

University of California students suspended for protesting budget cuts

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University of California, Berkeley (UCB) students Angela Miller and Zach Bowin have been suspended from school, and Miller threatened with eviction from student housing, for participating in a protest that occurred outside of UCB Chancellor Robert Birgeneau's campus home on Friday, December 11, 2009. (See: "Police crack down on California student protests: California governor denounces 'terrorism'")

The protest was part of ongoing actions by University of California (UC) students last fall and early this winter in opposition to a massive assault on public higher education in the state. As the result of a multi-billion dollar reduction in funding, in mid-November fees were raised at the 10 UC campuses located across California by 32 percent. Coming alongside hiring freezes, increases in class size, reductions in course offerings, and limits on enrollment, the tuition hike has meant that many students have had to either drop out of the UC system or forego enrollment because they cannot afford to attend.

Campus police arrested eight people at the December 11 protest, including the two UCB students and two students from University of California, Davis, charging them with felony property damage, threatening a university official, rioting, attempted burglary, attempted arson of an occupied building, and assault with a deadly weapon upon a police officer. The police set bail at over \$100,000 for each arrestee.

Recognizing the weakness of the police case, the Alameda County District Attorney declined to proceed with charges in criminal court. The students were then freed after spending a weekend in jail.

UC Berkeley's "student conduct panel" then took up the cudgel against the students. It issued an interim suspension notice that prohibits Miller and Bowin from

entering the campus or returning to class. As a result, Bowin was prevented from taking his final examinations. The UC Davis students reportedly received similar notices.

According to Stephen Rosenbaum, a lecturer at UC Berkeley law school who is representing both Bowin and Miller, the suspension notice "recites about six sections of the UC campus code of student conduct and then almost no facts in support of it."

The panel also did its best to deprive Bowin and Miller of effective representation of counsel. It asked Rosenbaum to leave Bowin's panel hearing for allegedly being "disruptive" when he was advocating on his client's behalf.

The terms of their suspension include a ban on Miller communicating at all with UCB faculty, staff or other students, which violates her constitutional rights.

The disciplinary panel also informed Miller that since she lives in a student cooperative that leases its property from a university-owned building, she would need to move. This threat ignores the rights Miller has under California law protecting tenants.

The December 11 arrests came one day after the detention of 66 students who had peacefully occupied a campus building for a week to protest budget cuts and fee hikes. Students had planned to vacate the building the next morning before final exams began. Police nevertheless stormed in at 4:30 in the morning rousting the sleeping students.

The UCB crackdown came in the wake of arrests, police intimidation and violence against protesting students at San Francisco State University, University of California, Los Angeles and UC Davis. Students at campuses throughout California are planning a major action on March 4 to continue their protests.

The witch-hunt of UCB students Miller and Bowin

and the imposition of harsh penalties on them is a warning to students and all those who will continue to come into conflict with school authorities over the destruction of public education. Militant opposition will not be tolerated and popular demands to cease the attack on living standards will go unheeded.

Indeed, in early January, California Governor Arnold Schwarzenegger announced a proposed 2010-2011 budget that will reduce funding for public education by a further \$2.43 billion, as part of an effort to address a \$20 billion treasury shortfall. The conditions being created in the state, with regards to university learning and every other sphere of social life, are intolerable. They are setting the stage for a social explosion.



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