

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

This is a preliminary report. Not all defendants have turned in statements yet, and we have not yet finished our statistical breakdowns.

SUMMARY OF THE SPROUL HALL SIT IN AND ARRESTS

On December 3, 1964, between 1,500 and 2,000 students went in to Sproul Hall as a last resort in order to re-open negotiations with the administration on the subject of restrictions on political speech and action on campus. Specifically, the students sat-in to prevent four of their leaders from being singled-out for punishment stemming from the free-speech controversy. The demonstration was orderly. Some students studied, some watched movies, some sang folk songs. «Freedom classes» were held by teaching assistants on one floor and a special Channuka service was held in the main lobby.

After midnight on December 4, Edwin Meese III, deputy district attorney Alameda County, telephoned Governor Edmund Brown in Los Angeles and asked for authority to proceed with a mass arrest of the demonstrating students. According to the San Francisco Examiner, Meese told the governor that «temporizing would only make the eventual blow-off more dangerous.» Governor Brown then gave permission to «quell the anarchy. At no time was any attempt made by the administration to meet with the demonstrators to discuss the grievances that had sent them into the building.

Shortly after 2 a.m. more than 600 police officers, highway patrolmen, and Alameda County Sheriff's deputies cordoned off the locked building. At 3:10 a.m. Chancellor E.W. Strong read a statement

asking the students to disperse. Police followed the chancellor's statement with a warning that all who failed to leave would be arrested and charged with refusal to disperse, unlawful assembly and trespass. Twenty minutes later the arrests began.

One of the first arrested was Robert E. Treuhaft, an attorney for the Free Speech Movement, who had been called to the scene by his clients. He was charged with trespass and failure to disperse. Outside of newsmen, who were barred from the upper floors and basement of the building, Treuhaft was apparently the last observer left in the building. In general, the police carried out their operation with a minimum of outside observation. Newsmen were severely restricted in the building. Old newspapers were used by police to plaster stair-well windows and achieve maximum privacy for their conduct with the demonstrators.

One CBS stringer was restrained by police and prevented from telephoning his story. At least one NBC television cameraman was prevented from taking shots of the stairwells. Members of the Faculty Committee on Student Conduct were prevented from entering the building as observers. Also barred from the building while arrests were underway were Assemblyman-elect Willie Brown of San Francisco and numerous attorneys for the students. Some police officers failed to wear proper identifying badges, a fact observed by many of you and confirmed by Governor Brown's personal representative on the scene.

These acts of apparent shame and secrecy on the part of arresting officers undermine their claims of fair and careful treatment of the sit-in defendants.

From 3:30 a.m. until 3:30 p.m. arrestees were hauled from the building at the rate of about 60 per hour. Booking desks were set up on the second and third floors and in the basement of the building.

Arrests were made by teams of from two to five officers. The sit-ins were individually asked to leave the building and then informed that they were in violation of the law. They were then asked whether they would leave under their own power. At this point most of the defendants "went limp" in the classic style of the passive resistor. Two of the policemen then held the defendant while photographs were made, before dragging them to a booking table, where they were fingerprinted.

After preliminary booking the defendants were dragged down the stairs to the basement or thrown into the elevator by members of the Oakland police force, highway patrolmen and sheriff's deputies. For the most part, males were dragged down the steps and females went down via the elevator. Defendants were informed at this point that they were in jail, although they were denied the right to make phone calls or see their attorneys. The ostensible reason for this denial was generally that none had yet been "booked" although the law provides that a recordation of the arrest and either photographing or fingerprinting constitutes booking, and most defendants had already had some of each.

For most defendants the basement of Sproul Hall was a nightmare. Those who went limp were often punished at this point by the police, out of the eyes of the press and public, for all the trouble they were causing the authorities. (See quotes below).

From the basement students walked, dragged, or were strong-armed into walking to the waiting police vans and busses. They were taken to the Berkeley jail, the Oakland Jail, the Alameda County Prison Farm at Santa Rita, and some were temporarily held at the San Lorenzo National Guard Armory. Almost all ended up at Santa Rita prior to release. At these places students were put through an extensive booking procedure and held until released on bail which was normally by noon on Friday,

December 5.

TREATMENT OF THE DEFENDANTS

A newsman for one of the major metropolitan newspapers in the area described the attitudes of arresting officers this way:

"...the cops weren't just doing their duty...many, many of them were enjoying their work. They were getting their kicks as well as their revenge for the embarrassment of the 33-hour siege of October 1-2...the air of vindictiveness was unmistakable."

A few typical examples of remarks made by officers at the scene and recorded by students and reporters give some idea of this "air of vindictiveness":

"We should do like they do in them foreign countries; beat 'em senseless first, then throw 'em in the bus."

"They shouldna let those beatniks and kooks in here in the first place."

"Hitler was right, they should have been sterilized."

"Hey, don't drag 'em down so fast--they ride on their heels. Take 'em down a little slower--they bounce more that way."

These attitudes led to the students' rapid education in the science of the "chicken-wing" and the "bull finger." Generally males with beards fared the worst, along with identified leaders of the FSM. The normal procedure was to get the student to his feet by means of a hammer-lock or finger-pressure on the neck. At this point, the defendants' situation was painful but bearable. During the initial fingerprinting procedure in the Sproul Hall basement, officers sometimes tormented students with blows in the kidneys or genitals. One description out of several concerning this ordeal:

"While being fingerprinted, I felt a terrific pain in the genital area. Looking down I saw that I was being struck from behind with a riot stick..."

But for many male students the main ordeals came on the stairways. An eyewitness newsman reported:

"Very few of them struggled or resisted in any way save going limp, but they were deliberately hauled down the stairs on their backs and tailbones, arms and wrists were twisted, hair and ears pulled--all to the immense amusement of the Oakland police."

Bumping down the stairs past the jeering crowd of policemen, the defendants were dragged, sometimes by the shoulders, sometimes by the heels. At the end of this gauntlet they were tossed the last six or seven steps to land in the improvised jail in the basement.

Female students were taken to the Dean of Women's office after preliminary booking. Here their bras were unfastened and they were searched for concealed weapons by police matrons. One student tried to retreat from the rough treatment of a matron with the result that two other matrons fell on her, "all the time digging into my arms with their fingernails." She was told by a policeman, "Just wait, sister, till you get downstairs if you think it was bad upstairs. Just wait."

The girl's narrative continues:

"He was right. I was dragged out of the elevator and then dragged sort of sideways and face down by two cops, my arms twisted as much as possible without breaking them. ...One of the cops grabbed a hunk of bare skin just above the waist and was digging in with all his strength. I was screaming with pain and he just dug in harder. They opened the cage thing and threw me on the floor and I couldn't move for three or four minutes."

One of the most severe cases of police violence occurred when police were ordered to "kick their way through" seated demonstrators in the second floor gallery to get at a public address system. The San Francisco Chronicle of December 6 reported:

"Phalanxes of trained riot cops dived into the huddled students--seeking out the FSM leaders first--their boots landing heavily on heads, arms, shoulders and legs. In at least two occasions overzealous cops plunged into the middle of a pack of students only to be pulled back by their own colleagues."

One girl reported her experience as follows:

"When the police rushed up the middle stairs to the second floor in pursuit of the public address system, I presume, I was sitting with my legs crossed in the third row facing the stairway. Some of the cops...began stomping onward and over me to their left to seize the PA from the window area. As they surged forward stepping on my legs and thighs, pushing me down into a prone position, I began screaming and crying. My skirt was pushed up to my hips, and they were still coming on with full force so I could not straighten it. They continued to come so fast and hard that all I could see were big heavy leather boots stepping on me. As I tried to get back into a sitting position from the prone position into which the force of their legs and bodies has trampled me, one of them lifted his boot back, bent over, screamed at me and kicked me in the right side of my head with his boot. I became even more hysterical. Next thing I knew my head was throbbing and it kept swelling and swelling and began hurting more and more."

Treatment of the students once in jail was on the whole less painful. At this stage of the process they were subject principally to harassment and physical discomfort. However, students who protested about improper conditions or irregular procedures were quickly placed in solitary confinement and in some instances subjected to further mistreatment. One male student describes his treatment as follows:

"At 3:15 p.m. I was removed from the cell to be booked. The booking officer asked me to empty all the contents of my pockets into a basket on the table. I said 'May I keep 15¢ for a phone call?' He said, 'Empty all of the contents of your pocket into the basket.' I said, 'Another officer told me I could make a phone call after booking. How can I call without the money?' He said, 'I said, empty all the contents of your pocket onto the table.' I said, 'I'm a human being and I asked you a simple question, can't you answer me?'

"At this point the officer who booked me grabbed my right arm, twisted it behind my back, and threw a hammerlock around my neck, pulling me down to the floor. He tightened his arm around my neck pulling my head back and cutting off my air supply.

"At the same time a second officer got on top of me and hit me in the left eye with his fist.

"A third officer who was standing, knee dropped me across the chest.

"A fourth officer in a blue suit uniform grabbed my right hand and applied some form of metal tourniquet device to the wrist. He tightened it till the pain was immense and my arm went limp.

"Several other blows were struck by the police which

I can not recall because of the shock and swiftness of events.

"I couldn't breathe and almost blacked out. I tried to cry out but could not even whisper.

"Then I was grabbed and thrown into the maximum security or solitary confinement cell, where I was confined for two hours.

"The cell had no windows except for one small one on the steel door. There was no toilet or benches, just a dirty rock floor on which I lay in shock and pain. My shoes and glasses were removed and I was very cold. I sat huddled over in pain and heard police outside the window making jokes about my sitting condition."

Arresting officers have denied charges of mistreatment of students.

The San Francisco Examiner of December 4 said:

"Lawmen said that the only injuries were those inevitable in the job of hauling utterly limp or struggling bodies from upper floors of Sproul Hall--some down stairways, others into elevators--and out to the waiting busses and paddy wagons."

But Governor Brown has admitted that there were "incidents of unprovoked rough handling on the part of police." Brown said some incidents developed because of "provocation on both sides," but fails to indicate what the provocation was on the part of the defendants. From the accounts of witnessing reporters it appears that some police officers entered into the affair with relish and pleasure. Others have excused the officers' "over-zealousness" by attributing it to fatigue.

Out of 414 statements written by arrested persons, 185 cases of police violence to self were reported. Another 185 witnessed cases of violence were reported. Allowing for duplication, it can be estimated that between one-third and one-half of those arrested were in some way physically mistreated. This substantiates the view of one reporter that: "...from the police response you would have thought they were handling convicts, not students."

VIOLATIONS OF PROCEDURAL RIGHTS

The statements turned in by arrested persons were not questionnaires, so the following figures comprise the number of persons who mentioned a specific violation. Thus all persons who failed to state whether or not they were allowed to see or call counsel did not necessarily have access to a lawyer.

More than half the statements returned (234 out of 414) mentioned that the author was not permitted any phone calls within the legally prescribed 3-hour time after booking. Very few persons were told that this was due to overcrowding; many were told that no one was entitled to a call until all 783 arrested persons were booked. Many were told that when they got a chance to phone that they would be allowed only one call. The law (Penal Code §851.5) specifies two calls. Some students were required to sign forms stating that they had already made their call before they were permitted to phone. In some cases the content of phone calls was requested. Many persons were not allowed to make any phone calls at all.

Throughout, students who kept demanding that they be allowed to make phone calls were placed in detention cells or harrassed in other ways. Students who did get to make calls were sometimes subjected to such rough treatment that other students declined to follow their example. Students were often cut off abruptly before they had completed calls.

In one case, nine female students bedded down in a Santa Rita dormitory requested that they be allowed to make their calls after enduring a nine-hour booking. They were given slips and placed in a detention cage. More than two hours went by and the girls were

still waiting. They asked to be let out of the cage and were told that if they signed the slips saying they had completed their calls they would be allowed to return to the dormitory.

Generally the booking was prolonged excessively. Some students were required to fill out a long questionnaire, which called for such information as religion and nationality. The answers to these two questions were limited by the recording officials. When students replied "American" to the question of nationality, they were told that that was not satisfactory. One arrestee said a police officer explained the questionnaire this way:

"No one is an American except an Indian, so what country were your parents born in, your grandparents, your great grandparents?"

Some students who insisted that they were Americans were sent to the end of the booking line or put in detention cells.

Some 72 reporting defendants said they encountered miscellaneous irregularities in jail facilities or treatment, and 49 said they were subjected to extensive and irregular questioning at the time of booking.

Those who were privileged to attend more than one jail prior to release were booked in each of them -- obviously unnecessarily. Some defendants were thus subjected to booking four times. One arrestee suggests that the police departments were in competition for a large number of bookings.

CONCLUSION

It seems evident that the approximately 774 demonstrators arrested in the Sproul Hall sit-in were treated as "common criminal.

Police officers were apparently goaded by the passive courage demonstrated by most students. They were called "commies," "pigs," "whores" and other similar names. Police procedures throughout this affair appear to have been consciously aimed at harrasing and

punishing students for their civil disobedience and liberal political attitudes.

A newspaper reporter who witnessed all this said that he had learned one basic lesson from the affair:

"You can crush the idealists, but you cannot crush their idea. You cannot kick it, you cannot step on it, you cannot break it, you cannot beat it with a billy club, you cannot twist its arms, you cannot drag it down the stairs, you cannot hide it behind a screen, you cannot bury it in the basement, you cannot put it in jail, and you cannot silence it."

Unfortunately the human bearers of ideas are not as invulnerable as their ideals.

The dignity and worth of their goals demands a respect for their persons; but then, the sad fact is that police are just not used to treating those who come into their clutches as human beings. It may be that our case, and a concerted effort based therein can be used to challenge that vicious state of affairs.