The Berkeley Free Speech Movement: Civil Disobedience on Campus

The Berkeley Free Speech Movement was one of the first of the 1960s university student protests that challenged authority and criticized the way things were.

On October 1, 1964, Jack Weinberg was arrested for soliciting contributions without permission for a black civil rights organization on the Berkeley campus of the University of California. The arresting officers put Weinberg, a 24-year-old graduate student, into a police car. Protesting students immediately surrounded the car. This was the beginning of the Berkeley Free Speech Movement. The ensuing acts of civil disobedience shocked those in authority and plunged the university into several months of near chaos.

The Free Speech Movement was the one of the first of the many protests at universities across the country throughout the 1960s. The "baby boom" generation, the children of the World War II generation, flooded into the nation's universities during the early 1960s. Some students eager for political change sensed the potential power in their numbers and set out to challenge the older generation that seemed satisfied with the way things were. Jack Weinberg proclaimed shortly after his arrest, "You can't trust anyone over 30." This became one of the slogans of "student power" protesters throughout the country.

Rule 17

University of California (UC) has several branches throughout the state. Its oldest campus is at Berkeley, a city across the bay from San Francisco. The public, tax-supported UC system is governed by a Board of Regents. This body consists of the governor of California, other elected state officials, and several appointees.

Clark Kerr as the president of the UC system in 1964. A national educational leader, Kerr had recently written a book that described the modern American university as a "knowledge industry." Students later used this phrase to refer to the university as a large, impersonal, and bureaucratic institution.

For many years, the University of California followed a policy of political and religious neutrality on all its campuses. The Board of Regents adopted "Rule 17," which prohibited political or religious speakers on UC property unless first approved by the campus administration. Likewise, administrators had to approve any fund raising or recruitment for off-campus causes.

Since Rule 17 banned unauthorized political and religious activities at Berkeley, a lively tradition of free speech developed just outside Sather Gate, one of the main university entrances. But in 1958, the campus extended its boundary about 40 feet beyond this entrance. This meant that the recruitment, speech-making, distribution-of-literature, and fund-raising activities that continued outside Sather Gate were taking place on UC property in violation of Rule 17.

For several years, the Berkeley administration ignored the ongoing violations of Rule 17 in the Sather Gate area. As the new school year began in September 1964, however, Berkeley officials decided to enforce the campus ban on unauthorized speech activities.

Mario Savio

Students of all political persuasions signed a petition asking the Berkeley administration to reconsider its decision to enforce the ban. On September 21, after Berkeley administrators had rejected their petition, about 100 students began picketing the school. At the same time, in an act of civil disobedience, several political groups set up information tables on university property outside Sather Gate. Some of these students, mostly white and middle class, had gained experience with non-violent civil disobedience the previous summer while working for black civil rights organizations in the South.

A few days later, several leaders of the Sather Gate protest, including Weinberg, were summoned to the dean's office for a disciplinary hearing. Accompanied by about 500 other students, the protest leaders marched to the dean's office in Sproul Hall and promptly sat down in the hallways.

During this first Sproul Hall sit-in, a philosophy major named Mario Savio made a speech claiming that the UC system was never politically neutral and charging that it was controlled by big business interests on the Board of Regents. "Anybody who wants to say anything on this campus, just like anybody on the city street, should have the right to do so," he declared, "and no concessions by the bureaucracy shall be . . . considered by us, until they include complete freedom of speech!"

The sit-in broke up early the next morning, but political groups set up their information tables directly in front of Sproul Hall in defiance of university authorities. At this point, Weinberg was arrested and put into the police car. Students surrounded the car, sat down, locked arms, and sang "We Shall Not Be Moved." Savio and others spoke to the large crowd from the roof of the police car.

Later in the day, Savio led about 150 students back into Sproul Hall and blocked the entrance to the dean's office. During a scuffle with police, Savio was accused of biting an officer on the leg. Finally, around 9 p.m., the students left the building, but the sit-in continued around the police car with Weinberg still inside.

Berkeley Chancellor Edward W. Strong issued a statement condemning the student actions. "Freedom of speech by students on campus is not the issue," he argued. "The issue is one presented by deliberate violations of University rules and regulations by some students . . . ."

By late afternoon on October 2, about 500 law enforcement officers had moved onto the campus and were preparing to break up the student sit-in around the police car. But before a confrontation took place, Savio and other student leaders met with university officials to negotiate a compromise. In exchange for agreeing to stop their civil

disobedience, the students secured a promise from UC President Kerr to form a committee to discuss "all aspects of political behavior on campus." The university also agreed not to press charges against Weinberg.

The Free Speech Movement

On October 4, Savio and others formed the Free Speech Movement (FSM) to represent students in negotiations with the university. The FSM wanted what it considered First Amendment rights to free speech guaranteed on the Berkeley campus. But the university refused to back down from its Rule 17 position.

On November 20, the Board of Regents held a scheduled meeting at Berkeley. About 3,000 students rallied outside the regents' meeting. The regents approved a new policy that identified certain campus areas in which student planning, implementation, fund-raising, and recruitment would be permitted "for lawful off-campus activities." To the students, this qualification seemingly prohibited supporting black civil-rights organizations involved in civil disobedience against Southern racial segregation laws. The regents also issued disciplinary letters to Savio and three other students for their part in the police car and Sproul Hall sit-ins.

The Free Speech Movement organization sent an ultimatum to the university, demanding that the charges against Savio and the others be dropped. On December 2, after the university ignored this ultimatum, the FSM held a rally of about 4,000 students in front of Sproul Hall. Savio spoke, comparing the university to a machine. "There comes a time," he said, "when . . . you've got to put your bodies upon the gears and upon the wheels . . . to make it stop." Following Savio's speech, about 1,500 students invaded and occupied Sproul Hall.

At 3 the next morning, hundreds of police officers entered Sproul Hall and started making arrests. Over the next 12 hours, nearly 800 students were arrested, carried from the building (sometimes roughly), and jailed.

In response, the FSM called a student strike, which caused the cancellation of most classes. At another huge rally, this time with up to 10,000 students present (about a third of the student body), FSM leaders called for the resignations of Berkeley Chancellor Strong and UC President Kerr. Kerr responded by stating that, "The rule of law must be honored in California."

After several more days of pandemonium on the campus, things came to a climax when the faculty Academic Senate met on December 8. With thousands of students outside the meeting hall listening over a public address system, the faculty debated what to do to end the crisis.

The main motion proposed at the Academic Senate session called for no university disciplinary action against any students involved in the free speech controversy. The motion went on to state, "That the content of speech or advocacy . . . should not be

restricted by the university." The only qualification was that speech activities would be limited by reasonable regulations "to prevent interference with the normal functions of the university." Basically, this was the position taken by the FSM.

One professor, however, introduced an amendment to the motion, stating that speech on the campus should be "directed to no immediate act of force or violence." The professor argued that without this limit, the Ku Klux Klan and every other "extremist and crackpot organization" could use the university to spread hate and violence.

Another professor spoke out against the amendment. He argued that, "We should be concerned with the task of running a university where anybody can say whatever is on his mind, and other people listen to him and think about it and make up their minds whether they agree or not." In the end, the amendment was defeated and the main motion passed 824–115. Outside, the massed students cheered.

At their next meeting on December 18, the Board of Regents rejected the motion passed by the Berkeley Academic Senate. For the first time, however, the regents did accept the idea that student free speech should only be restricted by the limits of the First Amendment.

By the beginning of the new year, the immediate crisis at Berkeley had passed. But turmoil continued for quite some time. On January 2, 1965, the Board of Regents fired Berkeley Chancellor Strong. Taking advantage of their newly won free speech rights, some students began to use obscene words in their speeches and publications, causing the press to rename the FSM the "Filthy Speech Movement."

Late in 1964, the Board of Regents commissioned Jerome C. Byrne, a prominent Los Angeles attorney, to head an inquiry into the causes of the student demonstrations at Berkeley. The resulting Byrne Report concluded that "the basic cause of unrest on the Berkeley campus was the dissatisfaction of a large number of students with many features of the society they were about to enter." The report went on to criticize how the university had handled the Sather Gate controversy and recommended that decision-making throughout the huge UC system be drastically decentralized.

A public opinion poll conducted in January 1965 reported that 74 percent of Californians disapproved of the Berkeley student protests. Many who were interviewed expressed the opinion that students had other options than civil disobedience. They said that in a democratic society civil disobedience should only be used as a last resort. During his campaign for governor the following year, candidate Ronald Reagan promised to "clean up the university." After he was elected, the UC Board of Regents fired Clark Kerr.

Inspired by the black struggle for civil rights in the South, the Berkeley Free Speech Movement led to university and even high school student protests all over the country. By the end of the 1960s, however, most of these protests had shifted from "student power" issues to opposition to America’s deepening involvement in the Vietnam War.

For Discussion and Writing

1. What was Rule 17 and how did it apply to the area immediately outside Sather Gate in 1964?
2. What options did students have other civil disobedience to get Rule 17 changed? Should they have resorted to these options before choosing civil disobedience? Why or why not?
3. Mario Savio said the issue at Berkeley was student free speech. UC President Clark Kerr said it was a matter of the rule of law. Who do you think was right? Why?
4. Would you have voted for or against the amendment to the motion before the Berkeley Academic Senate? Why? How would you have voted on the main motion itself? Why?

For Further Information

Free Speech Movement Archives : A spectrum of opinions on what FSM was and what happened to it. Links to documents of the conflict from all sides.

Free Speech Movement Chronology : A chronology tracing events of the "free speech" controversy at Berkeley from Sept. 10, 1964, through Jan. 4, 1965. Full texts of important documents, reports, statements and resolutions are included.

A C T I V I T Y

Activity Fees and the First Amendment

In 1996, politically conservative students sued the University of Wisconsin for its policy of mandating a student activity fee that helped to fund gay and lesbian, socialist, and other campus organizations with which they disagreed. The students argued that, under the First Amendment, no one should be forced to contribute to causes they oppose. University officials responded that since students had the right to form campus groups reflecting their views, the groups should have the right to seek activity fee funding approved by a student government board. The case reached the U.S. Supreme Court. In March 2000, the court ruled in favor of the University of Wisconsin in *Board of Regents v. Southworth*. This means that such a policy is constitutional. Whether such a policy should be used at public universities is a matter for the universities to decide.

In this activity, the class will simulate a public university student senate debating whether student activity fees should be voluntary or mandatory for campus organizations.

1. Divide the class into groups of three. Assign each member of the group one of three roles—supporter of mandatory fees, opponent of mandatory fees, and student senator.

2. Regroup the class so that members of each role group can meet together. Opponents and supporters of mandatory fees should develop arguments supporting their positions. Senators should develop questions to ask both sides.
3. Have students return to their original group of three. The senator should run the meeting, allowing both sides to explain their position and asking questions of both.
4. After these groups have met, the senators should come to the front of the room, discuss the issue, and vote on whether the university should have mandatory fees for campus organizations.
5. Debrief the activity by asking what the strongest argument were on both sides.