Who Killed the Berkeley School? Struggles Over Radical Criminology

Herman Schwendinger, Julia Schwendinger, Jeff Shantz

Published by Punctum Books

Schwendinger, Herman, et al.
Who Killed the Berkeley School? Struggles Over Radical Criminology.

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During the “Third World Strike,” when the Asian, Hispanic and Black Power movements attempted to force concessions from the university administration, sociologist Rodney Stark wrote,

Police periodicals, pamphlets, and manuals, as well as the pronouncements of prominent police spokesmen, are unanimous in attributing the student demonstrations to a sinister and subversive conspiracy.¹

He observed that the most widely cited and “authoritative” police report on the 1964 FSM activities at Berkeley had been prepared with the aid of then Berkeley Police Chief Addison H. Fording and published in the Police Chief, the official publication of the International Association of Chiefs of Police. This report attributed the FSM demonstrations to the “guiding hand of communists and extreme leftists.”²

Still, to fully appreciate how the police responded to

² April 1965, p. 10.
dissidents at Berkeley, we can compare it to a case in which Cornell President James A. Perkins, at great cost to himself, defied Sindler and his coterie. Despite unlawful acts by Black Power Cornell students, Perkins did everything possible to keep the police off campus. The Cornell situation was well known to students on other campuses. When this case is kept in mind, it will be easier to grasp student reactions to police at UC Berkeley.

**OPERATING PRINCIPLES & MORAL CONFLICTS**

While constructing an ideological defense for disciplining students at Cornell, Sindler and his coterie formulated two important moral rationales. The first rationale centered on the so-called threat to academic freedom posed by anti-war and Black Power movements. The anti-war movement unintentionally triggered this type of rationale when Averell Harriman, the United States ambassador to South Vietnam, came to speak at Cornell. Prior to his appearance, around 3000 students and faculty members had attended Cornell’s first teach-in on the war. When Harriman arrived, the anti-war protestors disrupted his speech, deprived him of the microphone and insulted him as an imperialist agent. Although students did not relate this incident to academic freedom, faculty opposed to the disruption justified their stand on this ground. Faculty considered the disruption of Harriman’s speech a clear violation of academic freedom.

This faculty added “the rule of law” to their rationales for disciplining the protesters. As students (and some faculty) continued to break university rules of conduct by disrupting the annual review of the ROTC, blocking

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Marine recruiters, and so on, the university judicial system lost its legitimacy with many at the university. In light of the great harms committed in the Vietnam War, protesters believed that university disciplinary actions against their “direct actions” were immoral. Still, while protesters took this stand to achieve a higher moral end, the advocates of law-and-order eventually demanded the defense of the rule of law—by police if necessary.

The conflict at Cornell intensified as draft boards vindictively reclassified students who openly protested the war. When students burned draft cards in anti-war demonstrations, their names were supplied to the boards by Cornell proctors. Bruce Dancis, a Cornell undergraduate, was the first SDS member in the nation to destroy his draft card; and his act galvanized resistance to the war throughout the country. Meanwhile, the Johnson administration began to retaliate on a national level against students by removing their draft deferments if they participated in anti-war demonstrations. These events blurred the distinction between preservation of “the rule of law” through the enforcement of university conduct rules, and suppression of political dissent by government agencies.

As the crisis in adjudication of campus misconduct deepened, Cornell, ostensibly in the interest of fairness, commissioned Sindler and others to reconstitute the student conduct code. The Sindler Commission proudly announced, “The University’s primary objective should not be law enforcement, which was the proper concern of public authority.” Rather, the university should “pro-

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4 The “Sindler Commission,” as it was called, made pioneering changes, according to Donald A. Downs, because it rejected the patronizing principle of _in loco parentis_ which had governed the previous code.
tect the opportunity of all members of the Cornell community to pursue their educational goals effectively.”

The Commission’s revisions, according to Donald A. Downs, author of a book about Cornell in 1969, were not considered “liberal” or “conservative.” Nonetheless, Douglas Dowd, a left-wing economics professor, later criticized the judicial changes as unfair to students in political and racial cases. Others were annoyed at the lack of concrete guidelines. While the conflict between the judicial system and the anti-war movement had led to the establishment of the Sindler Commission, it provided abstract principles and changes in how violations were processed. Yet, it did little or nothing to ameliorate the conflict itself. Cornell counsel Neil Stamp said: “This is one of the things that really disgusted me about the Sindler Commission. There were all these philosophic statements, but it didn’t come down to something specific that would give us a road map.”

Ironically, the Black Power movement intervened and kicked the Commission’s innovations and its “rule of law” overboard. The time was ripe, and student activists ignored the Commission’s abstractions. Resonating with civil-rights movements throughout the nation, the student-run African American Society (AAS) set off events culminating in the 1969 occupation of Willard Straight Hall. Demanding the creation of a black-studies program, the AAS became increasingly impatient as the work of the Committee responsible for a black-studies program dragged on. Several AAS members attended a black-power conference at Harvard and concluded that

5 Downs, op. cit., p. 67-8.
6 It is reminiscent of Tocqueville’s comment about an American: “His ideas are all either extremely minute and clear, or extremely general and vague: what lies between is a void.”
only an autonomous black college would meet their needs. Forty AAS members then raised this demand and refused to recognize the committee already charged with organizing a black-studies program. They formed a new committee consisting of themselves, and forcibly evicted personnel from the building slated to house the black-studies program. Subsequently, black students were cited for waving toy guns in the cafeteria and overturning vending machines, for conducting a sit-in at President Perkins’s office, for running through the medical clinic, dancing on tables in the Straight’s main dining room, and removing books from library shelves and dumping them at circulation desks. Some AAS students moved cushions from another building to the building assigned to house the black-studies program. The cushions were eventually returned and restitution was made for the cafeteria vandalism; nevertheless, the Cornell student Conduct Board cited the students for improper conduct.

After negotiating for days, President Perkins, who seemed to have the patience of Job, convinced the AAS that an autonomous black college was not possible. Furthermore, by the time the Willard Straight incident occurred, only five student reprimands were being contested, due to the remarkable forbearance and patience of the university administration.

Toward the end of 1968, the AAS finally agreed to work with an administrative spokesman who headed a new committee on black studies. With the failure of the black college strategy, a moderate faction took command of the AAS, hoping to unite the black students behind a less confrontational posture. Still, while a blow-up was

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7 A black student on one occasion grabbed Perkins by the collar during negotiations but this student and his companion were expelled for this assault from the AAS.
for the time being averted, the AAS continued to hold demonstrations for an autonomous black-studies pro-
gram.  

In March 1969, the university judicial board affirmed the principles of the judicial system and stated its ration-
ale for adjudicating the AAS students. Thereupon, five students were ordered to appear at a judicial hearing or face possible suspension; but they failed to appear.

White student protesters now complicated the scene. They disrupted on-campus recruiters for Chase Manhattan Bank to protest its dealings with South Africa. A special administration committee declined to charge these students and, although its decision was actually driven by faculty outrage toward the policy of apartheid in South Africa, the AAS denounced the committee’s decision as racial favoritism toward whites.

The AAS denunciation was ignored, and the administration, at an emergency meeting, called for faculty support in the face of a breakdown of order. The faculty voted 306–229 to support the judicial board’s citations of the five AAS members. Thereupon, 150 students appeared in place of the cited students before a student Conduct Board and protested its legitimacy. The Board announced that the suspensions of the cited students would be held “in abeyance” and asked the Faculty Committee on Student Conduct (FCSC), which reviewed cases decided by the Board, for assistance in reaching a final decision. The FCSC published a lengthy report supporting the Board that again asked the defendants to appear after the spring break. At this point, in a possibly unrelated occurrence, three white students were

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8 Autonomy in this context seemed to mean greater student control over the selection of its Chair and the organization of the program.
assaulted on campus at night. Two identified their attackers as black. The third remembered nothing about the attack because he was beaten unconscious; he remained comatose for several days and suffered brain damage. The culprits were not identified and may not have been students.

A month later, Cornell Trustees voted to fund an Afro-American studies center in which students would have considerable decision-making power. Regardless, in that same month, the AAS published a statement presenting its case against the judicial system. The AAS student defendants were finally tried in absentia and the Conduct Board issued reprimands to three students. (The other two had left the university.) Shortly thereafter, false alarms broke out in dormitories. Within an hour a cross was burned in front of Waring House, the black women’s residence. The relations between the AAS and university authorities had broken down, and the occupation of Willard Straight Hall followed.

During the evening of the occupation, Delta Upsilon fraternity members broke into the Straight from a side window, but were repelled. AAS allies outside then brought weapons into the building, transforming the occupation into a completely new ballgame.

Despite the AAS “resort to arms,” thousands of Cornell students supported the black students. At a mass meeting, six thousand students raised their fists in response to a black leader, asking them who would support black students that night if they occupied Barlow Hall. However, other leaders informed the assembly that the faculty council had asked the Senate to hold an emergency meeting the next day to provide an opportunity to reverse the previous faculty approval of the reprimands against the black students. In light of this
information, the student assembly decided to delay “moving in on the university” *en masse* led by the AAS. By delaying that move, they gave the faculty an opportunity to forestall dangerous consequences such as intervention by police and state troopers—and a riot in the Cornell ghetto.⁹

The following day, thousands of students stood outside the Arts quadrangle, awaiting the faculty decision. Some of the faculty who were against the student movement pointed to the pressure exerted by the students. They declared that if guns, and threats to occupy buildings, were used to force the faculty to reverse itself on matters affecting the judicial system, they might be used to similar ends on matters affecting academic freedom. Other faculty members, however, felt that academic freedom had nothing to do with nullifying the Conduct Board’s reprimands. Professor Eldon Kentworthy, who specialized in Latin American politics and who witnessed events as they unfolded, cynically observed:

> There is certainly truth to the claim that tactics successful in one arena may be transferred to another, or that once the hiring and firing of teachers or the choice of course content area [is] decided by plebiscite, the university is finished. But weren’t the students trapped in a guilt-by-anticipation? How did the faculty know they couldn’t distinguish academic freedom issues from others? Was this, in fact, not a sophisticated put-down, a way of preserving faculty prerogatives on the whole range of issues in which academic freedom is not implicated or, if implicated, implicated in ways capable

⁹ According to black students’ accounts.
Students were angry, Kentworthy said, at the intrusion of the academic freedom issue into the faculty deliberations. To justify this intrusion, he observed, several political science and history professors claimed that they felt compelled to edit lectures or to avoid teaching certain subjects. However, these men seemed unable, according to Kentworthy, “to separate the essential conditions of academic freedom from the more nebulous conditions for good teaching from the still broader conditions for faculty comfort.” Kentworthy, scornfully added,

What we on the faculty failed to do, I believe, was make clear our preference for not having to act heroically, as well as to convince students that, given this preference, most of us are not effective teachers under heroic conditions. These personal and pedagogical needs, however, were swathed in the glowing rhetoric of academic freedom. ‘Self-censorship’ provided the link between the two. Consider, for example, this statement by Alan Sindler in a paper delivered to the American Political Science Association the fall following the crisis:

Kentworthy then quoted the following from Sindler’s paper:

When the environment for academic freedom is insufficiently supportive, as it

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recently has become at Cornell, the typical accommodation of a faculty man will be to play it safe, to teach students what they want to hear and will accept. Such faculty self-censorship undercuts academic freedom more pervasively and effectively than do the more dramatic incidents of disrupting classrooms, interrupting speakers, and the like.

Sindler’s rationale was a coward’s gambit, because it legitimated the intrusion of academic freedom into the faculty deliberations by appealing to cowardly sentiments. Granted, the widespread self-censorship that accompanies academic repression is appalling. And certainly, the terrorist tactics employed by Jones and Garner—who assaulted Perkins and threatened Sindler and his colleagues with violent retribution—cannot in any setting be condoned. But appealing to cowardly sentiments to defend academic freedom has an unpleasant odor, especially in the context in which this appeal was made.

For example, Kentworthy suggested that Sindler wasn’t truly addressing the situation at Cornell. Instead of talking realistically about teaching conditions, he believed faculty members like Sindler

...either called up memories of the embattled leftist teachers of the McCarthy era or spun out images of some Newmanesque university that Cornell never was, at least not in the years I have known it. Forced to define the conditions for academic freedom, faculty members fell back on elaborate abstractions which translated as “whatever

11 Refer to the radio broadcast and threats.
makes the faculty man comfortable.”

Kentworthy also noted that Sindler and others repeatedly resurrected an incident involving Professor McPhelin, which occurred a year before the sit-in at Straight Hall, to prove the existence of a “fateful trend” opposing academic freedom and leading to the April events. McPhelin had taught an introductory economics course and black students had accused him of making racist interpretations and remarks while referring to urban poor people and conditions accompanying poverty. Also, when one of the black students questioned the relevance of a comparison of educational levels over time, McPhelin ignored the question. After the class, the black students demanded and received an apology from McPhelin that was expressed publicly at the next session but they also prepared a formal rebuttal that was read aloud over McPhelin’s objections.

Escalation of this issue, which included the demand for a black speaker who could present the “other side,” led to the occupation, by about sixty mostly black students, of the Department of Economics office, and to negotiations with the administration for a black-studies program. When McPhelin resumed lecturing his topic after the sit-in, racial aspects of poverty—which had appeared in his original course outline—were omitted, ostensibly because he “was advised to stay off it.”

The McPhelin incident was repeatedly used by

12 In a lecture on poverty, Professor McPhelin reportedly referred to social conditions in slums, including a passing characterization of children’s games as “sick and perverse.”

13 After the session, Prof. McPhelin promised to publicly apologize for not answering the question to the entire class the next meeting. But this did not end the matter.
Sindler and others to demonstrate the self-censorship accompanying the black students’ threat to academic freedom as well as the “fateful trend” leading to the April events. But was this incident an appropriate example? Kentworthy didn’t think it was; he noted that while faculty claimed the students had threatened McPhelin’s freedom, they “failed to consider in that unhappy situation the academic freedom of McPhelin’s students had been as much at issue as that of the professor.”

Indeed, a point can be made on the McPhelin incident by way of returning for just a moment to Berkeley and recalling teaching experiences at the School of Criminology. During the rise of the Black Power movement, black students challenged instructors whenever they sensed a racist comment—regardless whether they were right or not. On one occasion, a black student in one of Schwendinger’s seminars furiously stalked out of the room but returned after Schwendinger ran after him and convinced him to calm himself, and to return and continue the debate. On another occasion, a black student and Schwendinger almost came to blows over their differences. But Schwendinger never believed these incidents ever threatened his freedom to speak his mind. He had obtained his bachelors toward the end of the Forties at The College of the City of New York, where students would rush to the library to get information to argue with their professors the next day. The Berkeley School had recaptured the vigorous interactions between students and teachers that made learning an extraordinary experience. In our opinion, McPhelin could have coura-

14 Kentworthy added, “Not unsurprisingly, the Williams poll discovered that 62% of the Cornell faculty defined academic freedom in terms applicable to the faculty alone, while only a fourth included a more than token student component in their definition.”
geously affirmed his right to think as he pleased. He could have stood up for academic freedom, given the lecture as originally planned and engaged in a debate with the black students.

Certainly, the 6000 or 7000 students, who had raised their fists in support of the black students the night before the faculty vote on nullification was taken, did not believe Sindler’s gambit was credible. They gave support because they sympathized with black students who had become fed up with other incidents: the burning cross placed in front of Waring House, a black women’s campus residence;\textsuperscript{15} the slow progress made toward the establishment of the black-studies program; and the Phi Delta Theta dance, which featured a black band but kept blacks out by requiring black students and blacks from the ghetto to pay while allowing whites to enter freely. When students compared these incidents with the so-called threat to academic freedom posed by the nullification of three minor penalties, Sindler’s gambit lost all credibility.

As indicated, Kentworthy also viewed these events differently than Sindler. When Sindler and his crowd employed the coward’s gambit, he wrote,

> Confronted with the faculty’s inability either to talk convincingly about the real psychological conditions for effective teaching or to include in the abstract discussion of academic freedom recognition of student rights, many students came to view the whole issue as a red herring, as merely a part of the ideological

\textsuperscript{15} Analysis of the four feet by six feet cross found that it was composed of the same type of wood sold in the College arts supply store.
superstructure faculty use to dismiss effective student pressure on any important issue. Representative of this view is a column [written by Mark Goldman] in the student newspaper, taking up this aspect of the April crisis from the perspective of ten months elapsed time.

After noting Goldman’s column, Kentworthy states,

Couched in classic liberal polemic, [Goldman’s] arguments reaffirming the inviolability of academic freedom were attempts to defend and legitimize the power and position of the medieval oligarchs of the university—the faculty. Academic freedom ... represented an attempt to defend the concept of privilege, of class and to perpetuate a basically autocratic view of the world still endemic to much American thinking. 16

The liberal rhetoric employed by Sindler touched on the final ambiguity of this affair. Sindler acclaimed, in the abstract, the rule of law and the principle of academic freedom. But were these abstractions compatible with his take on the Vietnam War or on racial inequality? What would he say if he were ordered to reconnoiter along Vietnamese trails trying hard not to step on our land mines or how would he justify killing a peasant who is encountered along the way? Would an ethical phase rule like “kill or be killed,” that most egotistical justification, be enough to assuage his guilt in the act of gutting a peasant with a bayonet or blowing him away?

Where is Sindler as a human being who talks about moral absolutes and individual freedom when defending his position, but says nothing about the possibility of their negation when opposing values—such as being forced to face death or killing Vietnamese in an unjust war—outweigh his professed principles? The defense of Sindler’s conduct at Cornell failed to depict him as a real human being whose invocation of abstract principles could never be taken at face value.

Donald A. Downs, in his book, *Cornell ’69: Liberalism & the Crisis of the American University*, comfortably states, “The abandonment of liberal principles of freedom by the majority of liberals (for whatever reasons) was a powerful subplot of the Cornell story.” In his scenario, “the chair of the Government Department, Allan Sindler, who became perhaps the most important faculty member in the entire yearlong affair” was among the small number of liberals who were willing to fight for academic freedom.” Yet we know very little about Sindler’s political attitudes. In Downs’ account, he is a tintype, portrayed as a heroic one-dimensional man convinced about the sanctity of academic freedom. He appears to have no opinions that may moderate his belief in liberal absolutes. What about an equivocal commitment? Would he defend academic freedom if the quintessential bureaucrat, Adolph Eichmann, spoke about genocide at Cornell? How about Joseph Stalin? What about the ambassador to Vietnam, Averell Harriman? Should he be heard without protest when students who burned their draft cards were being forced to become cannon fodder in an imperialist war? In the formulaic scenario presented by scholars who have depicted events at Cornell, everything is unambiguous because their protagonists are never fleshed out and the relative weight-
nings of contradictory ethical mandates that resolve moral conflicts in the real world, however changeable by circumstance, are not exposed.

Sindler, according to Downs, predicted that Cornell ’69 “comprised a watershed event because of the introduction of firearms.” It represented “the malaise of higher education, the declining self-confidence of academic men, the shattered consensus on academic values and the relation of the university to society, the bias of faculty in favor of the political Left, the conversion of white racial guilt and empathy to blacks to a quite different posture of abdicating judgment.”17 This list of indictments sounds so tragic a Homeric poet could have set it to verse. However, the real tragedy in Cornell’s so-called “capitulation” to armed rebels involved the dismissal of the President, Perkins, whose unbelievable patience and gentle manner had led Cornell through an extraordinarily difficult time. He refused to expose the campus to the dangers of allowing law enforcement authorities to control student conduct on campus. In Berkeley, on the other hand, violent encounters with police in 1968–1969 were even greater than before.

**BACK TO BERKELEY**

While local police and state troopers were kept off the Cornell campus, nationally, in 1968-1969, police were used on nearly 100 campuses, the National Guard on six. More than 4,000 demonstrators were arrested. At Texas Southern University and in Orangeburg, South Carolina, black students were shot and killed. The National Guard occupied the black ghetto of Wilmington, Delaware, for nine months. Over a thousand Black Panther Party mem-

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17 Downs, op. cit., p. 306.
bers were arrested in a nationally coordinated roundup. The two central events that year in Berkeley were the student strike led by the Third World Liberation Front (TWLF), spearheaded by the Asian students and the Black Student Union, which demanded the establishment of a Third World Studies department; and secondly, the destruction of People’s Park. Massive retaliatory violence against demonstrators was employed in both of these events.

Rodney Stark, author of “Protest + Police = Riots,” concluded from on-the-scene interviews and observations of the TWLF strike that police provoked the violence. His interviews indicate students were so enraged by the police brutality committed for years against students that any incident bringing “the pigs” on campus would produce massive demonstrations regardless of the reasons police were summoned. Whatever the issue, the angry students threw stones, bottles and cherry bombs or picked up gas grenades and tossed them back at police. Stark observed, “Time and again the police were used with very little reason, and time and again their arbitrary, massive and too often brutal performance spread and intensified the student discontent.”

Stark illustrated this process with the strike called in January 1969 by the TWLF. Composed of non-white students, the TWLF struck to protest delays in the creation of a black studies program. In the following days, an ethnic studies program and an autonomous Third World College were added to the demands. Chancellor Heyns—like President Perkins at Cornell—met the TWLF part way, promising that the ethnic studies demand would receive positive action but he refused to speed up this process by altering normal committee procedures.
Reportedly, since the majority of Berkeley students felt the administration was accommodating to the TWLF (and the strikers excluded whites from their meetings), campus-wide support was minimal. At most, 300 persons were on the picket lines when the strike began. Campus routines were not disrupted; many students entered and left the campus without seeing a picket. Most students believed that the strike was primarily symbolic, merely showing solidarity with San Francisco State students who were still supporting the TWLF in a long, bitter strike against an implacable administration, headed by President Hayakawa.

During the night of the first day of the strike, the largest lecture room on campus, Wheeler Auditorium, was torched. TWLF leaders denounced the arson and denied all responsibility for it. Despite their anger, students were inclined to accept TWLF denials and put the blame on “crazies” among Telegraph Avenue “street people.” Still, the strike suffered from the Wheeler Hall fire. The number of pickets dropped off and the strike was suspended for the weekend. It resumed on Monday; however, at this point, Stark exclaimed, “the incomprehensible occurred and a recurrent pattern was begun.” The TWLF adopted a more militant tactic, refusing to allow students or faculty to pass through their picket line at Sather Gate. Technically, even though people could walk around the line rather than through it, this represented an obstruction of a public thoroughfare. So the picket line was declared illegal and off-campus police were summoned.

Summoning the police reinvigorated the strike. The following day, a thousand students marched around campus and joined the picket line. Summoned once again, the police dispersed the line. The next day, student sup-
port doubled. More than 2,000 students joined the line. Again, the police were called. Now, however, two black students were arrested, including a black student leader, Jim Nabors, who, according to the TWLF, was simply walking from class carrying his briefcase. According to Stark, this arrest “created an odor of police bigotry.” (In the opinion of the authors of this study, it suggested that police were using information provided by the university administration or FBI to spot and arrest TWLF leaders.)

In the following days, the students fought back with rocks and bottles. They overturned two police vans and hurled tear gas canisters back at the police who also used pepper foggers: buzzing machines emitting enormous clouds of gas. Even motorists on roads adjoining the campus were affected as they left their cars after being stopped by the gas and rioting. Students ran from the gas and the police but re-formed and demonstrated elsewhere on campus.

As the conflict went out of control, both strike leaders and the university tried to cool down the situation. Stark observed,

> But unlike the University of Chicago, the Berkeley administration was not able to take many risks to preserve campus peace. The Regents, led by Governor Reagan, an outspoken advocate of running campuses at ‘the point of a bayonet,’ had been for some time reducing the discretion of campus executive officers to deal with protest—a process which was further accelerated later in the course of the crisis. One presumes that

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18 On another day, Nabors was again singled out, pinned to a bench and viciously beaten by several policemen.
Chancellor Heyns was under terrific pressure to get tough and to use the police. To make matters worse, Heyns had no authority over outside police. He only had the power to decide whether to call them for aid in a given situation, but once called they were completely independent. As one campus official put it, ‘we have only the power of persuasion over the police, but they’re not in much mood to be persuaded.’

Differing from The University of Chicago and Cornell, Berkeley was a public institution where the Governor could initiate police intervention. Even though the university administration and TWLF leaders tried to cool things down and the campus had become peaceful without a police presence, Stark reported: “Alameda County Sheriff Frank Madigan publicly released a letter to Governor Reagan, in which he threatened to refuse to continue furnishing police to the campus unless he was given a free hand to crack down.” Madigan alleged the university had refused to take action against violators and called for the declaration of a “State of Extreme Emergency.” Reagan responded by declaring an emergency and activating the National Guard.

**The People’s Park Protests**

The second attempt to suppress massive protests in 1968–1969 involved both students and Bay Area residents who responded to the brutal attack on the “People’s Park” demonstration. A large partly unpaved and much neglected lot used for parking a few blocks south of main campus—just off Telegraph Avenue had been taken over by “street people” and radicals. These people graded the lot, planted a vegetable garden and erected a
children’s playground from donated materials. The lot was used by residents in the area but street people passing through Berkeley often slept there. Because of this public use, the park was called “People’s Park” even though it was university property.

Although South campus residents sorely needed a park, neither the Berkeley City Council nor the university administration had been receptive to park proposals from citizens and the College of Environmental Design. When People’s Park was constructed, however, the university administration, despite public criticism and after neglecting the lot, suddenly announced it had obtained funds to construct a soccer field there. Although everyone knew this plan was a ruse to reassert university control, attempts were made to negotiate the issue, but the negotiations collapsed.\(^{19}\)

After the perimeter of the lot was bulldozed, several thousand students, faculty and community residents left a noon protest rally and marched down Telegraph Avenue toward the lot. But they never reached their destination. Police armed with gas, clubs, rifles and pistols attacked them. An historian, W. J. Rorabaugh reports, “The San Francisco Chronicle published a photograph of one demonstrator being shot in the back while fleeing down a side street.” Officers for some unexplained reason released gas on campus; in fact, some officers threw gas into Tolman Hall, the School of Education building, and held the doors shut to prevent people from escaping. More than 100 people in the demonstration were shot with birdshot, buckshot, and rock salt fired from police shotguns. No protester fired at the police. Yet the police

\(^{19}\) Depending on the “spin” required, university public relations said the lot was slated to become a soccer field, student dorms or parking lot. Eventually, it was turned into a parking lot.
killed one man and blinded another.²⁰ An officer, pulled from a burning vehicle, was almost killed by the enraged crowd.

For more than a week, tens of thousands of people from the San Francisco Bay Area reacted to this event with massive demonstrations. Governor Reagan called out the National Guard. Berkeley was occupied for almost two weeks by 2700 Guardsmen and thousands of police. During this military siege, the Governor suspended constitutional rights. A bright undergraduate, Steve Wasserman, in a monograph entitled *History of the School of Criminology: From 1915 to the Present*, avowed, “A reign of terror, with heavily armed police tear gassing and smashing into homes and dormitories hit Berkeley and especially the student community with a vengeance.”²¹

The siege, hundreds injured, one person killed and another blinded, and almost one thousand arrests galvanized moderates and radicals at the university. “Meanwhile over three hundred faculty members including Nobel laureates signed a petition pledging not to teach while the city was under military occupation”²² and some

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²⁰ A member of the School of Criminology’s Advisory Council, Alameda County District Attorney Frank Coakley, declared that his office would make a “complete and thorough investigation” of events in Berkeley and that “appropriate action” would be taken “as has been done in other episodes of mass violence and criminality,” according to Steve Wasserman, *History of the School of Criminology: From 1915 to the Present*. May 1973, unpublished monograph, p. 49.

²¹ Ibid.

²² *The Daily Californian*, “Faculty Members Won’t Teach” Wednesday, May 21, 1969 contains the original call for faculty signatures and demonstrations against police on other UC campuses.
verbally confronted Reagan in his office in Sacramento. Statewide actions of solidarity with Berkeley involved thousands of students in San Diego, Riverside, Los Angeles, Santa Cruz, San Jose, and Stanford. Faced with a statewide crisis, and an outraged outburst from liberals influential in the state (some of whose children, while on a picnic near the campus, had been inadvertently gassed by the National Guard), Reagan was forced to lift the citywide curfew and withdraw most of his troops."

Faculty and other employees in the School of Education, Sociology Department and other departments condemned the UCB administration and Sheriff Madigan. Labor organizations including AFT locals 1470 (faculty) and 1570 (graduate teaching assistants), Alameda County Central Labor Council, and American Federation of State Council and Municipal Employees (AFSCME) joined the condemnation. Student associations, World Peace Committee of the Unitarian Church, Unitarian Lutheran Chapel, over 130 civil service employees largely at the county level, Committee of Concerned Asia Scholars, and other organizations added their voices. They asked the university administration to parley once again with The People’s Park Negotiating Committee for a reasonable solution, such as that proposed by the College of Environmental Design. But the university dug in its heels and stood its ground.

Still, the university’s right to determine the fate of the park had been challenged. A poster, *Who Owns the Park?*, exclaimed, “Someday a petty official will appear with a piece of paper which states that the University of California owns the land of the People’s Park. Where did

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23 Wasserman, op. cit. p. 49.

24 The College recommended a representative body would control the use of the park.
that piece of paper come from? What is it worth?” The poster answered these questions. It said,

A long time ago the Costanoan Indians lived in the area now called Berkeley. They had no concept of land ownership. They believed that the land was under the care and guardianship of the people who used it and lived on it. Then the Catholic missionaries took the land away from the Indians. The Mexican Government took the land away from the Church. The Americans beat the Mexicans and forced them to sign away their property. The US government then sold the land to white settlers and gave them a land title in exchange for money. While there were still some Indians who claimed the land, the American army killed them. Finally, some very rich men, who run the University of California, bought the land and, after a boarding house that had been built on the land was destroyed, it became a parking lot.

The poster declared:

We are building a park on the land. We will take care of it and guard it, in the spirit of the Costanoan Indians. When the University comes with its land title we will tell them: ‘Your land title is covered in blood. We won’t touch it. Your people ripped off the land from the Indians a long time ago. If you want it back now, you will have to fight for it again.’
PROTESTING THE CAMBODIAN INVASION

The people symbolized by this poster lost the fight for People’s Park. Still, even their defeat did not stop further protests. In 1970, after the Cambodian invasion showed President Nixon and Henry Kissinger had lied about deescalating the war, the demonstrations started up again. As millions of people throughout the country took to the streets, thousands of Berkeley students called for an immediate end to the war, the cessation of war-related university research and the release of imprisoned dissidents, including Black Panther Party leader Bobby Seale.

The Cambodian invasion provoked the greatest crisis in the history of the university. Over 2000 activists met on campus, elected a strike committee that formed “action groups” to campaign for the cancellation of classes and their replacement with “reconstituted” student-run classes, supporting opposition to the war and “democratizing” the university.25 This “reconstitution,” as Wasserman observes, “represented the climax of nearly a decade of student struggle in terms of the scope and quality of student initiative, collectivity and social consciousness.”26

An unprecedented number of faculty joined students protesting the war. Despite threats from Governor Reagan and administration, the great majority of the UCB faculty, in an emergency Academic Senate meeting,  

25 A national strike and informational center was established at Brandeis University. On May 11th, over 500 students attended a National Student Strike Conference in San Jose, California. On virtually every campus, a strike coordinating committee was spontaneously formed and linked up with the newly created national center.

26 Wasserman, op. cit., p. 53.
passed a resolution on May 4th calling for the university-wide cessation of classes. The next day, the Criminology Students Association (CSA) voted unanimously to back a general strike and asked the School faculty to suspend academic activity in accordance with the Senate resolution. Voting 15 to 2 in favor of the strike, the Criminology faculty overwhelmingly assented.27

After a meeting attended by 17,000 students in the Greek Theater approved the “reconstitution” of the university, Governor Reagan suddenly broke his 16-month-old promise to keep the University of California open “at the points of bayonets” if necessary. He ordered all colleges and universities in California to be closed down. Yet, despite his order, thousands of students swarmed on campus to hold teach-ins, rallies and organizing sessions devoted to ending the war and to curbing the bureaucratic organization of the university.

The student movement met with partial success. Not surprisingly, the attempt to reconstitute the bureaucracy failed. Still, the seemingly endless leaflet writing, teach-ins and agitation among students reinforced popular outrage occurring throughout the country. It amplified the popular outrage that forced Nixon, three months after the invasion, to withdraw US troops from Cambodia. The invasion had turned into a military and political catastrophe.

27 Diamond, according to Wasserman (p. 52-53), on June 2nd reported “There is considerable pressure on the administration from . . . higher levels of administration regarding the current situation on campus. It is expected that some punitive measures will be taken by the state which would effect whole segments of the University population (such as all faculty).” Diamond went on to say that individuals who failed in all or part of their professional duties would be financially penalized.
The military withdrawal, however, did not turn the clock back and remove the harms done to student protestors.

At Kent State 4 students were shot and killed, and 10 were wounded by gunfire; at Jackson State 2 students were shot and killed and 12 wounded. In Augusta Georgia 6 black students were killed and the police and National Guard wounded 20, while at the University of New Mexico 11 students were bayoneted. Altogether, during the movement’s highpoint in May of 1970, over 100 people were killed or seriously wounded by police or National Guardsmen and more than 2000 people were arrested for political reasons in the first two weeks of May alone. A demonstration called by the anti war New Mobilization Committee brought out over 100 000 people to the nations capital in a weeks notice, only to be faced with over 25 000 police and soldiers armed with live ammunition.  

Among college and university students, the never-ending strikes, demonstrations and occupations of buildings created an historically unprecedented crisis of legitimation. On June 15th, 1970, the New York Times reported that 42 percent of all students believed the American Constitution needed major changes. As early as 1968, the pollster Daniel Yankelovich reported that at least 368 000 people strongly agreed on the need of a “mass revolutionary party” in the US and that after the student strike of 1970, over a million students considered themselves to be

28 For this list of atrocities, found in “The Fire Last Time” by Tom Keefer in the Peak, U.of Guelph’s Alternative Student Newspaper.
“revolutionaries.” In early 1971 the *New York Times* discovered that four out of ten students (more than 3 million people) thought that a revolution was needed in the United States.\(^{29}\)

**COMMUNITY CONTROL OF POLICE**

Confrontations between anti-war protesters and police continued into 1971 when Bowker was selected as Chancellor to replace Heyns who resigned because Reagan and the Regents’ repeatedly attacked him for not being tough enough at coping with the students.

But the confrontations were not merely expressed in violent encounters. In fact, to stop the cycle of violence in Berkeley, some radicals at the School of Criminology began to work with the Black Panther Party and Ron Dellums, the black Congressman who represented Alameda County, at finding peaceful solutions. This attempt, however, only deepened the antagonism between the radicals at the School and the police.

As indicated, police had repeatedly attacked UCB protesters with fists, kicks, clubs, cattle prods, tear gas, pepper foggers, pistols and shotguns. From the FSM movement onward, Berkeley students were enraged whenever “the pigs” entered the campus. In addition, every major black protest movement in Berkeley and Oakland experienced repeated police provocation. In many black communities, they were regarded as an army of occupation.

Yet, efforts to reform the police failed. Citizen police-review boards were rendered powerless. Major recommendations for police reform produced by national and

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29 Ibid.
state commissions were never implemented. Racial integration of police departments materialized at a snail’s pace while federal funds were poured into riot control, fire power and communications equipment. The police remained an ultra-conservative political force.

In 1971, over 15,000 Berkeley citizens petitioned the City to place a “Community Control of Police Amendment” before voters in City elections. Work on this amendment had been initiated by the Black Panther Party but radicals at the School helped formulate it in an attempt to decentralize the police department and to place power in the hands of grass-roots councils. City officials reacted hysterically and the city attorney deceitfully branded the Amendment “unconstitutional” even though the State Constitution gave citizens the right to alter city charters through referendums. The city manager threatened to resign if the Amendment passed and the ultra-conservative Berkeley Daily Gazette, repeatedly carried headlines warning that if the radicals were successful, they would destroy Berkeley’s fabric of life.

The Berkeley Police Department, ninety of whose officers had signed a petition calling for a “crack-down” on radicals, misused public funds and time to agitate against the Amendment at meetings throughout the city. This opposition reflected the reality described by Joseph Lohman before he died. He wrote: “The police function [is] to support and enforce the interests of the dominant political, social and economic interests of the town, and only incidentally to enforce the law.”

Within the School, the amendment was hotly debated. On January 14, 1971 the Criminology Students Associa-

30 Kerner, Walker, and Scranton
31 Quoted in A. Niederhoffer, Behind the Badge, p.12.
tion (CSA) became the first student organization to endorse the measure. It passed a resolution recognizing “the urgent need for new alternatives to the present institutional structures of law enforcement, and the need for the development of more responsive community oriented police programs.”

By March, some faculty, including Platt, Takagi and Schwendinger, publicly asked Berkeley citizens to back the Amendment. They stated,

As criminologists at the University of California and citizens who work in Berkeley concerned about creating a police department which respects and acts upon democratic principles of government, we urge your support of this amendment . . . For citizens, it will provide participation in the governance of an important public institution, fair and independent grievance procedures and more efficient protection of the public from serious crimes: For the police, it will mean community respect and support as well as a truly professional role which emphasizes a commitment to legality. And finally, it will help to transform policing from a quasi-military role of repression to one which encourages equal protection under the law and conflict resolution. Community control offers an opportunity to minimize police illegality and to fully protect constitutional rights of free speech, assembly and political expression.

Platt supported the Amendment in a letter to the San

32 Others signing the statement included Menachim Amir, Nathan Adler, Vonnie Gurgin and Richard Korn.
Francisco Chronicle, August 25, 1970. He wrote:

The proposed initiative . . . is aimed at making government representative and democratic. The police are an important and powerful institution; they are supposed to be ‘public servants.’ The initiative seeks to restore popular and civilian government of the police . . . The initiative is also supported in theory by a considerable body of criminological literature urging civilian controls of the police. The initiative is a thoughtful proposal, based on careful study and consultation with community groups. It seeks much needed democratic change through the electoral process.

The Chronicle responded immediately to Platt’s letter with an August 27th editorial disingenuously and demagogically proclaiming its astonishment that “a criminologist, of all people, would advocate what amounts to ghettoization of the police and the abandonment of the many pioneering programs for better race relations for which Berkeley has taken pride.”

Of the faculty who signed the endorsement, only one person, Paul Takagi, had tenure. Furthermore, on March 7, 1971, Takagi, in a separate statement entitled “Technocrats vs. Public Servants,” clarified his endorsement. Identified as the Associate Dean of the School of Criminology, a former deputy probation officer in Alameda County, a former state parole officer in Los Angeles and a correctional classification officer in San Quentin Prison, he stated,

The social problems in this community are
so serious that I feel the Charter amendment addresses itself to the question of whether bureaucratic elites and technocrats and political officials who, for the most part, serve special economic and political interest groups should continue to govern the affairs of the people in the community. Shall we have that kind of government, or should the people in the community begin to play a larger role in determining how the agencies should meet the needs of the people?

The genius of this proposal is that it does recognize that conflicts exist within a community. Instead of trying to deal with these conflicts on the basis of threat of penalty or coercion, it begins to recognize that differences do exist and that conflicts do emerge, and rather than attempting to bludgeon people into conformity, it provides for an opportunity to explore the source of these conflicts and then to begin to attack the problem.

Because the acceptance of this legislative proposal meant the decentralization of the police and placing them under direct control of community residents, the police reacted swiftly. In the closing hours of the campaign, Wasserman observed, O. W. Wilson, who was once Dean of the School, unheard from in years and living in retirement in San Diego, sent a telegram repudiating community control of the police. The telegram published in the April 5, 1971 edition of the Daily Californian in the form of a capitalized advertisement sponsored by the “One Berkeley Community,” an organization formed to defeat the radical police proposal.
THE CHARTER PROPOSAL FOR
‘COMMUNITY CONTROL OF POLICE’
COULD DESTROY THE BERKELEY
POLICE DEPARTMENT, A FINE AND
FAIR ORGANIZATION OF MEN AND
WOMEN REPRESENTING CITIZENS
OF AN AMERICAN COMMUNITY

PROONENTS OF THE
ILL-CONCEIVED MEASURE INCLUDE
SEVERAL NON-TENURE FACULTY
MEMBERS OF THE SCHOOL OF
CRIMINOLOGY WHO ARE NOT
QUALIFIED TO SPEAK FOR THEIR
COLLEAGUES NOR THE UNIVERSITY
OF CALIFORNIA

I URGE MY ACADEMIC ASSOCIATES
AND FELLOW CALIFORNIANS TO
VOTE NO TO DECISIVELY DEFEAT
CHARTER AMENDMENT ONE IN THE
APRIL ELECTIONS

O. W. WILSON, DEAN EMERITUS,
SCHOOL OF CRIMINOLOGY

The majority of registered voters voted against the Amendment. Platt, who was a leader in the struggle for community control, became a target. The university administration had the pretext it needed to punish Platt for his participation in democratic politics. The University police, as we will see in Chapter 7, were used as the in-
instrument of retribution.

For understanding this phase in the School’s history, the radical effort to formulate model legislation and fight for its adoption in a democratic election is important. The so-called “radical impossibilism” cited by Geis, in this case, involved an attempt to work within the system and stop the police brutality and cycles of violence that overwhelmed students and citizens in the San Francisco Bay Area.

Ironically, neither the police nor the National Guard ever stopped the demonstrations at the University in Berkeley. The violence over the TWLF demands ended when university concessions were in place. And the violence between police and the anti-war movement ended when the Vietnam War ended. These elemental facts, however, are conveniently ignored by academic hacks who have blamed the “usual suspects” when explaining why the School was closed.