

THE FREE SPEECH MOVEMENT:

UNIVERSITY OF CALIFORNIA AT BERKELEY

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And in 1945 the United States dropped the first atomic bomb on Hiroshima. During and after the Second World War, the people of the United States suffered a strange affliction which manifested itself in American youth.

The Second World War was understood by most sensitive observers as a curiously unreal business... Some sort of numbness seemed to prohibit any awareness of the magnitude and depth of what was happening; it was without dream, and so without nightmare, and if there was anger and fear and hatred, and there was, still no chords of feeling and conviction were deeply touched... Man had become an object; and in so far as those for whom he was an object felt about the spectacle at all, they felt powerless, in the grip of larger forces, having no part in these affairs that lay beyond their immediate areas of daily demand and gratification. It was a time of somnambulance. It is not that people were insensitive clods with no complaints, but that in all the matter-of-fact efficiency, no mainspring of feeling was let loose in despair or furor; that no complaints were focused rebelliously upon the political meanings of the universal sacrifice and brutality. It was not that people in the United States were apathetically dulled; on the contrary, they were often brightly hopeful, but never politically so, and what used to be called the deepest conviction seemed fluid as water.

It was as if the expert angle of the camera and the carefully nurtured, pompous voice of the commentator had expropriated the chance to 'take it big.' It was as if the ear had become a sensitive soundtrack, the eye a precision camera, experience an exactly timed collaboration between microphone and lens, the machines thus taking unto themselves the capacity for experience. And as the world of this mechanically vivified experience was expanded a hundredfold, the individual became a spectator of everything rather than an experiencer of what he earned by virtue of what he was becoming. There were no plain targets of revolt; and the cold metropolitan manner had so entered the soul of overpowered men that they were made completely private and blasé, deep down and for good.¹

For the decade that followed, American universities witnessed the phenomenon of the Silent Generation. These students were motivated by a need for personal security and a fear of any change in the status quo which might jeopardize that security.

1. Mills, C. Wright, White Collar, p. 328.

This search for security was manifested in many ways. The "good life" was seen as a home in the suburbs, a white collar job, two cars in every garage. These economic status symbols defined success and thus were the goals of the Silent Generation. Their world was very limited, encompassing only self, family, and a desire to conform to the values of the middle class. Their educational goals were equally limited to the acquisition of skills with which to obtain these goals.

...the meaning of education has shifted from status and political spheres to economic and occupational areas. In the white-collar life and its patterns of success, the educational segment of the individual's career becomes a key to his entire occupational life.²

This obsession with personal needs overshadowed public responsibility. There was a fear to take a stand, to speak out for unpopular issues. The most blatant example of this consent to blindness was the silence of the McCarthy Era, when few dared to challenge even the most obvious infringements of civil liberties.

American educational institutions have tried to impose the values of the Silent Generation upon students with a vitally different concept of their role in society. The generation of students presently enrolled on American campuses was born with the bomb. The bomb is something over which no individual has control, yet its existence contains within it the possibility, or even probability, of personal annihilation. The bomb is the most visible symbol of the increasing tendency in our society toward "an impersonalized and more anonymous system of control."³ This generation, instead of accepting the modus vivendi imposed on the Silent Generation, is demanding participation in the control of their own lives.

The realization of the fact that the next war would be the last has finally brought home to an ever increasing proportion of American youth the need to take action before it is too late. This realization came slowly, for the Silent Generation chose to ignore the implications of the bomb. And once these students began to question the legitimacy of the anonymous institutionalized power structure controlling this vital aspect of their lives, they realized the extent to which they were bound to arbitrary control in all aspects of their lives. This ability to challenge the status quo is what separates this generation of students from its predecessor. The ideal of this generation therefore

2. Ibid., p. 266.

3. Ibid., p. 349.

shifted from one of conformity to one of individualism. These students now feel that education should be an end in itself, rather than a training process designed to fit them into predetermined occupational niches.

Recognition of a problem is only the first step. What logically follows is to change what is wrong. Some of these students feel compelled to take on personal responsibility for this change. There are a thousand wrongs to right, but the place where the individual can have the greatest effect is within his own community. The only effective weapon available to students, because of their lack of influence within the power structure, is the tactic of non-violent direct action. Thus, these students have become the demonstrators.

CHRONOLOGY OF THE FREE SPEECH MOVEMENT

The University of California is the largest University in the United States with a total enrollment of over 70,000 students on its nine campuses. "The organization and government of the University of California is entrusted...to a corporate body titled the Regents of the University of California... The Regents have 'full power of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the University and the security of its funds.' "4 The Board of Regents is composed of 24 members, sixteen appointed by the Governor of the State for 16-year terms, and eight who are members because of the offices they hold in the State Legislature. These ex-officio members are the Governor, the Lieutenant-Governor, the Speaker of the Assembly, the President of the State Board of Agriculture, the President of the Mechanics' Institute, the President of the Alumni Association, the State Superintendent of Public Instruction, and the President of the University. None of the sixteen appointed Regents are educators in any sense, but rather are influential businessmen. Among the corporations controlled by the present body of Regents are: Pacific Telephone and Telegraph, Northrop Aircraft, Lockheed Aircraft, Western Airlines, Pauley Oil, Homestake Mining, Cerro de Passo Mining, Signal Oil Co., Bank of America, First Western Bank, Wells Fargo Bank, Security National Bank, Chandler Interests, Hearst Newspaper Syndicate, Matson Shipping, Pacific Mountain Express, Blue Goose Growers, Hunt Foods, Deep Canyon Properties, Kern County Land Co., Hollister Land Co., Broadway Hale Retail Stores, McCalls Magazine, and many other smaller firms held under these larger ones.⁵

4. General Catalogue, U. of Calif.--Berkeley, p. 9.

5. Garson, Marvin, The Regents, 1965.

The Regents appoint a President of the University, presently Clark Kerr, who is responsible directly to them. Each campus also has a Chancellor and other administrative officials, all of whom are responsible, in pyramid fashion, to the Regents.

Berkeley is the oldest and largest of the nine campuses, with an enrollment of approximately 27,500 students, both undergraduates and graduates. It is the prize campus of the University. The State takes great pride in the many Nobel laureates it has attracted, however, the campus is still run for the Silent Generation.

On September 14, 1964, the first day of the Fall Semester at Berkeley, Dean of Students Katherine Towle prohibited the advocacy of off-campus political and social action, the solicitation of funds and the recruitment of members for organizations in the Bancroft-Telegraph area, the traditional site devoted to these purposes. There are several possible reasons for the handing down of this decision. During the Republican Convention of 1964, students from the Berkeley campus were recruited to demonstrate for Governor Scranton. This angered the more conservative businessmen of California who were strong supporters of Barry Goldwater. Again concerning the November election, the students were working hard to defeat Proposition 13. Furthermore, students, organized by the Ad Hoc Committee to End Discrimination which included the campus organization CORE and the ex-campus organization Slate, were picketing the Oakland Tribune, owned and edited by former senator and Goldwater California Campaign Manager William Knowland. Representatives of 10 campus organizations met with Dean Towle, but only gained permission to hand out informational material, since they were also working for the passage of a bill to grant funds to the University.

The students however, deeply committed to these off-campus projects, realized that these regulations, even as modified, would entirely destroy the effectiveness of their political groups. They therefore held an all-night vigil on the steps of Sproul Hall, the campus administration building, followed by a noon rally under Wheeler Oak. The result of the noon rally was a silent picket of a University Meeting called by Chancellor Strong.

As no results came out of these efforts, tables were set up in defiance of the regulations by several organizations, not only in the Bancroft-Telegraph area but also in other places on campus. Several deans took the names of six students sitting at tables set up by SNCC, Slate and YSA, and they were told to report to the Deans' office at 3:30 that afternoon. These students were Mark Bravo, Brian Turner, Sandor Fuchs, David Goines, Donald Hatch, and Beth Stapleton.

A spontaneous rally ensued at the tables at Sather Gate where these students had been cited. About 450 students signed a petition which stated that they had jointly manned tables in defiance of university regulations. Most of the signers also accompanied the six into the Dean's office demanding that all receive equal punishment. After the deans refused to see all of them, they sat down in the halls of Sproul Hall. Early the next morning, with the students still in the building, Chancellor Strong "indefinitely suspended" the six students, along with two others who were suspended for leading a sit-in, Mario Savio and Art Goldberg.⁶ Shocked by the ruling of the Chancellor, the demonstrators left the building at about 3:00 a.m. The tables were back the next morning, this time right on the steps of Sproul Hall.

At about 11:00 a.m., four campus policemen approached a CORE table being manned by Jack Weinberg, a non-student. Jack refused to identify himself, referring the policemen to the petition signed the day before. He was then arrested for trespassing and placed in a police car which was parked in the plaza in front of Sproul Hall. The students who were observing the arrest spontaneously sat down around the car to prevent it from taking Jack to be booked. They were protesting the fact that one person had been singled out, just as the eight had been, for something they all believed and participated in. Many joined those around the car, bringing food and sleeping bags; they planned to stay.

It was imperative for the administration that the students be removed before Saturday, which was Parent's Day, but by Friday evening the car was still surrounded. Negotiations with the students were set up, and as an added threat the administration summoned around 500 policemen to the campus. At 7:00 p.m. Mario Savio addressed the thousands massed around the car. A pact had been signed and Mario requested that the students leave, which they did. (The text of this pact can be found in Appendix A.)

That weekend the Free Speech Movement (FSM) was formed, made up of an Executive Committee and a smaller Steering Committee, with representatives on each from the various organizations on campus including some independents from the newly formed Independent Student Association. The next week the graduate students organized the Graduate Coordinating Committee which also sent representatives to the FSM.

On October 6, Chancellor Strong appointed a Faculty Student Conduct Committee to deal with the cases of the eight suspended students, and informed the FSM that there was and would be no such thing as a Committee on Student Conduct of the Academic Senate which had been referred to in the pact of October 2. On October 14, the FSM gave the administration

6. Report of the Ad Hoc Committee on Student Conduct.

48 hours to reconstitute this committee. The Chancellor complied and submitted the cases to an Ad Hoc Committee of the Academic Senate, known as the Heyman Committee.

The committee deliberated for almost a month and by November 7 was in a seemingly hopeless deadlock. Realizing that the FSM's objectives might be lost in committee, the Executive Committee decided to once again set up the illegal tables. Seventy-five students were cited by the deans for manning the tables, and again a petition stating that all had jointly manned the tables was signed by 832 people. The next day the graduates set up their own tables, but the deans refused to cite them. They consequently marched into Sproul Hall and presented their names to the deans. This was very heartening to the FSM, since the graduates do a good deal of the teaching at Berkeley. The tables remained up until November 20, the day on which a Regents' Meeting was to be held, with no further citations.

The Heyman Committee had finally come out with a report and its findings seemed fair and satisfactory to the students. Five thousand students sat on the grass opposite University Hall where the Regents were meeting to approve or reject the report. An FSM delegation was allowed to be in the room, but was not allowed to speak. The Heyman Committee Report was not considered but other resolutions passed quickly without debate. The resolutions had quite obviously been decided upon previously. The six students were reinstated but would be considered to have been on suspension for six weeks. The other two were reinstated on the same grounds, but in a probationary status. The Regents further ruled to expand the campus police force to deal with student demonstrations. They also approved of the designation of a few places on campus to be "Hyde Park" areas. Solicitations of funds, recruitment of members and advocacy would be permitted, however the Regents reserved the right to determine the legality of such advocacy.

The leadership of the FSM was split as to what to do. Some wanted to sit-in at the Regents' meeting and others, including Mario Savio, thought it best to leave and think things over over the weekend. A vote was taken and it was decided that the students leave. The following Monday there was another sit-in in Sproul Hall which proved to be a disaster. The leadership was split again as to whether to stay and be arrested or to leave. Again, the decision was to leave after only two hours of occupation.

Over Thanksgiving vacation, letters were sent to four members of the FSM by Chancellor Strong: Mario Savio, Jackie Goldberg, Art Goldberg, and Brian Turner, the start of disciplinary action against them for leading the demonstrations of October 1 and 2.

On Tuesday, December 1, an ultimatum was sent to the administration, the demands of which were to be met by noon the next day. (The demands can be found in Appendix B) The demands were not met. Some 6,000 students gathered at a noon rally on Wednesday, December 2. Mario Savio spoke to the crowd:

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. And 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 be made into any product, 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!

There is a time when the operation of the machine becomes so odious, makes you sick at heart, that you can't take part; you can't even tacitly 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!

The real enemy was now out in the open for everyone to see. These students were being trained, not educated, and they refused to stand for it any longer. A brilliant young man had finally stated what had been bothering the youth of America for almost ten years. Their lives were being controlled, they were being made into machines by machines, but they no longer wanted to be machines, they wanted to be people. But they not only wanted to be people, they wanted to be individuals, each with his own personality, each with something to contribute to society. And stop the machine they did. The entire nation, if not the entire world, watched as over a thousand students marched into Sproul Hall once more. They watched on as 800 were arrested by swarms of police who invaded the campus the following morning. And as the students were taken away to various jails in the paddy wagons and buses, they looked out of the barred windows and saw their professors, T.A.'s and fellow students on strike. The machine had stopped.

The strike continued all day Thursday and Friday and on into Monday morning. At 11:00 a.m. President Kerr called a University Meeting at the Greek Theater. Some 18,000 students assembled to hear a compromise plan which had been drawn up by five department heads. (The plan can be found in Appendix C) The plan was a great disappointment

to all. It conceded that no disciplinary action would be taken against students for participating in demonstrations, but said nothing about the issues for which they had participated in these demonstrations. After the meeting had been adjourned, Mario Savio walked up to the microphone to announce that there would be an FSM rally that noon. He had previously asked for permission to do this, but it had been denied him by Professor Scalapino. He was immediately seized by the throat, he went limp, and was locked in a storage room by the police. The students spontaneously screamed: LET HIM SPEAK! and Art Goldberg approached the microphone and stated, "You have just seen a typical example of free speech on this campus." Mario was released and he made his announcement.

It was then decided to cancel the strike and to wait upon the Academic Senate which was holding a meeting Tuesday afternoon. Hope was half-hearted that the Senate would put through any decisive resolution, since the majority of the faculty had up to that time taken no stand but acted only as mediators between the students and administration. The results of the meeting were overwhelmingly gratifying to the students. The Academic Senate came out in full support of the FSM position. (The Academic Senate resolution can be found in Appendix D) There was dancing in the streets and the Campanile played "We Shall Overcome."

CONCLUSION

At first the students were concerned with specific university regulations. Their focus was limited to regaining rights that had been taken away. They then instinctively protected those who had been singled out for punishment because the administration was treating them like herds of sheep being led by outside agitators. The students wanted to show that they were not dupes, but that each and every one of them sincerely believed in what they were fighting for. The administration simply could not conceive of a protest of this type, but consistently red-baited and blamed professionals for stirring up the students. After the Regents' Meeting of November 20, the question was broadened to that of constitutionally protected free speech. The students took the stand that no one, save the courts, has the right to regulate the content of speech. Although they had gained their first small demands, they realized that these were only part of a broader constitutional issue. The administration was acting in loco parentis, feeling that they could give rights which the students felt no one had the power to either give or take away. It was not until Mario's speech of December 2 that the full breadth of the

matter was reached. The students realized that the deans, the Chancellor, even the President, really had no power. It was the Regents that they had to fight. And the Regents were not merely trying to keep hold of their bit of parental control over the students; it was expedient for the Regents that the university turn out products that would fit into their businesses rather than enlightened students who would challenge the status quo.

APPENDIX A

THE PACT OF OCTOBER 3

1. The student demonstrators shall desist from all forms of their illegal protest against University regulations.
2. A committee representing students (including leaders of the demonstration) faculty and administration will immediately be set up to conduct discussions and hearings into all aspects of political behavior on campus and its control, and to make recommendations to the administration.
3. The arrested man will be booked, released on his own recognizance and the University will not press charges.
4. The duration of the suspension of the suspended students will be submitted within one week to the Student Conduct Committee of the Academic Senate.
5. Activity may be continued by student organizations in accordance with University regulations.
6. The President of the University has declared his willingness to support deeding certain University property at the end of Telegraph Avenue to the City of Berkeley or to the A.S.U.C.

APPENDIX B

FSM DEMANDS OF DECEMBER 1

1. Disciplinary action initiated against FSM leaders Mario Savio, Jackie Goldberg, Art Goldberg and Brian Turner, resulting from the demonstrations of October 1 and 2 which involved the entrappment of a University police car, be dropped.
2. Present rules on political speech be revised so that:
Only the courts regulate the content of political speech.
All regulations which "unnecessarily restrict" political activity be repealed.
3. The administration refrain from further disciplining of students or organizations for political activity.

APPENDIX C

THE TRAGEDY AT THE GREEK THEATER

1. The University community shall be governed by orderly and lawful procedures in the settlement of the issues; and the full and free pursuit of educational activities on this campus will be maintained.
2. The University community shall abide by the new and liberalized political action rules, and await the report of the Senate Committee on Academic Freedom.
3. The departmental chairmen believe that the acts of civil disobedience on December 2 and 3 were unwarranted and that they obstruct rational and fair consideration of the grievances brought forward by the students.
4. The cases of all students arrested in connection with the sit-in in Sproul Hall December 2 and 3 are now before the courts. The University will accept the Court's judgement in these cases as the full discipline for those offenses.
In light of the cases now, and prospectively before the courts, the university will not prosecute charges against any students for action prior to December 2 and 3; but the university will invoke disciplinary action for any violations henceforth.
5. All classes shall be conducted as scheduled.

APPENDIX D

ACADEMIC SENATE RESOLUTIONS OF DECEMBER 8

1. There shall be no University disciplinary measures taken against members or organizations of the University community for activities prior to December 8 connected with the current controversy over political speech and activity.
2. The time, place and manner of conducting political activity on the campus shall be subject to reasonable regulation to prevent interference with the normal functions of the University; the regulations now in effect for this purpose shall remain in effect provisionally pending future report of the Committee on Academic Freedom concerning the minimal regulations necessary.
3. The content of speech or advocacy should not be restricted by the University. Off-campus advocacy or organization of such activities shall be subject only to such limitations as may be imposed under section 2.
4. Future disciplinary measures in the area of political activity shall be determined by a committee appointed by and responsible to the Berkeley Division of the Academic Senate.
5. The division pledges unremitting effort to secure the adoption of the foregoing policies and calls on all members of the University community to join with the faculty in its efforts to restore the University to its normal functions.

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