THE BERKELEY FREE SPEECH CONTROVERSY

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STUDENTS FOR A DEMOCRATIC SOCIETY

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INTRODUCTION

The most significant on-campus student movement since the 'thirties emerged during the fall semester 1964 on the Berkeley campus of the University of California as a result of renewed evidence of a trend toward restriction of political activities.

Though many rules on the campus had been relaxed since 1957, more restrictions than exist at comparable universities were retained. Moreover, most of the changes in rules since 1957 were minor, and application of rules became actually more limiting in practice as the Berkeley Chancellor made restrictive interpretations of the rules and as sidewalk areas where University rules did not apply were gradually eliminated.

The present dispute was triggered when the remaining on-campus sidewalk area was placed under University restrictions; the rules themselves were then called into question.

Almost from the beginning a series of problems presented themselves to the students, problems basic to the issue of responsible and democratic institutions. The University administration reserved to itself the right to impose and change rules at will, and had no real channels through which demands for changes could flow. Similarly, the administration retained the exclusive right to discipline students under its own rules.

One of the assumptions of this report is that, broadly speaking, issues of educational policy entail issues of political expression and constitutional rights on campus. According to University policy, matters of educational policy reside with the Academic Senate made of full-time faculty members. Faculty impotence--even in areas generally recognized as its own purview--was underlined during the course of the dispute.

American Universities generally are set up along corporate, or bureacratic centralist lines. All have, to some extent, the same problems in making and applying educational policy. The Berkeley situation is perhaps unique in the degree of centralism, the sophistication and self-aware dedication of the administrators to a corporate ethic, in the inflexibility of its deans, and in the failure to recognize the need to open up effective communication within the academic community.

The press and the community at large has generally misunderstood both the issues involved and the depth of student understanding and commitment concerning the issues.

This report therefore is intended to provide a basis for greater understanding of the issue and to generate greater discussion and activity on the general issues on campuses across America. It is based on first-hand information by participants and observers from Berkeley, and a fact-finding study written by eight graduate students in political science and press accounts.

The study has two parts. The first section is a chronology which outlines the events from September 14 through December 18, 1964. The second section discusses the various issues raised, in both the local and general context, the dynamics of the movement, and the reaction of various components of the University and larger community.

FROM CALIFORNIA GOVERNOR PAT BROWN'S COMMENCEMENT ADDRESS

AT SANTA CLARA UNIVERSITY

JUNE 1961.

College administrators must face up to their public function. Gone are the good old days, when school spirit meant hazing the freshmen; eating the goldfish--and raiding the sororities. May I propose that all college administrators help tell our people what college study really means--what we must demand of our students--if we hope to make them active Americans.

Make our people safe for students with ideas and you will be performing a real service for America. You will be halting the epidemic of social hysteria that is spreading across our nation under the libelous labels of secret societies.

Far from discouraging your students' social and public interests, I propose that you positively exploit them. Here is an honorable source of college spirit; here is a worthy unifying and organizing principle for your whole campus life. I say: thank God for the spectacle of students picketing--even when they are picketing me at Sacramento and I think they are wrong--for students protesting and freedom-riding, for students listening to society's dissidents, for students going out into fields with our migratory workers, and marching off to join with our segregated Negroes.

At last we're getting somewhere. The colleges have become bootcamps for citizenship--and citizen leaders are marching out of them.

For awhile, it will be hard on us as administrators. Some students are going to be wrong and some people will want to deny them the right to make mistakes. Administrators will have to wade through the angry letters and colleges will lose some donations. We governors will have to face indignant caravans and elected officians bent on dictating to state college faculties.

But let us stand up for our students and be proud of them. If America is still on the way up, it will welcome this new, impatient, critical group of young gadflies. It will be fearful only of the complacent and passive.

UNIVERSITY OF CALIFORNIA PRESIDENT CLARK KERR

in INDUSTRIALISM AND INDUSTRIAL MAN:

> The intellectuals (including the university students) are a particularly volatile element . . . capable of extreme reactions to objective situations--more extreme than any group in society. They are by nature irresponsible, in the sense that they have no continuing commitment to any single institution or philosophical outlook and they are not fully answerable for consequences. They are, as a result, never fully trusted by anybody, including themselves.

I.

CHRONOLOGY OF EVENTS, SEPTEMBER 14 - DECEMBER 18.

As political activity increased during the depression, President Robert Gordon Sproul in 1934 imposed a ban on all political and religious meetings on campus. With the effects of the McCarthy periods and the catastrophic loyalty oath controversy lifting, this ban was modified in 1957 after the students lobbied behind the scenes. The students at that time received support from Chancellor Kerr and from the Academic Senate in their efforts to convince President Sproul to allow political meetings on campus. In 1959, when the Sather Gate section of Telegraph Avenue -- long a center of off-campus free speech -- became a campus plaza and walkway, political activities were restricted to the campus entrance at Bancroft and Telegraph. This entrance strip was considered city property and as late as the Spring of 1964, the Dean's Office directed organizations to get permits from the Berkeley police department to set up tables. In the years following 1959, the Kerr Directives were promulgated and revised. They provided for the open forum policy, but established criteria which made it easier in most cases for groups to pay fees for rooms outside of the campus than to use campus rooms. Tables on campus for soliciting funds and recruiting members were prohibited, but this restriction did not hit home so long as the Bancroft and Telegraph "safety valve" remained accessible. Complaints about the inadequacy of Hyde Park areas -- where students could say anything without prior notification -- were ignored for three years, and again Bancroft and Telegraph became a de facto Hyde Park area, satisfying this need.

During the Spring 1964 semester, University of California students were among the most active in civil rights demonstrations in San Francisco. The increased participation in community action brought outside pressure to bear on University officials to discipline students arrested in the demonstrations.

President Kerr answered critics by stressing that what students did off campus was their own business. During the summer, however, representatives of the Oakland Tribune complained that the campus was being used to recruit Scranton demonstrators at the Republican national convention. The owner of the Tribune is William Knowland, a former Senator who was Goldwater's California campaign manager. During early September the Tribune similarly complained that the campus was being used to recruit students to picket the newspaper as part of a campaign against alleged discriminatory hiring practices.

Upon discovering that the Bancroft and Telegraph sidewalk area was in fact University property, the Chancellor set about to inform organizations that University rules would be enforced as of September 21, the first day of classes. A chronology of the fall events follows.

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September 14: Dean of Students Kathryn Towle writes heads of all "off campus" organizations to notify them that Bancroft and Telegraph sidewalk is University property and University rules apply there; henceforth, no tables, fund-raising, membership recruitment, or speeches will be permitted there.

September 17: Upon receipt of letter, heads of off-campus organizations join as "united front" to protest the new ruling and submit request to Dean's Office that Bancroft and Telegraph free speech area be restored, and that various restrictions on free expression be "reformed".

September 21: First day of classes. Dean Towle meets with united front --.i.e., the leaders of nineteen student groups, including Young Democrats, Students for Goldwater, Congress for Racial Equality (CORE), Students for a Democratic Society (SDS), Friends of Student Non-Violent Co-ordinating Committee (SNCC), Young Socialist Alliance (YSA), and others -- to clarify rules and announces two modifications in interpretations: i) a new Hyde Park area is granted on the steps of Sproul Hall to replace the three-year-old, but never used, area behind the snackbar and the de facto Bancroft and Telegraph area; ii) tables with University permission will be allowed at Bancroft and Telegraph but only under rules prohibiting fund-raising, recruitment, and advocacy of partisan positions. The students refuse to accept these pronouncements. When Dean Towle finishes clarifying the rules, dwelling at length upon the difference between advocating and informing an audience of a position, the students reject the administration pronouncement as infringing on their Constitutional rights. They request a change in the rules. Dean Towle says she cannot change the rules. The students, with permits from the University, set up tables; however, traditional practices -- including fund-raising, membership recruitment, and advocacy, mostly related to the upcoming elections -- continue during this first week of school.

September 28: Since the rules are supposed to be campus-wide, the united front decides to set up tables at Sather Gate, another traditional table area, and exercises traditional prerogatives of selling literature and advocating positions. They also decide to demonstrate their point of view by picketing a University meeting at which Chancellor Strong is presenting athletic awards. One thousand pickets support the call for rules change. At the meeting, Chancellor Strong makes a surprise change in the rules. Henceforth, advocating a position for or against a candidate or a ballot proposition will be allowed, but no further changes are envisaged. The matter is closed. Meanwhile, four organizations -- SNCC, SDS, DuBois Club and Slate -- are warned that action will be taken if they continue to break University regulations. Three organizations are told to make appointments with the Dean.

September 29: Further warnings are made to groups setting up tables at Sather Gate. Meanwhile, an appointment is set up with the united front for Wednesday, September 30, at 4:00 p.m., to further "clarify" the rules.

September 30: Five individuals are cited for violating University rules at tables and are asked to appear at 3:00 p.m. for a meeting with the deans. Many other students sitting at tables request to be seen at the same time. Over six-hundred sign a statement declaring they are equally responsible for manning the tables. Over three-hundred of these students appear in Sproul Hall for the 3:00 p.m. appointment but are refused access to the deans. Instead, the five are requested to appear alone. At 4:00 p.m., three names of leaders are added, and Dean Williams asks all eight to see him. The three-hundred students again request similar treatment and are rebuffed. Dean Williams then cancels the meeting scheduled with the leaders of the groups. The students wait outside the Dean's Office until early morning when Chancellor Strong announces that the eight students have been suspended indefinitely.

October 1: The indefinite suspensions -- a sanction which does not appear in the University regulations -- cause widespread student resentment. About ten tables are set up -- this time in front of the Administration building -- and a rally is planned for noon. The united front now demands not only a change in the rules, but equal treatment for all students under the rules and, specifically, the lifting of the suspensions. At about 11:45 a.m., Dean Van Houten and a campus policeman approach one of the tables (CORE) at which about a dozen persons are sitting. Jack Weinberg, a recent Cal graduate, is told he is violating University rules and is

placed under arrest when he refuses to leave the table. Students spontaneously sit down around the police car which has arrived on the plaza and block the car from removing Mr. Weinberg. Mario Savio, head of the Friends of SNCC, removes his shoes and begins to address a crown of over a thousand, from atop the police car. He discusses the position of the united front and the injustice of the Administration's response to their free speech demands. Many others also make speeches. The protest is extended by sitting-in in Sproul Hall. Meanwhile, a group of faculty members tries to mediate during the afternoon and evening. The administration tells them, and tells the students as well, that the issues of the rules and the disciplinary measures are not negotiable. The protest demonstration grows and grows. During the late evening, a knot of one-hundred, mostly fraternity men, assemble and hurl lighted cigarettes and eggs on the hundreds sitting in the plaza; but after many tense hours, violence is averted when the hecklers leave in response to the silence of the demonstrators and an appeal from the Catholic chaplain

October 2: Clergymen and student religious leaders who support the goals of the protestors try to mediate behind the scenes. Meetings with the deans are fruitless. Meanwhile, a similar group of faculty members works out a compromise and, together with some legislators, convinces President Kerr to meet with the students during the late afternoon. President Kerr summons five-hundred policemen to disperse the crowd of over one-thousand if an agreement is not signed. A long, tense meeting results in a six-point agreement: 1) restoring the privileges of student groups suspended during the week; 2) ending the demonstration; 3) submitting the student suspensions to a committee of the Academic Senate; 4) submittirg rules to a tripartite study committee; 5) dropping charges against Mr. Weinberg; and 6) working to deed Bancroft and Telegraph sidewalk to the City of Berkeley.

October 3-4: The united front constitutes itself as the Free Speech Movement with an executive Committee representing each of the nineteen "off-campus" groups, independent students, and religious organizations. A nine-man steering committee is elected to plan interim policy and to choose negotiators to serve on the student-faculty-administration Study Committee. Mr. Savio will speak at the rally planned for Monday to explain the new developments and FSM strategy to the other interested students.

October 5: A few minutes before the rally, the Administration reverses an earlier order to arrest Mr. Savio if he tries to address his fellow students. Meanwhile, the Chancellor chooses ten of the twelve men to serve on the "Campus Committee on Political Activity" (CCPA) without waiting for recommendations from the students or faculty. He also announces that the Chancellor-appointed Faculty Committee on Student Conduct--not an Academic Senate committee--will hear the cases of the eight students he has suspended and will recommend to him action to be taken. The FSM denounces these moves as niolations of the October 2 agreement. Nevertheless, a moratorium on further demonstrations and tables is declared pending further negotiations on these matters.

October 7: Ignoring the call for revisions in the structure of the CCPA, the Administration allows it to meet. The CCPA calls for an open meeting Tuesday, October 13, to discuss its structure.

October 8: Six hundred unaffiliated students (called "independents"), meeting in a local church, choose five members to serve on the FSM executive committee.

October 10-12: The executive committee expands the steering committee to twelve adding a representative from the Republican and Democratic Clubs and the religious organizations.

October 13: Academic Senate endorses need for rule liberalization. Three hundred students in Harmon Gymnasium meeting of CCPA hear testimony from fifty students, all but one requesting dissolution of CCPA as presently constituted pending talks on fair reconstitution of the body. Meanwhile graduate students from Graduate Co-ordinating Council with delegates from each department choose 7 representatives to FSM Executive Committee.

October 14: FSM denounces refusal of administration to negotiate outstanding differences in interpretation of October 2 Kerr-united front agreement, and reveals plans to end moratorium on direct action if administration continues to "refuse to sit down and discuss issues." Professor of Industrial Relations, Arthur Ross, volunteers to mediate.

October 15: President Kerr agrees 1) to remand the cases of the eight suspended students to an Academic Senate committee and 2) to reconstitute the CCPA with eighteen members -- four from the FSM -- to discuss rule changes.

October 20: Expanded CCPA agrees that all decisions will be by consensus of students, faculty and administration, each voting as a unit with one vote.

October 28: While the CCPA has been meeting to examine various proposals for new rules, the panel of five professors, appointed by the Academic Senate and headed by Professor of Law, Ira Heyman, begins hearing the cases of the eight suspended students.

October 29: Dean Williams testifies that the suspended students were singled out from among many students observed violating the rules to discourage students from protesting the regulations.

November 3: Though the table moratorium and the dispute itself have hampered canvassing for the elections, the FSM sticks exclusively with committees as the way out of the dispute.

November 7: The Administration contingent on the CCPA declares itself unalterably opposed to the students" position on political advocacy. The University demands the right to discipline students and organizations advocating activities that "directly result" in "unlawful acts" off the campus. The students demand that the definition of legal speech be left solely to the courts, citing the stand of the American Civil Liberties Union and that of the American Association of University Professors: "In the area of the first amendment rights and civil liberties, the University may impose no disciplinary action against members of the university community and organizations. In this area, members of the university community are subject only to the civil authorities."

November 9: The FSM decides to "exercise our constitutional rights" and resumes manning tables. Still, it plans strategy aimed at reopening the advocacy issue at the Wednesday CCPA meeting. But Chancellor Strong disbands the CCPA on the grounds that the students had broken the October 2 agreements.

November 10: Dean's office sends letters to 70 students citing them for violations of previous day. Hundreds of graduate students man tables or sign petitions of support assuming equal culpability for themselves.

November 11: Three hundred meet to organize a teaching assistants' union and voice support for FSM demands. Administration ignores graduate student violations at this time.

November 12: President Kerr calls the proposals of the faculty contingent "a basis for constructive solutions to the current and difficult problems." The proposals would allow solicitation of funds and members, and would allow a faculty committee to recommend action to be taken against illegal advocacy. Tables continue; the Administration ignores them. The Heyman Committee criticizes the Administration's handling of the eight students. It recommends that six be immediately re-instated and charges expunged from their records, and that the remaining two receive a six-week syspension. This meant immediate reinstatement, for they had by then been out of school for longer than this period. Chancellor Strong states he will not act on the cases until after the December 8 meeting of the Academic Senate.

November 16: The FSM collects hundreds of signatures on a petition urging the regents to leave the question of advocacy to the courts. Tables continue up. The Dean's Office announces appointments will be made for the following week for the seventy students cited for manning tables. The Dean's Office announces that graduate students who submitted their names as equally responsible will receive letters.

November 20: More than three-thousand students rally at Sproul Hall Hyde Park area for two hours, then snake their way down to the west gate of campus to hear Joan Baez and await the results of the Regents meeting across the street in University Hall. Student representatives are barred from speaking at the meeting. The Regents adopt President Kerr's version of the CCPA faculty contingent proposal, allowing fund-raising and recruitment, but banning "illegal advocacy." They also recommend organizations and individuals be disciplined for their violations of rules over the past three months. Significantly modifying the report of the five man faculty panel (Heyman Committee) which asked only censure of the six students, the Regents reinstate all eight but do not clear the records of the six as the faculty group asked. Two students are placed on "probation." The students debate ways of expressing their disappointment. Some graduate students want an immediate sit-in, but Mr. Savio convinces the thousands of students to return home for the weekend and calls a rally for Monday to discuss future action.

November 21-22: The FSM Executive Committee and Steering Committee both split on tactics with a majority of each finally favoring a sit-in in Sproul Hall on Monday to express their feelings of despair over the Administration's refusal to meet with them or to permit students full Constitutional rights on campus.

November 23: Three hundred students sit-in for three hours in Sproul Hall after hot debate during rally splits the FSM.

November 24: Chancellor Strong says the new rules are in force only at Bancroft and Telegraph. He says the administration has met the faculty demands almost completely. The FSM goes back to setting up tables. Thanksgiving intervenes.

November 28: In the midst of the Thanksgiving weekend, Art Goldberg and Mario Savio receive letters opening new disciplinary action against them for acts allegedly committed October 1 and 2.

November 30: Jackie Goldberg receives a similar letter. Several professors offer package proposals close to that of the FSM. FSM appeals again for talks regarding the advocacy issue and demands the new changes against some of its leaders be dropped. Plans for a sit-in in Sproul Hall are discussed if President Kerr still refuses to discuss the FSM position.

December 1: The Graduate Coordinating Council and the Teaching Assistants decide to go on strike Friday, December 4.

December 2: Eight hundred students move into Sproul Hall after a rally. They regard the action as a last resort in the face of the Administration's refusal to negotiate the student grievances and its "arbitrary singling out students for punishment." The fourth floor becomes a quiet study hall, while movies are shown and classes are held on the second floor. Strict discipline is maintained; orders to stay out of offices are given and obeyed.

December 3: Governor Brown dispatches more than six hundred policemen to arrest the eight hundred students. The arrests go on for about twelve hours. Faculty are barred from the building during arrests. Meanwhile, a spontaneous strike is called and most classes are not held. Lawyets and faculty meet with the judge and the district attorney all day and finally, late at night, work out a bail arrangement. Nine hundred faculty members meet and call for amnesty and complete political freedom, including unrestricted advocacy. All day department chairmen try to contact Administration, to no avail; apparently, Administration has orders not to talk to faculty members.

December 4: The final busload of released students arrives on campus shortly before noon. Meanwhile, the campus is being struck. Sixty to seventy percent of the students stay away from class. Two departments cancel classes and many professors honor the picket lines. The chairmen of all the departments constitute themselves as a Council of Chairmen to fill the vacuum of authority on campus.

December 5-6: All weekend the Chairmen meet to work out a compromise to save the University. Sunday, Professor Scalapino, head of the Council of Chairmen, meets with President Kerr and works out an agreement which is approved by chairmen and is presented to an informal Regents meeting in a motel near the San Francisco Airport. On Sunday, two hundred professors meet to plan strategy to get the Academic Senate to endorse complete political freedom and amnesty. The FSM and the GCC (Graduate Coordinating Committee) agree to call off the strike as of Monday midnight.

December 7: The departmental chairmen call off all classes between 9:00 and noon and hold departmental meetings to discuss the chairmen's agreement with the President: complete campus amnesty for acts through today is granted. No position on the advocacy question is taken.

Professor Robert Scalapino, Chairman of the Political Science Department, and President Kerr address 18,000 students at an "extraordinary convocation" in the Hearst Greek Theatre. Many faculty members express their reluctance to support President Kerr by their cool reception of his speech.

Mr. Savio walks to the podium after the adjournment of the meeting, but is grabbed from behind by two policemen and detained in a dressing room. Finally, he is brought out and allowed to speak. He says that he had only intended to announce a rally at noon on the Sproul Hall steps.

At the rally, several departmental chairmen speak along with the FSM leaders, who explain that the strike will be called off so that the Academic Senate may deliberate in peace the proposals on political freedom of the two hundred professors. Meanwhile President Kerr meets with the professors who drafted these resolutions; word is spread that he has endorsed the resolutions. Later that afternoon, the Academic Freedom Committee and the Chairmen's Council endorses the proposals with little change. The students call off the strike.

December 8: A tense campus focusses quietly on the meeting of the Academic Senate. After an hour and a half of debate, the Senate endorses 824 to 115 the the resolutions of the Academic Freedom Committee. The FSM applauds the move as victory for the entire university. Faculty and students voice hope that the Regents will heed this 7-1 mandate.

December 10: Academic Senate tables motion aimed at thwarting future student strikes.

December 18: The Regents decides unanimously to submit proposed rules change to a three-man committee. They reaffirm the necessity to enforce existing rules and to retain disciplinary power in the hands of the administration. The faculty demand for jurisdiction over rules and adjudication is thereby rebuffed.

II.

PRINCIPLES AND BUREAUCRACIES

A. Student Grievances in the Free Speech Controversy

In 1934 President Robert G. Sproul banned all political and religious activity from the campus. In 1956 a group of students formed a committee to revise Rule 17 (the regulation barring political activity) and with substantial faculty support managed to convince the President to change the rules. A series of clarifications and modifications of Rule 17 followed after 1959 during the tenure of President Clark Kerr. These established the category of "off-campus" organization for student groups with no direct academic purpose, but allowed them privileges under rules set up on each campus by the Chancellor.

On the Berkeley campus, these rules were often protested. But there was no concerted effort to change them because areas existed on campus where groups could do as they pleased, subject only to the regulations of the city authorities. Until 1959 Telegraph Avenue extended through the campus up to Sather Gate. Tables were stationed there, rallies assembled, and all types of literature sold and distributed With the construction of the Student Union building, however, Telegraph Avenue ended at Bancroft Way. At this new gate to the campus, the traditional activities continued.

The Bancroft and Telegraph sidewalk was generally regarded as being city property. Groups received table permits from the city of Berkeley authorities. In fact, the Dean's Office referred questions on the use of the area to the city police department.

On September 14, 1964, Dean of Students Katherine Towle informed the heads of all student organizations that the Bancroft and Telegraph sidewalk was in fact University property and that all University rules would henceforth be enforced there. No tables or speeches would be allowed. Only informational literature could be distributed; no advocacy was allowed.

From the first, the students asked essentially two things: a return to the status quo at Bancroft and Telegraph, i.e. the restoration of tables with the traditional practices; and liberalization of Rule 17 with student consultation.

The students asked changes in four areas. (1) They opposed the University ban on fund-raising and selling literature. They pointed out that collection was allowed for the United Crusade, and for the World University Service for schools in Asia, while, for instance, SNCC was prevented from collecting for "freedom schools" in Mississippi and CORE from receiving money for tutorials in Oakland. (2) The students opposed the ban on recruiting members on campus and holding membership meetings. Especially since the University rules restricted membership in groups to students, they asked that they be allowed to enroll new members on campus. (3) They asked the University to rescind rules which "harassed" the flow

of ideas: the rule requiring 72-hour notification if an off-campus speaker is to speak on campus, the rule requiring a tenured faculty member to moderate all political and all "controversial" meetings; and the practice of billing groups for police protection if the University decided it wanted policemen at the meeting. (4) The students regarded the ban on "advocacy" as a direct infringement of their Constitutional guarantees of free speech. They opposed any restriction on advocacy but the details of the student position took different forms as the administration changed its position. At first, the deans told the students that only informational literature and speech was allowed. The students tried to find out when informing became advocating and Dean Towle admitted that no hard and fast rules could be drawn. But she offered the interpretation that information about a scheduled picket was considered advocating. A week later, on September 28, the Chancellor announced that a new distinction would be made. Advocating a stand in the upcoming elections would now be allowed (the University itself was supporting Proposition 2), but no other kinds of advocacy would be allowed. When asked for a clarification of this new distinction, President Kerr said that the University could not allow itself to be used as a fortress from which social action in the outside community could be mounted. The students regarded this position as untenable and continued to work for no restrictions on advocacy. During the meetings of the CCPA, the Administration changed its position once again. Now advocacy would be permitted, but the University reserved the right to discipline students if speech on campus led to illegal acts committed off the campus. (See Appendix A.4.) The Administration reserved the right to decide whether the speech on campus led to the illegal act off the campus. The students argued that the courts were the only ones who could decide whether the speech itself was illegal; if it were, the civil authorities were justified in taking action; if the speech itself were not found to be illegal, then the University would not be justified in disciplining a student. (See Appendix A.5.) The students feared that the University would press charges against speakers on far less substantial grounds than would a court of law; they believed that even with a full measure of due process written into administrative hearings the full range of case law as applied in the courts would not be applicable. At no time did the students demand the right of illegal speech as the administration at times charged. They rather demanded that the courts alone be left to judge whether speech was or was not protected under the Constitution.

The only major demand added after the beginning of the controversy came as a direct response to student confrontation with the disciplinary machinery of the administration. With the suspension of the eight, the students saw that the Chancellor made the rules, charged students with violations, submitted the cases to a Chancellor-appointed advisory committee, and decided what judgment to render. Therefore, the students asked that the police and judicial powers be separated--that the faculty be given jurisdiction over disciplinary matters in disputes arising over the rules on political activity.

B. The Evolution of the Free Speech Movement

The Free Speech Movement grew out of the "united front" of nineteen "off-campus" organizations which made a joint protest of the Bancroft and Telegraph table ban on September 17. These groups included the Young Republicans, University Society of Individualists, Cal Students for Goldwater, California College Republicans, Particle Berkeley (student magazine), the Young Democrats, Student Civil Liberties Union (SCLU), the Congress of Racial Equality (CORE), Friends of the Student Non-Violent Coordinating Committee (SNCC), Slate (campus political party), Students for a Democratic Society (SDS), W.E.B. DuBois Club, Young Socialist Alliance, Young People's Socialist League (YPSL), Independent Socialist Club (ISC), Women for Peace, Committee for Independent Political Action, May 2nd Committee,

and Students for Fair Housing. Additional groups later sending delegates included the Interfaith Council, Democratic Socialist Club, and University Society of Libertarians.

Until October 3, the United Front operated with two representatives from each of the nineteen organizations meeting together to make organizational policy.

On October 1, during the demonstration protesting the suspensions and arrest, the United Front chose six students to attempt to negotiate a settlement of the ongoing crisis. Two names were added during the following day. These eight student representatives signed the October 2 agreement with President Kerr. Their personal affiliations included SNCC, ISC, CORE,Women for Peace, Slate, Young Republicans, Young Democrats, and SDS. A representative of YPSL also signed the agreement.

The weekend of October 3, the United Front constituted itself as the Free Speech Movement (FSM). It decided to keep an executive committee representative of groups in the United Front, though opening places for independents, graduate students, and members of religious groups, and to create a nine-man steering committee to implement policy and make detailed strategy and tactics between meetings of the executive committee. From the beginning, it was decided to choose steering committee members on the basis of individual merit rather than organizational affiliation. As a result of criteria, the nine original members elected to the steering committee did not represent a cross-section of organizations supporting the FSM. The conservative groups were not represented largely because the most well-known Republican, a law student, was not present and informed the executive committee that he was not able to serve on the steering committee. Three were members of campus CORE; two were from SNCC. The other four belonged to Women for Peace, DuBois Club, YSA, and Slate. One of the CORE members, Jack Weinberg, was a recent graduate not currently enrolled at the University. He had been thrust into the limelight by being singled out from students at the CORE table for arrest. He had negotiated in the Shattuck Avenue and Richmond Housing Authority CORE project. He was, therfore, highly regarded by the Executive Committee, which put a premium on negotiating experience when choosing the Steering Committee members.

Many professors who discussed the matter with the new FSM at this time stressed the need to make the Steering Committee a more representative body. Partly as a result of this, and partly due to the elections of new representatives from the independents and graduates, the Steering Committee was soon expanded to eleven members. An independent and representatives from the Young Republicans and Young Democrats were added to the group. Meanwhile, one of the CORE members resigned.

With the formation of the tripartite study panel (the Campus Committee on Political Activity--CCPA), a four-man delegation was chosen by the Steering Committee. This time, a graduate student was added. Mario Savio (SNCC), and two socialists made up the rest of the delegation. Five alternates were also chosen; among them were graduate representatives, and a member of the California College Republicans. When the expanded Campus Committee on Political Activity was set up, these nine served.

After the continued failure to come up with an agreement in the Study Committee, an acrimonious meeting was held during which certain Steering Committee members, who were known for their moderate tactical views, and who had seldom come to meetings, were replaced. In a week, the mood of the Executive Committee again changed, and the need to repair the breach was evident. As a result, a conserva-

tive and an independent were added; and a moderate who had been dropped earlier was restored.

The Steering Committee remained more or less unchanged from then on. Meanwhile the addition of five independents elected from among six hundred unaffiliated supporters, and seven graduate students elected by the Graduate Coordinating Council (GCC), newly-formed to mobilize support for the FSM, swelled the ranks of the Executive Committee to over fifty students. There was also a representative elected from among non-student independents -- largely drop-outs from Cal, but including some interested persons in the community -- who served on the Executive Committee.

1. Graduate Student Support

The organization of the graduate students and their entrance into the policy-making of the Free Speech Movement marked a turning point in the course of the movement. The graduate students were among the most experienced and sophisticated members of the FSM and tended to raise the level of the discussions within the FSM. Furthermore, they were able to call on vast resources of intelligent and hard-working colleagues who had some leverage -- the teaching assistants.

Until the free speech controversy, graduate students were unorganized. They were disfranchised from the Student Government (ASUC) in 1959. A few unsuccessful attempts were made during the following years to set up a Graduate Student Association but by the onset of the fall semester 1964, the organization no longer existed.

After the October 2 crisis, the graduate students set up the Graduate Coordinating Council consisting of two elected members from each department. Immediately, the GCC elected seven delegates to the FSM Executive Committee. As the dispute continued, graduates began to take the initiative. They felt deeply about the free speech issue, and especially feared the effect the restrictions on advocacy might have on the civil rights movement in the Bay Area. Graduate students were not convinced that FSM members practiced the right tactics, but they were persuaded of the justice of the FSM aims, and assumed they would have an important influence in FSM councils. This assumption was borne out.

The entry of the graduate students into the Executive Committee of the FSM paralleled an increasing amount of graduate participation in rallies and in the administrative running of the movement, expecially in writing literature and handling informal faculty and Administration contacts. Though most graduate students tended to leave direct action to younger quarters, over 20% of the eight-hundred students arrested December 3 in Sproul Hall were graduates. As FSM sympathies among graduate students grew, the tactic of a strike became feasible and the possibility was frequently discussed.

2. General Campus Support

From the beginning, the politically interested, who constitute a minority on the Berkeley campus, as they do in any population, were deeply disturbed by the Administration action restricting political expression. Berkeley has a larger share than most campuses of politically active students, which helps explain why so many students -- over a thousand -- were ready to devote the better part of their time sitting inside and outside Sproul Hall during the 32-hour demonstration, October 1 and 2.

Who were these students? A questionnaire (Survey B--See Appendix D) returned by over 600 of the October 1-2 demonstrators showed that over 70 per cent belong to no campus political organization. Half had never before participated in any demonstrations. Though only 15% were willing to risk arrest and expulsion at the beginning of the demonstration, 56 per cent declared themselves so willing "if negotiations broke down and similar demonstrations were necessary."

At the height of the demonstrations, over 5,000 students gathered in the Sproul Hall plaza; at least 3500 were sympathetic to the aims of the United Front.

When the Chancellor moved against four FSM leaders on November 28 for actions allegedly committed on October 1 and 2, the active support for the FSM expanded greatly, expecially among the graduate students. The GCC and the departmental meetings of teaching assistants called for a strike Friday, December 4. Meanwhile, the FSM called for a sit-in in Sproul Hall. Over eight hundred students were willing to act as front-line troops in the dispute. A survey of those who were arrested for sitting in revealed that the students as a whole had better than average scholastic standing.

Approximately 15,000 students stayed out of classes from Thursday through Monday to protest the use of police on campus and to support the FSM cause.

It is hard to over-estimate the depth of the impact of the free speech controversy on the Berkeley campus. It seems clear that over half of the entire student body has played a role in support of the FSM at one time or another, from attending rallies, striking and signing petitions, to leafletting and other chores. A telephone survey of 5000 students randomly selected during the weekend following the arrests of the 800, showed 55% of the students pro-FSM and willing to strike.

Along with the impressive numbers who rallied to the FSM banner came evidence of deep commitment from a smaller circle of over a thousand students. Arranging meetings, writing and distributing leaflets, and manning telephones absorbed the attentions of an army of students, mostly independents; at crucial times, several sororities pitched in with needed womanpower.

After the independents' meeting of October 6, a vast work force was organized. Student apartments were set up as "centrals." As time went on, the number of Centrals grew to include Work Central, Legal Central, Press Central, Command Central, and Information Central. The proliferation of the FSM bureaucracy became a standing joke among FSM supporters; but the system worked surprisingly well to keep information flowing and needed chores provided. It could not have continued without many, many students contributing substantial time and effort.

Another indication of student support is the vast amount of money raised during rallies. These funds enabled the FSM to publicize its position in leaflets and newsletters, to rent loud speakers, and to hire meeting halls. Several hundred dollars were raised at various benefit performances. But the bulk of the money raised directly from among students, faculty, and University employees. At the October 1-2 demonstration, following the suspensions of the eight and the arrest of Jack Weinberg, over $800 was collected. Money was also sent from other college campuses; $300 was raised, for instance, at San Francisco State College. In all, over $2,000 was contributed by students.

Several factors contributed to the broad student support for the FSM. First, the free speech issue itself aroused sympathy; the Administration was unable to

present a coherent justification for its regulations and the FSM position was a clear libertarian one which could be easily grasped. Press coverage, which tended to paint a picture of a small group of rebels challenging authority, muddied the issues in the public mind; but it only reinforced the commitment of students who attended rallies and saw for themselves the disparities between the press and Administration viewpoints and the actual course of events

A major factor drawing student support was the repeated Administration response to the student protest: disciplining leaders. Nothing united the students more than the actions of the Administration -- suspending the eight students, ordering arrests, and then after explicit and official faculty repudiation of this course, preferring new charges against leaders for acts allegedly committed two months earlier.

Given all these factors, however, the FSM would never have sustained and enlarged the base of its support were it not for the dedication of the leaders to keep the campus informed of FSM policy and to reach policy decisions by as democratic a procedure as possible.

A continuous stream of FSM literature outlined the demands and tactics planned. It was, furthermore, common knowledge, that the FSM was making frequent overtures to important administrators towards setting up talks on the issue, and that these attempts were not getting very far. Hardly a week passed without several informal meetings and telephone conversations with important members of the Administration -- in each case initiated by members of the FSM. At one point, several "moderate" FSM members actually met with President Kerr and thought they had reached a compromise agreement, only to learn the following day that the President had changed his mind.

During several major rallies, the FSM's commitment to democratic procedure was evident. On these occasions, extensive discussion about options open to the FSM took place right at the rally and a voice vote decided the issue. For instance, on November 20, several thousand students, assembled across the street from the Regents meeting, learned of the Regents' decision: the rules would be somewhat liberalized, but the Administration would still judge whether speech were "legal" and there would be further disciplinary action against the FSM. A segment of the leadership favored an immediate sit-in. The majority of the students agreed with the position of Mario Savio, that such a move was inappropriate at that time; and the meeting adjourned for the weekend.

Since the press has often minimized the student support for the FSM cause, it should be pointed out here that for a long while, faculty and administration also failed to see how extensive and intensive the student feelings were. A major turning point for the faculty came when hundreds of their brightest students were arrested on December 3-4, and when a majority of their teaching assistants (90% in the Humanities and Social Sciences) went on strike over the issue. At this writing, however, some members of the Administration continue to believe that the free speech controversy involves only a handful of "disruptive elements," and trust that the dispute will end if these people are eliminated from the school.

C. Tactics: Source of Conflict

The United Front was a catch-all organization including Goldwaterites and Socialists. None of the early participants thought that the fight for free speech could be sustained for long by such a diverse set of allies. The first disagreements over tactics came as soon as the conservative groups announced that they

could not, on principle, break University regulations with which they disagreed. The majority of the United Front argued that all attempts would be made to secure a quick change in the rules barring fund-raising, advocacy, and recruitment of members, but that if the changes were not prompt, the rules would have to be broken. They reasoned that the restrictions themselves threatened the very existence of the groups; they hindered access to fellow students.

The conservative groups agreed to go along with the demands of the United Front, while making public their adherence to the regulations as they stood. At the same time, they would fight to change the rules by picketing and speaking out against them.

During the week of September 28, several changes occurred which affected the position of the conservatives. First, Chancellor Strong threw out the earlier distinction between advocating and informing. On Monday, he announced that a stand in the upcoming national and state elections would be allowed, but that any other kind of advocacy would be prohibited. This partially satisfied the immediate needs of groups which existed primarily for election work, especially the conservative groups. Though they still favored further changes, they could "live with" the new rules. When demonstrations occurred to protest the suspensions and arrest later in the week, the conservatives split. Some continued their earlier support of the United Front; others denounced the group as contributing to a nation-wide erosion of law and order, and endorsed a full measure of disciplinary action against the demonstrators. This split in the conservative camps was never healed. From that time on, a conservative minority in the FSM opposed direct action tactics within the organization, while another wing of conservatives boycotted FSM meetings altogether.

Among the remaining groups, there was general agreement over ends, with some major arguments over tactics and timing. Generally, the Steering Committee and the Executive Committee can be divided along lines of attitudes toward the administrative decision-makers. There was agreement that, ultimately, the dispute could only be settled through negotiations with those who made the decisions; and there was general despair over administrative unwillingness to talk over the issues or even admit that issues existed. Two divergent attitudes existed among the leaders. Some completely distrusted the Administration. These "militants" saw each administrative move as a further attempt to avoid the issue, undercut those fighting for better rules, and reinforce the right of administrative fiat in these areas.

Others saw Administration moves as mistakes, and had more or less faith in the integrity of the administrators. They saw administration moves as mistakes or arising from different interests. These "moderates" stressed the need for negotiations and opposed any moves which might suggest to the Administration that the FSM was unreasonable or did not understand the complexities involved.

To liberal and sophisticated observers, one of the most puzzling and interesting aspects of the meetings was the way organizations split among themselves on these attitudinal lines. While the press and President Kerr were making allegations of Communist influence in the organization, the various socialist students were as divided among themselves as the rest of the Executive Committee. For instance, members of the DuBois Club -- not to mention the non-Socialists such as SDS and SNCC -- were in both the militant and moderate camps. Members of the Young People's Socialist League (YPSL) were the only consistent moderates.

The important thing to keep in mind about the dynamics of decision making within the FSM is the crucial role played by administrative decisions in rein-

forcing one or the other camp. Administration responses tended systematically to undercut the position of the "moderates" who presumed negotiations and Administration good will in their calculations. The disciplinary buckshot fired at the FSM outraged moderates and militants alike. Therefore, during crises there tended to be consensus on tactics. During the lulls when "channels" were being used, especially during the talks in the CC A, the differences came back to the surface.

The disagreement with the Administration over the interpretation of the Kerr agreement of October 2 was uniformly regarded within FSM as evidence of bad faith. Even after President Kerr finally agreed to reconstitute the CCPA, the distrust lingered on. This, in turn, explains why the advocacy issue became such a bone of contention. During the course of the CCPA meetings, the Administration declared its position on advocacy final; it demanded the right to discipline students whose speech was judged to be illegal by the Administration.

The FSM, by this time, believed the Administration was arbitrary in its interpretation and enforcement of rules; it also saw evidence that the University acted sometimes as a transmission belt for anti-civil rights pressures from the outside community. For these reasons the FSM opposed the power of the Administration to interpret the content of speech, and consistently demanded that the Courts be the sole arbiters of the legality of speech.

Once the Administration had declared its position to be final, most of the members of the FSM Executive Committee felt the viability of the CCPA was compromised. After much debate, the Executive Committee decided to continue to work in the CCAP to re-open the advocacy issue. Meanwhile, tables, under "ideal" rules would be manned once again--this time mostly by graduate students. Most of the Executive Committee did not count on the Chancellor's reaction: he dissolved the CCPA. Apparently he also directed the Dean's Office to discipline violators of University rules but to disregard violations by graduate students and teaching assistants.

The most serious split in the FSM occurred after the Regents endorsed some liberalization of the rules, allowing fund-raising and recruiting members, but calling for University discipline if the Administration concluded that a speech was "unlawful." The FSM agreed that the new rules were unacceptable but divided over what to do about it. This division had slightly different dimensions. On one side there were those (usually among the moderates, but here joined by several socialists and radicals) who felt that the suggested Monday sit-in could have no political benefit; and that it constituted a gesture of anger and futility which could only be used against the movement. The militants argued on moral rather than political grounds: the Regents had given their final answer--an answer which left the Constitutional rights of students in question; therefore, the students saw no alternative but to publicly and dramatically express their opposition and despair. The militants won a close victory in both the Executive Committee and the Steering Committee. Both sides were represented to the thousand students attending the Monday meeting. Only three hundred of them chose to sit-in, however, and of these, many acted in order that the split might not be maximized in the eyes of the public. In these circumstances, the Steering Committee decided to clear the building at 5:00 P.M. and to call off further sit-in plans. The split indicated that Administration concessions might destroy the FSM if the leadership did not work to reach a consensus before planning action. As the lesson of the abortive sit-in was sinking in, however, the Administration, over the *Thanksgiving weekend, took new action against the leadership. The split* healed over night.

The Executive Committee united in a call for an immediate amnesty and opening of discussions on the advocacy issue. They contacted the Administration about these points and learned that some members of the Administration had opposed the

timing of the new disciplinary action but said they could not have the action rescinded. It seemed the pattern preceding the October 1-2 demonstration was being repeated. The students again were told that there was no free speech issue and that, in any case, there was no way to discuss their demands; they were again faced with disciplinary action against a few of their leaders. Pressure to take strong,unequivocal action came this time not only from the militants, but from the moderates, both undergraduate and graduate.

A final ultimatum was issued by the FSM to President Kerr to sit down and talk or to face renewed direct action and a student strike. The Administration once again reacted by stating it would not be moved by a small number of dissatisfied and unreasonable "rebels." On Wednesday, December 3, Mario Savio expressed the despair of the students by calling on FSM supporters to begin a peaceful and disciplined sit-in in Sproul Hall.

When Governor Brown called in the police early the next morning to arrest the eight hundred demonstrators the campus was only more united. The minority on the Executive Committee who had opposed the sit-in, and many students outside who had had misgivings, now pulled in behind the FSM, giving it more widespread campus support than ever before.

During the ensuing weekend, the Steering Committee made it clear in the flurry of behind-the-scenes talks, among Administration, faculty and student contingents, that the FSM had a very specific set of goals: essentially, amnesty for all students, faculty-student say in rules and adjudication, and court jurisdiction over content of speech. Moderate and militant alike stressed to faculty chairmen and to available administrators, that from the beginning the issue was free speech and that with amnesty and a solution of the advocacy problem, the controversy would end. In fact, Mario Savio made it clear to the Executive Committee after the Faculty Chairmen had met with President Kerr that if the Regents accepted the resolutions of the Academic Freedom Committee (which were later endorsed 7-1 by the Academic Senate) the Free Speech Movement would become primarily a "defendants" committee" which would lobby for amnesty for the eight hundred arrested in Sproul Hall. But without a resolution of the issues, the students expressed readiness to continue the fight by whatever means were left open to them.

Just before the winter vacation, the Regents rebuffed faculty attempts to get jurisdiction over discipline and rule-making. The entire nature of decision-making was thereby called into question and opened FSM strategists to the difficult problem of keeping a movement going while broadening the demand to an entire overhaul of University policy-making structure.

D. <u>The Limitations of Liberals: Faculty Actions and Attitudes</u>

From the onset of the dispute the students recognized the need to persuade other parts of the academic community that their demands were just. They knew that no matter what other tactics might have to be employed, the dispute could only ultimately be resolved around a table, where different points of view could be aired and a meeting of the minds reached.

From the first, the students faced an administration reluctant to discuss the issues, so the protestors attempted to extend their support among the students and faculty by holding a series of rallies, passing out leaflets, and circulating petitions. The petitions were hastily drawn and numerous; yet they amassed hundreds of signatures. Most professors, however, expressed a wish to wait and see, and advised students to seek redress through normal administrative channels.

In practice, however, there were no channels. On the first day of classes Dean Towle made a new pronouncement but indicated that changes in the rules were out of her hands. The following week Chancellor Strong modified his interpretation of the advocacy ban in a public meeting, but continued to refuse to meet with students. A meeting was scheduled for Wednesday, September 30, by Dean Towle with the united front to "clarify" the rules. This meeting was cancelled by the deans office because of "unfavorable conditions": three hundred students were waiting in the hallway demanding the same treatment as five students cited that day for sitting at tables.

The first direct faculty involvement came the following day, October 1, after the arrest of Jack Weinberg had touched off a major rally around the police car. Given the crisis, about fifteen professors, largely from the sociology department began ad hoc meetings to attempt to reach the administration and mediate. They expressed their neutrality in the issue, and their criticism of both sides in the dispute, and announced their major aim was to work out an agreement in which the students would call off the demonstration and means for settling the dispute would be set up.

The adminstration told the faculty the same thing it told the students; that is, two things were non-negotiable: one was the disciplinary action taken against the eight students, the other was University regulations.

The faculty mediators got nowhere on the first day. Pressure for talks mounted on the second. The campus clergymen, supported by student religious leaders--both groups privately sympathetic to the students' cause--stepped in to mediate (they too were unsuccessful but their presence helped); meanwhile, behind the scenes, the Democratic party applied pressure for talks. As a result, President Kerr agreed to a four-point faculty proposal, drafted by several professors from the social sciences, and, after having called over five hundred policemen onto the campus, notified the united front that he was ready to offer the students a package agreement.

During the debates with President Kerr, the students made it clear that they wanted the faculty to have a larger role in the dispute. They wished all administrative charges to be dropped; but they were willing, in the end, to have a committee chosen by the Academic Senate take up the cases of the eight. Similarly they were willing to enter into a tripartite Study Committee, on the understanding that the faculty would choose their contingent, the students theirs and the administration theirs. With the end of the weekend, however, the students learned that the Study Committee had already been selected by the Chancellor without any consultation, and that he was submitting the cases of the eight to a committee of his own appointees. Meanwhile, a number of mathematics and statistics professors deplored the administration's tactic of calling in the police.

The dispute over the fulfillment of the agreement raged for nearly two weeks. The faculty members chosen to serve on the Study Committee (the CCPA) defended the legitimacy of the body but the group decided to hold its first hearings on the question of how it could be better constituted. At this meeting the first formal confrontation of students and faculty took place: all fifty students were critical of the administration and all but two called for the immediate suspension of the committee as constituted.

Meanwhile, the Academic Senate met and tabled several motions supporting student free speech. It passed a resolution urging "cooperation of all parties". A professor of industrial relations, who later turned out to be a close friend of President Kerr, came away from the meeting dissatisfied, and offered his services to mediate the differences between the President and the students.

An agreement resulted giving the Free Speech Movement four seats on an expanded Study Committee, and remanding the cases of the eight to a panel to be chosen by the Academic Senate.

After lengthy hearings, this disciplinary panel sharply criticized the administration and recommended suspending two of the students for six weeks (a period elapsed by that time) and expunging the records and reinstating the remaining six students. Weeks later, the Regents reinstated all eight as of November 20 and refused to expunge any records. Many professors then publically decried the Regents' failure to heed the recommendations of the faculty panel. The chairman of the group however later declared his satisfaction with the Regents' action, and requested the matter be closed.

The reconstituted CCPA met for several weeks. Many issues seemed resolved. But the administration so stood firm on demanding the right to discipline students for speech which it considered illegal. It also insisted that the Sproul Hall steps no longer be used as a Hyde Park area. Faced with administration intransigence on these issues, the faculty contingent told the students to go along. In other words, on those issues where there was an important difference between the student and administration position, the faculty saw itself as the reasonable mediator, convincing the students that it was fruitless and irrational to oppose the administration.

The CCPA declared the issue of advocacy deadlocked and the students went back to setting up tables. The study committee was then dissolved by the Chancellor. But the "rump" faculty contingent continued to meet and made public a ten-point package which included essentially the points made during the meetings: the legality of student speech would be decided by the school (the faculty asked that it have an advisory role in determining this), but fund-raising and recruiting members would be allowed.

This position was set forth in some detail at a special meeting called by the Dean of the Graduate Division for teaching assistants after several graduate meetings had brought up the possibility of a TA strike if the University refused to change its restrictions. Several hundred teaching assistants attended and made their nearly unanimous opposition clear.

There was considerable confusion after the November 20 Regents meeting. Many professors felt that the faculty position had been completely ignored in the deliberations. Actually, many of the faculty proposals had been put into effect, and others tabled to a future meeting. However, the parts put into effect were only those that the administration was already willing to grant when it came into the Study Committee meetings. The faculty demand that it be given jurisdiction over the advocacy cases, for instance, was ignored.

In the wake of the Regents meeting some of the younger history professors sought faculty support for a proposal that the Academic Senate should not only hear cases concerning the content of speech but that they should have final jurisdiction, not simply advise the Chancellor. Meanwhile several science professors issued a statement endorsing the use of direct action not only in Mississippi but in the north.

General faculty mobilization, however, began only after the Chancellor re-opened disciplinary action against four FSM leaders. There was widespread concern over this action among the faculty, though nothing was done to head off the imminent crisis.

The arrests Thursday morning and afternoon of the eight hundred wrenched the faculty out of the seat of routine and brought a large portion of them in

direct involvement. Over $8000 in bail money was raised among them during the first day. Several hundred professors were involved all day and night arranging bail, negotiating for the release of the prisoners and, ultimately, transporting the students from the Santa Rita prison facility, 37 miles from Berkeley.

Nine hundred professors, double the number usually at Academic Senate meetings, met on their own initiative the day of the arrests and overwhelmingly endorsed a series of proposals including one to make the courts the sole arbiter of the content of speech.

Meanwhile, the departmental chairmen constituted themselves as a Council and played a slightly different role. With Chancellor Strong ill and in the hospital and with the Academic Senate out of session, the chairmen agreed to run the school and try to breach the cleavage in the University community. They worked out a series of points which they modified during weekend meetings with President Kerr and ultimately came up with a package ensuring no campus discipline for acts committed before December 7 (the Monday the agreement was unveiled) and calling for discussion of the rules by the Academic Freedom Committee of the Academic Senate. Pending liberalization of the rules, furthermore, existing rules would be put immediately into effect. The last part was to answer the charge that the new Regents rules had not been implemented. But the agreement could not bring further implementation for the rules stipulated that the Chancellor would designate areas, and the Chancellor gave no indication then or later of planning to designate any area save the Bancroft and Telegraph sidewalk area.

The liberal faculty members, spurred on mostly by non-tenured members, but including among their ranks many of the top men in the social sciences and humanities, went ahead and drafted a series of resolutions which were then adopted by the Academic Freedom Committee and, after a long debate, by the Academic Senate by 824-115.

In the following days, the professors were very busy printing up thousands of leaflets and pamphlets explaining their position to the community and especially to fellow professors on other campuses. They managed to win endorsement from professors at U.C. at San Diego and Santa Barbara and from professors at other schools throughout the state and country. They failed to get the support of the UCLA faculty largely because of long-standing rivalries between the two campuses.

Many professors, stunned by the involvement of so many of their best students in the arrests, invested a great deal of energy and time in fighting for their resolutions. They suddenly remembered old disputes and unresolved issues, still outstanding, and credited the students with clarifying both the free speech issue by their uncompromising position, and the nature of University decision-making.

Out of the dispute came a union, affiliated with the American Federation of Teachers, of teaching assistants, a new graduate student government, a new independent undergraduate association, and, finally, plans for reorganizing the Academic Senate to strengthen its hand in dealings with the administration.

In letters, speeches and informal discussions, one theme arose continually among professors: why did it take us so long? The answer lies in the conservative consequences of the liberal myths with which nearly all of the "liberal" professors clothe themselves. They have faith in the community, in the wisdom and good will of the administrators whom the Regents (wealthy businessmen chosen by the Legislature) have entrusted with running the school, with the accessibility of the administration to grievances and divergent

interests within the academic community; they stress the complexity and difficulty of running a large university and the many pressures from outside which must be neutralized if the University is to survive and thrive. They tend to see conflicts as administrative not political problems, automatically resolved in the best practicable way through set procedures. They deny, on principle, that interests within the academic community significantly diverge: disputes are within the family and are better not pursued than risk offending or disturbing the routine. They presume current procedures are adequate, that disputes only arise through misunderstanding and failure to communicate. They argue that, in the last analysis, the administration must be obeyed for it has had power delegated ultimately by the legislature. The power of the administration is legitimate and therefore must be just. To call it unjust, or to call for a redistribution of decision-making authority where unchecked injustice is manifest, is to challenge the legitimacy of the system: it is anarchy.

Now, most of the faculty modified this position with examples of exceptions and problems and grievances of their own. But they saw these as necessary evils, exceptions to a basically sound system; furthermore they identified with the system even by seeing the administration as their "servants" (while conceding this did not usually work out in practice). Thus criticism of the system was criticism of <u>their</u> system. They saw the problem as one of letting the system work out the problems by its own machinery, to intervene risked destroying it.

Only when the system was threatened overtly and unquestionably-- that is in times of crisis, when the mechanism of student protest and administration repression had led to a clear breakdown-- did the faculty feel compelled to enter. Only during crises, in fact, were a significant number of professors ready to see that simple administrative matters were not the story-- rather that some profound moral and political issues were at stake and that the faculty had to take sides, even if only to end the disruption of the routine. Even the "equi-liberals" who agreed with President Kerr that modern industrial society is only a matter of administrative balancing off of competing interests, then were forced to take practical steps to forestall further fracturing of the community. But the limitation of their vision continues to keep them from seeing the moral and political foundations of the student demands, and they continue to oppose the students' militancy as subversive to the University.

The main consequence of faculty attitudes and actions until the arrests was to muddy the issues and to strengthen the hand of the administration, by legitimating extraneous issues, expressing their own confusion about the issues, and supporting the administration position because of "power realities" on specific points where the Chancellor refused to budge. Only a handful of professors gave public support to the FSM from the early days.

The bulk of the faculty remain more committed to the smooth running of the University than to effective measures to change the educational experience and guarantee all members of the academic community their Constitutional rights on campus.

Since the arrests, however, a large contingent, mostly younger professors, are deeply committed to the FSM position.

Others have moved back into the background and can be called on to come out if there is more trouble: these will likely resign, for they moved from liberal faith to disillusionment and despair.

The FSM has stressed often its hope that no professors will actually resign over the issue, but will stay and continue the fight in Berkeley.

The reaction of the moderate Academic Senate Executive Committee to the Regents decisions of December 18 was typical of the behavior of most faculty liberals. The group endorsed the Regents moves, though the latter repudiated the faculty mandate to hold jurisdiction over rule-making and adjudication. However, many other professors expressed their opposition to this yes-man attitude and brought pressure on the Committee. As a result of this pressure and of student insistence on the right to use the steps of Sproul Hall for meetings the Committee is expected at this writing to endorse the use of this area, at least for the time being, as a traditional Hyde Park area and one which meets the free speech requirement for effective communication.

This is expected to put the faculty in conflict with Chancellor Strong, who returned from the hospital more eager than ever to salvage his authority and who has garnered four members of the Regents in a campaign to oust President Kerr.

It is well understood on campus among both students and faculty that renewed disciplinary action will create a new "explosion". Whether the faculty this time can forestall a new crisis remains to be seen.

III

A FREE UNIVERSITY OF CALIFORNIA: CURRENT PERSPECTIVES FOR CHANGE

The fall 1964 semester of the University of California is generally regarded as the most exciting and dangerous era in its history. Like the loyalty oath controversy of the early fifties the danger came when outside pressures were transmitted by the administration into University policy. But the resistance to the iniquities of the policies and the structures generating them has made a difference and has opened great perspectives for university reform in the California university system and elsewhere.

By any standard, save that of those who say that education does not exist outside a classroom setting, the semester was the most educational in the history of the school. An ever increasing number in the University community were involved in a sophisticated level of dialogue created by a group of students whose main tactic was to continue to clarify the difference between conditions for educational excellence and the reality, and the unfolding of events in which the roles played by various participants became increasingly clear and the relationship between structures and patterns of interest and authority emerged for all to see. By the time of the arrests over 65% of the student body was actively supporting the Free Speech Movement as a result of this educational process.

During the course of the dispute, the FSM was able to demonstrate clearly the inadequacy of the reality and alternatives to it. Over the Christmas vacation, the cases of eight hundred young people arrested for protesting by a sit-in University policies ominously hung in the air, many liberal professors continued showing signs of reluctance to confront the issues and to fight the administration, and evidence was clear of administration and community intimidation-- investigations, renewed discipline and a threat to close down the school and bring the National Guard.

Thus the students decided to hold a series of informational rallies in January 1965 until finals and the Regents meeting of January 18 to present the University

community with a general critique of the ongoing relationship of the University and particular parts of the outside community, and their specific demands for structural and policy changes needed to return the University to its proper role as informed and autonomous critic of the society in which it is placed and as a place for distinguished education for citizens and leaders of a new era in America.

The Free Speech Movement, with the vital and continuing support of the Students for a Democratic Society and like-minded citizens, has expressed its intention to live its ideal of uncompromising dedication to principles of democratic participation and free expression both on and off the campus.