any objection to approval. An objection was raised.

Mr. Stagi asked what the objection was if it would undermine the position the GA might take, and what nuances were at work. Mr. Sharma said he didn't think this qualified as an emergency bill. Mr. Vallée said the Institute offers research opportunities, federal grants for grads and professors to work on labor and employment issues. This was not a reduction of funding, but termination of the entire program, starting January 4.

Mr. Akiba said he'd like to provide the relevant rules. The ASUC Constitution, Article VIII, Section 2, says that the ASUC Senate, the Judicial Council, and the GA, shall not take any action on any main motion unless and until that motion has been publicly posted for at least one week. There's a waiver saying that these requirements may be waived by a two-thirds vote of the Assembly if it involves matters of work stoppage, crippling disaster, or pending litigation. Mr. Vallée said this would involve crippling disaster to the program.

Ms. Madon said this item was discussed in the Academic Senate CAPRA Committee, Academic Planning and Resource Allocation. Schwarzenegger has recommended this cut, but it hasn't been approved by the Legislature, and she didn't see an urgency. Secondly, the recommendation by the Governor doesn't and the Institute and it would continue to exist, since money is provided by central campus funds to sustain the Institute's research activities. Staff and their work would continue. The Governor's recommendation cuts State grants to the Institute. Ms. Quindel said she would limit debate on this. Mr. Vallée said that given the information that was stated, he would withdraw his motion.

A Delegate moved to change the order of New Business, and consider items L), In Support of UC Berkeley's Affiliation with the LBNL; and M, In Support of Academic Freedom and Research Throughout UC; after E), Issues Related to Prop. 54 and Student Fee Autonomy. They were brought up last month already. The motion to amend the agenda was seconded. Mr. Akiba said he would like to amend that motion, to move items K), For an Educational Forum on UC/DOE Labs; and L) and M), after E). The motion to amend was seconded. An objection was raised. Mr. Akiba said the items were tied to K), and it made sense to discuss them together.

Ms. Madon said items K), L), and M) should be discussed together since they were discussed last month.

Mr. Vallée said K) puts on the table some information that he believed will be important for Delegates to have in order to have an informed debate pertaining to L) and M). So it would behoove the GA to have that information.

Mr. Furmanski said he objected to the motion because L) and M) should be considered before K). They were presented first and K) did not come directly out of the discussion they had but was generated by people who were on the subcommittee which discussed them after they refined the language of L).

Mr. Sharma moved to amend, to vote on L), M), and K). The motion was seconded. The motion to amend the agenda, to consider L) and M), and then K), passed by voice-vote. The motion to amend the agenda, as amended, passed unanimously by voice-vote.

A Delegate moved to amend the agenda by putting Resolution In Support of the UAW Local 2865 at the end of the list, since the strike was called off. A Delegate moved to strike it from the agenda. The motion to amend the agenda was withdrawn. The motion to strike the Resolution from the agenda was seconded. The motion to strike the Resolution In Support of UAW Local 2865 passed with no objection.

Ms. Quindel said she would also like to strike from the agenda the Executive Board's item under New Business because the only decision made was to close the office before Thanksgiving. It was so moved and seconded. The motion to amend the agenda passed with no objection.

Mr. Stagi moved to add a report to Section 5, from the Academic Affairs Committee. It's a funding program that has already been approved. Ms. Quindel asked if he could do that during Announcements. Mr. Stagi said he could.

Ms. Quindel called for a motion to approve the agenda, as amended. It was so moved and seconded. THE MOTION TO APPROVE THE AGENDA FOR THE MEETING, AS AMENDED, PASSED WITH NO OBJECTION.

APPROVAL OF THE MINUTES

Ms. Quindel called for any objection to approval of the minutes from the November meeting. Mr. Sharma said that on page 15, where it says he asked to amend a motion, the minutes should read "A Delegate" asked to make that motion.

Mr. Akiba said he had a number of corrections. On Page 9, first paragraph under Update on Code of Student Conduct Revisions, where the minutes say, "Mr. Akiba said...", it should read "Ms. Madon said...." In the second paragraph where it says, "something that looks like a trial" it should read "something that looks like a trial, to educational." On page 10, end of second paragraph, where it says, "Mr. Akiba called for a quorum" it should read "Ms. Quindel called for questions." On page 12, first paragraph, where it says "Mr. Akiba said Jeff Coates...." it should read "Mr. Akiba said Geoff King...." In subsequent pages, all references to "Mr. Coates" should read "Mr. King". On page 13, last paragraph where it says, "Mr. Coates introduced himself and said he was President of USA Patriot Act United," it should read "Mr. King introduced himself and said he was Co-President of Berkeley ACLU". On page 30, second paragraph where it says, "Ms. Molina said...." it should read "Ms. Madon said...." In addition, Mr. Akiba said he would like to correct the October minutes, and record the September By-law change as saying that, "as well as a request for assignment to a committee had five to 15 people...."

A motion to approve the minutes, as amended, was made and seconded. THE MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 4, 2003 SENATE MEETING, AS AMENDED, PASSED WITH NO OBJECTION.

ANNOUNCEMENTS

GA Announcements

Ms. Madon said she provided a hand-out on the Grad Affairs Director from the Student Advocate Office. The SAO participates in representing grads and undergrads who are brought before the hearing council, the Committee on Student Conduct, on charges of violating the Code of Student Conduct. If anybody was interested, particularly a Law student, or somebody desiring experience in casework and advocacy, they were asked to please apply. They encourage anybody to apply. This is a voluntary position, but less than five hours a week. She would ask them to let their departments know about this position.

Mr. Furmanski said he's one of the GA's Grad Council representatives. The Grad Council met on Monday and he'll give that report later. He passed out a survey and would appreciate people filling it out, and leaving it for him. It has an e-mail address if people wanted to take it home. This is important because the Grad Council is going to consider whether or not to issue a University-wide guideline for grad student participation in faculty hiring. It will carry some weight and will be serious. So he would ask people to take some time to answer the survey.

Ms. Molina said she had to make a difficult decision that month because she was in the seventh month of her pregnancy and things were becoming more difficult. So she would have to resign from her position as External Affairs Vice President, and the position would become available. This didn't mean she wouldn't be involved in the GA, because she was really invested in the body, and it will be involved through either a small position or a committee, and will be very active. But it would be a lesser position. It's been a pleasure serving the GA. If they want any details about what the process was like internally, they could talk to her. (Applause) Ms. Molina said she wanted to thank them.

Mr. Stagi said he would pass around some guidelines that the Academic Affairs Committee has established in terms of the Mentoring Award that the Assembly approved. He would ask them to please take a moment to read it. If there are any questions, they'd be happy to answer them; or they could forward questions to the GA, for Academic Affairs. Ms. Quindel asked when this would be voted on. Mr. Stagi said the winners will be selected on the 20th by the Academic Affairs Committee and then it will be brought to the GA for approval at the April meeting.

Ms. Madon said they're passing out the information on the Mentoring Award because they didn't have enough Delegates on the Committee to actually vote on anything. So they're giving the Delegates the guidelines that were produced by consensus. If people want to change that, or voice an opinion, they should attend the next Academic Affairs Committee meeting. Ms. Quindel said they can't go forward with the guidelines until Delegates approve this. Ms. Madon said they don't want a motion or vote, and these were just guidelines. Ms. Quindel asked if they want this to go forward, because they probably need Delegate approval before they make the call for nominees. Ms. Madon said they finished it last night, so there was no time to vote on it online. Ms. Quindel said they would vote on it in February.

Mr. Stagi said that since it will be voted on in February, one revision would be that the initial call for nominations will be out the very next day after the meeting, the first Friday after the first Thursday of the month.

Mr. Sharma asked if the \$1,000 prize was already allocated as part of last year's budget. Ms. Quindel said she believed that was the case. It was allocated in the budget packet that Delegates received at the beginning of the year.

UAW Announcement

Adrienne Pine introduced herself and said she was the Recording Secretary from the UAW 2865, for GSIs, readers, and tutors. As Delegates know, they're not on strike that day. (Applause) They're all very happy about that. They got what they think is a really great contract, and those who were out that day know they had a ratification vote, and they had a better turnout for that than they had over three days the last time they had a ratification vote, in the rain. So they're really very excited about it, and it's a great contract.

Ms. Pine said one provision they got was to have all academic students informed of their rights as Union members at their orientation, before they start work. Grads will now get a contract orientation and will know their rights. One of the Union's biggest problems was that people didn't know their rights, which is how grievances arise. In the contract they also preserved and strengthened the right that individual GSIs, readers, and tutors have with regard to sympathy strikes that honor other unions' picket lines. That was really exciting and important for them. They have also maintained full fee remissions, which the University tried to cut, and full health care. And for those who are working that semester as GSIs, readers, or tutors, at 25% or over, they'll receive a \$70 lump sum payment for retroactive back pay from the expiration of the contract. They'll also get wage increases in their employment over the next few years that will correspond to Senate faculty wage increases, and at the least, be 1.5%. They also improved the rights and benefits of summer session academic student employees, bringing them closer to what they receive during the academic year. Also, they have improved workload protections. So the Union is really excited about this. (Applause)

Ms. Quindel called for any questions. Ms. Pine said the reason they got all this is because of the immense mobilization they had for a strike, and all the support they had from other unions and from the Legislature. So she wanted to thank everybody for organizing.

General Announcements

Elizabeth Gillis said she coordinates the Campus Community Initiative, a project that started about three years ago. She works with Vice Provost Christina Maslach, and Steve Lustig, of Health Services. She passed around a draft of the Principles of Community. Next semester there will be some Web sites that go up that will contain this draft. This is coming out as a campus-wide umbrella, overarching all codes of conduct and personnel policies. It's not a policy, but it's guidelines for behavior. Her e-mail was included on the bottom of the draft. They're looking for comments on language, and once the Web sites go up, they'll have a chance to go and answer a survey, and really comment as extensively as they'd like.

Secondly, Ms. Gillis said that starting next semester, the Academic Senate and the Chancellor are going to co-sponsor and lead a campus-wide, two-year project on diversity. They're going to start having roundtable discussions among undergrad students, grads, staff, and faculty, and emeriti, starting next semester. Ms. Gillis said she talked to Ms. Quindel and Ms. Molina about organizing grad student roundtables, so Delegates will be hearing more about that. The process will lead to campus-wide forums and then recommendations to the campus. She hoped the GA will be a really active in this process. If people have questions, they could send her a message. Ms. Quindel called for any questions.

Lewis said he's involved in a lawsuit that involves students' legal rights, and in particular, the legal rights of students who are unlawfully terminated from Ph.D. programs, which involves students' legal rights in general. He would like to ask the GA, at the February meeting, to decide to join with the ASUC and join as a friend of the court in support of student legal rights. This is a form of lobbying within the litigation process. It's similar to the legislative process, trying to influence the electoral process. All legal rights of students involved came exclusively through the judicial process. He thought this was really too complex to explain in 60 seconds and he was preparing a memorandum for the ASUC, which should be ready by Monday. It will explain the facts and the legal issues involved, and he could get a copy to people who are interested. He would appreciate it if somebody from the GA would take an interest and provide some support and help to figure out what the GA position should be in relation to this matter. He's sent an e-mail to them with his contact information. Lewis Mr. Green He'd appreciate it if somebody from the GA would take an interest and provide some support, and help to figure out what the GA position should be on this matter. He's sent an e-mail out with his contact information. He wanted to thank them.

Ms. Felarca said she was from the School of Education and was there representing the Coalition to Defend Affirmative Action and Integration and Fight for Equality By Any Means Necessary. She wanted to thank the GA for co-sponsoring the demonstration at the UC Regents November 19 meeting at UCLA, joining hundreds protesting against the high fee hikes and fee increases. They turned in over 12,400 signatures demanding Ward Connerly's resignation. Students made an impact on the Regents and made them feel a lot of pressure. She would ask Delegates to please support the two motions coming up, to support the petition to remove Connerly and to support the boycott of Coors Beer, which has given Connerly a lot of money.

As an ASUC Senator, Ms. Felarca said she wanted to thank members of the GA who came to the Senate meeting on Wednesday to show support and protest against racism and sexism in the ASUC. Devin Andre, an ASUC Senator, a couple of weeks ago, sent an Instant Message to another Senator telling her, "Shut up, you underrepresented bitch." Mr. Andre apologized, but gave a very inadequate apology. A protest resulted, by at least 50 people, including members of the GA. She wanted to thank them so much. As a Senator who feels very strongly about these issues, and as a student, they have to stand up particularly against blatant attacks on other students that are racist and sexist. She thought the students who were there last night certainly sent a strong message to that Senator and anybody else who may be thinking about imitating him in the future. Next semester she was sure that there will be a motion to remove this Senator, Sen. Andre, from the ASUC. He should not be there when he's attacking students.

Mr. Akiba said he wanted to add to the Principles of Community announcement. He made a presentation last month about the drastic change in the Code of Student Conduct. The University is trying to match the Code of Student Conduct with the proposed Principles of Community. So he would ask them to please keep that in mind when they look at that document, that it's going to be used as a justification for other policy changes, namely to the Code of Conduct. Ms. Quindel called for any other general announcements.

Ms. Quindel said they would skip the GA autonomy presentation for now and would move back to that when Ms. Ahn was present.

Report from the Ad Hoc Committee on November Resolutions Referring to UC-Managed National Labs

Mr. Kearns said they're looking at two Resolutions presented at the last meeting in November regarding the UC relationship to LBNL and the other national labs, in Livermore and Los Alamos. The purpose of the committee was to review the text of the Resolution and refine it so it more clearly conveyed what was being requested through the Resolution. So they met twice and discussed its content, and voted and decided that the improvement might be made such that the language was clear to express what the author was getting at. That was the main purpose of the committee, to work on clarifying the language.

Secondly, there was a consensus that there was a need for an educational forum to discuss the complex issues surrounding UC's relationship with the different labs, and Lawrence Berkeley Lab, and the other labs, and to try to clarify things. There was confusion and people had very different ideas about how things work and what was and wasn't connected. As a result, he and Mr. Valleé drafted

a Resolution where they tried to identify the need for a forum, and highlight some controversial issues and some confusing issues, and show the need for a forum. That was item K) on the agenda.

Mr. Akiba said he was confused that when the Assembly refers something to committee, he thought one of the main purposes was to come up with a solution that was agreeable to all sides and was a compromise. It's not about insisting on voting one's views, but making a decision as a body. He was confused as to why, after such a referral, the committee was coming up with three separate Resolutions. He asked if there was an attempt to come up with a solution. Mr. Stagi said that they're not really all the same issue. They center around the same issue, but highlight different things. It's a very big and complex issue. So for them to meet as a committee and hammer all these big, complex issues, and hammer them into something, was not his understanding of the committee's purpose, and seemed to be an insurmountable challenge for a committee of eight. The purpose, to his understanding, was to review the language of the Resolutions that were presented before and make them clearer, since that was a big objection that was brought up last time, that things weren't too clear. So they'll try to make things clearer, so the authors feel they're getting their points across to the GA in a clear fashion so people can make a decision.

Ms. Madon asked if the third Resolution came up before the Committee and was voted on. Mr. Stagi said it was not voted on in the Committee and wasn't from the Committee. But it responds to their awareness of the Committee's consensus to have an educational forum.

A Delegate asked if all the recommendations the Committee made were put into the Resolution that supposedly came out of committee. Mr. Stagi said he didn't know if he could answer that. It was a big discussion, and the authors used the previous discussion on revising the text, came back with a revised version, and then voted. The question of the vote was whether it was clear, and if the author expressed what the author was trying to express, seeing if that was accomplished. The Delegate said the Resolution that came out of committee, then, was just the view of the original authors and not the view of the Committee. Mr. Stagi said that was correct. The Committee did not endorse the content of the Resolution.

Mr. Sharma asked if any of the Resolution was endorsed and voted on by the Committee before being forwarded to the full Assembly. Mr. Stagi said it wasn't. Mr. Sharma said the Resolutions were inappropriate and the Committee hadn't fulfilled its charge.

Ms. Quindel said that was a point of order and she thought that was correct. It doesn't seem that this was the charge of the Committee. She'd have to look at the minutes to see what the charge was.

Mr. Akiba moved to recess for two minutes. The motion was seconded and passed with no objection. This meeting was recessed. Back in session, Ms. Quindel said they would let the Delegates decide. When something is referred to committee, the committee had to vote on it. Individuals can submit something afterwards, but the Committee should fulfill its charge before having something come to the Assembly. It's up to the Delegates whether or not they think the Committee fulfilled its charge.

Mr. Sharma said he was informed that the Committee did vote. Ms. Quindel asked if the Committee voted on the Resolution. Josh said they did. Ms. Quindel asked what the vote was. Josh said that after the Resolution was revised, they voted on whether it clearly communicated the authors' intent and purpose. The vote was not on whether the Committee supported it, but whether the language clearly communicated what the authors were trying to say.

Mr. Akiba said that in the discussion last month, he emphasized a point that because this issue needs a different perspective they should reach a compromise, an amicable solution all sides could accept. If they the Assembly wanted to vote on the different perspectives, they might as well have just voted last month on the separate Resolutions. After referring it to committee to come up with a compromise, people were coming with three differently held views, none of which the Committee endorsed. That was against the purpose of referring things to Committee.

Ms. Quindel said this was turning into debate, so she would call for a motion.

Mr. Sharma said a point of order was preferential and he would repeat his point of order. Ms. Quindel said that when they refer something to committee, they can't vote on other language, but on the actual Resolution.

Mr. Furmanski said he would like to read from the minutes what the discussion was when the Committee was generated.

Mr. Sharma said a point of order was preferential and the Chair had to rule, and if she chose not to, the Delegates could immediately rule, and there's no debate. Ms. Quindel said the Delegates would rule.

Ms. Madon said they'd like to offer more information as to the language so Delegates could be informed. Ms. Quindel said she had to follow Robert's Rules and there was a point of order, and then Delegates would vote.

Ms. Quindel said they would vote on whether the Committee fulfilled its task. Mr. Sharma said it's whether or not these Resolutions were in order.

Mr. Furmanski said he had a motion to suspend Robert's Rules, pending consideration of the comments made. Mr. Sharma said he had a point of order. Mr. Furmanski said the motion to discontinue Robert's Rules took precedence. Mr. Sharma moved to recess for five minutes. The motion was seconded and passed with no objection. This meeting was recessed.

Back in session, Ms. Quindel said they would go with the most recent motion, to suspend the rules. That meant they were saying she couldn't decide on whether the Resolutions were in order. The original point of order was that these three Resolutions were out of order because the Committee didn't follow its charge. The procedure is that the Chair would rule whether or not that was out of

order. Apparently people want to rule that they should not follow that procedure, where the Chair decides, with the Delegates able to appeal the Chair's decision, instead of suspending the rules.

Mr. Furmanski said it's pending consideration of relevant information. He asked why they couldn't to make a decision. Ms. Quindel said that was the pro argument for suspending the rules.

Mr. Sharma said he thought a point of order was something the Chair had to rule on before any other motion came up. Ms. Quindel said she was ruling on the point of order that the Resolutions were out of order.

Mr. Hsu moved to appeal the decision of the Chair. Mr. Furmanski said there's a motion on the floor to suspend the rules. Mr. Sharma said that motion was out of order.

Ms. Quindel said there was a motion to appeal the decision of the Chair. The motion was seconded. Ms. Quindel said a simple majority was required for approval.

Mr. Furmanski said that if they vote on that, he asked if that would prevent them from being able to suspend Robert's Rules. Ms. Quindel said that motion can be made whenever they want.

A Delegate asked if they could get more information from the minutes. Ms. Quindel said she had to go on with the motion. The Delegate asked when they would get more information. The minutes say the

Resolution was sent to committee to clarify the language. However, the reason for her ruling is that when something is sent to committee, what comes out was supposed to be a consensus, and none of the Resolutions were a consensus and were all individual items.

Mr. Hsu asked if there wasn't a motion to consider. Ms. Quindel said she was trying to answer a question.

The motion to appeal the decision of the Chair passed by voice-vote. Ms. Quindel said the decision has been appealed, so they're back to the report from the ad hoc committee on the November Resolution related to UC-managed labs. She called for any other questions for the Committee Chair.

Mr. Akiba asked if he could confirm that the Committee did not endorse the content of the Resolutions and only the language, and that there was no compromise. Josh said that was what they all thought their job was.

Mr. Bailey said the Committee did not consider Resolution K), just the other two. Ms. Quindel said that was correct. Mr. Marlin said that K) came after the charge was given to the Committee. Ms. Quindel said that was correct.

Mr. Randsdorp asked what happened at the GA's last meeting that made the Committee think its task was to just clarify the language. Mr. Kearns asked if they want him to clarify what happened at the last meeting and why they were focusing on the language more than the content. Mr. Randsdorp asked what happened. Mr. Kearns said the minutes show that Mr. Vallee moved to refer the Resolution, to be presented that evening, in order to work on language and take in different perspectives. And later, the minutes say that Mr. Astoria said he supported the spirit of the bill, but not the language.

Ms. Madon said it's important to engage this issue and to start talking about it.

Mr. Furmanski said that doesn't clarify the reasoning used and dealt with referring it to the External Committee.

Ms. Quindel said that was out of order. Mr. Kearns was giving his report and answering questions. She wanted to clarify the reason why she went with the point of order was because while it may have been unclear, committees don't just vote only on language, but on the motion. It's hard to clarify the difference between language and content, and she knew it was probably unclear to the Delegates. She wasn't blaming the Committee members for not doing that. She actually wasn't very involved in the Committee. But it would behoove the Delegates to come up with a consensus, and that's what was usually done in committee. That's all her point was.

On a point of order, a Delegate said he was confused about the purpose of about the purpose of an ad hoc committee. He read that they only work on the purpose they were charged to consider. They don't have to vote on anything, or make a decision, and it seemed that the Chair was assuming it had to vote on something. Ms. Quindel said that apparently people disagree, so that was okay. She wanted to clarify what's usually done in committee, which is why she made that ruling. So it's okay and the GA was done with that motion. Unless there were any other questions for the Committee Chair, they'd move on.

Mr. Bailey said it seemed there was still some lack of clarity on what charge was given to this committee. What he read out of the minutes was more than just an interpretation of language or approval of language.

Instead, something was mentioned about different perspectives. So it seemed people were still fuzzy about what the charge was.

On a point of order, Mr. Sharma said none of this was germane to the question on the floor.

Ms. Quindel said she would rule these motions were in order. They were under the report of the Committee Chair, so if people have any questions for the Committee Chair, this would be the time to ask. There will be time to debate the Resolutions and talk about

what the Assembly should do. This was not the end of the discussion about this, but a time to get questions answered by the Committee Chair. They weren't in debate of whether the Resolutions were in order. The Delegates made a decision.

Mr. Akiba said there's no Resolution that was reported out of committee, so individuals were making the Resolution in New Business, and there's no bill out of committee that was being reported out. It looked like individuals on the Committee were proposing Resolutions and none of them was sponsored by the Committee.

Mr. Kearns said the Resolution is from members of the committee, written into the author line. Mr. Akiba said the Committee, then, had no Resolution. Mr. Kearns said that was correct. The Resolutions were coming from the individuals.

A Delegate asked why there are two separate Resolutions. Mr. Kearns said they were split into separate bills at the last meeting, in November. Ms. Madon said there was one original Resolution and somebody else brought forth a second Resolution. Mr. Kearns said he would apologize. Ms. Quindel said the charge of the Committee was to work on language and take in different perspectives. If you feel that was done, which is what the motion is, then the Committee was in order.

Mr. Bailey asked if they could elaborate on taking in different perspectives, because people have mentioned that. Mr. Kearns asked that was really big, and asked if he was referring to the language or the issue. Mr. Bailey asked how the Committee proceeded with different perspectives. Mr. Kearns said they had a discussion. He could give an example. He extended an invitation to members of the GA to sit on the Committee. Some people would have liked to, but couldn't because of schedule conflicts. A Delegate said he had concerns he introduced to the Committee. In the original text of the Resolution, there was the uninformed criticism, and a few people brought that up. They said they may be in support of the overall clause, but objected to the terminology. So the Committee said it seemed like there was a feeling that people didn't like a particular term, and perhaps they should come up with a different term. That's the kind of thing they did. Ms. Quindel called for any other questions for the Committee Chair, and seeing none, said they would move on.

Report from the Funding Committee

A motion was made and seconded to approve the Funding Committee's recommendations. The motion was seconded.

Ms. Day asked people to make sure that people get in their receipts by Friday in for this funding round.

THE MOTION TO APPROVE THE FUNDING COMMITTEE'S RECOMMENDATIONS FOR THIS FUNDING ROUND PASSED WITH NO OBJECTION.

Issues Related to Prop. 54 and Student Fee Autonomy Presentation on the No on Prop. 54

Ms. Quindel said she would entertain a motion to recess for three minutes to set up the PowerPoint presentation and so their lawyer could speak. It was so moved and seconded and passed with no objection. This meeting was recessed.

Back in session, with Ms. Madon chairing the meeting in place of Ms. Quindel, Mr. Akiba said he would talk about what happened with the No on 54 campaign, give an update on the broader implications of the GA having done this, and what it means for student government and their rights to do political advocacy. One of their lawyers, Michael Sorgen, was there that day to talk about this. Mr. Sorgen litigated ASUC Riverside vs. the Regents case, so he has experience with these issues and could answer questions in open session, as well as in closed session, when the GA discusses legal matters. They'll talk about what's going on, what's happened, what are the implications, what the GA should do next, and what's happened so far.

Mr. Akiba said he would go over the timeline and said a lot has happened. First, they had the GA approval of \$35,000 at the September meeting for the No on 54 campaign. On the 24th of September the University officials froze all funds for the campaign and called for an audit of the ASUC Auxiliary, the GA's fiscal agent, on this particular funding of the Prop. 54 campaign. Mr. Akiba said the next day he, Ms. Molina, the President of the ASUC, Mr. Cuaresma-Primm, and Ms. Joshi, ASUC External Affairs Vice President, met a number of University officials to explain their rationale for funding the No on 54 campaign, and explained the relevant documents. That was the last time they talked to University officials during this process, even though the students requested numerous meetings to talk about this issue. They were told a decision would not come out for at least six weeks and that "next week" they'd talk. So the GA kept thinking they'd be able to talk about it, but that never happened. In October an audit was conducted of ASUC actions. In that audit, auditors action didn't speak to the coalition involved or to student government officials, and only spoke to staff and administrators. Ms. Dugas did a great job, but didn't know everything about the coalition. In October, with the GA's Legal Defense Fund, they hired attorneys. In November, the GA's lawyers sent a memo out, outlining the GA's arguments to the Chancellor, because they had no decision after almost two months. Seven days later, the GA received a letter with a copy of the audit. That was the first time the GA had been contacted since the meeting in late September. The letter outlined the position of the Chancellor and indicated that all the proper procedures had been followed. So even though the campus didn't talk to the GA, it found that all proper procedures had been followed, although the campus got some things wrong. The GA had a bus to Sacramento that had nothing to do with Prop. 54, and the study included that. But even with the things it got wrong, the University found that all the proper procedures had been followed. The same day, Assistant Chancellor Smith, the University Legal Counsel, sent a memo to the GA's lawyers outlining the University's position. The Assembly will talk about that later. Lastly, Mr. Akiba said that he and Mr.

Cuaresma-Primm wrote a letter to the Chancellor, in response to the November 20 letter. Both letters are posted online. Delegates will get into the content in a minute. And that same day the GA's lawyers responded to Mr. Smith.

Then, the ASUC Judicial Council got involved. The Chancellor decided that the GA could spend those funds, but only spend them out of commercial activities. ASUC Senator Paul LaFata, whom many

Delegates were familiar with, as he came to a meeting last year, filed a suit against the GA for violation of 5.4 of the GA Charter and III.2.2.2 of the ASUC By-laws. The GA Charter is on an equal footing with ASUC By-laws. Mr. Akiba said that was his argument to the Judicial Council. On Tuesday the J-Council issued a preliminary injunction and gag order for all ASUC and GA officials, and a preliminary injunction to freeze all expenditures on Prop. 54. So Chancellor lifted the freeze on funds on the 20th and the J-Council put it on again. The GA is waiting for the J-Council decision.

Mr. Akiba said he put briefs online and they're very detailed. It's a very interesting argument Mr. LaFata was making, but very circular. There have been a number of articles in the news that people could see online. Articles were in the November 25 Daily Cal, the Daily Planet on the 25th, and a Daily Cal editorial on that date. There were a number of items that were factually incorrect, like the Chancellor could use his own budget, although this was from GA funds. The GA was supposed to have an open letter to the Chancellor that came out that day. It supports students' rights to free speech.

As for myths the University was stating, Mr. Akiba said that because of the initial reporting by the Daily Cal, there were probably some misunderstandings as to whether the GA's funding was proper. He would present two main points which he hoped that each Delegate could respond to if they came across it in any committees. The first myth was that the student government is an official unit of the University. The University is saying they're a unit of the University, and the GA therefore has to act like any other department or division within the University. The GA's response is that of course the University and student government are separate entities. There are several very prominent cases supporting that position. Regents of the University of Wisconsin v. Southworth, and ASUC Riverside v. the Regents, which say the same rules don't apply to University departments and student governments, that they're different bodies. Their third point is that the student government has an explicit contract, the Memorandum of Understanding, a contract with the Chancellor defining the University's role as being separate from the students' government. So they're not treated like a subordinate of the University. There is a contract that defines student government role as separate from the University.

The second myth perpetuated by the Daily Cal was that student government cannot spend money on political activities. That was false. Even under the University's policies, the University guidelines in 1999 state that student government lobbying activities and student-related matters may be funded by compulsory student fees, and allows funds for campus organizing and related programmatic activities that are predominantly political, religious, or ideological. So even under the University's policies, their funding was justified. They're supposed to be able to spend money, particularly on these activities.

Regarding the nature of the mandatory student fee, Ms. Quindel said one thing that has been very unclear is that the campus was saying it wants to add additional restrictions on student government because of this fiasco. So Ms. Quindel said the GA wanted to explain the process for student fees. Grads each pay \$27.50 per semester, but that was voted on by the students, for the students. The students voted to support the fee. In addition, students decided the amount, and decided they wanted to give \$27.50 per semester for the ASUC. There's a Life Safety Fee, a Student Union fee, things students voted on. Students in the past voted on these fees, so students have control over them. Students also elect students who allocate the fees. The GA allocates GA fees, and the ASUC allocates undergrad student fees. Students elected students, who allocate fees. Dissenting students are permitted to apply for a refund. If one doesn't like the political activity of a certain group, such as, e.g., being strongly in opposition to giving money to Students for Justice In Palestine, they can go and file a form and get a refund. So even if students don't like what a religious, ideological, or political group was doing, they could get a refund.

The idea is that students voted on mandatory fees, elected students who allocate the fees, and students can get back parts of the fee if they don't like where it's going.

Mr. Akiba said the third myth is that student government expenditures from now on must be authorized by the University. That was the Chancellor's decision, that the GA could spend this \$35,000 in question as a one-time exemption, but that from now on, the Administration would have to approve every funding allocation student government makes. So it's a very drastic change in their relationship between the University and student governments. And again, to emphasize, their student government has been very independent since its establishment. In 1994 they came up with an MOU with the Chancellor, and they agreed on what the University's role specifically would be. And that preserved their independence. Now the Chancellor says he's unilaterally revoking that agreement, saying that from now on, every decision they make will have to be approved, and possibly denied, by the Administration. So the GA is against that. Secondly, people might think, "Why shouldn't the University have say over this money?" The point is, the MOU created the ASUC Auxiliary, where six representatives of student government and five representatives of the Administration discuss these fiscal matters. So there's no need for the Chancellor to come in and take on all these powers when there's already a structure. So there's no reason for the Chancellor to do this, and no justification in the first place for the Chancellor to come in since the funding allocations were justified. Student governments have a right to fund political activities, even under the University's policies.

Ms. Quindel said the University's rules hadn't been posted online for five years. ASUC Riverside v. the Regents was decided in 1999. The rules at that time were supposed to go online, but that did not occur. What they had online were the 1993 rules, until a few days after the letter to the GA was sent to freeze its funds. The GA asked where the rules were, and the University said they had now put the rules online, at that time. So the University put the rules online in the middle of this whole fiasco. So the question is, what rules student government was supposed to follow. In addition, these are temporary rules, and they haven't decided on long-term policy.

A Delegate asked if the Chancellor has the power to do this unilaterally. Ms. Quindel said he does, and the GA has the power to respond. Mr. Akiba said that legally, the Chancellor has the right to confer authority on student government, to recognize student government. But the point is, at Berkeley they have a tradition of independence, and they came up with a specific agreement with the Chancellor defining these roles. He didn't see why the Chancellor should unilaterally decide this. Mr. Daal asked what they'd do about this, and if they would just thumb their nose. Ms. Quindel said they'll talk about that in executive session. Ms. Molina said that when the rules were posted, the campus said those rules were currently under review. Mr. Randsdorp said the campus wasn't aware of its own rules. Ms. Quindel said the University was claiming the GA was not following the rules, but the GA actually did follow the rules that were online, the most recent rules. Mr. Akiba said that to clarify, the University relied on old rules, which seemed to prohibit funding, but that was held to be illegal under ASUC Riverside v. the Regents. So the University had an obligation to come up with new rules permitting student government political activity, and it didn't post those new rules. They didn't have them online and relied on the old rules.

Mr. Hsu said that '99 rules, then, are about what the University permits student government to do. He asked what would happen, however, when the ASUC By-laws and Constitution have provisions that are more restrictive than that of University policy. He asked how they approach the Judicial Council ruling that says that expenditures are unconstitutional by the ASUC, which is even more restrictive policy. Ms. Quindel said this is what they argued at the Judicial Council hearing. The rules that he's quoting, Title

III.2.2.2, says University restrictions state that student fees can't be used for lobbying political activities. But the wrong rules were being used, because they hadn't been posted. The J-Council has decided that the GA has full autonomy over its own fiscal affairs. They can have different rules from those of the ASUC, and that's what the previous J-Council decision stated, that the GA has full authority. The J-Council Chair said in the minutes that the GA has full authority over its own financial rules, and if those rules, as per the ASUC Constitution, are in the Charter. Sen. LaFata tried to find some loophole, took a phrase out of a subordinate clause and used weak arguments on why the GA should follow ASUC By-laws. The GA argued against that. Mr. Akiba said that Sen. LaFata's suit asked the GA to apply all funding restrictions the ASUC applies, and dealt not only with this political campaign, but to not provide stipends to Officers and not have food or drink at meetings. So he's trying to sweep in large changes. The GA is saying that it's always been held that the GA, under its own Charter, had the right to decide how it spends its own money.

A Delegate asked about her opinion about the J-Council and if it's likely to have a totally different set of people who make different decisions, and if this was an anomaly for the J-Council. Ms. Quindel said this J-Council was not activist. The Delegate asked if they could make an unpredictable decision. Ms. Quindel said this decision was made that year, to uphold the GA managing its own financial affairs. The same people are making the decision at the hearing on Tuesday. As far being an anomaly, they're nominated by the ASUC President, so if the President changes, the J-Council can change. It's like the Supreme Court. Ms. Madon said the time for this agenda item had run out. Ms. Quindel called for any questions on what has been said. A Delegate moved to extend speaking time by five minutes for executive session. The motion was seconded and passed with no objection.

Mr. Sharma moved to enter executive session. The motion was seconded and passed with no objection. Mr. Sharma moved to retain in executive session all legal Council and all employees of the GA. The motion was seconded and passed with no objection. Ms. Quindel said that ASUC Executives and elected officials were exempt and are allowed to remain. This meeting entered into executive session. A motion to extend executive session for 20 minutes was made and seconded and passed with no objection. A motion to extend executive session by seven minutes was made and seconded and passed with no objection.

Back in open session, Mr. Akiba moved to amend, by adding:

"Resolved, that the GA directs its President to pursue negotiations with relevant parties to assure full rights of the Assembly to engage in political speech, and full rights of the Assembly to make funding and spending decisions on its own.

"Further Resolved, that the Graduate Assembly authorizes its President of the Assembly to litigate on behalf of the Graduate Assembly and the ASUC in pursuance of the above rights in the event that negotiations fail."

The motion was seconded. Ms. Quindel called for any objection to approval. THE MOTION PASSED WITH NO OBJECTION.

AGENDA ITEM F: RESOLUTION

Mr. Heeter moved to amend the agenda and move up to issue F) because the photographers need to leave. The motion was seconded and passed with no objection.

Mr. Heeter said he's with the School of Journalism and authored the Resolution, but due to a conflict of interest, he had to withdraw the Resolution. Mr. Eckerle said he would resubmit the Resolution.

The following Resolution was authored by Mr. Heeter and was submitted by Mr. Eckerle:

RESOLUTION TO SUPPORT PHOTOGRAPHERS LOCKED OUT BY THE DAILY CALIFORNIAN

WHEREAS, The Daily Californian, the independent, student-run newspaper at the University of California, Berkeley has locked out six student photographers for refusing to sign work-for-hire contracts that would transfer ownership of their work to The Daily Californian; and

WHEREAS, these student photographers work on a freelance basis and the standard in the media industry is licensing one-time North American usage of an image without forfeiting any ownership of the image; and

WHEREAS, the United States protects intellectual property through the 1976 Copyright Act; and

WHEREAS, the United States Constitution protects intellectual property rights in Article I; Section 8; Clause 8: "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;"

THEREFORE BE IT RESOLVED, by the Graduate Assembly of the University of California, Berkeley that it supports the six photographers in their effort to retain full copyrights to the photographs they produce for The Daily Californian.

BE IT FURTHER RESOLVED that the Graduate Assembly condemns The Daily Californian for exploiting students by demanding that they sign work-for-hire contracts.

BE IT FURTHER RESOLVED that the Graduate Assembly encourages The Daily Californian to reconsider its demand and to consider exercising a fair policy without work-for-hire conditions for these photographers and all students who produce work for The Daily Californian.

Mr. Eckerle said he wanted to turn the floor over to David Krantz.

Mr. Krantz said he's a student in the School of Journalism. There are six photographers who are being locked out by the Daily Cal, which is refusing to give up ownership of photographers' photos to the photographers. There were two other photographers who were there that evening since five p.m., but unfortunately had to go. One-third of the locked out photographers are grads. They're seeking the support of the GA, for them and for all the students at UCB. Student papers are supposed to be for students and shouldn't take advantage of students. As freelancers, they're paid \$11.00 per published photo. In the end, that's just \$1-2 an hour. They consider this to be volunteer work. They volunteer energy and creativity, get experience, and expect to retain ownership of their photos. But the Daily Cal wants it the other way, and wants, for \$11, not only all their photos for usage, but to own them and take them away from the photographers. In mid-July, the Daily Cal demanded that the freelance photographer students there at UC Berkeley sign work-for-hire contracts. That would transfer copyright ownership from the photographers to the Daily Cal. Six of them have stood up and refused. The Daily Cal responded by locking them out. Mr. Krantz said he was designated the Fall Photography Editor for the Daily Cal. He has not worked a day in that post because he's been locked out the entire time. And two weeks ago he was fired from this post, from which he was locked out for the whole time. The Daily Cal is just hoping that this will all go away. The paper wants to be able to exploit students quietly without anybody raising a fuss. The photographers don't think it's right, for the Daily Cal to treat like this the six of them, or the other student photographers, or any other students who work with the paper. It's not even comparable business practice for this area. The Berkeley Daily Plant, a professional paper, doesn't require a work-for-hire contract. Freelance photographers and writers own their own work when they submit work to The Daily Planet. The same thing goes for the Oakland Tribune. But the Daily Cal, a student paper, whose sole purpose as a non-profit organization, was to serve students. It's the sole outlet for budding student journalists and insists that if one wants to get journalism experience at UC Berkeley, the only way is if students are exploited by the paper.

Mr. Krantz said three of them there before, but two had to go, so he'd be happy to take any questions. In the meantime, he'd pass around three things. They included an article from Photo News that covered this issue; an article from the California Aggie, the daily student newspaper at UC Davis; and a letter by a fellow grad student at the grad School of Journalism that was handed to him earlier that day, asking the GA to approve this Resolution, in support of locked out photographers, and condemning the Daily Cal for demanding unfair working conditions. Ms. Quindel called for any questions.

A Delegate asked if any photographers signed a contract or any MOU or understanding with the locked out photographers. Mr. Krantz said five of the six locked-out photographers have not signed any contract. One locked-out photographer signed the work-for-hire contract when it was first handed to him because he was told he had to, and told it didn't mean anything, and told to just sign it. He did, and within 24 hours, found out what he had signed, and rescinded it, and has not worked under that contract. The Delegate asked about the other five. Mr. Krantz they let the Daily Cal publish their images, and in exchange, the paper paid them a stipend of between zero dollars and \$11 per published photo. He could go out and photograph all day, and not get a published photo, and not be paid anything, and the Daily Cal, as far as the paper was concerned, would own all of his work.

Mr. Stagi asked why, as objectively as he could answer, he imagined the Daily Cal was putting this position forward. Mr. Krantz said he didn't know, and no one he's talked to has any idea why the paper was doing this. He keeps on asking people, and it didn't make sense. They've received letters of support and phone calls from photographers across the entire country. A photographer from Hawaii called them. They've had Pulitzer Prize winners call them. Vincent Laforet, a Pulitzer Prize winner, with the New York Times, called and said the Daily Cal screwed up, and that the photographers were fighting for the right thing. Editorial Photographers, one of the largest organizations of photographers, with over 4,000 members, wrote a letter in support of this group of photographers, saying that the Daily Cal should not require work-for-hire contracts from student photographers.

Ms. Mashiyama asked who was behind the decision making process, and if there was one person or the whole organization that made this decision. Mr. Krantz said he couldn't say who made the decision, but he could say who was in charge, and Eric Schewe is the Editor-in-Chief and President of the Daily Cal. Ms. Mashiyama asked who had the power to reverse that. Mr. Krantz said that Mr. Schewe is in charge of the paper, and is a full-time student. Another individual who helps run the paper is Diane Rames, the General Manager, and she's a non-student professional employee.

A motion to call the question and end debate was made and seconded and passed with no objection. THE MOTION TO APPROVE THE RESOLUTION TO SUPPORT PHOTOGRAPHERS LOCKED OUT BY THE DAILY CALIFORNIAN PASSED UNANIMOUSLY BY VOICE-VOTE. Mr. Heeter asked the record to show that he abstained.

Mr. Krantz said he would like to make one short statement. Ms. Quindel said that was out of order. They could move back to Announcements. It was so moved and seconded and passed with no objection. Mr. Krantz said he would like to thank them very much, on behalf of himself and the other locked-out photographers. He wanted to thank the GA for its show of support that evening. It was very much appreciated. (Applause)

REPORT FROM THE ASUC REPRESENTATIVE

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Ms. Ahn moved to go to the ASUC representative's report. The motion was seconded and passed with no objection.

Ms. Khanjari said she wanted to let the GA know what was going on with the ASUC Senate regarding the GA. At the Senate meeting last night she reported on the Resolution saying the GA wanted its President to sit on the Store Operations Board, as is required by the GA's By-laws. Having read that, Mr. Cordi read the letter on behalf of the Chair of the Store Operations Board, stating that the Board would like GA representation on the Board. The Senate again denied Ms. Quindel a seat on the SOB, despite, this time, with the clear understanding that this is what the Delegates want, and what the SOB wants. Some said they would change their votes but still refused to approve her. Ms. Khanjari said some tried to bring it to a vote again, at the meeting on Wednesday, and some Senators even attempted to overrule the Chair at the meeting to deny Ms. Quindel's nomination from being considered. This was in her opinion. One Senator said they've just been denying the GA what it wants because they can. Ms. Khanjari said she would request they to take stronger action.

Mr. Bailey asked what specific course of action she would suggest that would be more specific in terms of the course of action the GA should take. Ms. Khanjari said she would have recommended that the GA Delegates come to the meeting and talk, but an attempt was made to do that and it didn't do anything. To her, it's a bigger issue of GA autonomy, because if the GA was autonomous, the GA wouldn't need the ASUC to approve its representatives on the SOB. So maybe they could include something in their request for autonomy. She wished she had an easy answer.

Mr. Hsu asked if the resignation of Sen. Andre, who has been urged to resign because of remarks he made, would shift the balance of the vote. Ms. Khanjari said she couldn't say how the incoming Senator would vote, and if it would be a member of a party that's consistently voted against the GA reps. Ms. Quindel said the vote needs 14 for approval, and the last time this was voted on it had 13 votes. It actually had 15 votes and at the time, she was tired, because it was 12:30 at night, and people said they'd change their vote, but never did. A motion to extend time for the report by one minute was made and seconded and passed with no objection. Ms. Khanjari said there were 15 votes and then two Senators changed their votes to abstentions, which made the motion fail, after they had told Ms. Quindel they read the GA Resolution and approved it. Ms. Quindel said there were also no speakers against the nomination. Ms. Khanjari said it was clear this was not about Ms. Quindel, and was against GA reps.

Ms. Madon said she was at part of the Senate meeting and asked if there was any resolution over Mr. Andre's resigning. Ms. Khanjari said he stated that he was not going to resign. Ms. Madon said the Chancellor and Karen Kenney spoke against what Mr. Andre said, along with 50 or so protesters, and he refused to resign.

Mr. Hsu asked if there was any method of impeachment. Ms. Khanjari said 1,000 signatures are needed from the student body, and then the question goes to a recall election.

A Delegate asked about a censure. Ms. Khanjari said there is a censure process, but it's like a slap on the wrist.

A Delegate asked if the GA could put another grad on the SOB. Ms. Khanjari said Ms. Quindel's nomination is now void since that was the last meeting of the semester, and she'd have to be re-nominated. So Ms. Khanjari said she would recommend another Resolution from the GA. Ms. Quindel said the time for the report had expired. A motion to extend the report by one minute was made and seconded and passed with no objection.

Ms. Molina said it's in the GA's By-laws that President of the GA sits on the SOB, as does the President of the ASUC. Ms. Khanjari said the Senate was aware of that. Ms. Molina said it didn't matter, then, who the person is, and it's the President who is responsible for sitting on that Board.

Mr. Stagi asked why Senators were voting against the GA. Ms. Khanjari said it seems they don't really have a clear argument against GA representation. No one spoke against it, and they just wouldn't vote for it, despite the Resolution of the Delegates and despite Mr. Cordi presenting a letter on behalf of various members of the SOB, including its Chair.

Mr. Bailey asked in what capacity the GA could debate another strategy. Ms. Quindel said it needs to be debated. This question could either be sent to the Executive Board, since the GA wouldn't meet again until February, or, the GA could move to a new item to deal with this under New Business, as an emergency item, and they'd have to fall within the different emergency guidelines. Ms. Khanjari said she wanted to thank them.

AGENDA ITEM L: RESOLUTION

A Delegate moved to amend the Resolution by substitution. The substitution was on the page that was distributed. Ms. Quindel said they have to move to approve the Resolution, and the motion had to be made on the floor.

Ms. Madon said the intent of this is to recognize the LBNL as vital to the grad community. Over 700 grads, almost 10% of the population, are engaged in academic research at LBNL. If they read in the SF Chronicle that day, there was an article stating that UC Berkeley faculty were "stunned" at the prospect of the LBNL could be run by an out-of-State university or even a for-profit corporation. Apparently, Pres. Bush signed into legislation on Tuesday a bill that would mandate that all Department of Energy national labs be put out for bid, and the Lawrence Berkeley National Laboratory could be run by the University of Texas, who are the frontrunners, or even by Lockheed Martin. If that happened it would severely compromise this campus. For some students in the humanities, they may think this doesn't impact them. But money, resources, and prestige committee from having LBNL affiliated with the University. For those reasons, they were bringing this Resolution forward to the Assembly.

Ms. Madon said the main points of the Resolution are that the campus receives huge benefits from this facility, and that there's no classified research for nuclear weapon design research at LBNL, unlike other national labs. Even if people have principled opposition to the other national labs, based on engaging of nuclear weapons research, it focuses on environmental research, energy efficiency, computational biology, and biophysics.

A Delegate said that even if they want to do to research nuclear weapons, the Lab couldn't because Berkeley is a Nuclear Free Zone.

Ms. Madon said the Resolution just asks that the GA to affirm support for everything the campus gets from the LBNL. In the SF Chronicle that day, there was a story about the dire straits the campus would be in if they lost the LBNL. And it looks like they could. So they want to make sure grads support this vital facility. Also, from last month, this Resolution originally called for some sort of forum, lecture or seminar series to discuss overall UC management of the national labs, since it's a confusing, complex issue. Even people who work there have objections to UC management of the other labs. So the second Resolved Clause in the revised version was amended, so it would be great if somebody would make a motion.

Ms. Quindel called for any questions. Mr. Valleé asked when the LBNL contract expires. Ms. Madon said it's in January 31, 2004, that current academic year. Mr. Valleé asked when the bid process would begin. Ms. Madon said she wasn't sure, but according to the legislation, which she believed will be effective after the President signs it, bidding will start as soon as the contract runs out.

Mr. Valleé said ask why, that if the bid was up for renewal on January 31, the University hasn't started any process. Ms. Madon said bidding, according to the article, was snuck into a bill by a Republican Congressman, and originally the LBNL was not going to be considered open for bidding. A Delegate said it was just ratified. Ms. Quindel called for any other questions, and seeing none, said they would move into debate.

A Delegate asked at what point he could make a motion to substitute. Ms. Quindel said he should make a motion to approve the Resolution, and then somebody could make a motion to amend. Mr. Furmanski moved to accept a substitute Resolution. Mr. Curly moved to amend by substitution to reflect what they talked about, the new bill signed into law that says people have to bid. He was talking about Whereas Clause number 8, the loose-leaf paper that was distributed. The substitute is the revised version. The only things they're changing in number 8 is the words "not only" and then the words "but also because the LBL contract...." The motion to amend was seconded.

Mr. Curly said he wanted to amend by substitution for more little things to be changed. He moved to amend by substitution. The motion was seconded. An objection was raised.

Mr. Ettlinger asked if the Committee saw the new version. Ms. Madon said the Committee did, with the exception that was mentioned, in Whereas Clause 8. The Committee saw everything but the words he and the other Delegate just spoke. Mr. Mark moved to extend speaking time by ten minutes. Ms. Quindel said they would consider this document substituting for the previous document. The motion to substitute was seconded. An objection was raised to approval. Mr. Mark asked if the Committee has seen the substitute motion. Mr. Valleé said it was mentioned that the Committee worked to revise it, and that was not his interpretation.

Ms. Quindel called for any debate on the amendment. THE MOTION TO APPROVE THE AMENDMENT BY SUBSTITUTION PASSED UNANIMOUSLY BY VOICE-VOTE. Ms. Quindel said they would enter into debate of the substituted Resolution.

The following Resolution, as amended by substitution, was submitted by Mr. Wang and Ms. Madon

RESOLUTION IN SUPPORT OF UC BERKELEY'S AFFILIATION WITH THE LAWRENCE BERKELEY NATIONAL LAB

WHEREAS, the Ernest Orlando Lawrence Berkeley National Laboratory (LBNL) seeks understanding of the nation's most challenging environmental, biological, and scientific questions; and

WHEREAS, researchers at LBNL have advanced our country's expertise in energy efficiency, environmental protection and remediation, particle physics, medicine, and computational biology; and

WHEREAS, according to UC Berkeley Chancellor Robert Berdahl, LBNL generates approximately \$500 million annually in research grants and funding; and

WHEREAS, more than 700 UC Berkeley graduate students currently use LBNL facilities and resources for academic research purposes; and

WHEREAS, UC Berkeley faculty and graduate students benefit immeasurably from access to LBNL funding and equipment (such as the Advanced Light Source), collaborations with LBNL researchers, and the internationally recognized academic reputation of the Lab; and

WHEREAS, no classified research is undertaken at LBNL, nor does LBNL participate in the design or proliferation of nuclear weapons; and

WHEREAS some graduate students who oppose UC management of nuclear weapons design facilities, such as those at the Lawrence Livermore and Los Alamos National Labs, may be misinformed about the nature of research undertaken at LBNL, and as a result they may oppose UC management of LBNL based not on principle but rather on the false assumption that it lends University support to nuclear weapons design and nuclear weapons proliferation; and

WHEREAS it is important for the graduate community at UC Berkeley to affirm support for University management of LBNL, not only because this relationship provides us with vital educational and research opportunities, but also because the LBNL contract will be opened for competitive bidding next year, and ongoing research collaborations would be jeopardized by outside management of the Lab; and

WHEREAS it is not the intent of this Resolution to advance a position on UC management of nuclear weapons design facilities;

THEREFORE BE IT RESOLVED, that the Graduate Assembly at UC Berkeley will acknowledge the value and importance of the Lawrence Berkeley National Lab within our academic research community, by asking the GA President to write a letter to the DOE'S Office of Science, the LBNL Director, the UC Berkeley Chancellor, the UC President, the UC Regents, President Bush, and other public officials, advancing graduate student support for UC Berkeley's affiliation with LBNL, and encouraging greater federal funding of LBNL research.

BE IT FURTHER RESOLVED, that the Graduate Assembly will acknowledge that continued involvement of the UC in management of the National Labs is a complex issue, deserving careful consideration of the role of University expertise in overseeing the nation's research goals and the role of federal funds in enabling the UC's academic freedom and excellence, by convening a task force to educate graduate students on the history, politics, academic value, and consequences of UC affiliation with the DOE National Labs, by holding a forum, lecture, or seminar series presenting stakeholders' perspectives from diverse points of view.

Mr. Hsu said he felt this Resolution distinguishes work that's done at LBNL from the work done at Los Alamos and Livermore, because there may be misconceptions among people in the University community that nuclear weapons-related research is done at LBNL. Since it's up for bidding, it's important to make the University aware of what research goes on there, so any lobbying or opinions presented to the University in consideration of the decision to renew the bid contract are made in a properly informed manner.

Mr. Valleé said he used to work in the advertising industry so he was very familiar with propaganda. His concern with any debate in an elected body is that the debate occur with informed facts from both sides. The reason he objected to this Resolution last month was due to the one-sided manner in which the Resolution was worded, and the specific intent of his motion last month was to consider different perspectives. And while he raised objections in committee, he didn't see how this Resolution, in any way, shape, or form, took into consideration any downfalls with this institutional relationship. He was not questioning that there are benefits. He was objecting to the intent to railroad this without presentation of both sides. That was his only objection, having any elected body make a decision with a one-sided presentation.

Ms. Madon said she recommended the inclusion of the word "consequences" in regard to UC affiliation with the Department of Energy national labs, in the final Resolved Clause. She felt it should not just consider value or history, but consequences. So she respected his position and thought it was important to think about consequences from both sides. However, the LBNL was really vital to the campus as a research community. She was not talking about its vitality within the greater Bay Area, and the Resolution speaks to the value of resources from LBNL, including funding and expertise within their research community. If people have some language that describes the downside of LBNL, they should talk about it; but absent any information to that effect, she thought it was difficult to talk about the downside.

Ms. Quindel said she would limit comments to 30 seconds.

Mr. Sharma said there were amendments to this text, but the GA substituted it. He asked what happened to those tweaks of language that were withdrawn when the substitute amendment came up. Ms. Quindel said the wording was changed.

Mr. Akiba said he had nothing against the hard sciences, but he was against the notion to, after referring this to committee, having it come back with all these different Resolutions. The whole point was to come up with one thing that would include different perspectives. And now people were insistent on voting again, and he was disappointed about the lack of collegiality. He wanted to see compromise and people came back with three different views.

A Delegate said he was an author and said his lab had a grant jointly with LBNL for the next five years, sponsored by the DOE for \$3 million. The project is to study three organisms that will be used in dealing with toxic chemicals.

Mr. Valleé said a word was changed, but the fact remains that the rest of the language was overwhelmingly about the benefits. He didn't see an attempt to look at the cost and examine that. Secondly, the title of the Resolution was In Support of Affiliation with the Labs, and one Resolved Clause deals with that issue.

Mr. Furmanski said that in support of this, part of the purpose was for Delegates to use this as a forum, so they have an opinion on this Resolution. They should state those opinions as opposed to a couple of people standing up and monopolizing the conversation.

Mr. Sharma said the last Resolved Clause was for them to convene a task force. Mr. Ettlinger moved to extend speaking time by ten minutes. The motion was seconded and passed with no objection. Mr. Sharma said the bill, Resolution K), calls for creating a task force. He asked how many task forces the GA would convene. They have enough problems getting people to come to the committees they have. He asked if they were straining their resources too thinly.

Ms. Madon said the original idea for a task force came from the Resolution that preceded this. That idea remains, in this decision by Mr. Valleé and Mr. Kearns to bring this forward. The decision of the other authors to bring up a third Resolution proposing a task force was redundant. She didn't think they need to necessarily do that.

Mr. Kearns said that with the Resolution, talking about proposing a forum did not follow from the Whereas Clauses, a series of laudatory accolades about the labs. From that, the GA might ask why they need a forum. It sounds like everything was great. The Resolved Clause to have a forum did not follow from the other clauses. Also, the controversial issues that serve as a basis for the issue were not enumerated, so the Resolution doesn't indicate why need a forum and why that was necessary.

Mr. Daal said he would ask people to read Whereas Clause number 7, which gives a reason for a task force.

Mr. Ettlinger said he would like to open up the idea of taking more time to incorporate additional Whereas Clauses or Resolved Clauses to reflect a more balanced opinion, and to possibly have the GA table this.

A Delegate asked what the consequences would be to table this.

A Delegate said she was confused. When they had the speaker come in about student housing, that was a pro speaker and there were no cons for keeping up the old, affordable housing, and there probably were cons that could have been expressed. She was confused why this was such a big deal that it was all pro, and said she thought that was the point. If they don't think it's a good idea, they should vote no.

Mr. Bailey said he was interested in the question that wasn't answered. It's very difficult for them to vote on something that he felt they don't know enough about. People were asking for more of a large-scale debate on such a complex issue, and he thought the cons should be voiced that week, and have an opportunity to talk about consequences. He didn't feel comfortable voting on this and representing his constituency, and he was ignorant about the issues involved. He thought they should have a larger debate.

Ms. Quindel said she would like to ask people to bring up new points, and said the same people were raising their hands to talk.

A Delegate asked if there was a conflict of interest that should be brought up, since both authors were financially dependent on this. Maybe that needed to be in a Whereas Clause, that people were gaining financial benefit from this, and serves as motivation.

Mr. Cruz said he hasn't heard an substantive argument against the Lawrence Berkeley National Laboratory. He understood the concern that people wanted more balanced argument, and they should make those arguments. As someone who didn't know much about the lab, he was inclined to possibly support it. Many, many people have talked, and he hasn't heard other arguments.

Ms. Molina said the basis for people opposing the bill was the question of a clear connection weapons research. But the document already dismisses that as being misinformed. So once the affiliation is supported, she asked what the discussion was about, in the end. What they need are facts. She hasn't heard somebody say they know there's a connection when research is sponsored. She felt misinformed about this, but once the GA votes on it, it possibly precludes anybody from making that argument.

Mr. Sharma moved to amend the last Resolved Clause, by amending "convening a task force" by "charging the Academic Affairs committee to educate grads" and going on. He feared the GA was spreading itself too thin by convening another committee. As Finance Committee Chair, they can't get a quorum. He thought they should charge the Academic Affairs Committee to educate instead of convening a task force. The motion was seconded.

Ms. Dugas said they'd have the same thing, and there was no meat to the charge. She'd ask what they'd be asking the Academic Affairs Committee to do. Mr. Sharma said he was asking the Committee to educate grads on the history of politics. Ms. Dugas asked if they'd yell on Sproul, and said the motion had to be qualified so they don't have that same situation that occurred last time. Mr. Sharma said that to the extent he knew the charge of the task force, he'd call on that charge to shift to the Academic Affairs Committee. It would put out the true relationship between the University and the lab.

Ms. Madon said the Academic Senate asked its Academic Affairs Chair to do a similar thing for the faculty, which is where the GA got the idea to have a task force hold a forum.

THE MOTION TO APPROVE THE AMENDMENT, TO CHARGE THE ACADEMIC AFFAIRS COMMITTEE TO EDUCATE ON THIS ISSUE, RATHER THAN CONVENING A TASK FORCE, PASSED UNANIMOUSLY BY VOICE-VOTE.

A motion to call the question was made and seconded. The motion was withdrawn. Mr. Ettlinger moved to extend speaking time by seven minutes. The motion was seconded and passed by voice-vote.

Mr. Furmanski said that if this Resolution doesn't suit everybody, they shouldn't be afraid to vote against it, as opposed to delaying it forever.

Mr. Valleé said that in terms of cons, a professor emeritus on campus, Charles Schwartz, worked at LBNL, and had examples of how some projects have military implications that people don't realize. One example is a superconductor particle accelerator. This was the purest of science, to which Reagan gave his blessing. Out of curiosity, Mr. Valleé said he wrote to the Department of Energy under the Freedom of Information Act to provide all Pentagon documents dealing with funding this civilian science branch. Prof. Schwartz wondered if government's internal decision-making might also include broader consideration, including military. After two years of waiting, he received the document, written from the Office of the Secretary of Defense to the White House, which supported it. The documents note that the project will have many spin-offs for defense, especially in technologies required by the Strategic Defense Initiatives and the development of particle beams. It was also noted that the nuclear weapons community will benefit from the fundamental research. Many scientists now in the Department of Energy received their training while working on particle accelerators.

Mr. Sharma moved to defer this to the ad hoc committee formed at last month's meeting, and further charge that committee to consider this Resolution and attempt to reach a consensus on language and content, and provide a detailed argument to provide the pros and cons of the affiliation to LBNL at the next Delegates meeting. The motion died for lack of a second.

A motion to call the question was made and seconded and passed by hand-vote 11-6-3. THE MOTION TO APPROVE THE RESOLUTION IN SUPPORT OF UC BERKELEY'S AFFILIATION WITH THE LAWRENCE BERKELEY NATIONAL LAB, AS AMENDED, PASSED BY HAND-VOTE 11-6-6.

Mr. Hsu moved to go to the report from the Ad Hoc Committee on GA Autonomy. Mr. Ettlenger said they were in the middle of the LBNL discussion and they should consider those bills together. Mr. Furmanski said that before people leave, they should hear what the Autonomy Committee had to say. Ms. Ahn said this question had to be approved that evening. If not, they'd be off the timeline and couldn't submit this to the ASUC election in time, so they can get the work of the Autonomy Committee done. Mr. Daal moved to go to Announcements. Ms. Quindel said they were in the middle of another motion to move the agenda. The question was whether to move to the GA Autonomy Ad Hoc Committee. The motion passed by voice-vote.

Mr. Daal moved to go to Announcements. The motion was seconded and passed by voice-vote. Mr. Daal said he felt that a lot of people still felt unsettled about the motion on the LBNL. He asked if there was anything that could be clarified. People could come to them and ask them if there was anything they could clarify regarding the role of the LBNL. They'd be happy to do that.

Ms. Madon said that's what her question addressed, so people could be invested. She was disappointed because the motion had national implications and this was nationally contested. The Delegates represent the entire GA, and as the GA, they decided that was the position of grads. So she felt a full representation of authorization should have been made.

Report from the GA Autonomy Ad Hoc Committee

The following Resolution was authored by Ms. Ahn, Autonomy Committee Chair, and was submitted by the GA Ad Hoc Committee on Autonomy:

RESOLUTION TO AUTHORIZE PUTTING THE QUESTION OF GRADUATE STUDENT AUTONOMY BEFORE THE ELECTORATE

WHEREAS, it is unfair and unrealistic to expect undergraduates to understand and effectively represent issues that are largely within the graduate student experience; and

WHEREAS, the UC Berkeley Graduate Assembly is the only UC graduate student government still subordinate to the ASUC (or its undergraduate student government equivalent); and

WHEREAS, the Graduate Assembly has twice approved, formally and informally, the pursuit of Graduate Student autonomy in fiscal, legislative, and representational matters from the largely undergraduate ASUC (Associated Students of the University of California) in as many years; and

WHEREAS, it is important that the issue of autonomy be completed during the timeline originally considered by the Graduate Assembly last year because the issues of administrative change, turnover, and loss of institutional memory have consistently prevented the UC Berkeley Graduate Assembly from obtaining autonomy in past attempts; and

WHEREAS, to successfully and legitimately complete our bid for autonomy we should submit an initiative to change the ASUC Constitution to explicitly separate the governance of graduate student issues and funds from the undergraduate body and lay it completely within the realm of graduate students and their elected/appointed leaders; and

WHEREAS, ASUC By-laws require initiatives to be placed on the ballot either by ASUC Senate approval or 1,000 student signatures on or around the first week of March (in addition to the fact it must be certified/presented by the ASUC Attorney general); and

RESOLUTION TO AUTHORIZE PUTTING THE QUESTION OF GRADUATE STUDENT AUTONOMY BEFORE THE ELECTORATE (cont'd)

WHEREAS, prior to beginning any petition campaign, the language of the initiative must be certified and approved by the ASUC Attorney General, which could require anywhere between one and two weeks; and

WHEREAS, the necessary approvals and timelines for ballot initiatives required by the ASUC force us to be able to submit language for a petition before the end of winter break (see attached timeline); and

WHEREAS, this is the last Graduate Assembly delegate meeting prior to the end of winter break; and

WHEREAS, the Graduate Assembly Ad Hoc Committee is deeply committed to garnering the approval and authorization by the delegate body before taking major actions as is only proper and expected in a democratic institution; and

WHEREAS, the Graduate Assembly Executive Board consists of leaders elected by the Graduate Assembly delegate body, who are also generally authorized to speak on behalf of the delegate body when the Assembly is not in session;

THEREFORE BE IT RESOLVED, that the Graduate Assembly authorizes the Autonomy Committee to submit a ballot initiative for ASUC approval that is essentially the same as the one discussed in this delegate meeting after it gains final approval of the language from both the members of the Autonomy Committee and the Graduate Assembly Executive Board.

BE IT FURTHER RESOLVED, that the Autonomy Committee return in February to present to the delegates the final language submitted, the status of the ASUC Attorney General's review, answer general questions, and report on the plans for the petition signature gathering campaign for delegate involvement.

Timeline:

December 4: Submission of petition authorization by the GA delegate body that allows final authorization by the GA Executive Board during break

Executive Board authorization before ASUC Attorney General (AG) submission

Final petition language by December 16 (submit to AG)

Meet with administration

Feb 5 (Thursday): Signatures campaign must begin at latest (Feb GA meeting) . Need 1,000 signatures but want to get 2,000

March 1: Petition ready to submit (with 1,000 + 1,000 signatures)

Ms. Ahn said this was a Resolution they should have before the electorate. The Resolution asks that the Delegates at-large allow the Autonomy Committee to submit the language of the proposition to the ASUC ballot when it's finally approved by the Executive Committee during the Winter Break. The purpose of the presentation that day was to tell the GA what would be on that proposition, and the language they may or may not want to draft, in terms of what was more effective, although basically, the content will remain. It's the nitty-gritty details of the wording that was being considered. So they're delegating that final approval power of the actual language to the Executive Committee for final approval. But nothing was ever final, and the GA could go back and revoke this in January. She would highly recommend against that because that would defeat the purpose of this Resolution that evening. The point is to consider the Resolution that evening and submit it to the ASUC's Con-Review. If they go back with this in January, that couldn't be done.

Mr. Ettliger asked if she would be offended if he called the question at that point rather than hearing the presentation, due to the time and because they trust the people working on this. Ms. Ahn said they could, as long as Delegates commit to helping to get signatures in January. They need 2,000 signatures on the petition to put this on the ballot, from the grad student body. So they'd need Delegates to help them to get those signatures. They need signatures because there are two ways to get things on the ASUC ballot: to get approval from the ASUC Senate, or to get enough signatures. Mr. Ettliger moved to call the question. The motion to end debate was seconded and passed by voice-vote. THE MOTION TO APPROVE THE RESOLUTION TO AUTHORIZE PUTTING THE QUESTION OF GRADUATE STUDENT AUTONOMY BEFORE THE ELECTORATE PASSED UNANIMOUSLY BY VOICE-VOTE. (Applause)

ANNOUNCEMENTS (cont'd)

Ms. Quindel said she would entertain a motion to move into Announcements, for Ms. Dugas. It was so moved and seconded and passed with no objection.

Ms. Dugas said she may look relatively young, but she's been there a long time and was about to hit 40 years old. She wanted to say something about her experience with the GA. For the most part, she prides herself on working for the GA because of the decorum that takes place in this venue, and the high level of respect that each displays to one another. That's why it makes it easy for her to come to these meetings and advise and support grads. But she wanted to say before it goes anywhere that she was a little concerned about the way they conducted the discussion on the labs. She saw a lot of things that she felt shouldn't happen. Normally she doesn't say this but she did step outside and talk to people because she really wanted them to have a discussion that was a little more balanced. Also,

just in terms of respect, she normally doesn't say anything, and if she advises, it's outside. Just keeping that in mind, she thought this body had a high level of respect from the outside community, and when they conduct business they have to be as professional as possible. She wasn't saying to not debate, but she heard and saw things she didn't specifically like. Hopefully they'll take that with the graciousness she's presenting it.

Mr. Furmanski said he's on the Autonomy Committee, and Delegates get information at meetings. There were a lot of specific timelines regarding autonomy and it really will be important that everybody was knowledgeable about the details because this will be unprecedented, and by the end, they'll need everybody to be on the Autonomy Committee. They're all going to be doing this together, collecting signatures, and being involved. While they don't necessarily have to spend a lot of time there at the meeting, they could spend time on the Web site and stay current and not just delegate this completely to the Autonomy Committee.

AGENDA ITEM M: RESOLUTION

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The following Resolution was submitted by Mr. Furmanski:

RESOLUTION IN SUPPORT OF ACADEMIC FREEDOM AND RESEARCH THROUGHOUT THE UC

WHEREAS, it is the mission of the University of California to promote academic inquiry and to protect academic freedom; and

WHEREAS, notwithstanding accepted ethical doctrine established by relevant University, scientific, and professional policy-making bodies, the principle of academic freedom secures the right for University investigators to establish their own ethical beliefs, and to conduct scholarly or scientific inquiry in accordance with such beliefs; and

WHEREAS, many University scientists and engineers are funded by the United States Government to conduct scientific and technological inquiry on behalf of the citizens of the United States; and

WHEREAS, all University investigators enjoy the same right to academic freedom, even if they are pursuing an area of research which is morally or ethically repugnant to a portion of the citizens on behalf of whom the research is conducted; and

WHEREAS, investigators at the UC-managed national laboratories have made numerous discoveries in the areas of medicine, energy, transportation, and national defense, for the benefit of the entire nation; and

WHEREAS, the relationship of the UC to the national laboratories it manages contributes significantly and uniquely to the quality of the research conducted at those institutions; for all the reasons listed above;

THEREFORE BE IT RESOLVED, that the GA hereby publicly declares its support of the principle of academic freedom in scholarly and scientific inquiry, especially with respect to he researchers and scientists who are funded by the Departments of Energy or Defense.

BE IT FURTHER RESOLVED, that the GA hereby publicly declares its support of the research conducted at the UC-operated National Labs and the relationship of the UC to said institutions.

Mr. Furmanski said this was distinct from the other bill because it speaks purely to principle, and he tried to cut out as many specifics about different situations and other things as possible, and to make this just about whether or not the employees of the national labs enjoy the protection of academic freedom, and whether or not the GA should support this regardless of whether or not these researchers have chosen to work on nuclear weapons or classified research. It was his contention that a lot of scrutiny placed on this research ignores or calls into question whether or not people entered into these contracts of their own volition, or whether they were coerced. The contention is that so long as they were not coerced and were free to make that decision, they should be able to do what they want.

Mr. Hsu said he agreed that this Resolution was substantively different from the one they already passed, and therefore the Committee could not have combined this with the previous Resolution.

Mr. Furmanski moved to amend by substitution based on consensus of the language of the Committee. Ms. Quindel asked what the differences were. Mr. Furmanski said he included the rule of law in the second Whereas Clause and the word "promulgated" was different. There are subtle differences. He included a Whereas Clause about investigators being free to choose and struck a Resolved Clause dealing with the GA's position on something else that had nothing to do with the Whereas Clause. He streamlined the Resolution.

Mr. Ettlenger moved to table the Resolution because it doesn't involve contracts that were expiring. It was a broad measure and a contentious issue. Mr. Furmanski said the Resolution was a statement of position.

Mr. Mark moved to table the Resolution until the next GA meeting. The motion was seconded and failed by voice-vote.

Mr. Vallée said that in 1986, the UC Academic Senate formed a committee to evaluate management of the labs and found that management violated academic freedom. As a result, in 1990, they voted to sever the relationship with the Lawrence Livermore and Los Alamos Labs. Mr. Hsu asked how that was possible if the University was still managing those two labs in question. Mr. Kearns said that was a faculty vote, but the Regents ignored them and made the decision to continue.

Mr. Sharma moved to amend, to strike the third Whereas Clause. The motion was seconded. Mr. Sharma said this was a statement of a position and if they make a clear statement as to how they stand, he wanted it to be in language that comports to how he thought. He was not prepared to say that all University investigators enjoy the same rights, even if they're doing something that was morally or ethically repugnant. He had problems with that language.

Mr. Furmanski said the position which was taken in that Whereas Clause was mitigated by the language in the previous Whereas Clause, which it doesn't contradict. So while the words "morally and ethically repugnant" may turn people off, the GA should protect academic freedom in the extremes as long as it's not denied or illegal.

Mr. Kearns said he opposed this clause because it suggests that morally and ethically repugnant research was being conducted on behalf of the citizens of the United States, and he thought that was hotly debated.

Mr. Bailey said the Whereas Clause assumes that the University protects all investigators.

Mr. Daal moved to call the question. Ms. Quindel said that speaking time had elapsed. THE MOTION TO APPROVE THE AMENDMENT TO STRIKE THE THIRD WHEREAS CLAUSE PASSED BY HAND-VOTE 11-8-3.

Mr. Ettlenger moved to extend speaking time by five minutes. The motion was seconded and passed by hand-vote 12-6-0.

Mr. Mark said this the Resolution was far too much of a blanket statement. If some professors want to research euthanasia or something morally reprehensible, the Resolution says the GA would support it.

That should be determined on a case-by-case basis rather than having a position that approves or vindicates any professor researching anything he or she wants to do.

Mr. Daal said he didn't think the Resolution supports particular reasons, but what academic freedom was all about. Mr. Kearns said it was also about social responsibility.

Mr. Hsu said the bulk of scientific research was morally neutral and could be used for good or bad purposes. To shut out every possible avenue of research that might have negative implications would shut down research altogether.

Mr. Bailey said he's not a natural scientist but a social scientist, and they understand that natural science was social construct and wasn't neutral. Scientific investigation was not neutral, and eugenics, e.g., has never been neutral. They should stop posing natural science as neutral.

Mr. Daal said it seemed people there have a different world view than people elsewhere, and maybe some people think that research was not bad if it doesn't have the intent of hurting anybody. The people who wrote the Resolution had that in mind. They just want to research these things that other people might find objectionable. It was like researching the Holocaust. They don't want to make another Holocaust, but to learn about it so that they could possibly prevent it. That was an observation.

Ms. Mashiyama said she was also uncomfortable with the language. It seemed to state that we they support research and academic freedom and gives the impression that they support UC management of the national labs, supported by the Department of Energy. She thought it was appropriate to bring in this Resolution after a forum.

Ms. Ahn said she didn't think it's the position of people that nuclear scientists have the intent of massacring the world with their research. Most scientists she's met were very nice people and had strong opinions, and maybe were more pacifist than the average person and wanted to prevent killing. But she didn't know if intent was the be all and end all of research. It reminds her of anti-discrimination law. To prove one has been discriminated against, they have to prove that the person perpetuating the discrimination intend to hurt them. But most racism was subconscious and unknowable and unprovable.

Mr. Hsu moved to extend debate by five minutes. The motion was seconded. Mr. Sharma said it was after 9:00 and he thought that last month they solved this, and now they're rehashing it.

Ms. Madon said that people want to hear what the GA has to say, and to engage them, and speak to their ability to undertake research.

Mr. Hsu said the consensus of the committee was that the phrase "academic freedom" was not easily interpretable and they can't reach a consensus on something like this, with a simple Resolution. So they need to debate.

Mr. Furmanski moved to call the question. The motion to end debate passed with no objection. A motion was made to extend speaking time by five minutes and passed by voice-vote.

Ms. Ahn said they should consider the impact that research has and should look beyond intent and how society at-large was affected, in a way that discrimination law has failed to do, to the detriment of the US.

A Delegate said he wouldn't mind seeing language saying there should be a disclosure of conflict of interest and there had to be full freedom to do research, but with full disclosure and freedom of information.

Mr. Sharma moved refer the Resolution to the Academic Affairs Committee to consider the differing views on social values with regard to the Department of Energy research, and to have the Academic Affairs Committee report back with a new draft, so the GA doesn't pass more time on this. The motion was seconded.

Mr. Mark said they should get ideas out. This was content-full discussion and they should get ideas out and vote on this that evening. This is why they need a forum. It seems people in support of the bill and those against it were coming from two different world views. They need a forum to discuss the social implications of the resolutions they write.

Mr. Furmanski moved to call the question on the motion to refer this to committee. The motion to end debate passed with no objection. The motion to refer the Resolution to committee failed by voice-vote.

A Delegate said that research that's been done in the US, like at Rochester, used active material on US citizens. The government has a history of misuse of science to hurt citizens, particularly people of color and of low income. Tuskegee was an example, and the Resolution was making a blanket statement on this.

Mr. Furmanski moved to extend speaking time by five minutes. The motion was seconded and passed by voice-vote.

Ms. Madon said there needs to be serious consideration of what "social responsibility" means.

Ms. Dugas said she rarely speaks much at meetings because she believed in enabling Delegates, but would be doubly disappointed if people didn't consider the implications. She's studied and experienced this enough to know that people need to speak about that.

A Delegate said the position was worded with the intent of supporting the scientists doing research and giving them freedom to do legal research. There might be areas of research that should be looked at, but she supported the position because it supports scientists who need this support, and who come under fire and have academic freedom taken away.

Mr. Sharma moved to strike the second, fourth, and fifth clauses, everything after "scientific inquiry." The motion to amend was seconded. Mr. Sharma said the GA stands for academic freedom and what people object to is the wording in the middle of the Resolution.

Ms. Mashiyama said the Resolution had things that people wanted to say, but the rest was unbalanced. There were social consequences that could arise, and she thought there needs to be more work on this.

Mr. Sharma said most of them agree with academic freedom and stick to the basic proposition they support academic freedom.

The motion to amend, by striking Whereas Clauses two, four, and five, and everything after "scientific inquiry" in the Resolved Clause, failed by voice-vote.

Mr. Furmanski moved to extend speaking time by five minutes. The motion was seconded by and passed by hand-vote 12-6-2.

Mr. Cantor said he's double-checked this. Given the way Robert's Rules allows people to obtain the floor, it was inappropriate to attempt to attain the floor when somebody else was speaking. People have to raise their hands after a speaker is finished, and if a list was needed, they would make a speakers' list at that time. He would ask people to please wait until after speakers are finished before raising their hands.

A straw poll was requested. A straw poll was taken on the Resolution, as amended. Ms. Quindel said the result was 3-11-7.

Mr. Sharma said asked if this would require a two-thirds vote to pass. Ms. Quindel said that was correct.

A motion to call the question and end debate was made and seconded and passed by voice-vote. The motion to approve the Resolution In Support of Academic Freedom and Research throughout the UC, as amended, failed by voice-vote.

AGENDA ITEM K: RESOLUTION

The following Resolution was submitted by Mr. Valleé and Mr. Kearns:

RESOLUTION CALLING FOR THE GRADUATE ASSEMBLY TO ORGANIZE A DEMOCRATIC DEBATE AND EDUCATIONAL FORUM ON THE UNIVERSITY OF CALIFORNIA'S RELATIONSHIP WITH LAWRENCE BERKELEY, LAWRENCE LIVERMORE, AND LOS ALAMOS NATIONAL LABS

WHEREAS, every nuclear weapon in the United States arsenal was designed by a University of California employee, and according to the University of California President Robert C. Dynes, "The Los Alamos and Livermore laboratories are, at their core, nuclear weapons programs, and carry out these programs at a level determined by the federal government." [1]; and;

WHEREAS, the United States is a signatory to the nuclear Non-Proliferation Treaty (NPT), and Article VI states:

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."; and

WHEREAS, Department of Energy (DoE) documentation mandates that via the Stockpile Stewardship and Management (SS & M) program the “ability to design new warheads will be retained by DoE at its defense programs laboratories: Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratory,” and that the SS & M program is designed to “maintain a surge capability to rebuild a larger stockpile.” [2]; and

WHEREAS, new nuclear weapons have been developed under the SS&M program, including

RESOLUTION CALLING FOR THE GRADUATE ASSEMBLY TO ORGANIZE A DEMOCRATIC DEBATE AND EDUCATIONAL FORUM ON THE UNIVERSITY OF CALIFORNIA’S RELATIONSHIP WITH LAWRENCE BERKELEY, LAWRENCE LIVERMORE, AND LOS ALAMOS NATIONAL LABS (cont’d)

-- the Robust Nuclear Earth Penetrator, which Congress funded UC scientists with \$22 million to develop the B-61-11 nuclear bomb, upgraded from the B-61 to given it earth penetrating capability; and

WHEREAS, the continued design, development, and production of nuclear weapons by the United States under programs such as SS & M is a clear violation of the nuclear Non-Proliferation Treaty; and

WHEREAS, flouting of international weapons treaties by the United States encourages other nuclear nations to similarly expand their current weapons stockpiles, and triggers non-nuclear nations to develop their own nuclear “deterrent.” [3]; and

WHEREAS, no explicitly classified research is conducted at the Lawrence Berkeley National Laboratory (LBNL), although research projects at LBNL are funded in part by the Department of Energy. Both the University of California-Berkeley and LBNL enjoy significant mutual beneficence in terms of geographical proximity, access to analytical instrumentation facilities, funding opportunities, and research collaborations; and

WHEREAS, the awarding of research funds to scientists working in universities and at national labs by the main federal funding agencies -- the Department of Defense, the Department of Energy, the National Science Foundation, and NASA -- has the effect of stimulating, channeling, and exploiting scientific work in certain preferred directions in accordance with the interests of sectors of our society that hold dominant political power. This phenomenon makes it exceedingly difficult to draw a hard line between weapons-related and non-weapons-related research; and

WHEREAS, it is an often-reported phenomenon that university scientists are reluctant to talk about the problem of the militarization of science. University scientists often operate based on the myth of the neutrality of science -- although “science is an organized human activity. . . [that is] . . . integrated into the social and economic structure of society. . . [and not] . . . separated from politics.” [4] Accordingly, scientists and engineers working in universities, at national labs, and for corporate industry are faced with complex ethical questions regarding the nature and applications of their research; and

WHEREAS, the University of California’s relationships with the Lawrence Berkeley Lab, and with the Los Alamos and Livermore nuclear weapons labs are complex in nature, and have been of great historic debate owing both to benefits incurred by the University in terms of research funding and access to facilities, and detractions due to ethically dubious applications of research findings and contradictions of international law;

RESOLUTION CALLING FOR THE GRADUATE ASSEMBLY TO ORGANIZE A DEMOCRATIC DEBATE AND EDUCATIONAL FORUM ON THE UNIVERSITY OF CALIFORNIA’S RELATIONSHIP WITH LAWRENCE BERKELEY, LAWRENCE LIVERMORE, AND LOS ALAMOS NATIONAL LABS (cont’d)

THEREFORE BE IT RESOLVED, that the Graduate Assembly organize a democratic debate and educational forum addressing the beneficial and detrimental consequences of the University of California’s relationship to the Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs. The purpose of this forum will be to educate the members of Graduate Assembly as well as other UC students, faculty, community members, National Lab employees, etc. about

- the realities of ongoing research projects conducted at the Labs and the beneficial nature of the scientific contributions derived from these projects
- the nature of UC faculty and student interactions with the Labs
- the interlocking connections between federal funding agencies, the military-industrial complex, the University, and the Labs
- specific complex, controversial, and historically debated topics such as
 - research projects in contradiction with international law
 - issues of academic openness and whistle blower retaliation
 - and public health concerns associated with nuclear weapons development and manufacturing facilities

The Graduate Assembly will organize this forum so as to promote a diversity of perspectives on these complex issues. The forum will occur during Spring semester, 2004.

BE IT FURTHER RESOLVED, that the Graduate Assembly appoint a chairperson at the December meeting to convene an ad hoc committee to organize the forum by recruiting presenters, advertising the event, and contacting Chancellor Berdahl regarding his offer to provide an on-campus venue. [5] The chairperson will be responsible for appointing committee members in such a manner as to promote a diversity of perspectives.

[1] Office of the President, personal correspondence to The Coalition to Demilitarize the University of California and Tri-Valley CARES, November 12, 2003

[2] "Stockpile Stewardship and Management Programs, (February 29, 1996)

[3] Caldicott, Dr. Helen. The New Nuclear Danger.

[4] "Political Structuring of the Institutions of Science," Charles Schwartz, in Naked Science: Inquiries into Boundaries, Power, and Knowledge, L. Nader, ed.

[5] University of California, Berkeley Public Affairs Office, personal correspondence, to Circle of Concern, September 17, 2003.

Mr. Valleé said this relationship with the labs was very contentious, especially for Los Alamos and Livermore. The Resolved Clause in the previous Resolution was felt to not really bring up the facts that were contentious with the overall relationship between UC and Livermore and Los Alamos, and the Department of Energy. Furthermore, what happened in the Committee was a consensus that an educational forum was needed. Another Committee member, not him or Mr. Kearns, brought up the point that an educational forum was important and should be balanced. They should have something that has the benefits and the consequences laid out.

Ms. Quindel said they need 18 Delegates for quorum, and there were 19 Delegates present. So she would ask them to please allow the GA to get to the election External Affairs Vice President.

Mr. Valleé said the GA should know the benefits and the consequences and help with the confusion between LBNL and other labs, and should have a Resolution that calls for an educational forum. This the spirit of this Resolution. That's why Mr. Kearns and he worked on this and put the idea into action. That's where this was coming from.

A motion to call the question was made and seconded and failed by voice-vote.

Mr. Ettlinger asked for a straw poll. A straw poll was taken. Ms. Quindel said the result was 9-4-3.

Mr. Sharma moved, instead of appointing a chairperson, to call on the Academic Affairs Committee to convene this forum. The motion was seconded.

Mr. Kearns said that if the goal is to have the GA organize a forum, he asked about the most efficient way to do that. Ms. Quindel said it's usually done by Executive Officers or staff. Mr. Kearns said it was not done, then, by appointing a chair of an ad hoc committee. Ms. Quindel said that could be done. Ms. Dugas asked if there was concern that help would be needed, because there's staff that could help. But the Committee would give direction.

Ms. Quindel called for any other debate on the amendment, to have the Academic Affairs Committee look into this, rather than another chair. The Resolved Clause would read:

"Resolved, that the GA charge the Academic Affairs committee to conduct a forum by recruiting presenters...."

A motion to call the question and end debate was made and seconded and passed unanimously by voice-vote. THE MOTION TO APPROVE THE AMENDMENT PASSED BY VOICE-VOTE. Ms. Quindel said the Academic Affairs Committee, then, would plan the forum.

Mr. Valleé moved to extend speaking time by two minutes. The motion was seconded and passed by hand-vote 9-6-5.

Mr. Valleé said they should consider the differences between this Resolution and the other. In this Resolution, one of the Resolved Clauses was to address particular issues. They wouldn't just educate grads, but also UC students, faculty, community members, and National Lab employees.

Mr. Furmanski moved to extend speaking time by two minutes. The motion was seconded and passed by voice-vote.

Mr. Hsu suggested passing the Resolution and allowing the authors to make the case so these the points were presented, allowing the Committee to decide how to present these views, and those of the LBNL Resolution the GA passed. The GA would therefore not have to consider the viewpoints at that time. He would propose the GA pass this out of deference to the authors.

Ms. Madon there are six members on the Academic Affairs Committee. Educating 40,000 was a big call, and perhaps this was something that was important enough for the GA as a whole to take on.

Mr. Furmanski said there's content in the bill stated as fact that was held in contention, at least by the US government. "Clear violation" of the Non-Proliferation Treaty may or may not be on the back page first Clause is an example.

THE MOTION TO APPROVE, AS AMENDED, THE RESOLUTION CALLING FOR THE GRADUATE ASSEMBLY TO ORGANIZE A DEMOCRATIC DEBATE AND EDUCATIONAL FORUM ON THE UNIVERSITY OF CALIFORNIA'S RELATIONSHIP WITH LAWRENCE BERKELEY, LAWRENCE LIVERMORE, AND LOS ALAMOS NATIONAL LABS, TO GO THROUGH THE ACADEMIC AFFAIRS COMMITTEE, PASSED BY VOICE-VOTE.

ELECTION OF EXTERNAL AFFAIRS VICE PRESIDENT

Mr. Ettlinger moved to go to the election of the External Affairs Vice President. The motion was seconded and passed with no objection.

Ms. Quindel said they were under the election of the External Affairs VP. She called for any nominations. Mr. Sharma nominated Dawn Williams. Ms. Quindel called for any other nominations, and seeing none, said Ms. Williams would get a couple of minutes to speak on her behalf, answer any questions, and then go outside for a discussion off the record and a vote.

Ms. Williams introduced herself and said she was from the School of Education. This was her second year in the Masters Ph.D. program. She's worked on the campus and in the community and served the GA for the past semester as Organizing Director. She's worked on academic agenda items, sustainability, student-initiated outreach and education, not incarceration, and continues to serve the GA on the UCSA Board. She holds the position of Vice Chair on the Campus Action Committee. She called for any questions.

THE MOTION TO APPROVE DAWN WILLIAMS AS THE GA'S EXTERNAL AFFAIRS VICE PRESIDENT PASSED UNANIMOUSLY BY HAND-VOTE. (Applause)

AGENDA ITEM G: RESOLUTION

RESOLUTION CALLING FOR UC REGENT WARD CONNERLY'S RESIGNATION/REMOVAL

WHEREAS, since he became a University of California Regent in 1993, Republican businessman Ward Connerly has used his position to spearhead a series of State-wide and national attacks on civil rights and integration. More than any other individual, he led the campaign for Proposition 209 that has led to the narrowing of opportunities in education and employment for black, Latino, and Native American students in California; and

WHEREAS, at UC Berkeley, Proposition 209 has resulted in severe drops in black, Chicano, Latino, and Native American enrollment in the University of California's top schools and graduate schools. In the fall 2003 freshman class, only 315 (3.6%) black, 771 (8.8%) Chicano, 262 (3% Latino), and 51 (0.6%) Native American students were admitted to UC Berkeley (out of 8,796). For fall 1995, before the end of affirmative action, 623 (7.1%) black, 1,172 (13.3%) Latino, and 142 (1.6%) Native American students were admitted to UC Berkeley (Office of Student Research). In 2002, these groups comprised 41.6% of California's high school graduates (CA Dept. of Education). In fall 2002, only one black first-year student enrolled at UC-Irvine medical school, and only two black first-year students at UC Davis and UC San Diego medical schools (UC Office of the President); and

WHEREAS, in September 2001, Connerly sued to eliminate five States equal opportunity programs. Among those eliminated were outreach programs that provided information to socially disadvantaged businesses about opportunities available through the State. Groups that have been negatively impacted by the suit include: women, black Americans, Hispanic-Americans, Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians), and Asian-Pacific Americans (including persons whose origins are from Japan, China, the Philippines, Korea, Vietnam, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan); and

WHEREAS, the ASUC has historically been a consistent supporter of affirmative action, including support for the landmark Supreme Court case, *Grutter v Bollinger*, which upheld and legally strengthened affirmative action across the country. In an effort to nullify this Supreme Court ruling, Ward Connerly is now attempting to bring an anti-affirmative action ballot initiative to Michigan and to other states as well; and

WHEREAS, Ward Connerly was the main sponsor and public spokesperson for the failed Proposition 54. The collection of data based on race and ethnicity is integral for the wealth of research conducted by the University of California. Studies on education, health patterns, marketing, and an overwhelming body of research all rely on this data for accuracy and application purposes. Connerly's attempt to ban the collection of data on race and ethnicity would have seriously undermined the scientific investigation and knowledge of the UC system, endangering the status of the University of California as a premier research institution open to the people of California, and instead, reverting the UC system to a backwater educational institution; and

WHEREAS, because of this, the UC Regents voted to oppose Prop. 54 because the Initiative would "limit the University's ability to conduct basic and policy-related research" and therefore endanger

RESOLUTION CALLING FOR UC REGENT WARD CONNERLY'S RESIGNATION/REMOVAL (cont'd)

the educational mission and status of the University. Prop. 54 was so extreme and irrational that it was rejected by 63.9% of California voters of all parties on October 7, 2003; and

WHEREAS, Connerly uses his position as a UC Regent to promote policies that run against the interest of the University and the students that it serves. His continued position as a UC Regent sends a message to minority students in California and around the nation that they are not really welcome at the University of California. The UC Regents should bring an end to this disgraceful misuse of the name of the University of California;

THEREFORE BE IT RESOLVED, that the ASUC endorses the attached petition which calls on the University of California Regents to vote to demand Ward Connerly's immediate resignation or removal from the UC Board of Regents..

BE IT FURTHER RESOLVED, that the ASUC will send a copy of this motion to the UC Regents.

BE IT FINALLY RESOLVED, that the ASUC will send a copy of this motion to other graduate student governments in the UC System and encourage them to endorse and circulate the petition as well.

Mr. Cruz said he would like to give Delegates the petition that the GA would be endorsing. The Resolution was supported by the ASUC, AGSE, and the LGBT Caucus. He would congratulate the GA for taking a stand against Prop. 54, and winning that. It was the turning point of California politics. They got to go on the offensive and go after the source of Prop. 54, and resist these initiatives. Since Ward Connerly was handed the position of Regent by Pete Wilson, in 1993, Mr. Connerly has used the credibility of the position to give authority and credibility to an extremist attack on the gains of the Civil Rights Movement and everything substantive that civil rights won towards the integration of higher education and K-through-12 education. Connerly was proposing to bring forth in Michigan a similar initiatives to Prop. 54, nullifying the Supreme Court victory that was won last year. It's crucial that the GA take a stand and make clear that what Connerly is doing was an abuse of his office. Regents are not supposed to engage in political matters like Connerly has done. The UC System Regents opposed Prop. 54 saying it was a threat to research in the UC System. So he's abused the position. He's said they were attacking free speech, which wasn't true, and was a red herring. What they're doing is opposing the use of the UC name.

Ms. Quindel said they were at quorum, one above quorum.

Mr. Daal moved to table consideration until the next GA meeting since they didn't have the focus to discuss this. The motion was seconded. The motion to table failed by voice-vote.

Mr. Wang asked if the Resolution could be addressed in the context of freedom of speech.

Mr. Sharma moved to table the bill. The motion was seconded and failed by voice-vote.

Mr. Cruz said the question has been raised by some people that Mr. Connerly has the right to free speech, and said students agree. Mr. Connerly can speak and have a campaign to raise money for anti-affirmative action ballot initiatives as a private citizen, but not using his position as a Regent, a position that was given to him, to which he was appointed, not elected. And he can't do that in the name of the UC System. There's a reason the Constitution says that the UC Regents are not to be a political body, because it's an academic body, and it's not supposed to engage and use the UC System, the world's largest public university system, and its credibility, for political gain.

Mr. Valleé asked for a straw poll. A straw poll was taken. Ms. Quindel said the result was 11-5-2.

Mr. Bailey moved to call the question. The motion was seconded and passed by voice-vote. THE MOTION TO APPROVE THE RESOLUTION CALLING FOR UC REGENT WARD CONNERLY'S RESIGNATION/REMOVAL, PASSED BY VOICE-VOTE.

AGENDA ITEM H: RESOLUTION

RESOLUTION TO ENDORSE THE CIVIL RIGHTS BOYCOTT OF COORS BEER

WHEREAS, on June 23, 2003, in a victory for the new student-led civil rights movement, the United States Supreme Court upheld affirmative action and integration in the University of Michigan Law School case, *Grutter v Bollinger*, which the ASUC consistently supported as part of its commitment to affirmative action and integration; and

WHEREAS, Ward Connerly is attempting to nullify this progressive U.S. Supreme Court decision by bringing to Michigan an anti-affirmative action ballot referendum modeled after California's Proposition 209. If he succeeds, he plans to bring similar ballot measures to other states; and

WHEREAS, because the initiative lacks popular support, Connerly will need at least one to two million dollars to get the segregationist initiative on the ballot. Preventing him from raising this money will be pivotal to keeping the initiative off the ballot all together; and

WHEREAS, the Coors family is a major contributor to Ward Connerly. In December 2001, they gave Connerly \$100,000 to Connerly's failed Proposition 54. Their money and personal clout have proven crucial to his fundraising efforts; and

WHEREAS, the Coors family has supported other individuals and organizations committed to ending affirmative action and integration. These include the Center for Individual Rights, the law firm behind the attack on the University of Michigan's affirmative action programs as well as the *Hopwood* decision, which dismantled affirmative action in Texas, but which was overturned last summer because of *Grutter*; and

WHEREAS, the Pacific Legal Foundation, also funded by Coors, filed suit to ban minority outreach programs, and recently filed against the Berkeley Unified School District's voluntary school desegregation plan, the first of its kind in the nation; and

WHEREAS, the Coors company has been boycotted by the national LGBT community since 1977 for its funding of bigoted, anti-gay organizations, some of which are working to nullify the

Supreme Court's decision in *Lawrence and Garner v Texas* that struck down Texas' anti-gay "Homosexual Conduct" law; and

WHEREAS, the Coors family founded and still funds the far-right wing Heritage Foundation, and chose Roger Pearson, an outspoken anti-Semite and pro-Nazi, as co-editor of the Heritage Foundation publication "Policy Review." Another co-founder of the Heritage Foundation, Paul Weyrich, has many ties to Nazi collaborators and neo-fascist organizations; and

WHEREAS, Coors' role has typically been to provide seed money for major attacks on civil rights like Prop. 209 and the University of Michigan affirmative action cases. Once Coors weighs in with enough money for the attack to get off the ground, other potential right-wing funders are more likely to contribute. Making clear to Coors that racism is bad business can therefore play an important role in reversing the whole period of right-wing and racist attacks on affirmative action and integration; and

WHEREAS, the Michigan Civil Rights Defense Campaign has called for a nationwide boycott of Coors beer products in order to defend the victory for affirmative action and integration won at the U.S. Supreme Court in *Grutter*;

THEREFORE BE IT RESOLVED, that the Graduate Assembly reaffirms its support for the maintenance of affirmative action at the University of Michigan and throughout the nation and opposes Ward Connerly's current effort to bring an anti-affirmative action ballot referendum to Michigan.

BE IT FURTHER RESOLVED, the Graduate Assembly ASUC endorses the civil rights boycott of Beer and its other brands (Killians, Keystone, Zima, Blue Moon, Extra Gold), to stop Coors from funding Ward Connerly's efforts to end affirmative action and integration across the country.

BE IT FINALLY RESOLVED, that the Graduate Assembly will forward copies of this Resolution to other graduate student governments across the UC System and urge them to endorse this Resolution as well.

Mr. Cruz said that Ward Connerly does not enjoy a mass movement behind him and relies on support from corporations and very rich individuals. The Coors family is the main known backer and contributed \$100,000 for the campaign for Prop. 54. It funds money to organizations such as Ward Connerly's, and has a notorious, right-wing history of anti-gay initiatives. It supported organizations that tried to reverse last summer's decision to strike down the Texas Supreme Court's decision on sodomy law. It's a notorious union buster and has been boycotted by gays and lesbians since 1977, and by the labor community. Coors is a major financial backer of Ward Connerly and funds professional petition companies to gather signatures, such as in Michigan, to qualify anti-affirmative action initiatives there. The Michigan civil rights campaign, in conjunction with the SEIU, and the National Lawyer's Guild, called for a national boycott of Coors, to send a message to businesses that support Ward Connerly and other anti-affirmative action and anti-integration initiatives. So he would encourage the GA to support this. It was supported by the ASUC as well.

Mr. Sharma moved to call the question. The motion to end debate was seconded and passed with no objection. THE MOTION TO APPROVE THE RESOLUTION TO ENDORSE THE CIVIL RIGHTS BOYCOTT OF COORS BEER PASSED BY VOICE-VOTE.

AGENDA ITEM J: RESOLUTION

The following Resolution was submitted by Mr. Sharma:

RESOLUTION ON EMERGENCY LEGAL DEFENSE FUND

WHEREAS, the Graduate Assembly will recess from regular session until February 2004; and

WHEREAS, several legal problems may arise during this recess that require immediate attention and action for the good of the Graduate Assembly; and

WHEREAS, these legal problems affect the very core of the Graduate Assembly's stated goals in autonomy and self-governance from unreasonably burdensome external regulation;

THEREFORE BE IT RESOLVED, that an Emergency Legal Defense Fund be created for such cases where immediate and direct legal action is necessary to protect the interests of the Graduate Assembly and that ten thousand dollars (\$10,000) be allocated from the carry forward balance for this purpose.

BE IT FURTHER RESOLVED, that spending from this fund be made under the authority of the President of the Graduate Assembly in consultation with (1) the Finance Officer of the Graduate Assembly; (2) the Chair of the Organization and Rules Committee; (3) the Chair of the Finance Committee; and (4) those members of the Executive Board who may be consulted within a time period reasonable under the circumstances.

BE IT FURTHER RESOLVED, that as soon as practicable and possible the President of the Graduate Assembly make report to the full Graduate Assembly, in closed or open session as the case may require, of all spending from the Emergency Legal Defense Fund.

BE IT FINALLY RESOLVED, that the authority to spend from the Emergency Legal Defense Fund expire on 15 February 2004 and all remaining funds be reallocated back into the carry forward balance, any further appropriation for legal defense being made by normal and established methods of budgetary allocation under the By-laws and standing policy of the Graduate Assembly.

Mr. Sharma said he submitted this Resolution because they're facing some legal issues. So it's important for the GA to allocate more money to that fund.

Mr. Sharma said he had a motion to amend the second Resolved Clause, to read:

"Resolved, that the spending from this fund be made under the authority of the President of the GA, with the advice of the Finance Officer of the GA and the Chair of the Finance Committee, to the extent that's practicable."

The motion to amend was seconded. THE MOTION TO APPROVE THE AMENDMENT PASSED WITH NO OBJECTION.

Mr. Sharma said it was important to cover their rears in case there's litigation. They wouldn't be in session until February. When they're back in session, the GA will take natural control of finances.

A motion was made to table discussion. The motion died for lack of a second.

Ms. Quindel said that seeing no other debate, the question was automatically called.

Mr. Bailey asked if they could refer this to the Executive Board. Ms. Quindel questions are referred when Delegates are not in session. Mr. Sharma said they wouldn't have to call all ten members of the Executive Board if something came up.

A Delegate asked if there was concern that somebody will propose something the day after Christmas. Mr. Sharma said this was in case something came up.

Ms. Dugas said there are two legal issues they're dealing with, Prop. 54 and autonomy. The Chancellor has recommended with autonomy that they have legal representation. She didn't know if that will come about over the Winter Break or not. It depends on the Autonomy Committee.

Ms. Mashiyama asked if it was difficult to get the Executive Board together. Ms. Quindel said they didn't make quorum at their last meeting.

Mr. Wang asked how the Legal Defense Fund has been allocated in the past and if this was something special from previous cases. Mr. Sharma said that at the October meeting, they had a transfer of funds that were spent dealing with Prop. 54. Ms. Quindel said that was the first time having a Legal Defense Fund. In most organizations the President deals with lawyers because with attorney-client privilege there's one client. She reported all the expenditures. And that evening, because the GA approved the next step, it will take \$2,000.

Ms. Molina said the Administration is notorious for making decisions when students are out of session, and that happens a lot.

Ms. Ahn said professional students had fee increases occur when students were not in session. If they want to hire an attorney, and it happened over the Winter Break, as Chair of the Autonomy Committee, it would be preferable to her to have this because you spend less time teaching the attorney what the GA and the ASUC is.

With no objection, the question was called. THE MOTION TO APPROVE THE RESOLUTION ON EMERGENCY LEGAL DEFENSE FUND, AS AMENDED, PASSED UNANIMOUSLY BY VOICE-VOTE.

Budget Report

Ms. Quindel said the report was included in the packet. If people have questions, she would ask them to e-mail her.

Grad Council Report

Mr. Furmanski said he handed out a report to everybody. On Monday at the Grad Council meeting, brief guidelines were submitted, basic language on University-wide guidelines on participation of grads in faculty searches. Through the GA, they have found there's non-uniformity from department to department. In some departments there was zero participation. They don't have enough information to present statistics or anecdotes, so the Grad Council didn't pass anything on Monday. They want more information so

they feel like they understand what the cultures are like, and how much it varies from department to department. The Chair requested this, even though the Grad Council was extremely supportive and everyone on the Grad Council spoke very highly of grads in the process. The more information they provide, the more grads are liable to get out of the process. So he would ask grads to please respond. If they need to turn in those sheets, they could drop them in his box at the GA, and he'd also put something on the Web. So there are other chances to respond. The Grad Council won't meet until next semester.

A motion to adjourn was made and seconded and passed with no objection.

This meeting adjourned at 10:05 p.m.

These minutes respectfully submitted by,

Steven I. Litwak
Recording Secretary

Present at the December

City and Regional Planning, Jay Stagi
Integrative Biology, Christine Petersen
Anthropology, David Cohen
Chemical Engineering, Kai Wang
Civil and Environmental Engineering, Emily Berkeley
East Asian Languages and Culture, Orna Shaugnessy
Education, Charles Hammond
Education, Thomas Philip
Ethnic Studies, Iyko Day
IEORD, Deborah Pedersen
Jurisprudence and Social Policy, Takeshi Akiba
Law, Funmi Olorunnipa
Law, Rishi Sharma
MCB, Andro Hsu
Mechanical Engineering, Jevan Furmanski
Music, David Bithell
Physics, Miguel Daal
Physics, Trevor Lanting
Social Welfare, Maayan Greene
Sociology, Manuel Valleé
GA Officer - VP Academic Affairs, Temina Madon
GA Staff - Business Director, Nzingha Dugas

ESPM, Josh Fisher
African Diaspora Studies, Marlon Bailey
Bioengineering, Matt Eckerle
Chemical Engineering, Lola Odusanya
Earth and Planetary Science, Josh Kearns
Economics, Vivian Hwa
Education, Ronald Cruz
ESPM, Peter Oboyski
History of Art, Jessen Kelly
Journalism, Chad Heeter
Law, Catherine Ahn
Law, Ross Astoria
Linguistics, Marc Ettlenger
MCB, Susan Mashiyama
Mechanical Engineering, Jessica Preciado
Performance Studies, Monica Stufft
Physics, Matthijs Randsdorp
Public Policy, Anat Shenker
Social Welfare, Natasha Ong
GA Officer - President, Jessica Quindel
GA Officer - VP External Affairs, Dawn Williams
GA Staff - Departmental Liaison, Chris Cantor

Amended Versions of Resolutions Approved December 4

Resolution In Support of UC Berkeley's Affiliation with the Lawrence Berkeley National Lab (as amended)

Whereas, the Ernest Orlando Lawrence Berkeley National Laboratory (LBNL) seeks understanding of the nation's most challenging environmental, biological, and scientific questions; and

Whereas, researchers at LBNL have advanced our country's expertise in energy efficiency, environmental protection and remediation, particle physics, medicine, and computational biology; and

Whereas, according to UC Berkeley Chancellor Robert Berdahl, LBNL generates approximately \$500 million annually in research grants and funding; and

Whereas, more than 700 UC Berkeley graduate students currently use LBNL facilities and resources for academic research purposes; and

Whereas, UC Berkeley faculty and graduate students benefit immeasurably from access to LBNL funding and equipment (such as the Advanced Light Source), collaborations with LBNL researchers, and the internationally recognized academic reputation of the Lab; and

Whereas, no classified research is undertaken at LBNL, nor does LBNL participate in the design or proliferation of nuclear weapons; and

Resolution In Support of UC Berkeley's Affiliation with the Lawrence Berkeley National Lab (as amended) (cont'd)

Whereas, some graduate students who oppose UC management of nuclear weapons design facilities, such as those at the Lawrence Livermore and Los Alamos National Labs, may be misinformed about member

the nature of research undertaken at LBNL, and as a result they may oppose UC management of LBNL based not on principle but rather on the false assumption that it lends University support to nuclear weapons design and nuclear weapons proliferation; and

Whereas, it is important for the graduate community at UC Berkeley to affirm support for University management of LBNL, not only because this relationship provides us with vital educational and research opportunities, but also because the LBNL contract will be opened for competitive bidding next year, and ongoing research collaborations would be jeopardized by outside management of the Lab; and

Whereas, it is not the intent of this Resolution to advance a position on UC management of nuclear weapons design facilities;

Therefore Be It Resolved, that the Graduate Assembly at UC Berkeley will acknowledge the value and importance of the Lawrence Berkeley National Lab within our academic research community, by asking the GA President to write a letter to the DOE'S Office of Science, the LBNL Director, the UC Berkeley Chancellor, the UC President, the UC Regents, President Bush, and other public officials, advancing graduate student support for UC Berkeley's affiliation with LBNL, and encouraging greater federal funding of LBNL research.

Be It Further Resolved, that the Graduate Assembly will acknowledge that continued involvement of the UC in management of the National Labs is a complex issue, deserving careful consideration of the role of University expertise in overseeing the nation's research goals and the role of federal funds in enabling the UC's academic freedom and excellence, by charging the Academic Affairs Committee to educate graduate students on the history, politics, academic value, and consequences of UC affiliation with the DOE National Labs, by holding a forum, lecture, or seminar series presenting stakeholders' perspectives from diverse points of view.

Resolution Calling for the Graduate Assembly to Organize a Democratic Debate and Educational Forum on the University of California's Relationship with Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs (as amended)

Whereas, every nuclear weapon in the United States arsenal was designed by a University of California employee, and according to the University of California President Robert C. Dynes, "The Los Alamos and Livermore laboratories are, at their core, nuclear weapons programs, and carry out these programs at a level determined by the federal government." [1]; and;

Resolution Calling for the Graduate Assembly to Organize a Democratic Debate and Educational Forum on the University of California's Relationship with Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs (as amended) (cont'd)

Whereas, the United States is a signatory to the nuclear Non-Proliferation Treaty (NPT), and Article VI states:

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on *general and complete disarmament under strict and effective international control."; and

Whereas, Department of Energy (DoE) documentation mandates that via the Stockpile Stewardship and Management (SS & M) program the "ability to design new warheads will be retained by DoE at its defense programs laboratories: Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratory," and that the SS & M program is designed to "maintain a surge capability to rebuild a larger stockpile." [2]; and

Whereas, new nuclear weapons have been developed under the SS&M program, including

-- the Robust Nuclear Earth Penetrator, which Congress funded UC scientists with \$22 million to develop the B-61-11 nuclear bomb, upgraded from the B-61 to given it earth penetrating capability; and

Whereas, the continued design, development, and production of nuclear weapons by the United States under programs such as SS & M is a clear violation of the nuclear Non-Proliferation Treaty; and

Whereas, flouting of international weapons treaties by the United States encourages other nuclear nations to similarly expand their current weapons stockpiles, and triggers non-nuclear nations to develop their own nuclear "deterrent." [3]; and

Whereas, no explicitly classified research is conducted at the Lawrence Berkeley National Laboratory (LBNL), although research projects at LBNL are funded in part by the Department of Energy. Both the University of California-Berkeley and LBNL enjoy significant mutual beneficence in terms of geographical proximity, access to analytical instrumentation facilities, funding opportunities, and research collaborations; and

Whereas, the awarding of research funds to scientists working in universities and at national labs by the main federal funding agencies -- the Department of Defense, the Department of Energy, the National Science Foundation, and NASA -- has the effect of stimulating, channeling, and exploiting scientific work in certain preferred directions in accordance with the interests of sectors of our society that

hold dominant political power. This phenomenon makes it exceedingly difficult to draw a hard line between weapons-related and non-weapons-related research; and

Whereas, it is an often-reported phenomenon that university scientists are reluctant to talk about the problem of the militarization of science. University scientists often operate based on the myth of the neutrality of science -- although "science is an organized human activity...[that is]...integrated into the social and economic structure of society...[and not]...separated from

Resolution Calling for the GA to Organize a Democratic Debate and Educational Forum on UC's Relationship with Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs (as amended) (cont'd)

politics." [4] Accordingly, scientists and engineers working in universities, at national labs, and for corporate industry are faced with complex ethical questions regarding the nature and applications of their research; and

Whereas, the University of California's relationships with the Lawrence Berkeley Lab, and with the Los Alamos and Livermore nuclear weapons labs are complex in nature, and have been of great historic debate owing both to benefits incurred by the University in terms of research funding and access to facilities, and detractions due to ethically dubious applications of research findings and contradictions of international law;

Therefore Be It Resolved, that the Graduate Assembly organize a democratic debate and educational forum addressing the beneficial and detrimental consequences of the University of California's relationship to the Lawrence Berkeley, Lawrence Livermore, and Los Alamos National Labs. The purpose of this forum will be to educate the members of Graduate Assembly as well as other UC students, faculty, community members, National Lab employees, etc. about

- the realities of ongoing research projects conducted at the Labs and the beneficial nature of the scientific contributions derived from these projects
- the nature of UC faculty and student interactions with the Labs
- the interlocking connections between federal funding agencies, the military-industrial complex, the University, and the Labs
- specific complex, controversial, and historically debated topics such as
 - research projects in contradiction with international law
 - issues of academic openness and whistle blower retaliation
 - and public health concerns associated with nuclear weapons development and manufacturing facilities

The Graduate Assembly will organize this forum so as to promote a diversity of perspectives on these complex issues. The forum will occur during Spring semester, 2004.

Be It Further Resolved, that the GA charge the Academic Affairs Committee to conduct a forum by recruiting presenters, advertising the event, and contacting Chancellor Berdahl regarding his offer to provide an on-campus venue. [5] The chairperson will be responsible for appointing committee members in such a manner as to promote a diversity of perspectives.

Resolution on Emergency Legal Defense Fund (as amended)

Whereas, the Graduate Assembly will recess from regular session until February 2004; and

Whereas, several legal problems may arise during this recess that require immediate attention and action for the good of the Graduate Assembly; and

Whereas, these legal problems affect the very core of the Graduate Assembly's stated goals in autonomy and self-governance from unreasonably burdensome external regulation;

Therefore Be It Resolved, that an Emergency Legal Defense Fund be created for such cases where immediate and direct legal action is necessary to protect the interests of the Graduate Assembly and that ten thousand dollars (\$10,000) be allocated from the carry forward balance for this purpose.

Be It Further Resolved, that the spending from this fund be made under the authority of the President of the GA, with the advice of the Finance Officer of the GA and the Chair of the Finance Committee, to the extent that's practicable.

Be It Further Resolved, that as soon as practicable and possible the President of the Graduate Assembly make report to the full Graduate Assembly, in closed or open session as the case may require, of all spending from the Emergency Legal Defense Fund.

Be It Finally Resolved, that the authority to spend from the Emergency Legal Defense Fund expire on 15 February 2004 and all remaining funds be reallocated back into the carry forward balance, any further appropriation for legal defense being made by normal and established methods of budgetary allocation under the By-laws and standing policy of the Graduate Assembly.