

## Candidates' names released

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University of New York at Binghamton, the University of Colorado at Denver and Texas A&M University in College Station. Fallon was vice president for academic affairs and provost at Maryland from 1993 until this year.

• Richard Edwards, dean of the College of Arts and Sciences at the University of Kentucky at Lexington. He will visit UNL on Monday and Tuesday. He earned his bachelor's degree at Grinnell College in Iowa, and earned a master's and doctoral degree from Harvard University. Before going to Kentucky, he was chairman of the department of economics at the University of Massachusetts at Amherst. He has written or co-written 10 books.

• Risa Ileen Palm, dean of the College of Arts and Sciences at the University of Oregon at Eugene. She will be on campus Dec. 11 and 12. Palm earned bachelor's degrees in history, social studies education and arts from the University of Minnesota in Minneapolis. She also earned a master's and doctoral degree from Minnesota. Before Oregon, Palm

was a professor at the University of California at Berkeley and at the University of Colorado at Boulder. She also served as associate vice chancellor for academic affairs and associate vice chancellor for research and the dean of the graduate school at Colorado.

• Perlman, dean of the University of Nebraska College of Law. He will be on campus Dec. 16-17. Perlman earned both his bachelor's and juris doctorate from the University of Nebraska and then was a Bigelow Fellow at the University of Chicago Law School. He has been a law professor at Nebraska, the University of Virginia and the University of Iowa in Iowa City. Perlman served as interim senior vice chancellor for academic affairs from August 1995 through January 1996.

Two more candidates also are speaking with the chancellor, and they may visit at a later time. Moeser has said he wants to fill the position by spring semester.

Currently, Irv Omtvedt, vice chancellor for the Institute of Agriculture and Natural Resources, serves as interim senior vice chancellor for academic affairs.

## Police target sales to minors

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Department to fight tobacco sales to children.

Exactly a year ago, the same students tested the local retailers and found 53 percent sold to them. The health department warned the retailers and trained them in selling tobacco products. A second check in August showed only 46 percent of the same retailers sold to minors.

Eric Aakko, a health education official, said about half of the stores that sold to a minor Tuesday had been guilty of selling during the previous checks.

One store that was ficketed Tuesday even had the warning letter from the health department posted near the counter.

Aakko said the health department hoped the training and warnings would bring compliance to 75 percent Tuesday. Only 54 percent of the stores tested actually complied.

"It shows education only works so far," Aakko said.

The department will do a similar check next year to see if the citations pressure stores into compliance, he said.



SGT. BRIAN JACKSON briefs officers and students at Lincoln High School before the busts.

Enforcement of tobacco retail laws probably will be more effective than just education, Aakko said.

Aakko said the department was waging war on youth tobacco use because usage rates have risen from 31 percent in 1993, to 38 percent in 1995 among Lincoln youths.

Surveys among those youth indicate that most get tobacco from over-the-counter sales, he said.

"One of the number one ways kids get it can be curbed or stopped," Aakko

said. Ian Robertson, a 16-year-old junior at Lincoln High, said he wasn't surprised by the sales. He knows from other students that tobacco is pretty easy to buy in Lincoln.

Robertson said some clerks were angry at him when confronted by police. But most clerks admitted that they knew they were supposed to check IDs for questionable customers, he said.

"They realized they slipped up, that it was their fault and no one else's."

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## Students win suit to end required fees

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Interest Group and the Lesbian, Gay, and Bisexual Campus Center. Southworth said he was a devout Christian who opposes abortion and homosexuality.

"The student government has been violating the First Amendment rights of students for years," said Jordan Lorence, the Fairfax, Va., attorney who represented the three law students. "It has been a flagrant disregard, and I'm not surprised the judge's decision was so strong."

Judge Shabaz said in his ruling that he balanced the constitutional rights of the plaintiffs not to subsidize speech to which they object against the UW's mission to hold a marketplace of ideas.

"This court finds that the balance between the competing interests in this case tips in favor of the First Amendment rights not to be compelled to speak or associate," Shabaz said. The decision means that all allocable student fees — those fees that the Associated Students of Madison has primary control over — will be able to be refunded to students.

The refunding method will be devised by a UW officials after consulting with the three plaintiffs.

### The plaintiff's case

The main thrust of the plaintiff's argument was that several student groups used segregated fee money for purposes that the three students didn't support. They cited the following as examples in their brief:

• WisPIRG: It received \$50,985 for the 1996-97 school year, lobbied legislators on mining bills and supported political candidates by providing a scorecard on particular issues. The student group also protested Gov. Thompson's budget and opposed expansion of Highway 12. The plaintiffs said they opposed WisPIRG's stances but were forced to fund them.

• Lesbian, Gay, and Bisexual Campus Center: The LGBCC received \$27,300 and promotes "gay positive university policies." The plaintiffs objected to several actions by the LGBCC, including promoting pro-homosexual religious groups, and attacked items in the center's newsletter.

• Campus Women's Center: The center received \$35,281 for the 1996-97 school year. The plaintiffs objected to an article in the center's newsletter that urged people to block a controversial bill that would require a 24 hour waiting period before a woman could have an abortion.

• UW Greens: The group received \$7,100 in funding for the 1996-97 school year. The plaintiffs alleged the UW Greens lobbied legislatures for

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JORDAN LORENCE  
attorney

mining bills, and said the group supported presidential candidate Ralph Nader.

The plaintiffs also attacked 14 other student groups for "political or ideological" purposes.

The brief states that in order to attend the UW-Madison law school, the three student-plaintiffs must subsidize groups that contradict their views opposing abortion, homosexuality, socialism, extreme environmentalism, etc.

"The students must support groups that contradict their views in support of the free enterprise system, keeping sex within marriage, the death penalty, the Bible as a standard of truth, and support for widening U.S. Highway 12 from two lanes to four lanes.

"The students must choose between obtaining a university education or refusing to support political and ideological viewpoints they oppose," the brief states.

### Expert analyzes decision

UW Political Scientist Donald Downs, an expert in constitutional issues, said Shabaz's decision was weak and may be overturned in an appeal.

"I think that having to put money into a pool in which all students fund is part of university citizenship. The real problem is where that money is being used," Downs said.

He said the university already has a policy in place that bans segregated fee funding of political groups or events, but that WisPIRG is a clear violation of the policy and does violate constitutional principles. But the funding of other student groups, such as the Lesbian, Gay, and Bisexual Campus Center, does not necessarily violate the Constitution.

"If you want to fund student groups and activities, then inevitably some of that fee is going to go to groups that individuals don't like. If you take this judge's decision seriously, you won't have any more funding of student groups," Downs said.

Downs said the plaintiff's argu-

ment could be extended to professor's speech in classrooms. Students pay tuition, which in turn pays professors salaries. If a student objected to a professor's comments, could he or she request to be reimbursed the portion of the professor's salary?

"To some extent, your obligation as a university citizen is to fund activities with which you disagree," he said.

### Baldwin, students attack decision

"I think the most disappointing aspect of this decision is the lack of recognition to how important extracurricular activities to students," State Rep. Tammy Baldwin, D-Madison, said Sunday night. She also attacked the decision because it undermines the democratic system in place for students to allocate their fees.

"I think that mandatory student fees are very much parallel to our paying of income taxes," she said. "There are often places where those tax dollars go that we object to. And yet, opting out is not available for tax payers. It urges people to participate in the democracy that allocates it."

Baldwin said she will urge Regents to appeal the decision.

Tim Casper, president of the United Council of UW Student Governments, said the decision has the potential to restrict student leadership opportunities.

"When a student enters the university, part of the experience is outside the classroom. Without that opportunity, we may be graduating less qualified students in the long run," Casper said. "This decision has the potential to strike the range of ideas that are debated on the Madison campus."

Student Services Finance Committee Chair Laura McKnight said the decision may wipe out student government as anyone knows it.

"No one knows what is going to happen," she said. "It could take away student segregated fees as we know it. We may not have a tutoring program, or a bus system, or a child-care assistance program. No one really knows."

