

# Our Traditional Liberties

On December 8th, 1964, the Berkeley Division of the Academic Senate, by a vote of 824 to 115, passed the now-legendary resolutions in support of the essential civil liberties demands of the Free Speech Movement. Since those days the "liberal" administration of Roger Heyns has attempted to persuade the Berkeley community that the December 8th Resolutions were merely the opinion of the Academic Senate. For those students who struggled for their liberties throughout the Fall of 1964, and especially for those who may go to jail or pay fines for their participation in the sit-in of December 2-3, this "merely opinion" interpretation must be **TOTALLY UNACCEPTABLE**. For those unfamiliar with the events of 1964, we quote here the relevant paragraphs of the faculty resolutions:

"2. That the time, place, and manner of conducting political activity on the campus shall be subject to reasonable regulation to prevent interference with the normal functions of the university; that 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. That the content of speech or advocacy should not be restricted by the University. Off-campus student political activity 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."

As in the Fall of 1964, so once again a flagrant violation of student civil liberties is at issue. Should the Chancellor decide to prohibit sound-amplified meetings in the Upper Student Union Plaza, both the spirit and the letter of the December 8th Resolutions would be rendered void. This is by no means a new question. During the FSM Clark Kerr attempted to satisfy the students with a "free" speech area in the Lower Student Union Plaza. The students strenuously objected on the grounds this would isolate them from the many passers-by who would constitute a potential audience. So the principle was early established that to be denied access to a large, potential audience of persons not initially interested in what one has to say is to be denied free speech in any meaningful sense. This principle was so generally and so readily adopted by all segments of the University community that there can be no doubt that it was this sense of "free speech" that was intended when the faculty declared that "the content of speech... should not be restricted by the University".

## Education vs. Advocacy?

Because of the great clarity and acceptability of this argument, the administration has already begun a campaign to decide the matter on grounds other than those of student civil liberties. The December 8th Resolutions explicitly provide for "only" such restrictions of speech or advocacy as shall constitute "reasonable regulations to prevent interference with the normal functions of the University". And the Committee on Academic Freedom, which submitted the Resolutions to the Senate, left no doubt as to its legislative intent by referring to "minimal regulations necessary." (emphases added). By contrast, the administration has recently tried to suppress the Black Power Conference on the grounds that it would not contribute to and further the educational purposes of the University. And only when --under protest-- Students for a Democratic Society allowed the administration to base their decision on their revised estimate of its educational value, did the administration grant permission for the conference to be held. But surely "to prevent interference" with the University's normal functions is a far weaker requirement than to contribute to and further those normal functions. The latter may well be a legitimate criterion for the administration to apply to meetings sponsored by the University; but the Dec. 8th Resolutions strictly forbid its application to meetings sponsored by campus organizations.

## Why Move the Rallies?

As clear as this principle certainly is, some may not see how it applies to the question of removing amplified meetings to the Lower Student Union Plaza. Its application is evident, however, once we examine the arguments advanced for moving the microphones. We reject as unworthy of serious consideration the assertion that present arrangements create a carnival atmosphere, or that pedestrian traffic is substantially interfered with. The heart of the matter is more subtle, and not without some appeal to the academic mind. It is urged that precisely because of the greater difficulty of attracting crowds to rallies in the Lower Plaza (because of its isolation from the main flow of people passing Sproul Hall), persons addressing meetings in the Lower Plaza will have to strive all the harder to maintain a high and dispassionate tone to be assured an audience. Furthermore, since it is easier to

ask questions in a small group, meetings held in the Lower plaza may be more likely to produce genuine dialogue than have some rallies in the Upper Plaza. Thus if the primary "normal" function of the University is the discovery and dissemination of truth, then since dispassion and questioning contribute to and further this purpose, it could be argued that moving amplified meetings to the Lower Plaza contributes to and furthers the normal functions of the University. We must ask ourselves: Even if this were a valid argument, is it at all relevant? It is the opinion of a great many students, and the official position of many student organizations, that this argument is completely irrelevant, and that its propagation is a grave danger to the foundations of civil liberty in this community. For although moving the meetings might further the legitimate purposes of the University, retaining the meetings on the steps constitutes no unreasonable interference with the normal functions of the University. Indeed, whereas meetings in the Lower Plaza can disturb uninterested persons in three eating areas, meetings in the Upper Plaza can disturb uninterested persons in only one eating area, the Golden Bear Restaurant!

## The Value of Persuasion

Recently a meeting was held in the Upper Plaza during which the microphone was opened to whichever persons in the audience desired to speak--a practice which all members of the University community must hope to encourage, a practice which furthers the purposes of the University. But let us not fall into the dangerous error of penalizing those whose primary intention may be to persuade rather than to enlighten. The central intent of the December 8th Resolutions was to protect advocacy. It is this civil libertarian purpose which we must further. And let us not underestimate the purely educational values of unrestricted persuasive speech. In a society which increasingly has become a captive audience for a dangerously narrow spectrum of political opinion, the interests and purposes of a free university are best served when the University community makes available to all dissenters the most effective access to an audience not particularly interested--initially--in what those dissenters have to say. We have shown above that the "educational" argument for moving the microphones is irrelevant; but now we see that it is also only partly valid. For who would suggest that the wide range of opinion regularly presented from the Sproul Hall Steps is a normal part of instruction at the University? And who any longer expects genuine debate in the mass media? Clearly, then, it is the duty of the University in pursuit of its primary educational objectives to make the very center of campus life--the Upper Plaza--the site of unlimited debate and dissent.

During the Free Speech Movement it was believed by many faculty members and students that the administration was attempting to crush the Civil Rights Movement on campus by curtailing student civil liberties. Since that time organizations opposed to the war in Vietnam have borne the worst of administration harassment. Most recently the University administration has sought to suppress the Black Power Conference. So far from making dissent the center of campus life, the administration has repeatedly tried to restrict, harass and isolate those whose opinions and activities are most in conflict with American society. Now that the Chancellor is contemplating an end to the tradition of amplified meetings in the Upper Plaza, many students can only believe the administration is once again giving more weight to external economic interest and political opinion than to the University's internal liberty.

## A Policy for Freedom

The faculty resolutions of December 8th, 1964, were a statement of what University policy should be. Few maintain that only the policy of those resolutions is legal, that every more restrictive policy is unconstitutional. In pursuing its traditional harassment of student political organizations the administration may have been acting (just) within the law. But ought University policy restrict dissent merely because the restriction is legal? The present, "final" political activities regulations are a catalogue of petty harassments worthy more of a prison than of a great university. Yet the intent of the December 8th Resolutions was "minimal regulations necessary" "to prevent interference with the normal functions of the University." The administration may not be seeking to break the law, but we demand a much higher standard. We will accept no University policy in the area of civil liberty which is more restrictive than the policy of the faculty resolutions of December 8th, 1964. We will defend our traditional liberties. We will defend the Sproul Hall Steps.