

Trammell does it again, Gators win 3-2 in 13th ☆ SEE PAGE EIGHT



# THE FLORIDA ALLIGATOR

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University of Florida, Gainesville

Tuesday, March 23, 1965

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BY FRAN SNIDER  
Staff Writer

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See SPEAKER on p. 3



## SPEAKER

(Continued From Page 1)

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— 480 —

## 50. The Filthy Speech Movement

We're asking that there be *no* restrictions on the content of speech save those provided by the courts, and that's an enormous amount of freedom; and people can say things within that area of freedom that are not responsible. We've finally gotten into a position where we have to consider being responsible, because, y'know, now we've got the freedom within which to be responsible, and I'd like to say at this time I'm confident that the students, the faculty of the University of California will exercise their freedom with the same responsibility they've shown in winning their freedom.

—Mario Savio, December 9, 1964<sup>168</sup>

There have been two principle historical justifications for free speech, sometimes overlapping and sometimes in tension with each other. One theory sees free speech as an essential part of a free and just society that treats all its members as "responsible moral agents."

"Government insults its citizens, and denies their moral responsibility, when it decrees that they cannot be trusted to hear opinions that might persuade them to dangerous or offensive conduct."

The other . . . "instrumental" [theory] justifies free speech on the ground that it serves a greater good and creates a better country, helping to produce a better informed electorate or a more accountable government, for example.

"The "instrumental" view of free speech holds that speech has value insofar as it serves a constructive, civilizing or decent purpose, and little or no value if it hurts or destroys it."

—Linda Greenhouse, "Two Visions of Free Speech"<sup>169</sup>

Political speech has throughout history had an uphill battle with the state, as it potentially constitutes a threat to the welfare and stability of the state itself. Other forms of speech and expression, such as those that

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— 481 —

exceed the bounds set by polite society or which give offense to the sensibilities of private citizens, also threaten the political organism. These forms have in this century and the last been equally, if not upon occasion more severely, constrained. England and America, though by no means theocracies, are much governed by narrow Biblical references. Restrictions on the content of nonpolitical speech waxed throughout the nineteenth century—so much so that ordinary English words disappeared from dictionaries, and despite their common daily use by numberless citizens became not only illegal to print, but even to say in public.

Arriving at a useful definition of what is obscene or offensive is extraordinarily difficult, particularly in light of shifting degrees of tolerance from one cultural context to another. The test for criminality set out in the eleventh edition of the *Encyclopedia Britannica*, published in 1910, was "whether the exhibition or matter complained of tends to deprave and corrupt those whose minds are open to immoral influences and who are likely to visit the exhibition, or to see the matter published. If the exhibition or publication is calculated to have this effect, the motive of the publisher or exhibitor is immaterial. . . . The use of obscene or indecent language in public places is punishable as a misdemeanor at common law." Even casually examined, this means nothing at all, and is no more than a blank warrant to facilitate repression.

Obscenity was defined as "something offensive to modesty or decency, or expressing or suggesting unchaste or lustful ideas or being impure, indecent or lewd." Ordinary, ancient, English words that accurately described parts of the human body, words for daily physical activities and words concerned with the propagation of the species were prohibited, and we were compelled by prudery to wander in a fog of euphemism and Latin medical terms. Long passages of the classics were left untranslated (or stranger yet, translated from Greek into Latin); whole collections of ancient Greek vases and entire rooms of paintings from the buried cities of Pompeii and Herculaneum were locked away from the public gaze. A considerable confusion resulted from the collision of Victorian morality with "well-known and old-established works of widely recognized literary merit on the ground that they contain passages offensive to later notions of propriety. In the case of exhibitions of sculpture and pictures some difficulty is found in drawing the line between representations of the nude and works which fall within the definition [of obscenity] above stated. . . ."1 Carried to extremes, nothing was sacred, including the Word of God itself: Thomas Bowdler, a sort of old-time Joe McCarthy of anti-obscenity, actually

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— 482 —

decided that the Bible was too raunchy for gentle ears and issued a sanitized version.<sup>170</sup> He also produced an expurgated version of *Gibbon's Decline and Fall of the Roman Empire* and in 1818 published *The Family Shakespeare* "in ten volumes, in which nothing is added to the original text; but those words and expressions are omitted which cannot with propriety be read aloud in a family." Algernon Charles Swinburne thought he was swell, saying of him in *Prose and Poetry*, (1894) that "no man ever did better service to Shakespeare than the man who made it possible to put him into the hands of intelligent and imaginative children" and stigmatizing adverse talk about the expurgations as "nauseous and foolish cant."

It is difficult to portray human society while ignoring its most basic urges and biological needs, and artists and writers chafed under obscenity bans, challenging them repeatedly with varying degrees of success.

In February 1915, after having reviewed D. W. Griffith's film *The Birth of a Nation*, the Supreme Court declared that moving pictures were unsheltered by the First Amendment. (Of course, this was not too harsh a blow because for all practical purposes the First Amendment did not at that time shelter any other form of speech or expression either.) It was not until 1952 that the Court, after thirty years of badgering by the ACLU, granted that protection to a motion picture: concerning the Marshall, Texas, ban on the film *Pinky*, Justice William O. Douglas wrote that the "evil of prior restraint . . . is present here in flagrant form. If a board of censors can tell the American people what it is in their best interests to see or to read or to hear, then thought is regimented, authority substituted for liberty, and the great purpose of the First Amendment to keep uncontrolled the freedom of expression defeated." It strains credulity that this statement was made at the height of the Communist witch hunts.

The 1964 Supreme Court decision on the film *The Lovers* established the further principle that "material dealing with sex in a manner that advocates ideas, or that has literary or scientific or artistic value or any other form of social importance, may not be branded as obscenity." For a while this meant that even the coarsest pornography carried a

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transparently fraudulent academic introduction giving the work the cachet of scholarly or literary value.<sup>2</sup> The first novel openly brought under the protection of the First Amendment was Henry Miller's *Tropic of Cancer* in 1964.

The obscenity issue first came to the fore in Berkeley on Monday, November 11, 1964 when Jean Genet's *Un Chant d'Amour* was shown in Stiles Hall by SLATE.<sup>171</sup> On Wednesday, November 25, Dean Towle banned the movie from a campus film festival. This so annoyed Steve Weissman that he proposed setting up a projector in Sproul Plaza and showing the film on the wall of Sproul Hall, but the disciplinary action taken against four FSM leaders in that same week diverted his attention.

On Thursday, February 11, 1965 the exhibitor and U.S. distributor of the film, Saul Landau, was hailed before the Oakland Municipal Court, which reviewed the film for obscenity. He later tried to show it in Berkeley, but "the director of the special investigations bureau of the police department told him that 'it would be confiscated and all persons responsible arrested.'"<sup>172</sup>

Coincidentally, a seven-week series of public lectures on censorship and obscenity began on Wednesday, February 24, 1965, and continued throughout the succeeding uproar. It was well attended.

The Free Speech Movement's struggle for narrow political objectives coincided with a larger battle against restriction on all forms of expression. As far as the First Amendment was concerned, the Free Speech Movement had been on solid ground. The First Amendment had from its inception been construed as protecting political expression, but had not yet been found so elastic as to cover all forms of speech.<sup>173</sup> The argument that it was not fundamentally intended to protect

*Webster's Third International Dictionary*, James Joyce's *Ulysses* or the public performances of Lenny Bruce, had been eroding throughout the previous decades, and one of the last challenges came from the University of California campus on March 3, 1965.<sup>174</sup> Following swiftly on the heels of the FSM's chaste victory, would-be poet John Thompson's almost unintentional assault on the remaining forms of censorship caught all of us by surprise.<sup>3</sup>

March 3, 1965: The Day I Became Famous for Fifteen Minutes

I hitched out to Berkeley in the winter of '64-'65. I'd been living in New York City, first in my own cold water flat up on East Third Street, and later with my friend David Rosenberg, in another tenement at 41 First Avenue. I was working part time as a messenger for Airline Delivery Service, smoking a lot of pot, popping whites [benzedrine], working briefly as a gaffer for Lenny Bruce, writing poetry and hanging out with my friends, most of whom were members of either the Student Nonviolent Coordinating Committee's Lower East Side cadre (nicknamed the River Rats by the other SNCC chapters because we were so scruffy and militant) or the Progressive Labor Party [PL]. I wanted to

do my part for The Revolution, but I was disorganized, depressed, painfully shy and mad at the world at that time. I was also a virgin, a condition that preyed on my mind most of my waking hours.

In the summer of '64 my friend Lou Pakula had hitched out to Berkeley with Peter Rosenberg, my roommate's little brother. When they came back, Lou

told me that girls would come up to you on the street and ask if you had a place to stay, and more often than not, they'd take you in, feed you and fuck you. It sounded great to me, and I decided that if I didn't get a book of poetry published by my twenty-second birthday, I'd leave New York and go to Berkeley.

I had been writing stories since grammar school, and poetry ever since a friend had turned me on to Ginsberg's *Howl* a few years before. I tried submitting poems to literary magazines from time to time, but they were always rejected, often with harsh, snotty comments. Looking back on those poems I know that most of the rejections were deserved, but at the time *I knew those editors were jealous of the great talent they recognized in my poetry*. Anyway, the Pulitzer Committee didn't track me down and award me a prize, and a few weeks before my birthday I gave up on New York. I packed a borrowed knapsack, took my last paycheck, grabbed a bus to New Jersey, walked to a westbound freeway and started for Berkeley.

Since I'd been doing volunteer work for PL, I had the names and numbers of half a dozen politically active people in my pocket when I got to Berkeley. I looked up Denis Mosgofian and Brenda Goodman, a couple I'd met at a PL meeting in New York the year before. They let me stay at their house on Emerson Street in Berkeley, and in return I manned the table of the May Second Movement (M2M), a PL front group that was organizing Berkeley students to oppose the Vietnam War. Denis and Brenda helped to start the Berkeley chapter.

The atmosphere in Berkeley in the winter of '64-'65 can't really be described. Even an emotionally numbed-out and badly confused street poet and would-be author like myself could feel the winds of change blowing. Everyone in Berkeley, at least those with a leftist perspective, was giddy with a sense of power, with the knowledge that *we were actually making history*. I had friends that had gone down to Mississippi for Freedom Summer, and although I'd been invited to go along, I chickened out. When I thought about that, I was often consumed with self-loathing and disgust for my lack of courage. But here was a second chance to be part of something bigger than myself. Walking the streets in the days of the Free Speech Movement got you higher than a handfulla bennies.

On the flip side, there was also a chill of terror in the air. The Oakland police routinely murdered Black youths; several of the demonstrations

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— 486 —

I'd taken part in back in New York were bloodbaths with the police smashing skulls while the media ignored us; people I knew (myself included) had been visited by the FBI, or endured random beatings at the hands of the police who were "searching" for drugs, or had their phones tapped, or were followed everywhere they went by men in suits and crew cuts. We had no illusions about the brutality of the system (or so we thought). In years to come when we saw students being killed at Kent State, or the police murdering Black Panthers at will, we realized belatedly just how seriously the power structure took us, and what lengths they'd take to stop us. But we believed that since we were the sons and daughters of white, middle-class, educated people the system's inherent contradictions would work in our favor and prevent anything really nasty from happening.

So I worked at the M2M table, walked picket lines and got politically involved. At the same time I was writing, smoking dope, trying to get laid, and hanging out with the street people who would soon be dubbed hippies by the press. I wanted to be a writer, but thought I had nothing to write about, so in my search for experience I took LSD, speed, downers and smoked pot, hitched all over the state of California, and later, had sex with any woman that would look twice at me. I remember at one point Denis Mosgofian told me that eventually I'd have to choose between politics and working for the greater good and my own self-destructive, drug-taking, pleasure-seeking, selfish nature. He hoped I'd do the right thing, and so did I, but by that time I knew in my heart that I'd rather have fun and work in the cultural revolution than put my nose to the grindstone and hang with the heavy politicians. When I left New York I'd vowed that I'd never work at another meaningless nine to five gig, and on one level, that's what the Revolution sounded like. I felt guilty about being so selfish, but I knew what I was capable of, and twenty-four hours a day on the barricades wasn't my style.

That, briefly, is the background to the events of March 3, 1965. I don't remember where I'd spent the night before, but that Wednesday was a cool gloomy day. I wandered around campus, talked to friends, probably ate some pizza or a Chunky or two, and sat on the planter at Bancroft and Telegraph in front of the Student Union building. Once more I was thinking about my lack of experience. Nothing was happening in my life worth writing about (or so I thought), and what's a writer without a story to tell? Well, maybe if I got put in jail overnight, or for a few days, I'd have a story. With this half-baked idea in mind I borrowed a piece of lined notebook paper from a table manned by Dan Rosenthal.<sup>175</sup> I folded it in half and

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— 487 —

wrote FUCK on it with a red felt-tipped pen. Then I sat down on the planter to see what would happen.

Nothing. I was ignored. No big deal. I'm always ignored. Might as well go home and . . . a fraternity-looking guy—crew cut, arms like tree trunks, clear blank blue eyes—rushed at me and ripped the paper out of my hands. As he tore it up he raged at me. "What are you some kind of degenerate? There are all kind of chicks walking by here. My chick came by here a few minutes ago. What if one of them saw this?" Etc. He balled the paper up and threw it against my chest. "If you're still sittin' here when I get back I'm gonna break your neck," he said and stormed off, fired up with righteous anger. Fred Sokolow, who was vice-president of SLATE and had been sitting with Stephen Argent who was selling [the student magazine] *Spider* walked over and asked what had gone down. I told him, we laughed, and I borrowed another sheet of paper and made another sign.

The sun had come out, I sat with my sign. Mario Savio came by, did a double take and stopped. I knew him vaguely from seeing him around campus, but I was pretty much in awe of him. He was really doing something with his life, whereas I was a street poet who was wasting his life, too scared to get really involved, too scared to even "eat a peach" as T. S. Eliot might say. Mario pointed out that FUCK was a versatile word in the English language—it could be a noun, verb, adverb, adjective, gerund. I nodded and fixed the sign to read:

**FUCK**

(verb)

I sat there with the sign. Fred Sokolow, back at the *Spider* table, made a sign that said SHIT and held it up. I held up my sign. We flipped each other off, made faces, etc. I was getting bored. The frat guy hadn't come back, it was getting late, and I wasn't going to get arrested. I'd never go to jail, or write a book, or be a famous author. I was sitting there disgusted when a plainclothes cop appeared with the frat guy.

"What are you doing?" says the cop.

"Nothing," says I.

"What's this?" he asks, pointing at the placard.

"A sign."

"What's it say?"

"Can't you read?" If he thinks I'm going to say "Fuck" to him, he's crazy.

The cop takes the sign and says, "You're under arrest."

I stand up. "What's the charge?"

He looks at me and says something like, "Don't be a wise guy," and grabs my elbow.

I'm marched down to the police station in the basement of Sproul Hall and put in a holding cell. There's a desk, a chair, and oddly enough, a pen, a pencil, and a writing pad of UC stationery. The window of the cell faces on Bancroft and it's open, though covered by a heavy mesh screen. Time passes. David Bills, one of my best friends, appears at the window.

"There's a big demonstration going on 'cause you got busted. This is what the FSM missed! There's a big crowd, and cops everywhere. Lots of people from the newspapers!"

After he leaves, I sit down at the table and write a "confession."



WHY I DID WHAT I DID.

*My mother told me she would beat me to death if I didn't carry that "obscene" sign onto campus today. The priest said always to obey and love mother. I'm sorry if I caused you any trouble.*

I'm laughing so hard by the time I finish the confession, I'm surprised no cops come over to see what's happening. I folded it up and palmed it and waited, not really knowing what was going on outside. At last an officer came to escort me to the Berkeley City Jail. On the way out we're surrounded by a large jeering crowd. I see Michael Klein, one of the people I know from M2M in front of the crowd and using my thumb, I flip the confession so it lands at his feet. He picks it up without the cop noticing and the next day the "confession" appears in the *Daily Californian*.

The cops driving me to the Berkeley jail play a "Mutt and Jeff," routine. One cop is very threatening, making remarks like, "You little punk. If we were alone, you'd be shitting my nightstick." The other one tries to restrain him and calm him down, but I'm taken in by the whole act and am pretty scared.

I stay in jail less than an hour before Denis Mosgofian bails me out and takes me back to the Emerson Street house. Denis and Brenda tell me what happened, and I tell them why I did it, and they kind of laugh, kind of cry. After all the work they put into the FSM, all it's taken is one moment of stupidity on my part, and the whole thing tumbles like a house of cards, etc. I decide I should look for lodgings elsewhere and I roam over to Michael Klein's house. He tells me that he's started the Fuck Defense Fund, or FDF for short, to raise money to pay for my bail and trial. I'm still in a daze, beginning to realize that my prank has gotten out of hand to say the least. Michael talks about raising money, and after agreeing to sit at the FDF table the next day, I go up to Telegraph Avenue. Somebody tells me there's a party at Art Goldberg's house, and I walk over with a few friends, smoking a joint on the way.

Goldberg greets me effusively and tells me what a great thing I've done. He tells me I've taken the struggle to the next logical step. It's fine

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— 489 —

to defend political speech, but what about artistic speech? Or meaningless speech? My poem (it was a poem? yeah, sure, that's what it was; it was a poem), he says, was an act of genius. And if it pissed people off so much the better, I was just showing up the inherent contradictions the position they were assuming vis a vis, blah, blah, blah, blah, and etc., etc., etc. Suddenly I'm not embarrassed at doing something dumb, I realize that I've dared to boldly go where no man has gone before and blah, blah, blah, blah. Blinded by Art's rhetoric and my own naiveté I agree to address a rally in my behalf on Friday, March 5.

The newspapers (though they would not print the word in question, describing it only as "a four-letter word for sexual intercourse") had a great time making much of what they were pleased to announce as "the first offspring of the FSM." Kerr cleverly dubbed it "the Filthy Speech Movement," and although almost everyone from the FSM went out of their way to disavow any relationship, the goals of the Free Speech Movement and those of the Filthy Speech Movement became permanently wedded in the popular mind.<sup>176</sup> Most FSM veterans, prudish as dedicated politicians often are, were dismayed both by the personalities involved in the Filthy Speech Movement and by the media's gleeful confusion of the goals of the FSM with those of its apparent offspring.

After the FSM had attained its political ends, the next step in expanding First Amendment protections to more controversial forms of speech created considerable division within the ranks of the Free Speech Movement's former activists. Some of us, though by no means all, were anxious to extend the ideals of the FSM beyond the relatively narrow confines of politics. Others were much alarmed at the unexpected barbarian horde to which we had inadvertently opened the gates. Stumbling all over itself to deny any connection, the FSM issued a statement on Monday, March 10, saying,

Only in the recent controversy over "obscene" words can students be said not to have acted responsibly. The FSM did not initiate or support this controversy. We regret both that the students involved acted in an unfortunate manner and that the police and some administrators chose to escalate the issue and endanger campus peace rather than permit

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student interest in the subject to wane. The problem is now in the courts, where it belongs. Any disciplinary action by the University will be directly contrary to the principles we supported last semester.<sup>4</sup>

*Mario Savio:* When the obscenity thing arose, I was in jail. I told the judge he was a hypocrite, and he put me in jail for contempt.<sup>177</sup>

I was very dismayed; on the one hand, there were people who wanted to drop the whole thing as something we ought not to deal with. On the other hand, Jack presented the position that this was something we ought to defend as an abridgment of the content of speech. We shouldn't have been deciding what was or was not the content of speech any more than the administration. My position was that we should take a stand on the issue of due process. But, somehow the issue seemed too abstract to people. People didn't want to associate themselves with the problem of obscenity.<sup>5</sup>

Ernest Besig, the Northern California director of the ACLU, who had been in the forefront of FSM defense, uttered a printable "good grief," and announced that the issue "will be used to criticize and attack the free-speech policies of the administration." He hoped that students would demonstrate some degree of responsibility and "not make the administration's life more miserable."<sup>6</sup>

Art Goldberg was the exception among the radicals to the shunning of John Thompson's cause. Art was known as the "Marshmallow Maoist" because of his admiration for Peking political philosophy and simultaneous moderate opposition to FSM militancy; his espousal of the dirty word cause, especially as he had been a high-profile spokesman for the FSM, was felt by most of us to be a trivialization of what we had fought for. Nonetheless, much of what Art had to say about freedom of speech was perfectly valid; if a person can be prosecuted on the basis of the content of speech, and especially if the grounds for prosecution are that the speech offends the listener, then speech is not free. This cut no ice with the politicians, however, and most of the students ignored the cause as well. A later Filthy Speech rally in lower Sproul Plaza drew precisely zero auditors.

*Lee Felsenstein:* My feeling on the Filthy Speech Movement was, "Oh, shit! These guys are ruining it for everybody!" I was actually one with

Charles McCabe in the *Chronicle* who said that these guys should be taken up a dark alley and have the shit beaten out of them. The professor who had hired me felt that what was going on with the Filthy Speech Movement was really getting to the core of what was necessary; that the people involved were on the correct path. It was making the next big step; the beginning of the cultural revolution. That was when the Haight-Ashbury started. We, the nice little children of Stalinists, had been very explicit about what we were excluding—excluding the personal, really—we intended to sacrifice ourselves, but we didn't succeed. That's when breakaway happened, that's when synergy, the unexpected, occurred. The revolutionaries had reached their limits, whereas the new crowd, the hippies, saw what needed to be done.

At the time I seethed with hatred about what these people were doing to tear down what we had done. Of course, I was wrong. We created so many opportunities to be wrong that we could really get ahead as a result. Our parents' generation was pretty much defined by the limbs they'd gotten out onto, and there they stayed, holding firm to the true faith. My parents were Stalinists—CP, both of them, my father was a section organizer—misused and finally discarded by the apparatus of the local party. What were we who were opposed to the Filthy Speech Movement to do? We were just kids; we got out on a limb and nobody much cared—we didn't have to defend it at all costs, we could try it on and then edge away from it and nobody noticed.<sup>7</sup>

*Tom Weller:* To me, the FSM's failure to stand up for John Thompson seemed like a betrayal at the time, and that Goldberg was the only guy who didn't wimp out.

As many people have pointed out, a schism was developing right about then between the conventional radicals and the 'cultural revolutionaries'—those who thought that sex, drugs and rock 'n' roll would save the world. I was being strongly drawn in the latter direction, and so the "filthy speech" issue—as it seemed to represent personal freedom of behavior, sex, mores, etc.—seemed like the next progressive step.<sup>8</sup>

*Jack Weinberg:* My position on the obscenity issue was that while it was still going on I wanted it to stop. I tried to stop it. After it happened, my position was that this was a question of constitutional speech, and I made a speech to the Executive Committee to that effect. We fought for free speech, we didn't fight for *responsible* free speech. Therefore the same principle was at stake here.<sup>9</sup>

On Thursday, March 4, Letters and Science freshman David Bills was arrested as he sat beneath a sign advertising the Fuck Defense Fund.

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— 492 —

Oakland City College student Stephen Argent took his place and was immediately arrested. As officers led Argent and Bills into the basement of Sproul Hall, Michael Klein, a senior in engineering, followed. Once inside, Klein opened a copy of *Lady Chatterley's Lover*, which the courts had recently declared to be not obscene, and read from a paragraph concerning copulation. After reading the paragraph aloud twice, he too was arrested. As he was reading, Ed Rosenfeld held up a sign saying, "Support the fuck cause." He was arrested.

*John Thompson:* I spent Thursday in a dither. I had to address a rally, and worst of all, I had to make up the speech myself. I sweated, I wandered the streets in a daze. I couldn't think, or eat, and in fact, I was crapping my pants from nervousness.



John Thompson. Daily Cal photo, March 8, 1965.

Finally I ran into a woman I knew named Jan. We spent the day together, and later, she took me to her mother's house. Jan's mom, like most of the old-time lefties, was pissed at me, but she was a good sport. I told her I had to give a speech at the FDF rally the next day and she asked what I was going to say. I told her I had no idea. She said, "Well, they'll be expecting you to say fuck a whole lot, and you may get arrested again, so what you should say is everything but fuck. Say fornicate, say fooling around, say foreplay, or use all the euphemisms people use for fucking, that way you can make your point and point out how ridiculous the whole thing is." I saw the light. (Do I sound like I was easily impressionable? Eager to please? Spineless? Yes to all of the above.) With the premise of "saying while not saying," the f-word in mind, I wrote a brief speech and sweated out the rest of the night.

Noon Friday. There was a different rally scheduled for Sproul steps, and when Art Goldberg couldn't get them to give up their time, we had the FDF rally on the steps of the Student Union building. We had a large crowd, peppered with professors, plainclothes cops, uniformed police, FBI, newspaper people, TV stations, a stringer from *Time* magazine named Jann Wenner, etc. I gave my speech, using all the non-words and "clean" f-words. In addition, whenever I said a word starting with "f," I drew out the sound as though I just might say "fuck," but never actually said it. So in my speech I titillated the crowd with "fffffffffffflower," and "fffffffig," and the like, to its intense amusement and the growing disgust of the cops. My hands were shaking so badly that I could hardly read what I'd written. Dan Rosenthal announced that he had ordered one thousand "Fuck Communism" signs, and called for a test of law to "decide just where it [obscenity] becomes a public outrage."

More speeches followed, then we passed the hat to collect money. The rest of the day passed in a blur.



NICHOLAS ZVEGINTZOV

Nicholas Zvegintzov, GCC Campaign flyer.

A table marked "Fuck Defense Fund" was set up and Oxford University business school graduate Nick Zvegintzov led the cheer,

"Give me an F!"  
"F!"  
"Give me a U!"  
"U!"  
"Give me a C!"  
"C!"  
"Give me a K!"  
"K!"  
"What does it spell?"  
"FUCK!"  
"*What does it spell?*"  
"*FUCK!*"

Jim Prickett, another speaker at this rally, pointed to America's simmering involvement in Vietnam: "*That's the obscenity!*" Proto-hippy and campus oddball "Charlie Brown" Artman presented the laughing crowd with an analysis of obscenity:

The word [*fuck*] comes from Gaelic, where it meant "to sow in the ground," and it was, a few hundred years ago, a respectable word, and a respectable descriptive term for the sexual act. Since that time, it has been made into a dirty word that strikes fear (be it ever so subconscious) into the hearts of people that hear it.<sup>179</sup>

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— 494 —

The question is: is language generally considered to be obscene, obscene when it is not used in an obscene way? Corollary to this is the question: is language not generally considered to be obscene, not obscene if it is used in a suggestive way? "Pussy" is generally thought to be a nice clean word denoting a soft, warm, cuddly cat. It is known to most males to also denote sex with a female. When a candidate for the Ugly Man contest chooses to call himself "Pussy Galore" and proceeds to have buttons saying, "I Like Pussy" hawked with cries of, "get your 'I Like Pussy' buttons here," is not this the height of obscenity, of hypocrisy, of filth and deceit?<sup>180</sup> What is considered obscene today, in another time and place may be considered pure and sacred. Exposing the female body in a bikini would have been considered obscene years ago.<sup>10</sup>

English department chairman Mark Schorer, who had written the introduction to the Grove Press edition of *Lady Chatterly's Lover*, felt a compulsion to explain to the students the difference between serious literature and a Bronx cheer:



. . . if this language appears in a book, one can choose to read it or not to read it. This seems to me quite different from having that language or a single word from that language thrust upon one's attention in a public place. I do think that the whole business is unworthy of serious students and that it is going to make it more difficult for the faculty to protect what *are* your serious interests than would otherwise be the case. . . . I insist that there is a difference between reading and social conduct. One is a matter of private edification or indulgence; the other can easily become a public nuisance. There is a crucial difference between choosing to read what may be distasteful to others and imposing what is distasteful *on* others.<sup>11</sup>

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— 495 —

The crowd applauded Schorer and booed a speaker who tried to counter his argument. Despite the relative purity of the FDF speeches, pre-law senior Mark Van Loucks signed a police complaint against Thompson, Goldberg, James Prickett and Charles "Charlie Brown" Artman.



Charles "Charlie Brown" Artman. Photographer unknown.

*John Thompson:* Friday evening. I was back at the Goodman/Mosgofian residence. Denis and Brenda had gone off to dinner somewhere.



Denis Mosgofian and Mona Hutchin [also identified as Dagmar Searle]. Daily Cal photo. March 5, 1965.

At around 9:00 pm there was a knock on the door. I opened it to find a couple of peace officers—one City of Berkeley, one University. They asked if John Thompson was home, and like a dunce I said: "That's me."

"You're under arrest for public indecency," one of them said and they cuffed me and drove me to Santa Rita Prison. They'd purposely waited until the Berkeley City Jail was closed so that anyone who wanted to bail me out would have to make the long drive to Pleasanton. On the drive out the cops asked me questions, and I gave them the most outrageous answers I could think of. I said I was a secret agent of Peking, a visitor from another planet, an anti-porn activist, etc. One of the cops later testified at my trial, adding to my already fantastic fabrications. I couldn't believe anyone would believe a word I said, but the cop was deadly serious, especially about my "admission" of being a Communist agent.

After I was booked, I spent the night in a holding tank with a couple of guys who'd gotten busted for driving under the influence, and a biker who'd gotten busted swiping a TV set from his ex-girlfriend's apartment. Denis bailed me out the next morning and drove me back to Berkeley.

Art Goldberg was arrested twice on Friday, March 5, 1965, first at 2:00 pm on a complaint against what he had said on Thursday in connection with the

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— 496 —

spin-off arrests, from which he was released on \$50 bail, and then again four hours later on Van Loucks' complaint against what he had said at the Friday rally. This time he was carted off to Santa Rita and held until 10:00 pm on \$220 bail.

Another Cal student, Martin McCrea, swore out a complaint with the district attorney against Alpha Epsilon Pi, the fraternity selling, apparently with the administration's blessing, the "I Like Pussy" buttons to support their candidate in the Ugly Man contest. "I'm not a Puritan," said McCrea, "I just feel the law should be applied equally to all groups."<sup>12</sup>

Arthur Ross, professor of business administration and chairman of the emergency committee of the Academic Senate, said, "the faculty has done all it can to protect speakers, no matter what kind of jugheads they might be." He added "obscene terms used for their own sake are not speech," and are not protected by the First and Thirteenth amendments.<sup>13</sup>

The activist challenge then shifted to another front. Jackie Goldberg, Rich and Sue Currier, Andy Magid, Sandor Fuchs, Alice Huberman, Steve DeCanio and Jim Prickett had together begun publishing a fortnightly magazine. Since there were eight editors, and a spider has eight legs, they decided to call it *Spider*, and the *ex post facto* title was a strained acronym for Sex, Politics, International Communism, Drugs, Extremism and Rock 'n' Roll.<sup>181</sup> It was printed by Deward Hastings on the Multi

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— 497 —

2066 that had in bygone days printed *Root and Branch*.



Spider, Vol. I No. III, April 15, 1965.

The first issue appeared on campus on March 1, 1965 and enjoyed modest sales—at two-bits a copy—at tables set up at the edge of campus. That morning's *Daily Cal* gave it a short, pleasant page nine review:

Sex, Politics, International Communism, Drugs, Extremism and Rock and Roll are combined in "Spider," a magazine making its first appearance today.

The sex figures in three prominent ways. There are dirty words in almost all the articles; there is a fascinating collage of sex ads from a girlie magazine, and there is a review of commercial sex films.

To treat Adults Only films as if they were perfectly legitimate is an interesting idea, and seems perfectly valid. The criterion of excellence merely shifts to the quantity and quality of skin shown. I hope Richard Currier's "Saturday Night at the Nudies" will be a regular feature.<sup>14</sup>

Although the administration conceded that the magazine might not be legally obscene, on March 19 it was banned from sale or distribution on the campus.



Spider, Vol. I No. IV, May 3, 1965.

*Dean McConnell*: I may say that, once the vice-president came in and said, "Have you read the literary magazine?" And I said, "No, I have not found that rewarding. I have not read it." He said, "I think you ought to read the current number." I said, "Why do you think so?" He said, "It's just been banned from the mails by the Postal Authorities" (*Laughter*).<sup>15</sup>



Spider salesman at Bancroft and Telegraph. Photo by Don Kechley.

*Jackie Goldberg:* When it hit the stands we saw all kinds of people—a couple of them we recognized from the D.A.'s office in Alameda County, reporters were buying them. The first copy of *Spider* was read by the Regents at their meeting; right after we heard this, about three days before the second issue was to come out, Rich Currier went up to Dean Williams' office and said, "Dean Williams, we heard that the Regents read this, does this mean that we can't sell it?" And Dean Williams told Rich that we would be informed *by letter* if there was to be any

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— 498 —

discussion as to the suitability of the magazine, or whether it could be sold on campus, and that we didn't have to worry about anything happening in the way of a direct confrontation and so on.

So, the second issue comes out, and the next thing we know is that Dean Williams is down there telling us we have to quit selling. This happened early in the morning after we had moved our table onto the middle of campus. He threatened us with immediate suspension. At that moment, he had the power to suspend us *on the spot*.

He said, "The chancellor has called me and told me that you are not to be here. You're not to sell the magazine. I have to do this. If you don't leave, I can take disciplinary action against you, including the arrest of members of your group that are not students."

So, at that point, we asked if we could negotiate. At first it was just Sue Currier and I that went up to his office, where we explained that we had no desire to make this a confrontation, that we were under the understanding that anything would come by letter, and he apologized profusely that it wasn't being done this way, that he had direct instructions from the chancellor's office.

"Could we see the chancellor?" was our question.

He was very embarrassed, completely embarrassed by the whole situation. So he said, "I'll see what I can do about getting you in with the chancellor, would we please stop selling," and we told him that we wouldn't stop selling until we knew we were going to see the chancellor. So he said, "I'm not going to take any action against you until I can find out for you."

So, we went out, and we continued selling. He called for us to come back in again. This time Rich came with us. Now there were three of us. Williams amiably, slowly, talked with us for most of the rest of the day, 'til around four o'clock. The same thing, getting to see the

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— 499 —

chancellor, following proper channels—it was very obvious that Williams was stalling for time, for us, so he wouldn't suspend anybody or arrest anybody. It was very, very obvious. We repeated the same conversation eighteen million times, and he didn't seem to get nervous or tired talking about it. He kept pleading with us to go home, we could see the Chancellor that night, and don't make me do something I don't want to do, don't make it difficult for me. He knew that we weren't going to back down completely. Finally he invited the entire *Spider* staff in.

Mario comes flaming up, he's just gotta be in there; he was violently arguing with us that we didn't know what we were doing and that we were going to be



hoodwinked. It was very insulting for him to assume that we didn't know how to handle things on our magazine. We let him in for a while and then we asked him to leave.

We talked. Van Houten and one of the administration lawyers were in there, and it's four-thirty, which is the time we usually took our table down anyway. He set up a meeting with the chancellor that evening, and Williams says "Will you take the table down now?" Knowing full well that we were. And we said "Sure," and we went home. And nothing happened.

I blew my stack in the middle of the meeting with Meyerson. Meyerson's whole tone, his whole approach, was that we were eight kids trying to make trouble, to destroy the name of Cal. There wasn't even the slightest thought in his mind that the eight of us honestly wanted to put out a magazine of this type. We'd planned it for a semester and a half, we'd finally put in all the work and time, spent our own money financing the first issues, and this was beyond the farthest reaches of his thinking. We were just troublemakers.

After my tirade they wanted to caucus. Art and Mario wanted a

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— 500 —

confrontation, but we thought that with the Graduate Student Union trying to get onto the ballot, that if we wanted a war it would be much better to go to war over an issue like that than *Spider* magazine.<sup>182</sup>

The student government was absolutely the most important thing in our meeting. We could not see the administration allowing the graduates in the ASUC, it would be too risky for them, because SLATE just wins every time the graduate students vote. That's why the graduate students were kicked out originally. We figured a confrontation on that was due any day, and that we would be taking the steam out of it by having a mock war just a few days before.

So we decided to play games. We pinpointed Meyerson to say that he was not objecting to content, but on our time of sale, our place of sale and our manner of sale. He'd agreed that content could not be regulated. We made him state that. So we got the thing into the special faculty committee that had been set up for exactly this sort of thing. We could very easily go to any committee and be clean on that, because we were selling the magazine in the same time, place and manner as the *Pelican* or any other magazine that was being sold.

He said, "The whole last semester was the students testing power,

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— 501 —

and now I'm testing mine." We told him we weren't going to let him do that. We told him that it could go before a committee on the time, place and manner rules or he could look *forexactly* what he wanted to avoid—a confrontation. At which time, it went to the committee, which sold us out. It agreed with us, but still voted to support the chancellor. So we told Williams over that weekend that after the weekend we were going to sell the magazine anyway. Williams told the committee, and that committee lifted the ban before we sold the magazine the next time.

The main tactic we used with Dean Williams to help get him out of his spot was that we wanted to find some kind of a way to make a test case. It took him hours to find out what we meant by that. It meant nothing, really. They brought in lawyers to try and figure out how they would use the courts and how it had to go through which committees. That's what took most of the time. Williams called us after it was all over, and told us that it really meant an awful lot to him that it was resolved the way it was, and he was very grateful and respected us very greatly, and hoped that the magazine was very successful. I got the impression from him that if this had blown up in his face that he would not have been the next dean of students.<sup>183</sup> We kind of kept that in mind, too.<sup>16</sup>

During the *Spider* hoopla, Richard Schmorleitz, a senior in political science, wrote a play which he called a "satirical allegory on the use of language," entitled,

*For  
Unlawful  
Carnal  
Knowledge*

—which went on sale on campus on Wednesday, March 12, 1965. This publication was banned on the ground that the arrangement of the title on the cover was obscene.

*Esquire* magazine did an article on *Spider* that catapulted the modest student publication into the public eye and did miracles for sales: the "fuck" edition sold ten thousand copies. After lengthy, absurd hearings, the administration then lifted the ban against *Spider* while continuing to ban the play. The whole confrontation made the administration look clumsy and foolish, and reinforced the idea that the principle of free speech required that the University not engage in censorship.

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— 502 —



Spider table on campus. Photo by Howard Harowitz.

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— 503 —

*John Thompson:* For the next month I hung around with the Filthy Seven, as we jokingly called ourselves, and made plans for the trial. <sup>184</sup> Michael Klein knew Kenneth Anger, the avant garde film maker, and Anger gave us his films for a benefit showing. Several of them had been declared obscene, but we weren't busted again. Art Goldberg somehow arranged a lawyer for us, but I said something in our first meeting that pissed the guy off, and he quit. Eventually we were represented by several lawyers, under the direction of future Oakland supervisor John George. We were tried in the Berkeley courthouse on Grove Street, Judge Floyd Talbot presiding. Stephen Argent, one of the Filthy Seven, lived nearby on Berkeley Way, and every morning we met at his house to smoke pot before going to the morning's session. We ate, or smoked, lunch at Stephen's too. We waived a jury trial, and endured the lying of the police and witnesses. For example my above mentioned "confession" of being a foreign agent and the curious testimony of many frat boys and police who swore I said, "Fuck, fuck, fuck, fuck, fuck, fuck, fuck," etc., for the entire time on the mike. The police, by the way, had taped the whole rally, but my "speech" had mysteriously vanished from the tape, so the hearsay of the fraternity boys and police led to my conviction. As far as I know, I didn't do any time for the sign, which I *did* hold up, only for the speech I *didn't* give. At the trial we pretty much played it for laughs, figuring that the Supreme Court would overturn our expected conviction. They refused to hear our appeal, however, and a year later I spent thirty days in Greystone, the maximum security section of the Santa Rita "Rehabilitation" Center, where I got plenty to write about.

The obscenity trial itself turned into a farce. Deputy District Attorney David Anderson, asking mathematics student Victoria DeGoff to testify to the meaning of "the word" in question got the reply, "sexual intercourse."

"You do not find this offensive?"

"No."

Anderson was visibly nonplused at this response.

In pronouncing his decision, Talbot said that John was "basically decent, but had the bad habit of being in the wrong place at the wrong time." John Thompson and Art Goldberg were the last people in America to serve time for an obscenity conviction.<sup>185</sup>

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— 504 —



**ROGER HEYNS**

Roger Heyns, Daily Cal photo.

Acting on the recommendation of the Ad Hoc Faculty Committee on Obscenity, on April 22, 1965 Meyerson suspended three students and expelled one.

David Bills was suspended and convicted for sitting at a table on campus while holding a sign with the four-letter word on it.

Charles Artman was convicted of speaking obscene words at a March 5 campus rally.

Jim Prickett, who was a student at San Francisco State, nonetheless received a notice of expulsion from UC. When it was cheerfully brought to the attention of the authorities that he wasn't a student and that their punishment had no teeth, they ludicrously replied that since he wasn't a student, he couldn't *become* a student. He was convicted of speaking obscene words at the March 5 campus rally.

Michael Klein was suspended and convicted of speaking obscene words at a rally and reading aloud parts of *Lady Chatterley's Lover* in the Sproul Hall police station.

Ed Rosenfeld was convicted for exhibiting an obscene sign.

Dan Rosenthal was convicted of speaking obscene words at a rally.

Stephen Argent was convicted of exhibiting an obscene sign.

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— 505 —

Nick Zvegintzov, who had led the F-U-C-K cheer, was brought before the disciplinary committee, and after the charges against him had been presented he stood and requested time for a rebuttal. The hearing officer told him that this was not a court of law and that he didn't get a rebuttal. He was suspended until the following semester, and although there was no direct evidence of official interference, the large grant that had enabled him to work in computer research disappeared. Shortly after this Nick received an offer from Carnegie-Mellon, quit UC in disgust and left Berkeley. Alone among those involved, Nick was not prosecuted at law.<sup>186</sup>

Education grad Art Goldberg was expelled from Cal and given ninety days in jail.

John Thompson, convicted of displaying an obscene sign and of speaking obscene words at the March 5 rally, was given thirty days in jail. He was arrested twice later on that year, for shoplifting and for posting signs on telephone poles.<sup>187</sup>

One week after Thomson's arrest, the brouhaha led UC President Clark Kerr and Acting Chancellor Martin Meyerson to resign. Governor Brown, after lengthy talks with Kerr, announced, "I think it is a terrible shame that a few thoughtless troublemakers can hurt the reputation of the greatest University in the world and cause this brilliant president and hard-working chancellor to resign."<sup>17</sup>

Both Brown and the faculty wanted Kerr and Meyerson to rescind their resignations, and after a stormy meeting the Academic Senate passed a resolution to that effect. They both came back, but Meyerson was soon to be out in the street. Investigations by the *Daily Californian* revealed that the Regents had pressured Kerr to expel the Filthy Speech Movement leaders, and that both Kerr and Meyerson had refused to do so and had resigned in protest. Despite this, Meyerson expelled Art Goldberg on April 21. Meyerson's inability to handle the filthy speech crisis destroyed his chances at being named Chancellor. On July 1, Meyerson was replaced by the University of Michigan's Vice President for Academic Affairs Roger W. Heyns. Speaking for the new broom, on Friday, September 5, 1965, Acting Chancellor Earl F. Cheit issued new campus speech and organization rules to which absolutely nobody paid the slightest attention.

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— 506 —

*Jackie Goldberg:* Right after Art got thrown out of school I was invited to be Kerr and Meyerson's hostess at the seniors' ball. I didn't understand why they'd asked me, and when I went to see the administrator who'd done the actual inviting, he talked laughingly about the "Jackie Goldberg" who'd been so active in the Free Speech Movement, and wasn't it a shame. I told him that it was me, and he looked astonished—how could I be that person? They were very confused when they found out who they'd really asked.

I'd been waiting for them to ask me once more, and I wrote them this letter explaining to them that I felt that it was very insulting for them to think that I would want to represent them, at any function, after the despicable way that they allowed the events of this last year to occur, as well as being a party to them, and especially, that I could be party in a representational way to a person who had expelled my brother.<sup>18</sup>

Announcing that, "Offenders must be disciplined and due process must have its place," Kerr decried the "continuing and destructive degradation of freedom into license," and the offenders were convicted and punished. But the long and the short of it was that somehow in this chaotic process the weight of rules and laws against "that word," which even in scholarly compendia of slang was written "f\*\*k" and was not included at all in the *Oxford English Dictionary*, crumbled away, and we were in the dawn of a new day, where you could say "fuck" if you



wanted to—in print, on a sign, out loud or in a public speech. It was OK now.

Arrested in North Beach on April 22, 1965 for indecent exposure, the silicone pioneer Carol Doda not only saw the charges against her dismissed, but on May 19, 1965 was invited to help judge the Senior Sweetheart contest in Pauley Ballroom.



HERE! . . . Carol Doda, North Beach's sensational topless swimmer, will make her campus debut Tuesday as one of the judges in the annual Senior Sweetheart Contest.

Carol Doda. Daily Cal photo, May 14, 1965.

Surrounding her with what can only be called "shit-eating grins" were ASUC President-Elect Jerry Goldstein, Louis Rice of the Dean of Students office and *Daily Cal* editor Justin Roberts. She was definitely there in an official capacity, and her criminal record didn't seem to bother anyone.



—Photo by Joe Marshall.  
**EYES FRONT . . .** Sedate beauty Carol Doda of "topless" fame and four companions ponder their decisions as they judge the Senior Sweetheart contest in Pauley Ballroom. The judges are l. to r. ASUC President-Elect Jerry Goldstein, Louis Rice of the dean of students office, Miss Doda, *Daily Californian* Editor Justin Roberts, and clothing store owner Andre Godet.

Carol Doda and various luminaries. Daily Cal photo by Joe Marshall.

But the hurraing was not entirely over; on August 20, 1966, I attended a performance of Michael McClure's *The Beard*, which I found incomprehensible and dull. What was exciting was the Berkeley police busting McClure and the two actors, Richard Bright and Billie Dixon, right afterward for obscenity. The court dismissed the charges, and that may have been the last gasp of our local language guardians, at least for a while.

It was at about this time that I began to hear the term "Berserkeley" applied to our fair city. The hippie phenomenon, too, was getting off the ground with its counterculture ideals and espousal of a muddled "back to nature" aesthetic.<sup>188</sup> I, for one, openly despised all

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— 508 —

that "peace, love and good vibes" shit, and thought hippies were obnoxious wimps. The consequences of revolution are not always pleasing to the revolutionaries.

Excepting the significant area of recreational and psychoactive drugs, by the mid-1970s the state had largely abandoned its role as protector of the public mores.

Government bears the same relationship to its citizens that a shepherd bears to his sheep: in return for sustenance and protection, the sheep are shorn of their wool and upon occasion eaten. Government is the natural enemy of freedom. The Constitution, and in particular, the first ten amendments to it, are the protection of the people against their government; making the relationship between the shepherd and the sheep a little less unequal. However, these protections are themselves guaranteed by nothing but the constant vigilance and struggle of the people themselves against their own government. I believe that the First Amendment is absolute and indivisible; that despite two hundred years of legislative temporizing, it means exactly what it says; and that the distinctions among various forms of speech are false. The notion that political speech is protected by the First Amendment, but that obscene speech falls outside its limits, or that there exists some valid distinction between private and commercial speech, are pernicious legalisms that should be destroyed. They are designed not so much to protect us from ourselves, but to weaken us so that the government will be stronger and better able to exploit us at its leisure.

The First Amendment is designed to protect political speech.

All forms of speech become political when they are restricted or forbidden.

Therefore, all forms of speech are protected by the First Amendment.

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