

# **CRISIS REPORT**

**AN ANALYSIS OF  
THE PRESENT  
STRUGGLE AT  
BERKELEY**

**PREPARED BY A COMMITTEE OF  
GRADUATE STUDENTS AT BERKELEY**

**FOR THE INFORMATION  
OF THE UNIVERSITY COMMUNITY**

**INTRODUCTION: Aims of this Bulletin, the Dangers of Arbitrary Suspensions, and the Fate of Our University Community**

I. A long series of events has led to the present crisis which affects all members of the academic community and which is bound to have major consequences beyond the distinct environs of the University of California at Berkeley. The immediate occasion for this bulletin is that the character and perhaps the survival of this community are in peril. The community is faced with the increasingly abrasive and repressive policies of university administrators as well as the more familiar ideological and budgetary assaults from Governor Reagan and other right-wingers. In anticipation of the serious questions likely to emerge in the coming days, this bulletin is intended as a concise source of background information and analysis of the crisis.

II. As the aftermath of the FSM crisis made clear, the suspension of students for political reasons leads to massive discontent, faculty unrest and resignations, and the dismissal of administrative officials. The arbitrary suspension of student leaders, resignation of faculty, or dismissal of officials has never solved any educational problems on this campus, never improved the working relations among students and faculty and Administration, never contributed to the normal functioning of this University or to its autonomy and integrity. Suspensions, resignations and dismissals have only compounded these problems, worsened these relations, and opened the door to even greater interference with campus affairs from partisan political authorities in Sacramento.

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## CHRONOLOGY OF EVENTS LEADING TO THE PRESENT CRISIS

Tuesday, Oct. 10: The Administration grants tentative permission to campus SDS for the use of Pauley Ballroom on Monday night, Oct. 16, as a "meeting place and embarkation point" for the Stop the Draft Week activities of the following day.

Wednesday, Oct. 11: The Administration rescinds permission for the Pauley Ballroom organizational meeting for Stop the Draft Week. However, permission is granted for an all-night teach-in on the draft for Oct. 16 to be sponsored by the ASUC.

The Alameda County Board of Supervisors threatens legal action against the impending Stop the Draft Week activities on campus. Dean of Students Arleigh Williams defends the Pauley teach-in and the right of student advocacy.

Thursday, Oct. 12: The Administration approves the proposed program for the ASUC teach-in. SDS reluctantly accepts the program as a substitute for its original meeting, with reservations about the small amount of time provided for organizing for Stop the Draft Week.

The Oakland Tribune and State Superintendent of Public Instruction Max Rafferty attack Stop the Draft Week.

Friday, Oct. 13: Chancellor Heyns replies to the Alameda Board of Supervisors, defending the teach-in, including the freedom to advocate even "possible unlawful activities."

Monday, Oct. 16: Stop the Draft Week begins with 125 arrested for blocking the doors of the Oakland Induction Center.

At the request of the Board of Supervisors, the Superior Court of Alameda County issues a restraining order against the University's allowing the Pauley teach-in or any meeting for the purpose of violations or "on-campus advocacy of off-campus violations" of the Universal Military Training and Service Act.

The Administration announces compliance with the restraining order and cancels permission for the teach-in. University officials take no action to overturn the restraining order. ASUC President Dick Beahrs, a number of professors, and many campus organizations sharply criticize

the restraining order.

Chancellor Heyns urges students not to participate in "illegal acts" in connection with Stop the Draft Week.

Over 6,000 attend a rally on Sproul steps from 10 p.m. to 5 a.m. to discuss the draft, protest the restraining order, and organize for the following morning's anti-draft demonstration in Oakland. The rally is declared in violation of the campus rule against use of sound equipment without permission (not granted due to the restraining order). Speakers include faculty members as well as students.

Tuesday, Oct. 17: 4,000 attempt to block the Oakland Induction Center. Police clear away the demonstrators with billy clubs and mace, leaving 25 hospitalized and 18 arrested.

Robert Hannon, Chairman of the Board of Supervisors, states that the administration fully complied with the restraining order by locking University buildings on Oct. 16. Chancellor Heyns warns the University community that any violation of time, place, and manner rules will be cause for discipline. The ASUC and Faculty Peace Committee initiate unsuccessful legal action to overturn the restraining order.

From 12 noon to 2 p.m. an "illegal" rally is held in Sproul Plaza. In the evening 3,000 attend a second rally on Sproul steps to discuss Tuesday morning's demonstration and further action. In response to Dean Williams's request that the evening rally be stopped, the crowd votes without dissent to continue the meeting.

Wednesday, Oct. 18: The third morning of anti-draft demonstrations in Oakland proceeds peacefully.

The administration prepares a "disclaimer oath" and selects 8 campus organizations that are to be required to sign it. The oath would pledge the groups to refrain from using campus facilities for violation of, or advocacy of violation of, the Universal Military Training and Service Act. All but one of the groups refuse to sign and are denied use of University facilities for the duration of the restraining order.

An "illegal" rally is held from noon to 2:30 p.m. on

Lower Sproul Plaza and Sproul steps. A large number of students speak over the microphone to share responsibility. Dean Williams announces that citations have been sent to 20 students so far.

Thursday, Oct. 19: Addressing a Regents meeting in Davis, Chancellor Heyns declares that the restraining order made rule enforcement difficult because "many violations are not designed to protest or violate our own rules but only to protest the court order". Several Regents call for disciplinary action against students.

At an "illegal" noon rally on Sproul steps, final plans are announced for the following morning's Oakland anti-draft action.

Friday, Oct. 20: The final demonstration of Stop the Draft Week takes place, with 6,000 people blocking the Induction Center for 4½ hours.

Meeting for the second day in Davis, the Regents unanimously pass two resolutions concerning use of University facilities. The first states that "University facilities shall not be used for the organization or the carrying out of unlawful acts". The second affirms that "advocacy and the content of speech not be restricted beyond the purview of the First and Fourteenth Amendments".

Monday, Oct. 23: County counsel Richard Moore states that one of the purposes of the restraining order issued in connection with Stop the Draft Week was that it "subjected students participating therein to University discipline".

Tuesday, Oct. 24: There is a meeting of many of the 71 students cited for participation in "illegal" rallies during Stop the Draft Week. One of the cited students states that the people cited were "clearly not out to break campus rules" and were "not seeking a confrontation with the University"; rather they were "trying to organize anti-war activity" which led to rule violations because of the restraining order. He argues that punishments would be "a serious blow to the students' right to organize which was won during the FSM".

Wednesday, Oct. 25: Thirty faculty members call on the Administration to "desist from punishing any of the cited students" whose actions "can hardly be construed as ordinary time, place, and manner violations," in view of the widespread conviction that the restraining order was unconstitutional and the Chancellor's own opposition to the order.

Thursday, Oct. 26: Approximately 35 of the cited students agree to boycott the disciplinary hearings unless "due process" conditions are met; these conditions are substantially the same as those put forth during the December strike last year.

Friday, Oct. 27: Dean Williams states that he will "not negotiate about the hearing procedure" but will proceed with the hearings as arranged. He states that the students will not be given further penalties for boycotting the hearings.

Friday, Nov. 10: The Administration issues a press release stating that the following penalties have been imposed "in the wake of Stop the Draft Week activities on the U.C. Berkeley campus": 11 suspensions and 7 disciplinary probation recommendations to the Chancellor; and 3 censures, 35 warnings, and 15 charges dismissed. The Deans' Office says that the more serious discipline was given to those with "multiple and prior violations." At least 9 of the 11 recommended suspensions are for one year. The violations of the 11 students range from speaking once over an illegal microphone to speaking many times.

An Administration spokesman announces that those students who boycotted the disciplinary hearings have lost their right of appeal to the Faculty Committee on Student Conduct. The cited students hold that this position contradicts Dean Williams' assurance of Oct. 27.

### Implications of the Sequence of Events

A number of conclusions emerge from the foregoing chronology of events. One is that the anti-draft activists were not eager to fight the Administration, but that because of the restraining order, they were forced to break time, place, and manner rules in order to carry out their long-planned protest actions. Secondly, in recommending such severe punishments, the Administration went far beyond what was required of them by the restraining order. By so doing they acted in accord with the express desire of outside groups to punish the anti-draft activists.

The disparity between the seriousness of the punishments and the triviality of the actual violations strengthens the impression that the Administration wants to punish student anti-draft leaders for their political activities. By singling out a few leaders, the Administration ignored the clearly expressed complicity of a large number of students.

The Chancellor defended free speech in the abstract but acted to prevent organized attempts to take action on the basis of beliefs, though that right had been recognized as a result of the FSM. Even before the restraining order, the Chancellor denied the use of Pauley for an organizational meeting for anti-draft activities, granting permission only for an educational teach-in.

To the campus community, the Administration emphasized that it was concerned only with violations of campus rules, not with politics. But its press release to the outside world announcing the disciplinary actions mentioned nothing about rules, stating only that disciplinary actions had been taken in the wake of Stop the Draft Week activities.

## WHY FIGHT THE SUSPENSIONS?

Recent events in America confirm a prediction made a few years ago: this society cannot both fight a cruel war against a civilian population in Vietnam and preserve human rights and dignity at home. The increased power of the military reflects itself in every decision about how to deal with internal problems and issues. The token poverty program is even further emasculated as increased funds are directed to train riot-control units of an enlarged National Guard. Public officials talk increasingly of "unleashing" the police on anti-war demonstrators, and General Hershey orders local draft boards to induct students involved in militant anti-draft demonstrations.

Despite this suppression, the voices of the anti-war movement have not yet been silenced. Indeed, the movement has become more militant, more costly to society, and hence less easily ignored. It is in such a context that Hershey's recent directive must be understood. The day after Hershey's statement Chancellor Heyns issued a press release which begins, "In the wake of Stop the Draft Week activities on the University campus..." and proudly announces the suspension for one full year of 11 student activists. It was not the only statement of its sort: at UCLA, Harvard, Wisconsin, and even in Indiana, universities began to punish anti-war demonstrators. But Berkeley always pays a special price for its fame and impetus to the anti-war movement. At Berkeley, the repression is more severe, less reasoned, more obvious. There was no pretense of fitting the punishment to the "crimes": students had spoken on a microphone not authorized by the Chancellor, and for this supposed infraction were suspended for a year. The Chancellor neglected even to mention the "rules violation" in his press release: students were being punished for having organized a successful anti-draft demonstration in Oakland. Even the most naive observer could recognize that the anti-war movement, not any "rules violation", is the real target of administrative penalties.

The suppressive measures of the administration have placed the whole university in jeopardy. We cannot sustain



an anti-war movement if the students involved are constantly threatened with injunctions from without and "time, place and manner" rules (newly made to fit the situation) from within. The Chancellor can thus suspend student leaders with impunity, and keep them off campus by invoking the Mulford Act. General Hershey can then induct them, and the ranks of the anti-war movement are efficiently decimated. In short, we are faced with a major crisis: either we sit quietly and acquiesce in a brutal and immoral war or we stand behind the suspended students, defend them and demand that the University end its harrassment of the movement.

But can we fight? We can undeniably cause much havoc at this University and show the Regents and Chancellor Heyns that unless they leave the anti-war movement alone, "their" campus will be ungovernable. Nevertheless, this may not save the eleven students and could even produce more suspensions. It is a serious consideration that we must ponder. But we must ask ourselves whether we can afford not to fight at this time. What has this system done to us as human beings if we cease to stand together in militant protest at the outrageous penalties imposed on our fellow students? Have we become like faculty-rabbits ready to retreat to the security of the "research sanctuary" when the going gets a little rough? What can we think of ourselves, who all shared equally in the Stop the Draft Week, if we now allow a few fellow-students to suffer for the "heinous" crime we committed together? If this system has so succeeded in destroying our moral values, then we are lost indeed.

The cost of silence, however, is not just the self-destruction of our personal integrity as human beings. The anti-war movement will be weakened just at the moment when it most needs our support. Professor Schurmann predicts there will be an extended bombing pause this winter coupled with phoney attempts to seek negotiations. The "failure" of these attempts will in turn be used to justify a drastic escalation of the war; the "limited" use of tactical nuclear weapons or a U. S. invasion of the North are now under serious consideration by the Pentagon. In the wake of such an escalation, there will be intensified suppression of the anti-war movement. It is necessary that we show both the Regents and the Chancellor that the price of this suppression will be very high for them. If student activists

are to be victimized, then the fate of smooth-talking but establishment-serving "liberal" administrators will be equally sealed. That is, Berkeley can be a warning to administrators around the country: if you want to keep your job then you will have to find some other way of dealing with the anti-war movement besides frontal assaults upon its leaders and activists.

Will all that save the suspended students? No one knows, no one can offer guarantees. Heyns is responding to the pressure from the right: we have an obligation to exert a stronger counter-pressure from the left. Certainly, shifting his position is nothing new to the Chancellor: last year he tried to remove noon rallies from the Sproul Hall steps, and changed his mind after we demonstrated our willingness to fight on that issue. We have never changed Heyns' mind by argumentation, but he has sometimes been impressed with and responded to our power. This time the stakes are much higher and no simple strike can by itself counter-balance the forces clamoring for an end to active and effective dissent at Berkeley. There may have to be serious disruptions along the lines used in Oakland before Heyns understands what he is up against. We know this: that without the threat of serious interference with their work, the faculty and the Administration give only ceremonial attention to student interests and ideas. Perhaps nothing will work. But our actions will probably have a constructive effect. There are never any guarantees.

We know what we think of Germans who remained silent because they "couldn't win anyway, so why knock yourself out?" We know what we think of Americans in the early fifties who offered only token opposition to McCarthyism when they should have been organizing a serious struggle. Totalitarianism in this country is represented by the consensus manager at the top, L. B. J., and by the consensus manager on campus, Roger Heyns, can only be successful if we retreat into shamed silence at this crucial phase of our struggle, afraid to support our convictions with our hearts and lives.

THE RULE OF HEYNS: AUTONOMY FOR WHOM?  
"L'universite, c'est moi."

"In our time, political speech and writing are largely the defense of the indefensible .... Thus political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness." George Orwell

Chancellor Heyns has worked hard to present himself as a defender of campus autonomy, academic freedom, and free speech. He has asked, and moderate faculty members have demanded, that we support him as the only alternative to repression by reactionaries from outside the campus. In the crisis around the Stop-The-Draft Week demonstrations this cry has been particularly loud. But perhaps we should take Orwell seriously and see whether Heyns' image is just that, an image, and whether behind the image there are tendencies toward the blanket repression of the anti-war movement.

Heyns did defend freedom of speech for the CIA and Dow in recent weeks, even when that speech included active recruiting. Last year, the Chancellor seemed less interested in protecting free speech when he proposed to remove the major organizational and advocacy resource of political groups on campus, the noon rally. It was just "too difficult" and "too boring" for the Chancellor. He was not "impressed with the quality" of the speeches, but he was impressed with free speech from the steps which he termed "vicious ... dishonest ... character assassination." Availability of free speech facilities suddenly seemed to depend on the Chancellor's judgement of the content of speech. He further attacked the rallies because they had become "primarily an organizational weapon, not a forum for discussion," thereby introducing a distinction the students have never accepted -- that between advocacy and organization. We have always held that effective advocacy is organization.

Among other incidents which occurred that year, one might mention such illustrative ones as: 1) the citing of an APT

leader for telling a rally about the University's slamming its doors on 800 black public school students boycotting the Oakland schools; 2) the violation of campus autonomy by the use of outside police to break up a sit-in in the Student Union building.

#### The Pauley Ballroom program

We must turn, however, to the events of this year. The year began, of course, with celebration by the Chancellor of the fact that the campus was now effectively depoliticized, a goal the Chancellor had pursued with vigor as Vice Chancellor Cheit explained quite openly to the LA Times (12/2/66), was all "calmness and discipline" and parents no longer had to worry about their children becoming radicals at Berkeley (DC-10/2). The campus, however, was involved in planning a major demonstration against the war, the beginning of which was to be a huge meeting on Monday evening, the 16th.

In regard to this meeting, we are consistently told that the Chancellor was in his finest hour. He wanted to permit it, encourage it, and even defend the meeting. But let us look closely at the developments of the week preceding the meeting: 1) the Stop-the-Draft committee proposes a completely legal, within the rules, all-night organizational meeting - it is to be an orderly but effective basis for the Oakland demonstrations; 2) the Chancellor's office seems on the verge of approving it with only minor reservations; 3) the meeting is turned over to the ASUC in order to help finance the meeting; 4) under continuing pressure from the administration, the ASUC turns the meeting into an "educational" one, and advocacy and organization, instead of being the major points of the meeting, are relegated to insignificance (the Stop-the-Draft group was to have nine minutes of the 8 hour program for its "advocacy"). Heyns had played the game just as Orwell described. He did not immediately forbid the organizing of the demonstrations but had instead made a great show of principle in permitting the meeting and then proceeded to subvert its whole purpose. As he himself explained to the Regents, he had successfully eliminated an anti-war organizational meeting and substituted in its place a program which could serve as an

"alternative to law-breaking", namely the Oakland demonstrations, to use his own words (SF, 10/21, p. 5). Just for that reason, Heyns was furious as the Alameda Supervisors and their injunction. They were trying blatantly to prevent organizational activities and only causing more trouble especially in the light of the Chancellor's success at more subtle methods. He told them that he could guarantee that there would be no "organizational" activity at the meeting (DC, 10/16) and was vexed at them for not believing him. Most infuriating to Heyns was that the actual result of their injunction was exactly what he had tried to prevent: it was a rally, in his words, "run by people who advocated interfering with the operation of the Armed Forces Examining Station" (SF, 10/21, p. 5).

In recent weeks, Heyns has added to his image as a defender of free speech by presenting himself as the defender of the University against outside forces that might try to prevent activities such as Stop-The-Draft Week. But it now appears that Heyns was defending the University against the crude suppression from the outside because he could more effectively, through more subtle and manipulative methods, suppress the movement from the inside.

Heyns' plea to the Supervisors was ignored and the injunction was sought and obtained. How did Heyns react? How did he defend the autonomy of the campus? In fact, he made no serious attempt to defend our autonomy. He tried to prevent the injunction because its main effect was to limit his own autonomy (the injunction was specifically directed only at the administration). But once the battle over the injunction was lost, Heyns was unwilling to make the slightest move to protect the campus.

To be specific, once the injunction was issued, one alternative open to the Chancellor was to refuse to obey the injunction. There is ample precedent for a refusal to obey an unconstitutional injunction. A second, perhaps more practical alternative, was for him to obey the injunction in the most superficial way possible. He could simply lock the doors of the Student Union and refuse to provide sound equipment for rallies. By doing this and no more, he would have been carrying out the formal requirements of the injunction. For

a time this appeared to be the Chancellor's aim; at one point a University spokesman was quoted as saying that "in a formal sense...the University had complied with the court order by locking all buildings and providing no quarters for the teach-in." (SF, 10/17, P. 1). A third and even more practical alternative was to close the facilities and to cite those who appeared at rallies but then to give them purposely lenient punishments. In other words, the Chancellor could have stayed within the limits of the injunction and yet protested its repressive character by openly refusing to give anything but purely nominal punishment. He could do this without in any way compromising the need for campus obedience to University rules. As Heyns said himself, "many of the violations are not designed to protest or violate our own rules but only to protest the court order" (SF, 10/25). These options were all open to Chancellor Heyns. All of them would seem not only appropriate responses to the injunction but necessary responses for a chancellor with a sincere wish to uphold the University's autonomy.

Basically the Chancellor was interested not in the academic community's but rather in his own autonomy and when the two came into conflict the former was quickly sacrificed. The autonomy of the campus was publicly compromised when the Chancellor chose to go beyond what the injunction required by imposing prior restraint loyalty oaths on campus organizations and, in recent days, through the office of the Dean of Students, by announcing the suspension for a full year of 11 student leaders.

But let us look further into this matter of harsh discipline. We have argued that anything but purposely light punishments would be a clear and terrible compromise to campus autonomy. But even from the standpoint of a Chancellor not sincerely interested in maintaining campus autonomy, these penalties would seem to be bad policy since (1) there was some campus support for mild penalties (2) the dubious relevance of the injunction to the discipline action made the harsh penalties difficult to defend.

Yet the Chancellor chose not only to punish the students but also to impose the most severe punishments in recent University history.

The motives behind such a move are still unclear. What is clear is that neither high regard for campus autonomy nor a desire to minimize community conflict were the Chancellor's major considerations. Could it be that Heyns, having voluntarily surrendered our campus autonomy, was then forced by the Regents to surrender his own autonomy? We may never know, of course, but the fact remains that what many observers predicted would be a sensational Regents meeting terminated in a vote to support Heyns. The vote carried without dissent or even any discussion. Actually, if our sources are correct, there was a secret vote of confidence in Heyns and the vote was only 10 to 8 in his favor. Something happened in the period between this precarious vote of confidence and the subsequently unanimous support of the Regents. Is it implausible to suggest that this newly gained unanimity might derive from a pledge by Heyns to meet the demands (openly declared by Regents Finch, Grant, and Kennedy -- DC 10/20) for sweeping expulsions of student leaders? How else can the apparent irrationality of the harsh penalties be explained?

The Atmosphere. What has been the atmosphere created by the Chancellor in the academic community since Stop the Draft week? Consider the following events. (1) During the Dow-CIA protests, the Chancellor issued a statement threatening suspension or expulsion not only of students participating in the demonstration but also of those organizing and planning it. (2) Highly reliable sources indicate that up until 10:30 A. M. on Nov. 3rd, the Chancellor intended to place SDS leaders on interim suspension before the CIA demonstration. (3) In his speech to the Academic Senate last week, the Chancellor made it clear that even though the CIA demonstrations were peaceful, there had been plans for disruption ("no one should assume that this peaceful outcome was the original plan or intent of a small number of students" - DC, 11/9) and that "appropriate discipline" would be meted out.

4) In this same speech the Chancellor again made clear that he intends to deal both with overt acts and with the "planning and organizations" of potentially disruptive events. This is a direct step toward the regulation of the content of free speech in violation of the Academic Senate's resolutions of Dec. 2, 1964, during FSM.

In his third year as Chancellor, Heyns has made all the more clear what is to be the basic philosophy of his reign. In his view, political activity on the campus must be minimized and free speech must be limited to exclude effective advocacy (read organization) a) by punishments for organizing and b) by manipulation of events such as the Pauley Ballroom program. The major goal is to maintain the Chancellor's autonomy even if the autonomy of the campus community as a whole must be sacrificed. And all of this is carried out in the name of the principle of "protecting" the campus community.

This report is prepared by a committee of graduate students at Berkeley for the information of the University Community. Editorial Associates:

- Jack Bloom
- Harold Jacobs
- David Kotz
- Mike Lerner
- David Minkus
- Bruce Rappaport
- Irwin Sperber

Cover by Lisa Lyons