

Chancellor Strong

# F S M



Mario Savio



(photos by s marcus)

THOUSANDS OF STUDENTS take their stand for free political expression.

## WHAT HAPPENED day by day

On many campuses all student groups can use equally the offices, equipment, secretarial staff and other facilities provided by their student governments. At Cal these privileges are reserved for non-controversial groups such as the hiking and yachting clubs. The groups concerned with political and social questions have been relegated to a status confusingly called "off-campus." By tradition, these thoroughly student off-campus groups have used the entrances to campus, particularly the corner of Bancroft and Telegraph, to disseminate their information, obtaining a permit from the police for setting up card tables to display literature, collect signatures, donations, etc.

(Continued on page 4)

## THE AGREEMENT What it says...How it stands now

The agreement of Friday, October 3, was a first step to victory for free speech on the Berkeley campus. But the administration has begun to interpret this agreement arbitrarily and to violate both its letter and its spirit.

Below are the six points agreed to by the leaders of the student protest and the administration. Below each point is an explanation of its meaning, as agreed upon during the negotiations, and a summary of the way that the administration is keeping its part of this bargain.

1. "The student demonstrators shall desist from all forms of their illegal protest against University regulations."

This does not restrict future protests; the administration would violate

(Continued on page 4)

## MEANS

Many objections, some sincere, have been raised about our methods of fighting for free speech. We will try in this small space to answer them honestly.

**DON'T YOUR METHODS ALIENATE THE ORDINARY STUDENT WHO ADVOCATES FREE SPEECH?**

Since we began our demonstrations, many have signed petitions and passed resolutions which support our demands, if not our methods. These efforts were not forthcoming the first few days after the free speech ban. At that time it was quite difficult to enlist faculty and student support. Unfortunately, extreme tactics are sometimes necessary in order to awaken allies, as well as to startle opponents.

**WHY DIDN'T YOU GO THROUGH NORMAL CHANNELS INSTEAD OF PRACTICING CIVIL DISOBEDIENCE?**

What are the "normal" channels for redressing grievances here? No one pretends that this university is a democracy. The Chancellor can suspend all the students and fire many of the faculty; we cannot fire the Chancellor. When the administration opens doors, they often lead nowhere. We are invited to petition, but there is no guarantee that we can inspire administrative action. We are most directly affected by university regulations but we have no guaranteed rights of redress. We use civil disobedience as the mildest effective means we can find.

**WOULD YOU CONDONE SUCH ACTION FOR ALL GROUPS? HOW ABOUT SOUTHERN RACISTS, WHO ALSO DEFY THE LAW FROM STRONG COMMITMENT?**

This is certainly the hardest question but it has the simplest answer. We believe we are different from Southern racists because we feel we are morally justified and they are not. At some point you must make a moral rather than a technical decision. No, we do not condone Southern racists, because we abhor their cause.

## KERR'S BRINKMANSHIP

To what kind of outside political pressure did Chancellor Strong and President Kerr bend when they forbade student political activity on campus? An example of such pressure is Berkeley City Councilman John DeBonis who has criticized President Kerr for his "appeasing attitude" to the demonstrators. According to DeBonis, Kerr should have said to the demonstrators, "We want that car to move." If they did not move it, the University should have "called out the fire department and hosed them out." If that failed, there was always the National Guard.

The problem is not DeBonis who fortunately represents only the pressure of a small minority political interest. The difficulty is that Kerr and Strong responded to such pressure and came very close to using the type of tactics advocated by DeBonis. The Oakland police, never hesitant to use such methods, had been called in. It was only the responsibility of the students, particularly those negotiating with Kerr, which kept the demonstrations from becoming a blood bath.

Repeatedly during the negotiations, Kerr threatened the student negotiators with a riot. He told them he might be unable to hold back the police--they had to sign the agreement immediately or he could not be responsible for the results!

Such naked threats in negotiations are unforgivable; the student representatives had good reason to walk out on those meetings. Fortunately they remained rational and deliberately negotiated each point of the agreement. They refused to be stampeded into signing a watered-down agreement which would have been unacceptable to the students gathered around the car, and they refused to be stampeded into walking out by taking personal offence at Kerr's pressure tactics. Their rationality and responsibility contrast sharply with the behavior of the administration.

## ENDS

When the administration applied yet another restriction on the freedom of political and social action groups at the start of this semester, it seemed at first as if the small number of students who are members of these groups would, as usual, fight alone.

Then, as the protest became a rally and the rally became a demonstration, thousands of students realized for the first time how many regulations there are. Many had never known that students cannot exercise their free speech without permits, hired policemen, and a host of other bureaucratic restrictions.

When the political groups first opposed the new regulation, they did not know that student support would swell into the Free Speech Movement. This movement has as its goals, not just implementing the six-point agreement, but true free speech at the University of California.

1. The students shall have the right to hear any person speak in any open area on campus at any time on any subject except when it would cause a traffic problem or interfere with classes.

2. Persons shall have the right to participate in political activity on campus by advocating political action beyond voting, by joining organizations, and by giving donations. Both students and non-students shall have the right to set up tables and pass out political literature. The only reasonable and acceptable basis for permits is traffic control.

3. The unreasonable and arbitrary restrictions of 72 hour notice, student paid-for police protection, and faculty moderators, required for speakers using University buildings, must be reformed.

## PEP TALK

The telegram sent by James Farmer to Clark Kerr can give us deep satisfaction as well as remind us of the importance of our fight and its relevancy to the overall struggles for freedom going on in our country today.

The telegram reads:

Strongly protest suspension of eight students including CORE members for opposing ban on advocacy of off-campus political actions and collecting funds for civil rights work in the South. Two students have died in Mississippi. Others share responsibility to take such action as needed to make common cause with their fallen fellows. Education must not be isolated from political interest and action. Urge ban to be lifted and suspensions revoked.

James Farmer  
National Director  
Congress of Racial Equality

This should serve to remind us that we are being watched. The attitudes of various Bay Area newspapers should not lead to the conclusion that we students here at Berkeley are acting in an indifferent or hostile world. Our activities here have provoked sympathy demonstrations at other campuses and heart-warming statements of support.

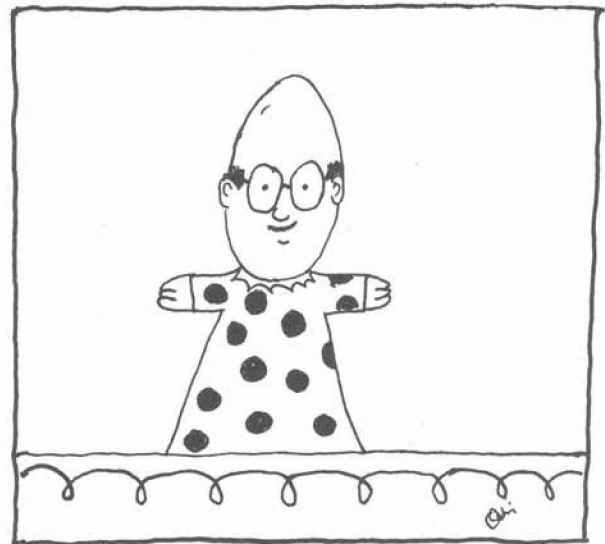
UCLA and UC at Riverside, Reed College and San Francisco State supported us in sympathy demonstrations. Reed, in addition, has made an offer of bail money. (We may still need it.) From Cornell, the University of Michigan, Roosevelt College, Harvard, Penn State, Pittsburgh, Princeton, Oregon State and NYU have come statements of support and sympathy demonstrations. We have also received backing from the Association of State College Professors; and at our own campus petitions have come in on our behalf from teaching assistants and faculty in numerous departments, and they are still coming in.

Our actions here will serve as an impetus to students at other universities who are under similar or even more oppressive restrictions and, also, as a reminder to more fortunate campuses of the importance of safeguarding their freedoms.

During the first week of classes I attended the Chancellor's reception for holders of the Regent's Scholarship at University House. At this meeting someone questioned Chancellor Strong about the cause of the University's new policy on politics in the Bancroft-Telegraph area. How did all this start? Chancellor Strong replied that the Oakland Tribune (a picket against their office was being organized from Bancroft-Telegraph) had called him and asked if he was aware that the picketing activity was being organized on University property. Strong said he did not know that the Bancroft-Telegraph area was University property, but that he would investigate. He discovered to his apparent surprise that the area was indeed the University's, and not the city's property. There were many people at the meeting who must have heard the same thing.

Bill Miller

(Bill Miller is willing to sign an affidavit to the effect that this is what heard.)



As you can see, there are no strings attached.

## AN INDEPENDENT

Like most of you, I am politically independent. There were many of us "independents" who, from the first day of demonstrations to the last, were willing to undergo suspension from Cal or even arrest for the Free Speech Movement.

During the demonstrations I did not consider myself a "conservative" or even a "liberal" nor do I hold membership in any political group. But I protested as a response to a threat by University officials, a threat which cuts deeply beneath any political category. I protested because the administration's actions were an overt curtailment of our rights and privileges as Americans. I protested as a student, as an American, and I protested as I did because the University had arbitrarily closed most normal means of legal protest, means that I can enjoy as a citizen but not as a student.

Beyond this, I would like to clarify two specific matters. Chancellor Strong has implied that the demonstration was the beginning of "...an open, fierce, and thoroughgoing rebellion on this campus," as called for in the SLATE supplement. I find no legitimate connection between the two. The demonstration was a reaction to free speech limitations and to the methods the administration used in enforcing these. On the other hand, the SLATE supplement was concerned with undergraduate learning experience and indeed, was written before the free speech question ever arose. Chancellor Strong's parallel is unjust and without foundation.

Secondly, I would like to bring up a statement by President Kerr. "Forty-nine percent of the hard core group (of demonstrators) are followers of the Castro-Mao line," Clark Kerr has said. There were, Mr. Kerr, some ten to twenty political groups involved in the entire protest, groups ranging from Goldwaterites to young Socialists. And I, a political independent, in support of an idea, in support of the protest, and in support of myself and my rights, stood on top of that car and lent avid support to the movement.

At best Mr. Kerr's statement was wrong and at worst it smacks of the tactics of "red-baiters," tyrants, and people whose only motivation is fear. What, Mr. Kerr, are the names of these "Castro-Mao" followers? I, as an independent, would like to hear just what they have to say, what they have to advocate.

I INSIST, with all the fury I have, that I am not a child who, as Mr. Kerr has put it in another context, needs to be "made safe for ideas!"

Dustin M. Miller

### DUE PROCESS OF LAW AND THE CHANCELLOR

The American Association of University Professors made this statement on Faculty Responsibility for the Academic Freedom of Students in their Fall, 1964, Bulletin:

Pending action on the charges, the status of a student should not be altered or his right to be present on the campus and to attend classes suspended except for reasons relating to his physical or emotional safety.

Contrast this statement with the arbitrary action set forth in this letter:

October 1, 1964

Mr. Sandor Fuchs  
2632 College Avenue  
Berkeley 4, California

Dear Mr. Fuchs:

This is to inform you that you have been suspended indefinitely from the University effective September 30, 1964. As a student in this status, you are denied the use of all University facilities, and may not participate in University and student activities.

Should you have any questions concerning this action, you may make an appointment to see me.

Sincerely yours,  
E. W. Strong

### The Agreement (cont.)

It can reasonably be assumed that if President Kerr forcefully requests the regents to take such action, this part of the agreement will be met.

It was only through massive pressure that the University finally recognized representatives of the student demonstrators as bargaining agents. The FSM is, in essence, seeking to continue to act as a bargaining agent on behalf of the students, in defense of the first amendment. The University is not an autonomous state, but an entity subject to the laws of the land. It has no legal authority to limit those freedoms guaranteed to all American citizens.

FSM edited by  
barbara garson, stephen gillers, duard hastings

At the beginning of the term, Dean Towle announced that the Bancroft-Telegraph property belonged to the University. As of Monday, Sept. 21, she said, the card tables would no longer be permitted because they disrupted traffic. The 19 organizations involved registered a protest with the Dean. She then clarified her ruling: tables would be permitted but only informative and not persuasive literature could be given out.

This was unacceptable to all groups concerned. But now the real issue was revealed. It was not the traffic question: It was the political activity itself that the administration was quashing.

On Monday, Tuesday and Wednesday of that first week, some campus groups continued to run their tables as before-- in opposition to the new regulation.

At noon on Wednesday Dean Williams took the names of 5 students who refused to leave their tables. He told them to be in his office at 3:00 for disciplinary action. When told of this, over 350 students signed a petition accepting equal responsibility and asking to share in the penalties and 400 students reported to the Dean's office at three o'clock. He refused to see them. They waited; more students came. By the time Sproul closed there were 500 students in the building.

Late Wednesday evening they received word that the original 5 students plus 3 leaders of the demonstration were indefinitely suspended.

Then came the unpredictable. At noon the following day a rally was held to protest the suspensions and the free limitations. Tables were set up in opposition to the ban. Among this, campus police arrested Jack Weinberg, who was manning a table for CORE. He went limp and was carried into a police car. When the police tried to drive the car off campus, someone sat down in front of it and a moment later the car was completely surrounded. Speakers addressed the crowds from the top of the car and so the vehicle, now Jack Weinberg's cell, became the focal point of the rapidly accelerating movement.

From Thursday noon until Friday at 7:30 PM the car was constantly surrounded by students, numbering from 500 during the night to 3000 during the day.

Throughout the week of agitation President Clark Kerr had been refusing to meet with representatives of the students. As a San Francisco Chronicle headline said, "Kerr Ruled Out Compromise." However, numbers and perseverance prevailed. Although capturing a "cop car" seems an irrelevant argument for free speech, our President seems to have understood this logic best. During the demonstration Dustin Miller said, "Clark Kerr has written that the University is a factory. He deals with us as numbers. Well, that's the language he understands so we are here as numbers--hundreds and thousands..."

On Friday evening under the pressure of wishing to clear off the campus for Parent's Day, Kerr agreed to negotiate. At the same time, however, he surrounded the disputed area with 500 policemen (including the notorious Oakland cops.)

While representatives spoke to Kerr the demonstrators prepared for mass arrest. They received advice from a lawyer and helpful hints from veterans of the civil rights movement, to whom arrest and jail were not unfamiliar. It was announced that only those who could really afford to be arrested should sit down around the car. About 500 sat determinedly while two thousand looked on.

At this crucial time our negotiators returned with a signed agreement. The document made certain concessions to the demonstrators. It did not guarantee free speech throughout this campus.

We began to disperse with mixed feelings. Our release from tension was expressed as relief or as disappointment. We knew that this was just the first battle.

"Security and order will be protected; by force, if necessary."  
(last week) --Maj. Gen. Nguyen Khanh  
  
"I say; thank God for the spectacle of students picketing."  
(June, 1961) --Governor Pat Brown

its verbal commitment if it interpreted this first section to be binding in the future. The explicit interpretation of point one must be that the students disband their protest of October 2 (which they immediately did), but reserve the right to resume demonstrations.

2. "A committee representing students (including leaders of the demonstration) faculty and administration will immediately be set up to conduct discussions and hearings into all aspects of political behavior on campus and its control, and to make recommendations to the administration."

The Chancellor, without consultation, set up such a committee. In effect the administration took it upon itself to establish a committee of the administration's choosing to make recommendations to itself. Such a committee will solve nothing, and absurdly violates the spirit of the agreement. The administration appointed four faculty member, four members of the administration and two of the student representatives. It then stated that the FSM could pick two people to sit on the committee. Dr. Williams, chairman of the committee, called the first meeting for Wednesday, Oct. 7, and did not even have the courtesy to inform the FSM that the committee was convening.

The FSM representatives went to the Faculty Club, where the committee was meeting, read the following statement, and walked out.

Ladies and Gentlemen:

As the duly elected representatives of the Free Speech Movement, we cannot in good conscience recognize the legitimacy of the present meeting. The agreement reached between the students and the administration was, because of the urgency of the situation, loosely worded. We have since repeatedly requested of the administration that they meet with us to determine mutually acceptable decisions on the interpretation and implementation of the agreement. Rather than granting such a meeting, the University administration has indicated that it reserves the right to be sole arbitrator in the dispute between us and them. This present meeting is a result of unilateral action by the administration and as such we cannot participate. We were not even officially notified of this meeting. We request that this body acting as a group of distinguished individuals recommend that the administration immediately schedule a meeting between our representatives and theirs to resolve our present misunderstandings concerning the interpretation and implementation of the document. We would very much like to know your response to our request and can be notified at TH8-2930. Furthermore, we respectfully request this body consider itself illegally constituted and disband.

3. "The arrested man will be booked, released on his own recognizance and the University will not press charges."

In repeated public statements the University has declared that it will not press charges, but that the District Attorney may press charges. Their entire emphasis has been on the DA going ahead with the case. Their statements have violated the spirit of the agreement.

4. "The duration of the suspension of the suspended students will be submitted within one week to the Student Conduct Committee of the Academic Senate."

Five days after the agreement was signed the FSM was informed that no such committee existed. There is in existence an administration-appointed faculty committee on student conduct. The administration has sought to bring the cases of the suspended students before that body. The purpose of using a committee of discipline from the Academic Senate was exactly to remove the question of suspension from the hands of the administration. By insisting that the students be brought before the Chancellor's committee is violative of the agreement.

5. "Activity may be continued by student organizations in accordance with University regulations."

The University and the FSM have honored this part of the agreement.

6. "The President of the University has declared his willingness to support deeding certain University property at the end of Telegraph Avenue to the City of Berkeley or to the A.S. U.C."