

## PROPOSAL TO DEMOCRATIZE SELECTION OF THE UC REGENTS:

# HOLD UC REGENT ELECTIONS WITHOUT WAITING FOR LEGISLATIVE APPROVAL

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**Summary: UC Students, Faculty, and Staff/Workers agree on an election structure, and then go forward and hold elections for new UC Regents without waiting for approval from the legislature. When the UC campus community has elected a new Board of Regents, it will be possible to pressure and persuade the state legislature to amend the State Constitution to disband the old Board of Regents and transfer power to the new, democratically-elected Board of Regents.**

By electing Regents, we are taking power and creating the kind of crisis that will likely be necessary to influence the legislature to win our goal. Throughout the course of the campaign, we should of course lobby the legislature to amend the constitution, but we cannot expect them to pass our amendment without significant pressure. If the legislature knows that the students, faculty, and staff are speaking in one voice on this matter, that we no longer recognize the legitimacy of the current Board of Regents, and that we have chosen a replacement government for our University, at some point they will feel that they have no choice but to work with us.

Below is an outline, at the bottom some rationale/discussion.

### BASIC OUTLINE/TIMELINE

1. Students, faculty, and staff form a Committee for Democratization of the UC Regents (CDUCR) to draft a specific proposal for democratic elections of the Regents and to develop further strategy and tactics to win this struggle.

*Example of one possible election model: Students at every UC Campus elect one Regent per campus (total of 10 Regents). The campus ASUCs can consolidate the election with the normal spring elections, thus costing nothing. Academic Senate elects one Regent per campus, thus 10 more Regents. Workers at each campus elect one Regent per campus, 10 more Regents. Thirty elected Regents total (larger than the current 26-member board). Regent terms are now 4 years, reduced from the current 12.*

*Another option is for Regent elections to be conducted systemwide instead of per campus. Three Regents could be elected yearly (or six Regents bi-yearly) for 4-year terms, staggering the starting years of the terms of office. That way, each class votes for Regents every year (or every other year) – rather than only once during their college careers. Students would therefore elect twelve Regents total; the Academic Senate would elect or appoint 10 Regents, and worker would elect or appoint eight Regents.*

*Or the structure could resemble Charlie Schwartz's proposal of Campus Councils and devolved governance:*

*<http://socrates.berkeley.edu/~schwartz/democ.html>*

2. CDUCR brings proposal to the UCSA and ASUC at every campus, the Systemwide Academic Senate, the Academic Senate at every campus, the Coalition of University Employees (CUE) and other worker/staff organizations. The above bodies give input for changes and revisions.

3. Bearing in mind all feedback, a final version of the election structure is approved by all of the above bodies.

4. Simultaneously, the following two things happen:

a) The CDUCR, working with organizations such as the Greenlining Institute, organizes lobbying efforts in Sacramento to persuade the legislature to pass the new elections structure as a Constitutional Amendment. Senator Leland Yee, who sponsored the Reform the UC bill ([reformtheuc.com](http://reformtheuc.com)), is a potential sponsor for our new bill;

b) Students, Faculty, and Staff/Workers publicize the coming elections for Regent and recruit candidates to run in the elections.

5. Within 3-6 months of the announcement of the elections – ideally by the end of the current academic year -- we hold highly organized and widely publicized elections for UC Regents throughout the UC system. After the Regents are elected, they all take an oath of office, something like, “I do solemnly swear to protect, defend, and advance the cause of public education at the University of California, to ensure that this University system works and educates for the common good, to never abuse or misuse my position of power for personal gain, and to be accessible, available, and accountable to my constituents.”

6. Once all the Regents are elected, CDUCR goes back to the legislature, informs all Senators/Assemblepeople that the entire UC system has elected a new Board of Regents, and **demands** that the legislature amend the constitution, disband the current, ineffective board, and recognize and seat the new democratically-elected board. We make it clear that the old Board of Regents is now an illegitimate governing body in the eyes of the University of California students, faculty, and staff.

7. If the legislature refuses: we shut down the entire UC system, go on strike, everyone gets on buses (we raise money to pay for buses), travel to Sacramento, and set up a nonviolent Tent City in front of the Capitol building. The message: “We will not leave and we are shutting down the UC system until you seat our Board of Regents. We mean it. We will stay for days, weeks, as long as necessary. UC is on the verge of destruction, and this is a moment of choice for the Legislature: hand over control of the University to the new Board of Regents, or there will be no UC.” We can also use the time to advance the cause of education by holding classes at the Tent City, which will help us with image/messaging/media (UC in exile is still functioning in the grassy lawn in front of the capitol building, but students, faculty, and workers won’t return to the buildings until they have a say in University governance). Ideally, Tent City happens in Spring 2010 before the end of the academic year.

Another possible approach: Tent State Sacramento would also be an excellent strategy for Summer 2010, and possibly preferable to Spring. Elections will not be certified until 7<sup>th</sup> week, which gives one month of pressure and organizing for the tent state. We finish up finals and move to the Capitol Lawn. Summer sessions – the most PROFITABLE university term – can be shut down without greatly

inconveniencing most students and leaving us free to organize at will. We begin Tent City + Shut Down in May or early June at Berkeley as a test campus, threatening to shut down all the UCs mid-June. Seniors massively disrupt / re-create their own graduation ceremonies in protest. We have a statewide convergence to organize and pressure the legislature. We keep the movement fired up over the summer and if we do not win, the struggle continues, strong, into the fall, where it can effect the Nov. elections.

## RATIONALE/STRATEGY (IN FAQ FORMAT)

### 1. Why hold elections for Regents before the legislature approves the constitutional amendment?

Many reasons:

a) Most students have no idea who the Regents are, much less what they do, what their power is, and the history of the Board of Regents that brought us to the current crisis. An elections campaign would be a vast “public education” opportunity, where students throughout the UC system would suddenly be forced to research the views of different Regential candidates in order to cast a vote. In so doing they would become engaged with the high-level governance of their University, which has historically rarely if ever been the case.

b) Once everyone votes for a Regent, they will be “invested” in their vote, and they will fight to ensure the winners of the elections are seated. Our movement will be 10x bigger and more powerful after the elections.

c) It’s easy for the Legislature to dismiss us if only a small minority of the UC system is getting in their face about amending the constitution. Far more of us will be in their face once we elect Regents.

d) A newly elected Board of Regents is a great news story and photo opportunity that will help us shape and frame the public narrative, and generate pressure on the legislature.

e) If we can convince the public that our new Board of Regents is better than the old one, they will be on our side – remember, the public is **furious** about corruption and pay scandals.

f) We can organize massive internet-based campaigns – blogs, youtube videos, the works – around both the Regential election campaign and its outcome. People will pay attention to this stuff if on the front page of all the campus newspapers, it says “Vote for Your Regent Today!” and the opinion pages are running op-eds with endorsements/dissections of the various Regential platforms. It will start trickling out into the mainstream media too.

g) “Yes We Can Democratize our University” is a rallying cry that will, with a little stoking by the right people (faculty esp.), spread like wildfire among the student population in this post-Obama world. Can you imagine rallies, speeches, assemblies where this is the theme? Students just helped to elect an African-American President, utterly unthinkable just a few decades ago.

h) The mainstream media has stubbornly covered the 9/24 protest as being about the “state budget crisis” and given little airtime to the concerns about governance and corruption. Holding elections will refocus and reframe the narrative. At some point, we need all the media coverage to say two things: this

is a crisis of public funding of public education AND this is a crisis of competent governance, and BOTH need to be solved. Organizing the elections for Regents -- at the same time we're working on overturning the 2/3 majority rule, see Lakoff -- will help us drive the messaging. Furthermore, this message could influence the Gubernatorial election (November 2010). We will seek to make sure that the people of CA elect a governor who is going to sign this constitutional amendment.

## **2. Won't we seem pushy/presumptuous if we hold elections without approval from the legislature?**

No. We will make it clear in all of our lobbying efforts that we want to work in partnership with the legislature, and we are asking for them to join with us as we seek to eliminate a systematically, irretrievably deficient form of governance, the partisan, pay-for-play current system of Regental appointment, and replace it with a form of governance that is truly a public benefit.

We will get a bill introduced, and make it clear that we hope that it will be passed (with whatever amendments the legislature wishes to propose, that we are collectively willing to accept) *before* we hold elections. However, we will also make it clear that we are holding elections in anticipation that our bill, or something similar to it, will be passed.

Thus, by the time we hold elections, we will have effectively and clearly communicated with every member of the legislature. The election of our Regents will then advance the cause of us ratcheting up the pressure on the members of the legislature who gave us a flat out No during the first round of lobbying. And the Tent City in Sacramento will only be necessary if we get a No during the second round of post-election lobbying.

## **3. What's this about direct action and a Tent City in Sacramento? Will that help us or hurt us? Isn't that too radical?**

Historically, nonviolent social movements have involved occupations of public space on the path to success. For instance, in Ukraine's 2004 Orange Revolution, Viktor Yanukovich and pro-government forces committed widespread, well-documented election fraud. Protestors organized a mass occupation and Tent City in Kiev's Independence Square, which along with strikes, helped bring the country to a halt in the wake of the stolen election. The nonviolent mass mobilization eventually led to a free and fair revote, bringing opposition leader Viktor Yushchenko to power.

If necessary, the conservatives in the legislature must understand unequivocally that we will not submit to the Board of Regents. They must understand that the problem is not any one personality on the Board of Regents, but the system by which the Regents are appointed. This is a conversation we will be having with the legislature over the course of the campaign. Shutdown of the UC and the Tent City in Sacramento is the final step of the conversation, only if necessary, but a step we must be prepared to execute. History shows that it can win, and it will win if we have built up enough collaborative momentum and engagement through the process of holding elections ourselves.

Additionally: nonviolent social movements have historically set up "parallel/alternative governments" while an illegitimate government is in power, and then found ways to disempower the old regime and install their new government. So history is on our side if we choose to hold elections ourselves. During the Orange Revolution, following the fraudulent election, opposition leader Yushchenko took the Presidential oath of office even though the official, bogus results showed him to be the loser. By asking him to take the oath of office before the re-vote, Yushchenko's supporters showed their commitment to

seeing their movement through to its conclusion, and demonstrated that they would not submit to the rule of an illegitimate government. Similarly, by electing (and possibly swearing in!) Regents on our own terms, we will be sending an unmistakable and loud message to the legislature and the people of California.

#### **4. Is it fair to describe the UC Board of Regents as an illegitimate government?**

Yes. Constitutionally, the UC is a sovereign entity, and the legislature has virtually no power to control the Regents' behavior, short of amending the Constitution. The UC is such an enormous enterprise, it could be considered "a state within a state," a fiefdom. Those who rule the UC do so almost entirely without the consent, input, or collaboration of those they rule – the students, faculty, and staff of the University, not to mention the taxpayers of California who fund part of the UC's budget, and the citizens who live in the highly-impacted cities that host UCs. This is the very definition of "undemocratic" and, as such, arguably illegitimate within a Republic whose founding principle is claimed to be democracy.

In some ways, the UC Board of Regents is not just illegitimate, but despotic. The Board manages the omniscient U.S. nuclear weapons enterprise, which threatens life on Earth. Several key Regents have amassed great personal fortunes through UC's management of nuclear weapons. Others have personally profited from more benign yet still conflict-of-interest arrangements, such as construction contracts awarded to their private corporations.

We are launching a nonviolent, democratic revolution to overthrow a government that is in many ways incompetent and self-serving, and at worst, a direct enabler of the most violent and destructive technology ever invented.

#### **5. What about "compromises"?**

Yes, the legislature is likely at some point to offer us a compromise to get the heat off of them. We must engage with these offers from a position of strength, assurance that our cause is just, and never sell out our basic principles. For example: while the current student Regent position is better than nothing, it's not much more than that. It is a token that has no true power to alter the UC's current course of privatization. If the legislature offers a compromise, we must ask: does this fulfill our basic demand for democratization, or is this a token that will not help us save the University?

#### **6. What about Prof. Charlie Schwartz's proposal from 1993 to create campus councils and a more decentralized form of governance than the current Board of Regents model?**

We must not let the perfect be the enemy of the good. While I personally believe Schwartz's plan is in many ways superior to the example elections format outlined in this proposal, I also think the legislature is more likely to endorse a plan whose change is not too complicated for them to grasp. Changing the method by which Regents are selected, while radical, is also very understandable and fits within the flawed yet popularly understood model of U.S. representative democracy. Devolved governance would be an arguably more democratic and effective model that would produce better results, but I am afraid it would be harder to organize around and win as a constitutional amendment.

Holding elections at every campus for UC Regent, I think, would be more politically helpful in advancing the cause. And once our new Board of Regents are in place, we can lobby them for devolved governance, which they would have the power to grant. It could even be part of the platform that some of them run on.

Schwartz's 1993 proposal:

<http://socrates.berkeley.edu/~schwartz/democ.html>

However, perhaps I am underestimating our chance of winning Schwartz's model. Again, the exact format of democratization must be determined by the CDUCR, what's outlined in this proposal is just an example.

## **7. Why not include a provision for public election of UC Regents?**

It's certainly possible. Here's why I'm cautious about it...

When I spoke to Lt. Gov John Garamendi about this idea (and he's a true ally to public education), he raised several objections to public elections:

a) Money – a corrupting influence on politics; the current wealthy elite Regents could just “buy” a seat on the Board, and then what would we have accomplished? Similarly, entrenched politicians could buy their way into the club. And the U.S. Supreme Court has ruled “money is free speech,” meaning it would be either difficult or impossible to keep public elections clean.

b) Ideology – we don't want to expose ourselves to right-wing fundamentalists running on an anti-evolution platform.

Now there may be counters to these problems. Obama's election and the dawn of internet-organized campaigns shows that large pools of small, people-powered donations can at times overcome corporate financing. And there may be ways to overcome the ideology issue.

But on top of this, I wonder: does the average California citizen truly understand or even think about what is best for the UC? A majority of them picked a Hollywood bodybuilder to be governor. Do we want to invite them to insert their whims and fancies into our University?

And by far, my biggest problem with making public election of the Regents part of our plan is it strips us of our power. The key to this proposal is that we are taking charge of our own destiny. We are organizing our own elections. We are becoming a self-governing institution, and we are not waiting for anyone's permission to do it. And in doing so -- by holding elections on each campus -- we will build a mass movement and create a more engaged community of campus citizens.

This movement never stops – its whole point is to become institutionalized and change campus cultures to be directly involved with their politics and administration.

As soon as we create an electoral process that's outside of our control, we become children asking for Mommy and Daddy at the legislature to help us. Keep in mind the definition of the word Regent: “One who rules during the minority, absence, or disability of a monarch.” *Regents*, historically, have ruled while children of the royal family have been too young to govern. That is what we are in the words of Schwarzenegger, “just another screaming special interest group,” a bunch of children too immature to look after ourselves. After 140 years, it is time for us to finally grow up and take care of ourselves. By democratizing the Regents, we are *de facto* abolishing the Regental system. We are the Regents; we are the rulers and governors of our own University.

The legislature is a bunch of absentee landlords with respect to the Public Trust that is California's public education system. The legislature is so dysfunctional, they can't be trusted to do much of anything. The most we want to ask them to do is just attach their signature to a plan that, by the time they get around to signing it, will likely be a *fait accompli* – it's like signing a receipt for an unrequested package that FedEx has delivered on your doorstep. You didn't ask for it, but it's there, and you're not going to return it to sender – not when thousands of the senders are camped out on your front lawn, demanding that you sign for the package. Not when they refuse to leave until you sign for the package.

If the CDUCR – in consultation with UCSA, Ac Senate, etc. wants to build public elections for Regents into the proposal despite all of the above potential problems, then so be it. Perhaps one way to do it that would satisfy everyone is to have some of the Regents elected by students/faculty/staff and some by the public; that way, when we hold our elections, it will only be for a portion of the board, not all. Hopefully this portion becomes a collaborative minority, or at worst, a minority of thorns in our sides. We can elect our Regents, go to the Legislature, and demand that they both ratify the Constitutional amendment and hold elections for the remaining seats.

Another possibility is for a Coalition of the Mayors of the cities that host UCs (Berkeley, LA, Santa Cruz, Davis, etc.) to appoint some of the Regents. There is a significant rationale to do this because of the UC's dramatic impact on resources, finances, and land use issues of the host cities, who have far more at stake in the UC's governance than do people who live in the rest of the state.

Another possibility is for the Legislature's Education committee(s) to appoint some of the Regents.

If the collective desire is to have some Regents that are elected or appointed by the public or state government, fine, so long as the selection process is not appointment by the Governor – a process that has proven itself to be totally corrupt and must be forever abolished and have no further place in the running of our University. But I would not recommend we build public election/appointment into our initial proposal – we can always add later based on negotiations with the Legislature.

## **8. How could this campaign be integrated into a broader movement for public education reform across Calif.?**

The CSUs have a virtually identical problem – their Board of Trustees is appointed by the Governor, with similar consequences. Potentially, the Democratize Selection of the Regents campaign could be combined and merged with a Democratize Selection of the Trustees campaign. It could end up being a Democratize California's Universities campaign. To my understanding, the Community College system is more responsibly and more democratically governed than the CSUs and UCs, but I am less familiar with it.

## **9. What about UC's PR machine? Won't they crush us?**

No, the public is furious about UC pay scandals. See:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/26/MNBB14D1B4.DTL>

and read the comments:

<http://www.sfgate.com/cgi-bin/article/comments/view?f=/c/a/2008/11/26/MNBB14D1B4.DTL>

If our messaging is, “We are becoming a self-governing institution, cleaning house, capping administrator salaries, firing the corrupt and incompetent, and running a tight financial ship,” we will win the majority of the public to our side.

We will need to get organized, reach consensus on a media/messaging strategy, and utilize PR/spokespeople who are as good or better than Dan Mogulof. The truth is on our side, and the people will know it. And it’s crucial that we build an awesome web presence to buttress our campaign. We’ll need five-minute or less YouTube videos, interactive web powerpoints, we’ll need it all.

We’ll need to be clear, concise, and on message in how we communicate to the public.

**10. Don’t we need to get on the same page as the Regents and the President, mend fences, and work together to convince the public to re-invest in public education?**

No way. See the above *SF Chronicle* story. The public knows the Regents and Yudof are corrupt. As do we. Yes, it would be easier to tell the narrative that “UC deserves public funds” if we had a clean, coherent house. But the reality is we don’t. We have a messy house with a lot of garbage in the basement, and the public knows it. Once we clean house and have a new Board of Regents, then we – administration, faculty, and students alike – will speak in one voice about public funding.

**11. What about alternative ways to amend the Constitution – like a ballot measure or the constitutional convention?**

Going through the legislature is the way I recommend because I see it as the most doable and accessible right now, but we certainly should consider the other options.

Getting a ballot measure in front of voters requires gathering approx. 600,000 valid signatures, an enormous task that requires loads of money to hire paid signature gatherers. It might be possible, but would probably require us finding wealthy donors.

A state Constitutional Convention is a possibility – see [repaircalifornia.org](http://repaircalifornia.org). We should make allies with this organization, and also make sure we fit into the scope of the limited constitutional convention they propose. I presume that we would fit into the state agencies and commissions section. However, Repair CA says it wouldn’t happen until 2011. We should certainly track their progress and if a convention seems imminent, we should try to get this onto the agenda. But let’s not wait. Let’s act now while the iron is hot and the momentum is strong for real change.

**12. But won’t winning Democratization of the Regents take years to accomplish? Isn’t that a long-term goal, not something we can do right now?**

This is a short-term goal if we prioritize it, winnable within the next 1-2 years, within the timeframe of the movement that started on 9/24/09. Democratizing the Regents can be and if we choose to, it will be climax of the 9/24 movement.

The time is now. Our moment has arrived. What happened on 9/24 was the biggest UC uprising in a generation.

In a twisted sense, we should be grateful for a 32% fee hike, furloughs, and layoffs – they made clear to the masses what a small minority of us have been saying for years, that the UC is on a life-support machine and that the UC Regents in combination with a right-wing anti-tax agenda have their hands on the plug, ready to pull it from the wall. The University is not dying, it is being killed, and it is up to us to stop the murder.

**Five thousand of us are fired up and ready to go. We must both expand that number, and focus its energy. This movement is in desperate search of a coherent, clear, understandable, winnable project.**

We cannot predict when, if ever, we will again have an opportunity to coordinate, organize, and mobilize a united body of students, workers, and faculty.

Will the 9/24 Movement change the system, or win a minor victory that will be just a blip on the road to the public university's place in the Graveyard? Mortician Mark Yudof thinks he knows the outcome:

<http://www.nytimes.com/2009/09/27/magazine/27fob-q4-t.html>

*“Being president of the University of California is like being manager of a cemetery”*

**13. What about the tuition hikes, furloughs, layoffs, and budget cuts? Isn't that what we should be struggling to change? Why waste time on such a big, unwinnable project like democratizing the regents?**

Democratizing the Regents is precisely as winnable as electing an African-American president, de-segregating lunch counters and buses, and winning free speech on campus. It is winnable if we believe it is winnable, and if we organize.

Focusing our energy on the problems of this system – without changing the system that creates the problems – ensures that we will only momentarily delay, not prevent, the system from privatizing the UC.

Gov. Pat Brown's Master Plan for Public Education in the State of California calls for tuition free education, and this was a reality a scant 40 years ago. At one time, Californians viewed free University education as a right comparable to free K-12 public education. Paying for public University education is not part of the “natural order,” but is a result of the conservative/right-wing plan to drown the government in a bath tub, starve it of revenue, and privatize everything. There is nothing new or unique about this year's budget crisis and tuition hikes, only the scale is slightly larger than usual. They are not a special problem, just another step in a long, deliberative, slowly-implemented plan that is nearly complete and has been masterfully executed.

Stopping the current tuition hike and budget cuts would be no more than a band-aid on a broken leg, a mildly comforting salve with no curative powers on a body afflicted with cancer. We must break out of this context-free, crisis-oriented thinking and like a medical professional, diagnose the source of the disease and develop a therapy that will actually heal it.

We must not comfort the patient. We must heal her.

There are two sources of this disease:

- 1) De-funding of public education by the public;
- 2) A structure that necessarily and creates corrupt, incompetent, harmful governance.

This proposal is a method to cure number two – or at least, shape it into something both less harmful and more beneficial. Others, like George Lakoff, have more to say about #1. But certainly, if we get #2 in order, we will be more successful with #1, as the public will have more confidence if UC's government is responsible, accountable, and financially prudent.

So yes, we should stop the furloughs, tuition hikes, etc. But only as part of a campaign that changes the system. If all the 9/24 movement accomplishes is a momentary reprieve from financial hardship – and that is all we choose to focus our energies on -- we we won't save the University, only delay its demise.

**14. What if the specific proposal for democratization of the Regents is not perfect? What if it could have been better, and because we are moving quickly, we end up with a flawed outcome?**

If we actually want to win, that is guaranteed to happen.

Representative democracy is a fatally flawed system. It won't be perfect, it won't be ideal, but it will be an enormous improvement; a change closer to revolution than reform.

What we are going to do is vastly and forever and undeniably improve the way the UC is governed. Whatever we come up with and win, surely we will later recognize the problems and flaws in the new structure as it unfolds. We can always go back to the Legislature, and revise it in the future. We can lobby our new, elected Board of Regents, who will surely be more responsive than the old one, especially because they will have to answer to the voters every four years.

We could spend forever debating what is the best way to organize and run a Democratize Selection of the Regents campaign, and what is the best format of democratization. There are as many ways to do this as there are stars in the sky.

Yes, let's be deliberative and careful about our strategy and tactics and the format for democratization we choose. But let us also be expeditious. Whatever format for democratization we choose, we can always revise and adjust as we go forward if we decide it serves us to do so.

The worst thing we can do is be paralyzed by indecision – or our moment will be gone, like sand washed away by the tides of time.

The time is now. Let's do it.