

WHAT HAPPENED

At noon Wednesday, November 30, a demonstration was called by campus Students for a Democratic Society. The purpose of the demonstration was to protest:

1. The Administration's allowing a Naval Recruiting table in the Student Union.
2. The Draft system in America.
3. The Vietnam War.

A table was set up beside the Navy table by a non-student anti-draft group in consultation with Campus SDS. The campus police removed the anti-draft table, and then stated that no picketing of the Navy table would be allowed. Inside the Student Union, a protesting student, Willy Brent, was struck by a student angered by the demonstration. An officer of the campus police arrested Brent on charges of battery. University police ordered that the area be cleared. Indignant students sat down.

In half an hour, Vice-Chancellor Boyd entered the area. The students made four demands on the Vice-Chancellor:

1. We be permitted to set up an anti-draft table next to the Navy table, or get the Navy table removed.
2. The Administration guarantee that it will not prefer charges or initiate disciplinary action against Willy Brent.
3. The Administration guarantee that it will not initiate disciplinary actions against any participant in or organizers of the demonstration.
4. Negotiations on legitimacy of the Navy table begin.

Boyd granted demands one and four, but would not grant the other two. Later, Dean Williams told the demonstrators that he personally would not be in favor of disciplining students, but he made it clear that he couldn't speak for the rest of the Administration. On the basis of their past experiences, those sitting-in believed that the Administration's unwillingness to guarantee no discipline was an indication that when the action cooled off, those involved would be disciplined. They felt that a movement unwilling to protect its own is a movement which is condemning itself to death, and thus decided to continue sitting-in until there be guarantees from the Administration that no discipline would be imposed.

Boyd said that in ten minutes he would have to declare the assembly unlawful. The demonstrators made corridors to allow through traffic. Boyd said the demonstration was still unlawful. Asked why, Boyd responded, "I declared it." When asked by the students what they could do to make their assembly in the Student Union building lawful, Boyd replied that they could disperse. He refused to offer any alternative. By this time, 2,000 students were on the main floor.

About 6:00pm the Alameda Sheriff's deputies entered the demonstration area en masse and arrested several demonstrators. Non-students were singled out for arrest. In the scuffle, policemen brutally beat two female students and several male students. One student, while offering no resistance, was repeatedly punched by police.

A crowd of 300 students stood in front of the bus containing the prisoners. As the bus moved into the crowd of students, a flying wedge of policemen swinging billy clubs moved into the crowd, knocking students to the ground. This concluded the police actions on Wednesday.

As the demonstration on the first floor joined the massed students on the second floor, discussion continued, to decide what action was necessary in the light of this, the most recent police riot, reminiscent of December 1964.

At 1:00am Thursday, over 3,000 students voted overwhelmingly to strike today.

STATEMENT BY FACULTY WITNESSES WITH RESPECT TO NOVEMBER 30, 1966

The three signers of this statement were, apart from administration members and Professor Sherwood Parker of the Academic Freedom committee, the only regular faculty witnesses to the breakdown of talks between the administration and the protestors in the Student Union building on November 30, 1966. Professor Zelnik arrived about 12:15 P.M., shortly before the beginning of the sit-in, and left about 4:15 P.M. Professor Stocking arrived shortly after and remained until the end of the day. Professor Scott arrived about 1:45 P.M., but was absent for two brief periods before his final departure about 7:00 P.M.

Our own perspective of the events which took place is quite different from the administration's on certain substantial points. The first two (with respect to the arrested non-students) are perhaps the most vital. The questions of fact bound up in the alleged offer of an amnesty, and its refusal by the protestors, seem to be crucial in determining the true merits of the protestor's decision not to disperse, and the administration's decision to call in police. And the reasonableness of the students' later decision to strike can not be considered without asking whether there had not in fact been a gross miscarriage of justice with respect to the six on whom warrants were served.

For this reason we communicated our views on the first two points to the chancellor's office on December 1.

ALLEGED AMNESTY OFFER

Vice-chancellor Cheit's statement which faculty received on December 2 says that "Dean of Students Arleigh Williams promised them (the protestors) amnesty if they would disperse at that time. The group refused." (Those of us present heard Vice Chancellor Cheit tell the meeting in Pauley Ballroom on November 30 that this amnesty had been "unconditional.") Vice Chancellor Cheit has also cited this refusal as a ground for calling the police on to this campus.

As we understood it, all of the differences between protestors and administration except those of amnesty had in fact been successfully negotiated, and the protestors had agreed to disperse the sit-in, leaving only a manned table, if their demand for an amnesty were met. At this point however, Vice-Chancellor Boyd withdrew from the talks, on the ground that he neither would nor could negotiate concerning an amnesty as long as the demonstration continued. A little later, and in Vice-Chancellor Boyd's absence, Dean Williams indicated that he personally would initiate no charges. To the best of our recollection, he said that as far as he was concerned he had not seen anyone violate any rules; and he also said that he would stake his reputation on his assurances. His language was interpreted by protestors as sincerely expressing his personal intentions, but they expressed doubts that his assurances would be honored by his superiors. Specifically they insisted on a guarantee of an amnesty from Vice-Chancellors Boyd or Cheit. Our impression was that Dean Williams showed both energy and understanding in his labors to reach a negotiated solution; and that his failure to give the protestors assurances of an amnesty arose from his knowledge that such assurances could not be given by him.

However well motivated, Dean Williams did not offer what any of us present could regard as an "unconditional amnesty", especially in view of the fact that his superior in the administration, Vice Chancellor Boyd, had previously rejected such an amnesty and did not return to address the protestors in support of Dean Williams.

THE ROLE OF THOSE ARRESTED

Vice Chancellor Cheit is also reported as claiming that the six non-students were arrested because "they were playing 'the key role' in the sit-in and they 'talked down conciliation efforts.'" (Daily Californian, Dec. 1, p.1) Insofar as we could observe matters, none of the six seemed involved as initiators of the demonstration. Although three of them later spoke frequently, their role in "talking down conciliation efforts" consisted in arguing that the offer of Dean Williams did not guarantee those present against subsequent disciplinary action. One of the six never spoke or assumed a leadership role at any point throughout the demonstration;

two others participated minimally if at all.

At a faculty meeting on Dec. 1, Prof. Searle, Special Assistant to the Chancellor, further clarified the administration's understanding of the events of Nov. 30, in such a way as to accept, or at least not challenge, our understanding of the facts as set out in the foregoing statement. In so doing he raised four additional questions of fact, with respect to which we wish to record, not disagreement, but our difference of perspective. These relate to rule-breaking, disruption, violence, and the continuing non-student problem.

RULE BREAKING

Prof. Searle pointed out that the demonstration of Nov. 30 involved an initial flouting of campus rules by non-students; and added that this was no isolated incident, but only the latest element in what was becoming an intolerable pattern.

To our knowledge, the only clear cut violation of rules in the course of events before the arrival of police was the setting up of this table, which was quickly removed from the area without incident, although it is true that (after Vice-Chancellor Boyd and Dean Williams withdrew, and in the absence of an amnesty) there was a prolonged discussion of various possible acts of disobedience such as refusing to show Registration Cards, or to leave the building before midnight. To the best of our knowledge, in the original rules violation, and those involved in the later discussions, were two distinct groups.

It is further true that the protestors refused to withdraw when Vice-Chancellor Boyd declared that after ten minutes the meeting would constitute an unlawful assembly. They questioned his authority to make such a legal declaration, but remained willing to withdraw if an amnesty were secured for all who had been present.

DISRUPTION Vice-Chancellor Christ's statement of Dec. 2 says that "The area was so seriously obstructed that eventually the ASUC store had to be closed." It would be foolish to deny an ultimate causal pattern linking the demonstration to the closing of the bookstore.

At a certain moment the administration or police decided to close off the area (a decision which may very possibly have been wise) and this involved closing all three entrances to the bookstore. At this time, however, only one of the two northern entrances to the bookstore was in any way obstructed, and this problem could easily have been solved if the administration had declared it was an issue. In fact the students, in an effort to meet Vice Chancellor Boyd's objections to their presence, voluntarily cleared a corridor on the stairway which was the sole remaining route of access to the area. This corridor was neither very wide nor very permanent; but on the other hand Vice-Chancellor Boyd did not make it clear that open corridors would diminish his objections to the meeting. Before the arrival of police, we observed no deliberate attempt to disrupt the functions of the university among the protestors; they seemed anxious to avoid this possible charge against them. There was of course effective disruption of the functioning of the Navy Table, but it is not clear that the students intended to do more than picket, given the apparently spontaneous nature of the sit-in (see below). At Prof. Zelnik's suggestion, some of the students also started to clear an area in front of the Navy table, but this effort ceased when Vice-Chancellor Boyd stated such accommodations did not diminish the unlawfulness of the assembly.

VIOLENCE

Prof. Searle referred to the presence of violence in the area, and the danger that this might escalate. He referred to three specific reports of violence; we know of only two, both of which occurred very early in the proceedings. Prof. Zelnik saw the episode in which a vociferous protestor (later identified as a student, Willy Brandt) was attacked physically, and agrees with all other accounts that the attacker (after identified as an ex-football player) attacked first. The decision of police to arrest Mr. Brandt, and not this assailant, did much to change the mood of the crowd, and this mood was not dispelled when (as reported in the Daily Californian) police later admitted and conferred with other football players, letting them through doors which had been closed for some hours to students and

faculty. Tensions were highest in the period immediately following the fight, when it seemed possible to those of us present that further outbreaks of violence might occur. Despite the fight at the outset, however, the trend through the afternoon was towards a stabilization of the situation; to the point indeed of an impasse.

It goes without saying that a new and far more severe period of violence followed the arrival of the police. The police expected it would be difficult, in a small and crowded area, to arrest those against whom warrants had been issued. Thus their first act was to begin to clear the area, and particularly the stairway, which was jammed. It took considerable pressure to force these people upstairs into another area equally crowded. The police charged with billy-clubs held in front of them; and as a consequence many of those present were struck, shoved or trampled on. Upstairs the situation became nearly one of panic when it appeared that the plate glass windows might break under the strain. Tensions could not but increase, especially as the police did not announce their intentions to the gathered crowd.

THE CONTINUING NON-STUDENT PROBLEM

Prof. Searle pointed out that the events must be seen as part of a continuing pattern of provocations, and this pattern is pretty clearly evoked by the paragraph of Vice-Chancellor Cheit's statement which reads

The demonstration today was initiated and led by non-students in direct defiance of University regulations, forcing the closing of the ASUC store. . . because of this. . . I asked the police to arrest those primarily responsible for the illegal actions which disrupted the university.

Given the nature of certain events which have disrupted the university in the last year, it is not surprising that the Vice-Chancellor should perceive and characterize events according to this pattern. However relevant the pattern may have been in the past, however, it does not distinguish between three quite distinct groups of people involved in the present disturbance.

1. the small group of nonstudent conscientious objectors who briefly set up a table

2. the students whose picket against the Navy table turned, after an act of violence, into a sit-in
3. the non-students arrested on Nov. 30, some of whom may have organized previous demonstrations, but not this one.

Peter Dale Scott, English

George W. Stocking, Jr., History

Reginald Zelnik, History

COPS ON CAMPUS

STRIKE!

The suppression of yesterday's demonstration violated the rights of the University community. The Administration again revealed its solution for student problems: the Alameda County Police. Nine demonstrators were arrested. Last night, 3000 students met and voted overwhelmingly to

strike until noon

AND AT THAT TIME TO DISCUSS CONTINUING THE STRIKE AND TO DETERMINE FUTURE PROTEST PLANS.

Our Demands:

1. That Policemen never be called onto the campus to "solve" Campus political problems.
2. That there be no disciplinary action taken against participants in Wednesday's demonstrations; and that the Administration seek, publicly and forcibly, to have dropped the charges against the nine people arrested.
3. That all off-campus individuals and non-commercial groups be granted at least the privileges enjoyed by governmental agencies.
4. That University disciplinary hearings shall be open. That these hearings shall be bound by canons of due process comparable to those already published by Council of Campus Organizations. A legitimate ground of defense shall be that regulations are incompatible with Sections 2 or 3 of the Dec. 8 Resolutions or with the United States Constitution.
5. That negotiations begin which will establish a system of just and effective student representation in formulation of a new set of policies regulating student activity. (The Strike Committee must be permitted to name a majority of the student representatives. The negotiating body shall make no substantive decisions without the agreement of its student contingent.)

MORE STRIKE

Pickets; poster-makers, mama's helpers needed: Wheeler Oak NOW!!

YESTERDAY

Endorsements in Profusion

FACULTY: A significant number of faculty has announced support for the strike.

OTHER CAMPUSES: San Jose State, San Francisco State Experimental College, Santa Barbara, Davis, San Diego, Starr King Ministry, N. S. A. Student Council, Columbia.

TODAY

NOON RALLY

featuring commemoration in song and story of the

GREAT SPROUL SIT-IN OF 1964

(YOU KNOW WHERE)

Bring a professor to lunch to remind him of history.

TODAY

Meetings Galore

G. C. C.: 2:00 P. M. in 1 LeConte (tentative)

Independents: 4:00 P. M. in 100 Lewis (tentative)

A. F. T., Local 1570: 4:00 P. M. in 11 Wheeler

TOMORROW

Son of Meetings Galore

CCO: 10:00 A. M. in Westminster

Will you work as well as watch? Wheeler Oak needs helpers NOW!!

STRIKE



MORE

On Friday, December 2, Chancellor Heyns refused to negotiate with the duly elected representatives of the striking students at Berkeley. His refusal to open a dialogue with the students has prolonged the crisis on the Berkeley campus.

The Chancellor has attempted to justify his intransigence on the grounds that a non-student was elected to the negotiating team. We feel that Chancellor Heyns has seized on this question to avoid confronting the real issues raised by the strike.

If the Chancellor is seriously interested in negotiating with the students, he should agree to meet with their elected representatives. The non-student elected by the students to the negotiating team was a former UC student who was not permitted to reenroll only for political reasons. Students not presently enrolled have a definite and clear interest in the negotiations.

We however want to negotiate. In order to bring the Chancellor to the negotiating table, to end his procrastination and bring the real issues of the strike to the fore, we are prepared to assure that each of our negotiators is a presently enrolled student.

Our negotiation team reserves the right to bring to the negotiating table a team of silent observers who will advise our negotiators. This team will have the right to confer with the negotiators. The team of silent observers may include at the discretion of the strike committee and the Union, persons who are not students, including, for example, legal counsel, political advisers, business agent of the American Federation of Teachers, AFL-CIO Local 1570.

Representatives of the AFT presented this proposal to Chancellor Heyns today. The Chancellor said he would consider it and notify the negotiating committee tomorrow at noon.

aft



news

california federation
of teachers

RELEASE IMMEDIATELY
December 7, 1966

The President of the teacher union movement in California today issued the following statement on the situation at the University of California in Berkeley.

I. BACKGROUND:

At noon on Thursday, December 1, the membership of AFT Local 1570 voted to strike against their employer, the University of California. The members of the local, who are graduate students employed as teaching and research assistants at UC, have been working for the past three months to gain the basic tenets of academic freedom from the University's administration. These attempts have been largely unsuccessful and were dealt a major setback on Wednesday, November 30.

On that date the University used off-campus police to arrest students sitting in around a US Navy recruiting table on campus. The students maintain that existing rules do not allow non-student organizations the right to set up a table on campus; therefore, the University has no right to make an exception of the US Navy without making exceptions for other non-commercial off-campus organizations or groups.

The Associated Students of the University of California (ASUC) advised the administration in advance that it should not allow a recruiting table to be set up in the ASUC Student Union Building. The ASUC warned the administration that trouble would surely follow. The administration did not chose to heed the advice of the ASUC.

Robert Atkins, President of AFT Local 1570, stated that it is impossible to teach in an environment where the University calls upon outside police to resolve internal political difficulties. Academic freedom, according to Atkins and the AFT local, is very definitely a working condition and must exist if the education process is to be meaningful.

2901 San Pablo Ave. Berkeley, Calif. 94702
415-549-7746 or 415-549-1748

4949 Hollywood Blvd., RM 2068 Los Angeles
Calif. 90027 213-666-0400 or 213-665-5111

II. DEMANDS:

AFT Local 1570, University Employed Graduate Students, has made the following demands:

- 1) That the administration discontinue using off-campus law enforcement officers for the resolution of on-campus political disputes;
- 2) That all charges be dropped against those arrested so far, and that no disciplinary action be taken;
- 3) That all non-commercial off-campus organizations and groups (including the US Navy, Peace Corps, etc.) be allowed to set up and man tables in the areas designated for that purpose;
- 4) That all disciplinary hearings involving students be open hearings if the student so desires, and that such hearings be conducted under the basic tenets of legal due process;
- 5) That negotiations begin immediately on the establishment of a rules committee, and that a majority of voting members be students; and
- 6) That the University recognize AFT Local 1570 as the exclusive bargaining agent for the graduate students employed at the Berkeley campus.

III. STATEMENT:

In light of the above facts I have sent a telegram to the President of AFT Local 1570 which says:

"University of California officials should not deny students full academic rights and privileges. The California Federation of Teachers believes that all Americans, including students, are entitled to equal, fair, democratic treatment. Further, like any citizen of this Nation, a student should be guaranteed the right to participate in the democratic processes. We deplore the action of the University administration in using off-campus police for on-campus problems. We support AFT Local 1570 in its efforts to secure democratic rights for university students."

Marshall Axelrod
CFT President

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STRIKE COMMITTEE, U.C. BERKELEY

FOR IMMEDIATE RELEASE

Dec. 6, 1966
11:45 p.m.

THE STRIKING STUDENTS OF THE UNIVERSITY OF CALIFORNIA VOTED UNANIMOUSLY TONIGHT TO PASS THE FOLLOWING RESOLUTION:

"This body reaffirms its commitment to both the basic principles of this strike and the five specific demands; declares a temporary recess to the strike; empowers the Strike Committee to continue negotiations with the Administration; will organize and prepare for the resumption of the strike, or other appropriate activities if our demands are not met."

ALSO PASSED WERE THE FOLLOWING AMENDMENTS:

1. That the period of suspension of the student strike be designated as a period to be used for the calm and deliberative formation of an autonomous student union.
2. That to this end all students be urged to consider during Christmas recess what form of government they would have for themselves and that meetings be held following this recess for the discussion of this issue.
3. That the strike committee provide 15,000 black masks, if possible.

A
CHRONOLOGY
OF THE EVENTS OCCURING IN THE LOWER LOBBY,
BETWEEN THE ENTRANCES TO THE BEAR'S
LAIR AND THE ASUC BOOKSTORE,
DURING THE AFTERNOON
OF WEDNESDAY,
DECEMBER 30,
1966

Introduction

What follows is as complete an account as the need for haste and the available information permitted, of the event taking place in and around the Lower Lobby of the Student Union on Wednesday, November 30, 1966.

The Council of Campus Organizations commissioned a committee to prepare and publish this chronology. Since as accurate an account of the facts as was possible was desirable, it was intended that the committee obtain -- if possible -- permission to reproduce unaltered, and simultaneously, the independent chronology already prepared by four faculty members who witnessed the events. Permission was not obtained; we have since learned that faculty apparently intend to publish that document.

This report is based on the verbal and written statements of student witnesses to the events. In addition, there exist extensive tapes of the events, recorded by Radio KAL, which have served as a prime information source. These tapes are open to the public to hear or copy; they may help to clarify the course of events from 12:20 p. m. onward, which period they cover. (KPFA appears to have tapes covering the previous twenty minutes; we have been unable to consult them yet.)

Prologue

In early 1965 the United States Navy set up a recruiting table in the Student Union. Students protested the table's presence by picketing. They also registered a formal complaint with the Dean of Students Office regarding preferential treatment of government agencies. The Administration took no action.

Some weeks before November 30, 1966, Chancellor Heyns was asked on a

television broadcast how the setting-up of such a table this year could be justified in the light of this past protest. He responded that non-students were welcome on the campus, so long as they obeyed the rules set for the University community.

Wednesday, November 30

Campus SDS called a demonstration to protest the setting-up of a Navy recruiting table in the Student Union. The major purpose of the demonstration was to voice a protest against the draft and against the Vietnam war. In addition, Campus SDS had planned previously, and on Wednesday undertook, to work in conjunction with the Berkeley Draft Information Committee (BDIC), an off-campus organization, to show the moral and political inequity of the differential enforcement of the Administration's rules.

The method was to set up a table for the dissemination of literature opposing the draft and the war. This table, like the Navy recruiting table beside which it was set, was to be manned by a non-student. A 38 year old woman, Mrs. Corrine Goldstick, was chosen. It was intended that the only substantive differences between the two tables be the content of the positions which they advocated, and the fact of the sponsorship of one by (as the Administration describes it) a "cooperative governmental agency."

Wednesday morning, Mrs. Goldstick went to the Dean of Students to ask permission of the Administration to set up the anti-draft table. She was told by Miss McBernie (an assistant to Dean Hopkins) that permission could not be granted. Nonetheless, a few minutes before noon she set the table up beside the pro-draft Navy table. Shortly thereafter, the picket line organized by students in campus SDS arrived to begin their demonstration.

The presence of the picket line, and also of a number of police, reporters, and cameramen, attracted a growing crowd of passerby, including people who opposed the demonstration, people in sympathy with it, and people in variously neutral states of curiosity.

At this time, a campus policeman informed Mrs. Goldstick that he had been instructed to request that she leave. Mrs. Goldstick protested that she had as much right to stay as the non-students at the Navy recruiting table. The officer insisted again, and Mrs. Goldstick agreed to leave. During this conversation, the crowd drew around the two tables. Seeing that the anti-draft table was forced to cease handing out information while no action was taken regarding the pro-draft table, part of the crowd expressed forceful verbal disapproval as the table was being carried away by the police. There was difficulty in moving the table through

the crowd, which was by this time quite large and tightly packed. In addition, several people attempted to grasp the table, causing the police to jerk it from their hands. After this, the table was removed from the lobby without further incident.

Approximately at this time, some of the demonstrators removed the several dozen pieces of literature which were on the Navy table, so that, having no function there, it would be removed. The literature was handed back and done violence to.

As the police led Mrs. Goldstick through the crowd, a student later identified as James Phillips, former captain of the football team, began pushing people out of the way in what appeared to those present as an attempt to clear a way for the police. The crowd again expressed a forceful verbal protest, against his pushing of people. Shortly thereafter, Phillips was reported by several witnesses to have lunged at a student later identified as Willy Brandt. Brandt appears to have addressed provocative remarks to Phillips upon observing Phillips' actions. Phillips claims not to have hit Brandt; other witnesses are uncertain on this point. Brandt's shirt was torn in the scuffle. He appeared surprised but quickly recovered, and lunged in return towards Phillips. Before Brandt could reach Phillips, he was restrained by campus police, who then led him unresisting out of the lobby. Demonstrators and others voiced immediate and loud disapproval at what appeared to be an injustice: namely, that the person attacked, and not the attacker, had been led away by the police and apparently arrested.

Amid confusion and a general feeling of resentment, some students yelled at the crowd to be seated, that there had been one arrest and that by sitting down they would reduce confusion and avoid the possibility of further violence and further arrests. Demonstrators and some observers alike responded; order was restored, and calm returned. The chairman of the Draft Committee of Campus SDS, a student, rose to chair the ensuing discussion. A three minute time limit was set on speakers and strictly enforced. The initial discussion centered around the apparent inequity of the arrest, and the Administration's granting of special privilege to the Navy.

At about 12:30, Vice-Chancellor Boyd arrived, and was given the next position on the speakers' list. He requested that the protestors disperse. They responded by explaining that they felt Willy Brandt had been treated unfairly by the police. They also expressed their opposition to the continued presence of the Navy table in the Student Union.

At this point, the protestors noted that several unidentified people -- apparently non-students -- were taking individual pictures of the demonstrators. Boyd, in speaking to the group, addressed several students and non-students by name,

indicating that he considered them leaders of the demonstration. (See Appendix A.) He then withdrew to another part of the lobby to confer with the campus police, several members of the ASUC, and the several faculty members present.

At Boyd's request to disperse, the demonstrators attempted to ascertain if they were breaking an Administration rule, and, if so, what action they could take to avoid breaking such rules. The recorded tapes disclose intermittent and inconclusive conversation with Boyd on these subjects. In Boyd's absence, the demonstrators discussed and voted unanimously demands, upon the granting of which they would disperse. The demands were:

- 1) That anti-draft protestors be allowed a table next to the Navy's table; that non-students be allowed equal treatment with Navy non-students; and that the presence itself of the Navy's table in the Student Union be subject to negotiation;
- 2) That no charges be brought against Willy Brandt or against anyone else;
- 3) That there be no Administrative disciplinary action taken against any student who organized or participated in the demonstration;
- 4) That they could return to picket the Navy recruiting table the next day, should the negotiations not be satisfactory; and
- 5) That Boyd return and discuss these issues with them.

Boyd returned, and told them that Administration rules permitted tables in the lobby and therefore that no special sanction from was needed; that he knew of no reason why SDS could not set up a table beside the Navy table, provided at least one student manned it; and that he did not know why the table had been removed. The protestors pointed out his mistake about the rules, and indicated that, although his offer did not satisfy their first demand, they would still accept it. Boyd told them he would negotiate the presence of the Navy table in the Student Union, not there and with the whole group, but in his office with a small group of the demonstration's "leaders" if they would "identify" themselves to him.

Boyd stated that he did not have Brandt arrested and could do nothing to help him. He was then asked if he would affirm that no student be disciplined for participating in or organizing the demonstration. Though the tape's testimony is confused and fragmented, the interchange appears to have been on the following order: Boyd refused; he was asked why; he stated that he could not make that kind of agreement; whereupon the precedent for demands 2 and 3 in the October 2, 1964 agreement was cited to him.

Boyd definitely responded, "I probably could say that (i. e., could grant

condition 3), but I believe it would be unwise for me to say that under these circumstances." He then stated that he would declare the assembly "unlawful" if the demonstrators did not leave within ten minutes. The demonstrators protested loudly. Quiet was restored, and he was asked why it was unlawful. He stated that it was an unlawful assembly because, in his opinion, such a decision was in the best interests of the University community. They asked how they could make the assembly "lawful", and, again, what made it "unlawful". He responded that the assembly was interfering with the functioning of the University, and added that, after all, the bookstore was part of the University. The demonstrators then pointed out that the police themselves had locked the doors, therefore obstructing the bookstore's entrance completely. Boyd responded that, even if the doors were not locked, the area was so crowded that no one could pass through.

For quite some time (approximately, since the table's removal), all doors to the area had been locked; police were about the main ones, behind which were growing crowds; egress from the lobby was permitted, though only through a group of police blocking the stairs to persons wishing to enter; and the sixty or so demonstrators were clustered at the foot of the stairs, leaving the rear part of the lobby free. Following Boyd's remark, they formed corridors which allowed clear paths from the (locked) plaza entrance to the (locked) bookstore entrance, and from the (locked) Bear's Lair entrance to and up the stairs. The demonstrators then asked if the assembly were still unlawful. Boyd answered that it was. Asked why, and how they could make it lawful, Boyd said, because he declared it so, and they should disperse. He offered no other alternative. The protestors again pointed out that they would leave if a general "amnesty" were granted, i. e. their second and third demands.

Boyd walked away to again confer with the police. The demonstrators continued their discussion. Several students appealed to Boyd to grant "amnesty", to avoid further conflict. Several faculty members also appeared to request this of him. Boyd returned to the group, said the assembly was now unlawful, and refused to participate in further discussion. In view of the unidentified photographers, the events of the past several years, and Boyd's refusal to discuss "amnesty", the students feared subsequent discipline should they have left at that point.

The organized discussion on the draft, the Administration, and the afternoon's events continued for approximately two hours. During this time Dean Arleigh Williams arrived to speak to the demonstrators. He said that he would stake his personal reputation on the fact that no participant would be disciplined,

but that he could not speak for the Administration itself. The demonstrators, although assured of Williams' sincerity, felt that his statement did not insure that no disciplinary action would be instituted after the demonstration dispersed; and they asked for a reaffirmation from Boyd or from someone who could speak for the Administration. This was of special concern to them, in view of Boyd's earlier refusal to grant "amnesty". (See Appendix B.)

At 4:15 p. m. two demonstrators and one professor went to see Professor Searle, in his administrative capacity, who said that Williams had been speaking for the Administration, and that, therefore, the "amnesty" had been refused. Searle was then told that he, Boyd, or Vice-Chancellor Cheit should go immediately to reaffirm the "amnesty", and that the demonstration would then end. However, no one arrived at the demonstration to reaffirm the "amnesty". (See Appendix C.)

At around 5:30, six football players were allowed to enter the bookstore's doors, which had been blocked by the police. When asked why they were allowed in, a policeman said, "Why do you people get excited over nothing?" He then said, "They just came to get some instructions, and they'll be going right out." When asked what instructions they sought, the officer replied, "I'm giving a party, and I'm inviting the football team."

Shortly after the football players left, cries from upstairs that police were in the basement brought the question of arrests to the immediate center of the demonstrators' attention. They felt that everyone in the lobby would be arrested; and foreign students and minors were advised to leave.

Shortly after 6:00 p. m., about twenty non-campus police entered the lobby and singled out four non-students for arrest. (See Appendix D.) The first arrest resulted in a scuffle between police, attempting to reach Mike Smith in the middle of the crowd, and demonstrators, attempting to block them. (Smith repeatedly stated that he would go quietly.) Women as well as men were hit and kicked, police fell on top of students, and several people were hit by television cameras attempting to film the incident. The other three arrests -- of Steve Hamilton, Jerry Rubin, and Stu Albert -- were made without incident. (See Appendix E.)

Immediately after these arrests, all doors were unlocked, and the campus and other police left. It was announced that there would be no more arrests. A discussion took place as to whether or not to remain in the building. A subsequent vote led the remaining protestors to join the demonstration upstairs, which by then had grown to several thousands.

* * * * *

Appendix A

At this point should be noted the possibility of distinguishing two demonstrations: the initial one planned by the SDS, and the spontaneous one provoked by the first arrest and the removal of the anti-draft table. The leaders of the first one were clearly defined, and not approached for arrest. Those of the second one are not so clearly defined. The chairmanship of the discussion changed several times; and it seems that the most real sense in which "leadership" could be identified was that some people spoke more frequently, and/or were listened to more attentively. Of the non-students later arrested downstairs, two spoke very little, and the other two might be termed "leaders" in this broad sense. The taped voices are identifiable, and reveal that more students than non-students were "leaders" in this sense.

Appendix B

Immediately after Williams spoke, two members of the SDS Steering Committee and the chairman of its Anti-draft Committee tried to speak with Boyd, away from the scene of the demonstration. They felt that, by private discussion, they could get Boyd to agree to enough of the demands so that the demonstration could be disbanded. Upon being informed of Williams' remarks about "amnesty", Boyd reiterated that granting amnesty would be "unwise". Boyd did not seem interested in discussing the point further, and the discussion was terminated.

Appendix C

At around 3:30, some twenty to thirty students forced their way past police lines and down the stairs. They were greeted with loud applause, and the discussion broke up. A period of singing followed. At this time the Navy officers left, whereupon the demonstrators sang "Anchors Aweigh". "Happy Birthday" was sung, in honor of the first birthday of Mario's son. After about a half hour the discussion reconvened, and grew heated on the topic of how long to continue the sit-in, whether to move upstairs, or whether to terminate it. Dean Lemmon then came downstairs and said that the students assembled upstairs wanted Mario Savio to address them. He was greeted by boos. After further explanations, and assurances that Mario would be allowed back down, it was agreed with Lemmon that Savio and Hal Jacobs (who had taken the opposite viewpoint from Savio in the discussion) should be allowed to go upstairs. The meeting then continued.

Appendix D

Alameda County Sheriff's Department officers, using clubs, pushed their way up the stairs, shoving people out of their way with their riot sticks. After clearing the stairs, they brought Bill Miller down them. Dean Lemmon came down the stairs and was subjected to some verbal abuse from demonstrators, in the mistaken belief that he had broken his word and would not allow Savio back downstairs.

Appendix E

ASUC President Dan Macintosh was repeatedly told, "It's your building, get the cops out." A highly emotional chant, "get the cops out of here," went up; several of the demonstrators, including Macintosh (who joined in the chanting), seemed almost in tears.

Appendix F: The Outside

The continued presence of campus police at the entrance to the alcove drew large numbers of spectators, and by 3:00 several hundred students were standing outside the Plaza entrance. The demonstrators inside felt that those outside could not know what had happened, nor why they were inside. A student was sent outside to explain the events which had happened. At this point the door to the alcove was guarded not only by police but also by a homogeneous group of students who attempted to shout down the delegated student and others who tried to speak. A rumor spread that police were coming, and the crowd moved into the Student Union on the main floor, where they sat down and resumed discussion. Boyd was sighted on the outside and the delegated student again stated to him that the group downstairs would disperse immediately if an amnesty would be assured. Boyd responded to the effect that, if the student had anything to do with the assembly, he should get his friends out of there. The time was 3:10. Soon after, on the main floor, discussion resumed. Attempts were made to find out what was happening downstairs in the lobby. Many of the students, who by 4:30 numbered about 500, demanded that an administrator come to discuss the situation with them. Williams and Boyd did not come, but Lemmon came around 5:15. He did not know the details of the Administration position and could not answer the questions put to him. He did, however, agree to bring Mario Savio to the group upstairs for a short while. Savio came and addressed the crowd. While he spoke, several members of the Alameda County Sheriff's Office appeared at the top of the stairs. Students urged Savio not to go back down. Savio joined a group of students who were on their way to look for the buses into which the downstairs demonstrators were expected to be placed. On his way with them to the garage, Savio was arrested.

Meanwhile, those upstairs believed that all downstairs would be arrested. The crowd grew rapidly, having inside the building over a thousand students, mostly still involved in a discussion. After sudden screams of "Police!", the crowd's attention focused on the stairs, where police were pulling Bill Miller towards the doors leading outside. Students sat down en masse, forcing the door shut; the police scuffled with them for a time, and then took Miller down the stairs. Angry commotion resulted. Hearing a shout that the downstairs demonstrators were being taken to a police bus parked in front of the Student Union, several hundred students surged into Bancroft Way and tried to block the departure of the bus. A wedge of police using clubs cleared a path for the bus. After it left, scuffles between police and students continued for five to ten minutes. Most students returned to the Student Union at that time to continue the meeting, which grew large enough to necessitate its being moved upstairs to Pauley Ballroom. At approximately 1:00 a. m., the several thousand students then present voted to go on strike the following morning.

Appendix G

In the course of dragging out Mike Smith and others, several students who attempted to block the police's path were set upon and beaten by the police. One Dick Campbell was thrown to the ground and repeatedly hit, kicked, and clubbed by police while lying on the floor. Angry students surged forward, screaming in protest. Three of the most badly beaten students were arrested. After this strong efforts were made to quiet down the crowd by getting them to sing and then sit down.

* * * * *

Those who contributed evidence and work to this report were: Michael Lerner, Wayne Collins, Paul Glusman, Karen Lieberman, Alec Wisner (a reporter for the Daily Cal who took extensive notes on the scene), and Sandy.

Michael Rossman was assisted by Robert Hill in editing this Chronology.

Why Strike

We believe that our demands are legitimate. Why do we choose a strike to effect them? Most simply put, we see no adequate system of "normal channels" existing to secure their implementation. Given this situation, the failure to employ extraordinary tactics would certainly result in the sacrifice of important goals. Experience has shown that the Administration does not move to open effective channels until faced with coercion. We strike both to effect our specific demands, and to establish as imperative the need for an adequate mechanism to resolve conflicts of interest between the Administration and students.

About our demands. First, there exists no channel through which the Administration may be convinced or compelled to abandon recourse to police action as a means of "solving" political conflicts. Surely there has been discussion of the matter. Surely our wishes, and those of the faculty, have been communicated clearly, if not forcefully, long ago. Yet policy has not changed.

Second, recent disciplinary cases show that students are subject to punishment "on the facts" (as the Administration simply phrases the matter), without regard to the legitimacy of the rule violated. Hence the only mechanism left to ensure that no disciplinary action would be visited on participants in the demonstration was direct discussion with administrators. Such discussion was sought and held (see Chronology); its results were not reassuring. No other relevant channels appeared. On the other hand, several times the threat or actuality of coercive action has proved sufficient to deter unjustifiable administrative discipline. Similarly, such action has been the only mechanism which has resulted in the Administration's opposing the pressing of charges against an arrest "non-student."

Again, a policy of non-preferential treatment of governmental organizations has been sought for some time. Protests have resulted in the withdrawal of tables, but the basic policy has not changed. Last Spring, therefore, a group of students lodged a formal complaint with the Dean of Students Office. They were told that the current policy is "traditional", and that nothing can be done about it.

Guarantees of due process have also been sought for years, with increasing concern as the frequency of political disciplinary cases has mounted. The Administration alleges variously that due process already exists or is unnecessary, and will not negotiate the matter. Nor will it even permit negotiations on the principle of judicial review in such disciplinary cases.

Finally, we have been bound since FSM to the principle that government must be by the consent of the governed; and we believe also that it must be by the action

of the governed as well. These principles are not negotiable; and their violation corrupts us and does us active harm, as persons and as a movement. And since FSM we have sought from the Administration a minimal first step in their establishment: a significant voice and a veto in the formulation of policy governing our political activity. Through what "normal channels" will flow the Administration's change of heart on these principles?

And thus we resort to the new, and imperfectly understood, phenomenon of an academic strike. We do not see it as a "solution" to any problems. We do not lightly undertake the disruption it occasions; but we find the action necessary, in the absence of meaningful channels for change. Nor do we see the action as one proper for constant use, as some have alleged. Rather, we hope that its successful use this time will result in the Administration's adoption of policies which, like our fourth and fifth demands, would make unnecessary future resort to such action.

Better administrative mechanisms of communication and change are certainly necessary; we are striking for them, and they are legislateable. But they are not sufficient; and what will be sufficient is not legislateable. For much of the difficulty we perceive springs from the spirit in which the Administration conceives and conducts its dealings with students. By virtue of the continuing crisis in the University to which this spirit so heavily contributes, it deserves a detailed public examination. We mention only the most obvious recent facts:

* Vice-Chancellor Cheit neither spoke with students nor bothered to visit the scene of dispute, before calling police upon the campus.

* At the time of this writing, Chancellor Heyns has been on campus for 68 hours without condescending to meet with representatives the striking students have chosen for that purpose. He has neither initiated nor permitted contact, let alone negotiation.

* Rather, without investigating the facts of the dispute, he has made public statements completely misrepresenting its origins, its participants and dynamic, and the problems involved.

* He has made these statements committing himself to courses of action before troubling to consult with the faculty who have asked him to speak with them.

* There is no evidence that the Administration anticipated or was concerned with the results of its actions. And there is evidence that the Administration understands neither the nature, thoughts, nor mood of the students, but is concerned rather with explaining these away to suit its own preconceptions and its view of its own interests and the public's prejudices.

In short, the entire controversy has been handled irresponsibly, ineptly, and insincerely. This response is not accidental, nor is it peculiar to the present incident. It is part of continuing pattern of administrative action. Such an Administration merits neither respect nor obedience. It has left to it only force and manipulation as tools to relate to students. These will be called into play increasingly in the future, whatever the strikes outcome, unless some deep change occur in the Administration's nature.

The Strike Committee

Our Demands: Some Brief Reasons

1. That policemen never be called onto the campus to "solve" campus political problems.

Clearly, the tactic is inappropriate for use within an academic community; and other institutions, such as Harvard and Chicago, have more suitable responses to unusual internal political situations. We do not mean to enjoin the use of police when, for example, lives are being attacked. Between these extremes lies an area of judgement. The Administration has each time misused its authority in calling police onto campus. A mechanism is necessary to decide when the use of police on campus is appropriate; the authority for, and establishment of, a suitable mechanism properly lies with faculty and students. We will mention that during the Black Power Conference such a mechanism existed and was used; and the student exercise of this authority prevented yet another mistake.

2. That there be no disciplinary action taken now or in the future against participants in Wednesday's demonstrations or the strike; and that the Administration seek, publicly and forcefully, to have dropped the charges against the nine people arrested.

As the Chronology makes clear, had disciplinary action been enjoined before the arrests by someone clearly empowered to do so, the arrests and subsequent strike would not have occurred. It seems imperative that the Administration now demonstrate its intentions by affirming that no students will be cited for rules violations. Vice-Chancellor Cheit, who ordered the arrests, said Wednesday night that they "may and may not have been a mistake." They were made for political purposes, and are doubly unfair by virtue of many having committed the same acts for which a few were arrested, which fact the Administration has not attempted to contest.

3. That all off-campus individuals and non-commercial groups be granted at least the privileges enjoyed by governmental agencies.

Insofar as the Administration defines a distinction between students and "non-students", all "non-students" should enjoy the same status. Given the current political situation, if governmental agencies are to be allowed on campus, those from the community with opposed viewpoints should be allowed to engage in comparable activities. There seems no reason to discriminate against viewpoints not opposed by the government; hence all viewpoints should enjoy the same privileges.

4. That University disciplinary hearings shall be open. That these hearings shall be bound by canons of due process comparable to those already published by the Council of Campus Organizations. A legitimate ground of defense shall be that regulations are incompatible with Sections 2 or 3 of the December 8, 1964 Academic Senate Resolutions, or with the United States Constitution.

The published demands of the C. C. O. explain themselves:

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|---|---|
| a) The body holding the hearings shall be an independent body, not advisory to the Chancellor | Past experience has shown that the Administration is not above reversing the recommendations of the faculty and students, when called for by political expediency. |
| b) The hearings shall be open. | A student may be intimidated at a hearing, if there is inadequate public knowledge of the details of the hearings procedures. |
| c) The hearing shall be an adversary proceeding, including the right to counsel. | Each side will have to make its case with arguments strong enough to sustain the attack of an attorney. Witnesses will be subject to cross-examination. |
| d) The burden of proof shall be upon the Administration. | The right to be regarded innocent until proven guilty is basic in our society. |
| e) There shall be a schedule of punishments commensurate with the offenses to prevent grossly unequal punishments for the same offense. | In the past, grossly unequal punishments have indicated that the Administration sought to penalize students it considered leaders incomparably more severely for the same offense than non-leaders. The Administration has thus made a crime of leadership. |

f) The defense shall have the right to compel the testimony of University officials and employees.

Frequently the Administration's case depends upon the testimony of University officials and employees. In the past, these have not always been publicly identified, denying the defendant the opportunity to confront his accusers and challenge their statements.

g) A legitimate ground of defense shall be that regulations are incompatible with Sections 2 or 3 of the December 8th Resolutions or with the U.S. Constitution.

This is the "judicial review" clause, which allows students to challenge the University regulations in the same manner that U.S. citizens challenge laws on constitutional grounds.

5. That negotiations begin which will establish a system of just and effective student representation in the formulation of a new set of policies regulating student activity. Representatives of the organizations actively pursuing the strike must be permitted to name a majority of the student representatives. The negotiating body shall make no substantive decisions without the agreement of its student contingent.

Demands 3 and 4, if granted, cannot be defended without such representation. The present authority for the formulation and implementation of policies regulating student activity is illegitimate, residing as it does in a hierarchial Administration unresponsive to the students and faculty (with whom the authority legitimately rests). The consent of the governed is a necessary prerequisite for rules worthy of obedience. And, in the past, the Administration has tried to control the composition of the student component of joint committees. (Note that the change from the published demand -- i. e., "The strike committee must be permitted..." -- is due to a broadening of the strike's base.)

The Strike Committee

STATEMENT BY THE SIX U.C. DEFENDANTS
FOR IMMEDIATE RELEASE
January 13, 1967

We have decided to speak to the Press for the following reasons:

1. The gag rule comes after the University, Sacramento and powerful interests in the state have already prejudiced people against us.
2. We cannot accept the precedent of a gag rule against the defense in political trials where it would be especially prejudicial because the prosecution always attempts to hide political motives behind legal language.
3. We were arrested as scapegoats in a constitutionally protected political demonstration -- arrested not because of what we did that day, but because we have all been active in effective movements against the war, University auto-crazy, and racism.

* * *

The reason for this press conference is that we are making an attempt to insure ourselves a fair and public trial. A recent ruling by the Supreme Court reversed the conviction of Sam Sheppard on the basis that pre-trial publicity on the part of the prosecution made it impossible for Sheppard to get a fair trial. It was felt that the jury had to be prejudiced against Sheppard.

Judge Brunn, in ordering both the prosecution and the defense to desist from participating in pre-trial publicity was we feel acting sincerely in an attempt to guarantee us a fair trial. But the effect of his ruling is the reverse. The harm against us is already done; the jury has already been prejudiced. The University, both governors, and hostile elements in the community have already given to the people of California a false view of what occurred. We have been publicly branded a small group of outside agitators who planned in advance and then provoked the events which culminated in the student strike. If this is the only view that the public is allowed to hear, how could a jury help but be prejudiced? We must speak to the press. We must give the people of the state of California our view of the events. This will not guarantee a fair trial, but it will at least make one more possible.

Nobody planned in advance the sit-in that occurred. The University had in the past permitted picketing of military tables. How could we have known that they would tear up picket signs this time? How could we have known that, when a football player would strike a protestor, the University police would arrest the person struck and not the assailant? It was events such as these that provoked the sit-in and, by their nature, they could not be planned in advance.

As to the sit-in itself, some of those arrested did play a leading role in it. However, some played no role. There were also many students in leadership positions. None of these were arrested. The reason we were singled out is because we have in the past participated in activities on the Campus that the University disapproved of and found embarrassing, such as Vietnam Day and Black Power Day. This is, then, clearly a case of political persecution.

As to our rights to be active politically on the Campus, we feel that these are fully protected by the Constitution. The right of free political expression and association are supposed to be the inalienable rights of all citizens. When we enter the Campus of the University of California, we do not surrender our citizenship. It is therefore unconstitutional to demand that we surrender our political rights. Some of the most significant political events in the country have occurred at the University of California. We believe we have not only a legal right but also a moral duty to participate in them.

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