William Heegaard

Center for Student Conduct and Community Standards

UC Berkeley

August 22nd, 2010

My Thoughts about November 20th, 2009

***

"My protest was motivated … not by a desire for radical change, but rather a desire to return to already agreed to principles of public rights [to] preserve basic rights. I felt my duty to be one of preservation."

- *Free Speech Movement Protester O*[1]

***

Introduction

I have been reflecting on the actions I took on November 20th, 2009 for over seven months now. I have had many intense discussions with my friends and family over the legitimacy, morality, or effectiveness of the lock-in, and I have definitely questioned my actions against all such criteria. I have yet to decide whether what I did was right. "Right" entails a variety of different synonyms: correct, worthwhile, necessary, acceptable, sensible, logical, impactful… the list goes on and on. While I thought it was the best course of action at the time, in retrospect I cannot fully judge whether it was the most effective method for achieving my short-term and long-term goals. Many people have applauded my "courage," and many others have decried my ignorance. I don't know which side carries more subscribers. This essay is an

[1] Cohen, R. and Zelnik, R. *The Free Speech Movement: Reflections on Berkeley in the 1960s.* University of California Press: Berkeley, CA (2002). Pg. 235.

attempt to flesh out the legitimacy, morality, and effectiveness of the November 20th lock-in.

The Student Conduct Office addresses behavior problems through "a resolution process that reflects the rights and responsibilities of all parties involved."[2] This gives the office the ability to turn disciplinary action into a learning experience for the student being disciplined. Although the Student Conduct Office doesn't like their resolutions to be called punishments, the resolutions include distinct requirements in order to discipline the student who acted out of line. For locking myself in Wheeler Hall on November 20th, 2009, I am required to write this essay and remain under stayed suspension until December 17th, 2010.

As part of my informal resolution, I am also required to read The Free Speech Movement: Reflections on Berkeley in the 1960s, by Robert Cohen and Reginald Zelnik, and discuss how the November 20th lock-in "compares and contrasts with incidents on the campus during the 1960's."[3] While much of the book was inapplicable to the November 20th lock-in, a few essays provided useful insight for classifying and evaluating different protest actions within their social and historical context. The most interesting and pertinent articles included "This was *Their* Fight and *They* Had to Fight It: The FSM's Nonradical Rank and File," by Robert Cohen, "Fall of 1964 at Berkeley: Confrontation Yields to Reconciliation," by Clark Kerr, and "A View from the Margins," by David Hollinger. I will attempt to incorporate what I took away from the book as a whole and these articles in particular in the hope of adding to the breadth of my reflection.

One more caveat before I dive in. While I did my best to make this clear in the informal resolution meetings, I would like to reiterate that my past, present, and future comments reflect

---

[2] http://campuslife.berkeley.edu/conduct

[3] "Administrative Disposition for William Heegaard, Record Number 9333-18505." *Center for Student Conduct and Community Standards.* April 26, 2010.

my view on the issue and mine alone. I do not speak on behalf of any one other than myself. With that said, let's get started.

The Legitimacy of the Cause

Did we have a good enough reason to lock ourselves in a campus building? I must admit that, when I decided to participate in the occupation, I didn't know nearly as much about the university's budget issues as I do now. I had attended the rally on September 24, 2009 and I had shown up to some of the strike activities in the two days prior to the occupation. I knew that tuition hikes stemmed from a combination of diminished state funding and administrative ineptitude. I also knew that both Cal's and the entire UC system's budgeting process was extremely opaque and created serious transparency and accountability problems. I felt that administrators were not responding to the problem seriously; they were not cutting costs at the top nor taking the necessary steps to increase budget clarity. However, I didn't have cited statistics or case studies to back my assertions, and most of my talking points came from protest flyers or signs. I decided to lock myself in Wheeler because I felt that increasing student tuition, laying off janitors, and opening low-income student housing to private bidding were not the appropriate ways to save money at a time when administrators were receiving huge pay increases,[4] new, expensive construction projects were being negotiated, and the full UC budget still remained a mystery. Presidents, chancellors and administrators were prioritizing the UC's profit margin over its educational mission. It was not the belt-tightening that I was protesting; it was the fact that students and janitors had to tighten their belts first, and that we weren't allowed to see why.

---

[4] Tanya Smith. "UC regents award huge pay increases to execs while furloughing staff." University Professional and Technical Employees Press Release, July 23, 2009. http://www.upte.org/about/press/2009-07-23.pdf

When I made the decision to occupy Wheeler, I considered myself pretty well informed about the budget issues, at least compared to the average Cal student. However, as the day unfolded, I quickly realized that my understanding was superficial. I had thrown myself into the middle of a very complex, multi-faceted problem that spanned across campus, university and state government levels. Locking myself in Wheeler left me feeling extremely unknowledgeable about the range, depth, and interconnectedness of the budget crisis.

In the weeks and months following the lock-in, the California public education system became a something of a personal research project. I gathered up all the leaflets, pamphlets, and flyers I could find and scoured them for research-backed statistics. I then compiled the information into a powerpoint that I presented to my classes in an effort to build support for the March 4, 2010 walk out. In doing so I began to understand the university's tuition hikes in the larger context of the state government's reduced funding for education. The scope of the problem turned out to be much bigger than I had ever imagined.

One of the first things I learned was that the K-12 system has been hit as hard or harder than higher education. The state government cut 7.6 percent of the K-12 budget, or $3.67 billion, for the 2009-2010 academic year.[5] The cuts have forced 75 percent of principals to cut or eliminate textbook purchases and 70 percent of principles to cut or eliminate summer school.[6] Compounded with teacher lay offs and overcrowded classrooms, these consequences have jeopardized all attempts to create the supportive learning environment that every kid deserves.

Within the bracket of higher education, the budget cuts have been equally devastating. Community colleges lost $813 million for the 2009-2010 academic year, leading to teacher lay-

---

[5] "July 2009 Budget Package." *Legislative Analyst's Office.* July 29, 2009. http://www.lao.ca.gov/laoapp/PubDetails.aspx?id=2112

[6] "Educational Opportunity Report." *UCLA Institute for Democracy, Education and Access*, January 2010.

offs and the elimination of critical programs like summer school.[7] However, in terms of percent, the CSU and UC systems received the biggest cuts. The CSU system lost $584 million, about 20 percent of their budget for the 2009-2010 academic year, forcing 40,000 eligible students to be turned away.[8] The UC system lost $813 million of state financing for the 2009-2010 school year, causing system wide class reduction, class-size expansion, and teacher furloughs.[9]

In my investigation of the state's cuts to public education, I stumbled across some interesting statistics on prison spending that, when held up against CA's educational spending, created some very thought-provoking comparisons. Out of the General Fund, almost 11 percent goes to prisons, and only 7.5 percent goes to higher education.[10] The California state government currently pays $47,000 to keep a prisoner locked up for one year, but only $4,600 to support a student at a CSU.[11] Finding and reformatting these statistics opened my eyes to the cross-sectional nature of the state's, and consequently Cal's, budget crisis. It also helped me understand that the problem is not only a lack of money, but also the absence of leaders that prioritize education over prisons.

While the demands of the occupation didn't speak directly to these more systemic problems, I think it would be difficult to argue that our cause, our call to prioritize education, wasn't legitimate. The quality and accessibility of both lower and higher education in California stands in serious peril. However, when I decided to participate, I hadn't yet been exposed to the breadth and depth of the problem confronting California's public education system. I strongly

---

[7] "July 2009 Budget Package."

[8] "Lowering Enrollment." CSU Chancellors Office, July 2009. http://calstate.fullerton.edu/news/Inside/2009/spring-enrollment-closed.html

[9] Tamar Lewin. "University of California Makes Cuts After Reduction in State Financing." *The New York Times.* July 10, 2009. http://www.nytimes.com/2009/07/11/education/11calif.html

[10] Jennifer Steinhauer. "Schwarzenegger Seeks Shift From Prisons to Schools." *The New York Times.* January 6, 2010. http://www.nytimes.com/2010/01/07/us/07calif.html

[11] "How much does it cost to incarcerate an inmate?" Legislative Analyst's Office. http://www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_cj_inmatecost.aspx?catid=3

believed then – and still do today - that the current path of university and state policies does not prioritize the education of California's future, its children and young adults, but I by no means understood the many reasons why. I still don't. I have spent many hours scouring the internet for the full picture, but there is no infographic or statistical comparison that does justice to the complexity of the problem. Specific problems exist at every level of budget authority, from Chancellor Birgenau to President Yudoff to Governor Schwarzenegger. Participating in the occupation forced me to get as many facts straight as possible. The research I've done since November 20th has only solidified my belief that the cause for which we acted was and still is legitimate.

Reading Clark Kerr's essay, "Fall of 1964 at Berkeley: Confrontation Yields to Reconciliation," left me wondering how our cause for direct action matched up to the Free Speech Movement's. Did the Free Speech Movement (FSM) have a good enough reason to sit down in Sproul Hall? Was their cause any more legitimate than ours?

In his reflections, Clark Kerr describes how the Free Speech Movement began in the wake of some notably progressive changes in the UC system, changes that seemed to align with many of the FSM's interests. In 1960, "the state legislature had endorsed the Master Plan for Higher Education… guaranteeing for the first time in history that there would be a place in higher education for every high school graduate and persons otherwise qualified."[12] Faculty members had been granted continuous tenure for the first time, protecting free speech by hindering the possibility of a loyalty oath or red baiting.[13] In addition, ROTC had been made voluntary and a "'equality of opportunity' outreach program had been introduced (1963) to

[12] Cohen, R. and Zelnik, R. Pg. 363.
[13] Ibid.

encourage greater attendance by minority students."[14] In comparison to the present day UC, the 1960s administration was making noticeable steps to increase educational accessibility and freedom of expression within a culture of Cold War paranoia. To be honest, if I had been attending Cal around this time, I'm not sure I would have had much to protest. The crux of Free Speech Movement's cause was political advocacy rights on campus. However, with the decentralization of UC management in the early 60s, new rules were enacted for student political involvement that gave students many new political advocacy rights. For example, student organizations were allowed to invite outside speakers on their own, "even pro-Soviet Communists."[15] The conflict boiled down to Chancellor Strong's removal of a 26-by-40-foot strip of public sidewalk on Bancroft Way "set aside by the Board of Regents at the edge of the Berkeley campus for 'advocacy' activities."[16] While the students of the time were clearly justified in demanding their right to advocate – raise money and recruit participants - for off-campus projects on campus, I think it would be hard to argue that our cause – keeping low-income students in school and preventing low-pay workers from losing their jobs – was any less pressing or legitimate. The UC of 1964 had taken many steps to support student expression and repealed one, while the UC of 2009 had fundamentally subjugated educational access and employee job stability to administrative bonuses and construction projects.

The Morality of the Action

It is difficult to justify an act taken in the name of protecting higher education when that act explicitly entails locking students out of class. This was a critical hypocrisy within the November 20th occupation. We effectively shut down the largest lecture hall on campus in an

[14] Ibid.
[15] Cohen, R. and Zelnik, R. Pg. 370.
[16] Ibid.

attempt to repeal the tuition increases, rehire laid-off janitors, and prevent low-income student housing from being sold. In essence, we stopped school to save school.

In the months that followed the occupation, I talked to many students frustrated by our protest. Some had lectures in Wheeler that they weren't able to attend and some were stopped and harassed by protesters as they broke the picket lines to go to class (this harassment I did not support), but even those who weren't directly affected had trouble with the idea of a small group of students placing their priorities before the individual student's right to an education. In a very heated discussion, one young woman furiously questioned my moral high ground, asking, "what right do you have to decide that this problem is more important than my day of class?" There was many ways to respond to this. I could have argued that losing her one day of lecture was in the grand scheme pretty trivial – students skip class all the time for reasons much more mundane than fee hikes or lay-offs. I could have also argued that we were trying to protect the right of thousands of California high-school students to attend a UC in the future, and that their right to a four-year higher education was more important and more threatened that her single day of class. However, I think she was getting at something more than a utilitarian weighing of rights. She was decrying the explicitly anti-democratic aspect of direct action protests. We did not ask the student body if they supported the lock-in before we acted, we did not take campus-wide vote, the majority did not rule. Forty-three students decided for the other 30,000+ that attempting to get the fee hikes revoked and the janitors rehired and the low-income student-housing contract renegotiated was more important than ten or so hours of lecture in Wheeler Hall.

If we compare the November 20th lock-in to the sit-ins of Sproul Hall in 1964, I think some interesting conclusions emerge. The sit-ins of 1964 appeared more democratic than the occupation of Wheeler for a few reasons. First, the sit-ins usually had more protesters. In the sit-

in of December 2-3, 1964 over 1,500 students participated. The larger number of participants made it more evident that the general student body supported the protesters. Second, the Sproul Hall sit-ins targeted an administrative building, not a lecture hall. No student was directly denied his or her access to education by a minority group of protesters. Finally, the sit-ins didn't lock the doors, allowing participants to come and go as they pleased. This openness helped the sit-ins appear more democratically approved by students; the protesters could be approached and general student opinion could be voiced directly and immediately. If students didn't want protesters sitting in Sproul Hall, they could go inside and tell them to leave.

While these differences made the sit-ins appear more democratic, do they fundamentally annul their antidemocratic nature? No. While the sit-in of December 2-3 did include more direct participants, 1,500 students still equated to a vast minority deciding to prioritize free speech above the individual students right to attend class. On the other hand, the November 20, 2010 occupation included over 2,000 students that stood outside of Wheeler all day in the rain to make sure the occupiers weren't arrested. By the numbers, our occupation received more support. In addition, the fact that the sit-ins targeted Sproul Hall instead of a lecture building did not protect students' right to decide whether to attend class. Further, the December 2-3 sit-in paralyzed the campus to an equal or greater degree than the November 20th occupation.

In his essay, President Clark Kerr makes an interesting distinction between persuasive and coercive actions. He argues that persuasive civil disobedience concentrates on "self-sacrificing activities, such as fasting or income loss in strikes, to assert one's moral commitments, and the 'coercive' tactics of the FSM, intended to impose one's will physically rather than through moral persuasion."[17] Applying this distinction, both the FSM and the

[17] Cohen, R. and Zelnik, R. Pg. 375.

November 20th lock-in were solidly coercive and antidemocratic in nature. The difference in perception comes from the nuances. The open doors of the 1964 sit-ins created an aura of majority student support, while the locked-doors and bandana-covered faces of the November 20th lock-in generated an impression of militancy and alienation from the "moderate" student body. However, I propose the "moderate" students attending Berkeley during the Free Speech Movement felt very similar to the "moderate" students watching the November 20th lock-in. They both were witnessing a breach from the norm, a direct challenge of authority in order to assert a right.

As I said in the beginning of this paper, I still cannot fully judge whether what we did was right. I do believe that at the time, some direct action was necessary to mobilize the student body, but I still don't know if a lock-in was the best method. One reason I felt morally justified in occupying Wheeler was that it demonstrated strong solidarity with the students of other UC campuses. UC Santa Cruz had already staged a three-day lock-in with two hundred students and UC Davis had also occupied a building. With these actions in mind, I felt less like the catalyst of a new movement and more like a responder to a call already sounded. As for the general morality of coercive direct action, I think such evaluation is next to impossible, and can only be undertaken on a case-by-case basis. All physical protests are anti-democratic to some degree.

After I got out of Wheeler, many people asked me why I felt I had the right to prioritize my beliefs over their access to education. However, I see it differently. Unlike the FSM protesters, I didn't feel like I was exercising a right to anything. I know I had no right to lock myself in Wheeler and prevent students from attending class. I think the November 20th protest would be better classified as a desperate cry for help. I felt like I was screaming in order to get people to listen. After seeing the blank stares we got from the administration in response

to the September 24th strike and the November 18th and 19th actions, I felt similar to many FSMers: "that the administration's behavior had proved that the University's bureaucracy would not engage in meaningful dialogue unless prodded to do so via civil disobedience."[18] However, it wasn't just the administration's ear I wanted to grab, but the ears of the many students who didn't know or didn't care what was going on. Locking myself in Wheeler was a way of saying: "the current path of university and state policy is so unacceptable to me that I'm willing to cross the line of acceptable protest. This is so important to me that I'm willing to get arrested and possibly suspended, so please, please listen."

The Effectiveness of the Lock-In

Did the lock-in work? The fee hikes were not rescinded, the janitors were not rehired, and the low-income student-housing contract was not renegotiated. If the level to which the administration met our demands is any marker to the effectiveness of the protest, then we failed. We might have been able get some of our demands met if we had been able to enter into negotiations, but at the time, we felt that the terms that Ananya Roy presented compromised our safety. I don't think anyone participating in the lock-in really believed that Chancellor Birgenau would meet or would be able to fully meet all of our demands. He probably could have rehired the janitors and renegotiated the low-income student-housing contract, but I knew he did not have the authority to rescind the fee hikes. In this sense, the effectiveness of the protest cannot be judged solely by the meeting of demands.

If the lock-in was what I saw it as, a cry for help, a call for attention to be paid to the underfunding and mismanagement of California's higher education system, then a new criteria for effectiveness emerges. Did we get enough people who hadn't looked into the failure of

[18] Cohen, R. and Zelnik, R. Pg. 236.

educational access in California to turn their heads? Did we get enough press to make people start talking? Although this measure of effectiveness is much harder to judge, if I had to make a call, I would say that it was successful. 2,000 students surrounded Wheeler Hall in support, news teams arrived from multiple national agencies, and the action sparked meaningful discussion on campus and across the country that probably wouldn't have happened otherwise. The lock-in was discussed in the New Yorker, San Francisco Chronicle, and Susan Kennedy, Schwarzenegger's Chief of Staff, was quoted as saying: "Those protests on the U.C. campuses were the tipping point… Our university system is going to get the support it deserves."[19]

Was the Free Speech Movement's December 2-3 sit-in any more effective? Standing alone, no. It didn't directly lead to any concessions on the part of the administration. However, it did have a similar secondary objective, to garner on-campus support and to prove to the administration that the students were a force to be taken seriously. As protester CCC described, "When a thousand students entered Sproul Hall at this point the administration could not possibly pretend that 'a few trouble makers' constituted its problem."[20] While I agree that an FSM-caliber sit-in would have been more effective, we didn't have the leaders with the charismatic capacity to pull it off. More importantly, the student body wasn't looking for a Mario Savio like it was in 1964, and would have seen our sit-in as a lame attempt to reference the Free Speech Movement.

After the December 2-3 sit in, the moderate students who participated actively resisted the administrations attempts to "dismiss the entire affair as inspired by a minority of 'radicals' who stirred up a number of 'unthinking followers.'"[21] We struggled with this problem from the

---

[19] Jennifer Steinhauer. "Schwarzenegger seeks shift from prisons to schools." *The New York Times*. January 6, 2010. http://www.nytimes.com/2010/01/07/us/07calif.html

[20] Cohen, R. and Zelnik, R. Pg. 245.

[21] Ibid. Pg. 244.

beginning. We knew that some direct action was necessary to get the administration to listen, and we also knew that students wouldn't respond to a 1960's style sit-in. While I wouldn't say students now are more apathetic, I do think that they view the activity of protest as somewhat of a novelty, fun to have in their school's history but not something to be taken seriously. I think one of the underlying goals of our occupation was to demonstrate otherwise, to show that civil disobedience can still mobilize, that regular students can demand a change in campus and university policy.

Conclusion

There is much more that could be reviewed and analyzed on these issues; however, due to time constraints and study abroad plans, I need to cut myself short. In addition to all that I have discussed so far, there are a number of other issues that deserve further critical evaluation. For one, I would have liked to explore the differences in faculty support between our action and the actions of the FSM. While only a few faculty members pledged outright support for student protesters last year, the faculty Committee on Student Conduct of 1964 publicly announced that they would "not support discipline for coercive civil disobedience on campus aimed at the administration."[22] What would our protest have looked like if we had had full faculty support?

I also would have liked to discuss in greater detail my personal dilemma of being an out-of-state student directly participating in a generally in-state issue. My tuition only increased about six percent, but the administration plans to double out-of-state student admission to bring in more money. How does my status affect my legitimacy as a protester?

Furthermore, I would have liked to discuss the difference in administrative response between the FSM actions and the November 20th lock-in. In response to the FSM protests,

---

[22] Ibid. Pg. 383.

President Clark Kerr intervened to explicitly oppose police action.[23] For the November 20th lock-in, the administration did the exact opposite. The administration's support of violent repression of our non-violent protest had drastic consequences for building constructive dialogue between the students and the administration.

However, the most important issue I did not have time to discuss was the protesters' unwavering adherence to non-violence in the November 20th lock-in in comparison to other "events" or "actions" of the year. I think one of the biggest problems we faced as non-violent protesters trying to get our voice heard was separating ourselves from the rioters who rolled burning dumpsters down Durant or who broke the Chancellor's window. We were lumped together, and it directly undermined our support base among students, faculty, and the general public. Going forward, I think the most important thing protesters and organizers can do to improve the effectiveness of their actions is to label their actions non-violent and follow through. By distancing ourselves from other groups that accept violence as a means to an end, we can set a moral standard for our actions that moderate students and faculty can support.

[23] Ibid. Pg. 384