

CRISIS AT THE UNIVERSITY OF CALIFORNIA

Frank Gerbode, January 1965

Turbulent events have shaken the University of California since September, 1964. When they are reduced to their elementary terms, the situation becomes one of classic simplicity.

A law - or a rule, or an interpretation called policy - existed. It was not enforced. Some profited thereby, others were hurt. The latter protested to those responsible for enforcing the law. Those responsible had no alternative but to uphold the law. Those who had profited were therefore hurt, and they in turn protest the law itself. Settlement should then be effected within the framework of law and order. At least that is what is anticipated in the classic situation.

Let these simple ingredients be placed in a university setting in 1964 where State law, the taxpayers, private industry, university administration, faculty and, students are involved, and the ingredients may no longer be simple. Two unknowns can enter the picture - primarily the 1964 ingredient of the Civil Rights movement and its demonstrations, and the nature and character of the university student.

There is no question that the head-on clash which dominated the Fall semester at Berkeley actually grew from such simple ingredients nor that the unknown factors actually did enter the picture and caused, possibly with calculation, the eruption that has shaken not only the university,

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but society as well. A review of the salient points inevitably leads to this conclusion. Let us review the salient points as I see them.

THE LAW:

Article IX, Section 9 of the Constitution of the State of California reads: "The University of California shall constitute a public trust. . . . It shall be entirely independent of all political and sectarian influence, and kept free therefrom in the appointment of its Regents, and in the administration of its affairs. . . ." The State School Code adds an interesting proviso that applies to all state-supported schools. Use of buildings or grounds is left to the discretion of the governing body, provided that such use is not granted to groups ". . . . advocating the overthrow of the United States government. . . . or of the State of California by force or violence. . . ." In respect to expenses involved, governing boards may grant use of grounds and buildings without monetary charge. However, if admissions or fees are charged for purposes other than the welfare of the students, "a charge must be made for the use of buildings, properties and grounds. "

Thus there is no question that the University's Board of Regents has the authority to establish rules for operation of its campuses and the behavior of its students; indeed, it is called upon to do so as one of its primary responsibilities. Because in the 20th century use of the word "rules" in educational circles has become tinged with terms such as "repression" and "restriction", the word preferably employed is "policy. " Rules to implement policy often depend upon circumstances.

NON-ENFORCEMENT OF THE "POLICY":

Administration of policy at Berkeley granted student groups that met the provisions of the School Code and the University what is called on-campus status, with the privilege of using campus facilities, provided application for use was made 72 hours in advance, and faculty sponsor or sponsors as well as campus police (at a large function) were present.

For several years a number of organizations which did not meet the provisos used entrances to the university for dissemination of organizational information, recruitment of members and solicitation of funds. Several of these organizations, plus some with on-campus status, totalling 19 by September, 1964, had long set up tables for their literature, recruitment and solicitation on a "26-foot strip of cement at Bancroft Way and Telegraph Avenue." By "tradition" a little Hyde Park corner. The administration had ignored the fact that this strip was actually campus property and did not enforce the rules applicable to on-campus status. Some claims have been made that the strip had been thought not to be university property. President Clark Kerr, however, obviously foreseeing some of the trouble that developed, said in a published interview that in 1959 he had recommended that the Regents deed the property to the City of Berkeley.

THE PROTEST:

In August, 1964, protest (by whom has not been verified) was made that (1) Students for Scranton, (2) Students for Goldwater had been recruited for show of support respectively at the Republican National Convention

meeting in San Francisco. The protest called such recruitment, because it was made on the 26-foot strip of cement that is university property, a direct violation of the Regents' policy and, in fact, State law as embodied in the Constitution and the State School Code.

An undated newsletter, distributed by what shortly came to be called the Free Speech Movement, carried the story that a Bill Miller, guest at a reception for Regent's Scholars, had overheard Chancellor Edward Strong admit that a representative of the Oakland Tribune had asked if he (Strong) knew that the Bancroft-Telegraph strip had been used to recruit pickets demonstrating at the Oakland Tribune building. (Student Miller was said in the newsletter, - not quoted - to be willing to sign an affidavit attesting to what he had overheard. There has been no verification of this story, publication of which, because it was "overheard" and "overheard" at a social gathering, is doubly contrary to Canons of Journalism as adopted by the American Society of Newspaper Editors.)

THE LAW IS ENFORCED:

Whatever the origin of the protest or protests, the administration now had no alternative but to enforce the law. Therefore, on September 17, Dean Katherine Towle issued formal notice of enforcement of rules which prohibited (1) students from collecting funds on campus for political purposes off-campus; (2) from recruiting on campus for off-campus political groups; (3) from organizing on campus for off-campus demonstrations. The notice specifically designated the 26-foot strip at Bancroft and Telegraph as being on campus.

THE COUNTER PROTEST:

Some 19 to 22 organizations protested enforcement of the policy and joined in a rally on the steps of Sproul Hall. Tables continued to be "illegally" manned on the 26-foot strip. Chancellor Strong "clarified" the enforcement policy by (1) announcing acceptance of political activity at designated locations on campus, but (2) warning that continued violation of the clarified rule would lead to expulsion of students involved. Off-campus groups continued to man tables on the 26-foot strip, and in what must have been one of the most humiliating jobs assigned them, deans were ordered to take the names of students seated at tables after due warning and request that they leave.

Subsequently, eight students were ordered "indefinitely suspended", five for violating the rules and three for leading the first protest sit-in at Sproul Hall. This protest was against the suspensions, and out of it came the Movement so erroneously named Free Speech and a young man, Mario Savio. Settlement within the framework of law and order was now endangered.

The rest is history. The first person arrested, the CORE representative, spent 32 hours in a police car, removal of which was halted by students surrounding the car and using it as a platform for speechmaking. Peace of a sort was established when the University administration agreed to appoint a committee of students, faculty and administration to study the problem, and the University dropped charges against the arrested former graduate student, although Berkeley police charges remained.

Within a month, FSM leaders staged another Sproul Hall demonstration, ostensibly because progress was lagging; according to its November 2 newsletter, because the appointed committee was "loaded" in favor of the administration - composition included four administrators, four faculty members, two student representatives of the Associated Students and "only" two members of FSM. FSM should have had more representation, its leaders said.

Another rally, another day when university deans took the names of 30 students illegally manning tables on campus, and the Regents met and agreed to the modified policy of "lawful off-campus" activity at specified locations on the campus. Threats and counter-threats followed until, again ostensibly because of university disciplinary action against FSM leaders, including Savio, FSM issued an ultimatum, admittedly impossible of acceptance, that unless new and impossible demands were met, a strike that "will grind the University to a halt" would ensue. A sit-in at Sproul Hall stopped administrative operation December 2.

Much to the surprise of FSM followers, Governor Brown ordered State, County and City police to arrest demonstrators who refused to leave Sproul Hall, and the number arrested totalled approximately 800. University classrooms were picketed, and faculty members and students crossing the picket lines were hissed. President Kerr, in a rare convocation in the Greek Theater, presented a five-point peace plan drafted by departmental chairmen working with him, which promised amnesty from University discipline for students arrested and further modification of rulings governing political activity.

FSM rejected President Kerr's peace proposal but suspended picketing because a faculty proposal was reported ready for announcement the following day. The faculty peace plan, adopted by the Academic Senate, although never considered by the faculty members involved as a final solution, was overwhelmingly endorsed by FSM to the point of being described by its followers as a University Magna Carta.

The peace proposal recommended:

"1 - There shall be no university disciplinary measures against members or organizations of the University community for activities prior to December 8 (date of the faculty peace proposal) 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 regulations to prevent interference with the normal functions of the University; the regulations now in effect for this purpose shall remain in effect provisionally pending a future report of the Committee on Academic Freedom concerning the minimal regulations necessary.

"3 - The content of speech and advocacy should not be restricted by the University. Off-campus student political activities shall not be subject to University regulation. On-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 Berkeley division of the Academic Senate 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."

The next step was action by the Regents who accepted no plan and by the same token rejected no plan.

THE UNKNOWN INGREDIENT - STUDENTS:

Controversies on college and university campuses are far from unusual, particularly between students and administration, students and faculty, and student groups and other student groups.

The unusual aspect that developed on the Berkeley campus was two-pronged - the joining together of 22 groups, heterogeneous in composition but united in a common cause bearing a slogan of highly emotional appeal, and the nature, character and ability of the student of 1964 of which Mario Savio seemed to be the archetype.

Today's student at top flight universities is the most highly selected, efficiently educated in the nation's history. Merely gaining admission to a top university is an indication that he has a high IQ and a high school preparation that 25 years ago would have been comparable to many a small college education. He has the benefit of giant steps in communication and science, yet he lives with the spectre of Hiroshima as the symbol of the birth of his age group and of his place in history. Many are veterans of Korea or of peace-time military service.

To the traditional youthful rebellion of child against parents - or authority in general - which has developed astonishingly in the 20th century, observation of if not participation in the continuing story of civil disturbance and disobedience seems to be an important part of a student's life. He knows the methods and the mechanics essential to efficient organization. In a large sense, he is better equipped to establish himself than his predecessor - with three major exceptions which may be part of the reason why so small a percentage actually participated in the University of California protests. The major exceptions are immaturity, impatience and a reverse-twist desire for individuality or nonconformity that leads him immediately to join others of his kind to form his own unrecognized conformity.

Because he staunchly stresses nonconformity, he accepts the "fringe" types - the beat, the ultraliberal, the extremist - provided they oppose not only the status quo but every aspect of social acceptance. The point is to oppose. Although this highly educated, immature, impatient, self-conscious "individualist" is in the minority, insofar as action is concerned, let authority be "unfair" and the great majority of mature students becomes sympathetic, just as they will sympathize with rebels whose cause, provided it is sincere, is not taken seriously by authority.

Savio, often articulate, occasionally screaming-emotional, has been suspected as a plant, a front, for the "Free Speech" Movement. The question has been posed, "Who is this young man who has attended three colleges - and why?" In a television, as well as published interview, his mother explains his transfer from Manhattan College to Queens as being a

preference for attending a secular college; his transfer to California being because his family moved to Southern California. An this may be a perfectly reasonable explanation. He spent the summer in Mississippi "observing" with the Student Non-Violent Coordinating Committee; he was one of those arrested in Spring, 1964, at the Sheraton Palace sit-in. There need be nothing sinister, planted or insincere associated with his experiences. On the other hand, there could be just those elements, and when one ponders the fact that the "Free Speech" Movement had literally a public forum on the Berkeley campus for three months, paradoxically called itself a move for "Free Speech" while at no time reaching agreement as to what the movement really wanted, the slim amount of information concerning Savio lends itself to suspicion and distrust. His action at President Kerr's convocation on December 7, where he won a tremendous amount of public sympathy when being removed by police from the microphone, would win less sympathy if those who were "horrified" at the sight on television asked themselves just why he made the attempt to speak when his request, as well as that of the Associated Student President, to address the assemblage had been refused. A convocation is a formal, serious event and not a place nor a time for crashing a podium.

More recently, Savio's ridicule of the Regents suggests that despite his grade point average he is not a particularly intelligent young man. Certainly, with the overwhelming publicity in the press and on radio and television, had he chosen, he could have made the purposes of the "Free Speech" Movement clear. The use of the "V" by FSM followers is an affront

to those who remember, or if too young to remember, understand the depth of sincerity and courage Winston Churchill gave to the symbol for Victory in World War II. Coupled with the FSM chanting of the Civil Rights song, "We Shall Overcome", it introduces a paradox that staggers the imagination and makes one wonder who is trying to fool whom and is this something, just a little bit, for everyone. The rude combination actually becomes frightening as young Savio's technique develops to the point where what he says is nothing. His needling technique and his appearance is more and more reminiscent of a young Mussolini. Such a young man appeals to everyone who is against something, or who believes he has been unjustly treated.

In a second FSM newsletter, this time dated November 2, 1964, the FSM demands were stated:

"We demand these on-campus freedoms for all:

- "1 - Freedom to advocate off-campus political and social action.
- "2 - Freedom to recruit for off-campus political and social action.
- "3 - Freedom to solicit funds for off-campus political causes.
- "4 - Freedom from harassment of both the '72 hour rule' and mandatory presence at meetings of tenured faculty moderators and police."

Examination of these "demands" obviously leads to one logical conclusion as to what FSM really wanted and partially suggests the other unknown ingredient behind the semester of conflict. FSM simply wants no rules whatsoever which would limit NOT speech but use of the campus "as a center

for conspiracy to violate the law", i. e. to recruit for unlawful demonstrations of civil disobedience.

THE UNKNOWN INGREDIENT - CIVIL RIGHTS:

Whether it was mere coincidence, the first person arrested in the Berkeley crisis was arrested for manning a CORE recruitment table, not in the disputed 26-foot strip but on the steps of Sproul Hall. Although there is no verification, the possibility is strongly suggested that the person arrested and the site of arrest were deliberately contrived to test the extent to which the Regents on the one hand would go to protect the campus from becoming a center for recruitment for mass demonstrations in the Civil Rights battle; the extent, on the other hand, to which FSM might succeed to insure the opposite. The test literally put the Regents in the position of being "damned if you do and damned if you don't". Regents summarily rejected FSM demands.

For the purposes of Civil Rights recruitment, where large numbers of persons are an essential to the success of the demonstrations, what better place to gather participants in large numbers than a college campus? Students from almost all Bay Area colleges participated in the San Francisco demonstrations last spring. Most of them did so as individuals; some in spontaneously organized groups. If CORE, for example, intends to increase the pace of its demonstration activities, participation by large numbers of students from the University of California would inevitably bring an element of prestige into the picture. Acceptance of recruitment at UC might very

well lead to similar attempts at other prestige universities throughout the nation. Indication of the spread of the "drive" to other colleges, anticipated by their administrators, was shown in student elections at City College of San Francisco last week. One student political party included as part of its platform the statement: "We demand that the administration stop meddling in student affairs."

In the months of dispute, confusion and complexities which developed from what seemed originally to be a simple set of circumstances, this one factor of entanglement with the Civil Rights movement seems to be the only logical answer to the biggest "Why" of the turmoil. Why did this occur at the University of California at Berkeley and why the double talk in FSM's purpose?

Certainly there is, or was, no serious intent to "take over" the university as far as educational purposes are concerned. Some have suggested a relationship between FSM activity and the Loyalty Oath problem of the fifties, but there is simply no evidence of such a relationship. Many are curious as to why the FSM applauded the faculty's Academic Senate five-point peace program after rejecting President Kerr's peace plan. The two plans were virtually identical except for vocabulary and phrasing and the faculty suggestion that it assume discipline and regulation of student political activity. The answer here is simple. Primarily, FSM "needed" faculty support, and the faculty offer to assume discipline and regulation was just that - an offer. As was very clearly stated on a lengthy, thoroughly sensible study of the dispute televised on KQED, the administration would

much prefer NOT to have such responsibility, but it is theirs, never a faculty's.

In this same context, the immaturity of student reaction was indicated when, after the Regents in December did not accept any plan, the students interpreted the "refusal to accept the faculty plan as a slap in the faculty's face. "

Whatever finally is resolved in a situation which, whether it was contrived, whether it simply snowballed, whether unfortunately belated recognition of its implications led to administrative mishandling, the fact remains it did reach frightening proportions. The students who took part for the emotional excitement will carry on - until disciplined. The faculty will continue to exhibit patience and tolerance. The administration and the Regents will have to adopt some rules of policy. It would be most unfortunate if to fulfill its obligations and responsibility to the people of California, the Board of Regents was forced further into a position of adopting specific regulations. Particularly when the "Free Speechers" pretended that they had grievances and through their adoption of Civil Rights demonstration manners embarrassed a great University so that recovery may well be a matter of years - not months.

The problems that remain to be solved seem to be ones of procedure. First of all, it is apparent that one charge against FSM leaders and members can be ruled out as being of minor importance. That charge, and one that inevitably develops in such controversies, is that FSM members are primarily Communist members or at least sympathizers. President Kerr

made what can only be interpreted as a tactical error when in late November he said in a press conference that the "hard core group of demonstrators contained as much as 40 per cent off-campus elements. . . . withing that group there were persons identified as being sympathetic with the Communist Party and its causes. "

There are, of course, persons ranging from sympathizers to possible members of the Communist Party, but the list of such persons published in the Examiner November 27 is a list of persons associated with known Communists. Since the first demonstrations, undoubtedly there have been those of the extreme left participating, but it is doubtful that they have a purpose other than one of generally helping to stir already troubled waters.

Of the number arrested December 3, although the exact figures have not been released - students will have their fun by giving phony names to thwart the police - the approximate total of 814 has been broken down to show --

72.5 per cent.	students registered at the University. . .	590
10.9 per cent.	teaching and research assistants and	
	university employees. .	135
16.6 per cent.	non-students.	84
TOTAL-----		814

The present lull in the controversy appears to be due more to a change in personalities than to any other factor - except time. Chancellor Strong's request for a leave of absence, submitted in person to Regents at a crucial time just two days before classes were resumed January 4, must

be accepted as it was presented - Chancellor Strong's action. The leave has removed one source of complaint. Appointment of Martin Meyerson as Acting Chancellor has introduced an "unknown" - to students as a whole, to many of the faculty and to the public. His concept for solution of the dispute is still to be fully presented and assessed.

Whether Chancellor Strong is the scapegoat remains to be seen. He apparently did what had to be done, under present laws as they affect the University. His methods, however, did not exactly put the administration in a favorable light in public opinion.

Too many persons saw over televised news programs the previously referred to incident of the deans taking students' names. Too many times members of the Chancellor's staff issued contradictory rules, orders or interpretations. Following the Regents' order to lift the suspensions of eight students, three of the eight were sent letters again suspending them. The tone of the letters:- "This is to inform you that you have been indefinitely suspended. . . . As a student in this status, you are denied the use of all University facilities and may not participate in University or student activities. . . . wins neither friends nor respect for the writer. The letters were signed by Chancellor Strong. Suspensions traditionally are made in person, with a follow-up letter "confirming" the suspension. Denial of use of facilities is implicit in the suspension itself, and repetition, particularly in writing, is like a large dash of salt rubbed into a raw wound.

Again on a televised news program, Chancellor Strong was seen and heard as he attempted to disperse demonstrators. His final word, after

warning that the demonstration was contrary to University policy, was a harsh and emphatic "GO." No mass of persons, already emotional and defiant will respect such an order or the man giving it. Without at that time any means to implement the order, Chancellor Strong merely looked ineffectual.

There were, of course, charges made by FSM leaders that cannot be taken too seriously, mainly because they center around the FSM delusion that its leaders were acting for all students; thus the administration should "negotiate" solely and directly with them. The question that remains is an uncomfortable one. Did Chancellor Strong accept responsibility that may not have been fully his but President Kerr's; did he assume responsibility for actions of members of his staff?

Although Savio's weekend (January 9) sally calling for an investigation of the University's Board of Regents is an echo and very likely more for nuisance or even diversion, there is an ominous note involved. Any harsh response, even too much attention to this switch in tactic could be as a call to arms to all the elements which are traditionally ready for the band wagon that claims a grievance against Big Business.

The University and the Regents have time. The students don't. The total enrollment at UC for the spring semester may prove interesting. It will probably not be lower and for a very good reason. Many students hoping to transfer from two-year colleges to UC as juniors were informed in September that there would be no room in the spring semester. They have subsequently been advised (January 5) that re-application to transfer

in February might be accepted.

So what rules can the Regents adopt to preserve the University as a center of academic pursuit of knowledge and research without denying the rights implicit in the First and Fourteenth Amendments to the Constitution?

Can the Regents return to their "clarification" made in November whereby political advocacy was to be permitted in designated locations on campus?

If this should be the settlement, what action should be taken toward those who might violate the rules?

President Kerr commented to the press, "The regents don't want to penalize anyone for off-campus activity. They also don't want the campuses used as centers for conspiracy to violate the law." - How much of a sanctuary for conspiracy might the University become if any political advocacy involving recruitment for illegal demonstrations off campus is permitted on campus?

Can the Regents simply decree that any political advocacy off campus is the student's own business but a matter for university discipline if on campus and illegal?

Can the Regents decide that political advocacy be permitted anywhere on campus provided it does not interfere with traffic, classes and operation of the University, with civil authority acting where political advocacy results in illegal action?

How best can the Regents insure for some 26,000 serious students at Berkeley the right and freedom to pursue their education?