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PRESS ★

THE "PEOPLE'S PARK"

A REPORT ON A CONFRONTATION
AT
BERKELEY, CALIFORNIA

SUBMITTED TO GOVERNOR RONALD REAGAN



THE "PEOPLE'S PARK"
A Report on a Confrontation
at
Berkeley, California
Submitted to Governor Ronald Reagan

Office of the Governor
State of California

July 1, 1969

INTRODUCTION

The following report is presented to provide a greater understanding of the events and persons involved in the "People's Park" controversy. It was compiled by the governor's office from numerous sources, including eye-witness reports, various official records, newspaper reports and the minute-by-minute logs and reports of the Berkeley Police Department, Alameda County Sheriff's Department, National Guard and other police units assigned to Berkeley during the disturbances that occurred during the period of May 15-25, 1969.

This document is intended to provide a summary of the background information on the origin of the "People's Park" controversy so that the events that culminated in violence might be fairly weighed by interested citizens. It does not purport to include all the activities and incidents that occurred during the period it covers. Nor does it seek to accuse any individual of any crime or assign or imply specific blame for specific incidents.

Determining the guilt or innocence of individuals charged with criminal violations of the law is the responsibility of the judicial system. Witnesses to specific illegal acts will have an opportunity to present their testimony in court and to those legal authorities conducting formal investigations.

It is virtually impossible for any single newspaper article or brief television news film to adequately present the chronological detail included in this summary. This is chiefly because the news media is required, due to the swift pace of events, to focus its attention on the very latest and most violent or newsworthy events.

Hopefully, this report will serve a useful purpose by conveying a more extensive account of the chronological sequence of events that escalated into the "People's Park" violence.

WHAT PROPERTY IS INVOLVED

The site of the so-called "People's Park" is a 270-by-450 foot parcel of land bounded by Dwight Way, Haste and Bowditch Streets. It is located south of Sproul Plaza, the famous rally site on the University of California campus.

The "People's Park" site is within a block of the 2400 block of Telegraph Avenue, a well-known gathering place long frequented by student and non-student militants, New Left orators, hippies, assorted groups of self-proclaimed revolutionary "street people" and radical activists whose presence and occasional illegal activities have been a source of constant concern to residents, merchants, and law enforcement officials in the area.

In 1956, the University of California earmarked the 270-by-450 foot lot for acquisition as part of the university's master plan for expansion. But the actual acquisition did not occur until June 1967 when the Board of Regents authorized its purchase for the specific purpose of constructing intramural and recreational playing fields for student use. The long-range plans included possible use of the property¹ as a site for student housing, faculty offices or parking.

The apartment houses then located on the site were demolished at the direction of the University. The first of these structures was dismantled in November of 1967. Others were demolished between April and July of 1968. The last building on the property was a multiple unit structure which was moved² from the site during the first week of December 1968.² The cleared sections of the site remained vacant until April, 1969 except for broken pieces of concrete, rocks and litter. No official use was made of the cleared section. But it was utilized, unofficially and without permission, by motorists who frequently parked there--apparently without objection from the university or other authorities.

CONFRONTATION BEGINS

In March, 1969, university officials in Berkeley learned that funds would be authorized and³ available soon to begin construction of the playing field.³ The university immediately began preparing schematic drawings and plans. On April 4, 1969, the university's Capital Outlay Review Board met at Berkeley and it was confirmed that the playing field had a high priority for funding and therefore could be built as planned.⁴

No special public announcement was made at the time because the plans for the property had been revealed long before. The planning activity to launch the construction project involved many persons. Anyone interested in determining the progress of the university's plans for the Dwight Way and Bowditch property could easily have learned that the construction was imminent.

The first indication that the university property might become the focal point of a confrontation occurred late in March after the university initiated firm plans to begin construction of the playing field.

The property was mentioned briefly March 31 in the Telegraph Avenue Edition of the San Francisco Express Times, an underground newspaper. According to university investigators, one sentence in this publication suggested that the empty lot (the Dwight Way and Bowditch property) would make a good park--"Why don't we use it?"⁵

The underground newspaper "Berkeley Barb" also published an article (in the issue dated April 18) urging that the university property be occupied as a park site the following Sunday, April 20.

The Barb article, headed "Hear Ye, Hear Ye", is reproduced below:

"A park will be built this Sunday between Dwight and Haste.

"The land is owned by the University which tore down a lot of beautiful houses in order to build a swamp.

"The land is now used as free parking space. In a year the University will build a cement type expensive parking lot which will fiercely compete with the other lots for the allegiance of Berkeley's Buicks.

"On Sunday, we will stop this shit. Bring shovels, hoses, chains, grass, paints, flowers, trees, bull dozers, top soil, colorful smiles, laughter and lots of sweat.

"At one o'clock our rural reclamation project for Telegraph Ave. commences in the expectation of beauty.

"We want the park to be a cultural, political, freak out and rap center for the Western world.*"

"All artists should show up and make the park their magical possession. Many colored towers of imagination will rise above the Forum and into the future of reality. Pastel intertwining the trees and reflecting the sun, all

* emphasis added

Berkeley energy exploding on the disappearing swamp. The University has no right to create ugliness as a way of life. We will show up on Sunday and we will clear one third of the lot and do with it whatever our fantasy pleases. We could have a child care clinic or a crafts commune which would communicate its wares by having medieval-style fairs, a baseball diamond, a rock concert, or a place to think and sleep in the sun.

"This summer we will not be fucked over by the pigs 'move-on' fascism, we will police our own park and not allow its occupation by imperial power.

"Come to the Dwight and Haste mud flat at one o'clock on Sunday, prepared to work and bring your own food picnic. When we are exhausted we knock off for rock music from 'Joy of Cooking' and whatever bands show up.

"Nobody supervises, and the trip belongs to whoever dreams.

"Signed,

"Robin Hood's Park Commissioner"

Until the university's plans to make use of the property became imminent, no one had shown an interest in making a park of the vacant lot.

A number of well-known Berkeley activists⁶ were involved in the park project. The list included:

ARTHUR LEE GOLDBERG, 27, a former student who was a member of the "People's Park" negotiating committee and a key spokesman for the group. Arthur Lee Goldberg has a long record of arrests involving protest movements dating back to 1963. He was arrested during the so-called "Free Speech Movement" at U.C. in 1964 and was sentenced to 120 days in jail.

Goldberg was also a major figure in the "Filthy Speech Movement" at U.C. a few months later and he was arrested on charges of disturbing the peace and publicly uttering obscenities. Records indicate a 30-day jail sentence on the charges. Goldberg also was involved in various demonstrations in San Francisco and Oakland.

MICHAEL DELACOUR, 31, a non-student. He was active early in the park project.

Delacour was arrested in Los Angeles in 1967 as a result of a disruption at a high school. He was arrested in October 1968 on charges of disturbing the peace, malicious mischief and trespass--all stemming from the Moses Hall building seizure at the University of California. He received a 10-day jail sentence.

STEWART EDWARD ALBERT, 29, a non-student. An associate of Jerry Rubin and other "Yippies," Albert was listed by the Daily Californian (May 20, 1969) as attending the initial planning session for "People's Park."

Albert's police record includes arrests as a result of disturbances in Sacramento and Berkeley in 1966 (three separate occasions). He was arrested in Chicago during the Democratic National Convention disturbances and as a result of the Moses Hall building seizure at U.C. in October, 1968.

PAUL CARL GLUSMAN, 22, a former student. Glusman also was listed by the Daily Californian as attending the first planning session for "People's Park" and was a spokesman for the activists during the controversy.

He was indicted for his part in the Moses Hall sit-in (disposition of the case still pending).

WILLIAM CROSBY MILLER, 27 non-student. Miller was a major spokesman for the "People's Park" movement and applied for the permit to stage the Memorial Day march. He also was named by the Daily Californian as a participant in the first planning session. Miller has been active in various anti-war and civil rights movements.

Miller was arrested during the "Free Speech Movement" at U.C. in 1964. He was convicted of trespass and violation of Penal Code Section 148 (resisting arrest), fined \$150 and given one year probation.

Miller was arrested in 1966 as a result of anti-military disturbances. On one occasion, he was arrested on charges of failure to disperse and trespass. He received a \$56 fine and 30 days in jail, suspended. He also was arrested as a result of Telegraph Avenue demonstrations in Berkeley in 1966.

FRANK JOSEPH BARDACKE, 27, a non-student (identified in the press as a former graduate student). He was a major

spokesman for the "People's Park" negotiators.

Bardacke was arrested in Berkeley as a result of Telegraph Avenue disturbances in 1966 (dismissed) and was one of the so-called "Oakland 7" defendants acquitted of a conspiracy charge stemming from anti-draft demonstrations at the Oakland Induction Center.

On May 19, 1969, Bardacke was arrested by Berkeley police and booked on a charge of assault with a deadly weapon and with force likely to produce great bodily injury. On June 6, 1969, Bardacke was again arrested, this time by University of California police for malicious mischief (attempting to pull down the fence around "People's Park.")

MARIO SAVIO, principal leader of the 1964 "Free Speech Movement" at U.C., appeared at a Sproul Plaza rally staged to urge support for the "People's Park" project and TOM HAYDEN, leader of Students for a Democratic Society, turned up in Berkeley during the "People's Park" controversy.

One of the better known figures involved in the "People's Park" controversy was Arthur Lee Goldberg. The San Francisco Examiner (May 25, 1969) quoted the former FSM leader as saying that the "People's Park" project was launched by "five or 10 old-time politicians" and marked "the beginning of resistance."

The Guardian, a New York publication that described itself as an independent "radical" weekly, published an article signed by an "Art Goldberg"* in its May 17, 1969, issue. The article elaborated on events leading up to the "People's Park" project, a development referred to as the "great Berkeley land grab."

It was not, Goldberg's article said, "merely a spontaneous, joyous outpouring by revolutionaries, idealists, flower children and do-gooders. For most participants, it was a calculated political act,** designed to put the expansionist and repressive university up against the wall."**

This article boasted that the park project had "caught on beyond the most optimistic expectations.... Liberal Telegraph Avenue merchants contribute money for sod, tools

*(At least two persons known as "Art Goldberg" have written for radical publications or have been involved in street demonstrations. The Guardian did not specify which "Art Goldberg" wrote the article in its May 17, 1969 issue.)

** Emphasis added.

and food because they hope it will keep 'trouble' from breaking out on the avenue as it did last summer**.... Radicals and revolutionaries see the park as a staging area for further political action.**

"The university is in a very difficult position," the Guardian article said. "If it moves its bulldozers on a nearly completed park, it will arouse the wrath not only of the young people and the radicals, but it will disappoint the liberals and expose its true expansionist nature. If it allows the park to exist, it knows it has on its doorstep a center for the type of activity it despises."

The Daily California, the U.C. student newspaper, credited the "People's Park" idea to a meeting it said was held by Mike Delacour. Others at this planning session, the Daily Californian said, were "Stu Albert, Bill Miller, Joel Tornabene, Wendy Schlesinger, and Paul Glusman."

SUNDAY, APRIL 20, 1969.

The Berkeley Barb announcement and the leaflets drew a crowd of people to the "People's Park" project on Sunday, April 20. Street people were joined by some students and other citizens. Many of the volunteers who worked on the project on this day and subsequently viewed it simply as a local beautification project. They thought they were merely helping make constructive use of an empty lot.

The park sympathizers apparently were unaware that the development of the "People's Park" without the University's permission, amounted to an unlawful seizure of property. The seizure became more of an urgent problem as the project grew because, as the owner, the university might be liable if the development resulted in injuries to anyone or if it became a public nuisance.

This problem of liability is one that has not been sufficiently stressed. The loose coalition of street people, activists, radicals and the innocent citizens who became pawns in this controversy were not legally responsible for the property's usage. Many of the street people disclaim the idea of legal responsibility for public or private land. Our legal system does not permit such irresponsibility. Because the university held title to the land and thus could become liable for any illegal misuse of it, university officials

** Emphasis added.

moved to re-assert control of the property.⁸

APRIL 30, 1969

On April 30, 1969, the university issued a statement saying that it was proceeding with its plans to use the land to meet student recreational needs, a goal authorized by the Board of Regents almost two years before. The statement declared that the University was perfectly willing to discuss the design of the field and possible uses of the area by the adjacent community as well as the possibility of alternative sites on which the University, the City of Berkeley, and the community might join to create a park-like facility.⁹ In fact, the University architect prepared several schematic plans allowing for a children's play area on the property and providing an additional area for lawn, benches and trees.

Despite several meetings involving Chancellor Roger B. Heyns, other college officials and various groups purportedly interested in the "People's Park" project, nothing was resolved.

On May 8, Chancellor Heyns invited his Advisory Committee on Student Housing and the Environment to assist in drafting the university's plan to develop the area.¹⁰ "I indicated that although the need for playing fields was important," Chancellor Heyns said... "the plan might well be modified to accommodate the interests of other university recreational needs and purposes."

The limits he set for the final design were these:

1. The functions of the field must be related to University needs, particularly student needs for recreational space.
2. The area must remain under the control of the University with respect to planning and eventual use.
3. The field must not present police or other control problems.*
4. It must not be used for the gathering of large crowds for meeting purposes.¹¹

But Chancellor Heyns later reported this effort at conciliation proved futile. "...The individuals working on the "People's Park" project refused to stop further development and refused to organize a responsible committee with which the University could consult."¹²

* Emphasis added.

ILLEGAL PARK DEVELOPMENT CONTINUES.

Meanwhile, development at the Bowditch and Dwight Way site continued. In addition to planting trees, shrubs and erecting playground equipment, volunteers and street people working on the project also dug a bonfire pit and another hole they said was for a pond. A bulletin board was constructed, and filled with political pamphlets on various subjects. One of the anonymous leaflets later posted on this bulletin board was a naked threat of violence.

The leaflet was signed "By Madmen" and warned that the "People's Park" project was the start of a showdown between the "Industrial-University Machine and our Revolutionary Culture."

"We need the park to live and grow," the leaflet said, and eventually we need all of Berkeley.*

"....If the University attempts to reclaim \$1.3 million worth of land now claimed by the people, we will destroy \$5 million worth of University property."¹³ Like many of the other leaflets circulated in Berkeley, particularly those urging illegal acts, this leaflet did not include the names of its authors.

By this time, police were receiving regular complaints that demonstrators and street people supporting the park were holding nightly rallies, mass singing with bongo drums, and creating bonfires at the site. Some of the street people pitched blankets and slept there, creating an obvious threat to health due to the complete absence of sanitary facilities.

The street people and their more militant sympathizers were seeking to create an aura of legal immunity for "People's Park." This effort to establish the site as somehow beyond the reach of laws that govern the rest of the community was similar to previous attempts to gain support for the concept that a university campus should be a sanctuary where society's civil and criminal laws do not apply. Instead, the street people and militants declared that they would assume police authority over the site.¹⁴

City officials also were concerned that "People's Park" might be utilized as a staging area for future disturbances and confrontations.¹⁵ Their reason for concern was well-founded.

In the past 11 months, preceding "People's Park" crisis, three other major riots erupted in Berkeley. All included

* Emphasis added.

so-called "street people" and other militants from the South Campus area. This section adjacent to the University has become the most serious crime control problem in Berkeley.

During the same period sporadic violence has occurred in Berkeley. Most of this was the work of persons unknown. Some of it was directly associated with "protest" movements that turned violent. Here is a sampling of the violent acts and crime problems that have confronted Berkeley authorities during the past year:

There have been eight major bombings or attempted bombings.

Nearly 11-hundred drug arrests, including almost 750 in the South Campus Area.¹⁶

Berkeley and other law enforcement officials have confiscated:

More than 1,000 sticks of dynamite;

More than 200 pistols, rifles, shotguns and other weapons;

Dozens of Molotov cocktails and materials for making these deadly incendiary devices, including bottles, gasoline and primer cord, a sort of fuse used to set off high-powered explosives.

These explosives and weapons have been found in caches stored in the Berkeley hills, in apartments, in cars, garages and have been confiscated from persons arrested in or near Berkeley.

There have been dozens of arson attempts in Berkeley. Suspected arson-set fires have caused at least \$800,000 damage in the past seven months alone (this includes the Wheeler Auditorium fire).

The eight major bombings or attempts included:

1. Two California Highway Patrolmen firebombed while standing at the intersection of Bancroft and Telegraph during the June 28-July 3 riots of 1968. These officers were engulfed in flames and suffered serious burns requiring lengthy hospitalization. One recently returned to limited duty only to re-enter the hospital for further surgery on June 11, 1969.¹⁷
2. The bombings of a newly-constructed building at Dwight and Telegraph. This blew a 12 by 16 foot hole in the rear of the structure and broke a water main.

3. The bombing of a guard house at the west end of the University of California campus.
4. The bombing of Callahan Hall, the ROTC building on campus.
5. A blast that ripped a tie out of the Southern Pacific Railroad tracks in Berkeley.
6. The attempted bombing of a Berkeley police car as it was parked in the police parking lot. Officers said the homemade bomb utilized a plastic-based explosive powerful enough to blow up the car, the driver and several adjacent buildings if it had gone off. It was hooked to the ignition of the vehicle, but did not explode.
7. An explosion at a utility company (P. G. & E.) tower in the Berkeley Hills above Grizzly Peak. There were several other such attempts and explosions at utility facilities in the Bay Area during this period.
8. Bungled bombing attempts at two industrial plants. One involved an effort to dynamite a huge vat of a highly flammable substance in a chemical plant and the other was an attempt to blow up another tank of cottonseed oil at a food processing plant. Fortunately, neither of the tanks erupted. 18

Berkeley City officials were forced to declare a state of civil disaster during those summer riots June 30-July 3 and again August 30-September 9, 1968. In both instances, outside police had to be summoned to help restore order. 19

At the request of local officials, the Governor declared a state of extreme emergency last February 5 (1969) during the violence connected with the Third World Liberation Front strike at the University of California.

The People's Park controversy (May 15-June 2) is the fourth major riot to have erupted in Berkeley in less than a year.

In addition to the firebomb attempt to kill the two highway patrolmen, one Berkeley policeman was shot during last summer's riots and dozens more were fired at by unknown assailants.

City officials had been threatened. 20

That is the background of violence that preceded the "People's Park" confrontation. It was merely the latest of a whole series of street problems that have confronted Berkeley officials. Many of the same faces seen in the street crowds during the "People's Park" controversy were active in the previous demonstrations.

Berkeley officials emphasize that the violent militants were a small minority. Many of the demonstrators involved in all these disturbances are non-violent types and while they are militantly vocal, they would stop short of violence in registering their protest. But as City Manager William Hanley has pointed out, Berkeley authorities had to be prepared for anything.²¹ In all the previous disturbances and riots, dangerous militants were involved and proved that they were willing and capable of committing all types of violent crimes - from arson and vandalism to setting off powerful plastic explosives.

The summer riots of 1968 cost at least \$250,000 in property damage in the City of Berkeley.²² That is only a part of the total costs involved. It does not include the related costs of increased police protection, court and prosecution expenses and the financial losses by Berkeley merchants.

In each of the demonstrations associated with disturbances, the hard-core militants eagerly sought and often received support from non-violent students, faculty members and other citizens. But violence did erupt. Somebody fired bullets at Berkeley police officers. Someone set off powerful explosives. Someone who was willing to commit arson and attempt murder threw firebombs at two California Highway Patrolmen, shot a Berkeley police officer and committed dozens of arson attempts.

That is the background Berkeley authorities had to consider in preparing to cope with the "People's Park" controversy. Indeed, the park site itself became more and more of a police problem as the days went by in early May.

Citizens in the area gathered petitions signed by 48 persons (later expanded to 132) objecting to the use of the property for the "People's Park."

During the period April 28-May 14, Berkeley police received a total of 48 formal complaints regarding "People's Park."²³ One involved a 21-year-old male picked up for indecent exposure after police found him sitting in the park, completely nude--in full view of park occupants and bystanders.

The other types of police complaints were:

4 arrests for drugs and/or narcotics violations

- 1 armed robbery (at the corner of Haste and Bowditch)
 - 1 theft
 - 1 charge of resisting arrest and battery
 - 1 battery complaint
 - 2 complaints of drunken juveniles (including one 14-year old)
 - 5 cases of juvenile loitering
 - 5 complaints of juveniles sleeping in the park
 - 4 cases of juvenile loitering that involved runaways (one from Wisconsin)
 - 23 complaints from neighbors about the noise. These ranged from complaints about bongo drumming in the early hours to shouted obscenities.
- A great number of plants identified by police as marijuana were later discovered planted in the park. ²⁴

NEGOTIATIONS

Chancellor Heyns said the chairman of the Committee on Student Housing and Environment reported on May 12 that he was unable to find a responsible group (among the street people) who would agree to help devise an acceptable plan for developing the area. "The anonymous developers could not form a responsible group with whom we could deal," Chancellor Heyns said. "The representatives of the 'people'... refused to accept the basic premise: that the design and use of the area was finally the responsibility of the university, no matter how flexible the design or how liberal the use." ²⁵

Furthermore, Chancellor Heyns said, "...the attitude of people working in the park was becoming increasingly belligerent, and the development was proceeding on a scale which heightened the danger that if the university did not assert its ownership soon, a massive confrontation might result.... There were various structures, tools, and activities on the site which presented a serious hazard of injury to children or others and for which the university might be liable." ²⁶

On May 13, Chancellor Heyns declared: "It is now clear that no one can speak for the anonymous developers (of the park) and no one can control the growing safety, health and

liability problems in the area." 27

As a result, he announced that the university would erect a fence around the property to exclude unauthorized persons so that the site might be surveyed, soil tested and otherwise prepared for development as the university planned.

Once again, the chancellor explained that part of the university project could be developed as an outdoor recreational area that would include greenery and play equipment. 28

Apparently this did not satisfy the street people or their sympathizers.

At this point, it should be noted that Berkeley City Manager William Hanley has pointed out that the City of Berkeley was then in the process of acquiring land for a 2.8 acre park adjacent to Willard School, only two blocks south of the university land. This acquisition was recently completed at a cost of more than \$750,000 and preliminary plans called for beginning the Berkeley city project later this summer. (Another \$200,000 will be spent in development.) 29

The various attempts to resolve the dispute failed. The street people rejected the argument that this public property should be developed as the Board of Regents had specified. 30 In making this decision, the Board of Regents was acting as the duly constituted representative of all the people of California, the owner of the disputed land. 31

In Mr. Hanley's words, "The basic issue was and is whether public property is to be developed by duly constituted authority or by any ad hoc group that chooses to assert right and powers over it.* Or, as it was succinctly put in a 'People's' handout (a leaflet) on May 16," he continued, "'Control over the Park represented more than just a piece of land.* It raised the basic question of who will control the institutions and property in this country and for what purpose?'"*

The park issue provided a convenient way to present this challenge to lawful authority. The San Francisco Examiner, in an editorial May 22, cautioned its readers to keep in mind the exact origin of the events and motives that led to the "People's Park" confrontation. Said the Examiner:

* Emphasis added.

"The Berkeley radical clique chose the 'People's Park' as an issue around which it might rally sympathetic public opinion. After all, isn't it un-American to be against a park? But the park itself was not the crux, it was an excuse for confrontation, confrontation being Chapter I in the revolutionary handbook. . .

"Radical leaders summoned the university hangers-on and compatible students to defend the 'park,' bringing sticks, stones, steel bars and whatever weapons came to mind and hand. Handbills exhorted, 'Kill! Kill!' Thus, the theme of violence was sounded before a single policeman or National Guardsman appeared on the scene.

"The possibility of someone dying as a result was shuffled into the deck. A young man named James Rector drew the fatal card. He was the victim of the radical leaders' cunning zeal and they compensate him for his life by accounting him a martyr. . ."*

As the Examiner noted, no matter how many innocent and well-motivated citizens might be involved in supporting the "People's Park" development, to others the basic motivation was defiance of the law of our society for political purposes. The participation of citizens who were motivated by a simple desire to improve the environment was eagerly sought and exploited by those who used "People's Park" as an issue for confrontation.

May 14, 1969

On May 14, University representatives posted "No Trespassing" signs on stakes around the "People's Park" site. The San Francisco Chronicle said 51 sign-bearing stakes were in place by 8:45 a.m. But the demonstrators ripped them down and burned the signs in the firepit. 33

Later that day, a crowd gathered at the park site. The assembly grew to about 350 persons during the late evening hours, but then thinned out. Some 75 persons brought their sleeping gear and blankets to physically occupy the site, apparently to prevent the university-hired construction crew from erecting the fence. 34

Because there had been threats in advance to resist the fencing with violence, university officials made arrangements for law enforcement assistance to protect the construction crew. About 275 officers were assembled from the Berkeley Police Department, Alameda County Sheriff's Office and the California Highway Patrol. 35

May 15, 1969

At 4:45 a.m. on Thursday, May 15, a small contingent of law enforcement officers equipped with portable loud speakers went to the site. Other police units remained in reserve.

There, the police informed the crowd that it was trespassing. Individuals were advised that they had a choice of leaving or facing arrest. Most decided to leave. They took their blankets and other gear with them. Only about a dozen stayed. The police issued another warning. This time, all but three young men left. These three persons were arrested on trespassing charges.³⁶

A construction crew then moved onto the park site and began building the fence at 6:20 a.m. Police kept the scene under observation the rest of the morning. Although about 100 persons gathered at the site, in crowds that grew and waned again, officers reported no further attempts at physically interfering with the work on the fence.

Speakers addressing the crowd at the park site were urging attendance at a mass protest rally at noon on the Sproul Hall Plaza. There were no indications at this point that the noon rally would become violent. Rallies are a routine occurrence at Sproul Plaza and most do not involve major violence, although the rhetoric of speakers often is inflammatory.

The reduced police contingent that remained on duty had instructions to defend the fence and the construction crew against any mob attempt to tear down the fence or harm the workers involved.³⁷

NOON RALLY

(May 15, 1969)

* 12:00 p.m.

By noon, a crowd estimated at 2,000 persons or more was gathered at Sproul Hall Plaza on the University of California campus. It included street people, student sympathizers, faculty and university employees, newsmen and others. It was impossible to determine how many in the crowd could be classified as active protestors. But the number was sizeable. None of the leaflets announcing the noon rally

* Times listed are approximate times of events and reports of events in adjacent paragraphs, as listed on police, National Guard logs.

suggested violence or other overt action. But after the crowd was assembled, it became obvious that at least some of those present anticipated more than rhetoric. A group of "medics" dressed in white uniforms and wearing Red Cross symbols mingled in the crowd. ³⁸ Campus police report that on prior occasions involving violence or rioting, similar teams of "medics" had appeared in advance. While the rally was under way, police received reports that unidentified persons had been sighted on the roof of a building west of "People's Park." ³⁹

There were nine speakers at the rally. The list included Paul Jacobs, a non-student who was the Peace and Freedom Party candidate for U. S. Senator last year, and Michael Lerner who reserved the Sproul steps for the noon rally on behalf of the "New Left Forum," "allegedly for a talk on the Middle East crisis. ⁴⁰ However, the Middle East was never discussed. The San Francisco Chronicle said during his speech, Lerner declared: "If the idea of people deciding what to do with their own lives catches on, it will bring down capitalism and the establishment can't stand that." ⁴¹

The final speaker was Daniel Siegel, U. C. Student Body President-Elect. According to campus police who were present and taped the entire event, the crowd became visibly excited during Siegel's speech. Scores of people began screaming, yelling and raising clenched fists above their heads. ⁴²

Siegel (who has been accused of inciting to riot) was quoted as saying, ". . . If we are to win this thing, it is because we are making it more costly for the university to put up its fence than it is for them to take down their fence. What we have to do then, is maximize the cost to them, minimize the cost to us. So what that means, is: people be careful. Don't let those pigs beat the shit out of you, don't let yourselves get arrested on felonies. . . ⁴³ The Los Angeles Times reported that the rally ended when Siegel climaxed his speech by shouting: "Let's go down and take over the park." ⁴⁴

After a brief pause, witnesses said the crowd began to take up the chant, "Take the Park! We want the Park!" ⁴⁵

12:38 p.m.

The shouting, cheering throng began moving away from the plaza toward Telegraph Avenue, advancing on a line of approximately 75 law enforcement officers gathered about three blocks south of the campus and a half block from the park site. At Haste and Telegraph, a line of Berkeley

police and California Highway Patrolmen stood blocking the Haste street entrance to "People's Park" where workmen were still constructing the fence.

After the leading elements of the crowd left Sproul Plaza someone broke in the glass door of the Bank of America on Telegraph Avenue. Some marchers smashed the window of an automobile parked along the street. Others began hurling rocks, bottles and other missiles.⁴⁶

The outburst of violence occurred so quickly that officers initially had difficulty mobilizing their efforts to control what now had become a mob. As the bulk of the crowd reached Haste Street, it divided into two groups. Half went down an alley which leads directly to the "People's Park." They were followed by sheriff's deputies.

The remaining marchers moved west on Haste Street about a quarter of a block and then turned around to face the line of California Highway Patrol officers. In the intervening time, protestors on rooftops lining Haste and Telegraph Avenue began hurling missiles down on the officers below and toward police vehicles. Rocks, sticks, bricks and jagged pieces of pipe and steel--some 18 inches long-- began raining down into the police ranks. Cherry bombs (some with BB shot glued on to act as shrapnel) began exploding in the streets. Some officers were being felled by the rocks and missiles thrown from the rooftops, and from within the surging crowd.⁴⁸

12:45 p.m.

Those on the rooftops had stockpiled a good supply of rocks and other missiles. They kept up a steady barrage. Stockpiles of rocks, steel rods and bottles were also observed in nearby alleys.

The battle grew more intense as the officers struggled to contain and disperse the more violent protestors from the ranks of others who were caught in this unexpected melee.⁴⁹

Small groups of officers were surrounded by a milling mass of people shouting obscenities and pushing forward. In such a scene of chaos, it was often impossible for individual officers to determine which members of the crowd were assaulting them, and which were merely trying to avoid being caught in the battle area.

At Haste and Telegraph, someone in the crowd opened a fire hydrant, flooding the street with a powerful stream of water.

A sergeant from the sheriff's office later turned it off.⁵⁰

12:52 p.m.

In an attempt to stop the mob from advancing further and as a matter of self-protection, sheriff's deputies began hurling tear gas cannisters to disperse the swarming crowd. But the barrage from the rooftops and streets continued. By this time, several groups of Highway Patrol officers were surrounded by screaming protestors hurling insults and missiles at them.

A knife, apparently thrown from the crowd or a rooftop, struck CHP officer Albert C. Bradley of Union City. It hit his chest and penetrated to the bone, causing a puncture wound that required hospital treatment.⁵¹

Other officers, not protected by flak vests, were being hit with bottles, rocks and pieces of concrete. Some were struck in the face. Others suffered injuries that included internal bleeding. The wild battling continued for some time. Law enforcement officers kept trying to disperse and isolate groups of demonstrators. The more violent of the militants were driven back a number of times, only to regroup again and send another wave charging into police ranks. Others in the crowd, including many who were attempting to be non-violent, were fleeing from the streets.

1:18 p.m.

Traffic became clogged in the area and Berkeley police called for assistance to help clear the jam.⁵²

The scene was one of violent confusion. Tear gas cannisters had left clouds of gas in the streets. Protestors had captured strategic spots behind automobiles and at intersections while others were pelting small groups of policemen with rocks, bottles and throwable pieces of reinforcing steel.

1:20 p.m.

The outmanned police forces requested additional tear gas to control the crowd, which by then was hurling barricades at cars as it surged down Telegraph Avenue.⁵³

Here is an example from the many incidents which occurred at the height of the riot.

At Parker and Telegraph, a City of Berkeley vehicle was overturned (and later set afire). The two Berkeley reserve

officers sent to control traffic at the intersection were forced to retreat under a barrage of rocks, bottles and bricks thrown from the ranks of the 250-300 militants leading the charge.

First, the officers ran into the entrance of a furniture store where one radioed for aid.⁵⁴ The windows of the store were soon smashed by a hail of rocks. The two officers then headed toward the parking lot of Cunha Pontiac Co. at 2556 Telegraph Avenue.

Officer A,⁵⁵ the older of the two reserve policemen and a 20-year veteran of this voluntary police auxiliary force, was closest to the parking lot and yelled to his companion to seek cover quickly. While they were making their way toward the lot, Officer B suddenly turned and made several charging maneuvers at the crowd in an effort to slow down their advance. These movements apparently surprised some of the demonstrators because their ranks broke momentarily. But they regrouped quickly and began rushing the officers again. During the last of these maneuvers, Officer B said he suffered a leg cramp which left him unable to maintain a fast pace. He also had suffered a large bruise on the back from a rock or brick and was hit several times by other objects which struck his flak vest or helmet.

Both men finally took cover behind a car in the parking lot of the Cunha Pontiac body shop. The demonstrators kept up with the attack, throwing rocks and bottles at them. In a written statement later reporting his injury, Officer A said: "We both felt that our lives were in danger and that we would have to move to a safer position to stay alive."

Noticing that the door of the Cunha body shop was now open, Officer A yelled to his companion to make for it. As he started toward the door (or some time just prior to this) Officer A had been hit on the left hand by a large brick. He was shaking this pain-numbed limb trying to restore some feeling to it as he ran from behind the parked car toward the door. En route, he stumbled and went down to one knee momentarily as rocks and pieces of concrete continued to fly from the ranks of the demonstrators.

As this was happening, his partner, Officer B, was still pinned behind two cars being attacked by the militants. Suddenly, one of the demonstrators (apparently spotting Officer A running for safety) dashed forward, shouting: "Pig! Pig! Kill the Pig!" The crowd followed this demonstrator in a rush toward the two officers. Officer B, who said he was lying flattened against the top of the car shielding him, drew his .38 caliber revolver at this point

and leveled it at a charging demonstrator who fled at the sight of the weapon. The officer did not fire the weapon.

Henry A. Hoglund, an employee of the body shop and an eye-witness, described the scene later in a letter to the Catholic Voice. Hoglund said rocks and bricks were being thrown at Officer B as he was pinned between two cars. "Both windshields were broken out and holes (were) put in doors and quarter panels on the side of one car," he said. "One windshield was broken by a 15-20 pound chunk of concrete that was aimed at his head. Only then did he pull his revolver...."56

The flurry of action caused the crowd to retreat momentarily while the two reserve officers ducked inside the body shop. The doors were quickly shut behind them.

After the officers were inside, someone noticed that the overturned vehicle was now burning. Berkeley Police Captain Tom Johnson, who witnessed the scene from a helicopter, said the vehicle was set afire by four or five demonstrators who hurled what appeared to be road flares under the overturned vehicle until the gasoline tank apparently ignited.⁵⁷

The crowd of demonstrators remained outside the body shop throwing stones and shouting until finally dispersed by tear gas. (A fire truck sent to extinguish the flaming city vehicle and police cars trying to reach the scene were pelted by rocks thrown by running groups of demonstrators).

1:39 p.m.

About 20 to 25 people were observed on the roof of a building at Blake and Telegraph. They were hurling tear gas canisters and other objects down into the streets. Small groups of CHP officers and other police were still surrounded by surging crowds of people. At about this point, the administrative commander of the Alameda County Sheriff's Office decided that the riot was out of control and that there was a grave possibility that some law enforcement officers could be killed. Sheriff's deputies returned to their command center at the University of California Police headquarters and were issued shotguns.

When deputies returned to the scene, many CHP Officers still were under assault by hundreds of persons. The CHP Officers were armed with pistols, but they did not use these weapons - even during times when they faced the prospect of being stoned to death in the street.

As the Sheriff's deputies moved in they were showered with

missiles from the rooftops. Some deputies responded with shotgun blasts in an effort to clear the rooftops of those who were hurling missiles down into the streets. Shotgun blasts also were fired at street level. Some of the wounded said they were not demonstrating.

2:05 p.m.

During part of these chaotic episodes of violence in the streets, police also had gas dispensing vehicles spreading tear gas to disperse the crowd. One of these vehicles was trapped at one point by the crowd and was sprayed with missiles from the roof and the crowds.

Shortly after 2 p.m., a U.S. mail truck was stopped and surrounded by militants. Berkeley police reported that the doors to the vehicle were opened and militants appeared to be rummaging about inside it. Police logs noted reports of mail being taken from the vehicle, but postal authorities said later it could not be determined whether any mail was missing. The tires of the vehicle were deflated and soil was put into the gas tank.⁵⁸

Ambulances moving in and out of the area retrieving injured added to the general confusion. Law enforcement officers made a number of arrests and police vehicles moved in and out removing those arrested.

2:47 p.m.

Police reported spotting someone armed with a rifle on the roof of a building at Dana Street and Dwight Way.⁵⁹ Sporadic battling continued for two hours more. Militants overturned more vehicles and turned in false fire alarms.⁶⁰ Another fire hydrant was opened and caused brief flooding in the street.

4:20 p.m.

By 4:20 p.m. the construction crew building the fence at "People's Park" completed the job and asked for a police escort out of the area.

4:38 p.m.

The mail truck disabled earlier had to be towed away.

5:35 p.m.

The level of battle subsided as the afternoon passed. But rumors and false reports kept police busily moving through the area in an effort to restore complete order. A group of people were spotted on a rooftop at Ellsworth and Durant about 5:35 p.m. One person was aiming an object as if it were a weapon. A closer inspection by helicopter disclosed that it was probably a stick.⁶² It was this type of false alarm that kept the atmosphere tense and officers constantly alert for more serious violence.

6 p.m.

The worst of the outbursts of violence appeared to be over by 6 p.m. Officers were securing intersections and other officials made plans to request emergency regulations. Shortly before 2 p.m. -- during the height of the violence -- Sheriff Madigan had requested that Governor Ronald Reagan alert the National Guard for possible deployment. At the same time, he also requested other law enforcement agencies to help.

REQUEST FOR NATIONAL GUARD ASSISTANCE

At the start of the noon rally, a total of 159 officers were on duty (37 Berkeley PD, 26 Sheriff's deputies and 100 CHP officers). When the crowd from the Sproul Plaza rally turned violent, this proved totally insufficient to control the situation, and other squads of police were recalled to duty. The Mutual Aid Officers (reinforcements from surrounding law enforcement agencies) began arriving at 2:15 p.m. By the end of the day, the total number of officers employed in quelling the riot reached 791, including 95 Berkeley police officers and 696 Mutual Aid (California Highway Patrol, Alameda County Sheriff's, other police departments).

William Hanley, Berkeley City Manager, Bruce Baker, Berkeley Chief of Police and Mayor Wallace Johnson concurred with Sheriff Madigan's request for State National Guard forces to prevent further violence and disorder. At their request, Governor Reagan at about 9:00 p.m. signed the proclamation calling the Guard to active duty. Also at the request of local officials, the Governor set forth emergency regulations.⁶⁴

Three battalions of the 49th Infantry Brigade with supporting units were ordered to Berkeley and prepared to assume missions under the tactical direction of the sheriff on May 16.⁶⁵

A command post was established that evening in the Berkeley Hall of Justice. The emergency regulations included a prohibition against loitering on the streets or campus between 10:00 p.m. and 6:00 a.m. and against outdoor public assemblies.

These regulations were announced Thursday evening by a helicopter flying over the riot area. The National Guardsmen assembled during the night and took up stations in Berkeley.

At the end of the day May 15, a total of 48 persons had been arrested, including six juveniles. The charges against them ranged from assaulting an officer to assault with a dangerous weapon, failure to disperse and refusing to leave University property.⁶⁶

The casualty list showed these figures:⁶⁷

Berkeley Police Department	39	(7 required hospital treatment)
California Highway Patrol	59	(9 required hospital or medical treatment)
Other officers	5	(3 required hospital treatment)
Totals	103	

Berkeley City Manager William Hanley said the total number of non-law enforcement casualties was 43; most resulted from shotgun pellets.⁶⁸

Officers who did not require hospital treatment suffered lesser injuries (bruises, minor cuts and blows to the stomach and head, etc., which did not require immediate medical care, but could prove more serious later).

The property damage from the rioters and other vandalism included 22 smashed plate glass windows, or a total of 1,576 square feet. These stores were located chiefly on Telegraph, Bancroft and Haste.⁶⁹ In addition, scores of police vehicles suffered damage, including broken windows and dents.

THE DEATH OF JAMES BENNETT RECTOR

James Bennett Rector, 25, of San Jose, was fatally wounded by a shotgun blast during the riot in Berkeley on Thursday afternoon, May 15, 1969. Rector died the following Monday night, May 19, at 10:12 p.m. in Herrick Memorial Hospital.

The autopsy report listed the cause of death as "shock and hemorrhage due to multiple shotgun wounds with perforation of the aorta."⁷⁰

It has been reported unofficially (in newspaper accounts) that Rector was visiting Berkeley at the time of the riot and was with a group of people atop a roof near the intersection of Dwight Way and Telegraph Avenue.⁷¹ He was shot some time after 2:00 p.m.

At this writing, the precise circumstances regarding Rector's death have yet to be established officially by a coroner's inquest. Further details on his death and on his activities during the riot must await these legal proceedings.

However, because some news media outlets have erroneously identified James Bennett Rector as a "student" at the University of California, the following factual information is offered:

So far as can be learned, James Bennett Rector was not a student at the University of California in Berkeley and never had been enrolled at that institution.

At the time of his death, he was on probation following a conviction on charges of burglary and possession of marijuana. (See below).

The day after Rector was wounded, police found his automobile parked in the downtown area of Berkeley near the riot area. Inside the vehicle, police found a Remington .22 caliber, semi-automatic rifle in a disassembled state; and a telephone induction coil, a piece of electronic equipment used for tape-recording telephone calls or for wire-tapping.⁷²

Police reported that one round of .22 caliber ammunition also was discovered in Rector's pocket at the time he was hospitalized.

James Bennett Rector,⁷³ born March 8, 1944; height 6 feet; weight 165; listed as a graduate of Santa Clara High School; enlisted in the United States Air Force 1/31/63 (AF Serial

No. 197-602-98). He received a general discharge 12/30/63.

Police files list the following record of arrests, convictions and other entries on James Bennett Rector:

8/27/66 Arrested by San Jose police, traffic violations.

11/28/66 Arrested by San Jose police on charges of burglary and receiving stolen property.

4/5/67 Convicted of receiving stolen property; sentenced to 90 days in jail; two years probation.

10/27/67 Arrested by San Jose police on charges of receiving stolen property; burglary; grand theft, auto; possession of marijuana.

12/29/67 Convicted of possession of marijuana and burglary; received a sentence of two months in the county jail; two years probation. Probation period to expire 12/29/69.

7/22/68 Registered with San Jose police department as a narcotics violator, as required by California's Health and Safety Code.

MAY 16 - MAY 25, 1969

The National Guard took up stations in Berkeley Friday, May 16. Their initial missions were to maintain a security perimeter at the "People's Park" fence; to deny unauthorized vehicular traffic into the area surrounding "People's Park" and to guard the Berkeley City Hall with roving foot patrols. In addition, 10 two-man roof top observation posts were established on Telegraph Avenue between Bancroft and Blake.⁷⁴

The activity by the militants developed into a pattern between May 16 and May 19. Dissidents and their supporters would group in defiance of the emergency regulation and speakers would harangue the assembled crowd on the "People's Park" controversy. Insults and obscenities were directed at both the National Guardsmen and the police.

There were a number of skirmishes; false bomb reports; maneuvers by the National Guard and police units to disperse marching gangs of militants. California Highway Patrol units used gas cannisters to break up one crowd at Telegraph and Bancroft Streets May 17 after militants pelted the CHP officers with a barrage of rocks and bottles. The frequent false bomb reports and rumors of armed gangs within the city kept the atmosphere tense.⁷⁵

National Guard units also were forced to use tear gas at Sproul Plaza to disperse a hostile crowd on May 19.⁷⁶

Total arrests for the four-day period:⁷⁷

May 16	21 arrests
May 17	26 arrests
May 18	19 arrests
May 19	42 arrests

On May 20, a crowd of 4,000 - 5,000 persons marched through the campus shortly after noon but were prevented from entering Berkeley's business district by police and National Guardsmen. Berkeley police warned the group that the mass gathering was prohibited and directed the crowd to disperse. With National Guardsmen moving in, the demonstrators divided into several groups. One section of about 1,000 persons marched toward Chancellor Heyns' home on the north side of the campus. Some dissidents began throwing rocks and bottles and National Guardsmen used tear gas to disperse the chanting crowd.⁷⁸

Two police officers were injured at the Chancellor's home. One campus officer was struck in the back by a rock, smashed in the mouth by a militant and suffered a hand injury.⁷⁹

Several crowds of people moved about in a mass on campus, and there was more rock throwing. The largest concentration was near the Campanile where a rally was being held.

Police reported that the balcony of the Associated Students building was loaded with rocks and chunks of cement.⁸⁰

One crowd of about 1,000 persons was reported at the west end of the campus; another group of several hundred massed at University and Oxford Streets and began moving east. Similar large gatherings were reported at the Campanile and Sproul Plaza. Berkeley and other police units donned gas masks in case tear gas had to be used to control the crowd. National Guardsmen began moving around the Sproul Plaza area. Police logs reported that the crowd was left an access to retreat out of the northeast corner of the Plaza and the west side of the Plaza.⁸¹ A gas-dispensing helicopter was sent aloft.

As the Guardsmen were moving in, another barrage of rock throwing took place in Sproul Plaza. At 1:58 p.m. a University policeman, speaking from a balcony on the second floor of the Student Union, announced to the crowd that chemical agents would soon be dropped. He urged the remaining crowd in Sproul Plaza to disperse.⁸²

Some people did so. But others stayed.

The National Guard said the tear gas was dropped by helicopter at 2:06 p.m. into Sproul Hall Plaza at a time when "a group of 600-700 dissidents were closing on the troops and three chairs were thrown from an upper story into the troop formation." ⁸³ Other police units fired tear gas.

The milling crowd of 600-700 persons quickly dispersed.

A total of 14 persons were reported treated for minor injuries, including four U. C. policemen and eight students. Police made 92 arrests during the day May 20, mostly for failure to disperse, unlawful assembly and resisting arrest. ⁸⁴

Demonstrations, rallies and some violence continued the rest of the week. Groups of street people and some students would gather to taunt National Guard troops and police units, shouting insults. Occasionally, there would be a flurry of rock and bottle throwing and vandalism to property.

On May 22, National Guard troops and police units made a series of mass arrests on charges of failure to disperse and unlawful assembly. A total of 497 persons were arrested that day. ⁸⁵

During the period May 15-24, there were a total of 768 arrests (272 University of California students) and 496 non-students; 92 juveniles were arrested between May 15-22. About 40% of those arrested were not Berkeley residents. Of the 450 adults arrested during the mass arrests on May 22, 253 were non-students and 197 were U. C. students. ⁸⁶

The cost of maintaining the National Guard support forces at Berkeley has been estimated by the Department of Finance at almost \$50,000 a day. The troops were withdrawn on June 2, making a total 17 days duty. A preliminary estimate of the cost was \$764,258 for the National Guard expenses. ⁸⁷

Additional costs not in that figure would have to include the overtime costs for local law enforcement units; logistic costs for all personnel; cost of court expenses for processing and prosecuting law violators; property damage to Berkeley businesses and the intangible but considerable loss of business by Berkeley merchants during the period of militant activity.

EPILOGUE

There have been allegations that some non-demonstrators were caught in the street fighting and suffered injuries, and that some non-demonstrators were mistakenly detained during large-scale arrests. There have also been allegations of mistreatment of some persons in the detention facilities at Santa Rita.

Appropriate agencies are conducting official investigations into these allegations and appropriate disciplinary action has been promised if any of these allegations are substantiated.

In addition, considerable criticism has been directed at law enforcement officers and National Guardsmen because tear gas and shotguns were used to control unruly crowds at the height of the riots. Noting the critical situation that confronted his outmanned law enforcement units on May 15, Sheriff Frank Madigan of Alameda County said the choice was essentially this: "To use shotguns--because we didn't have the available manpower -- or retreat and abandon the city of Berkeley to the mob."* 38

WHAT'S AHEAD FOR BERKELEY?

While the situation on "People's Park" has subsided, other confrontations are possible. A leaflet announcing a "People's Park Negotiating Committee" mass meeting June 4 declared:

"Thousands marched in the past two and a half weeks and millions more have watched us fight for our park. The p. r. (public relations) has been great, the people dig us, but the fence hasn't come down.

". . .The guard is gone--Berkeley is quiet--finals start next week and goddamit, we don't have our parkThere will be no real peace in Berkeley while that fence is up.* Help plan tactics and strategy to BRING THE FENCE DOWN!"

Whether any new confrontation will involve the "People's Park" remains to be seen. But any incident can serve as an excuse for intimidation through mass marches and demonstrations that have a potential for violence. It must be acknowledged that there are militants active within this state and this nation whose avowed aim is to destroy the institutions and the governmental structure of our society. They make no secret of these goals.

*Emphasis added.

A full-page ad on page 16 in the May 30-June 5 edition of the Berkeley Barb announced a 13-point program for developing the "revolution" in Berkeley. The advertisement was signed by "Several Berkeley Liberation Committees" and declared:

- 1 WE WILL MAKE TELEGRAPH AVENUE AND THE SOUTH CAMPUS A STRATEGIC FREE TERRITORY FOR REVOLUTION

". . .We will resist plans to destroy the South Campus through University-business expansion and pig assaults. . . Young people leaving their parents will be welcome with full status as members of our community. Business on the Avenue should serve the humanist revolution by contributing their profits to the community. We will establish cooperative stores of our own, and combine them within an Avenue cooperative."

- 2 WE WILL CREATE OUR REVOLUTIONARY CULTURE EVERYWHERE

". . .We will defy all puritanical restraints on culture and sex. . ."

- 3 WE WILL TURN THE SCHOOLS INTO TRAINING GROUNDS FOR LIBERATION

". . .Students must destroy the senile dictatorship of adult teachers and bureaucrats. Grading, tests, tracking, demotions, detentions and expulsions must be abolished. Pigs and narcs (narcotics agents) have no place in a people's school. . . Students will establish independent educational forms to create revolutionary consciousness while continuing to struggle for change in the schools."

- 4 WE WILL DESTROY* THE UNIVERSITY UNLESS IT SERVES THE PEOPLE

". . .Students should not recognize the false authority of the regents, administration and faculty. All students have the right to learn what they want, from whom they want, and in the manner they decide; and the right to take political action without academic penalty. . . Education can only begin when we're willing to close the University for what we believe. . ."

5 WE WILL STRUGGLE FOR THE FULL LIBERATION OF WOMEN
AS A NECESSARY PART OF THE REVOLUTIONARY PROCESS

". . .We demand the full control of our own bodies and towards that end will establish free birth control and abortion clinics. We will choose our own sexual partners. . . . We will establish female communes. . ."

6 WE WILL TAKE COMMUNAL RESPONSIBILITY FOR BASIC HUMAN NEEDS

". . .Free legal services will be expanded. Survival needs such as crash pads, free transportation, switchboards, free phones, and free food will be met."

7 WE WILL PROTECT AND EXPAND OUR DRUG CULTURE

". . .We relate to the liberating potential of drugs for both the mind and the body politic. Drugs inspire us to new possibilities in life which can only be realized in revolutionary action. We intend to establish a drug distribution center and a marijuana cooperative. . . .We will resist the enforcement of all drug laws in our community. . ."

8 WE WILL BREAK THE POWER OF THE LANDLORDS AND PROVIDE BEAUTIFUL HOUSING FOR EVERYONE

". . .Through rent strikes, direct seizures of property* and other resistance campaigns, the large landlords, banks and developers who are gouging higher rents and spreading ugliness will be driven out. We shall force them to transfer housing control to the community. . . .Space will be opened up and living communes* and revolutionary families will be encouraged."

9 WE WILL TAX THE CORPORATIONS, NOT THE WORKING PEOPLE

". . .Berkeley cannot be changed without confronting the industries, banks, insurance companies, railroads and shipping interests dominating the Bay Area. . . .We will demand a direct contribution from business, including Berkeley's biggest business--the University, to the community until a nationwide assault on big business is successful. . ."

*Emphasis added.

10 WE WILL DEFEND OURSELVES AGAINST LAW AND ORDER*

". . .We shall abolish the tyrannical police forces not chosen by the people. States of emergency, martial law, conspiracy charges and all legalistic measures used to crush our movement will be resisted by any means necessary--from courtroom to armed struggle.* The people of Berkeley must arm themselves and learn the basic skills and tactics of self defense and street fighting. . . .We shall make Berkeley a sanctuary for rebels, outcasts and revolutionary fugitives. . . ."

11 WE WILL CREATE A SOULFUL SOCIALISM IN BERKELEY

". . .We will experiment with new ways of living together such as communal families in which problems of income, child care and housekeeping are mutually shared. . . ."

12 WE WILL CREATE A PEOPLE'S GOVERNMENT*

"We will not recognize the authority of the bureaucratic and unrepresentative local government. We will ignore elections involving trivial issues and personalities. . . .We propose a referendum to dissolve the present government, replacing it with . . . a decentralized government of neighborhood councils, workers councils, student unions, and different sub-cultures. . . ."

13 WE WILL UNITE WITH OTHER MOVEMENTS THROUGHOUT THE WORLD TO DESTROY THIS MOTHERFUCKING RACISTCAPITALISTIMPERIALIST SYSTEM

". . .We will make the American revolution with the mass participation of all the oppressed and exploited people. We will actively support the 10-point program of the Black Panther Party in the black colony. . . . We will create an International Liberation School in Berkeley as a training center for revolutionaries. . . ."

*Emphasis added.

The foregoing "program" printed in the Berkeley Barb is attached here for informative purposes. Everyone is free to weigh its message and the threats it contains according to his own view of whether street corner "revolutionists" should be taken seriously.

But, before dismissing this hazy mixture of Marxism and vulgarity as the prattling of a few anonymous "revolutionaries," it should be remembered that it was just this sort of anonymous declaration that launched the "People's Park" controversy.

FOOTNOTES

1. Chancellor Roger B. Heyns, Review of "People's Park" sequence of events, Speech to U.C. Academic Senate, May 23, 1969 (hereinafter referred to as Heyns, Speech to Academic Senate, May 23, 1969).
2. City of Berkeley, Permit records.
- 3-4. Heyns, Speech to Academic Senate, May 23, 1969; University of California records.
5. University of California, Police Department, Files.
6. City of Berkeley, Police Department, Records and files; Records and files of other law enforcement agencies and records of appropriate courts.
7. Daily Californian, May 20, 1969.
8. Chancellor Roger B. Heyns, Statement to U.C. campus and public, May 13, 1969 (hereinafter referred to as Heyns, Statement, May 13, 1969).
9. University of California, Office of Public Information, Statement issued April 30, 1969.
10. Letter from Vice Chancellor Earl F. Cheit, June 2, 1969. It should be noted that this committee included four students, together with faculty and other staff members.
- 11-12. Heyns, Statement, May 13, 1969.
13. Copy of leaflet distributed in South Campus area on May 9, 1969; mentioned by Heyns in May 23 speech and published by various newspapers.
14. "Hear Ye, Hear Ye," Berkeley Barb, April 18, 1969.
15. See, for example, letter from Berkeley City Councilman John DeBonis to DeWitt Higgs, Chairman of the U.C. Board of Regents, May 7, 1969 (hereinafter referred to as DeBonis, Letter, May 7, 1969).
16. Files and arrest statistics compiled by Berkeley Police Department.

FOOTNOTES -- Page Two.

17. California Highway Patrol Officer Newton Joe Prince, who suffered leg burns in the firebombing assault June 29, 1968, was readmitted to Franklin Medical Center, San Francisco, on June 11, 1969 for further surgical skin grafts. His doctor has advised that it is his opinion that the officer could never return to regular patrol duty due to the possibility bruises or lacerations might occur which would not heal as normal, healthy skin does. In a letter to Governor Ronald Reagan, dated June 23, 1969, Officer Prince said, "This is the third time I've been hospitalized as a result of my burns. I thank God that I'm still alive....I'm proud to be a member of the California Highway Patrol. The flagrant act of the person or persons responsible for my burns has altered my life and future as well as that of my family. I will not be able to return to normal patrol duty as a traffic officer...For this, I am very sorry. I enjoyed my work very much."

18. Files and reports maintained by the City of Berkeley including those of the Berkeley Police Department.

19. DeBonis, Letter, May 7, 1969; also, City of Berkeley records.

20. Reports on file with the Berkeley Police Department.

21. Berkeley City Manager William Hanley, Statement, May 18, 1969 (hereinafter referred to as Hanley, Statement, May 18, 1969).

22. Estimates of damage by City of Berkeley officials, including City Manager Hanley.

23. Statistical summary of complaints listed with Berkeley Police Department, April 30-May 14, 1969.

24. Samples of plants dug up at park site and confiscated by police after the fencing of "People's Park" were identified as marijuana.

25. Heyns, Statement, May 13, 1969; reviewed in Heyns, Speech to Academic Senate, May 23, 1969.

26. Heyns, Speech to Academic Senate, May 23, 1969.

27-28. Heyns, Statement, May 13, 1969.

29. Records in the Office of the City Manager, Berkeley.

30. Heyns, Speech to Academic Senate, May 23, 1969. It should be noted that when the University of California Building and Campus Development Committee reviewed the original proposal on June 1, 1967, the then president of the U.C. student body was invited to attend to represent student views. Minutes of this meeting show he did not attend.

31. See State of California, Constitution, Art. 9, sec. 9.
32. Hanley, Statement, May 18, 1969; see also Berkely Daily Gazette, May 19, 1969.
33. San Francisco Chronicle, May 15, 1969; Berkeley Daily Gazette, May 15, 1969, P. 1.
34. Records of Berkeley and University of California police; see also San Francisco Examiner, San Jose Mercury, May 15, 1969.
35. Police logs, files of participating law enforcement agencies. (Advance intelligence reports indicated that significant amounts of rocks, bricks and other potential weapons had been stockpiled in the park area.)
36. Berkeley Police files; Alameda County Sheriff's files; see also San Francisco Chronicle, San Francisco Examiner, May 15, 1969.
37. Files, records of Berkeley Police Department and the Alameda County Sheriff's Office.
38. Eyewitness report on file with University of California Police Department.
39. Logs of Berkeley Police Department, Central Command Post.
40. Application by Michael Lerner on file with U.C. Police Department; see also Daily Californian, May 15, 1969, p. 5.
41. San Francisco Chronicle, May 15, 1969.
- 42-43. Eyewitness reports on file with U.C. Police Department.
44. Los Angeles Times, May 16, 1969: also, eyewitness reports on file with U.C. Police Department.
45. Eyewitness reports on file with U.C. Police Department.
- 46-47-48. Logs and reports of the Berkeley Police Department and other law enforcement agencies.
49. Reports by police at scene. See also, Sacramento Bee, June 8, 1969, quoting Berkeley Detective J.F. Hill reporting that at least a truckload of bricks, rocks, etc., were picked up from streets where rioting occurred.
50. San Francisco Examiner, May 15, 1969. Also, police logs, reports.

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51. San Jose Mercury, May 16, 1969. Also, official reports of California Highway Patrol.

52-53. Logs of Berkeley Police Department.

54. Interviews with officers involved.

55. Note: It is the policy of the Berkeley Police Department to withhold public release of the identities of reserve officers except when required for formal court appearances or pursuant to other legal process. Police Chief Bruce Baker said this policy is followed because reserve officers in the past several years have been subjected to harassment at their houses or places of business. The names of the two officers and their official statements are on file with the Berkeley Police Department

56. Letters column, Catholic Voice, June 4, 1969.

57. Interview with Berkeley Police Captain Tom Johnson.

58. Berkeley police logs; eyewitness report by Berkeley Police Captain Tom Johnson.

59. Logs of Berkeley Police Department.

60. Berkeley Police logs. These logs list at least nine officially recorded box alarms and fire reports between 1 and 10 p.m., May 15, 1969. At least three were false alarms. There were also two false bomb threats during this period.

61. Berkeley Police Department, reports, logs.

62. Berkeley Police Department, reports, logs.

63. Statistical summary of arrests, injuries to officers, manpower report, Berkeley Police Department and other participating law enforcement agencies.

64. California, Military and Veterans Code, secs. 146 and 1581.

65. Operational Report, California National Guard.

66. Statistical Summary of Daily Arrests, files of Berkeley Police Department and other law enforcement agencies involved.

67. Statistical Summary of Police Casualties, Berkeley Police Department, Alameda County Sheriff's Office, and California Highway Patrol.

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68. Survey of Non-Law Enforcement Casualties by Berkeley City Manager William Hanley, May 18, 1969.

69. The Berkeley Chamber of Commerce, on behalf of merchants in the area, later inquired about government loan programs for merchants suffering loss of business and physical destruction of property during a riot.

70. Oakland Tribune, May 20, 1969.

71. Los Angeles Times, May 30, 1969. Sacramento Bee, May 22, 1969.

72. Reports on files with Berkeley Police Department. Berkeley Daily Gazette, May 24, 1969. San Francisco Examiner-Chronicle, May 25, 1969.

73. Military and police record on file with San Jose Police Department and other law enforcement agencies.

74. Operational Report, California National Guard.

75. Logs of Berkeley Police Department and other law enforcement agencies involved.

76. Operational Report, California National Guard. Oakland Tribune, May 20, 1969.

77. Compiled from logs of Berkeley Police Department.

78. Operational Report, California National Guard.

79. San Francisco Chronicle, May 21, 1969. Also, police logs on file.

80. Berkeley Police log at 1:30 p.m. listed a report that the balcony of the ASUC building "is loaded with rocks and cement chunks." Deputies assigned to clear ASUC building. At 2:01 p.m. the Berkeley Police log reported, "ASUC balcony cleared."

81. Berkeley Police logs and California National Guard report.

82. Berkeley Police log. See also, Oakland Tribune, May 24, 1969.

83. Operational Report, California National Guard.

84. Compiled from arrest records, Berkeley Police Department; Oakland Tribune, May 24, 1969.

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85-86. Arrest totals compiled by Berkeley Police Department and other law enforcement agencies; Oakland Tribune, May 23, 1969.

87. Estimate of costs by Department of Finance, State of California.

88. Berkeley Daily Gazette, May 30, 1969.