FSM Letters Home

From Richard Colby to his parents in Yonkers NY, October 1964 – October 1965

(I was a 4th-year graduate student – working on a PhD in Biophysics, under Prof Richard Strohman in the Zoology Dept. Biophysics was (is?) an interdepartmental Group in which students were mentored by faculty in various regular Departments, although there was a small core Biophysics faculty in Donner Lab, headed there at that time by Prof. Hardin B. Jones. I ended up in a mostly teaching career at a New Jersey State College: Biology and Environmental Studies Programs, Richard Stockton College, Galloway Twp. E-mail: dick.colby@stockton.edu; home address: 217 Liverpool Av, Egg Harbor City NJ 08215-1319, home phone 609-965-4453; For my teaching and other activities, google “Dick Colby’s Web Page”.)

Transcribed using Dragon Dictate, July 2012. I’ve yellow-highlighted experiences that may be unique and insightful to historians and others studying the FSM. I was one of three co-treasurers of the Free Speech Defense Fund, and I contributed significantly to writing the brief that enabled appeal bail to be replaced by surety affidavits.

1. October 2, 1964

. . . If you have been informed about the demonstrations here on the campus this past week, then you will be glad to know that I am still at large, and am unscathed by police action. I have enclosed some clippings. There are two issues: first, up to now, the University has permitted organizations like campus CORE, University Young Democrats, Young Socialists, etc., to maintain tables on campus for distribution of literature, donations of funds, signing of petitions, and other activities. Now, they say that all such activities must be removed from the campus, and that the only activities permissible will be speakers ( in designated areas) who may advocate opinions, or voting, but not any stronger activity – like picketing. Such rules have existed for several years, but up to now they have not been enforced. The University's reason for sudden enforcement is that the tables were blocking public thoroughfares ( which they were, to an extent), but some people say that the real reason is that parents have complained about their children's exposure to radical elements, or that the Oakland Tribune, a conservative newspaper managed by former Sen. Knowland, which had been picketed by CORE for alleged discriminatory employment practices, had complained to the University Administration about the campus being used for the organization of picketing activities. Legally, the University seems to be in the right, but, were their rules strictly enforced, off-campus social and political activities would suffer greatly, since there is no alternate place for tables to be set up for the activities aforementioned. The second and more impassioned issue ( at the moment) is that eight students were expelled for violation of the newly enforced rules, and a ninth person, a non-student orator from Berkeley CORE, was arrested for orating on campus, and directing an illegal CORE table on campus. (CORE is the Congress on Racial Equality – a major civil rights organization working mostly in the South.)

When the arrests were made, yesterday just before noon, students surrounded the police car in front of the Administration Building which was to take the fellow (Jack Weinberg) away, and sat down around it. Students stayed put through the night and up to this afternoon, and may still be there, as I haven't checked since then. I understand that poor Jack was released from the car (still in custody) sometime this morning, and taken off. (He must have had to go to the bathroom sometime.)

[I'm sorry -- not so. He stayed in the car all that time and urinated into empty Coke bottles.]

The students (thousands of them) demand reinstatement of the eight suspended people and release of Weinberg, as well as liberalization of University rules. So far as I know, the Chancellor has not yielded, and the students remain on the steps of and in front of the Administration Building. The University should have enough sense not to make martyrs, since that's what that's what incites mobs most easily. Incidentally, other students, supporting the Administration, appear at the demonstrations from time to time – although they may have never numbered more than a few hundred. Also, several faculty members have joined the demonstrations on the side of the students surrounding the police car. Messy business.

[Saturday a.m.: a compromise was reached last night: Weinberg goes free, and the eight suspended students will be heard by a faculty committee rather than the Administration. (They are all good students grade wise. The University President (Clark Kerr) will attempt to sell some campus land to the City of Berkeley, which can be used for off-campus activities. The demonstrations have disbanded.]

1. October 16, 1964, Friday, Asilomar, California

A long and eventful week, but not much work done. I've been active in the campus organizations working to liberalize the rules limiting political and social activity on the campus. We want to be able to solicit membership for such organizations as the Young Democrats Club, Young Republicans, Young Socialists, CORE, SNCC, etc., and to be permitted to accept money from students for these organizations, and to be able to organize off-campus demonstrations (picketing, etc.) on issues of racial discrimination and others. All these things are prohibited under present rulings. One thing I've done has been to see various people to compose a history of graduate student organizations on the campus. Then, yesterday afternoon I took charge of a card table for the Graduate Students Organization – located prominently on the campus – obtaining signatures on our petition to the Administration, distributing leaflets on our activities, and answering all sorts of questions from people who would come up and ask. All interesting people – some discussions became heated – one with a socialist, another with a Goldwaterite. I'd like to know what drives such people. Also what drives myself, since I've never done this sort of thing before, and don't belong to any of the political organizations – maybe it's because I meet all these interesting people. People who can stand up and talk coherently and forcefully – who know how they feel on all sorts of issues and can argue convincingly – something I can't do very well. Today, there was a meeting of the Biophysics graduate students – (of the 80 or so we asked to come, 12 showed up) and elected permanent representatives to the Graduate Students Organization. After three people had been nominated for two positions someone stood up and said he'd like to have something to differentiate the candidates by – and proposed that we say how we felt about the use of civil disobedience in the current campus situation. The other two candidates, both good friends, gave beautiful talks in which they showed the relationship of civil disobedience to the whole problem. My talk was very poor – because I wasn't able to decide on the spot how I felt – and so I received the fewest votes. Hard on the ego, but perhaps now I'll be able to get back to some scientific work. I have a great deal of respect for intelligence, which is a relative thing. I.e. which some people have more than others. I'm up against the best there is at Berkeley

Another thing – on Wednesday night I went to work at Johnson headquarters and was asked if I'd like to do some “sniping.” Being tired of addressing envelopes I said sure, and next thing I was riding on top of an open trailer being towed behind a car driven by a very nice, dedicated fellow. He would pull up alongside telephone poles, and I would staple posters urging election of a local boy to the State Senate, and posters urging a no vote on the statewide referendum on a proposed state constitutional amendment barring any legislation restricting the right of property owners from discriminating ( race, religion) against home buyers and apartment renters. It's illegal to deface telephone poles, you know, and sure enough, one sharp cop caught us in East Oakland and took our names and gave us warnings. We got out of town but continued our work just across the Berkeley line. Lots of fun.

1. October 31, 1964, Saturday

. . . This week was fairly uneventful. One night at Democratic headquarters. Campus politics has entered a negotiating phase with the suspended students and their lawyers arguing it out with the Administration before a committee of faculty members, and with a committee of administrators, faculty and students holding hearings and closed sessions to decide on recommended policy for the University – for student political activities.

1. November 6, 1964, Friday night

. . . Now it's back to campus politics – the committees studying student political activities have now nearly completed their work. The committee of faculty members, that heard the cases of the students who have been suspended for political activities, recommended last week that the students be reinstated pending conclusion of their studies, but the Chancellor refused. The other committee – made up of students, faculty, and Administration – gets bogged down on proposals accepted by faculty and students, but the Administration, which has veto power on recommendations, always seems to throw in the monkey wrench. Perhaps we'll have to go back to civil disobedience.

Yesterday in went to the District Attorney’s office in Oakland for the “Citation Hearing” on our telephone pole campaigning activities. My friend (the one who was charged) brought a lawyer – who went into the office of the Assistant District Attorney ahead of us. When we came in, the Asst DA told me he understood that I was taking the posters DOWN rather than putting them up. I was dumbfounded, in my idealistic way, and started to explain what really happened, when I suffered a quick jab in the ribs by the lawyer, and that made me remember that I had been taking them down. Boy am I dumb! But the whole thing turned out to be a game – the lawyer had settled everything before we came in, and we were merely reminded that the law prescribes a $500 fine for our offence, or one month in jail, and that we should read up on local ordinances next time before we do anything that is obviously illegal.

1. November 21, 1964, Saturday night

. . . FSM(Free Speech Movement) has been quite exciting. I have no official capacity, but I offer my time and I think it can be useful. This week the Regents of the University (24 in number, including University Pres. Clark Kerr – friend of Harry Roberts and Gov. Brown) held their monthly meeting on the Berkeley campus and considered several proposals – submitted by the faculty, another by the undergraduate Senate, a third by the FSM. All urging liberalization of existing rules restricting political and social activities on campus. CORE and SNCC, two civil rights organizations, are hardest hit. The Regents passed three proposals recommended by Kerr: slight concessions considerably less liberal than any of the proposals of students and faculty. They also effected punishment of the eight student suspended on October 2 - considerably more strict than that recommended by the faculty committee appointed to make recommendations.

At the time the Regents were meeting (Friday), the FSM held a mass meeting on the campus (the newspapers report 4000 to 5000 students but I suspect 1000 less than this). There were many speeches – five by faculty members, and Joan Baez (who lives nearby) sang freedom songs. Then they marched en masse in rows of six abreast, arms linked, to University Hall, where the Regents were meeting. I served as a monitor – keeping everyone in line and orderly – and it took a full half hour for the full column to pass me. A stirring scene – after passing the room where the Regents met, we assembled on the large grass slope across the street and heard more of Joan Baez and others – waiting for the Regents decisions to be read. When they were announced, by five FSM members who had been permitted in as observers but not allowed to speak (the law requires the Regents to meet in open session except when matters of national security are considered), they caused untold shock for all students concerned. After the announcements, it was announced that the fight would go on – and that we would all meet on Monday to hear recommendations and suggestions. A strike of all teaching graduate student's is likely. (There are more than 1000 of them and they teach all elementary language courses, and give recitation (non-lecture) sessions for most other undergraduate courses.) Then there was 10 min. of silence, followed by a singing of *We Shall Overcome*, led by Joan Baez, and we dispersed.

1. November 29, 1964, Sunday night

. . . At Thanksgiving dinner, attended by various relatives, we had a generalized discussion on the Free Speech Movement. One of the relatives was a fairly conservative lawyer, but I suspect that we got across to him just exactly what the students want and why they want it – something that has yet to be gotten across to even the favorable press in the San Francisco Bay area (favorable means that they recognize that we are serious students and not fix or beatniks or a piddling minority of rabble-rousers and agitators).

. . . Don't worry about me and the FSM. Many students have been singled out for potential disciplinary action – 60 of them. But I've done nothing nearly so drastic (deliberate violation of rules).

1. December 3, 1964 , Thursday morning

Dear Folks, I'll write a bit early this week – I have plenty of free time, and may continue to have some for a while – enough to write many letters. The students received a slap in the face on Monday of this week when the Administration charged the FSM leaders, and many of the organizations involved in the Free Speech Movement, with a number of petty offenses committed over a month ago. The obvious intent was to expel our leaders (I most assuredly am not one of them). The Administration permitted a hearing, but not by the faculty committee that found the charges unfounded the last time they were made. Retaliation came quite quickly. Yesterday (Wednesday) at Noon a huge rally involving more than 4000 students heard arguments for and against sitting in in the Administration Building – until we are carried out by the police, or until the new charges are dropped. The charges against the most important leaders are (1) biting a policeman in the leg in a sit-in on October 1, (2) heading that sit in, and (3) not maintaining “studious habits and a spirit of good taste.” More than 800 students sat in and I was one of them, as were Joan Baez and a number of professors. At 7 PM last night the building doors were locked by the police – people were let out but not in. Inside there was considerable organization. In two locations, movies were shown: movies against the House Un-American Activities Committee, against US participation in Vietnam, and some old Laurel and Hardy movies and others that I didn't see. 300 of the 800 students attended Hanukkah services and singing and dancing afterwards. Also half a dozen classes were held – two of them led by professors: on civil disobedience and on various freedoms in America. One, by a graduate student in mathematics named Mike Rossman, was called “God and the logarithmic spiral.” Also there was a commissary where food was distributed. Much was contributed by local merchants, but much also was bought, we made all sorts of sandwiches, coffee and punch, and there were apples and other fruit. At 4 AM it was announced that the police had arrived in large numbers. Then the Chancellor of the Berkeley campus, who is responsible for rules and charges on the campus, came in and announced that students had 5 min. to leave, and if they didn't leave (which no one did) that we would all be arrested and jailed, with a minimum bail of $75. The charge is unlawful assembly. The first students were hauled out at 4 AM. I'm on one end of the third floor, which will apparently be the last to be “liberated.” It is now 11 AM. We are being taken to a stockade at Santa Rita, about 15 miles southeast of here. We are being individually photographed and booked as we are hauled out. We all go “limp” such that several policeman are required per student. There are large police buses outside. The immediate response of the rest of the student body was to organize a general strike of all classes. This has been done. Also the faculty have called an emergency meeting for 1 PM and have already contributed $5000 to a bail fund. I imagine it must be quite a sight outside – students being dragged out one by one. I'll get a fairly close view quite soon, I hope, because I'm quite tired and hungry in here and the place is packed with people. One kid had an epileptic seizure nearby and was just rolled out on a stretcher. I'm scared, sure, and so are we all, but we all know why we're here and why the fight must go on. Does an Administration exist to serve the needs of the faculty and students?

Don't get the idea that the issue is entirely black and white. I had a long talk with Prof. Jones yesterday. His argument is that the University must remain free of all political entanglements, and that student activity on campus comprises political engagement of the University. He also thinks that the students are power hungry and will not stop making new demands as the old ones are met. One of the letters I want to write later today is to the editor of the San Francisco Chronicle explaining what the students do want. Their wants come in three phases. First, during the election campaign (and this is what set things off: we wanted to be able to recruit precinct workers on the campus and to collect funds for the various political organizations which range from Goldwater to quite Marxist), and to distribute buttons and literature at tables on the campus. We now have these rights – too bad they came too late to be used in the campaign, but we hope that the new rules adopted at the Regents’ meeting on November 20 will still be in effect next time an election comes around. The second phase concerns campus political and other groups who want to hold meetings on campus and to invite speakers from off the campus, and to maintain tables on campus. Considerable restrictions have been in effect, but here too, we have been encouraged to see considerable liberalization of the rules. The third phase concerns the civil rights movement picketing local stores and businesses for discriminatory hiring practices. This is where the contention remains. The rules now prohibit advocacy on campus of any off-campus activity that might lead to violations of law, and the penalty is suspension or expulsion from the University. Chancellor Strong has admitted that it is former Sen. William Knowland, owner of the Oakland Tribune, which employs 30 Negroes out of many thousands on the staff. (The Bay Area includes Oakland and is about 40% Negro as I remember.) The Oakland Tribune has received substantial picketing by labor unions as well as students. Knowland has been instrumental in exerting pressure on the Administration to permit no liberalization of the rules on the subject. So that is what we will continue to fight for, idealists that we are. It's 11:30 AM now and there are still hundreds of students waiting their turn ahead of me.

I'll continue this letter from jail if and when I get there, and if I am permitted to take it in with me. The police have stopped all food entry. We all have the name and phone number of our counsel provided by the American Civil Liberties Union.

Now I'm in jail – maximum security wing. Highly interesting. My turn in the Administration Building (Sproul Hall) didn't come until about 2:30 PM. I took my turn, stood up and answered my name and heard that I was under arrest on charges of trespassing and illegal assembly (two separate charges). Then I responded that I wished to walk down the two flights of steps rather than be dragged (by “going limp”). My picture was taken and I was fingerprinted and searched. They took my keys with my tiny knife, my pen and my free speech button. Also my toothbrush which was in my inside coat pocket. But I kept all my papers. Then at the bottom of the stairs I went limp, onto the floor. There was a crowd of Oakland cops standing by and they let out a yell (jeering). One came and put his knee into my back and pulled at my brown sport-coat – ripping it and my shirt – and popping off all the buttons. Then my arms were pinned behind my back and they took me off – half walking. Then I folded my legs under – very relaxed – so that it took three cops to carry me into the pen – a big room with a heavy gate in the Administration Building – and they threw me face first onto the floor. It sounds rough, I suppose, but it really wasn't – I had a few minor scrapes on my legs but otherwise there was no pain – only numbness – mostly from fear and shock, I suppose. All this was inside the building and unseen by anyone except cops. Reporters were forcibly (in some cases) excluded from the building. They gathered 35 boys into this “pen” and then we were to go out of the building and into the police buses. Again I stayed limp and it took three men to pick me up and then they dropped me from a height of 3 to 4 feet – face down: my glasses came off but didn't break and then I grabbed them and was carried out of the building down a double line of faculty and students and dropped again onto the stairs of the bus. Again – hands pinned behind my back in a hammerlock – but it didn't hurt. My shirt (one of the old white ones) is ripped pretty bad but my jacket isn't too bad except for the buttons. There were many heroes on the campus today. The bus was driven, accompanied by six motorcycle cops with sirens blazing at intersections, about 40 to 45 miles to Santa Rita County Penitentiary – on US Route 50 just west of Livermore California. We waited three hours in the bus after arriving – to be booked, but the line ahead of us was so long that they have now taken us instead to a sort of lunchroom in a maximum security area. We got two cheep sandwiches and a cookie and all the tapwater we want – from the tap (no containers).

It is now 8:30 PM and I don't know whether our busload (one of the last) will be booked tonight or not. Minimum bail is $200 and the University faculty and outside (not bail bondsman) sources have raised a great deal, but whether there will be enough to go around is uncertain. We get one telephone call in the booking room. There are ACLU lawyers there I think, and if I need outside bail I'll call Strohman. I have $125 in cash with me we learn that the Chancellor will now be replaced and that many faculty members have drafted a resolution to be presented at the next regular faculty meeting next Tuesday, incorporating all the desires of the FSM, including abolition of the student conduct committee appointed by the Chancellor, and replaced by a committee selected by the faculty Senate. Things look very good.

The main leader, a fellow named Mario Savio, had been put away in solitary confinement – total darkness. But his yelling and singing and banging on the door forced them to drag him out and he is now in more congenial surroundings. The prison is quite an educational experience. All the cells and our present room have ceilings of wire mesh and there are catwalks all over where guards look down onto whatever anyone is doing. It was good to get food – I hadn't had anything substantial for about 20 hours. More later.

It is now Saturday morning and I am perfectly okay and in congenial surroundings at Stanford University with Marc Sapir. I'll start back in the maximum security wing where we had our two sandwiches. The cells there were very interesting – no windows – like walk-in refrigerators; each with a small wash basin and toilet. Some had two bunks but most had only one. We were not placed in cells at any time except holding cells – for a large number of persons. I should emphasize that each busload of students had quite a different experience. The boys who arrived on the early busloads were booked and assigned to barracks in the minimum security area. They had regular meals and had all their belongings (papers, wallets, etc. taken from them. Some boys went to the Oakland jails and never came to Santa Rita (a former Army base) at all. The girls went either to Oakland or to San Lorenzo (an armory there) or were brought here and assigned to bunks. Anyway, while in the lunchroom I talked for about half an hour with two of the guards who were overhead. They wanted to know “what the students were after and why” and the asking of such a question I take as evidence of intelligence. Our conversation was very stimulating and I tried to get across at least some of what we hoped to do. They thought that the University, being a state institution, should be protected from political activity. I said that political activity takes many forms, and that one of the most powerful forces against us was political pressure exerted by state legislators and people like Knowland. And that the only “pressure” that the students had to exert was through the use of their own bodies. Remember that our civil disobedience (sitting in) consisted entirely (and I'm talking theory now) of the use of our bodies as hunks of inanimate matter to obstruct normal functioning of an organization whose continued existence we found intolerable. You just sit there with your body and they have to carry you away. You asked to be arrested. But once outside the building, you cooperate fully with police.

We also talked about the life of a prison guard. I said that I didn't envy them their jobs and they admitted that a beat on the street was far preferable. Also about their backgrounds and about life in the Army and about my work on muscle tissue and about how so many of us were graduate students and about why we didn't wear suits and ties to classes as they apparently had done. I was very happy about our conversation. I like very much to talk about our controversy.

After the lunchroom, about 10 PM, they took the 35 students on our bus to a portion of the compound used for training new police, and in a classroom where we were booked. This involved forms specifying addresses, physical characteristics, next of kin, occupation, etc. Then complete fingerprinting: one copy for local police, one for the state, one for the FBI. And mug shots. It went fairly rapidly and without incident. Then we were told that we could each make one phone call and had to fill out a form giving the name and address of the person we wish to call. Then we were taken to the regular receiving area (where people normally are booked) and packed into a holding cell to await our turns out at the telephone. Finally my turn came – I was to call Strohman. I asked the officer at the phone what my bail would be and he said that would depend upon what I was charged with. So I asked him what I was charged with and he didn't know!! It all seemed quite stupid. So then I said that I was charged with trespassing and illegal assembly – he said that two charges would be $58. I said “swell,” and that I could pay that in cash out of my own pocket. He said “swell, just step up to this counter over there.” I said to the man at the counter that I wanted to pay my bail and he said “swell, that will be $250 for two charges.” I almost spat in his face. So I dragged him back to the first guy and let them argue. Finally they both agreed on $250. So I said I have to make my call. I was about to pick up the receiver when someone yelled “stop, no more telephone calls permitted, all bail has just been paid in Berkeley.” I asked to see my lawyer. The officer asked who was the lawyer and I said Alex Hoffman, the ACLU lawyer we had all been told to ask for. The officer said he had never heard of Alex Hoffman and put me back into a new holding cell where there were about 20 of the members of our busload who had had turns at the telephone ahead of me. This was a very small cell with benches for seven or eight people and without a toilet or water or window – just a door and ventilating opening in the wall. We were kept there for three hours – many of us had to stand since there wasn't enough room to sit down – even on the floor. We were getting quite tired by now. After the three hours we started to make a racket and eventually one guard came up and offered to buy us cigarettes, which he did. He also promised to try to get us out of that cell, which he soon did also – thank goodness. We were returned to the previous larger cell with water, which now contained two busloads plus miscellaneous stray people who had been arrested that night for other offenses – mostly Negro and Spanish-speaking people. It was crowded now – standing room only. I had to move my bowels very badly now, and I tried on their open toilet but couldn't force the muscles to work. We remained packed there for another hour – many kids were sleeping on the benches in a sitting position and the floor was wet and heavily littered but a few students sat in it all anyway and tried to sleep. I stood up most of the time we could see that preparations were being made for de-booking – the last step before release, so it wasn't as futile a wait as the others. At long last we filed out in a line and signed out – many forms – and received our belongings (keys, pen, FSM button and toothbrush). Different busloads had to do different things – depending on how many meals they had eaten there, etc. As we walked out into a waiting room for the bus, we were all greeted by Prof. Howard Schachman, who had spent the whole day at the prison trying to get to talk to us. He told us about the very liberal things that had been done at the faculty meeting, including urging resignation of Chancellor Strong and urging the dropping of all charges. He also said that the accepted bail for two charges was $55, but that since he had vouched for me personally before a judge in Berkeley, that for me there was no bail at all; I had been released on my own recognizance. Then a prison bus took us to the gates of the prison, where we found waiting for us an assemblage of cars and drivers mobilized by the FSM. I got back to Berkeley at dawn Friday morning, ate a brunch of grapes I had in the refrigerator, put my name on the FSM list of arrested students, and wrote a protest about the way the bail situation had been handled, and called Marc Sapir at 7 AM. I had agreed the previous Monday night to come to a symphony concert at Stanford that night. After calling him I slept until 3 PM – then came to the campus and reassured my friends, including Prof. Strohman. Four Biophysics graduate students including myself were arrested. Then I had the most expensive meal I've ever bought in the cafeteria. . .

Later I stopped at FSM Command Central, and was just leaving when I saw a gathering in the lobby: about 40 students talking around in a circle with Prof. Jones. He was happy to see me and afterwards we talked for a full hour. He is very conservative and was deeply shocked at the turn of events. The strike has totally disrupted the University: by careful check, 81% of the classes did not meet today (Monday). We discussed the nature of political pressure and he told me about some political deals that he had been involved in which opened my eyes considerably. I disagree that the University is in danger of being taken over by the Legislature – I do see that other professors are worried mostly about just that.

Saturday night I stopped in at FSM Legal Central, which was housed in the office of Prof. Henry Nash Smith, with his blessings. They needed workers – I volunteered to coordinate a telephone chain to inform all the arrested students of a vital meeting with the attorneys on Sunday night (last night): our arraignments have been scheduled for this morning. This took all night and all day Sunday, and I was able to prevent a number of potential fiascoes – several students whose personally hired lawyers wanted to plead *nolo contendre* - totally opposed by the FSM lawyers. Also students with outraged parents who were keeping their arrested children incommunicado. We got the lawyers to deal with these problems. At the meeting last night we were asked to request postponement of arraignment for one week. (Arraignment is where you are asked to plead guilty or not guilty after being informed of the charges and of the right to counsel.) It was granted this morning. Many exciting things have happened today but I'd best send this now and write more later I have lots of newspaper clippings and pictures (none of me) that I will send later. Do not worry about me.

1. December 9th, 1964, Wednesday morning (postcard)

Yes, I was dragged around a bit but not down any stairs, and I spent a night in jail. One of the most frustrating, but most interesting nights on memory. I still don't know the charges against me, nor my bail. But I am back in circulation and have no complaints about the way I was treated. A whopping big letter awaits you at home. The struggle is really and truly for free speech. I realize this now more than ever before, and yesterday the faculty voted in favor of every demand we have ever made, by a vote of 852 to 115. Whether the Regents will accept the faculty proposal remains to be seen. But don't worry about me.

1. December 9, 1964, Wednesday night

Last week at this time I was sitting at the bottom of the stairwell in Sproul Hall, trying to read, with 800 or so noisy co-rebels gathered in the halls all around me. It seems like a long time ago.

Above all, remember that I am safe and healthy. Let me start off with something you can do. Something that will be very helpful to me and to the FSM. Two things: first, send a check for $10 made out to Free Speech Movement (for Defense Committee) - to FSM Defense Committee, 2407 Ashby Ave., Berkeley, CA. I'm giving money and you've got a lot of it and we will need plenty. The Alameda County DA is an opportunist of the most bastardly kind, that it will be a tough fight. I hope you will contribute.

The second thing will take a bit more of your time and energy, but it is something that both of you are very good at. It is a chance for you to apply some pressure of your very own. The Regents next meeting is set for next Friday, December 18, at the UCLA campus, and they would just love to receive a letter from you expressing your beliefs that your son was fighting for a wholly legitimate goal: free speech – really and truly; the right to advocate legal civil rights activity; that there are statements that we are prohibited by the Administration's rules from making on the campus, but that would be fully acceptable on any street corner in California; that civil disobedience was the only way we had of catching the attention of the faculty and of the public after two full months of futile attempts by less controversial methods; that Pres. Clark Kerr had refused up to this very week to accept the fact that free speech was even an issue; that the use of police on the campus was totally uncalled for – even if our cause was not just. The University of Chicago has had students sitting in their Administration Building for periods of as much as three weeks. How long were Wagner's and Rockefeller's offices occupied by sit-ins last summer, fighting for better housing? That sort of thing. Urge that your son is normally so law-abiding that he wouldn't even throw a gum wrapper in the street, and that he crosses only with the green – providing that there are schoolchildren on the corner that need an example to follow. Tell them that free speech must be allowed if this is to be a great University. They are particularly sensitive about that. And urge them to make every effort to have the charges dropped, or at least to submit a favorable friend of the court message. Tell them what the New York Times says. One really appreciates a good newspaper out here and perhaps some phrasings from the FSM victory statement on the blue sheet enclosed. Tell about Dad's efforts in Yonkers. Etc. The address is Regents of the University of California, University of California at Los Angeles, Los Angeles. CA. It will help. Sign it with two separate signatures, but do it now. Time is limited.

Now for the good news. You have already heard it if you've been following the newspapers. Suddenly we are not rebels anymore but responsible libertarians. We’re respectable. Over the weekend, following the arrests, the faculty finally woke up. Two competing organizations were formed: the department chairmen and the deans drew up a very nebulous statement granting no concessions but urging law and order and a return to classes. They got Clark Kerr to agree to it on Monday, called a university meeting with 15,000 people attending, and announced it to be in effect. Of course the FSM rejected it instantaneously. When Mario Savio tried to make an announcement just following the meeting, he was hauled off by the police in front of 15,000 people and as many press members as could have been wanted. Utter turmoil followed, but 10 min. later he was permitted to return to the podium and announce an FSM rally immediately following on the steps of Sproul Hall. I'm told that some liberal professors then took Clark Kerr to a place where he could watch the 5000 or so students at that rally without being seen, and that this had a softening effect on Clark Kerr's heart. He still hasn't said anything encouraging to us.

The second proposal drawn up over the weekend was by 200 liberal faculty members and was incorporated as the report of the Academic Senate’s Faculty Committee on Academic Freedom. The Academic Senate met Tuesday afternoon and, after debating for several hours, including defeating a restrictive amendment, voted by 824 to 115 to urge the Regents to remove all restrictions on content of speech on this campus. The students outside the auditorium, where there were loudspeakers relating the proceedings, went wild! Dancing in the streets. It looked like the battle was won.

But it isn't, of course. Gov. Brown announced this morning, Thursday, that he will urge charges to be pressed for the maximum penalties for the arrested students - which include about a year in jail. In addition Edward W Carter, Chairman of the Board of Regents, issued a highly ambiguous statement, enclosed, that could be interpreted either way. So that's where we stand. My house will become FSM Legal Central Annex #2 again tonight, as I will coordinate another calling of all the arrested students to inform them of another general meeting. I've got no solid work done in over a week.

I must say that I am now on a first name basis with nearly every faculty member in the department. It's amazing to look back now upon the whole struggle and see how we grew. Very small at first – 50 students or so protesting the new restrictive regulations issued a week before the first day of classes of the semester, and the first challenge – tables set up in direct opposition to the rules. Then eight students were suspended on October 1, and 200 people signed petitions in sympathy with the eight. Then came October 2, and Jack Weinberg was arrested for trespassing. Jack is a former graduate student who quit last year to work for CORE. He was put in a police car, and the car was immobilized by 400 or 500 students sitting around it. On October 3 came the first pact signed by Clark Kerr and the students, and violated by both sides. On November 16, the students again began open defiance of University rules and staged a short sit-in in Sproul Hall – unmolested by police. Only 200 or 300 students were involved in that, although over 1000 stood outside. That week there were many proposals and petitions prepaired for the November Regents meeting on November 20. But the Regents made only limited concessions. The students argued, but were losing support over Thanksgiving when, on Monday Nov 30, came the Administration's new disciplinary measures against Mario and the other leaders. That ignited the torch which resulted in the big sit-in and arrests and the strike following. Now the faculty is burning with interest, and we await the interest of the Regents. A beautiful struggle. We have lots of power now, and respectability. I just hope the Regents don't do something rash.

Ralph Gleason is a very liberal columnist on the arts for the San Francisco Chronicle. His article, enclosed [Dec 9, 1964: “The Tragedy at the Greek Theater”], is very beautiful, I think. I shall try to get a copy of an LP record being prepared by our liberal FM radio station in Berkeley, KPFA, with many of the beautiful statements made at the rallies, and a good history of the controversy.

1. December 18, 1964, Friday afternoon

More time on my hands. A foolish business, you'll say. Maybe I'll say so too. The FSM business and related matters have occupied my full time for the last 2 to 3 weeks. No progress on my scientific work at all. I know now perhaps some of the drive behind Dad's Citizen's Committee campaign. Or perhaps also a little of what makes the man on the corner hand out reminders that Jesus saves. It's quite hard to tear myself away from this business. I figured that if I gave it full swing for a few weeks, I get it out of me and then I would proceed to a more normal life. The fervor is something I've known before – I get it in science when I'm hot on something. Sometimes I go for several weeks in a suspended state – unable to sleep regular hours and unconscious of normal mealtimes.

So here I sit in LA International Airport. LA is a most difficult city to get around in. In Boston I could take a subway anywhere. In New York you go downtown and fan out from there. In San Francisco: the same. Here in LA there is no downtown. And no subways or buses either. You have to have a car or take a cab – five dollars to UCLA. I'm waiting for a limousine to Westwood that runs every two hours and costs only $1.15. And I have 15 min. more to wait. The Regents meet in the Administration Building at 2 PM. There have been students outside since yesterday, when a small group of Regents met with the Executive Committee representing the Berkeley faculty, and with Pres. Clark Kerr. The local newspapers, in San Francisco and Los Angeles, this morning mentioned that the issues have been clarified, but from the newspaper’s accounts, there isn't much clarity. We are told that the issues center on the difference between advocacy and action, but neither is defined correctly. They don't say that it is illegal on campus to advocate picketing or a sit-in for civil rights purposes or that it is illegal to advocate spending summers in Mississippi doing civil rights work. All we read is about the clarity with which Kerr has presented the issues, and about how we shouldn't expect too much today, and how appreciative the Regents are of being well-informed. Well, before this letter is sent, I'll know what has been accomplished.

Prof. Jones I have lost all respect for. He must be sick. He is dead set against me, and doesn't understand the issues, and has been working full-time trying to save the University. He won't talk any more. He was here in Los Angeles yesterday working his devious schemes.

Prof. Tobias has been much better. Tobias alternates year-to-year with Jones as Chairman of the Biophysics group. He doesn't understand the issue, but he realizes that there is an issue, and has asked me to talk further with him. I'll have a long session with him in January. Here comes the limousine.

6:30 PM. Well, here I am again. This time I'm sitting in the men's lounge of the Student Union Building at UCLA. A monstrous building designed for hedonism. What with bowling alleys, pool, billiards and other game rooms, and a fair sized cafeteria, food is more expensive here than at the Berkeley student union.

So, I did get here finally: the limousine, actually an airport bus, left me with my 25-pound suitcase, the new one Dad had for me in September, in Westwood Village, and I walked here, and left my stuff behind a counter. There were several hundred students waiting outside the Administration Building where the Regents met. Regents are required by law to hold open meetings, but they always pick a room sufficiently small to exclude any pretext of openness. They do let the press in. After an hour and a half, out came a four-part resolution: one, upholding the principles of law and order and good sportsmanship; two, reminding us that the Regents have the ultimate responsibility for discipline which they delegated to the Administration of each campus, not to the faculty; three, that they will appoint a committee to study the matter further; four, that for the time being, the present rules will remain in effect. Kind of discouraging.

We have the winter vacation to cool off, but it's possible, depending on the reaction of the Berkeley faculty, that there will be another strike. Another tactic is being worked on by a group of graduate students in economics: to expose the relationships between particular Regents and the companies from which the University buys its equipment.

Sunday afternoon, 4:30 PM – now I'm in Tucson. In Los Angeles, I took my 25 pound suitcase to a nearby motel and looked broke and tired and they let me sleep for only five dollars plus $.20 bed tax. After dinner I walked about 3 miles to an FSM party at UCLA. The party had been announced at the afternoon picket outside the Administration Building, and most of the UCLA students who came to the party were just sympathizers and interested spectators. The party would have been a golden opportunity for any good local leader to whip up an organization, but if any good leader was there, he didn't show himself. I answered a few questions about the Berkeley situation but felt rather depressed afterwards. I'm still quite poor at getting to know people – even with the advantage of a common cause. UCLA just doesn't have the groundwork that formed the Berkeley FSM: about 20 student political and social and even religious and professional organizations, each of which sent two delegates to comprise the Executive Committee of the FSM.

In Tucson I had a talk with my Aunt Esther about the background of what I sat in for. She seemed very sympathetic. I asked her if she thought laws were sacred and she said heck no – ideas change in time and our social relationships and values require changes in the laws, etc. etc. I expressed approval and said she was different from most of the idiots who wrote letters to the editors. She agreed that the letter writers were idiots. I agreed and said how the idiots thought laws are sacred, and that anyone who breaks a law ought to be expelled from the University and sent to jail. She coughed once or twice and said that, although she didn't think laws were sacred, she didn't think they should be broken either. Rather, we should use legal means to get laws changed. I reminded her that three months of legal means hadn't gotten us very far and that one day of massive demonstrations had a far greater effect. I suppose Dad will say that three months isn't a very long time in which to expect changes in the law. It's true, but remember that we wanted to be able to participate in an election campaign, and besides – students would have finished school by the time an ordinary court proceedings or a legislative bill would have come up for a vote. On more short-term considerations, there are only certain periods in each semester when the majority of undergraduates and graduate students have free time for politics and social activities, so we did work fast, even though some of us may get a prison record to show for it. I'm convinced it won't hurt me and may even help. As long as I don't go in for an industrial career.

My uncle Buddy is one of our most liberal relatives but he is a practical person and not concerned with free speech idealism – and so is against us. He doesn't see the issue; just the anarchy. Don't you forget the issue: it's not, as most people write to their newspaper editors, whether us beatniks should be able to get away with violating the law. That's an incidental matter and is for the courts to decide. The main issue as I see it is just what limitations should be placed on campus political and social activity? It's a complicated issue and there are at least two valid sides. We think that the mere concept of a university requires basic “open forum” freedoms. But many people think that opening the campus to the outside world would turn loose all sorts of destructive or at least harmful forces. Some say it would permit Klu Klux Klan chapters or Nazi Chapters or other anti-Semitic organizations to be formed on the campus. It's true that there are all sorts of kooks who distribute literature at the entrance to the Berkeley campus: advocates of marijuana, Jesus, prison reforms, all sorts of causes. But we are not asking for that. All we want is permission for students to say anything on campus that they would be constitutionally permitted to say off-campus. The university is our community: the place where we live, work and play. There are other rules we'd like to see liberalized, but free speech is the main thing. Enough of that.

I've enclosed an excellent publication of certain faculty members who are favorable to us. Remember that it is propaganda also. Also a recent FSM publication – good for comparison. Please circulate these things among your interested friends, and when you're finished give them to the Schnurs for transmission to my friends Jim and Peg. I've informed them that they are on the way.

1. January 4, 1965, Monday, Berkeley

My relatives in Tucson were not supportive of the FSM, but merely in support of me. We all deplore tactics, but you and I know that, without them, we'd never have gotten as far as we have. I hope no more wild things will be necessary or called for. The faculty seem to have been awakened – that's the main thing.

One friend just back from the East Coast reports that at New York universities and in Washington DC everyone expects that the University of California will have charges dropped against the 800 arrested students. How little do they know, and how far away are they from the climate that prevails here. Perhaps people who are willing to brave the cold weather in the East are more liberal politically. But that can't be so because the Midwesterners are the coldest and most apathetic of all. A bill has been introduced in the California Legislature asking that all 800 students be expelled, and that the same penalty be applied to all who picketed during the general strike, and that all sympathetic faculty members be fired. I don't think the bill has a chance – but these reactionary people do exist in influential places. Prof. Hardin Jones called a militant FSM supporter from the Biophysics Group, not me, into his office yesterday and actually threatened him with reprisals if his militancy continued. There is plenty of power above us.

As you have heard, Chancellor Strong has been given an indefinite leave of absence, and the new acting Chancellor is Dean Martin Meyerson of the Architecture Department – a young fellow who was brought here only 18 months ago from the faculty at Harvard, and whose specialty is city planning and I think urban renewal. He seems to be willing to talk to FSM leaders, which is more than either the previous Chancellor or Pres. Clark Kerr would ever do, but we haven't yet had the occasion to see how he will act. We don't know whether his appointment was with Kerr's approval or not.

The Academic Freedom Committee of the faculty had drawn up new rules for political activity on campus, but these were so thoroughly denounced by the FSM and by an aroused group of 200 faculty members called the Young Turks, that it wasn't even debated at today's faculty meeting. We have yet to know what the ultimate rules will be. The FSM wants the University to make no rules regulating the content of political expression on campus. E.g. the undiscussed new rules would have permitted only student-written literature to be sold on campus – a violation of the above principle. Secondly, the FSM asks that the University rules regulate only the time, place, and manner of political expression, and that this be done only in the minimal way necessary to ensure that the normal functions of the University will not be interfered with. E.g. the new rules would have permitted political activity only between 7 AM and 6 PM, violating the above principle. It's good to see that there are many faculty members who actually see that the principles have been violated. I only hope that those faculty members who drew up the new rules were honestly mistaken and not malicious. The third request that the FSM is now making, and these three things presently constitute the FSM “Platform,” is that students have a voice in the formulation of rules that govern them, or at least that the people responsible for policy and rules should be required to justify their rules and to explain why they were made. We’re asking here for a little more communication and dialogue between Administration and students.

A new issue has also come to the fore now, and it's one which I and many others would not like to see taken on by the FSM, but that perhaps should be pursued by a different organization – it has to do with academic freedom as distinct from political freedom, and it involves some major changes in the nature of university teaching so as to make it less impersonal and machinelike. Already a committee of the Graduate Coordinating Council, a general organization of graduate students which I have been interested in, has started a tutoring program in which graduate students, about 250 of them, have been tutoring undergraduates who have fallen behind in their studies because of involvement in the FSM. The offer of services has uncovered a remarkable interest in much more than tutoring: discussion sessions on all sorts of subjects – informal personal groups who can learn outside of the regular program of courses. I have been considering suggesting the institution of a tutorial program, as distinguished from a tutoring program, in which pairs of undergraduate and graduate students could be matched and could pursue some special interests together – as is done at Harvard as a regular part of the curriculum.

My visit to Tucson included an interesting encounter with some friends of Aunt Esther named Jim and Jane Miller. Jim spent 15 years as Assistant Vice-President of the University of California, the last two of which were under Clark Kerr, after which he resigned in protest, in 1959. He claims that Kerr is one of the coldest people on the planet, and is unable to deal with individuals. He has also done more to involve the University in politics than any previous president, and is in cahoots with Gov. Brown and California political boss Jesse Unruh. Jim claims that Kerr got rid of all the Sproul men in the Administration – Sproul was president before Kerr – and eliminated all University of California graduates in the Administration, purposely, to instill a sense of alienation and fear for their jobs – should they do anything unpleasing to Kerr. Miller also claimed that Kerr chose Strong as Chancellor because he knew Strong to be a weak person that he – Kerr – could control. Lots of dirt also about the way Kerr fired his chief lobbyist, for whom Miller used to work. I had three long evenings with Miller and amassed lots of notes. Miller is extremely conservative and thinks that politics should not be permitted to students on campus, any more than it should be allowed to Kerr. He wants to see Kerr replaced. I suggested that any time there is a quarter of a million dollars to be distributed, there is going to be politics. He said the same thing as Hardin Jones: that you have to play the game according to the rules, and, in addition, Kerr has stepped over his bounds. He knows Jones well – I haven't talked to Jones since I came back. I'm scared to. I like Jim Miller as a person, which is more than I can say for Jones, and I got a lot of dirt from him, but I don't have too much regard for his convictions.

My future: FSM defendants’ meeting on Tuesday when we'll find out what happened at this morning's sessions. The lawyers were to ask for another continuation; we haven't yet been assigned to individual lawyers although this is going to happen on Thursday.

1. January 7, 1965, Friday evening after dinner

[– description of my activities supporting an organization called the California Democratic Council, a liberal pressure group on the left side of standard Democratic Party politics. Includes preparation for attending a statewide meeting of the CDC.]

Enclosed is a copy of the statement, dated 12-8-64, that I was required to write for the FSM lawyers who are preparing our court cases. [I'll dictate it here:]

I was arrested at 3 PM, roughly, on Thursday, December 3, 1964, at the north end of the third floor of Sproul Hall, on charges of trespassing and illegal assembly. The arrest procedure was recorded on tape and my photograph was taken. On an intermediate floor I was fingerprinted and relieved of my keys, fountain pen, toothbrush and my FSM button. I had stated that I wished to walk down the stairs, but at the bottom I went limp. This aroused various immature noises from a nearby assemblage of Oakland police officers, and several of them proceeded to drag me up, popping the buttons from my sports jacket and ripping my dress shirt at the shoulders and upper throat. Their behavior was quite forceful, I was carried to and dropped into the pan at the south end of the basement, but at no time did I suffer physical pain.

I continued to lie in the Sproul Hall pen until approached by the police for transport to the Sheriffs’ bus. One tenses up when first lifted: but on going limp once more I was dropped facedown onto the floor. My glasses fell off but didn't break, and I was able to grab them before being carried away. I was not conscious of how many officers it took, or of how many policeman-minutes I was credited with, but I remember that I was carried, not dragged. Mr. LaPointe was the only student that I saw in the Sproul Hall pen that might have complained of brutality. He arrived in a state of exhaustion, his bare torso covered with sweat, although I saw no bruises or indications of bleeding.

We waited in the bus at the Santa Rita rehabilitation center from 4 PM until about 8. The bus driver was extremely kind: he drove us around the prison site, describing the various buildings, and he supplied us with three packages of cigarettes and with an empty 5 gallon pail (which no one used). At about 7:30 we were joined by Mario Savio, who explained in a croaking whisper that he had been placed in solitary confinement after attempting to secure medical attention for two sick students, and that his singing activities in two successive cells, one of them totally darkened, had led to his being sent to join us. At 8 PM, with the booking facilities still jammed with earlier arrivals, we said goodbye to Mario, and were taken to dinner in a large cell with lunch tables in Greystone, the maximum security building. Dinner consisted of two sandwiches and a cookie. A toilet and water were available to us during the two hours we were there. I had a long discussion about life with two kindly and intelligent guards who strolled along the catwalks above the wire mesh ceiling. Finally, about 10 PM, booking was begun in the classroom of the police school. Complete fingerprints and mug-shots were taken, and we all supplied such information as next of kin, home address, birthplace and nationality of decent. We also signed an authorization for prison authorities to open all incoming and outgoing mail while we remained as inmates. Booking went very smoothly and easily. Just before we were marched to the Santa Rita bullpen, we were given telephone call forms and asked to indicate who we wished to call. I chose my research advisor, Prof. Richard C Strohman.

The baling operation disturbed me more than any other phase of my experience. We were taken to the phone in groups of three. When my turn came I asked to see “my attorney,” Mr. Alex Hoffman, who I expected was in a nearby room. The officer replied that he had never heard of Alex Hoffman, but that I could telephone him if I wished. I said that I had better use my one telephone call to obtain bail money and asked what my bail would be. He said that it would depend on my charges so I asked my charges. He didn't know, but said that if I had only two charges, then my bail would be $58. I replied that I just happened to have $58 with me in cash, and that I wished to pay in full. He said “fine, go to that counter.” I stepped up and explained my mission, and the officer there said “fine, that would be $250.” Distressed, I asked this officer to speak with the previous one, which he was kind enough to do. They caucused, and agreed on $250, although every previous student who had made a phone call had asked for $58 for two charges. I was about to call Professor Strohman when the blanket bail was announced; from that moment on, no one was permitted to make a phone call. It was shortly after midnight now and those of my busload who had made their calls, plus myself, found ourselves in a small detention cell without water or toilet. We, the 25 of us, roughly, lived for three hours in this small cell with benches for 10 at most. Eventually, our complaints aroused a very kind policeman who brought us cigarettes and arranged for us to be exchanged into the main bullpen for some freshly watered students. The bullpen now contained 75 persons by actual count. So cramped were we that we had no choice but to stand on our feet. As consolation for this and for the prevailing sense of frustration, we could see, nearby, preparations being made for de-booking. And, starting at about 4 AM, one by one, we reclaimed our confiscated property, signed two or three forms, one a property receipt, another a large yellow form, and walked into an outer receiving room. My friend Prof. Schachman greeted me there, and informed me that I was probably out on my own recognizance. Soon a Sheriff's’ bus drove us to the prison gates, where we crossed back into the real world.

I conclude with a sincere expression of gratitude toward Gov. Brown and Chancellor Strong for an unforgettable educational experience – an experience which I am convinced has enabled me to be a more informed and a more responsible citizen of my country.

1. Friday night January 8, 1965

I sent a phonograph record home: side one contains actual recordings made during the Sproul Hall demonstrations. All the student speeches are by Savio except the instructions on what to do if approached by police: that's Jack Weinberg. Here are the names of the faculty debaters on side two: the proposal was read by Garbarino (Business Administration) and seconded by Tussman (Philosophy) and McCloskey (Political Science). The amendment was by Louis Feuer (Philosophy) and seconded by Nathan Glazer (Sociology, co-author of “The Lonely Crowd”) and spoken against by tenBroek (Political Science: “no speech is directed to violence"). Then Kroskower (Botany) in favor of the amendment, and Carl Landauer (Economics) in favor, David Rynin (Philosophy: “we must not appease the FSM") against, and Owen Chamberlain (Physics-NobelPrize-high voice: “students use force but not violence”) against, B> Diamond (Criminology and Law) against, and Lepawsky (Political Science: “violent non-civil disobedience”) in favor, etc.

I'll start in on the FSM now. Most of the news comes out of last night's meeting of all defendants, which was held at a Unitarian church in Berkeley, high on a hill with a spectacular view of the whole San Francisco Bay area. It was a sparkling clear night, the first clear night in many weeks. The rain has stopped now.

(1) We were asked to mail the enclosed form. Mr. Eden is the father of two defendants and lives in the Bay Area. That's all I know about him. I objected to the tone of the form. All we were told is that the ideas represent what was thought would be acceptable to almost all the parents. The last line sounds to me like intimidation. You might check the line asking for more information. Money is always welcome. I am turning over the $30 I received as Christmas money. The letters are up to you. If I finish my letter to the governor, I'll enclose a copy with this.

(2) The enclosed FSM handout “We Want a University", has a good lead article by a psychiatrist. I disagree with the emphasis on academic freedoms as distinct from political freedoms, and think that the former issue should be separated from FSM. I think that the leaders now see this also.

(3) The next bit is confidential. Strictly confidential, and perhaps not even my brother John should see it, although I know I can trust him to keep it to himself. I asked the lawyers specifically if parents could be informed and they said yes, but it shouldn't go any further than that.

(4) The first thing is a preliminary report on brutality. There are many affidavits from students who were treated fully as badly as the worst cases in the South: severely beaten until they were bloody and senseless. One girl had a chunk of flesh ripped out of her side by the fingernails of a police matron. All without provocation, according to the affidavits. The lawyers hope to be able to bring this matter up at a critical point in the trial, if there is one, and to take the prosecution by surprise. The ACLU is filing a separate suit against the State of California.

(5) Also in the report was a section on denial of civil liberties. Apparently the law was flagrantly violated on this matter, and the ACLU is initiating proceedings.

(6) The most important development in the case is the offer of a “deal” by the judge and by the Dist. Atty., with the concurrence of our lawyers. We have over 80 lawyers now, one for each group of 10 defendants. Mine will be assigned on Monday. Remember, whether or not a deal is accepted is a matter that is decided by each individual defendant for himself. The deal would be most favorable for me. All except one charge per student would be dropped, and we would choose which charges. Next, we would have to plead *nolo contendere*. Next, there would be no jail sentences, but perhaps a fine of up to $50 which could be paid in installments if necessary. Next we would be put on court probation for six months. Finally the DA would reserve the right to demand stiffer sentences for the leaders, up to 30 leaders. Bet you never thought the law would work that way.

Here are the alternatives: (a) what the lawyers would like most, is to have a single trial: either all the defendants on issues common to them all, or of just one trial group of 10, with the sentence binding on the rest of the trial groups. They think they could win a not guilty plea in one jury trial with Berkeley's Judge Crittenden, a fairly nice guy, presiding. There are many grounds on which to build a case: according to the First and 14th Amendments to the federal Constitution, and the California Constitution, we are granted the right to petition, which is even stronger than the right to freedom of speech, because it implies the right to be heard. We can argue, quite convincingly I think, and the faculty would back us on this, that all normal channels had been exhausted or closed, and this was our only alternative. There are other grounds for building a case: California has no laws on sit-ins. The trespass law under which we are charged was designed to force museum visitors to leave museums at closing time, and specifies that a watchman, custodian or guard must formally request us to leave the building. The lawyers think that this law may be inapplicable to our situation. We are also charged with failure to disperse from an illegal assembly, not with illegal assembly itself, and there are certain legal questions as to the validity of the charge. The charge of resisting arrest, since most of us went limp, has no precedent in California, although in the South conviction in this situation occurs quite often. That may be something for the Supreme Court to decide. So if we can get a single trial before Crittenden, the lawyers would be very happy. Of course the Dist. Atty. probably wouldn't agree to this. If we make a Constitutional issue of the case, it might drag on for years and cost much money. This is an important consideration.

(b) Another alternative is to plead not guilty and then force 80 trials, with 10 students in each, on all charges. The lawyers see this as the least desirable possibility of all, since judges would be brought in from the Central Valley who are prejudiced, bigoted and stupid, and would be eager for blood, such as 90-day sentences and more. Normally on the first offense of a misdemeanor, a defendant is given a suspended sentence. Now however there are so many political implications that that would be impossible. We want still to try to stall as much as possible, and put the cases over until well into the spring semester. According to the last continuance, granted on January 5, the first pleas will be heard on January 26 and my personal moment of truth is scheduled for 9 AM on February 3.

(c) Another alternative is to try for a better deal. It's interesting how closely the lawyers work with the judge and even the Dist. Atty. to settle these things behind our backs. But that's democracy for you.

(d) A combination of methods is also possible. Perhaps the leaders could be tried in one group and the rest of us in a separate trial. There are many possible combinations.

Jack Weinberg, the **CORE** guy in the car on October 2, made some suggestions that I thought **very** apt. He suggested that the way we can put pressure on the judge and the Dist. Atty. is to hold off as long as possible before deciding on whether or not to accept the deal. Also, if we reject the deal at the last moment, it will force the judge to make a decision that could cost the state millions of dollars, if he decided on separate jury trials, which the governor might not like, and which might keep Crittenden from getting promoted.

Here's what the “Council of 20” think. (Each trial group has a group captain. I'm one of them, and each four group captains choose one of themselves as one of the Council of 20. The Council of 20 now runs FSM legal central, and works most closely with the lawyers. I'm not one of the Council of 20.) 16 favor rejecting the deal, one favors accepting it, the other three weren't present at that meeting. I oppose the deal because of the principle of subjecting leaders for whom I have the utmost respect to harsh penalties. It may be that, whatever we do, the leaders will have to face stiffer sentences, but I don't want to be put in the position of sacrificing them. If the leaders could be tried separately, pleading not guilty, before a jury and before Judge Crittenden, then I might go along with the deal for the rest of us. The plea of *nolo contendere* implies no moral or legal guilt. It permits the defense to present a case or explanation but not to present contrary evidence. And the conviction of *nolo contendere* permits one to have on his record “not guilty” I think. I have to check this with the lawyers. What do you think?

One of the questions that I'm frequently asked is whether I think that civil disobedience was really called for on December 2-3, and I now present my views on this subject [the confidential section is concluded].

At the time I sat in I was mad, somewhat, at the idea that the leaders could have been singled out at that point (the Regents had just granted us about 90% of what we had originally asked for) - for something they had done over two months previously. I acted not so much out of conviction, as out of respect for the leaders, and I must confess at least partially because I felt that with over 1000 people in Sproul Hall, I was reasonably safe personally from individual reprisals. As I look back now on that situation I see it in an entirely different light – a light that was perhaps guiding the leaders then but was not guiding me, then. We hadn’t won any battle then. All the Regents had done was to relax the rules, substituting new rules, without conceding any basis or policy for doing so. No one had questioned their right to make rules at all.

At that time, at least for me, the issue was not a Constitutional one. Now I see that the sit-in really revived (or, better, publicized) the main issue for which the leaders had been fighting all along, and which the faculty and the public had never grasped: the idea that, on public property, only the courts should regulate the content of political and social advocacy. It took the shock of the sit-in and its aftermath, arrests and the strike, to awaken the faculty particularly, that we were fighting for a basic democratic freedom. What can one say in a case like this? I don't think that the issue would ever have been recognized without the civil disobedience. I see that now, but what I thought then was entirely different and unrelated. And if civil disobedience is what it took to awaken the public, then I can bear no guilt for it.

There is a story about the obedient donkey who would always “go” when you told him gently to go. One day its owner sold it to a friend and warned him never to mistreat the donkey; all that was ever necessary was to say, very quietly, “go.” Well, one day a few weeks later, the new owner sought out his friend and said, “the donkey has been very obedient until today, but this morning when I said go it refused to move.” The friend looked at the donkey and found that, sure enough, it wouldn't move. So he went and got a stiff two-by-four, and took a big round swing, and landed that two-by-four right smack in the right place, and then said “go,” and sure enough the donkey “went.” “I thought you never had to mistreat the donkey,” said the second man. “It's true,” his friend replied, “but sometimes you have to catch his attention.” It took quite a wallop but we have just succeeded in catching the attention of the faculty and the world at large.

While I'm being humorous, I’ll mention an incident at the Unitarian church last night. The pastor began with a short invocation saying how proud he was of all of us, and how proud he was that his parish could contribute to the FSM by offering its facilities. The congregation hall, a large open pleasant place, was packed full. Later, one of the Jewish lawyers began his talk by marveling at the full house, and suggested to the pastor that only on the High Holidays would his church normally be so full. What would the Readers’ Digest think of this?

That's all I have for now. I'll see a lawyer next week and ask lots of questions. My lab work isn't getting done but I'll have to have the Schachman seminar ready by Thursday and the Strohman seminar by the following Wednesday

Oh, there is a good article on the FSM in The Nation issue of Dec 21 and in the Los Angeles Times issue of Dec 27, on page G1.

Saturday: Mom's letter arrived Friday night and I shall address myself to it:

You now know what happened in court. I never went to court. I haven't seen the article in the NY Times Magazine section. Perhaps you could include it with your next letter, or I'll try to find it in the library. As long as the faculty understand the issues, and the new Chancellor does, I don't think there will be any new disobedience. We have rallies almost every day, but they are designed to use speech, now that we have it. Rallies on Vietnam, the Oakland Tribune, the Bracero situation, University repression of controversial research, the faculty atmosphere here, etc. – all healthy stuff, and they are now held legally on the steps of the administration building, Sproul Hall. Sproul Hall has very wide steps, and the administration supplies the PA system. How's that for bending over backwards? The only thing I wish the administration would do is support the demonstrators in their court battle. Some faculty members are writing *amicus* briefs, but as yet we see no action on the part of the University administration. Remember that it was Gov. Brown who ordered the arrests.

1. Friday night, January 15, 1965

Dear Folks- Prof. Howard Schachman: you may remember as the one who spent the night of December 3-4 at Santa Rita prison, shaking our hands and congratulating or encouraging us as we were released. He has been leading a group of 200 liberal faculty members in writing the new rules on time, place and manner of political activity on campus – the most liberal yet. His group will force these rules down the throat of the chairman of the faculty Committee on Academic Freedom for adoption at their next meeting if not sooner. He also mentioned that Hardin Jones had called him up at 3 AM on December 6, a few hours after I had had my long talk with Jones which included Jones asking me how the students’ strike could be stopped. I had given him a list of about six faculty members who were influential with the FSM leaders and said that if these professors wanted the strikes stopped, then the FSM leaders might listen to them. Needless to say Jones wasn't able to convince Schachman or anyone else on the list that the strike should be stopped. But now Schachman knows why Jones called him up that night, and I know how seriously Jones wanted to have the strike stopped. Jones now thinks that the University is he as good as dead, and will be taken over by the Legislature, with funds cut off by next year. He hasn't spoken to me since that fateful night of December 5-6.

I will see my lawyer tomorrow afternoon. Two out of three lawyers who saw a slightly modified version of my letter to Gov. Brown encouraged me to send it. The other recommended that I delete the sentence which now reads “and it is for this same high purpose that I personally am deeply concerned by the deal offered by the District Atty.”

Mario Savio has written an article in a local magazine titled “An End to History,” in which he charges the University administration, as well as our present bureaucratic society, with being insensitive to change, as if blocking the progress of history: “there is a committee for everything and a reaction to nothing," might be his thesis. There’s also a preliminary report on an investigation of business interests of the Regents, and their ties to one another. Also a fascinating and massive collection of cases of political pressure affecting the position of the University on vital issues of the day. Lots of dirt, but that's the way this country works, so it seems.

You ask for the facts. I am continually appalled at how one is unable to obtain them in the press. Sydney Hook’s article, which you sent me, is terrible. His attitude is more paternalistic than impartial and he never raises the major issue: the Constitutional issue involving advocacy. He also makes a grievous error in implying that the faculty could have changed matters at some stage in the game. The faculty at Berkeley have no power. All rules governing student behavior come from the administration, in which only a few percent of the policymaking positions are held by faculty members. All Academic Senate, or faculty, decisions are merely advisory to the administration, and there have been many cases where faculty recommendations have been flagrantly overruled, notably in the loyalty oath controversy of 1950, and in connection with the recent firing of a faculty member for refusing to testify before the House Un-American Activities Committee, and the Chancellor on his political views. University President Kerr has stated that the reason the faculty became incited over the free speech issue is because they are jealous of the growing prestige of the other campuses of the University of California. That is a lie. There is much frustration over the lack of power of the faculty, but many (Schachman says about 400 out of the 1200 or so faculty active in faculty meetings) are deeply concerned about the advocacy issue, or, as it's called here, – the constitutional issue. And these 400 people are very well organized. I still don't know how I will plea.

Other articles on the free speech movement: Los Angeles Times, Dec 27, 1964 page G1 is one of the best articles. The New York Public Library might have it.

Time Magazine, Dec 11 p. 60 is good up to the last two paragraphs, which were obviously dubbed in by the editor.

The Nation for Dec 21, p. 482 is quite good recognizing the advocacy issue.

The Saturday Review for Jan 16 has the facts confused.

Attached are thoughts on Berkeley by Paul Goodman dated Jan 14, 1965.

1. Copy of my letter to Gov. Brown, dated January 19, 1965:

2519 Hill Court, Berkeley, CA 94708

The Hon. Edmund G Brown, Governor of California, State Capitol, Sacramento 14, California

Dear Gov. Brown:

As a participant in the demonstration inside Sproul Hall, at the University of California at Berkeley on December 2-3, 1964, I should like to inform you of my feelings with regard to certain aspects of the free speech controversy. I am a PhD candidate, fourth year, in the interdisciplinary Biophysics Group, a graduate of MIT, and a newly converted defender of what I feel to be civil liberties. Until December 2 I had never even considered participating in an act of civil disobedience. The question and the dispute that has been put to me most frequently, perhaps, is whether I think that civil disobedience was really necessary on December 2-3 – whether the FSM couldn't have achieved its goals by less forceful means.

My answer is that civil disobedience was necessary at that time, but my reasons may be ones that you have not heard before. Remember the situation as it existed in the first days of December: the Regents, on November 20, had changed the rules, making them satisfactory to all the organizations which comprise the FSM except CORE and SNCC which were still prohibited from advocating on campus actions off-campus that the courts would find illegal. It certainly looked as if student support for the FSM was on the wane.

Now, as I look back on that scene, I see it in an entirely different light – a light that was guiding the student leaders then, but that was not guiding me - then. No one had yet understood that what the student leaders had been questioning all along was not the rules, but rather the constitutional right of the Regents and the administration to make the rules at all. (Rules regulating the content of political advocacy.) The faculty had not seen the point; all they had voted for in September and been for a minimization of the rules, “maximum freedom". They hadn't even considered that the Constitutional issue – the issue which is honestly expressed by that most overworked of all words freedom. It is to enlightenment on this issue, I think, that professors Chamberlain and Selznick refer when they say that the faculty has been educated by the students. And the point would never have been understood, it would have died, had it not been for the sit-in. Nay, even had we sat there for days unmolested, until we gave up and went home, would the point have been understood. It required your action: the arrests and their aftermath, the strike, to shock the faculty and the enlightened public to an understanding of the underlying Constitutional issue. But I didn't realize this when I entered Sproul Hall on Dec 2. I must assign all credit - intelligence and vision - to the leaders of the Free Speech Movement.

There is a story about an obedient donkey – perhaps you know it well – who would always “go” when you told it gently to “go.” One day it's owner sold it to a friend and warned him never to use force or violence; all that was necessary was to say very quietly, “go.” Well, one day a few weeks later the new owner sought out his friend and said, “the donkey has been very obedient until today. This morning when I said “go” it refused to move." The friend examined the donkey very carefully and found that, sure enough, it wouldn't budge. So he went and got a stiff board and took a bit big round swing that landed right smack in the right place. And he said “go,” and sure enough the donkey “went.” ”I thought you said never to use force or violence," said the second man. “That's true," replied his friend, “but sometimes you have to catch his attention."

It took quite a wallop, but the FSM has finally succeeded in catching the attention of the faculty and of the world at large. Now I ask you, Governor, given the situation as it existed, would people ever have understood what it was that the FSM was trying to achieve, had we confined ourselves to conventional methods? I ask you to compare the feelings of the members of the Academic Senate as put forth in the minutes of their October, November and December meetings. And I ask: when no other recourse exists, when people still don't understand, and when you feel deeply enough about securing and protecting your “freedom,” isn’t it morally justifiable, indeed morally obligatory, to disobey the law? I don’t claim that the end justifies the means. I do propose that, in this particular case, where the end was just, and where no other means would have worked, that perhaps the means were justified.

I have admitted that for me the above argument is a product of afterthought. Now let me tell you how I felt in the dim light that prevailed on December 2. We had seen on September 30, eight student leaders singled out for disciplinary action and suspended. Their cases had been treated not in the context of the cause which the students represented, but as matters of individual discipline. 400 others who had requested equal punishment for equal violations had been refused. This singling out of leaders impressed the Academic Senate's ad hoc Committee on Student Conduct as having been designed “in the hope that by making examples of the students, university could… perhaps forestall further mass demonstrations.” (Committee Report of Nov 12, 1964, p. 7)

Then on November 30: the announcement that new disciplinary action has been initiated against Messrs. Savio, Goldberg and Turner, and Ms. Goldberg. The FSM was put in an extremely defensive position by this forceful act of the administration – this act which could only be interpreted, now that the battle seemed to be over and the campus was calming down, as a deliberate political reprisal against the leaders of the Free Speech Movement, in the name of individual discipline. Logically, this forceful act could only be met with equal force. The only comparable force available to the powerless students was the rather crude, unsophisticated, elementary piling up of human bodies. That's what a sit-in is. I have indicated the reasons for my utmost personal regard for the integrity and the foresight of the leaders of the Free Speech Movement. I would like you to understand that it was to protect these people that I committed my heart and my body on December 3.

And it is for the same high purpose that I personally am deeply concerned by the deal offered by the Dist. Atty. that permits the court to levy harsher penalties on the leaders than upon the rest of us.

I feel that I have learned a great deal from the present controversy that will be valuable to me in years to come: how to read a newspaper, simple ways to lose and make friends, and how it feels to be wholly dedicated to a cause – (the term conversion is quite appropriate here; I can even feel something in common with the religious convert who distributes his little leaflets on street corners). There is one aspect of my education, and I write now in all seriousness, for which I am entirely indebted to you. It's for a first-hand knowledge of what various kinds of men become policemen and prison guards, of the attitudes of these people toward their charges, of conditions inside a prison, and of the despair and frustration that fall to the unfortunate men and women who run afoul of the law – and finally, a knowledge of how legal decisions are made and how political pressures and aspirations are permitted to influence disposition of a case. It's almost enough to make one ready to put aside one's idealism – but not quite. I am well aware that your purpose in having us arrested was not to educate us; nonetheless, your action has had that effect. Thus I conclude with a sincere expression of appreciation for your making possible an educational experience that will be unique, I'm sure, in my life – an experience which I'm convinced has enabled me to be a better informed, more worthy, and more responsible citizen of my state and of my country.

Respectfully yours, Richard H Colby.

1. Saturday noon, January 23, 1965

Dear Folks- I'm just back from a meeting of all the defendants – the last before court proceedings are to begin on Tuesday. Roughly 50 defendants will appear before the judge each morning and afternoon until all are accounted for. I am in one of the last groups – set for Feb 4 at 9 AM. According to the latest news, two motions will be filed with the judge before the first pleas are entered – one calling for a pre-trial conference between defense and prosecuting attorneys to eliminate certain procedural and legal problems. The other challenges the Dist. Atty. on the Constitutionality of the proceedings and certain technical deficiencies in the “complaint.” These are long and involved documents, more than 60 pages, and we expect that the judge will again postpone pleas until he can decide on how to act on the motions. However, he may decide to order pleas regardless of the motions, in which case most of us will answer not guilty, or perhaps stand mute.

Our lawyer, or group of lawyers, is preparing a suit to present to the district **Federal** court, ordering an injunction on the **State** courts’ handling of the case, on the grounds that it is impossible to do justice to so large a number of defendants, who must be allowed their Constitutional rights to individual attention. It's like in Harlem last summer: none of the rioters were arrested and tried – they were just sent home. Or with school boycotts in Boston, St. Louis, New York, and elsewhere, where people are not arrested on a mass basis – even though they individually break the law. The argument is that the proper way to deal with large numbers of people breaking the law is by executive action rather than judicial action. Most of the lawyers don't think this has a chance of succeeding. I agree – I've checked some law cases and the largest mass trial I found was one where 72 truck drivers in Los Angeles were jointly charged with grand theft. But the law clearly permits mass trials. As far as small trials go, we have the San Francisco sit-ins last spring – where about 200 people were tried in groups of about 10 each, with many different Judges for the various trial groups. The range in sentencing (all were charged with the same offenses and all were actually guilty of sitting in), was from getting off scott-free to a nine-month jail sentence. It is now being appealed. I think that this arrangement was clearly unjust.

Prof. tenBroek, here, has written an *amicus curiae*, friend of the court brief, on behalf of hundreds of faculty members; it asks that charges against us be dropped, which the judge has the authority to do –“in the interest of the furtherance of justice." It is the most vicious attack upon the University administration that I have yet heard, accusing them of suppressing academic freedom, responding to political pressure, etc. and of using ridiculous justifications for the suppression of constitutional rights. It made big headlines in the West Coast newspapers. It includes an eyewitness report of some of the brutality inside Sproul Hall, and concludes with a section that shows how illegal tactics in the past: pamphleteering, speech, strikes, have all been accepted in time. And how the Supreme Court is now condoning civil disobedience as it is used against clearly unjust laws in the South.

Meanwhile one of the main desires of the lawyers and the defendants who work most closely with them is to get the University administration to step in on our behalf and perhaps try to accept some blame for what has happened. Negotiations with them are getting us nowhere, as always, and so we are resorting to pressure tactics – as before. This time the pressure comes in behind the scenes in the threat to bring the University into the trial – President Kerr and former ChancellorStrong will be subpoenaed, subject to the approval of the judge, and they will even try to subpoena Gov. Brown, the person who ordered the arrests. I have tentatively indicated that I will plead not guilty, and hope that the Constitutional grounds will be presented in court. I'll know more after Tuesday.

I hope you realize now the fallacy in Sydney Hook’s article, which you sent me only part of, incidentally. It would be fine if only the faculty were in charge of the situation. But they clearly are not, and don't seem to want to be, except for a relatively small fraction – 200 to 400 according to Prof. Schachman. At least these 200 to 400 people understand the fundamental Constitutional issue involved in the whole dispute – whether First Amendment guarantees are applicable to the campus. Civil rights is only the motivation and the drive for most people: the Constitutional guarantees are the main thing. Whether or not the sit-in was warranted is one thing, but everyone, except the Regents I would guess, is in favor of the Constitution.

Other discussions have taken place in the New Leader Magazine: December, January and February.

1. Very early Sunday morning, March 14, 1965

Dear Folks- First the prime news – campus crisis renewed. Here's a capsule rundown: week ago last Tuesday, February 2, 1965, Mario Savio says in court that he “understands fully the shameless hypocrisy to which this court has been reduced," and is sentenced to two days in jail for contempt of court.

Wednesday, February 3 noon: a nonstudent, John Thompson, displays a sign outside the main entrance to the campus which reads “FUCK “verb,” and is arrested for corrupting the morals of minors, and is held in jail on $550 bail.

Thursday, February 4 morning: Mario begins serving his jail sentence. Noon: signs appear at the main entrance to campus reading “FUCK defense fund,” along with jars for contributions to pay the bail of John Thompson, who is still in jail. Police arrest two people who sit at tables where the sign is placed, on the same charge. A third person then proceeds to read a passage from Lady Chatterley's Lover, and when he comes to the word fuck, he too is arrested. Eventually a fourth person is also arrested for speaking the word, and all are taken to jail.

Friday, February 5 noon: (Mario is still in jail for contempt of court.) Mass rally at the administration building, Sproul Hall. Professors Mark Shorer (English Department), and Arthur Ross deplore the juvenile behavior of the arrestees and are overwhelmingly cheered. Student speakers take various positions. One claims that the word Nigger is just as obscene as Fuck. (Obscene is defined as a word that is offensive to public consciousness.) Four others who refer to the word in their talks are also arrested, after a complaint is filed by a prudish law student who was offended by the word. Evening: Mario is released from jail.

Weekend, February 6-7: no activity. Bail bonds are reduced to $50 and all nine arrested persons (of whom three are students at Berkeley, one in the head of the San Francisco Sexual Freedom League, and one is a student who has who quit Stanford for a year to publish an independent magazine), are released from jail.

Monday, February 8: faculty meeting at which the faculty rebuff President Kerr by asking him to delay implementation of the quarter system for one year. No activity on the obscenity issue which is dead. Newspapers are full of tear-gas attack at Selma Alabama. Evening: FSM defendants’ meeting: plans for legal defense at a trial to start April 1 are discussed, legal defense leaders all quit, in response to the request of many students who felt that the leaders were making political decisions without the support of most of the defendants. [A new group of leaders is to be elected this coming week, which will presumably be more representative of the 800 defendants.] Mario announces that funds have been donated by concerned faculty members for 5 to 6 students to fly immediately to Selma Alabama. Most of the 30 leaders wanted very badly to go. At midnight Mario and five others leave for Birmingham, Alabama, by jet.

Tuesday, February 9 noon: large rally at Sproul Hall to protest atrocities at Selma. Phone call from Marrio and others who are participating in the march out of Selma with Martin Luther King, is relayed to the 2,000 to 3000 students in front of Sproul Hall. Much money is collected by CORE and SNCC. Many people are surprised when the march is halted by Martin Luther King and the marchers return to Selma. No mention of obscenity. 5:30 PM: Prof. Strohman invited me home for dinner; while in the car he informed me that President Kerr and new Chancellor Meyerson had just resigned from their jobs with no explanation whatsoever. We speculated on Kerr's motives for resigning, along with Prof. Reif of the Physics Department – Reif was on my orals committee, and I still feel so badly about my performance that I have great difficulty even looking him in the face, to say nothing of talking to him. Strohman's girlfriend, who lives with him and is an undergraduate, prepared an excellent ham dinner. After dinner Professors Mazia and Wilt and all their graduate students and postdocs arrived for an informal seminar given by Mazia on some of his new work. Mazia’s opinion was that Kerr was suddenly fired by the Regents for some unknown reason.

Wednesday, February 10: FSM Steering Committee, which ran the show last Fall and had since become defunct, is brought back to life. They issue a statement deploring outside pressure on the University by the Regents, and demanding an explanation of why Kerr resigned. San Francisco newspapers claimed that Kerr was given an ultimatum by a group of Los Angeles-based Regents: to expel the three students involved in the obscenity business or resign. Noon – larger rally in front of Sproul Hall. Much speculation on why Kerr resigned. The two possibilities are that (1) he was fired as claimed by the San Francisco newspapers, or (2) he was pulling a power-play to gain support of the faculty to get the Regents to take him back with increased power. Evening – Kerr issues statement that he resigned because the obscenity business was threatening to engulf the campus in a new conflict as serious as last Fall’s conflict. Later: I contribute an hour to a CORE picket line at an Oakland restaurant. Midnight – Mario arrives back at San Francisco Airport and holds press conference. He warns that if Kerr was fired by the Regents they might replace him with a strict disciplinarian – in which case the FSM would have to fight harder than they fought last Fall.

Thursday, February 11, AM.: FSM leaflet issued titled “The Big Lie.” Very hostile to Kerr, calling him a hypocrite – the obscenity business is deplored by the FSM and has been dead for almost a week. Kerr is giving this ridiculous excuse to cover up for a far more important matter, and the students demand to know what it is. Newspapers report backing for Kerr by Chancellors of all eight campuses besides Berkeley. The Regents, including Gov. Brown, deny putting any pressure on Kerr, but think that obscenity students should be expelled. San Francisco Chronicle has a pro-Kerr editorial, anti-Gov. Brown, asserting that the obscenity students should be given due process. This is what the students fought all last Fall to obtain. Noon: another big rally, very hostile to Kerr, since his excuse for his resignation is so unbelievable. Mario assails Kerr and reports on his experiences in Selma. He was very dissatisfied at Martin Luther King's reversal of the march, and disturbed to find the emphasis on religion that civil rights leaders are using in the South. Faculty announce emergency meeting session for Friday afternoon.

Friday, February 12 morning: papers announce emergency session of Regents for Saturday in Berkeley at 12:30 PM. Noon: it is raining. FSM rally mostly concerned with civil rights. A Reverand from Los Angeles speaks on segregation. Large picketing session planned for this evening in Oakland. Afternoon: Oakland Tribune, conservative newspaper owned by William Knowland, issues a vitriolic attack on Kerr, with an exposé of the story behind his resignation: former Chancellor Strong had written a denunciation of Kerr to a secret committee of conservative Regents, claiming that it was Kerr who stepped in and prevented him (Strong) from taking disciplinary action against student demonstrators. Claims that Mario was paid by the University as a reader (employee) while he was involved in the Free Speech Movement. Also that the University hired a teacher who was a former communist. State Sen. Burns, who heads the California un-American Activities Committee, also attacks Kerr and demands an investigation of the University. Announces also that the Regents will vote 14 to 8 or 13 to 9 to oust Kerr at the Saturday meeting. Gov. Brown issues a statement supporting Kerr, as does statewide Academic Senate. 3 PM: Berkeley faculty emergency meeting. Pass resolution condemning Regents for interfering with Berkeley affairs, strongly praising Chancellor Meyerson, weakly praising Kerr, condemning former Chancellor Strong, and urging Regents to let Berkeley settle its own affairs. 7 PM: weekly CORE picket of about six restaurants in Jack London Square in Oakland. I now wear my SNCC button proudly at such affairs. Many thousands of people joined picket lines, mostly students but many adults too. From Richmond, San Francisco, Berkeley, Oakland. We just walk around in front of the restaurants and singing freedom songs or chant. Examples: (1) London Square is falling down, falling down, falling down, London Square is falling down, my fair Knowland. Black and white will build it up etc. (2) Do you want your freedom? certainly Lord (repeated three times), certainly, certainly, certainly Lord; Will you walk for your freedom? certainly Lord etc., Would you die for your freedom? certainly Lord etc., Go to jail for your freedom? certainly Lord etc. (3) This little light of mine, I'm going to let it shine (repeated), let it shine, let it shine, let it shine; All over Oakland, I'm going to let it shine, etc., all over Knowland, etc., all over Selma etc., all over the USA etc., all over Lady Bird etc.

The picketing doesn't seem to have had much effect, the tables inside stayed full and the people, some old, some young, some with children, just go right in past us. Sometimes people stand and watch us for a while before or after their meal. There are plenty of newspaper and TV cameramen around, to say nothing of motorcycle police. I tried to talk to a few such people but was discouraged to find them totally unconcerned with the fact that less than 2% of the waiters and waitresses are Negro in a city of over 25% Negro population. The picketings always end with a large street rally, where announcements are made, petitions are passed around, and we conclude with “We shall overcome,” sung swaying with all joining hands. At this one it was announced that on Sunday there would be a march across the Golden Gate Bridge – tying up all traffic there, to the federal building in San Francisco, asking for government intervention in Alabama. Also, that beginning next Friday more drastic tactics would have to be used in Jack London Square, such as civil disobedience. Finally that anyone with his health insurance paid up, over 21, and with $70 to spare, would be eligible to join a bus-ride to Alabama leaving next Friday.

Here comes some philosophy, and a sort of answer to Dad's letter deploring my apparent conversion from graduate student to political activist: I am a young man, 25 years old, with a whole life ahead of me – a life which I see that I can use for any purpose I want to use it for. So I can decide what is worthwhile for myself. My values are different from most peoples’ including Dad’s. It's not important to me that I finish my studies as soon as possible, get my degree, and go out and start making money. That's not necessarily what I want to do. Perhaps I don't feel it's important to get the degree at all. Perhaps I feel that there are other more important ways that I could use my life. I’d certainly like to learn to become more of a real person before I get out of college, and that means taking time off from my laboratory work. But at present I am financially secure until I graduate: $2600 a year income and I live on half of that and give much of the remainder away, and I wouldn't know what to do with more money even if I had it. Perhaps while I'm in college I should learn how to spend money, or how to make friends, or how to talk to girls. All of these things are inconsistent with making a beeline to a PhD.

I want very much to see Alabama for myself. Also to see Cuba. I think a lot about the culture I feel myself cooped up in, with my parents wanting me to be a success: my grandfather asking me every time he sees me how much money I'm making now and my aunts telling me not to get involved. Don't you see that I must break loose, not so much from my family, but from all the things my family stands for.

I'm very troubled these days. I look at the people I admire – they all have a deep commitment to make. They seem to know what's important. I don't. I'm not at peace with myself. I go around in a sort of daze, saying, “should I want to do this or that? What is important?”

I said I wanted to go to Alabama. Alabama is more important to me than biophysics. I don't want to go there to join in any march. I want to just see how people live there and talk to them. Try to find out why white people hate Negroes. There's only one person I hate, and I try to suppress my hate because I know it's cruel and irrational – even though I can't stop hating that person. It can't be because Negroes are dirty. People don't hate pigs. I want to find out what aspirations Negroes have. Maybe I'll find out to my disillusionment that they don't have any aspirations. But I want to find that out.

That $70 bus ride has been canceled. For some reason the civil rights leaders don't want any more students in the South. But someday soon you will get a letter from me postmarked Mississippi or Alabama.

Back to the narrative:

Saturday (yesterday) – the Regents met, and, as you probably heard, refused to let Kerr resign. We still don't know the events that occurred earlier this week: whether it was a power play or whether he was fired. But respect for Kerr has diminished in the eyes of the students at Berkeley. That nonsense about obscenity was fairly indecent of Kerr.

There was also a meeting Saturday of all defendants. Mostly technical matters concerned with the defense. I work several nights a week for the defense, and will not be among the 155 participants in the trial, since only people with three charges have been accepted, at the insistence of the District Attorney. But I will spend much time in court, in the six weeks starting April 1.

I have been getting some work done too, I'm working on a way to purify myosin from tadpole legs, which involves many steps, and checks on purity at each step. This must be done before I can get to the meat of the experiments, which involves labeling the myosin with radioactive tracers, and following the label into the two subunits of myosin. A good six months of work ahead – probably more.

Later Sunday morning:

A few more things: Professors Wolin and someone else have written the most literary article yet on the FSM – in the March 11 issue of the New York Review of Books. I'll send you a copy when I can get reprints. I should think that now that the danger of being expelled is over; now that the positive aspects of the controversy are appearing (praise by our best faculty members, progress in reforming the educational system) Dad might be in favor of my participating more. I'd like to be a leader, but I feel totally inarticulate and inadequate. I have a great deal of respect for a person who can stand up before thousands of students every day and consistently make intelligent comments. If Mario Savio ever said anything stupid, he would be booed and hissed, but he never has been. It seems to be something that I wasn't born for. I haven't even ever written a letter to a newspaper. I am totally inarticulate. Even this letter, as I read back over it, seems trite and miserable. But that's my problem and the only reason I tell you is that I don't have anyone else I can talk to.

I had a pleasant experience on the way to the laboratory today. I stopped on a lawn to talk to an acquaintance, and was approached by a small boy, wanting to know whether I was in the Free Speech Movement. I said I was, and he started asking me all sorts of questions. He turned out to be a fourth grader in a public school in Queens, New York, accompanying his mother and father – the person in charge of a CBS camera crew doing a two-week documentary on the FSM to be shown in May. He asked if I was in favor of pulling troops out of Vietnam and I said yes. “You guys are pretty far to the left out here,” he said.

He gave me the usual argument: aren't you afraid that if we get out of Vietnam, then the Communists will take over and they will then take over the rest of Southeast Asia and India and the Middle East and Africa? I said that perhaps they would, but that that might not be such a bad thing, since for an underdeveloped country (such as Russia was in 1918) communism probably offers the most efficient means of becoming developed – educated and industrialized. Communism is certainly a lot fairer to a vast majority of the people than capitalism. And that when a nation became more developed, the more “natural” system (capitalism or socialism – with considerable but not total free enterprise) would eventually replace communism. He had been brainwashed, as are so many Americans, into equating communism with evil. I told him that when he gets to college he will read the famous communist books and will understand what a great improvement communism would have been over the 19th century economic system it was designed to replace, and why only revolution could make it implemented. I hope I dented his mind a little bit. He was very impressed by Berkeley. He wants to come here eventually since this is where he can become a leader and be trained for his eventual aspiration: to become President of the USA. He hopes while here to take part in a civil rights demonstration and to give a speech from the steps of Sproul Hall. He informed me that not many of his classmates back in Queens where as interested in the FSM as he was. I hope to hear him at tomorrow's rally.

Oh yes. It seems that Kerr was never fired. It was all a power play. A successful one too, and wicked former Chancellor Strong has been demoted back to a philosophy professor.

Extra note on Mom's questions about the FSM: there seems to me (and this is my own personal evaluation) to be a basic legal issue: whether or not the University’s land is public property in the same sense that city streets and sidewalks are public property. Because on public property, providing you don't disturb the peace, one is Constitutionally guaranteed the right of freedom of speech, assembly, and advocacy (according to the First and 14th Amendments). So the question is: do the First and 14th Amendments apply to university property? On private property, as in your own house, you can call the police if some stranger barges in. The FSM argues (1) that the First and 14th Amendments should hold on campus. This is really for the courts to decide: ownership of the University is vested by the Constitution of the State of California into a Corporation, the Board of Directors of which are the Regents. The matter has never been brought to court. Last year (1963), when Linus Pauling was prohibited from speaking on the Riverside campus of the University of California by the Chancellor there on the ground that his topic, peace, was outside of his field of competency (Linus Pauling has Nobel prizes in both chemistry and peace), the ACLU attempted to make a test case. But the University settled out-of-court. There are two or three non-legal arguments.

(2) The FSM argues that it is fully within the scope of a great University to be concerned with critical problems of the day. And concern with problems should not be distinguished from active participation in the organizations concerned with these problems. It's all tied up in the definition of a University. (3) The University is really our community. It's where we live, work, and play. It should be as free as any other community such as Berkeley or Yonkers. (4) Up until 1959 there was a large piece of Berkeley city property immediately adjacent to the University where all political and social activity was carried on. That's where Aldai Stevenson was forced to speak in 1956. But now the University has bought that property and put buildings on it. So there is really no convenient arena near the campus. Many of the business meetings of political organizations are held in the nearby YM CA building or in social buildings of churches such as Hillel House, but for a place where students congregate and can be attracted the campus itself is the only practical place.

Although Uncle Lester has claimed that communists have taken over the FSM, I don't believe it. Sure there are members who are left-wing; the DuBois Club (one of 20 organizations represented on the Executive Committee of the FSM) is definitely Marxist, and Herbert Apthaker's daughter is on the Steering Committee, the highest committee, but Mario Savio is on it for SNCC (his organization) and Jack Weinberg works for CORE, and I don't see where international or national communism is exerting its influence. Here are the member organizations of the FSM Steering Committee: Campus Women for Peace, ACLU, SNCC, CORE, Slate (campus liberal political party), Young Democrats, Students for Democratic Action, Campus College Republicans, Conservatives for an Open Campus (Goldwater Republicans), Particle (math, science undergraduate journal), University Society of Libertarians, Independent Socialist Club, Young People's Socialist League, Democratic Socialists, DuBois Club, Hillel Student Council, Catholics for Social Action, University Church Council (Protestants), Graduate Students’ Coordinating Committee, Independent Students Association (non-dormitory, non-fraternity, non-sorority).

I suspect that the reason why there exist so many socialist organizations on campus is because socialists don't get along with one another – so they each have to have their own organization.

No, the issues aren't black and white. Perhaps it should be left for the courts to decide what political rights students may have on the campus of the State University. But I think we do deserve the right of advocacy. And that's most of why I sat in at Sproul Hall.

The Wall Street Journal says Berkeley rules are liberal: they are more liberal than they were five years ago when no political candidate or representative of a political organization was permitted to speak on campus, especially communists. Even scientists from Iron Curtain countries were prohibited from giving technical lectures in their own fields. But we’re not as liberal as Stanford, or the University of Arizona, or Harvard, or many other good schools.

1. From an undated letter, mid spring, 1965.

More FSM: the president of the Berkeley undergraduate students organization (ASUC), is Charlie Powell, known as “clean cut Charlie Powell.” He's very conservative, and a dormie, not a frat rat. The Daily Californian (student) newspaper reports that “when he came to Cal [as Berkeley is known in California] he met the guys from Sacramento, the clean-cut sort, not the drinking kind. He took to them right away. In the dorm he could rub shoulders with all kinds of people.” This quote is from the Daily Cal. Also, “Charlie likes to come home to people, not for empty walls, and he enjoys the convenience of scheduled meals.” He majors in Spanish and plays the clarinet. His father is a music teacher in Fowler, California, in the Valley near Fresno. Perhaps even your conservative friend would disapprove of Charlie Brown, as he's called here. There is a recording of his FSM position on side two of the KPFA record I sent you. (KPFA had its license suspended for several years during a congressional investigation of communist sympathy in its management. They have been cleared, although the radio station, and its Los Angeles and New York affiliates, continue their programs of liberal advocacy.) The FSM is noted for its sense of humor. The legal situation was described last Monday during a rainstorm as being very fluid. Enough.

1. Sunday, March 21, 1965

Dear Folks – the plot thickens. A busy week of research, civil rights, FSM, and educational reform. First – Kerr's power-play seems to have worked exactly according to plan, and the University is back now in one piece. This is a time when most students take midterm exams, so there isn't much time available for demonstrations or rallies – except for the noon hour and, of course, Friday nights in Jack London Square, Oakland.

On Wednesday I went to an FSM meeting to elect a new representative to the Council that is handling the defense. The trial starts on April Fools' Day. Guess who was elected? I represent about 40 people and this will take up most of my evenings for the next two months. I was also elected to the three-man Executive Committee of the Biophysics Graduate Students Association. Along with one other firebrand (who also just got elected to the FSM Defense Council), and a third person is another of Strohman's graduate students – the brilliant one. So we should make some progress in some of the projects we have in mind, not all of which will be popular with the conservative bosses of Donner Lab, who include Prof. Jones.

Friday night I took my usual place on the picket lines. This time there was far more activity than ever before. I joined a two-hour march of about 500 people through the Negro districts of Oakland, during which we picked up about 500 Negro residents, and ended up at Jack London square about 8:30 PM. This week, faculty and clergy had initiated an “eat-in” at the restaurants owned by the most flagrant opposers of equal hiring policies. In retaliation, one of the two restaurants instituted a special $3.85 minimum, which most of the “eat-in’ers” had to pay after their three-hour meal. One couple, who studied the menu carefully for two hours and finally decided that there wasn't anything on it that they liked, were arrested as they left and charged with “defrauding an innkeeper,” an ancient Oakland statute. The mob I was in, arriving at Jack London Square, was ready to march right into the restaurants and commit civil disobedience, and it took all the efforts of the leaders of the local chapter of CORE to keep them calm and to convince them to picket peacefully instead. There were more police there that I've seen at one place since the Sproul Hall affair, and they are fully equipped. Many police buses and paddy wagons; fortunately they were not used – except for that one couple. But the number of picketers increases each week. Now there are enough to picket all of the 67 big restaurants on the Square, and another 4 to 5 up Broadway toward downtown Oakland. Several thousand picketers can be quite impressive.

It's interesting to think of all the big college campuses around the country with thousands of students – just waiting to be tapped for civil rights work. One evening a week isn't too much to ask. All that's needed are the organizers and the people to document instances of discrimination. Oakland has 10% unemployment – the highest in the country outside of Appalachia – and the figure for the Negro communities is 40%. Staggering.

Other miscellany – I finally wrote a letter to the Daily Cal, the campus newspaper. It concerns the Kerr directives – rules issued in 1959 which regulate student government and prohibit officers from discussing “off-campus” issues on the grounds that the people at this campus come from all different backgrounds so it would be impossible for all the divergent viewpoints to be expressed. Isn't this the problem that all representative forms of government are faced with? If it's published, I'll send you a copy.

Yesterday (Saturday) was another very interesting day – devoted to a campus-wide conference on educational reform. There were panel discussions, small group sessions of less than 10 people per session, so that a good dialogue could be kept up. There was an hour of question-answering by the new Chancellor, including baiting by Mario Savio. There are several students here who are giving almost full-time to thinking about California's idealistic attitude toward mass education – an unsuccessful attitude so far – in which higher education is a right and no longer a privilege, and in which higher education, theoretically, is to be offered as well to plumbers as to physicians. All I know is that, at the moment, the concept isn't working.

Oh, I don't touch on it but there is a new political crisis brewing. The administration has banned the sale on campus of a liberal student magazine - on very vague grounds.

1. Saturday, March 27, 1965

Dear Folks – this will have to be a quickie.

New eruptions seem to be imminent on campus. Last Fall we spent about three months convincing the faculty that Constitutional rights were being violated on campus. They were apathetic at first, but eventually they saw the point. Second, in January, the administration was won over when the Chancellor was replaced by a young and dynamic and highly respected guy – completely favorable to the principles of the FSM. Now comes the hardest part of the same war. We haven't yet done battle with the Regents, who hold the power.

The issue is whether graduate students may be represented on the Associated Students government organization, and whether that body can take stands on such matters as civil rights and US foreign policy, as in Vietnam. The graduate students voted to join the ASUC organization by more than two thirds majority of the one third of the graduate students who cared to vote, and the undergraduates agreed to accept them by about 4 to 1, as I remember, but the Regents have said no! So we will hold an election anyway and let them try to expel the leaders – and then hope the faculty will support us or resort to mass civil disobedience. That's my conception of what's ahead.

At their monthly meeting in the last few days, the Corporation lawyer for the Regents attacked our new Chancellor for using “pseudo-legal” procedures before disciplining students. The lawyer argued that students have no right to hearings. Discipline doesn't have to wait for due process. The administration should simply expel those three students involved in the obscenity affair of about two weeks ago.

Here's my argument: this is the progressive State of California, where there exists a beautiful dream of mass education. It's not a privilege anymore – everyone in California has a right to higher education. The old argument that “if you don't like it here then go somewhere else” doesn't hold anymore. If you're one of the masses – if you're poor – then there is no other place to go.

Once you accept the idea that a person has a right to a university education, it isn't much of a jump in logic to the idea that a person also has no right to be expelled for his political beliefs, or for exercising Constitutionally guaranteed activities on campus. And the University has no right to impose rules on us that violate the US Constitution. It's a very naïve argument that we all learn in elementary school. About the Constitution.

See the fine article in the New Yorker Magazine for March 13 about the FSM, which has nothing on the chronology of events, but rather a long and involved philosophical interpretation of the thinking of the leaders. Mostly the idea of hypocrisy in the way the democratic process operates in these times.

Hans Morgenthau gave a stirring lecture here last week – insisting that the US pull out of Vietnam now. The domino theory is totally false, he said, and it didn't hurt France's prestige any, and we can't possibly win the war since we don't have the support of the Vietnamese people, and if we did make progress, then Red China would be brought into the war and that would start a world war. Morgenthau is very power conscious. He believes that, whatever happens, mainland China will maintain its traditional economic influence over its smaller neighbors.

I brought up the matter of the FSM at the Graduate Students and Faculty Democratic Club meeting on Thursday night. The leaders of the Club got very mad at me, because the arguments over whether or not to join the other political clubs in sending a delegate to the FSM Executive Committee completely disrupted the meeting for over an hour and left some bitter feelings. I was amused. The issue was whether the Club wanted to condone the activities of the FSM by sending a delegate. In the end, the faculty people present outvoted the graduate students and liberal faculty, and chose to send only an observer to the FSM. I was chosen to be the observer, losing me more time from research, but getting the opportunity to be in on what may be the most dramatic battle of all. Time will tell.

My letter to the Daily Cal was never published. I also sent a letter to the Chancellor expressing my feelings on due process.

The last thing is the URM (University Reform Movement). Something new, which grew out of the conference on educational reform that I wrote about last week. I'm interested in innovation of plans to permit more contact between students and faculty, and in some totally new educational programs. So I picked a capacity that I thought I could be useful in – and that wouldn't be too competitive – and sure enough – things are looking up. There is an amazing little girl who directs me (I was at her apartment until 4 AM last night going over a draft of a large leaflet that will be distributed at a noon rally on educational reform to be held on Wednesday). It's an article that I've wanted to write for a long time – an effort to provoke undergraduates to be more active in making their own decisions on what they want to study, and on what techniques of study would best suit their individual objectives, temperaments, degrees of maturity, etc. I’ll send you a copy next week, Wednesday night, I will have dinner with about 10 faculty members and four other students to discuss the prospects for educational reform. I feel a little happier now that I seem to be coming out of my little shell and meeting and talking to other people.

Trials start on Thursday at 10 AM, when Gov. Brown is scheduled to answer his subpoena. According to the newspapers, his lawyers are trying hard to get him out of it. It promises to be one of the most unusual municipal-level trials in a long time. The Defense Council, to which I belong, is tooling up to get about 150 defendants present at all sessions, to publish a newsletter to keep all defendants informed, and we are making last-minute preparations for testimony. The lawyers expect the trial to last about six weeks.

Mom's letter arrived today: picketing does not equal civil disobedience, for heaven’s sake. I fully agree with Mom's position. And I sincerely feel that it's all a part of an education. I believe in the existence of Natural Laws, and that one of these laws is that a highly repressed society, as Russia has been, is inherently unstable, and that eventually the natural drive that people have to control their own lives and make money will win out. But I would suggest that there are situations, especially in underdeveloped countries, where there are no thinkers, where a more structured form of government would be more efficient on a short term basis. By the way, Uncle Morris tells me that cousin Ethel has retired temporarily to Florida, and will go again soon to Russia, and then come back and decide where she wants to live. Her friend Jenny has a few years to go before retirement.

There are plenty of people here just back from Selma, Alabama. Martin Luther King will be here next week, so I will ask around.

Postscript: Great news – the Alameda County Superior Court has just issued an injunction preventing the University from proceeding to discipline students involved in the obscenity affair until the matter has been settled in the municipal courts.

21. Friday night, April 2, 1965.

Dear Folks – the big trial is off and running. The New York Times had a good article this morning. It is very interesting – the first time so far that I've had a chance to see all the big personalities in person – cringing under cross-examination. Chancellor Strong admitted today that no time all last Fall did he ever listen to what students were saying at any of their rallies at Sproul Hall, and at no time did he ever invite students into his office to discuss matters with them. Also he stated on many occasions that University rules were not negotiable. It now seems that the initiation of disciplinary proceedings against four students which touched off the December 2 sit-in, and which had previously been ascribed to an order of the Regents, was in fact only an approval by the Regents of a request made by Strong. So he is a really bad man. He looked pitiful on the witness stand today – a large-framed man all shriveled up –deflated – even hollow on the inside. He frequently tried to evade questions, but our lawyers – today's cross examination was by Malcolm Bernstein – were on the ball and nailed him down. The prosecution will be presenting its case for the next few weeks and we will be cross-examining the witnesses. There is a good rapport between the defendants and the lawyers. Any students who have questions for the witnesses give them on paper to one of our lawyers and he gets it to the lawyer who is doing the cross-examination.

Strong's statement made inside Sproul Hall on December 3, ordering us out of the building, and that the normal functioning of the University and been seriously impaired, was played on tape in court – and in the cross-examination Strong was asked in what way the normal functioning of the University had been impaired. He thought a while and then said that the janitors had been unable to clean up that night. At another point he was asked if he ever conferred with student groups on campus political rules – he thought for a while and said yes, back in July, he had conferred with students on the placement of bicycle racks. That brought a laugh even from the judge.

But don't get your hopes up. Strong maybe stupid and incompetent, but other administrators are not, and the last act of this drama has already been written. Going to court is lots of fun – and when the sounds and songs of the demonstrations are played back on tape, as evidence, we glow with inner warmth and even, some of us, start purring.

There is still trouble brewing. The new Chancellor has issued some interim rules. Distasteful to the non-students who are now prohibited from sitting at tables on campus. This issue isn't as moral as Freedom of Speech. Also the Associated Students organization, which is going ahead with plans to seat graduate students, is in danger of being dissolved by the Regents.

The court injunction on campus hearings for the obscenity cases, that are being tried in the Municipal Court, was ruled on this afternoon, but I don't know what the decision was, yet.

URM, University (educational) Reform Movement: my present major activity. The rally for last Wednesday was put off until next Tuesday, so I don't have copies of my article yet. I will be one of a group meeting with a Vice-Chancellor next week on this. I meet many people, but it's discouraging to think that I'm still unable to strike up a warm conversation with someone – male or female. I just don't feel capable of holding my own in a conversation. So I still haven't made any close friends.

I picketed in downtown Oakland again tonight. Very little effect on business, I'm afraid to say. People just don't care. I'm surprised at what Mom has to say about SNCC versus CORE. I don't belong to either organization; I just contribute my time and money. CORE is a locally-based organization specializing in mass direct action to achieve, through publicity and hopefully police brutality (which produces publicity), integration in industry, schools, etc. SNCC is by far the more idealistic, intellectually demanding, and creative and useful organization, devoted to the philosophy that there are attitudes among Negro people in the South that prevent them from actively participating in democratic institutions, and from seeking proper employment.

Youth forum transcript not received yet. I still haven't read the Commentary article, but I know where to find it. I have a huge stack of educational reform stuff to read – I specialize in grading methods – especially some programs now in operation at Reed College and at Caltech.

The injunction was ruled down, on the grounds that University disciplinary hearings are not intended to be formal court proceedings. The students will appeal, claiming that there are no guarantees against self-incrimination in University hearings, and any evidence can be subpoenaed by the municipal courts and used against the students.

22. Saturday, April 10, 1965.

Dear Folks – not much this week. Last Sunday I took a drive into the foothills of the Sierras – around Placerville, an old mining town set at the bottom of a gulch – originally called Hangtown.

I got practically nothing done in the lab this week, and have done little about educational reform either. Even the two court sessions I attended were quite boring. They, the prosecution, have been calling as witnesses many of the police officers who participated in the arrests, to establish that we were an unruly mob that needed breaking up, and that certain leaders were indeed inciting us to despicable unlawful acts. I must be in court next week for every session, which takes care of Easter vacation.

Thursday afternoon I, along with five others, had my first contact with the Chancellor's office – giving a URM progress report and advice request to a Vice-Chancellor. We got some valuable advice out of it. I did much of the talking.

Also, last Wednesday night was a three-hour session between 10 of us students and three faculty members, including the influential Chairman of the Faculty Committee on Educational Policy. The latter person was obviously impressed at our concern and knowledge, but I don't think we changed him very much. His idea of a liberal education was an intensive study of some specialty – to light a spark, and give a student the knowledge that he can use his mind to solve problems. I claimed that this might produce competent scientists (he is a chemical engineer) who are very good at their specialty, but who have no knowledge or concern about current events, and no appreciation for literature or the arts, or even people who are incapable of communicating with other people in writing or in speech. The antithesis of a liberal education. I think that everyone should be required to take general courses that involve reading enough great work works of literature, history, philosophy, etc. so that they will see the beauty in it and be able, and desire, to read on for themselves. Critically. Perhaps rather than simply complete the course, the requirement should include passing some kind of comprehensive examination to indicate writing skill and critical facility. But I don't think the big professor got my point.

The graduate students have been officially prohibited from joining the student organization which purports to represent Berkeley students, on the grounds that the fee paid by graduate students ($2.25 per semester) is not as much as the membership fee paid by undergraduates ($5.50). An official poll is now being conducted of all graduate students, and if there is sufficient interest, perhaps the fee will be raised next Fall. The aborted campaign took all the energy out of the graduate student activists who were pushing for graduate entry into the Associated Students organization.

23. Friday night, April 23, 1965.

Dear Folks – the trial goes plodding along. The prosecution case is nearly over now – probably by Tuesday of next week. Then starts the defense case on Constitutional grounds. Gov. Brown is desired to be the first witness, but whether or not the subpoena can be served is up to the judge, who must decide on the grounds of whether or not the Governor was really involved in the arrests.

I, as a member of the defense organization, have been working on the weekly newsletter to defendants. I've written a few articles for it, but they've mostly been too long, and they also get severely edited. I don't think much of the end product, but the person responsible is a national leader and I'm not, so she has the final word. I help with the mimeographing, collating, and mailing on Sunday nights.

I suppose you saw the Times article on Friday. One student was expelled, and three others (two of them graduate students) suspended for saying the word “fuck” on campus. I think the penalties to be rather too severe. One of the grad students also lost his fellowship. Suspended means that you may not attend classes or receive credit for any courses, and the suspensions will continue through the Summer.

So the FSM is reorganizing to do battle again. Not that they condone the obscenity in any way, but they do insist on due process. It's the argument I once made that, in California, attendance at the University is our right, not a privilege, and once you accept that you have a right to be here, that means that you also have the right not to be kicked out for your political beliefs, or for vague statutes like “conduct unbecoming a student.” It's like arresting someone on the street for “conduct unbecoming a citizen.” And they can't say “if you don't like our rules then you can go somewhere else,” because there is no elsewhere: the University of California is supposed to serve all the people. Also, once you admit that the student has rights to attend the University, then, when someone challenges those rights, it calls for a proper defense – by lawyers, whose business it is to determine, or at least to argue, rights. And proper procedural safeguards to the poor victim. Such safeguards were provided for the eight students who were suspended last October 1 – and the students were acquitted by the faculty committee appointed to try them. Acquitted means that for six of the eight students the committee recommended that the University had no grounds for suspending them. But the Chancellor overruled the fair committee. The new Chancellor, even though he seems like a nice guy, doesn't want to be put in that position again. So the students have a fight on their hands.

This time the aim is to gather as much support as can be gotten from the whole student body, by drawing up a Bill of Rights that all students can support and will be willing to fight for. Tomorrow is the day that this is to begin.

24. Saturday night, May 8, 1965.

Dear Folks – you seem to be very curious about the trial. It seems to go on and on. The prosecution case was finished about two weeks ago and the defense case began this week. The main arguments of the defense are to show that the students had a real and legitimate grievance, i.e. Free Speech, and that all other means for redress of that grievance were closed at the time of the sit-in. That's not why I sat in, incidentally, as I think I have explained. For me it was just the last straw in a series of atrocities perpetrated by the administration: initiating new disciplinary proceedings in the beginning of December for crimes committed back in September and the first two days of October.

This educational reform business is the most personally responsible thing I've done yet. I call about 10 people together one evening a week to discuss some aspect of the implementation of the Quarter System. There are included in this group students here who are interested in working on the research, plus graduate students from various schools where the Quarter System has been used, and next week I'll invite some professors to discuss what an optimum courseload would be – whether students gain anything by studying a subject in half the time with twice as much credit as a control group. I expect to keep this up over much of the Summer.

The latest campus crisis is a set of new rules drawn up by a conservative committee of the Regents. Read them if you have time, and try to figure out what's wrong with them. Then read the faculty critique. It's a good exercise.

I've heard that Kerr will be leaving the University soon, but not for the reasons suggested by your friends. But that's a complicated story.

The “filthy speech” business is immature, and the guys responsible for it all had nothing to do with the FSM. We all wish it never happened. Also it was distorted beyond proportion by the newspapers – all would have and did settle down very quickly. Savio claims to have resigned because he felt it was time to have some new leaders. I have no further knowledge about that. It's a bit demoralizing to think that, like most revolutions, early loss of a leader like Savio would probably have destroyed the movement. Good leaders are rare and important.

25. May 29, 1965.

Dear Folks – court: various defendants have been testifying on why they entered Sproul Hall and on why they went limp. The cross-examiners continue to take up much time trying to show that their reasons for doing so were unfounded. You’ll probably get a better picture from the issues of the newsletter that I try to send each week. (We didn't have enough of the May 23 issue so you didn't get one of those; sending out the newsletter continues to take about three hours of my time every Sunday night.) This week the defense hopes to finish up its testimony, but I doubt that we will finish in only three days – even though the sessions are being lengthened from 4 to 5 hours per day.

Last Thursday there was a Vietnam debate on campus between William Bundy and Professor Scalapino *versus* Prof. Edmund Clubb of Columbia University and Dr. Franz Shurmann from the Center for Chinese Studies here. Bundy’s only argument seems to be that international communism will spread like a cancer unless we stamp it out in Vietnam. Shurmann argued that Vietnam has always been a part of China's sphere of influence, and that our present course of action will lead, if we begin to be successful, to Chinese intervention. He also argued that Ho Chi Minh is quite nationalistic, even though he is a communist, and that he would not simply follow orders from Moscow. The two sides seemed to differ considerably in their views on the feelings of the peasants in territory occupied by the Viet Cong. Bundy said these people have no commitment except to keep from getting involved on either side. Shurmann said that these people are quite politically conscious, and aware of the fact that a civil war is going on, and that the present Saigon government is corrupt and without any worthiness of respect. The village leaders killed by the Vietcong have nearly all been hated political hacks appointed by one of the Saigon governments. How do you feel? My view is that the present Saigon government doesn't deserve to maintain any authority, except perhaps over that city alone, and that it would be impossible for us to institute a “popular” government. The only alternatives are to negotiate a Geneva-type settlement, including China, North Vietnam and the Viercong in the deliberations, or, if that isn't feasible, to simply pull out. The French did it.

I'm still interested in educational reform, and have been corresponding with Dr. Harold Taylor, a noted educator and lecturer, and former president of Sarah Lawrence College, who will be coming here in the middle of June. This weekend I'm typing a newsletter onto ditto stencils – it will go to about 200 students on our educational reform mailing list. Next Thursday I've been invited to meet the Select Committee on Education of the faculty, and to air my views.

26. Saturday PM, June 5, 1965.

Dear Folks – I've just spent the whole day making telephone calls to tell people about appearing in court. It’s one of my duties as a member of the Council of 20. It's always surprising to see how many girls live with their boyfriends, to see how many students’ parents still don't know that their children are involved in the sit-in, and to see where all the defendants will be spending the summer. (I've also been collecting summer addresses.) Many are going to the South to work with SNCC or CORE. A number of going to South America with ACCION, or one of the other groups that are sponsoring community development projects. Not too many joined the Peace Corps – probably because it's too bureaucratic. The YMCA projects and all the private groups seem to have more to offer – less in the way of restrictions on living facilities. Some people are headed for Africa. If the FSM made some activists out of people who wouldn't otherwise have done these things, then it accomplished a great deal indeed.

The trial lingers on and on. Most of the testimony is in the record now, and the judge is tearing his hair over how to let students out of the area for the summer. Finals are mostly over now, and people have charter flight tickets, summer school reservations, etc, all over the world. So he has adopted a procedure for letting students “submit their cases” in advance of the main body. It sure makes a mess out of the regular proceedings, and even the judge admitted Friday that he wasn't sure that what he was doing was strictly kosher. But then there are plenty of unusual things about this trial. Hopefully, it'll all be over in two more weeks so I can go away and work on my birefringence paper.

The Select Committee held an open hearing this week – which many people came to, and I made some comments as well. There will be plenty of educational reform meetings over the summer. I wish I was better at budgeting my time.

27. Saturday, June 12, 1965.

Dear Folks – the FSM trial is over. The concluding arguments for both sides were concluded yesterday. It was a touching scene as both sides’ lawyers appeared to get philosophical towards the end. But from my discussions with them and with friends, I know that for most of them it is all in a day’s work – that they don't believe most of what they say – they just say as much as they can in order to convince the judge. That's very disillusionary. But I suppose that if lawyers get personally involved with their clients and their arguments, they would be very ineffective as lawyers. Our chief lawyer, who is in the case (no lawyers are receiving any pay) entirely because he believes that this is the most effective way he can contribute to the civil rights movement, has gotten himself involved, and as a result has become quite cynical about our society, and quite antagonistic personally to the judge, and to the prosecutors. We talked some about why our other lawyers (there are five altogether handling the trial) took this case. All have different reasons, and all are very interesting and complex people.

28. Sunday night, June 20, 1965.

Dear Folks – on Monday night all the people who did the office work for the FSM lawyers – there were 14 of us – put together a gala dinner party for the lawyers and their wives. There were 24 of us altogether. Boy, what a dinner. It cost over $100, of which about a third was for liquor. One of the girls contributed her big old plush house, where she lives along with other boarders – who were gone since the semester is over. One couple brought an 18-pound turkey, another a giant ham. A girl made a vegetable dish out of string beans in strips, almonds in strips, mushrooms in strips, and a sour cream sauce; I liked that the most, The wine flowed freely during dinner, and some lawyers became thoroughly soused. For dessert there was chocolate cake and sherbet. Oh yes, my contribution was two loaves of Bob Monahan’s “Lakes of the Clouds” date nut bread – which came out just right. Another girl brought four loaves of home baked wheat bread. So much was left over – I didn't mention the appetizers – that the 14 of us convened again on Tuesday night and work at it some more. Oh yes – someone made too much salad – it included tomato chunks, anchovies, shrimp, artichoke hearts, Bermuda onions – you name it. About half had to be thrown away. And hardly anyone even touched the fruit bowl. After Tuesday I made off with a jug of salad – which I worked on for the rest of the week -- and the pickings from the turkey. I had last access to it before the bones (carcass) was thrown away. That made me sandwiches for the rest of the week.

We started at 7 PM, and took a break at 10 PM to watch “The Berkeley Rebels” on CBS. You must admit that I had ideal company with which to watch that show: all the lawyers and also some of the key participants in the controversy. First, as was clearly stated at the beginning of the film, it did not purport to be about the FSM or about the University of California, or even about what's wrong with mass higher education. The whole purpose was to describe the feelings and outlooks of typical college students as they face living in what we offer as a society. It was not designed to offer any solutions – but perhaps only to outline some of the problems.

Our discussion turned mainly on how representative were the four people chosen to speak for the college generation, and on how accurate were the other aspects of the program. We were all plenty disappointed, I must say. Mike Rossman had been selected as Berkeley's typical rebel – by both Life and Look Magazines. I have heard him speak all through the crisis, and think him highly egotistical, and shallow. He certainly has many important friends. I recently took a call from him at the lawyers’ office and he demanded to talk to some “brass.” Ron Anastasi is a very nice guy – quiet and unassuming. He was the chief organizer for the FSM, being responsible for keeping all the offices running smoothly and coordinating them. He was also in charge of obtaining food and supplies for the December 2 sit-in – and he did his job very well.

I don't think his girlfriend Sally Leary played much of an active role in the FSM (although she was arrested) – she's mostly a nice person and a good girlfriend. Kate Coleman is a loudmouth and is on the office shit-list, for refusing to cooperate with the people running the trial. Strohman's comment was that the motorcycle scene would draw 20,000 applications to Berkeley, and that the horse scene would draw an additional 10,000. About 12 hours of film were shot in the apartment where our dinner took place. Apparently CBS used only the 5 min. or so that dealt with free love. We all deplored the four people for getting into that kind of a discussion, but maybe they slipped, or maybe they tried too much to cooperate with the CBS people. We felt that they should have talked more about their reactions to civil rights and the educational system, although at least the latter topic was dealt with extensively. I can see that to present an accurate balance of what goes on in one person's mind is quite an undertaking, and to generalize for a whole generation of rebels is impossible. Not many people ride motorcycles, and even fewer ride horseback. (We deplored the horse scene more than any other.) My feeling is that CBS may have been caught in a dilemma. This project had to please parents all over, and yet they wanted to get in as much as possible of the thoughts that go on in today's rebels’ heads. Free love is an important issue. I'm too thick to understand what Mom meant by the “double standard.” She'll have to explain further. The reviewer for the San Francisco Chronicle wrote that from the minute you saw Mike Rossman yawn at the beginning of the hour, you knew that there is nothing dangerous about today's generation of campus rebels, and that this is the main lesson of the program. From the FSM point of view – as far as the trial is concerned – we'd just as well have people believe this for the present. Incidentally, I am to be charged next Tuesday at 2 PM. The sentencing will come much later – perhaps in August.

Now on to educational matters. I and five other students had lunch yesterday with Harold Taylor, a progressive college educator, formerly president of Sarah Lawrence College. Our discussion centered on the problem of how to deal with the college freshman – how to introduce him to the world of learning so as to challenge him to start out on his own investigations, and to develop a sense of values as to moral standards, etc. Taylor's experience at Sarah Lawrence was limited to exceptionally bright students, but he claims that there are features of his solution that will work anywhere. The heart of it is a freshman seminar, on which a student spends about one third or one fourth of his time, in frequent contact with a stimulating faculty member, or specially chosen graduate student, and not burdened with any required subject matter. It is just a way of getting the student to read stimulating articles and see stimulating events, and then to criticize them – to evaluate experiences and get at the ideas and morals behind them. A large part of this freshman seminar is the preparation of essays to be discussed personally with the faculty member. Included is an investigation of the student’s own educational and professional plans. No grades would be assigned, but if an instructor felt that a student needed to improve his writing style, for example, appropriate recommendations would be made. The idea seems to work at Sarah Lawrence, where there are only seven students per faculty member, and where the instructors aren't expected to do research. At Berkeley there are about 20 students per instructor, and no instructor is expected to teach more than two courses at any time (except in the English Department). The cost of hiring graduate students for this would be about $600,000 at Berkeley. There would also be strong opposition from the liberal arts faculty who want to preserve the present language requirements, etc. (Taylor would eliminate most course requirements, letting students simply choose, say, at least half of their courses outside of their major field with the approval of a faculty advisor.)

I've had some correspondence with Winslow Hatch – the higher education coordinator for the Department of Health Education and Welfare, about my ideas for three courses per term under the Quarter System. I wish I had more time to work at it – as I must have a report in by sometime in August. I've discovered that I'm no good at directing people; but that my best contribution is to work somewhere off by myself, and prepare something in finished form for others to criticize. Living is such an individual business, at least for me.

The secret to improving mass education is to use the existing facilities more efficiently. Guide a student to most of the routine learning on his own so he can have closer contact with faculty in the courses he does take, and eliminate phony requirements – like languages – if you don't learn the language anyway. And redirecting students’ efforts away from passing exams and getting grades – and more to learning for its own sake. These are tough problems, but people are working on them.

29. Saturday, June 26, 1965.

Dear Folks – Last night I gave a talk in Placerville to the El Dorado County Democratic Club on the Free Speech Movement. I had met their President – an old fellow who lives in the rooming house where I was staying. One veteran wanted to know about the Vietnam Day Committee, which sponsored much of the picketing yesterday.

On Monday Judge Crittenden will make his big decision: my official day is Tuesday in the afternoon. (Those not in the first consolidated trial have been divided into four groups for judgment purposes, and my time is Tuesday.)

30. Saturday, August 17, 1965.

Dear Folks – Monday starts the sentencing, and is also the formal conclusion of the case of the People *versus* 773 Defendants. Bail is returned then, and penalties initiated. If jail sentences are handed down, the normal procedure is for defendants to go directly to jail, not passing go. We will appeal, however, and hopefully the judge will permit the appeal procedure to be in initiated right in the courtroom: i.e. the issuance of new bail. I worked most of today in the lawyers’ office with the bail bondsman, making out forms for all the defendants. The bail procedure, interestingly enough, involves no transfer of money from the bondsman to the court. When he issues is in effect an insurance policy, underwritten by some big New York company, on which he, the bondsman, must make good if the defendant fails to appear in court when he is requested to.

I had a talk with Hardin Jones yesterday. He still feels that the present acting Chancellor has been too lenient with campus regulations and must go. He still claims to be a liberal, and claims to be the last person to defend the *status quo*, but thinks that any move that smacks of a revolution is repulsive to a democratic society and must be stamped out. When people get this way, I usually invoke the preachings of Lincoln Steffens – Jones's response was to say that nobody could be so smart as to understand how our society is structured enough to make the kind of observations Steffens did. Phony. My purpose in his office was to invite him to spend an evening next week with a group of interested students – to present his views on the politics of the situation at Berkeley. He agreed, and even invited us to his home. More next week.

I've been spending an evening a week on education – with a group of interesting people – mostly strong personalities. The nexus right now is the select faculty committee that has been conducting a major overhaul of policy for the University's educational program. They are considering the possibility of eliminating most grading, instituting small seminar classes for undergraduates (one to be taken each year or perhaps quarter), the advising of students, language and other breadth requirements, core courses, better teaching methods, etc. Many students have been hired by the staff of the committee to conduct research on the various aspects under consideration.

31. Friday night, July 23, 1965.

Dear Folks – Today was my day but it wasn't really. On Tuesday the hand of God struck down and the Judge retired to his sick bed with a severe case of flu. All sentencings have accordingly been put off. I'm now scheduled for the morning of August 4. My present feelings are that I've been arrested and convicted, and my record can't be any worse for my refusing probation. According to the lawyers, we have a right to refuse probation and even to refuse to pay a fine, in which case the judge would normally send us to jail. What he may very likely due to those who refuse probation is to give large jail sentences, of which all but a small fraction (say one week to one month) would be suspended. This sentence cannot be refused, and it accomplishes the same thing as probation, since at any time up to 18 months after it goes into effect, after the final rejection of the appeal, the judge can revoke the suspension of the suspended part of the sentence. And he can do that almost arbitrarily: you don't have to be convicted of breaking some law, or even arrested! The judge just holds a hearing, where evidence is presented in a summary fashion, and then decides whether or not you have violated probation, and sentences accordingly. Before I have to decide whether or not to accept probation, I will know what the new sentence will be if I decide not to accept it, so I am fairly well protected.

You complain of lack of editorial comment. Even the Bay Area newspapers have not editorialized, although the news stories are on the first page. It's a touchy situation since apparently a majority of the public are under the impression (not tempered too much, unfortunately, by the public statements of members of the Regents, legislators, or even President Kerr himself), that we don't even deserve to be at the University.

I don't think now that in 10 years or so I'll wonder why I was so rash. It seems like the only thing I've done in years that I have a good reason or doing.

Hardin Jones called off his evening session last Wednesday, but has rescheduled it for this coming Wednesday. Here's hoping. Oh yes, my bail bond for trespassing will be $22, which is 1/10 of $220. That's cheap. How are you doing now on finances? The New York Times article on July 20 was fairly accurate, I thought.

Dad's letter received on Saturday. I intend to remain an idealist for as long as I can. My arrest record can never be expunged, incidentally. Only the conviction – and then most [job] applications ask only for arrests. I have nothing to feel sorry or guilty about – so I see no point in asking that the conviction be tampered with. And FBI records can never be altered.

32. Friday, July 30, 1965.

Dear folks – Geewhiz – three letters from Dad – on Monday Tuesday and Wednesday, all providing advice regarding my probation. I mentioned this extraordinary happening to a friend, and it was suggested that Dad's encouragement for me to accept the terms of probation were based on his desire to use this as a mechanism for ensuring that I not participate in any more demonstrations in the next year. I assured him that it wasn't so – and that Dad's motivation was probably based on a more irrational fear that my record would have an adverse effect on my career in the long-range. The friend thought this improbable because the record doesn't look any worse for serving jail time as distinct from probation. As you no doubt know, most job applications ask for arrests – unalterable in our cases – and some also ask for convictions – which in our case can be expunged. But none ask for sentences. One other matter of fact: people who have refused the terms of probation have now been resentenced, so we now know what the consequences will be: not so bad at all. The fine has been doubled, and the choice given of paying it or serving time in jail at the rate of $10 per day. Looks like my total punishment, if I refuse probation, would be a fine of $100 or 10 days in jail. No further jeopardy. Guess which I'll take. I can see you with your checkbook out already. No suspended sentences. No other responsibilities. Of course I'll appeal, so I won't have to pay the fine immediately.

Strohman wants to try to get me out for appeal on my own recognizance. No one has been permitted this privilege so far, in spite of many attempts by faculty members. But Strohman will write a letter to the judge saying that I am a Teaching Assistant, and that my appointment has now been approved by the Zoology Department as well as the NIH, and that my NIH fellowship assures that I will remain in Berkeley at the University for the coming year. If the judge still says no, I have two choices (these are the latest developments):

In a strategic move, a student yesterday morning asked to appeal his case, but said that he was poor and had no money with which to pay his bail. The judge looked worried, and said that he would “continue” this fellow’s sentencing for a week, so that he would not have to pay bail money just then. The Assistant Dist. Atty. objected to this procedure, which forced the judge to reverse his previous stand, and send the kid right off to jail, in lieu of bail.

As the kid was being taken off to jail, a file of 600 students was just marching through the streets to hold a rally in front of the courthouse, in protest of harsh sentencing. All the cameras and newsmen were waiting – the kid uttered an appeal for bail money, and his last words before being driven off were: “send your contributions to Box 448, Berkeley.” The morning session ended at this point, and the rally began. People were encouraged to follow the example and refuse to pay appeal bail. Finally, the more honorable Assistant Dist. Atty. was called back from vacation, and there was a huddle of our lawyers with him and the judge, and the pressure was successful – the judge phoned the jail and had the martyr released, and thenceforward, everyone who didn't want to pay bail money was continued to August 10.

So we have until then to decide what to do. The first move will be to engage a new lawyer (our lawyers are too busy) and to file an appeal on the excessive bail ($550 for the ordinary defendant with two charges – about 65% of all defendants).. This would include an injunction to change the bail of those who have already put up their money. If that fails, perhaps many people will be willing to go to jail in lieu of bail, to dramatize the effect of this excessively high bail (over $250,000 altogether). The new attorney is a famous civil rights lawyer from Chicago, named Heisler, who recently gained notoriety by suing the US government in the Supreme Court to stop nuclear testing on the grounds that it violated the Preamble of the U.S. Constitution (“life, liberty and the pursuit of happiness”).

My sentencing comes up on Wednesday, August 4. I will have the privilege of presenting a short statement before I am sentenced. It will go something like this:

“On July 29, defendant Kepner stated his regret that, in its statement accompanying the verdicts, the court failed to express any consideration of the broader Constitutional issues raised by the students who entered Sproul Hall on December 2, 1964. Your Honor replied that it was not appropriate for such matters to be considered in a lower court. I should now like to state my regret that Your Honor has made it so very difficult for the defendants to obtain that consideration of the basic First and 14th Amendment issues raised in the Sproul Hall demonstration, by imposing the prohibitively high bail of approximately a quarter of $1 million in order for an appeal to be made to the higher courts. There are also less important reasons for my regret at the high bail being imposed on the defendants in these trials, which I would like to have entered into the record: first, the unblemished record of cooperation in the proceedings up to now, and second, the willingness of many faculty members at the University of California to take personal responsibility for the appearance of individual defendants when requested by the court.”

Then I intend to refuse probation, be resentenced (most likely to $100 or 10 days) and to file notice of appeal and ask to be released on my own recognizance. If not granted I'll probably ask for the 10 day stay of execution, and if all else fails, pay my $22 bail bond fee.

On Wednesday night there occurred the great confrontation between eight graduate students and Hardin Jones, and his sidekick – Alex Grendon, co-authors of an anti-FSM, anti-Kerr letter in Science Magazine dated June 4. It lasted over six hours straight! And included cream sherry at the beginning, and ice cream and angel cake near the end, served by Mrs. Jones. Most of the discussion centered on specific items in their letter. Jones was overpowered in the conversations by Grendon, a research assistant in the Radiation Laboratory who shares Jones’ outer office with Jones’ secretary – and who managed to find some asinine objection to nearly every sentence one of us uttered. They defended former Chancellor Strong for denying a faculty appointment to an instructor who, although recommended by his Department Chairman, had been called before the House UnAmerican Activities Committee, and who had refused to answer their questions. He had signed the California State loyalty oath.

They expressed their conception of a University as a place free of any kind of partisan endeavor, and espoused the principle that we should distinguish between informative speech and advocative speech – the latter should be prohibited. We tried to show that the FSM really was basically concerned with freedom of speech (in contrast to their article) – since political advocacy – which includes written as well as oral advocacy – is a basic part of speech – their reply was that then the federal guarantees of free speech should not apply to a university campus. Most emphatically, we attempted to convince them that the FSM involved no conspiracy, and was not controlled or financially supported by any outsiders or outside groups. In order to show conspiracy you must identify conspirators and establish a motive. There is no evidence for either – and many serious groups, including two committees assigned by the Regents, have made investigations. I don't think we convinced them, unfortunately. More interesting, perhaps, were Jones revelations of how President Kerr is really the person in power – the Regents do mostly rubberstamping. Kerr, through his lobbyist, makes the deals with legislators on the funds that are to be supplied to the University. I don't want to go on here forever, there were some dramatic moments.

Strohman had an interesting incident today. He was lecturing to a group of Midwest high school teachers as part of a summer brush-up course in biochemistry. At the end, he reminded them to attend the noon lecture on Vietnam sponsored by the Faculty Peace Committee, of which he is a member. Several teachers got quite excited and came up and asked Strohman whether he was one of those godless pro-communist pacifists. He replied to most of the class, who had remained for this discussion, that he certainly wasn't a pacifist, and that he favored winning the war – for the other side, since the US has no business being in South Vietnam to defend an unpopular military government against a popular indigenous civil uprising. The FBI will seek him out yet.

I might point out also that we now realize that our actions forced the judge into the position stating that, in our society, change must be sought by legal means or not at all. We don't agree with that statement at all, for many reasons which I won't go into. But the statement means that part of our protest must be directed against the court structure – by applying our own pressure wherever possible. We now regard the lawyers’ early advice to waive jury trials as a terrible mistake. We would have been much more successful if we had forced the courts to provide separate jury trials for each of us – as is now borne out by the first successful results in the appeals of the rulings in jury trials of the students arrested in the San Francisco Sheraton Palace CORE sit in in the spring of 1964. In the future, tactics will be much different. See the UDC Defendants Committee leaflet.

33. Saturday night July 14, 1965.

A lonely Saturday night alone in the lab. I paid my $220 bail fee on Friday, so I am free for the next number of months. . .

34. Friday night, August 20, 1965 already.

Latest on the FSM defense: Some of our lawyers just checked up on an obscure part of the California Penal Code that hasn't been used in 60 years. It permits two people per defendant, with real personal property, signed affidavits stating that they are worth so much in cash, stocks and bonds (real estate and automobiles go in at half of equity), and are willing to take responsibility for the defendants appearance in court on schedule – to serve in lieu of any other form of bail. No transfer of funds needs to be made, but we need an affidavit from two wealthy people for each defendant – and one wealthy person may sign for more than one defendant.

The Defense Fund, which had about $15,000 before sentencing started, is now about $15,000 in debt, and another $15,000 in bonding has been put off until September. But the bondsman has only filed insurance policies for the first $15,000 worth, representing 10% of the bail, and is holding the money for the insurance company for the second $15,000. We hope to be able to get the judge to permit us to substitute faculty affidavits for that $15,000. The wealthy person (“surety”) must appear personally in court.

Prof. Strohman is worth $15,000, he says, and this will be used in September. Sick as I am, I will be calling faculty members tomorrow, and arranging the meetings between them and the lawyers tomorrow night. We are on the court calendar for Monday afternoon. I will put up about $1000 of my own money.

Here's something one faculty member just told me: there is a Teaching Assistant in Zoology who has just been promoted to Associate (i.e. Lecturer), and who, when about to be arrested in Sproul Hall (heis a very big guy) called the cops a bad name, and got picked up by the testicles and dropped on his head so as to make him unconscious so that he never remembered being arrested, or anything else until he was dropped in the basement pen, where I observed him with his bare torso, sweating profusely, and where he didn't move for at least a minute after he was thrown onto the ground. In court he accused a Berkeley Negro police officer of picking him up by the testicles – there are only three Negroes on the Berkeley force, and the one he accused turned out not to have been the one, but to have been a personal friend of Judge Crittenden. When sentencing came up, the judge refused to assign bail for him so that, in order to appeal, he would have had to go to jail. The faculty member who told me this is a good friend of Strohman's, and has the big lab next to ours (ours has four grad students and one postdoc in it now – Strohman has his own lab next door), and said that he and another zoology professor shared the cost of Joe Lapointe's fine. (LaPointe chose not to appeal – he is lecturing in a summer session course.)

Long letters these days. I went to a Vietnam meeting one night last week and got myself involved in sitting at a table in front of Sproul Hall (where the men in business suits and dark glasses come by with their 35mm cameras), one noon hour each week. This is the group that published the questionnaire I sent you last week, and which I would like back, incidentally, filled out if possible. I am revising the questionnaire. People ask difficult questions at the Vietnam table – good training.

35. Friday night, August 27, 1965.

Dear Folks again – First the surety bail project: See the enclosed circular, of which I wrote the first draft: we discovered what we hope is a way to get around bail. Too bad we didn't know about it sooner, because we could have saved about $18,000 that has been paid to the bondsman. The specific project described in the circular has failed: when the DA caught wind of it, he had the bondsman check carefully with the State Insurance Board, which told him that it might be illegal to return insurance premiums already contracted for. But the process of posting bond by surety looks good for the future, and we are proceeding with three test cases to clinch the method. One student is being transferred from corporate bond (by the bondsman) to surety bond. Another (me!) is being transferred from cash bail to surety bond, and a third, who was sentenced just this week, is posting an original surety appeal bond. All these cases had preliminary hearings last Wednesday afternoon, and are scheduled for final decision on Monday at 9 AM. The judge (Judge Talbot, since Crittenden is on vacation) will decide in the first two cases whether bond may be transferred from one form to another, and in all three cases, whether the sureties are sufficient. The DAs get to examine the sureties. We picked as the two sureties for the three cases Prof. Morris Hirsch, a radical Vietnam Day Committee member and friend of Strohman's, and Dr. E. Glen Richards, a friend of Strohman's and myself, who is a Research Associate in the Nutrition Department, a former graduate student under Schachman, and who is an expert on the purification of myosin – he has given me much help.

I worked full-time on the surety project from Sunday night through Wednesday; four of us raised over $200,000 in surety in that time. I did my full share, and also attempted to locate some extremely wealthy people through the California Democratic liberal organization known as CDC. I spoke to some important people but some of the key lawyers (who were friendly with an old woman who held the purse strings) were out of town, so I didn't get very far.

Next matter of FSM business is the brutality suit, just now getting underway. It will be filed, we think, in the Federal Court, under the 1964 Civil Rights Act – which guarantees due process to all citizens. This includes the right not to get beaten up by the cops, in Sproul Hall, the right to see a lawyer at a certain stage of the booking and questioning, etc. A well-known San Francisco law firm will be handling the case – will know more next week.

Twelve defendants who refused to pay their bail for appeal were sent to Santa Rita Prison last week, and assigned to such rewarding jobs as shoveling manure, hoeing beets, etc. The girls were isolated from the other women prisoners as security risks. Also the men were shifted from one barracks to another every day, as security risks. You never know about these agitators.

A news release of today: the forcible search of that mosque in Los Angeles by the police last week was to obtain not weapons, as the original news release proposed, but rather three years’ worth of records of incidents of police brutality. The police took them as well. We are having all of our brutality records (affidavits from 600 of the 773 people arrested in Sproul Hall) microfilmed – just in case.

We had a beer and pizza session on Wednesday for Prof. Jones’ retiring young secretary. She left us with the names of people in Donner Lab who were friendly to our cause, and who we can get information from. She also told us the story of Mr. Alexander Grendon – a Research Associate who works under Jones, and who instigates most of Jones’ political beliefs. Grendon was formerly State Commissioner in charge of informing Gov. Brown on matters concerned with Atomic Energy. He fought for the nuclear power plant at nearby Bodega Head, which was recently abandoned when an offshoot of the San Andreas earthquake fault was discovered underneath it. Grendon had several conversations with the Governor on the night of the Sproul Hall sit-in. We learned also that Jones hasn't done any research since 1956, and, like other faculty members in Donner Lab, he cheats on his teaching requirement by getting other instructors to do the actual teaching, which is good in that people don't have to listen to Jones, because he has nothing to say, but bad in that the money might go to someone who could teach well. He is still a very warm and kind person, and will do whatever he can to please anyone he can. But in this life, that's not enough.

Read the enclosed circular for what I mean by putting up $1000. Now I know that my salary is good as well, or half of it, so my surety now stands at about $2400. Enough to stand for half of about five defendants. I readily admit to there being nothing admirable about my accumulating so much money. But I don't know what else to do with it. I give five dollars a month to SNCC; another five to my lobbying organization in Washington.

36. postcard dated Monday night, September 13, 1965.

Dear Folks – The surety bond test cases were resolved as follows: the important case was approved. Two others, transfers from one kind of bail to surety, I was one of those test cases, were denied. So we hope to be able to save about $6500 using the surety procedure. Fortunately, the regular FSM office staff is now back from vacation so I don't have to work in the office anymore. The campus is now getting crowded again – school starts next week.

37. Friday night at home, September 3, 1965.

The surety bond project continues in the air. We appeared in court last Monday, and were told that our affidavit forms didn't contain all the information required by the law. So we were continued to Wednesday, when we were informed by the judge that the District Attorney who is handling this case was home in bed with a bad back – perhaps a slipped disc – so we were continued again to September 10 – next Friday, which is also the first day for the Fall sentencing period – About 90 defendants remain to be sentenced. We are working in the office to prepare for the possible success of the test cases – in which case we will have to have professors in court each day of the fall session to stand surety for the defendants. Oh yes, we checked the DA's office at 11 AM last Wednesday, since we had been told at 9:30 that he was home in bed. He was in the office, working, and his secretary refused to say what time he had come to work. That's justice.

38. Saturday night or thereabouts, not September 25, 1965.

Dear Folks – Surety project – was delayed another week. The DA now insists that we provide copies of deeds to any real property owned by potential sureties. Also, the forms all had to be changed again. But we have complied, and hope to put 60 defendants through the surety procedure on Wednesday of this week. It should be a big day in court.

The new campus rules seem fairly reasonable except for certain points – e.g. prohibition of any large easels for organizations to post bulletins in the plaza in front of Sproul Hall. The Vietnam Day Committee and the Free Student Union had been ignoring that rule.

Dick Gregory gave a benefit performance last night for the Free Speech Defense Fund. 2000 to 3000 people paid $.75 each. He told many sick jokes about Negroes and about LBJ and about the antipoverty program and about Vietnam, etc., and for the last half hour he answered questions in a serious vein. He talked a lot about how man-made laws sometimes violate natural laws – and how the natural law always wins out in the end – as in Watts. About how our authorities talk about the necessity for law and order, and point to the Constitution as the framework of our society. But the Constitution doesn't say anything about law and order. It talks about justice, which is quite a different matter.

39. Friday night, October 1, 1965.

Dear Folks – Surety project: Wednesday was supposed to be the big day in court, but following all the cross examinations of the nine or so sureties (eight faculty members and one local philanthropist), Judge Crittenden postponed decision until Friday (today!). So everyone came back today and the judge approved everything, so 60 defendants are now out on surety bond. They have all been asked to pay to the Defense Fund what they would have had to pay to a bail bondsman – and this money is being put in a special fund to cover any faculty losses. It will be returned to defendants if not used. Our lawyer in charge of this project didn't think Strohman was worth very much (at least in the eyes of the judge) so he limited Strohman to one defendant. Strohman was quite mad. I worked on the forms several nights this week.

40. Friday night, October 8, 1965.

Dear Folks – Surety project: we saved over $5000 from the first large group of 61 defendants, whose appeal bail was satisfied by the surety procedure. There are about 30 defendants left, and we will attempt to use the procedure again on Thursday. This means a lot of work getting all the sureties lined up and down to court, and filling out all the forms.

The administration's move to put the most outspoken faculty FSM supporter in charge of student political activity was the smartest thing they could've done – it's made him a conservative. This week he was forced to enforce his new rules, resulting in the removal from the Sproul Hall area of two massive billboards where Vietnam and other political literature had been posted for all to read. It has started a new campus dispute over rules. And anyone who claims that our demonstrations were riots either wasn't there or doesn't know the meaning of the word. There was never any boisterous, tumultuous, or violent behavior. Ever. Secretaries testified in court that there was nothing disturbing about the noise level in the halls during the sit in.

One thing to watch: four students who were suspended in the obscenity cases have filed a suit against the Regents, with *amicus curiae* briefs being filed by the Northern California ACLU and the National Lawyers Guild. In the courts, the obscenity charges were dropped, and the convictions were for disturbing the peace – which is now being appealed.

Sunday evening – on the train down to Palo Alto – I'm taking 12 tapes of the Toronto teach-in down to Stanford. I have a reservation on United Airlines arriving JFK 7:30 AM Saturday, October 16. I'll bring a good book, so sleep later then you would have otherwise.

41. Friday night, October 22, 1965, in the lab at Dartmouth Medical School, Hanover New Hampshire.

Dear folks – I received a letter from Berkeley from some friends who participated in the march last weekend. They want me back for the next march on November 6. I don't think I will make it. They say that the FSM lawyers are filing a motion to Judge Crittenden asking him to state his grounds for finding us guilty. The statutes under which we were convicted are quite broad, and we don't know exactly what Crittenden thought we did wrong.