

Teaching about the Berkeley Free Speech Movement Civil Disobedience and Mass Protest in the 1960s

Robert Cohen

More than 50 years have passed since a Berkeley student rebellion, known as the Free Speech Movement (FSM), helped to define the 1960s as an era of unprecedented and massive student protest in the United States. From the many history workshops that I have led on the 1960s with high school teachers and students, I know that the FSM receives little or no attention in social studies classrooms. The teachers with whom I have spoken cite two major reasons for this omission:

1. A lack of time. The academic year is almost over by the time teachers get to the 1960s, so that if they cover a mass protest movement from that era, it is likely to be the civil rights movement rather than the FSM;
2. The teachers themselves learned little about the Berkeley rebellion in their own history education, and so they do not feel ready to teach the topic.

To help teachers overcome some barriers to teaching the FSM's history in their classrooms, this article will summarize key events, explain how the FSM story illuminates the history of both the 1960s and the civil rights movement, offer ideas

as to how the FSM can be taught quickly and effectively, and suggest why the history of the Berkeley rebellion is an ideal topic for high school students, with great potential to generate excitement and deep historical learning about mass protest, civil disobedience, and free speech.

The Free Speech Movement: Key Events

The story of the Berkeley rebellion is a dramatic one, filled with political confrontations that should be especially interesting to students since they involve conflicts between students and their elders—in this case, the administrators who set the rules for the Berkeley campus. The free speech crisis began at Berkeley in mid-September 1964 when the University of California administration ordered the closing of the students' traditional free speech area, the strip of sidewalk on Bancroft Way and Telegraph Avenue, just outside of the campus's southern entrance. This was the place where Berkeley student activist groups staffed card tables from which they leafleted, recruited members, and collected funds for political causes.

The closing of Berkeley's free speech area might at first glance seem puzzling since the University of California's presi-

dent was not some intolerant reactionary, but Clark Kerr, a well-known liberal. Actually the University of California had a long-standing free speech problem, created by the university administration's fear of antagonizing the Golden State's powerful conservative political and business establishment, whose leaders in the legislature might, if angered, cut the university's funding. Such fears led Kerr's predecessor, UC President Robert Gordon Sproul, to codify restrictions on political speakers and demonstrations in 1934 as part of the West Coast red scare sparked by the San Francisco General Strike. Under Sproul, and with the support of the UC Board of Regents (the anti-radical and big business-dominated UC governing body), political demonstrations and fund raising were barred from campus grounds. Later, in the Cold War era, under pressure from the state legislature's Un-American Activities Committee, Sproul imposed an anti-Communist loyalty oath on the university faculty that led in 1950 to a purge of professors who refused to sign it: about 45 percent of all faculty nationwide who were fired for political reasons during this period taught at the University of California.¹ Because of the restrictions on political speech and demonstrations

Students march for free speech through Berkeley's Sather Gate en route to the UC Regents Meeting, Nov. 20, 1964.

(Courtesy of UC Berkeley, Bancroft Library)



on campus, the student free speech area was on what was thought to be city, not campus, property, just outside UC's main southern entrance. After succeeding Sproul as president of UC in 1958, Kerr made some liberalizations of the campus speaker policy—most notably ending the ban on Communist speakers. However, Kerr was eager not to alienate California's conservative political and business establishment, and was too cautious to challenge the old rules barring political demonstrations and fund-raising on campus. Indeed, as he would later acknowledge (shortly before his firing in 1967 by Governor Ronald Reagan), "The University of California had the most restrictive policies [on political speech] of any university I have known about outside of a dictatorship."²

In the early 1960s, the free speech area on Bancroft and Telegraph Avenue had served as a kind of safety valve, enabling students to organize for a wide range of political causes just off the campus despite the lack of such freedom on the campus itself. The most controversial activity was the organizing of civil rights protests against Bay Area employers whose hiring policies discriminated against African Americans. Since these demonstrations often involved civil dis-

obedience, including mass sit-ins, they antagonized conservatives, who viewed such protests as lawless and anti-business. Conservative legislators began pressuring the university to suppress this political activity, especially after the fair hiring demonstrations had led (in the spring semester of 1964) to a huge sit-in and mass arrests at the Sheraton Palace Hotel, one of the San Francisco tourist industry's key employers.

Such pressure increased over the summer of 1964 when Berkeley students demonstrated against conservative Republican presidential candidate Barry Goldwater (who had opposed the Civil Rights Act of 1964) and cheered his moderate and pro-civil rights rival, William Scranton, at the Republican National Convention in San Francisco's Cow Palace. This anti-Goldwater student organizing led the pro-Goldwater *Oakland Tribune* to send a reporter, Carl Irving, to Berkeley to investigate this political activism. Irving discovered, and alerted the UC administration to the fact, that the student political tables on the Bancroft Way and Telegraph Avenue sidewalk strip were at least partially on campus property, as marked by the plaques at its border. Kerr was abroad when this discovery was made.

But the campus administration, headed by Chancellor Edward Strong (note that there were two UC administrations, that of Berkeley under Strong and that of the statewide UC system headed by Kerr) and influenced by the conservative Vice Chancellor Alex Sherriffs, decided that since the Bancroft strip was on campus property it was therefore covered by UC's rules against political advocacy, so such advocacy had to be banned there. The students learned of this decision in a letter from Dean Katherine Towle soon after the fall semester began in September 1964.

In his memoir, *The Gold and the Blue*, Kerr later stated that it had been a huge mistake to close the free speech area by the south campus entrance in 1964. In fact, Kerr termed this "the second greatest administrative blunder... in university history [the first being Sproul's imposition of the loyalty oath],"³ but he blamed Berkeley chancellor Edward Strong for ordering the closing. Kerr came to regret that he had not overruled Strong on this, and in his memoir termed that failure on his part "the third" greatest mistake in UC's history, but explained that in 1964 he was "obsessed" with the need to decentralize decision making at UC, so that his respect for the chancellor's



Mario Savio on top of a police car in front of Sproul Hall, Oct. 1, 1964.

(Courtesy of UC Berkeley, Bancroft Library)

autonomy had prevented him from overruling Strong.⁴

Confrontation on Sproul Plaza

Outraged at the closing of their free speech area, a broad coalition of student groups—from Left to Right—met with the dean, asking that the ban on political advocacy be lifted. But when it became evident that the administration would not lift the ban, the students began to defy it by staffing their political tables right in the middle of the campus's main thoroughfare, Sproul Plaza.

The administration responded to this defiance on September 30 by citing five of the protesting students for violating university regulations, and summoning them to the deans' offices for disciplin-

ary action. But hundreds of students quickly demonstrated their solidarity with the cited students by signing a statement indicating that they too had violated the free speech ban and that if the administration wanted to punish students for resisting the ban, it could not single out a few but would have to discipline all of them. This solidarity was expressed even more dramatically later that day when the five cited students showed up for their disciplinary appointments accompanied by hundreds of student free-speech protesters, who demanded that the deans meet with all of them. When the deans refused this demand, hundreds of students staged a sit-in outside the deans' office in Sproul Hall. This first free speech sit-in lasted

past midnight, when the protesters voted to leave the building and resume their defiance of the ban the next day on Sproul Plaza—agreeing to do so even more militantly by refusing to identify themselves when asked to give their names by deans seeking to cite them.

The conflict escalated shortly before noon on the following day, October 1, when two Berkeley deans sought to cite civil rights activist and former math graduate student Jack Weinberg for defying the free speech ban. Weinberg had been staffing the table of one of Berkeley's most active civil rights group, Campus CORE [Congress of Racial Equality] on the Sproul steps. When the deans ordered him to identify himself and then leave, Weinberg refused. The deans

then contacted the police, who drove a squad car on to Sproul Plaza and sought to arrest Weinberg. But this attempted arrest occurred at the most inopportune time, lunch hour, when many students who were just out of classes were walking through the Plaza. Before the police could place Weinberg in their car, protesting students shouted “Take All of Us!” Then there were shouts of “Sit Down,” and first dozens, then hundreds, and finally thousands of students sat-in around the police car, forming a non-violent human blockade that made it impossible for the police car to move and the arrest to be completed.

The blockade around the police car would last 32 hours and was to that point the longest, most massive and disruptive act of civil disobedience ever committed on an American college or university campus. Just moments after the blockade began, Mario Savio, a 21-year-old philosophy major, civil rights activist, and vocal critic of the university’s free speech ban, ascended to the top of the police car (after removing his shoes so as not to damage the car) and used its roof as a platform to speak to the crowd of students on the Plaza. Savio, who would become the Free Speech Movement’s most famous orator, explained why the blockade had begun and urged students to join the free speech sit-in. Savio would be the first of dozens of students to speak from the car-top, night and day, discussing free speech ideals that had led to the protest, and calling for an end to the university’s ban on political advocacy.

The appeal of Savio’s oratory was the same as that of the Free Speech Movement itself in that it centered on freedom, democracy, civil rights, and fairness. Savio was a veteran of both the Bay Area and deep South civil rights movements, who had been arrested in the Sheraton Palace sit-in and risked his life as a volunteer in the voting rights crusade in Mississippi during the Freedom Summer of 1964. His movement experience gave him the moral authority to make a powerful case that the closing of

Berkeley’s free speech area was a blatant attempt to disable the student wing of the civil rights movement. Though the FSM’s use of sit-ins might seem radical, since such civil disobedience tactics violated the university’s regulations and the law, the student movement was committed to non-violence and only engaged in non-violent sit-ins as a last resort (in the face of administration stonewalling). This, in addition to student concern that the administration unfairly singled out FSM leaders for punishment, added to its appeal to mainstream students. Over the course of the semester, these same factors would also attract support from the faculty, which increasingly viewed the turmoil as a sign that the administration lacked the competence to govern the campus and settle what should have been an easily resolved dispute over free speech.

Though initially the campus administration, headed by Chancellor Edward Strong, refused to negotiate with the free speech protesters, President Clark Kerr, who headed the statewide University of California administration, agreed to negotiate in the hope of avoiding a dangerous confrontation with police—who were angry that their squad car had been blockaded. Kerr and the protesters came up with a preliminary agreement—known as the Pact of October 2—which was a compromise of sorts that deferred, but did not settle, the free speech dispute.

The protesters agreed to end their blockade, and in exchange, the University administration agreed not to press charges against Weinberg, who was booked and released by the police. The Pact also provided for the establishment of a faculty committee to resolve the disciplinary cases against students who had defied the ban, and created a student-faculty-administration committee to evaluate the campus rules on political speech. For several weeks, the FSM tried to work through this last committee to end the ban on political advocacy, and during this period of negotiation the students did not engage in demonstrations.

Winning the Free Speech Battle

By early November, however, negotiations had deadlocked as it became clear that the University of California’s administration would not allow students full freedom of speech on campus. Although a liberal, Kerr did not see his actions during the Free Speech Movement crisis as illiberal or hostile to free speech. He insisted that UC was restricting political advocacy, not speech—meaning that students were free to discuss any political ideas they liked, but not to use the campus as a base for political protest, and not to use the threat of civil disobedience as a means of forcing the university to change its policies.

The FSM responded to the breakdown of negotiations by resuming its defiance of the free speech ban, setting up its political advocacy tables on campus, and on November 20 holding a mass march outside the UC Board of Regents meeting. The Regents ignored the student march and refused to consider the protesters’ free speech demands. Worse, still, over the Thanksgiving break the Berkeley administration announced that it was initiating disciplinary actions against Savio and three other FSM leaders.

Convinced that petitions and further negotiations were futile, the FSM in early December decided that the only way to win its free speech battle and to prevent the administration from punishing its leaders was to return to mass civil disobedience. So on December 2, 1964, after a huge FSM rally, some 1,500 students marched in and occupied Sproul Hall, joined by folk singer Joan Baez singing the civil rights anthem, “We Shall Overcome.” At the rally preceding the sit-in, Mario Savio gave his most eloquent speech—which became the most famous call to civil disobedience on a college campus. Criticizing the UC administration as “an autocracy which runs this university,” Savio compared it to an oppressive machine opposed to freedom, and in urging students to join the sit-in, Savio declared,

There's a time when the operation of the machine becomes so odious, makes you so sick at heart that you can't take part.... And you've got to put your bodies upon the gears, and upon the wheels, upon the levers, upon all the apparatus, and you've got to make it stop. And you've got to indicate to the people who run it, to the people who own it that unless you're free the machine will be prevented from working at all.

California Governor Edmund "Pat" Brown responded to the mass sit-in by sending in an army of police, who in the middle of the night began making arrests of the protesters in Sproul Hall. The free speech demonstrators were non-violent and did not resist arrest. But in the classic style of civil rights demonstrators, the

arrestees went limp, which slowed up the arrest process so that as students came to campus they witnessed the shocking sight of their fellow students—free speech protesters—being arrested and placed in police buses to be taken to jail. This helped to spark a strike by Berkeley teaching assistants and a student boycott of classes. In all, some 800 protesters were arrested at Sproul Hall, the largest mass arrest in California history, and by far the largest police invasion of a college campus in the United States. The mass arrest aroused deep concern and outrage among the faculty, who thought the free speech dispute could and should have been settled by the administration months prior and should not have ended with a police incursion onto the campus. Many faculty drove out to Santa Rita prison and posted bond to bail their students out of jail.

Realizing that the mass arrest had alienated many students and faculty,

President Kerr suspended classes on the morning of December 7, to enable the university community to attend a meeting on ending the crisis. This meeting, held at UC Berkeley's outdoor amphitheater, the Greek Theatre, drew some 15,000 students and faculty. But the meeting backfired badly on Kerr, so much so that columnist Ralph Gleason mockingly dubbed it the "Tragedy at the Greek." Kerr's mistake was in refusing to allow any students to speak at the meeting. As the Greek Theatre convocation was about to end when the last scheduled speaker had finished, Mario Savio walked on to the stage and up to the podium. But before Savio could utter a syllable he was grabbed by police officers who dragged him away, in plain view of the huge and now outraged crowd of faculty and students—who did not miss the symbolism of this censoring of the most prominent leader of Berkeley's Free Speech Movement.

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The fiasco at the Greek Theatre was viewed by many faculty as one more sign that the administration had lost control of the campus and was incapable of resolving the free speech dispute. So the next day, December 8, 1964, the faculty's governing body, the Academic Senate, assembled and ended the crisis by voting with a 7–1 margin (824–115) “that the content of speech or advocacy shall not be restricted by the university.”

Students reacted joyfully to the Academic Senate's December 8 resolutions, applauding and cheering for the faculty as they exited the Wheeler Hall auditorium in which they had taken their decisive vote. The FSM responded with a rally celebrating this stunning victory for freedom of speech. At the rally, Savio noted that now at the University of California there would be “no restrictions on the content of speech save those provided by the courts.” While aware that such freedom could be abused if students did not behave responsibly, Savio expressed confidence “that the students and the faculty of the University of California will exercise their freedom with the same responsibility they've shown in winning their freedom.”

Teaching about the Free Speech Movement and Civil Disobedience

The history of the Free Speech Movement affords teachers a great opportunity to explore with their students the nature, ethics, risks, rewards, and strategic issues involved in deciding when and whether to engage in civil disobedience. To help motivate the discussion of civil disobedience, show students clips of the FSM's mass sit-ins from the documentary film “Berkeley in the 60s” (these are in the first segment of the film, which is devoted to the FSM).⁵ The clips show a kind of ordered chaos, with students marching into the administration building, sitting-in along its corridors, studying, holding classes, dancing, and then preparing for arrest. Finally they begin to be dragged away by the arresting police officers.

Once students have screened these film clips they will know what a campus sit-in looks and sounds like. To put them into the shoes of Berkeley free speech activists of 1964, ask them to examine letters written by arrestees (when they were about to be sentenced for participating in the final sit-in at Sproul Hall⁶) to the judge (Rupert Crittenden) at the FSM trial. Most FSM activists were quite

mindful of the risks they were taking in breaking the law and facing arrest, even though it was for the sake of a political cause they cherished (free speech). The letters will show your students the kinds of ideas and thinkers, from Thoreau to Gandhi and King, that Berkeley students invoked as they explained their decision to sit-in. There are hundreds of these letters in an online collection that is part of UC Berkeley Bancroft Library's Digital Free Speech Movement Archive: see <http://content.cdlib.org/ark:/13030/kt3x0n99sr/?query=letters%20to%20judge%20crittenden&brand=calisphere>

A class discussion can focus on the two contrasting primary sources presented in the sidebar to this article: Savio's call for civil disobedience, compared with excerpts from an essay against civil disobedience by FSM critic Nathan Glazer. As a written homework assignment, students can answer the questions presented in the sidebar and present their answers in a subsequent class discussion.

The Importance of the Free Speech Movement

Much as the civil rights movement helped to make possible the emergence of the free speech movement, the FSM

Connections with the C3 Framework

The teaching and learning suggestions in this article incorporate the four dimensions of the Inquiry Arc of the College, Career, and Civic Life (C3) Framework for the high school grades.

C3 Framework

Dimension 1

Compelling Question: Was civil disobedience the only means for the students to obtain their goal of free speech?

Supporting Questions:

What events prompted sit-ins and blockades?

What negotiations took place between the university administration and student leaders?

What caused these negotiations to end?

Dimension 2

D2.His.1.9-12.

Evaluate how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.

Dimension 3

D3.1.9-12. Gather relevant information from multiple sources....

Dimension 4

D4.1.9-12. Construct arguments using precise and knowledgeable claims, with evidence from multiple sources....

1. Nathan Glazer's Arguments Against the Use by the Free Speech Movement (FSM) of Civil Disobedience on Campus

The leaders of the FSM argued from the beginning that there was only one way in which they could make their voices heard, could make their views on the question of political activity on campus effective. This, in effect, was to introduce such disruption in the workings of the university that it would have no choice if it wished to continue its work but to accept their views on the legitimate bounds of political action on the campus and the nature of the rules that should guide it.... Where one uses force [as the FSM did with its non-violent sit-ins], one's opponent is left with the alternative of giving in, or himself resorting to force [as in ending the sit-in with mass arrests].... Abandoning dependence on argument....

[Were the] new tactics of disruption ... required to continue the expansion of limits of political action on the campus? I do not think so.... These tactics ... were used again and again prematurely and when alternatives existed ... [FSM organizers] were not interested.... Instead they called for occupation of Sproul Hall... and settled the matter that way....

I would sum up by saying that the university can be changed by civil disobedience; but it is not the best way to change it, and indeed trying to change it that way will eventually destroy it as a university....

The politicization of institutions [like the university] that should not be political is a very dangerous thing. It is indeed one of the marks of totalitarianism.... The FSM ... had decided what was important and it had decided to impose its views as to what was important on the university and accept no limit on the means it would use to compel the university to accept its views.... The means [sit-ins] that were used to settle the argument [over free speech] ... can destroy a university.... Will such means be used to determine which faculty members shall be hired, which shall be let go? Will they be used to determine what is taught in courses? ... If they are ... the university, as we know it and I think as most of us would want it to be, will then be gone

Nathan Glazer, *Remembering the Answers: Essays on the American Student Revolt* (New York: Basic Books, 1970): 102–103, 106, 111–112, 129.

2. Mario Savio's Call for the Use of Civil Disobedience in the Rally Leading to the FSM's Culminating Sit-in at Sproul Hall, December 2, 1964

There are at least two ways in which sit-ins and civil disobedience ... can occur. One, when a law exists—is promulgated—which is totally unacceptable to people, and they violate it again and again and again until it's rescinded, repealed. All right. But there's another way.

Sometimes the form of the law is such as to render impossible its effective violation as a method to have it repealed. Sometimes the grievances of people are more, extend ... to more than just the law, extend to a whole mode of arbitrary power, a whole mode of arbitrary exercise of arbitrary power. And that's what we have here.

We have an autocracy which runs this university. It's managed! We were told the following: "If President Kerr actually tried to get something more liberal out of the [UC board of] regents... why didn't he make a public statement to that effect?" And the answer we received from a well-meaning liberal, was the following. He said: "Would you ever imagine the manager of a firm making a statement publicly in opposition to his board of directors?" That's the answer! Now I ask you to consider: if this is a firm, and if the Board of Regents are the board of directors, and if President Kerr in fact is the manager, then I'll tell you something: the faculty are a bunch of employees, and we're the raw materials! But we're a bunch of raw materials that don't mean to ... have any process upon us, don't mean ... to end up being bought by some clients of the university, be they the government, be they industry, be they organized labor, be they anyone! We're human beings!

And that ... brings me to the second mode of civil disobedience. There's a time when the operation of the machine becomes so odious, makes you so sick at heart, that you can't take part; you can't even passively take part. And you've got to put your bodies upon the gears and upon the wheels, upon the levers, upon all the apparatus, and you've got to make it stop. And you've got to indicate to the people who run it, to the people who own it, that unless you're free, the machine will be prevented from working at all.

Mario Savio, "Bodies Upon the Gears," speech in R. Cohen, ed., *The Essential Mario Savio: Speeches and Writings That Changed America* (Berkeley: UC Press, 2014): 187–88.

Questions on the FSM's Use of Civil Disobedience

1. Why does Glazer oppose the use of civil disobedience on campus?
2. Glazer states that "from the beginning" of the free speech struggle at Berkeley the student protesters saw civil disobedience as the "only... way in which they could make their voice heard." Was this so? What did the student protesters do first when they learned of the free speech ban in mid-September? Why was it not until the end of the month that the first sit-in occurred on campus?
3. Glazer maintains that civil disobedience can "destroy a university" and that the FSM had alternatives to sitting in, but simply and wrongly chose not to use them. How convincing are these arguments? Given that sitting in could lead to expulsion and arrest, would students engage in such civil disobedience if there were alternative means to address their grievances?
4. How does Savio's depiction of the university's governance as profoundly undemocratic pave the way for his advocacy of students engaging in civil disobedience (putting their "bodies upon the gears" of the university) to win their freedom?
5. How and why does Savio's speech use big business and industrial metaphors (corporate board of directors, managers, employees, raw materials, and machines) to indict the university? How does his image of the university contrast with Glazer's view of the university as a place where genuine dialogue is possible?
6. Which of these two views of civil disobedience on campus do you find more convincing?
7. Why do you think so many students found Savio's speech so convincing and marched in with him in the non-violent occupation of Sproul Hall—leading to the largest on-campus sit-in and mass arrest in American history? Why do you think Savio's speech is the most widely published oration from the FSM and is today regarded as one of the most memorable dissident speeches of the 1960s?

in turn helped to pave the way for all kinds of subsequent student movements on a range of issues, from abolishing paternalistic (*in loco parentis*) campus restrictions on student social life to creating Black Studies and Women's Studies Programs, to challenging university programs that served the Pentagon and the Vietnam War. The FSM was influential because it won, demonstrating to student activists across the United States and the globe that they could use non-violent civil disobedience to change policy and maybe even change the world. The precedents that the FSM set for militant student protest were particularly influential for those who in the semesters following the Berkeley rebellion began to organize a mass national student movement

against the escalating war in Vietnam. This movement would oppose campus military training (the ROTC), the use of university academic records for the draft, and campus recruitment for companies like Dow Chemical whose military products, including napalm, bombed and burned civilians in Vietnam. The FSM is an excellent case study of civic action that was initiated by young people, became a historic symbol of the 1960s, and changed America. 🌐

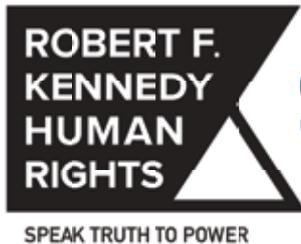
Notes

1. Bob Blauner, *Resisting McCarthyism: To Sign or Not to Sign California's Loyalty Oath* (Stanford, Calif.: Stanford University Press, 2009): xiii.
2. "The Big UC Question: Will Kerr Stay or Go?", *Los Angeles Times*, December 4, 1966.
3. Clark Kerr, *The Gold and the Blue: A Personal Memoir of the University of California, 1949-1967*,

Volume Two, Political Turmoil (Berkeley, Calif.: University of California Press, 2003): 161.

4. *Ibid.*, 154.
5. "Berkeley in the 60s," produced by Mark Kitchell, DVD (First Run Features, 2002).
6. It will likely help teachers leading class discussions if they read the analysis of the FSM letters to Judge Crittenden in Robert Cohen, "This Was The Fight and They Had to Fight It: The FSM's Non-Radical Rank and File," in Robert Cohen and Reginald E. Zelnik (editors), *The Free Speech Movement: Reflections on Berkeley in the 1960s* (Berkeley, Calif.: University of California Press, 2002), 227-263.

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