
A RESOLUTION IN SUPPORT OF POLITICAL FREEDOM IN AN ACADEMIC SETTING

Authored and Sponsored by: Delegates Joseph Hall and Catherine Ahn

- Whereas,** Ché Café is a student run cooperative and café located on the University of California, San Diego (UCSD) premises both physically and virtually through their access to the UCSD server (burn.uscd.edu);
- Whereas,** Ché Café has been served a cease and desist order by the UCSD administration to remove links to the "Armed Revolutionary Forces of Colombia" (FARC) and the "Kurdistan Workers Party" (PPK) that have been placed on a website they sponsor on the UCSD server;
- Whereas,** the basis of this cease and desist order is the U.S. Patriot Act, that renders the provision of "material support or resources to a Designated Foreign Terrorist Organization" (FTO) and the linking of the FARC and PPK websites allegedly constitutes provision of "communications equipment";
- Whereas,** the UCSD server does not actually hold the FARC and PPK websites but merely links to them as a reference in the same manner that the US Department of State references these alleged FTOs for the purpose of publicity and information;
- Whereas,** one of the stated purposes of this federal legislation is to "heighte(n) public awareness and knowledge of terrorist organizations" as Ché Café has done;
- Whereas,** the reading of the legislation in the extremely broad manner the UCSD administration has done would render sites such as the US Department of State, Google, and other types of information service providers in violation of federal law;
- Whereas,** the provision of "material support" should be read as Congress intended, to refer to physical support rather than the mere intellectual discussion of them as to do the latter would render even academic discussion of these organizations illegal (considering dissertations housed on the internet, papers widely available through UC servers, and other potential sources of violation as UCSD alleges);
- Resolved,** that the Graduate Assembly of the University of California, Berkeley (Graduate Assembly) affirms that the action taken by the UCSD administration is in violation of the academic right to engage in political dialogue;

Resolved, that the Graduate Assembly affirms that the reading of the U.S. Patriot Act by the UCSD administration is overly broad and would encompass restrictions in areas of public free speech in a manner that violates civil liberties that was not intended by the U.S. Congress;

Resolved, the Graduate Assembly hereby order President Jessica Quindel or the equivalent executive officer to write a letter to the appropriate University and public officials to communicate the opposition of the Graduate Assembly to the actions taken by the UCSD administration as outlined above.

Enclosures:

1. Copy of "Foreign Terrorist Organizations" US Dept. of State (<http://www.state.gov/s/ct/rls/fs/2002/12389.htm>)
2. Copy of Cease and Desist Letter from UCSD administration to Ché Café regarding the removal of the FTO links
3. Copy of CNET news.com article, "University Bans Controversial Links" by Declan McCullagh