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Free-speech 'vigilante' nemesis of campus PC

By Valerie Richardson
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SAN FRANCISCO — John Howard had watched it happen many times before. A campus group — usually a fraternity — runs afoul of the college speech code with a crude song, limerick or chant. Protests follow, the administration is pressured to act, and the group is eventually disciplined, suspended or thrown off campus.

This time the group was the Zeta

Beta Tau fraternity at California State University at Northridge (CSUN). The Greek society had been slapped with a 14-month suspension and was on the brink of losing its charter after posting a flier for a Mexican-theme party "in honor of Lupe," apparently referring to an obscene drinking song about a Mexican prostitute.

Enter Mr. Howard, San Diego lawyer, constitutional law expert and

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self-described "First Amendment vigilante." Working with the fraternity's attorney, he filed a lawsuit against the university for damages arising from what he claimed were violations of the Zetas' right to freedom of speech.

It worked. Earlier this month, the administration agreed to drop the suspension after just two months, despite an outcry from women's groups and the university's chapter of the Movimiento Estudiantil Chicano de Aztlan. In return, the fraternity agreed to apologize publicly and participate in "dispute resolution" seminars.

How important was Mr. Howard's decision to sue? "Let's just say it got our attention," said CSUN attorney Jessica Frazier. Jeffrey Berns, a former Zeta member and the fraternity's lawyer, said the administration had no intention of dropping the suspension until Mr. Howard convinced them they could lose in court.

"He was instrumental in motivating them to deal with us," Mr. Berns said. "When he started telling them what we were going to do, they started taking us seriously. It tipped the scales in our favor."

Tb college administrators, he may be just another example of the legal system run amok. But to fraternity brothers, College Republicans, libertarians and First Amendment purists, John Howard is a knight in shining armor.

"I don't think we would have gotten the same response without John Howard," said Alex Lebrija, 22, a senior at Occidental College. Mr. Lebrija's fraternity, Alpha Tau

Omega, had been charged with violating campus conduct codes after printing a scatological limerick when Mr. Howard stepped in. The charges were dropped.

"I think he's going to be very helpful with countering the PC [political correctness] movement," Mr. Lebrija said. "Especially at small liberal arts colleges, the 'liberals' are really getting out of hand."

Mr. Howard entered the politically charged world of modern campus life only recently. After years of venting to his friends about the radical takeover of universities, he hooked up with David Horowitz, head of the conservative Center for the Study of Popular Culture in Los Angeles. In January, they founded the Individual Rights Project.

The 43-year-old Mr. Howard, whose office features a sign with the motto "Victory or Death," describes the fledgling group as a kind of American Civil Liberties Union for the politically incorrect. "The problem is that the tenured radicals you see on college campuses today don't hold the Constitution sacrosanct," said Mr. Howard, whose services so far have been offered free of charge.

"Whereas conservatives or mainstream professors will always let students be exposed to different ideas, these people don't even want to let them hear certain ideas or think a certain way or use certain words," he said. "What we're saying is, this must not happen on college campuses."

His record is brief but impressive. In the two cases he has taken on so far, both on behalf of fraternities, the universities backed down after being threatened with law suits. Word quickly spread to other campuses, and since then he has re-

ceived about two dozen requests for legal help from student groups across the country.

He welcomes clients from every state, but in California he is armed with a potent weapon: a little-known, newly enacted law that prohibits schools — public and private — from banning any speech on campus that is protected off campus. Sponsored by Republican state Sen. Bill Leonard, the law also allows speech-code violators to collect damages and attorneys' fees from the offending colleges.

After reading the new law, "I realized that this was a tremendous tool in reversing this trend," Mr. Howard said. "It gives us a powerful tool in beating back encroachments on the First Amendment by college radicals. Finally, we got something where we could take on these people and win."

His victories have prompted outrage from faculty and student supporters of the speech codes. After Cal State-Northridge President Blenda J. Wilson dropped the suspension against Zeta Beta Tau, Hispanic and women's groups denounced the move and held a demonstration outside the fraternity house.

"They claim it's a free-speech issue. We claim it's a behavior issue," said CSUN Professor Gerald Resendez.

Lorenzo Flores, a professor of Chicano studies at CSUN, said the university should have taken the matter to court regardless of whether they thought they could win.

"They were afraid of losing the lawsuit and of it costing them money, but, damn it, they should have fought it on principle," he said.

"It basically means we have the

freedom to be racist and sexist in this country, which sets a very bad precedent," Mr. Flores said. "What about principles? There may be a principle of freedom of speech, but this university does have a code of ethics and a mission statement, and [the fraternity's action] is contrary to our mission statement."

Cal State-Northridge may have gotten off easily. Mr. Horowitz said the Individual Rights Project not only will defend those accused of violating campus speech codes, but also will sue the universities that try to enforce them.

Last week the project agreed to settle a lawsuit against four Occidental College professors and the board of trustees after the administration agreed to redraft its sexual harassment code "to bring it in line with the Constitution," Mr. Howard said.

In return, fraternity members must agree to stop dropping their pants before running into the fraternity house during football season.

"We're not just going to defend freedom-of-speech rights, we're going to prosecute the persecutors," Mr. Horowitz said. "We're going to be a front-line organization, the vanguard of the vanguard."

Privately, Mr. Howard said he agrees that many fraternities overstep the boundaries of decency and good taste. He can't say whether his clients have, however, because he refused to read the offending drinking song and limerick.

"The issue wasn't content of speech. The issue was free speech, and I didn't want to confuse the issue," he said. "I had one friend who asked me, 'Have you heard the words to "Lupe"?' I said, 'No, I haven't.' She said, 'You'd be disgusted.' And I told her that's not the point."