

A BRIEF HISTORY OF THE FREE SPEECH CONTROVERSY

University of California, September-January, 1964-5

The Berkeley campus of the University of California seems especially well favored to maintain its eminence and respect throughout the community and the academic world. It receives more than its share of the best-prepared high school graduates who apply for admission to this campus and the others of the University. Its faculty, vigorously recruited away from harsher climates and greater teaching loads at other famous institutions, is encouraged and enabled to increase its scholarly prestige. Its local administration has direct contact with the state-wide administration, located on this campus. The major problem the faculty seemed to have was inadequate parking; some students tried to voice their vague malady they called "alienation," but there was little the University could do about either problem. The tremendous increases in enrollment had led to a Master Plan for all higher education in the state, and the Berkeley campus had reached its maximum population ahead of schedule - there was no more room. This year the campus was filled up. It would take a great amount of skill to keep the campus smoothly running.

The chances for success at this administrative task seemed high, for the President of the University - Clark Kerr - was a noted administrator. He also bore a reputation as a peacemaker in the bitter loyalty oath battle which had led to the University's censure, which he had labored to remove. Though he was largely inaccessible to faculty and students, the Chancellor of the campus, who had been a professor of Philosophy, was a genial if austere liberal who seemed to mirror the principles of freedom and enlightenment the President frequently espoused. Most of the students at Berkeley met their academic requirements and satisfied the demands of the complex administrative system. They attended classes, sometimes were recognized as individuals by their professors, and received degrees. Most students viewed their serious purposes for attending the University as part of a goal not connected with their "problems." They were not consulted about a plan by which education was to be speeded up. A new quarter system was outlined to get more students through the University in less time. It was an administrative necessity. As long as only a few students and a few others on campus took education seriously as a process which could supply its own rewards and sense of meaning as it unfolded its subjects for study, the University could continue to serve the demands placed on it by its community - the community outside the academic world which needed more graduates, more research, more goods and services from "its" University.

But the strains were greater than any system of administrative practices could contain. As the trees were cut down on campus, and as the buildings shot up to replace them, more and more students began to view their education as part of a well-planned process without meaning. Ten per-cent of the 1964 graduating class left the campus for the Peace Corps; many others went to the South for the summer, while others worked hard on local projects which involved them deeply with the major social issues of the day. Even those who did nothing were aware that a new tone and a new style could press them urgently from their own pursuits, and they felt this tone and style in some around them who "desperately wanted to make a difference." At the beginning of the Fall semester, 1964, many of those who had done nothing listened to this tone, and acted in this style; by the new year, they had made a difference. The Free Speech Movement had formed from political groups ranging from socialist groups to conservative Republicans, and from thousands of students who did not belong to any group. Ideology was surprisingly unimportant. Thousands of students knew they had to act, and they knew their actions were placing them in the center of the life of the University, and for the first time, perhaps, in the center of their own natures. They were amazed that they were called upon to fight for freedom. In Justice Holmes' words, it was required of them that they should share the passion and action of their time - at peril of being judged not to have lived. Who were these students, and what did they want? Why did they all risk their academic careers, at least, to get it?

In September, the students who had formed into political and social action groups which covered the spectrum from far left to far right began their protest against the local administration's edict that they could not use their traditional areas at the major entrance to the campus. Bancroft and Telegraph sidewalk, to set up tables which they manned to disseminate literature, collect funds, and recruit members. Since these groups had been pushed "off-campus" some years before, this small area was their only contact with the campus community. From this area, they had espoused their causes and launched social action in the community at large. During the summer, when the Republican convention was being staged in San Francisco, rival Republican groups had contended for members here, while CORE, one of the campus civil-rights groups, had begun to swing its campaign against the hiring practices of the Oakland Tribune, and many other groups were engaging in political efforts connected with the November election. The previous semester had been filled with local civil-rights efforts, including the demonstrations at the Sheraton-Palace Hotel and the Cadillac agency in San Francisco. Many of the demonstrators had been recruited from this area. Obviously, many people felt that this sidewalk area was necessary for them to continue their work. The reasons given them by the administration for denying them this area for their activity varied. The tables blocked traffic. The posters were unsightly. There was a state law against political activity on state ground, or by members of state institutions. Needless to say, the students were not fooled by the specious reasons, whether they were foolish or subtle. For instance, the section of the state Constitution which the administration quoted to the students - "The University shall be kept free from political or sectarian influence" - goes on to say, "in the appointment of its Regents, and in the administration of its affairs" (Art. 9, sec. 9). After many attempts to discuss the changes in the workings of the rules, which the administration refused to do, the students realized that the real purpose of the administration's action was to close up shop for student expression.

By the end of September, this group of students had gone through "channels" and had received the statements of helplessness common from bureaucrats who say their hands are tied; they don't make the rules; there is nothing they can do. Talks with administration officials had made clear that the limitations on student expression were going to be strictly enforced. The students began testing the rules by advocating their causes and carrying out their normal activities to sustain the lives of their groups. Up to this point, the upheavals which were to come later could have been averted by any sign of reason from the administration. However, avenues of communication between students and the administration were blocked. The administration, which had a long record of treating the student groups involved as if they were unnecessary evils of headstrong youth, decided not to move from its rigid stance. It insisted that rules are rules and they must be obeyed. It applied patently unfair rules at the end of a summer of student social action, the beginning of a new semester, just before a very important election. Thus, at a time when a good number of students were highly aware of their role as citizens, the administration told them to wait or to go elsewhere if they took the 1st Amendment seriously. Many other students began to realize that it was very difficult to take their role as a student seriously, if it involved assenting to a discriminatory ban against rights usually seen as essential to a democracy, and as part of the tradition of the University's service to the principle of free inquiry.

The first major demonstration took place after a table, set up to test the newly-applied restrictions, was approached by a dean and some campus police shortly before a scheduled noon rally. On October 1st, the administration still could have averted the troubles it brought upon itself. But it chose to arrest a recent graduate manning the table and place him in a waiting police car when it knew that hundreds of students had gathered there. The students surrounded the car. There were up to 3,000 students around the car. The President impassively claimed that discussion was impossible and red-baited his own students, but finally signed an agreement put forth by a faculty group. Had the President then

followed the spirit of this initial agreement, and had he treated the students with any sign of good faith or any understanding of their motives, he would not have caused the far more disruptive events to follow, and his faculty would not have repudiated him later. But out of this demonstration grew the Free Speech Movement, a loose coalition of political, social action, independent, religious, and graduate groups, headed by a steering committee chosen from an executive body of some fifty members. This steering committee, unlike the executive committee, was chosen not to represent the spectrum of support for the FSM, but to supply the most able bargaining agents and most experienced tacticians, who would serve at the pleasure of the executive committee. By this structure, the civil rights groups were soon leading the FSM, and many of the techniques employed by these groups would be successfully employed by the FSM. These patterns of direct action were greatly distorted in the press, and provided the enemies or critics of the Free Speech Movement with their chance to bury the issues under a rhetoric of disapproval which ranged from the tepid "I approve of your ends, but not of your means," to the condescending and misdirected analyses of social dynamics, to the hysterical outbursts of those who interpreted any challenge of authority as "anarchy." Through the succession of study committees set up by the administration to head off any further orderly student demonstrations, the FSM learned that it must trust to its dramatic forms of protest. It had to test the rules again; more importantly, students had to exercise their rights. When they did so, the pattern of punitive action against a select few, the same inability to admit mistakes, the same frightened rigidity was all the administration could show. In the face of great public outcry and continued harrassment, the FSM grew, gaining the support of a large number of teaching assistants and faculty members. After the Regents' meeting of November 20th, the FSM appeared to falter. The Regents seemed to be the Fates. When they had spoken, all seemed lost. Then the dean's office sent letters requesting FSM leaders and certain students' organizations to appear before it; and, as it threatened new disciplinary action for activity nearly two months old, the campus community was shocked. The FSM reacted to the administration's harshness with renewed solidarity and greater strength.

The scene was set for the next major demonstration. On December 2nd, following a rally of 4,000 students, the corridors of Sproul Hall were filled to their limits. Before the police dragged the 800 arrested people down the stairs or threw them in elevators or locked them in cages in the basement or banged them into buses - after President Kerr had erroneously stated that the office of Robert G. Sproul had been broken into - the FSM received another round of punitive calls, singling out its leaders "almost as hostages." It is no wonder that the faculty, long unwilling to place itself actively in the struggle, nevertheless voted down those of its members who pressed for a condemnation of the FSM in all its meetings during the semester. It is also no wonder that the faculty should have risen to protect freedom of speech against University regulation by a vote of 824-115 on December 8th. At this moment, the Regents assure us that they do not "contemplate" any final regulations which would restrict the content of speech "beyond the purview of the first and fourteenth amendments." Their assumption that the Constitution of the United States should act only as an inhibitory limit upon future University regulations indicates the status of civil liberties throughout the land.

The FSM has absorbed the time and efforts of many of the best students in the University. They have achieved their goal: free speech - which in this case cannot be separated from free political involvement - seems to have become a reality on this campus. The students have shown the campus community that they can be called on to serve the principles of a democracy and of an academic institution when these principles are challenged by authority which is swayed by pressures hostile to the University. These students now face a court case which many see as an aftermath of this response and as a warning to check their involvement and their idealism. The students ask only that the court and the public fairly weigh the context which produced this idealism.

Sept 14: Following student activity during Republican Convention and picketing of Oakland Tribune, Dean Towle notifies off-campus organizations that all student political action is forbidden by University regulations at Bancroft campus entrance, traditional "Hyde Park safety valve" area.

Sept 21-28: United Front (nineteen diverse student political groups) meet with Dean Towle, who "clarifies" rules without modifying them, and gives students concrete restrictions. On 28th, 1000 students picket Chancellor Strong at a University meeting, where he offers new "clarifications" of rules, again changing reasons for their fresh application to Bancroft sidewalk.

Sept 30-Oct 2: Administration singles out a few students; all involved insist on equal treatment. 5 students called to meet with deans Sept 30. 400 appear and 3 more cited. 400 wait outside deans' office until early morning, when Chancellor Strong announces that the 8 have been indefinitely suspended without a hearing--penalties and procedures outside University regulations. Rally scheduled for noon, Oct 1. At 11:45 campus police arrest Jack Weinberg, recent graduate manning table, for trespass. Students surround car in which he remains for 33 hours. Hecklers leave after unsuccessful attempts to provoke violence. President Kerr declares negotiations impossible and calls 500 Oakland police. On afternoon of 2nd, an agreement is signed and the demonstration ends.

Oct 3-5: Free Speech Movement emerges from United Front, and soon includes representatives from independent students and conservative and religious groups. Meanwhile, unilaterally interpreting the Oct 2nd agreement, Administration constitutes a political study committee (CCPA) and refers cases of suspended students to a Chancellor-appointed committee, not Academic Senate-appointed, as had been agreed Oct 2nd. Despite the provocations, students contain their resentment and continue to observe their moratorium on demonstrations and rules-testing.

Oct 13-28: CCPA hears 50 students before a large audience; 49 request its dissolution. Graduate Coordinating Committee (GCC) forms, contributing 7 delegates to the FSM executive committee. On the 28th, students achieve fairer CCPA and a committee on discipline appointed by Academic Senate (Heyman Committee). Dispute over agenda for new CCPA brings out freedom of advocacy as major point.

Nov 7-10: Administration's final CCPA stand restricts speech. Students insist speech protected from regulation by 1st Amendment. Students see civil rights efforts at stake. On 9th, they resume manning tables. Administration disbands CCPA. Dean's office on 10th sends letters to 70 students cited on 9th. Two hundred Teaching Assistants man tables as FSM adherents again demand equal treatment for alleged violations. Dean's office sends more letters, but takes no further action.

Nov 20-3: 4000 hold rally, moving to hold silent vigil while Regents accept President Kerr's solution to campus problems: restriction of advocacy necessary and other de facto political activity must come under regulation; for suspended 8, punishment harsher than that stipulated by Heyman Committee; in addition, new disciplinary measures, more deans, and more campus police. Students stunned and angered. FSM leadership splits over tactics. Close vote for sit-in on 23rd. After debate at rally on 23rd, 300 enter Sproul Hall and leave quietly at 5:00 p.m.

Thanksgiving-Dec 4: During vacation, FSM leaders and campus groups receive preliminary notice of separation from University. FSM demands immediate acceptance for full freedom of advocacy and prepares to occupy Sproul Hall unless favorably answered. Solidarity again reigns in FSM. GCC and TA's vote to strike overwhelmingly following demonstration. After Dec 2 rally, 800 students begin orderly occupation of Sproul Hall as last resort to petition for grievance and to protest continued arbitrary treatment and punishment. Strict discipline was maintained; orders to stay out of offices obeyed. At 3:00 a.m., 650 police called by University and Governor arrive and begin to arrest students, dragging them from closed building. Faculty barred. Press ultimately excluded from viewing arrests. Student strike begins; most classes not held. 900 faculty members meet and call for amnesty and freedom and advocacy. Back from prison farm next day, arrested students join the strike. Campus in great confusion. Police brutality charged at rally.

Dec 7-8: Department chairmen meet over weekend and present a compromise solution Monday at department meetings and at Greek Theater. After President Kerr's speech, Mario Savio dragged from microphone by police. FSM rally, attended by 6000, addressed by students and chairmen. Compromise not accepted. Students then quietly await Academic Senate meeting Tuesday, at which is presented Academic Freedom Committee motion for open advocacy and faculty discipline. Motion carries 824-115 after debate on restriction of advocacy. FSM jubilant; peace on campus restored.

Dec 18-Jan: New Chancellor. Regents consider faculty motion. Students enter court actions.