

OPINIONS



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It all depends on what the meaning of 'free' is

BY LESLIE BEGGS

Modesto is once again in the national news, only this time it isn't for topping the auto theft list. It's for a YouTube video showing Modesto Junior College student Rob Van Tuinen being prevented from giving away free copies of the Constitution Tuesday. The irony of stopping him on the very holiday which celebrates the enumeration of our freedoms, including freedom of speech, apparently escaped both the security officer who intercepted Van Tuinen about 10 minutes into his freebie giveaway and administrator Christine Serrano, who took refuge in a binder of rules, clinging to her mantra of "... time, place and manner ..."

Van Tuinen is the president of a new chapter of Young Americans for Liberty, an organization which claims on its website to be "the largest, most active, and fastest-growing pro-liberty organization on America's college campuses." (Disclaimer: Van Tuinen is a student in one of my husband's classes at MJC, but my husband did not know of a plan to distribute materials.)

MJC seems rather less "pro-liberty." It requires those wishing to commit an act of free speech to fill out MJC's "Limited Public Forum Request Form" and allow five business days for "processing." If permission is granted, then the student or group is given a particular date and time in which to transact their free speech "rights," but only in a designated "free speech" zone, which Serrano described as "over there ... that little cement area." Like the security officer, she patronizingly assured Van Tuinen that she wasn't telling him he couldn't - he just had to follow the guidelines. Oh, and she'd need a copy of his I.D., too.

She suggested that Sept. 20 and 27 were

open. Not surprising; both are Fridays, the one day when students can actually get a parking space close to campus because only a few classes meet. That means Van Tuinen could hang out in the "cement area" and wave at the few students who come within view.

Finally Serrano asked Van Tuinen why he wanted to pass out copies that day.

"Cause it's Constitution Day."

"Oh."

MJC issued a statement saying that it's investigating the incident, but admits that since it doesn't appear as if the student was being disruptive, he ought to have been able to offer materials in any campus areas "generally available to students and the community." Furthermore, "The administration of the YCCD supports the peaceful distribution of the Constitution and other materials on campus, which is why our colleges support Constitution Day with activities each year." This is disingenuous at best - the law creating Constitution Day mandates that all educational institutions receiving federal dollars provide an educational program about the Constitution's history on the holiday.

Yosemite Community College District board member Anne DeMartini sees the whole episode as "extremely embarrassing. I'm constantly struggling to get the college community to be more supportive of diversity of thought ... we need to revisit this policy." She also explained that in the past the college has had to try to balance the desire to promote free speech with the desire to protect students from graphic photos of aborted fetuses, for instance. "We have child care on campus," she pointed out, "and not all our students are over 18."

I understand her concern, but the video illustrates the inherent contradiction of "free

Congress shall make no law abridging the freedom of speech, or of the press ...

~from the 1st Amendment, U. S. Constitution

The Colleges of the District are non-public forums, except for those areas designated as "free speech areas," which are limited public forums. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the limited public forums.

~ Policy 3900, Time, Place & Manner, YCCD Policies and Administrative Procedures

speech codes." There is nothing *free* about them, although one wonders if Van Tuinen would have run into the same resistance if he'd stuck a free condom on every copy. In this age of political correctness, campuses are often required by state law to have speech codes, and organizations like YAL have sprung up to expose them as unconstitutional, and as the video shows, often ridiculous. The Constitution covers giving out not just Constitutions, but also obnoxious material given out by "troublemakers." Our Founders apparently thought that we could take it - that arguments should be won or lost on their merits, and that we didn't need to be protected from opinions that we might not like.

Unfortunately, MJC's administration has given in to the bureaucratic tendency to micromanage the law-abiding. One hopes that they will revisit the issue and come up with rules - along the lines of not yelling fire in a crowded theater - that actually are "reasonable," a word used in MJC's policy without apparent understanding of its meaning.

It's sad that the video didn't capture any authority figure who encountered Van Tuinen and had the good sense to say, "Hey, you've got a copy of the Constitution there? Can I have one? Thanks."

Beggs, a Modesto resident, was one of the first two visiting editors at The Bee, and blogs at www.chickcurmudgeon.wordpress.com.

Media unfair to MJC on incident

BY JILL STEARNS

Modesto Junior College's Constitution Day activities presented by the MJC Civic Engagement Project were held earlier this week. The event was both inspirational and educational. MJC is a proud supporter of Constitution Day activities and has been and always will be.

In addition to the positive event that took place, an incident occurred which has sparked hatred and cruelty toward MJC staff, stemming from a video that was aired nationally.

The media coverage does not reflect the campus culture or college mission. The coverage does not depict the commitment to students demonstrated by our faculty, staff and administration each day. The coverage provides a very limited glimpse of Modesto Junior College that has motivated a vast number of individuals across our country to voice their concern through email and phone calls. The coverage creates a misunderstanding of MJC to the extreme.

Although it is encouraging to know firsthand that so many are willing to stand in defense of our Constitution, it is unfortunate that so many of the communications in response to the video are personal attacks aimed at MJC staff. Unfortunately those contacting the college have no interest in the fact that we carve out designated free speech areas on campus such that any disruption to ordinary operations of the college are minimized. They have no interest in the fact that people are allowed to distribute materials, constitutions, etc., even beyond these designated areas.

So what does MJC do now? We continue our practice of assessment and evaluation of our institution and incidents that impact our institution. Rest assured that what the national media attempted to portray is not an accurate reflection of MJC.

Stearns is president of Modesto Junior College

LETTERS FROM OUR READERS | Nov. 5 election

Measure X victimizes taxpayers

The Stanislaus Taxpayers Association has protected taxpayers from the follies of local governments for more than 16 years. We are usually the only voice opposing misuse of taxpayers' funds. Now we stand as the only legitimate organization to oppose Measure X, a massive, unplanned and unneeded tax increase. X is an unconscionable victimization of taxpayers, including seniors, the unemployed and students in an impoverished city.

When is enough enough? When will our city live within its means?

STA will present voters with informative, factual data to consider. We will ask, should \$26 million be transferred from your pocket to these officials? Do you trust our public officials with more money? After they spend Measure X money, how much more will they "need"?

Measure X is a general sales tax, which can be spent any way local officials want. City Hall has no desire to protect taxpayers. There is absolutely no ironclad intent. That concerns us.

STA is a 501(c)4 public benefit corporation. Contributions are not tax deductible, but are spent responsibly to give taxpayers a voice against profligate spending. We welcome all to join us or fund our efforts.

Contact us: info@StanislausTaxPayersAssoc.org.

DAVE THOMAS

president,

Stanislaus Taxpayers Association
Modesto

Measure X not the best solution

Well, here we are again. First there were the town houses. Then there was Tenth Street.

Now we have the courthouse. Will that be done at extra expense with the bill to the public? Hopefully, not. The Bee printed a letter letting us know that there was a lower cost solution available. Just another backroom deal we would have never known about without the press.

So now the city fathers want us to approve an increase in sales tax that is going into the general fund. They ask us to trust them. I don't think so.

The funds from Measure X should be to meet a stated purpose, such as paying off the underfunded pension plans for safety officers. They should be for a stated period of time. And they should be for no other purpose. This measure should be similar to the fund set up for the library.

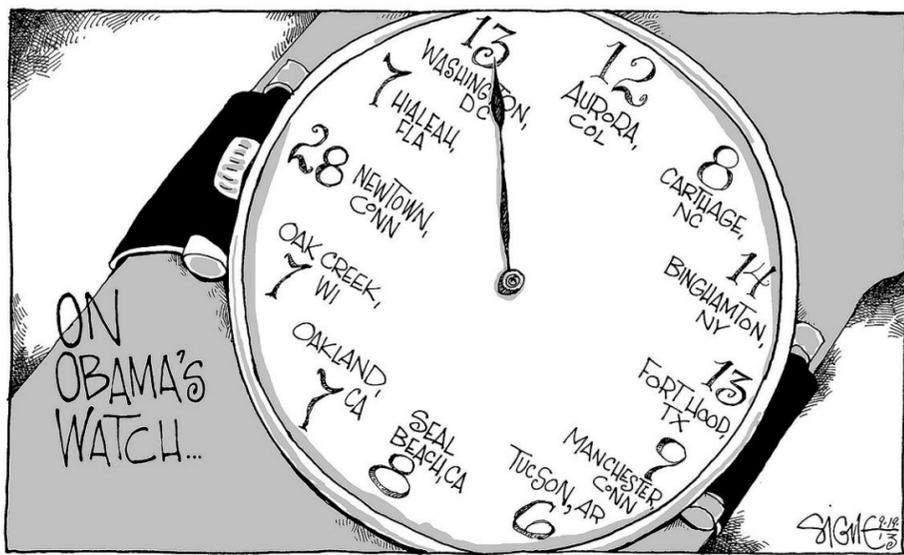
Anyone who takes time to read Measure X will quickly discover that only 10 percent of that money is for satisfying pension obligations.

Since they won't listen to us in

chambers, our voices can only be heard at the ballot box. Vote "no" on Measure X.

DAVID ABLET

Modesto



Signe Wilkinson Washington Post Writers Group

chambers, our voices can only be heard at the ballot box. Vote "no" on Measure X.

It's time for new faces at MID

Recent actions taken by the Modesto Irrigation District Board of Directors demonstrate, at least to me, that the November election and the replacement of three of the members can't come soon enough. A couple of weeks ago the board ap-

proved, unanimously, \$250,000 to remodel the board room. Not a bad idea, except MID doesn't have any money. What they do have is debt.

Then the board decided to reinstitute the policy regarding the board governance process and staff linkage. This is the same policy that the former general manager used to limit board members from talking to men in the field, and perhaps learning what really was going on in the district. The general manager now has to OK all such contacts.

This board vote was 3-2, and all of the "yes" votes came from directors who are leaving in December. Sound a little strange to you? Sure does to me.

If the board wants to be remembered well, it should focus entirely on spending cuts, debt reduction and, at some point, rate reductions.

TED DONHAM

Modesto

Editor's note: The letter writer is a retired MID employee who is running for the MID board representing Division 4.

MORAIN

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change their lives. I think that is epic," Budnick told me by phone the day after Brown signed the bill.

Quezada grew up in Modesto, dropped out of school in the ninth grade and fell in with the Norteños street gang. Budnick, 37, grew up privileged in suburban Atlanta, the son of a physician and a college English teacher, who imparted the concept that service is important.

While attending Emory University, he landed a role as an extra in a Civil War movie and decided to try his hand at the movie business. He won a summer internship on "Baywatch," which led to an assignment to research a film about juveniles sentenced to life in prison for the murder of the son of a Los Angeles police officer in Agoura Hills, which stirred Budnick's interest in young offenders.

In Los Angeles after college, he found himself "in the same bubble where everyone in my business is

stuck, going to the same bars and the same restaurants, and thinking it's the real world."

In 2003, a friend invited him to tag along as a volunteer at a writer's workshop at the juvenile lock-up in Sylmar. He gained wealth when "The Hangover" became a huge success in 2009. But he never stopped going back behind bars, where he and nonprofits he helps fund organize classes and encourage young offenders to better themselves.

One of his regular stops is San Quentin, where he visits a group Quezada helps lead for offenders who committed terrible crimes as teenagers. Human Rights Watch, a nonprofit group that was SB 260's main sponsor, singled out Quezada as an inmate who could get a parole date as a result of SB 260.

Quezada has done time at Deuel Vocational Institute in Tracy, High Desert in Susanville, Pleasant Valley in Coalinga, and since 2011, San Quentin. He sat at a table in a trailer at San Quentin one afternoon last week with a few other prisoners and told me his story.

His hair was trimmed and his teeth were strikingly straight and white. He carried a copy of Dostoyevsky's "The Idiot," borrowed from the San Quentin library. I asked him what he was thinking when he fired on Reyes. He said he was frightened; bullets were flying.

"I didn't think," Quezada said. "I didn't know the totality of my actions, on myself, on my family, on the victim, the victim's family. I didn't know."

Budnick believes young inmates have two choices. They can align themselves with convicts who deal drugs and stab other inmates, or they can work to get an education, maybe find religion.

"You have to decide to stop doing harm," Quezada said.

Quezada got his GED and a community college degree. He works as a teacher's aide in class, and volunteers by showing troubled kids the reality of prison life - the cramped cells and the indignity of strip searches and having to shower with a bunch of other men.

"Once you're here," he tells them,

"it can be too late."

Quezada was the sort of kid then-Gov. Pete Wilson had in mind in the 1990s when he campaigned to get tough on youth gangs. In 2000, Wilson sponsored Proposition 21, authorizing courts to send miscreants as young as 14 to adult prisons, and implicitly rejecting the notion that juveniles could be rehabilitated.

Gray Davis, who was governor in 2000, readily endorsed Proposition 21 - no matter that it would add hundreds of millions to the cost of prisons. "We'll do what we have to do," his press secretary was quoted as saying. "Times have changed. Some kids out there now are competing for firepower." It was an easy sale. More than 62 percent of the electorate approved the Gang Violence and Juvenile Crime Prevention Act.

As a result of that and other sentencing laws, California's prison population exploded to more than 170,000 in the middle part of the last decade. That led the federal courts to order action to relieve crowding.

Struggling to comply with that order, Brown filed a brief on Monday pleading for a delay. He cited several steps he has taken to alleviate bad conditions, one of which was his decision to sign SB 260. The bill, the brief notes, directs parole boards to "give great weight to the diminished culpability of juveniles and to consider evidence of their maturity and rehabilitation in prison."

The criminal justice pendulum is swinging for many reasons. Courts have concluded that California cannot constitutionally care for the number of inmates it once housed. Lawmakers and Brown have concluded that the state cannot afford the billions it spends on prisons.

Then there is the concept that drives Budnick, the old notion that at least some teenagers can change as they become adults, and that redemption is possible. Some day, perhaps Quezada will get a chance to prove it.

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