

# F S M

## N E W S L E T T E R

NO. 1

Berkeley, California

10 NOVEMBER 1964

[Errata: Dec. 10]

### FOR FREE SPEECH 824 - 115

Tuesday's meeting of the Academic Senate made us proud, for the first time in quite a while, to be students at the University of California. The debate was serious and largely concerned with questions of principle rather than expediency.

The decision, made by an overwhelming majority of 824-115, was really very simple. It was based upon the 14th Amendment, which states that "No person shall be deprived of ...liberty ... without due process of law." This means specifically that no member of the University community shall be punished for his political activity except through the careful procedures provided by the courts. The faculty recognized that the only jurisdiction over free speech to which the University had a proper claim was in the area of assuring that classes and other academic functions were not disrupted. This means, for instance, that someone who begins a loud oration in a library reading room is subject to University discipline.

It is hardly necessary to say that we agree with these elementary principles. They have been the basic program of the Free Speech Movement from the very beginning.

The faculty went further. It declared that any disciplinary measures in the area of free speech would be decided by a committee of the Academic Senate rather than the Administration. An enabling motion by Henry Nash Smith established machinery to act on the resolutions within the next few days.

We feel it is entirely proper for the Academic Senate to take these functions upon itself. It is the only body which can command the confidence of the entire University community.

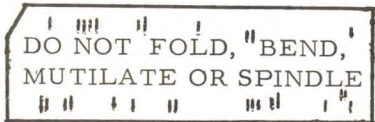
Some of the professors who spoke against the resolutions claimed that they were offered for reasons of expediency rather than principle. They said that the Senate was being pressured by "the mob."

It would be ludicrous to deny that pressure has been exerted in the past few months. On our side, there have been the demonstrations of October 1 and 2, the Sproul Hall sit-in, and Monday's mass rally. On the Administration's side, there have been threats of expulsion, an army of policemen, and the spreading of false rumors that the legislature would cut off funds.

The net result of these two sets of countervailing pressures was to create a situation in which the Academic Senate was able to make its decisions freely for the first time. The tremendous power wielded by the Administration and the Regents had been cancelled out by the mass action of the students.

For the first time in the history of the Free Speech Movement, we feel that a real "new beginning" has been made. We have every reason to expect that the Academic Senate will establish fair and detailed rules of procedure, sufficiently precise so that students cannot be singled out for punishment in an arbitrary way. Only when this is accomplished can we say that both law and order prevail at Berkeley.





## STRIKE

The purpose of the strike was not to protest police brutality or demand student immunity from arrests. It was called--before the arrests--in order to press our demands for free political activity.

We made it quite clear how we conceived this strike. This University is a sort of factory, both in practice and in the favorite imagery of Clark Kerr. As in any other strike, we were trying to stop the factory from running. If the University cannot run, the Administration has nothing to administer. Since all they want in this world is to be administrators, the strike is an effective direct weapon for gaining our free-speech ("working conditions") demands. They want their university back; we want our rights. It's as simple as that.

Clark Kerr's major experience has been in the "labor-management field" (i. e., the management of labor). With little success and less imagination, he has employed two major strikebreaking tactics learned in that profession.

He fed false figures to a traditionally anti-labor press which published them without comment or question. Administration hand-outs said that 24,000 students ignored the strike. That means only 3,000 missed classes, of whom at least 1000 would probably be normally absent anyway. This is absolutely absurd. The Administration, like us, had no way of knowing directly how many students missed classes. But indirect statistics indicated that the Administration's figures might be roughly correct--in reverse. For instance, 900 out of 1200 Teaching Assistants declared themselves on strike, cancelling all their sections.

The second tactic Kerr called up from his labor-management days was to try to scare individual participants into compliance. To this end, he threatened T. A.'s with consequences if they did not come around--quickly.

But these grade-school tactics, so unworthy of a Ph.D., failed. Monday morning at 8 a. m., only 41% of classes met at all, and attendance even in these was less than half of normal.

The sit-in was less of a threat to Kerr than the strike. He knew he could break the sit-in through mass arrests, but the strike was impossible to stop. We hope Kerr will bear this in mind when he speaks to the Regents.

---

"The biggest mass booking in California's history was carried out yesterday with one of history's most remarkable examples of continuing courtesy.

It was a bending-over-backward type of courtesy. . . ."

S. F. Examiner, Dec. 4

Bending who over backward?

We have come awfully far since Dean Towle sent her letter banning tables and donations at Bancroft and Telegraph. At each stage of the crisis, the stakes have been raised. Last Monday they had reached such terrifying heights that many of us had the feeling that defeat would mean absolute ruin. By "absolute ruin" we do not only mean expulsion and 30 days in jail for 800 of us. We mean the end of the Berkeley campus as a fairly liberal institution, and the establishment of a University perfectly in accord with the tastes of the Hearst family.

But it was also true that if we won we'd win big. The administration too was terrified by the size of the stakes. They never dreamed that the threat to expel four FSM leaders would provoke such a massive reaction of solidarity.

At the beginning, we did not realize the strength of the forces we were up against. We have learned that we must fight not only Dean Towle, Chancellor Strong, and President Kerr, but also the Board of Regents with their billions of dollars and Governor Brown with his army of cops.

But neither did they realize the forces they were up against. At the beginning, they thought they had only to fight a hundred or so 'beatniks', 'Maoists', and 'Fidelistas.' But they put 800 of the 'hard core' in jail and found they still had to face thousands of other students and faculty members.

The source of their power is clear enough: the guns and the clubs of the Highway Patrol, the banks and corporations of the Regents. But what is the source of our power?

It is something we see everywhere on campus but find hard to define. Perhaps it was best expressed by the sign one boy pinned to his chest: "I am a UC student. Please don't bend, fold, spindle or mutilate me." The source of our strength is, very simply, the fact that we are human beings and so cannot forever be treated as raw materials—to be processed. Clark Kerr has declared, in his writings and by his conduct, that a university must be like any other factory--a place where workers who handle raw material are themselves handled like raw material by the administrators above them. Kerr is confident that in his utopia "there will not be any revolt, anyway, except little bureaucratic revolts that can be handled piecemeal."

As President of one of the greatest Universities in the world, one which is considered to lie on the "cutting edge of progress," Kerr hopes to make UC a model to be proudly presented for the consideration of even higher authorities.

By our action, we have proved Kerr wrong in his claim that human beings can be handled like raw material without provoking revolt. We have smashed to bits his pretty little doll house. The next task will be to build in its stead a real house for real people.



# b a t t l e   o f   b e r k e l e y   -   b a c k g r o u n d

The crisis at Berkeley began the first week of this semester when the Administration announced new rules relating to the rights of student organizations.

They included the following: students are prohibited from soliciting memberships in political parties on campus; students are prohibited from collecting funds on campus to aid off-campus action; students and student organizations are prohibited from meeting at the University for the purpose of "mounting political and social action" to take place off-campus.

The new rules were an especially heavy blow at student supporters of SNCC, who could no longer collect funds for the voter registration drives, and for Campus CORE, which had organized students on campus to attack discriminatory hiring policies in local businesses.

When eight students defied the new regulations and were ordered to report to the Dean's office for disciplinary action, some 400 other students went with them and demanded that since they too had disobeyed the regulations they should see the Dean as well. The dawn of the next day found early 500 students covering the Administration Building halls in a massive "sleep-in" still waiting to see the "unavailable" Dean.

The Administration ordered police to arrest Jack Weinberg for accepting donations for CORE. Hundreds of students surrounded the police car containing Weinberg before it could move, refused to let it leave the scene of the arrest, and turned its roof into a speakers' platform. The crowd swelled to thousands as the day wore on.

Thirty hours later, the police car was still surrounded by students and 960 police were lined up on campus, clubs at the ready, awaiting the word to charge. This was October 2nd, the day the Free Speech Movement was born. At the moment of highest tension, an agreement was signed between President Kerr and the leaders of the demonstration. The emergency situation did not allow us to write precise language, so the success of the agreement would depend upon the Administration's good faith. During the frustrating weeks that followed, it became clear to thousands of students that the Administration was not acting in the spirit of the agreement.

The Regents of the University met at Berkeley November 20. Five thousand students gathered outside the meeting in respectful petition, but the Regents refused to receive any petitions. Instead they adopted Kerr's "new and liberalized rules", which were so ill-defined as to leave the Administration with the same power over student political action that they had always had. That day, Berkeley students learned that the authorities were contemptuous of respectful petition.

A week after the Regents meeting, four FSM leaders received letters from the Chancellor threatening them with disciplinary action for offenses committed during the demonstrations of October 1-2, almost two months before. It was clear that the four would be expelled.

Rallies were held to protest the charges and demand that the University relinquish all rights to discipline students for offenses punishable in court. A mass sit-in began in Sproul Hall, the administration building. About 1500 students entered the building, packing it so completely that business had to be suspended for the day and employees sent home.

Sproul Hall was temporarily declared to be the Free University of California. One floor was set aside as a quiet study hall. Classes were organized at various places in the building, generally taught by graduate students. Some were on standard academic subjects: mathematics, anthropology, history, aesthetics, biology. Others had intriguing titles like "The Nature of God and the Logarithmic Spiral". Films were shown, including Charlie Chaplin and Laurel and Hardy classics.

Around midnight we settled down for the night, thinking that arrests would not begin until 8 am, when the building was to open for business. At 2:30 the lights came on and we woke up startled. FSM leaders circulated through the crowd with electric megaphones giving instructions to prepare for arrest. At 3:15, the Chancellor appeared and read us an order to disperse.



The police began arresting students on the fourth floor, one by one. (Only twenty in the first hour.) At that rate, we calculated, we would be in the building for another day or so. We were encouraged to hear that thirty-five students, eager to be arrested, had climbed ropes into the building. Governor Brown had called out the Highway Patrol and the Sheriff's Department. Altogether there were 700 police.

As students began arriving for classes, we set up a public address system in a second-floor window and began a rally addressed to the crowd of thousands outside. Suddenly, police made a quick raid and seized FSM leader Jack Weinberg and one of our loudspeakers. We determined to protect the rally by packing in a hundred students right around the window near the microphones.

Soon after there was a second raid, this one unsuccessful. After stomping on the crowd for about ten minutes, they withdrew. We were able to keep the rally going for several hours more.

It took 13 hours for them to arrest 814 of us. Before the arrests were half-way finished, a massive student strike had begun. Before the arrests were completed, \$8000 in non-refundable bail-bond money had been contributed.

A general strike had been planned for Friday, but the drama in Sproul Hall set it off Thursday morning. No one has any figures on the effectiveness of the strike Thursday and Friday, but 60-70% is a reasonable estimate. The graduate students were the backbone of the strike. Many professors cooperated by cancelling classes.

We had shown we could tie up the campus. The next move was up to the authorities. President Kerr announced he had gone to Chicago "on business", but remained behind for secret meetings with Department Chairmen, Governor Brown, and some members of the Board of Regents. Meanwhile, FSM was making phone calls (a total of 21,000) to announce that the strike would continue with picket lines forming at 5:30 Monday morning.

A general University meeting was called for 11 am, at which a set of peace proposals would be presented. The proposals were of ambiguous origin. In order to give them some legitimacy, they were said to have originated entirely among the Department Chairmen, Kerr supposedly having had no hand in their preparation. They were intended to present a fait accompli to the meeting of the Academic Senate (general assembly of the faculty) scheduled for Tuesday.

At least 15,000 people were in the Greek Theater to hear the proposals. Just before the meeting began, FSM leader Mario Savio took his seat in the front row of the audience, to great applause.

There was only one point in the proposals that was relevant to the question of Free Speech. It said that the present rules would remain in effect while we awaited the report of a Faculty Committee. There was no promise to accept that report.

Kerr had fooled us with similar language before, but we had learned too much. The proposals were greeted with a great deal of booing. The meeting was declared adjourned, but a chant of "We Want Mario" went up and Mario Savio walked slowly to the microphone. As he opened his mouth to speak, police jumped him and dragged him away. The audience exploded in protest; Savio was released by popular demand and allowed to speak. He announced an FSM rally to be held immediately at Sproul Hall plaza---our territory. The Department Chairmen were invited to speak.

The FSM rally absolutely filled the plaza, which would mean attendance of at least 8000. One Department Chairman described the situation accurately: "Power is in your hands," he said. "I ask only that you use it wisely." The Kerr proposals were quickly discussed and dismissed. Kerr's strategy in trying to upstage the Academic Senate meeting was treated at greater length. The theme of the rally was that the power to regulate speech belonged properly to the faculty, not the Administration; that the Academic Senate meeting the next day was the only legitimate body representing faculty opinion; and that it should therefore proceed directly to deliberations on the issues themselves instead of responding to Administration proposals. The speakers reiterated the fundamental FSM position that the content of speech should in no way be restricted except through due process in the civil courts. The strike was to continue for the rest of the day, but Tuesday was to be a day of perfect calm "in respect for the dignity and seriousness of the Academic Senate meeting."

It was Tuesday, December 8, that the Academic Senate met and voted to adopt the essence of the FSM program as 10,000 students gathered outside to hear the debate. The mood of tension gave way to one of pride in ourselves and in the faculty as the direction of the debate became clear. As the meeting ended, apprehension returned; the next move was up to the Board of Regents.



# HARDY SUPPORT

Following is the public statement of George Hardy, Secretary of the California State Council of Building Service Employees (AFL-CIO):

An institution claiming to be one of the great universities of the world has committed a shameful act. Supposedly dedicated to the search for truth and development of ideas, it has floundered along a path which has now led to a brutal stifling of free speech.

The California State Council of Building Service Employees, representing 57,000 trade unionists in this state, expresses its deep shock and resentment over this latest episode. We express our full support for the courageous young people who are standing up and fighting for the cause in which they believe.

The Building Service Employees Unions are indignant over the arrest and jailing of a reported 800 university students. These youngsters are being fingerprinted and branded with a criminal record that could follow and harass them for a lifetime. Who are they? They are not "kooks" or "beats" as they have been labeled by some so-called respectable elements of the community who are frightened when anyone does not conform to their own upper-class notions of proper dress and behavior. These are our brightest kids--boys and girls who have had to have A and B grades even to gain admission to the University of California. They are tomorrow's leaders, serious students concerned with their own dignity as human beings.

And what about the University of California? We in the labor movement know something about its policies. The university has just recently been picketed by the Carpenters' Union for buying non-union products. For years it has acted like the worst employer of the nation in defeating legitimate efforts of its own employees to form unions and bargain collectively.

The Board of Regents is completely out of touch with reality. Many of them do not even take the time to attend meetings. When they speak, they speak

with the voice of big business. President Clark Kerr, who should know better, has acted like any corporation executive determined to stifle the aspirations of his personnel.

Our gravest concern centers on the point that this great university seems bent upon forcing its students to fit some preconceived stereotype. On our part, we cheer these youngsters with ideas of their own, who are not willing to conform to the pattern that will please Dr. Kerr and the absentee Regents.

As secretary of the California Council of Building Service Employees, I urge all AFL-CIO unions and central labor bodies to support the following points:

1. Demand that Governor Brown immediately rescind his order to arrest the university students.
2. Call for a shakeup in the Board of Regents and the appointment of persons with understanding, who will take an active part in the development of liberal policies.
3. Support in all possible ways the aspirations of the students for the free expression of ideas.
4. Clear the record of these students of any criminal charges.
5. Insist on a complete house cleaning at the University of California that will bring about fair policies towards the students, the faculty and the employees.

GEORGE HARDY,

SECRETARY

This statement served as the basis of a resolution passed by the San Francisco Central Labor Council (AFL-CIO)

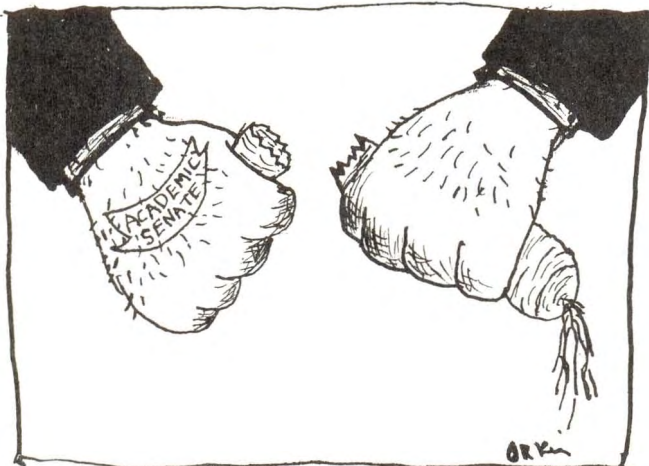
---

## A FRIEND IN NEED

The faculty expressed its solidarity with the arrested students by raising bail money in a remarkably short time. Their action not only got us out of jail, it secured better treatment for us while in jail.

The Alameda County authorities work on the presumption of guilt. They do not understand the difference between being charged with an offense and being convicted of it. (One Sheriff's Deputy told us: "You are criminals in the eyes of the law.") If they know that a prisoner has no influential friends on the outside to raise bail and secure counsel, they freely indulge their bent for absolute power.

So we owe a double debt of thanks to the faculty members who came so quickly to our assistance.





# CATCH - 801

Joseph Heller's authoritative work on constitutional law offers the following definition of Catch-22: "Catch-22 says they have a right to do anything we can't stop them from doing." This fundamental section has been construed by American law enforcement authorities to override any conflicting provisions in our Constitution.

Many students, inexperienced in the ways of the law, thought that they had been subjected to irregular and illegal procedures. One student, for instance, said to a Sheriff's Deputy, "You can't do this," even though the deputy had, in fact, just done it.

In the booking room at Oakland City Jail, a pay telephone hangs on the wall. Next to it is a very clear sign saying that prisoners have a right to two completed phone calls immediately after being booked. We were told we could make only one phone call. Those who protested were threatened with loss of their one phone call.

Our bond had already been posted, which set us free according to the law. Instead of telling us we were free, they took us to the Alameda County Prison Farm at Santa Rita.

In another part of Santa Rita, fifty girls who wanted to telephone were told to wait in a cage. After a few hours, the wardens told them that they couldn't telephone; but if they handed in signed slips saying they had already telephoned, they would be let out of the cage.

Like the police, the University Administration has the right to do anything we can't stop them from doing. They tried to exercise that right in September by taking away our tables. We were entitled to

"Catch-22," the old woman repeated. . .  
"Catch-22 says they have a right to do anything we can't stop them from doing."

"What the hell are you talking about?" Yossarian shouted at her in bewildered, furious protest. "How did you know it was Catch-22?"

"The soldiers with the hard white hats and clubs. The girls were crying. 'Did we do anything wrong?' they said. The men said no and pushed them away out the door with the ends of their clubs. 'Then why are you chasing us out?' the girls said. 'Catch-22,' the men said. All they kept saying was 'Catch-22, Catch-22!' What does it mean, Catch-22? What is Catch-22?"

"Didn't they show it to you?" Yossarian demanded, stamping about in anger and distress. "Didn't you even make them read it?"

"They don't have to show us Catch-22," the old woman answered. "The law says they don't have to."

"What law says they don't have to?"

"Catch-22."

--Joseph Heller, Catch-22, p. 430.

those tables; even they admit it, now that it doesn't matter so much. They ordered the police to arrest one of our people sitting at a table; but we stopped them from doing it. On October 2nd, we first realized that Catch-22 is the fundamental law of California and the world, so we began to act accordingly to protect ourselves.

When the Regents met, they confirmed the principle by saying they had a right to do anything they wanted except take away the tables, because we had stopped them from doing that.

Then Chancellor Strong sent letters to four of us, saying that he was preparing to do anything to them that he wanted. ("The Committee's recommendation will be advisory to me.") So we responded by doing our best to stop Chancellor Strong.

Governor Brown has called us Anarchists. Nonsense. We have acted, and will continue to act, in accordance with the basic law of our country, the law which Governor Brown applied to us when we were in the hands of his deputies in the Alameda County Prison Farm at Santa Rita.

## THE FLIGHT TO CHICAGO

In 1791, when France was still a monarchy, Louis XVI tried to flee his loyal subjects. He was caught at Varennes and returned to Paris with a silly grin on his face. For more than a year after that, France remained a monarchy and everyone pretended that Louis had been abducted to Varennes against his will. Nevertheless, the point had been made and understood; the King did not trust his loyal subjects, who were not loyal.

Last Friday, we learned that Clark Kerr had gone to Chicago "on business." No further details were given. Like Louis' flight to Varennes, it demonstrated one thing; that Kerr did not command the support of the 'law-abiding majority.' The ASUC Senate asked Kerr to address a student meeting on Friday, where presumably he could have inspired 20,000 students to break the strike.

Instead he announced a trip to Chicago without even claiming that he had to attend some kind of convention. What was the purpose of the trip? To raise an emigre army of Chicago politicians?

But Kerr did not go to Chicago after all; he remained behind in the Tuileries to work out ways of stopping the revolution.

Some historians say that if Louis had worked out some compromise plan instead of fleeing to Varennes, France might have remained a monarchy. Others think the Republic was inevitable.

edited by barbara garson, stephen gillers  
staff: deward hastings, truman price, mickey rowntree, marston schultz, linda sussman  
luis hernandez

Labor Donated

Money and mail to FSM; Box 809, Berkeley, Calif.