

RIOTS, CIVIL AND CRIMINAL DISORDERS

WEDNESDAY, JULY 16, 1969

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 2:05 p.m. in room 3302, New Senate Office Building, pursuant to Senate Resolution 26, as amended, agreed to February 17, 1969, Senator John L. McClellan (chairman of the subcommittee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Abraham A. Ribicoff, Democrat, Connecticut; and Senator Karl E. Mundt, Republican, South Dakota.

Also present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Joseph M. Mannix, assistant counsel; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The subcommittee will come to order.

(Members of the subcommittee present at time of convening: Senators McClellan and Ribicoff.)

The CHAIRMAN. I am advised that Mr. Herbert E. Ellingwood is the first witness.

Be sworn, please, sir.

You do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELLINGWOOD. I do.

TESTIMONY OF HERBERT E. ELLINGWOOD

The CHAIRMAN. Will you identify yourself for the record, please?

Mr. ELLINGWOOD. Herbert E. Ellingwood, legal affairs secretary to Governor Reagan.

The CHAIRMAN. Do you have a prepared statement?

Mr. ELLINGWOOD. I do, Mr. Chairman. I need some direction as to whether I am supposed to read it all or paraphrase it.

The CHAIRMAN. I see it is quite lengthy. We usually permit a witness to read any or all of his statement or he can read parts of it, such parts as he thinks he would like to emphasize, and then we will insert the rest of it into the record, any part that you do not read, as though read.

I believe you are the only witness scheduled for this afternoon, so we can take an hour or such amount to hear you.

Mr. ELLINGWOOD. Fine. If I read the whole thing, it will not take more than an hour.

The CHAIRMAN. You think not?

Mr. ELLINGWOOD. Yes.

The CHAIRMAN. You read faster than I do.

Mr. ELLINGWOOD. Maybe I might be speaking too fast.

The CHAIRMAN. We have a copy before us, so we can follow you.

Mr. ELLINGWOOD. All right. I can cut out a few paragraphs here and there and perhaps cut it down.

The CHAIRMAN. Very well. You may proceed.

Mr. ELLINGWOOD. It is a pleasure to be here at your request today and relate to you our impressions of the riots and disorders at the University of California at Berkeley.

During this testimony, it will be necessary to give you various names, dates, and incidents—not necessarily all in chronological order. However, the important thing to remember as we proceed is that this testimony really covers a much broader geographic area than the city of or campus at Berkeley. This specific campus has become a symbol for the Nation. It typifies what is happening on many of our California campuses and, in fact, many campuses throughout the Nation.

Since the discussion necessarily goes beyond Berkeley, some of our exhibits and examples will be from other campuses. But just to highlight a few notorious incidents on or around the Berkeley campus, let us remind you of these—

The CHAIRMAN. Are you here in the capacity of representing Governor Reagan?

Mr. ELLINGWOOD. No. I am here as legal affairs secretary to the Governor. The Governor was not subpoenaed. I was asked to come. So in covering this branch of work for the Governor, I was the one who was requested to come to appear before you.

The CHAIRMAN. So this is not the Governor speaking?

Mr. ELLINGWOOD. That is true.

The CHAIRMAN. But you are speaking in the capacity that you occupy in his administration; is that right?

Mr. ELLINGWOOD. That is correct.

The CHAIRMAN. And in that capacity, you have had and do have direct responsibilities in connection with the campus disturbances?

Mr. ELLINGWOOD. This is my portfolio; yes.

The CHAIRMAN. You are the one who has the direct experience?

Mr. ELLINGWOOD. Yes, sir.

The CHAIRMAN. All right. Proceed. I wanted the record to reflect that.

Mr. ELLINGWOOD. In 1964, 773 persons were arrested and 770 persons were convicted for the illegal takeover of Sproul Hall, the administration building on campus. It took 600 police officers to handle the problem.

Nineteen hundred and sixty-five was the year of the Vietnam Day Committee. Demonstrations were organized on campus resulting in off-campus activities such as those interfering with troop train movements. This led to an investigation and report by the Alameda County grand jury which seriously criticized the university administration for permitting the Berkeley campus to be used as a staging area for unlawful off-campus activities.

Much on-campus planning was done in 1966 to stage an illegal boycott of the Oakland schools.

In 1967, on-campus planning and advocacy resulted in the Oakland Induction Center riots which closed one section of the city and required some 1,600 policemen to quell the mob.

Berkeley officials were forced to declare a state of civil disaster twice in 1968 as a result of on-campus planned agitation.

On February 5, 1969, the Governor proclaimed a state of extreme emergency at the request of local and university officials. The situation at the Berkeley campus has been so delicate that both local and university officials requested that this proclamation remain in effect and it was not terminated until June 2, 1969.

During this period the so-called People's Park controversy ignited. We have brought for your information our detailed paper on this subject, which we offer now as an exhibit and think is worthy of your including in the record.

I am not going to read this portion, but I would like to draw your attention to a couple of items that are in the report. The first page just describes—

The CHAIRMAN. We will let the document be received as an exhibit for the record. Let it be appropriately numbered.

(The document referred to was marked "Exhibit No. 741" for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. On page 2 we bring to you the purpose of the planners of the People's Park. It is on the bottom of the page. It says "We want the park to be a cultural, political, freak-out and rap center for the Western World."

The CHAIRMAN. What is a freak-out and rap center?

Mr. ELLINGWOOD. This is the underlined portion on page 2 of People's Park.

The CHAIRMAN. I see. But what is it? What is the meaning of it, a rap center, a freak-out?

Mr. ELLINGWOOD. The freak-out deals with the drugs, of which we found plenty.

The CHAIRMAN. What does this terminology mean in their interpretation?

Mr. ELLINGWOOD. Well, I don't know that it has an actual definitive meaning as far as either freak-out or rap center is concerned, but in their terminology, as we understand it, the freak-out refers to drug activity and the rap center is no more than a place to air complaints and this sort of thing.

The CHAIRMAN. To air what?

Mr. ELLINGWOOD. Complaints, gripes against society.

On page 3 we start to list the people that were involved, the well-known activists. I list here a few of their backgrounds. Just to name them, because they will be important later, is Arthur Goldberg, Michael Delacour, Stuart Albert, Paul Glusman, William Miller, Frank Bardacke, and Mario Savio.

On page 5, just to show you that we are not dealing with people who are idealists, we have, with regard to the park, on the paragraph which is the sixth paragraph down, Goldberg himself is writing, and he says:

It was not merely a spontaneous, joyous outpouring by revolutionaries, idealists, flower children and do-gooders. For most participants it was a cal-

culated political art, designed to put the expansionist and repressive university up against the wall.

This is important as we bring in a quote——

The CHAIRMAN. Is he one of the leaders?

Mr. ELLINGWOOD. Yes, sir.

The CHAIRMAN. One of the leaders of that takeover of the park?

Mr. ELLINGWOOD. Not only one of the leaders there, but one of the leaders in many of the other off-campus and on-campus activities around Berkeley.

The CHAIRMAN. Is he one of the regular agitators?

Mr. ELLINGWOOD. Yes, he is.

The CHAIRMAN. Do you know whether he has visited other universities?

Mr. ELLINGWOOD. Yes, we do; and we have detailed that elsewhere in some of the exhibits that I will bring to your attention.

The CHAIRMAN. Very well.

Mr. ELLINGWOOD. I want to compare the statement that was just made here, which I have not included, as far as writing is concerned, and I want to give you a two-sentence statement by Mario Savio in which he was talking about the FSM movement.

The CHAIRMAN. Where is that?

Mr. ELLINGWOOD. I am reading to you from something I have not given to you in my speech. It is going to be actually a three-sentence quotation from his own words. This is a publication of his own:

Free speech was in some ways a pretext, you know, when you seed a cloud. It was a little speck of dust around which all these energies could combine. Around that issue the people could gain the community that they formally lacked.

We will draw some comparisons between People's Park and the FSM and other activities as we go through.

On page 6, the top paragraph, in the last sentence, it says—and this is the Goldberg article—"Radicals and revolutionaries see the park as a staging area for further political action."

Then going on to a pamphlet on page 8, halfway down the page——

The CHAIRMAN. Who made that statement about radicals seeking this park as a staging area?

Mr. ELLINGWOOD. Art Goldberg.

The CHAIRMAN. All right.

Mr. ELLINGWOOD. On page 8, an unidentified author put out a pamphlet which was distributed with regard to people's park and it said—and I picked this one up myself as I was down there during the foray—"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."

The CHAIRMAN. That has already been testified to here, but you heard it yourself?

Mr. ELLINGWOOD. No. I picked up the pamphlet down in Berkeley. I did not hear this testified to before your committee.

The CHAIRMAN. I know, but this was in a pamphlet distributed there?

Mr. ELLINGWOOD. In a pamphlet distributed in the city of Berkeley, and I have one of those pamphlets for you, if you would like.

The CHAIRMAN. Let the pamphlet be filed as an additional exhibit to your testimony.

(The document referred to was marked "Exhibit No. 742" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. Proceed.

Mr. ELLINGWOOD. On page 14, in a report by the Examiner, San Francisco Examiner, the second paragraph describes the modus operandi of some of these groups:

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

The CHAIRMAN. Whom are you quoting from there?

Mr. ELLINGWOOD. The San Francisco Examiner published this as their own.

The CHAIRMAN. Did you say one of the leaders of the group?

Mr. ELLINGWOOD. No. The San Francisco Examiner is a paper which was just describing the activity.

The CHAIRMAN. I see.

Mr. ELLINGWOOD. The next to the last thing I would like to bring to your attention is the one quote by Dan Siegel which has not been fully quoted in any of the papers, and we have it described on page 16. Dan Siegel was to be next year's student body president and was the final speaker at the noon rally before the People's Park riot. This is in the fourth paragraph down. He said, and this is the last of his speech, which I have heard on video tape:

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 you—

and there are some obscenities—

Don't let yourself get arrested on felonies. Let's go down and take over the park.

Immediately after he said that, the whole crowd turned and went down to People's Park. But I think it is indicative of the philosophy thus far that they did not want to be arrested on felonies and that they had to maximize costs for the other party.

On page 27 we list the cost to the city of Berkeley and the cost to the State. I will just draw one line to your attention, the last line of the next to the last paragraph. A preliminary estimate of the cost was \$764,258 for the National Guard expenses, and that is just that particular expense alone.

My last quote is to draw your attention to a leaflet on page 28, again circulated around the university, which says in the next to the last paragraph:

There will be no real peace in Berkeley while that fence is up.

The CHAIRMAN. Did they succeed in preventing the construction of the fence?

Mr. ELLINGWOOD. I would like to go right into that now, if I might, Mr. Chairman.

The CHAIRMAN. Are you back on your prepared statement?

Mr. ELLINGWOOD. Back on the prepared statement, page 3, the second paragraph.

In that report on page 28 that I have just referred you to, we posed the possibility of new confrontations involving the park, stating "any incident can serve as an excuse . . ." You already have heard testimony earlier this week on the existence of such an incident in the Bastille Day celebration which happened Monday. Reports indicate that wirecutters were distributed the night before the incident concealed in loaves of bread, and were used on Monday to cut the park fence in eight places. Once again it was necessary to call for additional police from the surrounding community, and multiple arrests were made. In conversation yesterday with Bruce Baker, the Berkeley Chief of Police, many of the People's Park leaders were involved in the action, including Art Goldberg, Michael Delacour and Frank Bar-dacke.

At this point there had been 43 arrests, 39 adults and four juveniles. Only four were University of California at Berkeley students. There were nine other college students and the others were either nonstudents or refused to give the information.

The CHAIRMAN. How many were college students?

Mr. ELLINGWOOD. Four were Berkeley students, nine were other college students outside of Berkeley.

The CHAIRMAN. Coming from other colleges?

Mr. ELLINGWOOD. Yes. And there were 20 nonstudents. Six refused to give any information.

The CHAIRMAN. Were these arrested in connection with the fence?

Mr. ELLINGWOOD. Yes, on Monday.

The CHAIRMAN. So the larger number of those involved in that incident were not students at Berkeley?

Mr. ELLINGWOOD. That is correct.

The CHAIRMAN. In other words, it is the outside agitators. There has been testimony here, I think, by the college chancellor, pointing out that it was groups that were organized on the outside of the campus that really precipitated much of the trouble.

Mr. ELLINGWOOD. That is correct, and we can point out that Berkeley really is a magnet for these radicals. On this particular occasion, we had some from as far away as Texas, Pennsylvania, Canada, and Washington.

The CHAIRMAN. Do you mean some of those down there?

Mr. ELLINGWOOD. Some of those arrested on the Monday incident.

The CHAIRMAN. Do you have a list of those arrested?

Mr. ELLINGWOOD. No, I got this information over the telephone yesterday by talking with Chief Baker.

The CHAIRMAN. I wish you would procure that for us and submit it for the record. Let's see how many of them were actually residents there and also students at Berkeley, as much information about them as is available.

Mr. ELLINGWOOD. I will do that, Mr. Chairman.

(The information supplied follows:)

ARRESTS MADE DURING "PEOPLE'S PARK" DEMONSTRATION ON JULY 14, 1969

A total of 43 persons were arrested. The statistical breakdown is as follows:

Adults	39
Juveniles	4
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Student status or nonstudent:	
University of California students.....	14
Students (other than UC).....	9
Nonstudents.....	20
Information refused or unknown.....	6
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Total (does not include juveniles).....	39

Residency:	
Berkeley	9
Nonresidents (total).....	29
Includes:	
Washington	3
Canada	3
Texas	1
Virginia	1
Pennsylvania	1
Nomads	4
Information refused.....	1

¹ Ben Hill Brown, Daniel Nathan Jaffe, Christopher S. Lee, and Charles M. Trowbridge.² 2 months residency used as minimum.³ The 4 juveniles arrested were all nonresidents and not included in this figure.

Age distribution:	
18 years old.....	11
19 years old.....	5
20 years old.....	4
21 years old.....	7
22 years old.....	5
23 years old.....	6
24 years old.....	2
25 years old.....	2
26 years old.....	1
27 years old.....	1
35 years old.....	1
Refused.....	1
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Total.....	40

NAME, ADDRESS, DESCRIPTION AND OFFENSE

Cliff Anderson, Peoples Pad, WM-22. Nonstudent, "Barb" salesman. Offense: 594PC, 415PC.
Richard B. Barrett, 2904 Wheeler, WM-27. Offense: 594PC, 602PC.
Frank R. Barton, 417 13th E. #106, Seattle, Washington, WM-20. Nonstudent, no occupation. Offense: 650½PC.
Richard E. Bell, 2916 Ellsworth, WM-21. Offense: 594PC, 404PC, 602PC.
Edward P. Birnbaum, 2221 Dwight, WM-22. Nonstudent, cab driver. Offense: 594PC.
Marc T. Braverman, 2508 Shattuck, WM-18. Nonstudent. Offense: 404PC.
Ben Hill Brown, 2912 Lorina, WM-22. UC student. Offense: 245bPC.
Kenneth Burlew, unknown of 61st, Oakland, WM-21. Nonstudent, bricklayer. Offense: 6457cPC.
Joseph W. Cashion, 2252 San Jose, #B, Alameda, WM-20. Student. Offense: 245bPC.
Thomas Lee Carter, 7514 45th S., Seattle, Wash., NM-21. Nonstudent, laborer. Offense: 211PC.

- Lawrence Christian, 2509 Dana. WM-22. Clerk (UC Berkeley).
Offense: 243PC.
- Steven Mark Cummings, 110 Stratford, Hampstead, Quebec. WM-18. Student.
Offense: 647cPC.
- Diane Claire Dinkel, 1909 Oak, San Francisco. WF-19.
Offense: 647cPC.
- John Doe (Barry L. Fowle). Refused. WM-refused, nonstudent.
Offense: 647cPC.
- John Doe (Robert W. Fox). Refused. WM-refused, nonstudent.
Offense: 11910H.
- Michael T. Dorn, People's Pad. WM-unknown.
Offense: 245bPC.
- David Herschel Elkind, 2722 Bancroft Way. WM-22. Student.
Offense: 594PC, 602PC.
- Peter Lowell Garthwaite, 863 McEllen Way, Lafayette. WM-18. Student.
Offense: 647fPC.
- Joseph Moritz Gault, 1155 Serra Vista, Lafayette, WM-21. Student.
Offense: 245bPC.
- Christopher T. Hahn, 2660 Regent. WM-19. Nonstudent, landscaper.
Offense: 594PC, 602PC.
- Terrance Allen Halton, 5594 MacDonald, Montreal. WM-18. Student.
Offense: 647cPC.
- Clyde J. Hill, 416 S. 14th, Richmond. NM-18. Nonstudent, truckdriver.
Offense: 2881NS.
- William D. Hovila, People's Pad. WM-21. Nonstudent, truckdriver.
Offense: 10852VC.
- Daniel Nathan Jaffe, 2618 Mahning Ave., Los Angeles. WM-18. UC student.
Offense: 647cPC.
- Sheldon A. Kennedy, People's Pad. WM-18. Nonstudent.
Offense: 594PC, 602PC.
- Christopher S. Lee, 2324 Piedmont., WM-18. UC student.
Offense: 647fPC.
- Marc M. Meeman, 2196 Ellsworth. WM-21. UC student or Queens College?
Offense: 404PC, 594PC.
- Daniel P. Morslander, 2529 Benvenue #304. WM-25.
Offense: 415PC.
- Roger Muldavin, 2214 Prince #B. WM-35. UC student.
Offense: 650½PC.
- Michael Peter Nigbor, 2920 Hillegass. WM-20. Student, Georgetown University.
Offense: 594PC.
- Jane C. Parker, 1629½ Francisco. WF-18.
Offense: 647fPC.
- Edward T. Rankin, 924 Jackson. WM-26. Nonstudent.
Offense: 647cPC.
- John P. Ratigan, 1400 18th, San Francisco. WM-24.
Offense: 2881NS.
- Michael Ruben Schaffer, 143 Finchley, Montreal. WM-18. Student.
Offense: 647cPC.
- Timothy G. Stewart, 2544 Heutle, Norfolk, Va. WM-19. Nonstudent, mechanic.
Offense: 245bPC.
- Charles Matheson Trowbridge, 152 Panoramic. WM-19. UC student.
Offense: 245bPC.
- James H. Wilson, Nomad. WM-24. Nonstudent, no occupation.
Offense: 2795.5NS.
- Jack L. Wright, Jr., Nomad. WM-22. Nonstudent, painter.
Offense: 647cPC.
- Johnny Lee Davis, 7321 S/W 35th, Seattle, Wash. WM-19. Nonstudent, chemical technician.
Offense: 245bPC, 11555H&S.

JUVENILES IN CUSTODY

- Stephen M. Tilton (WM13), 3352 Claremont Court, Santa Rosa.
Offense: 594PC.
- Michael A. Marley (WM14), 490 Lewelling Boulevard, San Lorenzo.
Offense: OUT. 601W&I. Runaway.

Charles Brian Webster (WM16), 720 E. 20th St., Oakland.

Offense: 602LPC, 415PC, 601W&I.

Paul M. Sanders (WM14), 659-66th, Oakland.

Offense: 594PC.

Glenn Allen Menard (WM17), 531-29th St., Richmond.

Offense: 647cPC.

Mr. ELLINGWOOD. It is difficult and almost impossible for the citizens of California to understand the existence and reoccurrence of such violence. Why were the students involved not immediately expelled? Were any of the faculty involved dismissed? What conditions allowed these radicals to continue to function on university property at the taxpayers' expense? Is the campus really a staging ground for guerrilla warfare against society?

The CHAIRMAN. Let me ask you specifically: Were any faculty members involved? Were any faculty members arrested?

Mr. ELLINGWOOD. Certain faculty members were involved in some of the previous incidents, not the Monday one, but at People's Park. To my knowledge, no action has been taken. You heard the testimony of Chancellor Heyns on Tuesday that no student has been expelled as a result of any of these activities.

(At this point Senator Mundt entered the hearing room.)

The CHAIRMAN. You say none of the faculty involved were dismissed. I thought you were still talking about the park incident.

Mr. ELLINGWOOD. I am talking about all these incidents, Mr. Chairman.

The CHAIRMAN. All right.

Mr. ELLINGWOOD. Some of the examples which will be cited today do not involve illegal activity per se, but do help to create an atmosphere which makes illegal activity more readily acceptable, at least to the academic community. For example, partisan political campaigning on campus by students is not illegal, but the unquestioned permission of such activity provides a platform for radicals to advocate and raise money for illegal causes. It is those illegal acts and particularly those violent acts with which we are concerned today.

How can one explain these conditions on the university campus?

Perhaps one should frame this conversation with a few questions, such as:

What is the definition of a university?

What is the function of a university?

How does the university become relevant to the problems of society?

We would offer to you this opinion:

A university is the institution through which society offers its youth a privileged association with professional scholarship, an opportunity to be educated under the direction of learned men.

The university is a repository where the ideas and values of civilization are held in safekeeping for future generations and where new ideas are developed and tested through free exchange.

The transfer of this heritage from antiquity to posterity is the proper function of the university trust.

We get into the "Webster Dictionary" definition of a university.

Now, if these definitions have any merit, your hearings and investigations are not only timely, they are also drastically necessary. In addition to previous testimony you have heard already, we will show

to you in our combined testimony and exhibits an exceedingly large amount of arsons, bombings, lootings, physical damage, and personal injuries.

The property damage in Berkeley alone now is over a million dollars and the personal injuries number well into the hundreds.

The CHAIRMAN. Is that property damage to the university or does that include other damage outside?

Mr. ELLINGWOOD. There is much more than a million dollars if you include both.

The CHAIRMAN. \$1 million is what you are estimating for Berkeley alone?

Mr. ELLINGWOOD. No. I think we include some of the campus property damage in that.

The CHAIRMAN. All right.

Mr. ELLINGWOOD. In addition, the reputation of the total system of California higher education is in serious disrepute as evidenced by California citizen reaction in the most recent statewide university bond election, in poll after poll, in communications to the Governor's office, and in discussions before the governing boards of the university and colleges.

Senator MUNDT. What happened to the bond election?

Mr. ELLINGWOOD. It was turned down. In fact, there were newspaper editorials that directly linked a vote "No" on the bond issue with the violence in Berkeley.

It is no secret that many of the activists and anarchists involved at Berkeley desire the destruction of the university buildings, the educational resources, the university itself, and even our Government. Unfortunately, many commentators have lightly dismissed these individuals as "youthful idealists." History has brought us to the point where serious and immediate attention must be paid to persons and organizations which now openly and aggressively seek to force, by violence if necessary, their views on the majority of the citizenry. A quick solution to this problem is a matter of extreme urgency.

I have gone over some of the history of the university and we know it exists as a national asset.

A little history will be of some value.

Californians have long recognized the relevancy of setting aside sanctuaries of wisdom in a free society. Consequently, the people of the State of California have dedicated moral and financial support throughout the last century to the establishment of the University of California which now exists as a national asset.

Agriculture, industry, and Government have prospered through the fruits of professional scholarship. Thus, the university, with its distinguished faculty, has always been held in the highest of esteem.

During the 1960's, however, there has been a growing disenchantment with the university. This concern is predicated primarily on the consistency of campus confrontations which have tarnished with increasing frequency the reputation of a venerable institution.

Senator RIBICOFF. How has that reputation been tarnished?

Mr. ELLINGWOOD. It has been tarnished by the violence on the campus being directly connected with the lack of either the ability or the willingness of the university to handle violence.

Senator RIBICOFF. Have there been fewer applicants for admission to the university?

Mr. ELLINGWOOD. I don't think we ever have to worry about not enough applicants for the University of California, but there have been both public statements—in the legislature there are over 100 bills concerned about the control of the University of California.

Senator RIBICOFF. I understand that, but I am talking about the students who want to go to the University of California. You still have more than enough applicants for the spaces you have?

Mr. ELLINGWOOD. We certainly do.

Senator RIBICOFF. How about faculty? Have faculty members left the university?

Mr. ELLINGWOOD. We have had faculty leave the university and will tell us specifically the reason they are leaving is because of the trouble they are having.

Senator RIBICOFF. Are you having difficulty recruiting substitutes?

Mr. ELLINGWOOD. I haven't talked with university personnel with regard to that.

Particular anxiety is evident over the University of California Berkeley campus which has become the vanguard of student disorder. There is substantial reason to believe that the rampant, current philosophy of student revolt has been developed, tested, and subcontracted from Berkeley to other institutions throughout the country.

There is no doubt that the intensity of campus anarchy is placing the entire university system in jeopardy. Discussion of the problem exclusively in terms of "student unrest" or "adolescent rebellion" is not sufficient. We are faced with the very real possibility of permanent damage to the university as an institution. Therefore, in the State of California, the total concept of the university must be openly dissected.

The free speech movement: The turning point in the history of the University of California was the so-called free speech movement (FSM) in 1964. Although the entire controversy was represented as a free speech issue, it actually was a militant challenge to the university's ban on political activity. As described by then University President Clark Kerr, himself, on October 6, 1964:

The central rules involved are these:

1. The university prohibits on-campus recruitment of participants for off-campus political action demonstrations.
2. The university prohibits the use of its facilities for the purpose of collecting money to aid projects not directly connected with some authorized activity of the university.

Subsequent to the FSM demonstrations, the university permitted registered student organizations to use university facilities for meetings, fundraisings, recruiting participants, posting and distributing literature. Thus, the FSM had secured concessions on virtually every major demand.

Of even greater importance, however, the university had set a precedent honoring collective coercion as a bargaining tool for students.

The CHAIRMAN. I don't understand that. Set a precedent honoring collective coercion as a bargaining tool for students?

Mr. ELLINGWOOD. Yes. Any time the students would, as a result

of this kind of activity, mass together and demand, by sit-ins or strike activity or otherwise, this became collective coercion which forced or at least resulted in the administration honoring their demands.

The CHAIRMAN. In other words, they yielded to this intimidation. Mr. ELLINGWOOD. Yes, sir.

Another dimension was added to the controversy when the academic senate of the Berkeley campus formally endorsed the philosophy of the free speech movement by resolution. This resolution, more commonly called the December 8 resolution, has become, in practical application, the manifesto of student radicalism and so described by them.

Sections 2 and 3 of that resolution state:

2. That the time, place and manner of conducting political activity on the campus shall be subject to reasonable regulation to prevent interference with the normal functions of the university; . . .

3. That the content of speech or advocacy should not be restricted by the university. Off-campus student political activities shall not be subject to university regulation. On-campus advocacy or organization of such activities shall be subject only to such limitations as may be imposed under Section 2.

The explicit acceptance of this rule at Berkeley places the activities of student groups and their guests outside the control of the university.

For all practical purposes, the concessions won by the FSM directly resulted in a new definition of free speech as an absolute right. Thus, FSM served as the catalyst to construct the present policy where license can be rationalized as a necessary component of freedom and censorship as the only absolute evil.

This new philosophy emasculated the cultural essential of acceptable standards of behavior. It assured immunity to student and faculty radicals in the name of free speech. Moreover, it became an open invitation for nonstudent agitators to use university facilities as the unrestricted guests of student groups who won the so-called right of advocacy in the FSM.

Of even greater significance, it destroyed the concept that the university has some responsibility over the moral, intellectual, and social development of students. Thus, the unique introduction of politics into the academy and the pervasive influence of a "no standard" policy transformed Berkeley into the ideal incubator for radicalism.

The legacy of the FSM was what former University of California Prof. Lewis S. Feuer called the first political university in the United States. The ability to organize mass demonstrations came as a long-term result of continuous use of campus facilities for political purposes. This effort was nurtured by allowing the campus to be used for the purpose of partisan campaigning and by allowing the registration of militant political student organizations whose goals extended far into the fabric of the community.

A classic illustration of campus political activity was the Jerry Rubin campaign for mayor of Berkeley in the spring of 1967. Jerry Rubin had been the most prominent nonfaculty leader of the Vietnam Day Committee. He has since been active in demonstrations at Columbia University and at the demonstrations in Chicago during the Democratic Convention, and as you may recall, he appeared back here before the Congress in a bizarre uniform.

When Jerry Rubin ran for mayor of Berkeley in 1967, he was a nonstudent; yet his campaign was supported on campus through a student group called Campus Movement for a New America. The Daily Californian, the official newspaper of the Associated Students, University of California, Berkeley, provided publicity for the Rubin campaign. Following defeat in the election, Rubin announced in the Berkeley Barb that the Rubin campaign was going to use Wheeler Auditorium on the University of California, Berkeley, campus for the purpose of offsetting his campaign deficit of \$4,800. His invited guest was to be Paul Krassner, editor of the "Realist," whose current issue, May 1967, was billed as the wildest—"it contains the expurgated parts of the Manchester book, and we hope that Paul won't be sued or assassinated."

Krassner had been active in the Vietnam Day Committee. The "Realist" was sold in the Associated Students' bookstores on campus. The May 1967 issue's "Fame" involves a scene about President Johnson which is totally offensive. This magazine and Rubin's advertisement of Krassner were brought to the attention of the chancellor.

Chancellor Roger W. Heyns answered criticism of the Rubin-Krassner affair in a three-page letter emphasizing the following points:

. . . Mr. Rubin was not authorized to use any university facility; rather, a student organization which has supported Mr. Rubin in a political campaign reserved the facilities.

. . . This kind of activity is certainly now new to the University of California. The right to raise funds on campus for off-campus causes was, . . . a major issue in the FSM movement of 1964.

It wouldn't have been before the 1964 FSM movement. It is a result of it.

Like you, I find Mr. Krassner's magazine offensive and in poor taste. However, the fact that he publishes an inferior magazine is hardly grounds for refusing student groups the right to invite him to speak on campus. The university cannot maintain its political neutrality if it tries to select which speakers have views of which it approves and which speakers do not.

. . . the university is not responsible in any way for Mr. Krassner's publication. I do not know whether it sold in the ASUC store. . . .

Senator MUNDT. Was it sold there?

Mr. ELLINGWOOD. Yes, it was.

Senator MUNDT. Do you think he should have found that out?

Mr. ELLINGWOOD. It was pointed out to him that it was:

As you can see, I am not very concerned about this or that particular case as much as I am concerned about our overall policies. If we really do have an open forum policy, we are bound to have some fairly unattractive personalities, at least, in someone's view, speaking on the campus under that policy.

Following this incident, Dave Hope, political editor of the Oakland Tribune, severely criticized the administration following the Rubin-Krassner incident:

Obviously it makes no difference whether a candidate sends his own staff into the campus to collect money, or whether he has a student committee do that job for him . . . The question of free speech is only remotely involved. The incredible indecency of some campus performances and the outright subversiveness of some speakers in previous benefits may, for the purpose of this discussion, be regarded as a matter of the taste and judgment of those who permit them. . . . The question is whether university facilities, which are paid for and maintained by all the taxpayers, should be used to raise money for some political campaigns.

Another registered student organization was "Campus Community for Comfort" whose purpose was to support the political campaign of Mark Comfort for the California State Assembly. Nonstudent Comfort was a black militant with a lengthy arrest record including but not limited to contributing to the delinquency of minors. Comfort's disdain of the existing social order is a matter of public record:

It's going to take the people to make the revolution. Just poor working people striving for a better way of living will bring about the revolution and set up a government. And it doesn't matter what kind of a government it is, just as long as it isn't a capitalist, fascist government. That's what counts.

MARK COMFORT.

(Spider, May 1965.)

His direct style has often been quoted in the press:

We make up one-third of the population in Oakland. If the black people here would get off their behinds and stop being satisfied with the crumbs that are being thrown to them when they have the power to get the whole bakery.

In May 1966, Nation's Business viewed Comfort with some skepticism:

Significantly, a number of those attacking the Oakland poverty program show up in league with Mark Comfort, who has openly worked with DuBois Club forces and the Progressive Labor Party.

Until recently, he was working as a \$5-an-hour supervisor supposedly teaching job skills to poor youths under the Federal Office of Economic Opportunity's Neighborhood Youth Corps. The program was run by the Alameda County Central Labor Council.

Comfort formed a group called the Oakland Direct Action Committee (ODAC) whose major concern was alleged police brutality. ODAC's on-campus representative was Charles Bordin, who used university facilities to recruit manpower and solicit money for the off-campus projects of Comfort and ODAC.

In May of 1967, Comfort was one of those who joined in the Black Panther invasion of the California State Capitol protesting gun legislation. I was in the hallway just as they entered the capitol and was surrounded by the whole group. I recognized Comfort as the leader.

In July 1967, the San Francisco Examiner reported that a meeting had been held at the Hall of Flowers in San Francisco to begin a drive for guns for bay area Negroes to afford them a fighting chance against police and National Guardsmen in the course of the "long hot summer." It was reported that Mark Comfort also spoke at that meeting and advocated that police be denied the right to carry guns.

How was it possible that a nonstudent militant with a criminal background could use university facilities?

The ability of Mark Comfort to use university facilities, to have students solicit money for him and/or recruit student support for his organization was an actual index of the gains won by the so-called Free Speech Movement in 1964.

The FSM opened a political Pandora's box. The "free forum" of Berkeley became a magnet for State and national radicals. Faculty members exhibited an increasing tendency to shun scholarly objectivity and to favor proselyting.

Militants dominated Sproul Plaza rallies. A student at the noon rally could lace his speech with slander or character assassinations, banter obscenities, lacerate the American system of government, defy

the Selective Service System, preach revolution or promote a boycott of California agriculture—all in the name of free speech. The only restriction imposed by the chancellor's office is that the rally must be finished by 1 p.m.—in keeping with the time, manner, and place rules.

Campus groups invited nonstudent guests to propagandize under the sponsorship of the registered student group. After the foray of the Black Panthers in the legislature at Sacramento, they were allowed the use of Sproul Plaza to tell their side of the armed invasion and expose "police brutality." At the end of the rally, the Panthers collected money to help with bail payments for those arrested in Sacramento.

The new politics allowed partisan campaigning. The university was available to any political group sufficiently aggressive to capitalize on the use of campus facilities. Thus, taxpayers were indirectly obligated to support candidates not necessarily of their choice. Facilities set aside for the higher education of many were used for the special political interests of a few. The university registered campus student organizations which had no relevancy to the educational function of the institution.

The propaganda climate intensified. "Academic freedom" became a thinly veiled disguise for unprofessional conduct and even the promotion of illegal activity was rationalized as free speech.

Smaller political cliques forged into larger, more cohesive units. Demonstrations became less acts of "protest" and more an effort at coercion, ever more militant, more costly and ever more detrimental to the fabric of the surrounding community.

The free speech movement won for students the right to utilize university facilities to finance and/or advocate off-campus political or social action.

The Ad Hoc Committee To End Discrimination was the first long-term mass defiance of the law in the bay area. Dominated by leadership from Berkeley DuBois Clubs and U.C. SLATE, the ad hoc committee's ostensible purpose was an attack on the alleged discriminatory hiring practices of bay area business. Hundreds of arrests hall-marked the demonstrations of the ad hoc committee.

The ad hoc committee ignored reasonable channels of redress, threatened the demise of business which did not meet their demands, but finally capitulated to a firm stand taken by the Oakland Tribune.

Facilities at the university were used extensively to provide a propaganda base against the war in Vietnam. The Vietnam Day Committee was registered as a student organization by the University of California Berkeley campus. The VDC was an antiwar, anti-U.S. committee whose dominant leadership was faculty.

Prof. Stephen Smale, a key VDC leader, publicly called for the defeat of the United States and the victory of Peking and Hanoi. The VDC organized specific acts of an illegal nature which would interfere with the war effort; that is, abandon motor vehicles on railroad tracks, interfere with the movement of troop trains and issue propaganda to young men to persuade them to avoid service in the armed services under the Selective Service System.

Senator MUNDT. Was any effort made by anybody to change the attitude of Prof. Stephen Smale or change his place of occupation?

Mr. ELLINGWOOD. Yes, there have been attempts. I have some information here which can document that.

Senator MUNDT. Were they successful?

Mr. ELLINGWOOD. No, they never were successful.

Senator MUNDT. Why did they fail?

Mr. ELLINGWOOD. Because the administration wasn't interested in complying with the requests. There was some discussion on Tuesday about the difference of opinion between governmental officials and the chancellor with regard to using the university for Vietnam Day commencement exercises. I brought for you and would be glad to give you at this time a copy of the complaint.

The CHAIRMAN. Let it be received and marked.

(The document referred to was marked "Exhibit No. 743" for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. This is from the district attorney's office. I thought it might be of some value in giving you another perspective of that issue.

Faculty sympathizers of the VDC petitioned that regular classroom time be used to discuss the issues of the war; 15,000 informational packets were to serve as the basis for the discussion. "We urge every faculty member and student to read the material and discuss it in class on Monday and Tuesday."

The VDC also circulated suggestions on how to beat the draft, emphasizing tactics such as "Play the homosexual bit * * * Be gay * * * Arrive drunk * * * Arrive high * * *." Extensive costs were incurred by local taxpayers as a result of the VDC demonstrations.

In 1965, the University of California Berkeley campus registered that Student Committee for Agricultural Labor (SCAL):

The basic goal of this committee is the organization of farm workers for the purposes of gaining higher wages and better conditions while exercising political power as well; it is necessary to persuade students in the universities and the colleges of this State to train themselves as organizers and go out into the agricultural areas to unionize and politicize the workers.

SCAL subsequently organized help for the Delano strikers and raised money for the National Farm Workers Association.

In October 1965, the Welfare Rights Organization (WRO) solicited student support with the help of the social welfare department. WRO had been active in demonstrations against county government during the previous year. WRO was a political organization whose purpose was to organize welfare recipients into an action group against county government for alleged inequitable distribution of welfare.

WRO printed a handbook for recipients called the Welfare Rights Handbook which could best be described as a prospectus on how to outwit your social welfare worker and thereby obtain more money from the welfare program.

I have brought that for you and can give it to you later.

Mr. CHAIRMAN. Let it be received and marked as an exhibit.

(The document referred to was marked "Exhibit No. 744" for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. The leaders of the Welfare Rights Organization were Elly Harawitz, a social welfare student at the University of California Berkeley campus, her husband, Howard Harawitz, who

was listed at the University of California Berkeley campus as president of the campus DuBois Club, and Virginia Proctor, the wife of the national committeeman of the Communist Party, U.S.A., Roscoe Proctor.

WRO was subsidized by the university through the HEW-financed work-study student program. The University of California Berkeley work-study program was administered during this time by Joseph D. Lohman, dean of the Criminology Department.

Work-study students were assigned through University of California to the East Oakland Parish (EOP), an off-campus political-social action group. The EOP then reassigned students as student "case-workers" to the Welfare Rights Organization. Elly Harawitz was an EOP work-study student assigned to WRO in this manner as was Phyllis Haberman O'Donnell, former East Bay chairman of the DuBois Club.

(At this point Senator Ribicoff withdrew from the hearing room.)

Mr. ELLINGWOOD. Friends of the East Oakland Parish registered on the University of California Berkeley campus to assist the activities of an off-campus political-social action group called the East Oakland Parish. One of the projects of this group was to organize a march against the Alameda City Council to protest housing conditions in the city of Alameda.

Other activities of the East Oakland Parish were protests against alleged police brutality, attempts to establish a civilian review board to oversee the activities of the Oakland Police Department, protests and pickets to advertise the alleged de facto policies of the Oakland public schools and organization of a boycott against the Oakland public schools in October 1966.

The University of California Berkeley campus subsidized the East Oakland Parish through the HEW-financed work-study student program in an amount of \$82,952.91.

Senator MUNDT. Are you speaking of Federal money?

Mr. ELLINGWOOD. Yes.

The next few pages will give you other examples of similar activity.

During the Port Chicago demonstrations in 1966, students at the University of California Berkeley campus were solicited to participate in illegal activity at the U.S. Naval Weapons Station.

Flyers were circulated on the Berkeley campus suggesting that an act for peace would include risking arrest by stopping explosive and napalm trucks as they arrive.

The flyer also noted:

Civil Disobedience Preparation:
Tuesday, 8 p.m., 2319 College, Berkeley

In the fall of 1965, the Office of Economic Opportunity gave the University of California Berkeley campus a grant of \$111,408 to assist in the coordination of the war on poverty. The grant was administered by the University of California Berkeley School of Criminology under Dean Lohman. Under this grant a Community Action Training Institute was held on the Berkeley campus. This institute coordinated political activity of off-campus social activists in the bay area community.

In an afternoon session of this institute, a consultant invited by the school of criminology addressed representatives of bay area social action groups as follows:

My first impression is that the composition of this room would make a heck of a good picket line. Hopefully, out of the information we may be able to provide you with today, such things will take place in the various communities involved. . .

The organizations represented at this session were the Oakland Direct Action Committee, the East Oakland Parish, the Lockwood Improvement League, the East Oakland Precinct Organization, the West Oakland Christian Parish, the Welfare Rights Organization, CORE, the Alinsky Committee to Integrate Oakland Now, Richmond CORE, United Neighbors Through Education and Dedication, the Peralta Improvement League, and the Eden Area Economic Opportunity Organization of Hayward.

The entire institute appeared to be an effort to coordinate the political activities of militant grassroots organizations for future forays into the community.

In 1966, the Ford Foundation gave a grant to the University of California Berkeley campus. This grant was administered by University of California extension, amounted to \$100,000, and was used in part to subsidize an off-campus community newspaper called the Flatlands. The Flatlands—and I brought you a copy—by editorial definition was “inflammatory, one sided and intolerant”. It functioned as an anti-establishment newspaper among poverty groups.

The CHAIRMAN. Let it be received and appropriately numbered. (The document referred to was marked “Exhibit No. 745” for reference and may be found in the files of the subcommittee.)

MR. ELLINGWOOD. University work-study students financed through the Ford grant and by HEW financing were assigned to work on this newspaper. The editorial board included Mark Comfort, a black militant with a criminal background whom I have mentioned earlier, and Curtis Lee Baker, also a black militant, who was then on parole following a conviction for child molesting. Gerry Leo, a San Francisco State College student, was also an editor; at this time he was on the payroll of SFS Associated Students in a program called the Community Involvement Program, Oakland Project.

The Flatlands became a coordinating vehicle between members of political action groups who were leading demonstrations against local government.

A typical headline in May 1966 read: “Killers on Patrol.” The article that followed depicted the Oakland Police Department in an alleged “brutal shooting” of an unemployed farmworker.

I have talked to members of the press who described this Flatland as a tremendous competitive factor because here is a sizable grant given to, as it were, an underground newspaper to compete with them. And out of Federal funds.

In addition, University of California, Berkeley, through the HEW-financed program of work-study, subsidized two other off-campus organizations whose major thrust was support of the farmworkers' political position.

The amount of support was:

1. Citizens for Farm Labor March 1965 to June 1966, \$2,-681.77.

2. California Center for Community Development July 1966 to December 1966, \$2,677.05.

In 1966, the Campus Community for New Politics—formerly Scheer for Congress—used Sproul Plaza to mobilize student support for a boycott against the Oakland public schools. University of California students were exhorted to distribute literature so that everyone in Oakland would know that there was to be a boycott. Such activity occurred despite the fact that the district attorney of Alameda County had declared the boycott to be an illegal activity.

The Oakland public schools boycott was organized primarily through the efforts of off-campus social-political action groups which were being subsidized by the university through the HEW-financed program of work-study:

1. East Oakland Parish, March 1965 to December 1966, \$2,952.91.

2. West Oakland Christian Parish, March 1965 to December 1966, \$29,604.46.

The steering committee of Stop the Draft Week and the Afro-American Student Union of the University of California Berkeley campus printed an open letter in the Black Panther newspaper condemning the "brutal savagery" of the Oakland Police Department during the induction center demonstrations. They demanded that the Oakland chief of police publicly confess that his men provoked and assaulted Huey P. Newton and leaders of Stop the Draft Week:

If these demands are not met, the future can only hold further confrontation, further bloodshed and the continuing state of war between the people and the police.

This letter was also endorsed by the Soul Students at Merritt College, the Black Student Union at San Francisco State and by the Black Panther Party for Self-Defense.

The Black Panthers appeared at a Sproul Plaza rally sponsored by several registered student organizations. The purpose of the rally was to justify the armed invasion of the California State Legislature during the week prior. After the program, the Panthers collected bail money from the audience on Sproul Plaza for those Panthers arrested in Sacramento.

Barbara Auther, identified at this rally as cochairman of the Black Panthers, has subsequently taught at the university. The university allowed a card table to be set up on Sproul Plaza to solicit money for the defense fund of Huey P. Newton. Huey Newton has since been convicted of the killing of an Oakland policeman.

I could mention many more groups using the campus for off-campus political and social action purposes. Our exhibits contain quite an extensive listing. I think we have made our point, however. The university campus and its facilities are freely and widely used to promote off-campus political or social action. Many of these activities have been well financed with university funds, a good portion of which came from the Federal Government.

The free speech movement also won for students the rights to utilize university facilities to finance and campaign for off-campus political candidates.

One candidate for U.S. Congress in 1968, John George, solicited student support for his campaign on the Berkeley campus with a platform supporting:

A politically active campus is a politically autonomous University.
He needs your help in mobilizing the University . . . Come to hear the candidate and help organize his campaign . . .
Thursday. 4 p.m. 110 Wheeler.

I have numerous examples of flyers and pamphlets that I have brought before you which you can use as you see fit.

What is the role of the faculty in all of this? It is becoming increasingly apparent that the university is not just a victim of student militancy.

Overt faculty involvement in the organization of student radicals evidences faculty complicity rather than faculty permissiveness.

The reputation of any university is synonymous with the quality of its faculty. Distinguished scholars of exemplary character will ultimately bring renown to the institution which they represent. Therefore, the most careful consideration must be exerted in the making of faculty appointments.

The CHAIRMAN. Is this a State-supported institution?

Mr. ELLINGWOOD. Yes, it is, sir.

The CHAIRMAN. Does the State have to tolerate this condition? Can it not take action?

Mr. ELLINGWOOD. There are many things that the State does not have to tolerate and upon which action is being taken.

The point I am making here before your committee is that there is a lot of Federal money also going into these particular projects.

The CHAIRMAN. I noted that, which I very much condemn. But the source of responsibility for this, the overt faculty involvement in the organization of student radicals, evidences faculty complicity rather than faculty permissiveness, I thought certainly, since it is a State institution, you would have the power or some authority, not to tolerate it, but to dismiss this faculty.

Mr. ELLINGWOOD. What you say is true. Things are being done now to try to rectify the situation.

The CHAIRMAN. Some persons keep talking about the Federal Government interfering with colleges and universities. That should not be done, except in areas where local authorities do not have the jurisdiction, or where they completely refuse to act, or in those cases where the rights of others are violated.

When the Federal Government is helping to finance an institution, it certainly has a duty also to see that those it seeks to benefit are protected in those benefits and that they are not denied to them by unlawful acts of other students or members of the faculty.

Mr. ELLINGWOOD. We agree.

The CHAIRMAN. But it is primarily the direct responsibility of the State authority to get rid of such faculty. I think they have the power to do it.

Mr. ELLINGWOOD. I think so. That is true, Mr. Chairman. Except that if for some reason we cannot, there are certain Federal moneys that can be cut off also from the faculty as well as the students.

The CHAIRMAN. That is true. Personally, I favor cutting off the

money to any college or student that willfully violates the law in this fashion. I don't know about others. I am not speaking for others.

But I am not one of those in the Congress of the United States who believes in taxing the people of this Nation to support revolution, and to support those radicals who resort to violence, vandalism, arson, and other destruction on the campuses of our institutions of higher learning.

Mr. ELLINGWOOD. We appreciate your comments and your opinions.

The CHAIRMAN. I don't mind anyone knowing it. I say it for the record. I do not believe the taxpayers ought to be required to support such activities.

I will vote accordingly. I don't know about others.

I don't mean that to apply to anyone who is innocent. I don't necessarily mean it to apply to any particular university, or to deny universities funds automatically because one incident occurs or a second incident occurs.

But when a university either is unwilling or unable to use the laws of the land to take care of a situation, or when it refuses to do it, then I would look with some disfavor upon making appropriations to go to that university from the taxpayers' money.

I would certainly cut off aid to those persons who habitually engage in violence.

All right.

Mr. ELLINGWOOD. Although academic achievement is of paramount importance, high moral character must be of equal concern. The young learn not only by exposure to fact and interpretation but also in great part by good example. Academic freedom cannot become a disguise for unprofessional conduct, and tenure cannot be tolerated as a device for the unqualified or irresponsible professor.

We provide here only a few examples from the hundreds which are available from which you may decide for yourselves whether these professionals are victims of organizers.

In coordination with the activities of the Vietnam Day Committee in 1966, 17 professors signed a petition promising to devote regular class time to lecturing students about Vietnam. Such an activity was a flagrant violation of academic freedom and a specific violation of their employment status. Prof. John W. Dyckman was one of the signers of this petition. Despite such unprofessional conduct, Professor Dyckman, a member of the Peace and Freedom Party, was later appointed as chairman of the department of city and regional planning.

In March of 1966, 12 members of the University of California faculty circulated petitions opposing the efforts of the Justice Department to have the W. E. B. DuBois Club register as a Communist-front organization:

As scholars we are dedicated to the concept that there must be absolute freedom to formulate, articulate and exchange ideas . . . The young especially need the freedom to explore ideas and to search for ideals, to experiment, to be unorthodox, to be extreme; and above all they need the freedom to make mistakes, even grave mistakes . . .

John Searle, FSM activist, appointed by the chancellor as special assistant in charge of student affairs, was a signer of this petition.

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John Searle, FSM activist, appointed by the chancellor as special assistant in charge of student affairs, was a signer of this petition.

The most prominent leadership of the Vietnam Day Committee was faculty. VDC organizer, Prof. Stephen Smale, stated his position on the war for the press:

We want the Viet Cong to defeat the United States for international reasons. If the U.S. is defeated in Southeast Asia, this will help break the American power elsewhere in the world. This would give new impetus to revolutionary change in such places as Africa and Latin America, and if surrounded by revolutionary change, it will in turn make it easier to achieve radical and social change in the United States.

Professor Smale's level of participation in radical activities has been consistent since the VDC. He has actively encouraged draft resistance on the campus and he endorsed the platform of the Committee for the Draft Resistance in October 1967:

Explicitly encourage, aid and abet this civil disobedience and place ourselves in equal jeopardy with draft refusers . . .

Despite such well-publicized radical activity, Smale made an application to the National Science Foundation for a grant of \$247,000. After being seriously challenged on this issue, the National Science Foundation announced that it would issue a grant of an undecided amount to Prof. Stephen Smale. The NSF is maintained by congressional appropriations.

Richard R. Korn, professor of criminology, wrote a letter to the editor of the Daily Californian on August 2, 1967, which was entitled "What Caused Race Riots?"

You and I caused the riots . . . the most violent people in America are people like you and I who hire assassins in uniform to murder children in the ghettos.

Mrs. Sarah Fabio, Negro poet, member of the black studies program at the University of California Berkeley campus, has published poetry in the Black Panther newspaper. In the May 18, 1969, issue of the Black Panther, her poem was entitled "For Huey, Bobby El-dridge, Free by Any Means Necessary."

Professor of philosophy, Richard Lichtman, at a Sproul Plaza rally, emphasized the importance of the continuing battle against the system—"a system we have to bring down. * * * Because the system is so interrelated, it is dependent on the function of its parts. The removal of one of these parts leaves it vulnerable." At another Sproul rally, Lichtman suggested people must employ techniques the law does not necessarily prescribe and overcome their inhibitions of violating certain legal procedures.

At present, Professor Lichtman has been asked to head the proposed revolutionary studies department at Merritt College in Oakland.

Paul Cobb, a poverty employee in Oakland, led a boycott against the Housewives Market to force the merchants to indict the Oakland Police Department. Publicly condemned by city officials for blackmail techniques, he was nevertheless invited by University of California extension to lecture on the politics of confrontation, politics—1968.

The Daily Californian, January 5, 1968, printed an article regarding a noon rally sponsored by members of the Resistance, an anti-draft group. Resistance was to march to the Berkeley draft board following the rally where some members of the Resistance would burn their draft cards.

The University of California administration did not deny the rally because one of the members of the Resistance:

Assured Dean Jan Blais that I would not burn my draft card while at the rally, nor would any of the other speakers . . . but (later he said) we do invite everyone else at the rally to join us in the march to the draft board where cards will be burned.

In January of 1968, the Campus Draft Opposition, CDO, was formed on the University of California, Berkeley, campus.

CDO called on young men to make public their refusal to cooperate with the draft. At this meeting, professor of history, Charles Sellers, was quoted:

The decision to violate the law is always a serious and solemn affair . . . but I can say that the decision these young men are making is a decision I think I would make, and I feel the very least we can do for them is to offer them support.

Following the formation of the CDO Committee, "We Won't Go" pledges were circulated throughout the campus. Several hundred faculty members publicly indicated their support for draft dodgers.

In May of 1968, the CDO sponsored a Vietnam commencement on Sproul Plaza:

To honor and support the man of the class of 1968 and others who have pledged to refuse military service for reasons of conscience.

Hundreds of students signed the pledge and hundreds of faculty members supported their pledge not to go. This rally was actually a solemn service to honor draft dodgers. It was illegal, yet no action was taken by the administration.

In the fall of 1968, Black Panther Eldridge Cleaver gave a series of lectures on the Berkeley campus. Prior to the lecture series, he had given a speech on Sproul Plaza. He engaged in obscenities which not only violated the penal code but also the campus rules relating to campus conduct. No action was taken by the administration and his lecture series began on schedule in Dwinelle Hall.

Barbara Auther, another Black Panther member, also lectured on race problems at the university in a sociology course for credit. She has previously appeared in support of the Black Panthers on Sproul Plaza.

Tom Hayden, a national SDS leader, is now delivering a series of lectures for credit at University of California, Berkeley, on the New American Revolution. He is presently active in the new International Liberation School which has recently developed a prospectus for international revolutionary activity which anticipates utilizing the city of Berkeley as the fulcrum of the movement.

William Mandel is teaching a course for credit at the university Berkeley campus entitled Soviet Social Thought. Mandel is a well-known Soviet propagandist. Mandel was a nonstudent member of the executive committee of the Free Speech Movement in 1964.

The CHAIRMAN. Is this Tom Hayden actually employed as a teacher out there or a lecturer?

Mr. ELLINGWOOD. Yes, he is.

The CHAIRMAN. And the students are given credit?

Mr. ELLINGWOOD. Yes.

The CHAIRMAN. Academic credit for listening to him?

Mr. ELLINGWOOD. Yes.

The CHAIRMAN. I know there are some who glory in seeing anything happen to this country, who intend to destroy it. They get pleasure from contemplating such events.

I personally love my country and I would hate to see it destroyed. I recognize that some of these tactics are so designed. I know and many people know the intent. It is clear to anyone who has any judgment about how a government can be sustained, how a free society can be sustained, and how it can be subverted, that these tactics and these activities are calculated to weaken the Government and ultimately render it unable to function under the Constitution and laws of the land.

I think this situation is very dangerous. I cannot conceive of taxpayers, the public, being willing to support an institution, a teacher or a lecturer, who is definitely teaching, in effect, the overthrow of this Government.

If the people know about it they will make a decision and it will be up to them. As was said by Ben Franklin, supposedly, after the Constitution was drawn up, "You have a Republic, if you can keep it."

The people can keep the Republic if they will, and if they don't have the will and intelligence to keep it, they will lose it.

Senator MUNDT. While you have been testifying, I have been going back over some of these paragraphs which you did not read.

I would like to ask you a question about John W. Dyckman, a member of the Peace and Freedom Party, who had participated in the signing of a petition urging that certain class time be given to the lecturing of students against the desirability of the war in Vietnam.

It says that, despite such unprofessional conduct, Professor Dyckman was later appointed as chairman of the department of city and regional planning.

Is that an appointment made by the mayor of Berkeley?

Mr. ELLINGWOOD. No; that is an appointment made by the chancellor. As I understand it, that is an appointment made by the chancellor in a department of the university.

Senator MUNDT. Who was the chancellor at that time?

Mr. ELLINGWOOD. Chancellor Heyns.

Senator MUNDT. The chancellor who was here yesterday?

Mr. ELLINGWOOD. Yes; the same one.

Senator MUNDT. John Searle signed the same petition. Professor Stephen Smale stated his position on the war to the press:

We want the Vietcong to defeat the United States for international reasons.

If that is not treason, I don't know what it is. It is certainly reprehensible. Here is a man urging that the United States be defeated by the Communists.

I don't know how much further out of line you can get than that. Here is a fellow teaching at a university paid for by the taxpayers, urging civil disobedience, and also urging young men to avoid the draft.

If I understand your testimony right, despite that fact, the Federal Government, through the National Science Foundation, gave him a generous grant of money to continue these activities.

Mr. ELLINGWOOD. That is true.

Senator MUNDT. That puts it right back on the Federal Government, Mr. Chairman.

First OEO, and now the National Science Foundation. I think Congress is pretty derelict in its duty if it doesn't summarily call a halt to this and pass a law to stop it, regardless of what the bleeding hearts and sob sisters may think about it.

The American taxpayer has had it up to here, as far as taking his hard-pressed dollar, in this inflationary period, and subsidizing treasonable statements, and subsidizing professors who have contempt for the country which they are supposed to serve.

Is he still employed by the University of California at Berkeley?
Mr. ELLINGWOOD. He is still employed.

The CHAIRMAN. Is he still being subsidized by the Government?

Mr. ELLINGWOOD. I don't know what the status of his grant is.

The CHAIRMAN. The staff will make an immediate investigation into this. I want to call the responsible head of the National Science Foundation. I want him to give an immediate report on it.

Senator MUNDT. I think we should write him a letter asking how he can justify it, and tell him we would be glad to hear him before the committee if he is proud of this kind of program.

The CHAIRMAN. We have to find out if he did it, first. The staff is directed to move immediately. (See appendix, p. 5139.)

Senator MUNDT. Why aren't these people removed? Is it because there is no desire on the part of the chancellor, the president, or the board of regents of the University of California, to clean up this can of worms, or is it because they have fastened the talons of tenure into the arm of the body politic of the campus?

Mr. ELLINGWOOD. Up until July 1 of this year, the chancellors of each institution had the power to grant tenure and they still only have the power to fire, so that the regents have not delegated that duty down.

Now they have taken back the tenure position, or at least have taken a veto power over tenure. But it is up to the individual heads of each institution as to whether or not they hire or fire a teacher.

Senator MUNDT. Let us assume that this curious character, who ought to be lecturing in Moscow instead of in Berkeley—this Mr. Searle, who has nothing but contempt for our country, expressing the hope that we lose the war in Vietnam to the Communists—let us suppose he has tenure.

Under those circumstances, are the State of California, the Governor, and the board of regents powerless? Can't they do anything to get rid of that kind of an individual?

Mr. ELLINGWOOD. Well, they have been powerless up to this point.

Senator MUNDT. What happened beyond that point?

Mr. ELLINGWOOD. As of July 1, the tenure—it is questionable as to whether or not the regents would now be able to revoke tenure.

They would have to take a look into the grounds for the revocation of tenure to see whether or not it was applicable.

Senator MUNDT. Do I understand that in the State of California you have some kind of rule or law on tenure that once a person has it, no power in the world can take it away from him? He can join the Communist Party, he can throw bombs around the place, he can rape

the wife of the president of the university, he can burn down the chapel, he can thumb his nose at everybody in California, saying "You can't touch me, brother, I have tenure."

Have you really vacated the power of government in California to that extent?

Mr. ELLINGWOOD. No. It is not that clear. The terminology is that a person's tenure may be taken away for unprofessional conduct. The query all of us have had up to this point is why isn't the activity we have seen unprofessional conduct and why shouldn't that person be terminated?

This is why we asked the question to begin with, why weren't certain faculty members dismissed, but they haven't been.

Senator MUNDY. I think we have given aid and comfort to the enemy by being reckless in the use of Federal funds and we will try to clear that up by action with this committee. All those downtown will find out about it because we will not stand for it. Quite apart from that, it seems to me that this attitude toward faculty members who have tenure is your problem, and you in California have some work to do to straighten that out.

I can't see why anybody, simply because he has hung on for a certain number of years, could not be impeached, could not be forced to resign when he is shown to be in this position.

I don't know of any other kind of tenure in the world in any other kind of profession, which permits no way to get rid of them if they turn out to be rotten.

You are a legal man. You go to work on it.

Mr. ELLINGWOOD. There are people who are working on it.

The CHAIRMAN. All right.

Mr. ELLINGWOOD. Radical chain reaction.

There is substantial reason to believe that the rampant current philosophy of student revolt has been developed, tested, and sub-contracted from Berkeley to other institutions throughout the country.

The concepts pioneered on the Berkeley campus have produced a chain reaction.

When the administration honored collective coercion during the FSM it automatically insured future confrontations.

Chancellor Edward Strong said in a statement to the board of regents and the chancellors on December 20, 1964:

* * * The manner in which authority acts in relation to its responsibilities determines the reactions of others. Authority has reacted in violation to the rules and regulations, threats and intimidation with inconsistency rather than consistency, and through negotiations with ad hoc and often self-appointed groups and organizations involving appropriate persons and organizations. * * * Too often there has been the announcement that law and order will prevail, followed by vacillation, concessions, compromises and retreats * * *.

The consistency of confrontation at Berkeley since the FSM has created a climate in which radicals can gain experience as leaders in mob tactics. Some of these militants have left Berkeley in order to pollinate other institutions. Others have stayed as "professional students." Others have become employees of the university and now devote much of their efforts in radical union activities.

Following the FSM, Steve Weisman of the FSM steering committee announced that, now that battle for advocacy had been won,

the FSM would seek to enlist students in a campaign of academic reform; that is, to influence course content and to change the grading system.

Mario Savio embarked upon a tour of major educational institutions to extoll the virtues of the Free Speech Movement and to give instructions on how the movement might be duplicated.

Bettina Aptheker, a self-identified Communist and FSM leader, went on to assume a leadership position in the Vietnam Day Committee in 1965. But in 1966, her prime project was to promote a national student strike. She presented her proposal to the convention of the DuBois Club and the SDS. The ultimate result of this organizing was the spring mobilization during Vietnam Week, April 1967, which culminated in massive antiwar marches in San Francisco and New York. (Communist origin and manipulation of Vietnam Week—Report by the Committee on Un-American Activities, 90th Cong., first sess., Mar. 31, 1967.)

Bettina Aptheker married Jack Kurzweil, a Berkeley student. He was president of the campus DuBois Club, vice chairman of Campus Friends of the Peoples World and a leader in the Scheer campaign, the first major political thrust of the new left in California. After leaving Berkeley, he became a professor at San Francisco State College and is now a professor at San Jose State College.

Margaret Lima is the daughter of northern California committee chairman of the Communist Party. She was arrested in the Sproul Hall sit-ins during the FSM.

At present, she is an employee of the Berkeley campus as a researcher. She is an activist in local 1695 which gave enthusiastic support to the recent Third World Liberation Front strike on the Berkeley campus.

Conn Hallinan, arrested in Sproul Hall sit-ins during the FSM, was president of the campus DuBois Club, active in the Vietnam Day Committee and an officer of Campus Community for Scheer with Jack Kurzweil. He is presently employed at the university as a teaching assistant. He is president of AFT, Local 1570, which gave active support to the TWLF strike at the Berkeley campus. He was arrested during the strike activities in February 1969.

Local 1570 recently joined the ASUC and the Radical Student Union in a suit to enjoin the University of California from complying with a subpoena issued by this Senate subcommittee.

Roberta Alexander, arrested in the Sproul Hall sit-ins, was also a campus DuBois Club member. She later became a paid participant in the HEW-financed work-study student program and was assigned by the university to work in Oakland where she engaged in disruptive activities against the police department and the school board.

Stephen Weisman, a member of the steering committee of the FSM, was civil rights chairman of the East Bay DuBois Club, a leader of the Vietnam Day Committee and active in SDS activities.

He was a student at Stanford University, and a member of Stanford SDS. He was active in the recent dispute at the Stanford Research Institute where he reportedly suggested that the need may come for breaking into classified files in the lab.

William Mandel, well-known Soviet propagandist, was a middle-

aged member of the FSM executive committee. Since FSM, he has been on the board of directors of the Experimental College at San Francisco State, has been paid to teach a class for credit at San Jose State and is at present authorized to teach a class for credit at the University of California Berkeley campus entitled "Soviet Social Thought."

Art Goldberg, FSM leader, arrested in the Sproul Hall sit-ins, was also prosecuted in the filthy speech movement.

He has now passed the bar exam in the State of California but is not yet admitted to practice. At present, he is a leader in the People's Park dispute. He is also listed in the CPE catalog of student-initiated courses as a teacher of a course entitled "The Law and Revolution":

Credit pending. This course will deal with contemporary thoughts and law in the area of freedom of expression and political involvement. Students will be asked to understand the current thoughts and law and then construct a legal structure which they would desire to see in this system.

The second half of the course will be dealing with what kind of structure the students would like to see if a socialist revolution took place * * *

Robert Avakian was another arrestee in the FSM Sproul Hall sit-ins. He is a Panther sympathizer who openly encourages supplying weapons to militant groups. He is now a member of the correspondence committee of the Bay Area Revolutionary Union. He played an active part in the recent strike at Standard Oil attempting to develop a student-worker coalition and has categorized himself as "a Communist revolutionary" in the May 1969 issue of the Movement.

The Bay Area Revolutionary Union handed out flyers during the recent People's Park dispute:

... If you don't have a gun, get one and learn how to use it ...

The flyer is entitled, "How Can We Deal With the Pigs?" It suggests that all political power grows out of the barrel of a gun.

Steve Hamilton was also arrested in the Sproul Hall sit-ins during the FSM. He was also chairman of the Campus Progressive Labor, president of the May 2 movement, chairman of the Medical Aid Committee which collected blood and money for the Vietcong on the university campus, and is now on the correspondence committee of the Bay Area Revolutionary Union with Robert Avakian.

In 1966, Steve Hamilton was subpoenaed by the House Committee on Un-American Activities to testify on the matter of legislation to make punishable assistance to enemies of the United States in time of undeclared war.

Mr. Hamilton stated at that time:

Within the terms of the people who have the power in this society, that the people themselves would have to take the power, I joined with other people who are fighting for a just and socialistic society and I became a member of the Progressive Labor Party and became a Marxist-Leninist.

Jack Weinberg, another arrestee in the Sproul Hall sit-ins was originally the catalyst for the FSM demonstrations. It was Weinberg who was held overnight in a student-surrounded police car on Sproul Plaza. He has since become a State leader in the Peace and Freedom Party and was recently arrested during the TWLF strike activities at the university Berkeley campus.

Mike Delacour, Berkeley radical, was arrested on December 12, 1967, with five others from the bay area, while trying to get ROTC students

to lay down their rifles. He also was arrested in December of 1967 for trespassing at Lee Brothers Market in Berkeley where he had set up a table and refused to leave; he was registering voters for the Peace and Freedom Party. He was also arrested during the Moses Hall sit-ins on October 24, 1968. Currently, he is given credit for being one of the originators of People's Park.

Paul Glusman, another Berkeley radical, has been an activist in the antiwar movement. The Daily Californian identified Glusman as an SDS member on July 28, 1967. Glusman has been indicted for conspiracy for his participation in the Moses Hall demonstrations at University of California, Berkeley, in October 1968. He is currently another leader in the People's Park dispute.

Radical students make a continuing effort to control the student body offices of the ASUC whereby they control the money derived from student fees.

There has been a noticeable shift from the financing of the more traditional student government activities to social action and politically oriented projects.

One of the widely held misconceptions is that money derived from mandatory student fees somehow belongs to the students, or rather, some of the students, and they should determine how and in what manner it should be spent. The standing orders and bylaws of the regents make it clear beyond any question that the power to levy student fees and to determine their disposition when collected, is solely and simply in the regents. The regents then delegate this authority to the chancellor.

A sampling of activity financed by the Associated Students of the University of California, Berkeley campus (ASUC), will illustrate:

The ASUC offers a bail bond fund which will loan any student up to \$100, interest-free, to pay a bail bondsman. Vice Chancellor William Boyd upheld the bail fund principle and was quoted in a Daily Californian front-page article:

It's better that a student is in school than in jail.

I think the merit of it is obvious.

I think we could say it is better that a student was never involved in an activity that would put him in jail.

The CHAIRMAN. It is better to have him in jail than out there violating the law.

I don't agree that it is better for a person to be in school than in jail if the purpose of his being in school is to create disorder and vandalism.

Mr. ELLINGWOOD. We had a president of one of our local colleges who recently, at the demand of a BSU, set up on \$8,000 bail and fund.

The CHAIRMAN. Who did that?

Mr. ELLINGWOOD. This is one of the presidents of our local colleges. One of the local colleges.

The CHAIRMAN. Can you name the president and the college?

Mr. ELLINGWOOD. I will name the college. I don't know the name of the president. The name of the college is Delta College in Stockton. It is my understanding he set up an \$8,000 bail bond fund.

The CHAIRMAN. Was that out of appropriated funds?

Mr. ELLINGWOOD. Out of mandatory student fees.

The CHAIRMAN. Are those mandatory student fees authorized by law?

Mr. ELLINGWOOD. Yes.

The CHAIRMAN. Does the State have the authority and power to appropriate those fees for any purpose connected with the institution?

Mr. ELLINGWOOD. Well, the regents have delegated that authority to the chancellor.

The CHAIRMAN. They have delegated the power that was vested in them by law.

Mr. ELLINGWOOD. There is no doubt about the fact that the State has the right; yes.

The CHAIRMAN. You do have the power by law to stop them?

Mr. ELLINGWOOD. That is true.

The CHAIRMAN. I recommend it.

Senator MUNDT. These student fees that are mandatory—are those intended primarily to be used by the students themselves to finance student functions, dances, perhaps, whatever they are going to do for entertainment—or are they available to the regents to help finance the cost of the university?

Mr. ELLINGWOOD. The idea was to finance student organizational activities outside of the usual cost of running the university.

I might say, and I point out later, that there is a suit pending now by the attorney general of the State of California with regard to that. I will have more to describe that later.

Senator MUNDT. If I understood correctly from the chancellor's testimony yesterday, those student fees are all they pay in terms of tuition to have the privilege of attending a State-supported school in California.

Is that right? He said there was about a \$345 student fee they had to pay. I asked if they charged tuition and he said no, but they had to pay a mandatory fee.

Is that what we are talking about here?

Mr. ELLINGWOOD. This is a portion of what they are required to pay.

The CHAIRMAN. I notice you say at the top of page 36:

Radical students make a continuing effort to control the student body offices of the ASUC whereby they control the money derived from student fees.

Mr. ELLINGWOOD. The chancellor has allowed them to do this.

The CHAIRMAN. Sir?

Mr. ELLINGWOOD. The chancellor has allowed them to control those particular fees.

The CHAIRMAN. You say:

There has been a noticeable shift from the financing of the more traditional student government activities to "social action" and politically oriented projects.

One of the widely held misconceptions is that money derived from mandatory student fees somehow belongs to the students, or rather "some" of the students, and they should determine how and in what manner it should be spent.

The Standing Orders and By-laws of the Regents make it clear beyond any question that the power to levy student fees and to determine their disposition, when collected, is solely and simply in the Regents. The Regents then delegate this authority to the Chancellor.

It can be controlled by law, can it not?

Mr. ELLINGWOOD. It can be; yes, sir.

The CHAIRMAN. I think there is the opportunity here for a public service to be performed by your State legislature.

Mr. ELLINGWOOD. Once again, that is being looked into.

The CHAIRMAN. Sir?

Mr. ELLINGWOOD. Once again, there are people working on that particular aspect.

The CHAIRMAN. It is not for us to do here. I am just trying to find out where the responsibility is.

Senator MUNDT. He said there are people in California working on that now.

Mr. ELLINGWOOD. We accept that responsibility.

The CHAIRMAN. I think we have an opportunity to do something there. I am not just throwing it off on the legislature.

In some areas, we have the responsibility, for instance, as has been illustrated here. But I think the purpose in these hearings is to point up not only where legislation is needed which can be helpful on the part of the Federal Government, but also we can point up where there are other areas of responsibility that should be considered.

Mr. ELLINGWOOD. What I am trying to say is I am trying to show an attitude.

If I can continue on the example of the bail bond fund for \$8,000, I think it will express what I am trying to get across.

Up to this time, up until this spring, the bail bond funds were connected with activities in civil-disturbance-type arrests, so one who was a leader in a civil disobedience arrest could get a bail bond.

As of this spring, in this Delta College situation, if my understanding of it is correct, the bail bond fund was not for civil disobedience but was for narcotics arrest, which is so far removed from what we are talking about here that I think it shows an example of gross misuse of discretion.

(Additional information concerning Delta College follows:)

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, August 28, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: During my testimony before the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations on July 18, 1969, there were some comments regarding San Joaquin Delta College.

My prepared statement did not include any comments regarding Delta College; however, during the presentation I did state essentially it was my understanding that the President of Delta College did establish an eight-thousand dollar bail bond fund out of student fees and that the fund was to be available for bonds for narcotic arrests.

Some of the press clippings indicated that I stated that the President set up an \$8,000 bail bond fund from students' fees and this fund was in fact used in narcotics cases.

Both Mr. Julio L. Bortolazzo, the President of the College at the time of the incident, and Mr. Joseph L. Blanchard, the current President, have informed me that "no fund was implemented and no expenditures were made." I have had several conversations with Mr. Bortolazzo on this issue since the date of my testimony.

My statement before the Committee was true as far as it went, but could be expanded; it is a fact that the student body did vote to rescind the action taken to establish the fund and no funds were expended.

However, the incident cannot be dismissed so easily. Enclosed is a three-page detailed memorandum on the subject from President Bortolazzo's office. The relevant passage is:

" . . . Dr. Bortolazzo issued a statement at the end of the discussion. It read: "I, Julio Bortolazzo, as Superintendent of San Joaquin Delta Junior College District, hereby agree that the student bail bond fund of \$8,000, as approved by the Associated Student Council, be implemented immediately with the further understanding that this bail bond fund may be rescinded if not approved by the student body at a free election at a date to be determined by the Student Council as soon as practicable.'"

This would indicate to all concerned that the fund *was in fact* approved by the Student Council and the President of the College. The words "be implemented immediately" contain no suggestion to those concerned including the general public that funds would not be expended pending a referendum.

It should be noted that I did not state that funds had been used for civil rights or narcotics arrests or at all. I stated only that the fund has been established.

Concerning the purpose of the fund, there is nothing in the written documents to indicate possible use of the funds for bonds for narcotics arrests; however, the evidence in the community and on the campus even now corroborates my understanding that the immediate intended use of the fund was to include bonds for narcotics arrests. Obviously, there is no language in the documents released by the President or in the minutes of the meetings which eliminates the possibility of such use.

It is unfortunate that there was not sufficient time to cover these details in my testimony. I trust that this letter will explain the situation, and I will see to it that both presidents referred to herein receive copies of this letter.

Thank you for your courtesies.

Sincerely,

HERBERT E. ELLINGWOOD, *Legal Affairs Secretary.*

OFFICE OF THE PRESIDENT AND SUPERINTENDENT,
SAN JOAQUIN DELTA COLLEGE,
April 24, 1969.

To: All Members of the San Joaquin Delta College Community.

From: Julio L. Bortolazzo, President and Superintendent.

It is very important that all students, professional staff members and classified employees be informed concerning the events of the past few days, primarily relating to a student bail bond fund established by the Delta College Student Association Council.

A chronology of the events that have transpired since April 9, 1969, as I have understood them, are contained in the attached summary. This summary is intended to give a brief review of what has happened and where we are as of this date.

It is regrettable that on Tuesday, April 22 a number of students were unable to observe the democratic process and failed to control their behavior. I am very disappointed that a few students resorted to violence to resolve their grievances rather than to deal with them in an orderly and rational manner. It is a well established principle that no individual has the right to threaten another person or to force or detain him because he does not agree with his views.

Up until April 22 Delta College was making considerable progress in the implementation of programs which would aid all students with educational and economic handicaps to further their education. There were also plans in progress to expand these programs. These acts of violence which occurred could possibly affect adversely the future of these programs.

It would be most unfortunate for Delta College to fail to move forward. Therefore, this memorandum is to inform everyone that henceforth no violence will be condoned on this campus. Whatever steps necessary will be taken to insure the students can attend Delta College without fear for their personal safety. This is not a challenge, but it is a position I must take to insure that the college operation is carried out without interruptions in a reasonable and intelligent manner.

I call upon all students and staff personnel to avoid the confused anger of April 22 from this time on. It is essential that we consider the problems facing us in a rational manner, to talk and work together to find solutions. Only if we can act with reason and avoid rage and emotional disturbances will we be able to meet the educational needs of students attending Delta College.

Delta College will continue to move forward if each of us uses his intelligence in meeting the great problems of these critical times.

CHRONOLOGY OF STUDENT CONCERN OVER ESTABLISHMENT OF A BAIL BOND FUND

April 9, 1969: During a noon rally to raise bail bond money, some speakers suggested allotting money from Student Association funds for a bail bond. The Student Association Council President agreed to call a special council meeting in the afternoon to consider the issue.

At the special meeting, it was moved that an \$8,000 bail bond fund be established for any Delta College student who needs bail money in order that the student would be able to continue attending classes while awaiting disposition of his case. The motion was seconded. The bail bond fund was approved by a 5-0-2 vote.

April 10, 1969: At a special meeting, council members voted that the Coke stand at Fun Fest be turned over to the Black Students Association so that the BSA might use the profits toward the bail bond fund. The motion was passed 5-2-0.

April 11, 1969: A special council meeting was convened in the Library Building, but it was moved to the council chambers in Building C, Room 5. It was moved and seconded to reconsider the establishment of a student bail bond fund. The motion passed, 8-3-1, and it was moved and seconded to abolish the bail bond fund. The motion passed 8-4-0.

April 17, 1969: At a council meeting in Building Z-10 B, the council parliamentarian ruled after extensive discussion that the April 11 reconsideration of the bail bond fund was illegal since the council member who moved for reconsideration was not originally in support of the measure. The bail bond fund was still established, he ruled.

April 18, 1969: At a council meeting in Building Z-10 B, several council members said they had been informed by the college Business Manager that the bail bond fund was such an unusual expenditure that its legal status was clouded and that he could not approve expenditures from it at that time. The council voted to freeze all student association funds until more information could be gathered on the limitations to be applied to council-authorized expenditures.

April 22, 1969: A student council meeting was convened in Building C, Room 3, but moved to the Speech Arts Auditorium when the room became overcrowded. College President Julio L. Bortolazzo spoke, saying that an informal opinion of the county counsel received that morning stated that no precedents on a student bail bond fund existed in the law and that the fund was an administrative matter. The county counsel recommended a student referendum be held to prepare a stronger case in the event the issue ended in the courts. The student council voted not to seek the referendum but to prevail on Dr. Bortolazzo to approve personally the \$8,000 bail bond fund expenditure. The meeting was adjourned, and Dr. Bortolazzo, council members and other students continued the discussion in the Classroom Building parking lot. In other areas of the campus, and later in the parking lot, several fist-fights broke out among students. Dr. Bortolazzo continued to talk with council members and ethnic minority representatives in his office while about 30 students occupied an outer office. Dr. Bortolazzo issued a statement at the end of the discussion. It read:

"I, Julio Bortolazzo, as Superintendent of San Joaquin Delta Junior College District, hereby agree that the student bail bond fund of \$8,000, as approved by the Associated Student Council, be implemented immediately with the further understanding that this bail bond fund may be rescinded if not approved by the student body at a free election at a date to be determined by the Student Council as soon as practicable.

"Further, I agree to negotiate with the Student Council, the larger Associated Student's finance problems as related to the Cafeteria, Book Stall, Lounge and other sources of student funds.

"I further agree to negotiate with the Student Council concerning traditional expenditures which have been assumed as budgeted items."

April 23, 1969: At a student council meeting in Building C, Room 5, the council chambers, the council voted 9-0-2 to release the funds previously frozen, and voted unanimously to accept Dr. Bortolazzo's statement. Friday, April 25, was set for the student referendum.

SAN JOAQUIN DELTA COLLEGE,
Stockton, Calif., August 7, 1969.

Mr. JEROME S. ADLERMAN,
General Counsel, Committee on Government Operations, Senate Permanent
Subcommittee on Investigations, U.S. Senate, Washington, D.C.

DEAR MR. ADLERMAN: There is attached a sworn affidavit prepared in accordance with the provisions of your letter of July 31, 1969.

It is hoped that this document will be submitted to the Subcommittee for its consideration and action and made a part of the record to insure that the final minutes do not contain any false information which has not been refuted.

Very truly yours,

JOSEPH L. BLANCHARD,
President and Superintendent.

Enclosure.

AFFIDAVIT

According to television news reports and newspaper articles released in the San Francisco, Sacramento and Stockton, California areas on July 17 and 18, 1969, Mr. Herbert Ellingwood, Legal Affairs Secretary to Governor Ronald Reagan of California, told the Senate Permanent Subcommittee on Investigations the following:

The President of Stockton's Delta College authorized an \$8,000.00 Bail Fund from student fees. Further, that the fund built from mandatory student fees originally was intended for bail for students in civil rights protests and for those arrested in demonstrations but now is used mostly for narcotics arrests.

If the above news media reports are correct in that these statements or words to this effect were made before the Senate Permanent Subcommittee, they are in conflict with the facts. The actual situation was as follows:

Last April a group of interested students made such a proposal to our student government that such funds be provided; however, in a referendum vote in which the total student body participated, the above proposal was defeated by a four to one vote. Therefore, the fund was never implemented and no expenditures have been approved by the college. The correct information surrounding the student proposal and the election held on April 25, 1969, were carried on all Sacramento, California television stations as well as on the press and radio during the last week of April, 1969.

It is most unfortunate that this false information was presented to the Subcommittee, since it created a bad image for San Joaquin Delta College throughout the educational community and with the general public. In addition, it has caused an unwarranted administration workload for the college to answer the numerous complaints and inquiries which have arisen due to the confusion caused by the recent erroneous television, radio and press releases being in contradiction with the correct information previously released to the general public.

It is requested that this sworn affidavit be submitted to the Committee for its consideration and action with a request that it be made a part of the record in order that the facts on this topic are on file.

JOSEPH L. BLANCHARD,
President and Superintendent of the
San Joaquin Delta Junior College District.

Subscribed and sworn to before me this 7th day of August, 1969.

[SEAL] VIOLET L. SALVETTI, Notary Public.

Senator MUNDT. One thing that has impressed me about your testimony is that the purpose and the cause of these disturbances and these violations—disorder on the campus at Berkeley—all seem to relate to

things entirely outside the college: to the war in Vietnam, the poverty program, or some issue which is not involved with the fact that the university in the minds of the students is not performing its function.

I don't find any criticism that the students are making against the food at the university, the housing, the dormitories, or the caliber of the education.

It seems to me they are all unrelated to the academic life of the community, is that correct?

Mr. ELLINGWOOD. Well, the examples I have given you are basically that way. There are other examples of them being concerned with on-campus conditions like that, also.

It is interesting to note that a student who may need an emergency loan for food, clothing, or books, rather than to secure his release from jail, can only borrow up to \$50 interest-free from the university.

The CHAIRMAN. How much can he borrow interest-free for bail?

Mr. ELLINGWOOD. \$100.

The ASUC has also circulated fliers on campus listing draft counselors, including the ASUC draft help at 209 Eshleman Hall in the student union.

The Daily Californian, the official newspaper of the ASUC, has been seriously criticized as a propaganda machine. It presented a totally biased position during the disruptive and violent strike of the Third World Liberation Front in February 1969. The editor of the Daily Californian was arrested during strike activities.

The Daily Californian also printed during the strike a letter to the editor which gave detailed instructions on how to close down the university using sabotage techniques.

The letter concluded:

Take a leaf from Che and from Huey, baby. The revolution is not like baseball. It's not how you look playing the game. It's whether or not you are shrewd and effective enough to win.

The ASUC also sponsors the Center for Participant Education (CPE) program which underwrites the concept of student-initiated courses.

The CPE catalog notes, however, that:

Courses are subject to change or cancellation if instructor is imprisoned or exiled.

Examples of course content are as follows:

The new American Revolution with Tom Hayden, SDS leader, as lecturer.

The Law and Revolution with Art Goldberg, FSM leader, who was later prosecuted during the filthy speech movement and was an activist in the people's park dispute.

Soviet Social Thought with William Mandel.

Revolutionary First Aid: A first aid course with emphasis on riot medical dynamics, burns, transportation of the injured, clubbing injuries, poisons including gasses, mace, etc. The class to be taught by ex-Navy medic who is now a community organizer.

(At this point Senator Mundt withdrew from the hearing room.)

The CHAIRMAN. At this point, let the record reflect that Senator Mundt had to leave and I am inserting the letter of agreement.

(The letter referred to is as follows:)

U.S. SENATE,
 COMMITTEE ON GOVERNMENT OPERATIONS,
 SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
 Washington, D.C., July 15, 1969.

Pursuant to Rule 5 of the Rules of Procedure which was amended by the Committee on Government Operations for its Senate Permanent Subcommittee on Investigations on June 3, 1965, and reaffirmed on January 17, 1969, permission is hereby granted for the Chairman to conduct hearings in open session without a quorum of two members for the purpose of taking testimony in the matter of militants, riots, civil and criminal disorders, and campus disorders on July 18, 1969.

JOHN L. McCLELLAN,
Chairman.

KARL E. MUNDT,
Ranking Minority Member.

The CHAIRMAN. Are they setting up the whole program?

Mr. ELLINGWOOD. They are setting up the whole program. This is the group under which Eldridge Cleaver can teach his courses.

The CHAIRMAN. Let me look that over again, that which you have just read.

Courses are subject to change or cancellation if instructor is imprisoned or exiled.

In other words, they anticipate that they will probably be exiled or arrested. They are trying to make their rules applicable and available in case of that contingency.

Is that the way Cleaver got on?

Mr. ELLINGWOOD. Yes; that is the same program.

The CHAIRMAN. This is the program that he was on?

Mr. ELLINGWOOD. I should point out to you—

The CHAIRMAN. He is not imprisoned yet. He probably would be if he were back in the States. He is a fugitive.

Mr. ELLINGWOOD. We have a few warrants out for him.

The CHAIRMAN. He is self-exiled. I guess they have substituted someone for him.

The New American Revolution with Tom Hayden, SDS leader, as lecturer.
 The Law and Revolution with Art Goldberg.

Have you quotes from those lecturers?

Mr. ELLINGWOOD. I have the whole booklet right here, the whole program.

The CHAIRMAN. With their lectures?

Mr. ELLINGWOOD. Not with their lectures, but with a description of their courses.

The CHAIRMAN. Did you bring that to leave with us as an exhibit?

Mr. ELLINGWOOD. Yes.

The CHAIRMAN. It may be received and marked an exhibit.

(The document referred to was marked "exhibit No. 746" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. Then you have "Soviet Social Thought with William Mandel."

What is that?

"Revolutionary First Aid."

Mr. ELLINGWOOD. "Revolutionary First Aid" is described in their own booklet as:

A first aid course with emphasis on riot medical dynamics, burns, transportation of the injured, clubbing injuries, poisons, including gasses, mace, et cetera. The class to be taught by ex-Navy medic who is now a community organizer.

I may say that groups of Navy dressed medics were at the Sproul Park with their material.

I will also say that when one of the campus officers was down on the ground in a previous riot, it was the people who were dressed in medic uniforms which actually physically kicked the campus officer to the point of internal injury.

The intellectual flexibility of the CPE is aptly illustrated by a press release dated October 19, 1968, which we have included as an exhibit for your education.

Even more disturbing is evidence that substantial funds from student fees have been misused and embezzled at certain colleges in California. Investigations are now underway by appropriate law enforcement authorities. It can be stated preliminarily that apparently thousands of dollars have been diverted to individuals and groups engaged in radical political activities.

You may have received testimony already about certain of these funds going to buy guns, and we will be able to detail later as a result of this case where some of the other money went.

I would like to turn now to another item of major importance, particularly to the taxpaying public; namely, the costs of disruption and unrest. There can be no question that the cost of planned confrontation which has been organized on the university campus represents an inordinate tax burden and a threat to the economic well-being of the San Francisco Bay area.

The CHAIRMAN. Are the student funds audited in any way?

Mr. ELLINGWOOD. We are doing that now. They have not been in the past.

Here is a sampling of direct and ascertainable costs:

1. The Free Speech Movement and the Vietnam Day Committee demonstrations cost the taxpayers of Alameda County \$142,000.
2. The boycott against the Oakland public schools in October 1966, cost the city of Oakland an estimated \$125,000. This boycott was organized by off-campus groups but was subsidized by the University of California, in effect, through the HEW-funded work-study program. The boycott had been declared illegal by the Alameda County district attorney.
3. The city of Oakland also reports that antiwar and civil rights demonstrations in the last 4 years cost the city's taxpayers \$336,000 in police overtime.
4. The Stop the Draft Week demonstration in October 1967, organized on the Berkeley campus in coalition with San Francisco based groups, cost the Oakland taxpayers an estimated \$150,000, with an additional \$50,000 borne by the State of California.
5. The estimated cost of property damage in Berkeley from the 1968 July 4 demonstration up to and including the Third World Liberation Front strike is \$525,000. This includes damage inflicted by bombs, rocks, and arson.
6. Additional law enforcement costs during the Third World strike at the university during the first quarter of this year were estimated at \$250,000.

7. The director of the San Francisco Police Department Planning and Research Division advises that the Third World strike at San Francisco State College from November 6, 1968, to March 20, 1969, cost the city police department \$290,000 in overtime alone. This does not include subsequent court and jail expenses, damages to property and persons, nor the salaries paid by other jurisdictions to the California Highway Patrol and officers from communities who assisted during the campus violence. It is estimated that \$375,000 was paid to mutual aid officers—officers assisting from surrounding and nearby communities.

Not included in the above-listed costs are the physical facilities of the university which the dissidents utilize as a continuous base for their activities. Nor does it include the telephones directly billed to the University of California which are freely used by militant groups on the campus.

You are all familiar, I am sure, with the recent People's Park affair in Berkeley. That riot and its aftermath cost the taxpayers over \$1 million. We have brought for you a copy of our paper on that subject.

Indirect but not insignificant costs include losses to local businessmen whose customers fear to venture into a riot-torn area. Insurance is now a serious problem, not only for businesses, but for the government as well. Effective April 1, 1969, fire insurance rates for all types of school buildings in California were raised 40 percent. During the 5-year period 1963 to 1967, insurance companies paid out an average of \$124.50 for every \$100 in premiums collected from the schools.

The city of Berkeley received notice that the Zurich Insurance Co., as of June 27, 1969, will no longer honor personal and property liability claims stemming from police actions, including any claims arising out of "an act or omission of the Berkeley Police Department, or any member or any organization aiding or assisting the Berkeley Police Department."

Oakland's insurance carrier has already voiced misgivings.

One of the most disturbing aspects of the unrest we have experienced is the increase in domestic sabotage. Much of this appears to be related to campus activity and is fast becoming not only a serious threat to personal safety but to the economy also.

The San Francisco Examiner reported that on February 4, 1968, a leader in the San Jose SDS predicted that 1968 would be a year of extensive sabotage. Prime targets for destruction were alleged to be power and communication lines.

In the spring of the same year, the curriculum of the experimental college at San Francisco State—which, I remind you, is financed by student fees—included:

1. A seminar on guerrilla warfare, its theory and tactics in contemporary America. The course organizer was Robert Kafke, a self-admitted member of the W.E.B. DuBois Club.
2. An analysis of the psychology and philosophy of revolution in the Americas.
3. The importance of political ideology, urban warfare, logistics and weaponry, underground activity, sabotage, espionage, and counterintelligence.

During the Third World Liberation Front at San Francisco State

in February 1969, a booklet entitled "Your Manual" was distributed on the campus.

I brought a copy of that for you.

The CHAIRMAN. Let it be received.

(The document referred to was marked exhibit No. 747 for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. It contains detailed instructions on the preparation of weapons ranging from miniature fragmentation grenades to powerful pipe bombs.

On March 6, 1969, an experimental class on tactics and practice of guerrilla warfare was announced at the University of California at Santa Barbara.

Militant groups consistently and openly urge violence and sabotage. A sampling of actual acts of sabotage committed in California will indicate that these urgings are not to be lightly dismissed:

1. February 25, 1968: A pipe bomb exploded in a substation of the Pacific Gas & Electric Co.
2. March 5, 1968: A P.G. & E. transmission tower in Contra Costa County was damaged by an explosion.
3. March 20, 1968: A Contra Costa County P.G. & E. transmission tower was knocked down by explosives.
4. March 22, 1968: Telephone cables in Contra Costa County were damaged by explosives.
5. In April 1968: Dynamite was placed at the base of a P.G. & E. power pole (San Ramon), a Southern Pacific signal pole was damaged by explosives (Fremont), a 12-inch waterline was damaged by explosives (Saratoga), and a 22-inch waterline was similarly damaged (Carmel).
6. June 4, 1968: Three P.G. & E. transmission towers were downed by explosives.
7. June 30, 1968: A fire bomb was thrown into the P.G. & E. office in Berkeley.
8. August 31, 1968: The Southern Pacific Railroad tracks in Berkeley were damaged by explosives.
9. September 8, 1968: 410 sticks of dynamite, 25 blasting caps, a timing device and other paraphernalia were discovered hidden in brush about two-thirds of a mile from the San Leandro Reservoir.

The CHAIRMAN. Do I understand there was a class in which they were actually being taught tactics and practices of guerrilla warfare?

Mr. ELLINGWOOD. This class was announced. Whether or not it was taught, I do not know.

The CHAIRMAN. I see.

Mr. ELLINGWOOD. In all, 16 acts or attempts to damage power and communications facilities by explosives occurred in 1968.

The CHAIRMAN. Were those a result of the illustrations given by the teachers of sabotage?

Mr. ELLINGWOOD. I don't know, Mr. Chairman, whether that is true or not.

Sabotage in 1969 escalated into acts designed to cause death and serious injury to persons:

1. In January 1969, a 10-inch pipe bomb was found in a lobby at San Francisco State.

2. Also at San Francisco State, in February, a pipe bomb blasted 18 windows of the administration building, hospitalizing a campus officer with severe ear injuries, and a crude bomb exploded beside the gallery lounge.

3. In downtown San Francisco, four chemical incendiary devices started fires in department stores in February, and a delayed-action firebomb was set off in J. C. Penney's.

4. February 25, 1969: A Molotov cocktail in a beer bottle shattered near the rear exit of the auditorium at Balboa High School in San Francisco. On the 27th of February, a bomb exploded in an open locker at Galileo High in San Francisco.

5. March 5, 1969: Nineteen-year-old Timothy Peebles, a sophomore at San Francisco State and a reported member of the Black Students Union, was severely injured when a pipe bomb he was planting exploded. The makings of two other bombs, including several sticks of dynamite, were found in a briefcase in an adjoining room.

6. April 11, 1969: At the University of California at Santa Barbara, a bomb exploded in the hands of a maintenance man who discovered it in the Faculty Club. Four days later he died as a result of the injuries.

7. Other college campuses experienced bombings. In February, a pipe bomb explosion severely injured a 20-year-old secretary as she unwittingly removed the packaged bomb from a mail delivery box at the Pomona College Administration Building. Minutes later a pipe bomb exploded in the restroom at nearby Scripps College. Also in February, a pipe bomb exploded in a classroom at Southwest College in Los Angeles.

The city of Berkeley has probably suffered the most. In the 11 months preceding the People's Park riots, the city was the victim of eight major bombings, or attempts, including the fire-bombing of two California highway patrolmen on June 29, 1968. Both suffered serious burns requiring lengthy hospitalization. One is still undergoing surgery and will never be able to resume normal police duties. In yet another incident, a pipe bomb containing plastic-based explosives was attached to the ignition system of a Berkeley police car parked in the police parking lot. Fortunately, it failed to go off; if it had, it would have blown up not only the car and its occupants but two nearby buildings. In the same period, more than 1,000 sticks of dynamite and over 200 assorted firearms have been confiscated by law enforcement officers in Berkeley.

Many many other acts of sabotage have occurred in California, and time does not permit me to detail them further. Needless to say, it is a frightening thing for our citizens. It illustrates that the dissident elements in our State are not merely joking when they talk about a violent revolution.

I will hand to you at this point around 100 examples of sabotage which have occurred in the State of California from February 1968 after the Examiner article, through June 12, 1969.

The CHAIRMAN. Let it be received and marked an exhibit.

(The document referred to was marked "Exhibit No. 748" for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. As I draw to a close, let me briefly mention the radical students' summer work-in program for industry.

The concept of a worker-student alliance was first formulated by the Progressive Labor Party oriented members of the SDS and has recently become a cause of dissension within that group.

This concept was raised at several SDS national council meetings. The January 28, 1968, issue of *The Worker* reports that delegates to the December 1967 national council meeting adopted a summer program urging students to get jobs in factories and to help with "massive antidraft, antiwar organizing."

A few trial runs have been reasonably successful in the bay area, and SDS seems prepared to push the project forward.

The University of California, Berkeley, SDS became involved in labor issues as early as September 1966, when it organized students to picket with teachers of the Richmond School District who had gone on strike.

A leaflet distributed on the Berkeley campus stated in part:

On Sunday, September 18, the American Federation of Teachers in Richmond called the SDS Regional office to ask for student support on the picket line. The Berkeley SDS Coordinating Council, which had in the last few days considered this possibility, has decided to organize student help for these workers, believing that it is our interests to work with and identify with the labor struggle. . . . Our support is very important since in the event of a court injunction against the unions, we will be able to maintain the lines for the strikers.

The students were to meet in front of Stiles Hall on the University of California, Berkeley campus, to obtain transportation to the strike site.

During the Third World Liberation Front strike against University of California, Berkeley, in February of this year, striking students in their communique No. 5 declared:

The Richmond Oil Works Union announced that Local 1-561 had voted 2-1 to affiliate themselves with T.W. (Third World) students in a mutual assistance pact. Workers and students are beginning to realize that there is a common basis for their struggles against the same oppressive system. We must not limit our fight to the campus alone.

The predictable violence followed when picketing students threw objects at plant employees walking through the picket line.

SDS has now boldly printed the names of the 50 largest employers in Alameda County as an addendum to the prospectus giving instructions on how to infiltrate private industry.

SDS is now attempting to do that very thing. I have that list of 50 with me today for your information.

Other radical groups seem to be attempting a similar operation.

For example, the black caucus has been imported from Detroit where it was first tested in the Dodge Revolutionary Union Movement (DRUM). There is now a Ford Revolutionary Movement (Frum) and an Eldon Avenue Revolutionary Union Movement (Eldrum). There fledgling groups have merged into the League of Revolutionary Black Workers (LRBW).

Recently, a revolutionary laborers conference was called by the UAW black caucus leadership at the General Motors plant in Fremont to negotiate a possible alliance between the LRBW and local groups.

It is quite apparent that campus radicals are intending to utilize educational institutions to wage a sophisticated war on industry.

Perhaps the most disturbing thing about this whole subject is the transfer of activity from the college campus to the younger generations.

Radicalism spawned and nurtured on the college campus has had already a significant impact on our high schools. There is substantial evidence that radical thought and action have seeped down even to the junior high school level in some cities.

The SDS, the Young Socialists, and the Black Panthers do not conceal their efforts to influence our youth in radical behavior.

To take one well-known example—about which you already have heard some testimony—the Black Panthers are now sponsoring a “free” breakfast program for children in the ghetto. Along with the breakfast, however, is a diet of violence, socialism, and radicalism. The youngsters are encouraged to sing songs such as “the revolution is coming * * * get your gun” and different variations of “Free Huey.” The “Black Panther Coloring Book,” allegedly passed out at the breakfast program in San Francisco and elsewhere, depicts young Panthers killing policemen who are grotesquely caricatured as pigs. The July 4 issue of the San Jose Mercury at page 28 indicated that in St. Augustines Church in Oakland a Panther leader led the children in a song that had these lyrics:

There's a pig upon the hill, if you don't shoot 'em the Panthers will.

The Panthers have made significant inroads in some high schools. In October 1968, the Black Panther newspaper announced a statewide high school convention for high school black student unions. The purpose for this was to discuss the national organization of black students. Black Panther speakers scheduled to speak to the high school students were Eldridge Cleaver, Bobby Seale, George Murray, and David Hilliard. The following December, the Black Panther newspaper ran an item called Black Student Union News Service. Students were greeted:

Black student, arise. It is the job of the vanguard to advise * * * say your demands loud * * * and if they don't oblige say, “Up against the wall you filthy pig!”

The paper also listed the Central Committee of the Black Students Unions and disclosed their representatives in several of the major high schools in San Francisco Bay area. It should be noted that the Black Student Union national headquarters is the same address as the national headquarters of the Black Panther party in Berkeley.

The SDS has not forsaken the opportunity to extend its influence into the high schools either. That organization appears to be building a program of calculated disruption in the high schools. SDS New Left Notes emphasizes a particular appeal to the high school student encouraging him to organize for power and assuring him that he has a right in the running of his school and in the planning of his curriculum. SDS has publicly taken credit for the major disruptions in the Los Angeles high school system where more than 20 schools were involved in violence during March 1969.

I failed to bring but can provide later a cost breakdown of that which

came to in excess of \$96,000 worth of damage in the high schools and junior high schools in Los Angeles.

The CHAIRMAN. You may supply it. It can be received and marked with an appropriate exhibit number.

(The document referred to was marked "Exhibit No. 749" for reference and follows:)

EXHIBIT No. 749

August 18, 1969.

State of California—Memorandum

To: Herb Ellingwood.

Subject: Damage Report to Los Angeles Area Schools during Period of March 6 to March 12, 1969.

From: Ted Baler.

A total of \$96,330 in damages was incurred during the above designated 6 days.

A breakdown of the damage is set forth below:

9 elementary schools, total damage-----	\$6,582
Supplies -----	205
Fire -----	4,895
Building repair (not part of fire damage)-----	575
Cleanup -----	907
14 junior high schools, total damage-----	27,517
Building repair (1,500 panes of glass at Carver alone)-----	21,550
Cleanup -----	1,057
Cafeteria equipment-----	3,406
Cafeteria revenue loss-----	1,121
Cafeteria food-----	184
Overtime -----	194
15 senior high schools, total damage-----	20,593
Fires -----	11,900
Building repair-----	3,745
Cleanup -----	323
Cafeteria revenue loss-----	4,344
Food -----	281
7 junior colleges, total damage-----	41,638
Supplies -----	2,775
Fires -----	21,655
Building repair-----	12,540
Cleanup -----	229
Cafeteria equipment-----	1,400
Revenue loss-----	2,404
Food -----	385
Nonconsumable supplies-----	250
Grand total-----	96,330
Combined losses:	
Equipment -----	2,980
Fires -----	38,450
Building repair-----	38,415
Cleanup -----	2,516
Cafeteria equipment-----	4,806
Cafeteria revenue loss-----	7,869
Cafeteria food-----	850
Cafeteria supplies (nonconsumable)-----	250
Overtime (wages)-----	194
Grand total-----	96,330

Washington Irwin Jr. High, minor fire.
 Berendo Jr. High, minor fire.
 Carver Jr. High, windows broken.
 Clay Jr. High.
 Crenshaw High, windows broken.
 Dorsey High.
 East Los Angeles College, water pipes broken.
 Fremont High, gas fire in auditorium, \$1,600.
 Foshay Jr. High, minor fire.
 Grape Street Elementary, minor fire.
 Jefferson High.
 Jordan High, gas fire, \$2,000.
 Los Angeles High, minor fire.
 Los Angeles City College, fire, also 1 car burned.
 Los Angeles Trade Technical College, minor fire.
 Lincoln High.
 Manual Arts High, windows broken.
 McClay Sr. High.
 Mt. Vernon Jr. High.
 San Fernando High.
 Southwestern College.
 Taft High, fire, \$600.
 Valley College, minor fire.
 Venice High, broken windows and furniture.
 Washington High.
 Washington Irwin Jr. High, minor fire.

Mr. ELLINGWOOD. The Young Socialists are also placing more emphasis on appeal to the high school student—see "High Schools to Explode," Young Socialist, December 1968 to January 1969.

High school disturbances are now being reported with increasing frequency. Some of these disruptions are relatively minor but others have all the earmarks of sophisticated planning.

Berkeley High School, for example, is viewed by university and nonstudent activists as a reservoir of talent for radical demonstrations and disruptions, and literature urging political and social action is widely distributed on or about the high school campus.

I have already briefly mentioned the Los Angeles High School disruption of earlier this year. Violence and intimidation were commonplace during those disruptions and substantial numbers of law enforcement officials had to be called to quell the situation. Vehicles belonging to the University of California at Los Angeles and driven by UCLA students transported persons from the UCLA campus to high school campuses in Los Angeles to participate in the demonstrations and picketing. The vehicles were also used to return the demonstrators to the university campus. UCLA State vehicles were also used by UCLA students to purchase materials commonly used in the construction of homemade bombs and to purchase large supplies of weapons. A UCLA vehicle was observed in the funeral procession for two Black Panther members who were killed during a gunfight at UCLA.

To cite yet another example, Mission High School in San Francisco, during the last school year, was subjected to 20 days of rioting and disturbances caused by members of various radical and social action organizations. Literature urging radical political and social action and describing the activities of radical organizations is widely and freely distributed at Mission High. Organizations exercising influence in varying degrees on this high school campus include the Workers

League, the Black Panther Party, the Progressive Labor Party, the SDS, the Resistance, Militant Labor Forum, Black Student Union, Third World Liberation Front, and the Mission Coalition Organization.

Students at Mission High of minority background were involved in a well-known San Francisco State College demonstration by subterfuge. On a supposed field trip to the State college campus to get a view of college living, small groups of high school students were assigned to a college guide, each of whom it was later discovered was a representative of the Third World Liberation Front. This latter organization played a significant role in the presentation of "17 demands" made to Mission High School officials in January 1968. While at the State college campus, the high school students were duped into becoming part of a demonstrating mob who stormed the office of Dean Charles A. Stone and baited the dean into making a written offer to resign. The Mission High students later stated that they had been used and had no intention of participating in a confrontation.

I brought for you the statements of the students who brought them to me in Sacramento, along with various pamphlets and flyers that were distributed on the campus.

The CHAIRMAN. They may be received and marked as an exhibit in bulk.

(The documents referred to were marked "Exhibit No. 750" for reference and may be found in the files of the subcommittee.)

Mr. ELLINGWOOD. The Mission Coalition Organization, an outside group, fostered a list of "17 demands," which included "removal of police around the campus" and "all disciplinary action suspended and all truancy records removed." The list of demands is quite sophisticated, and obviously adult participation in their authorship occurred.

Time does not permit me to discuss in more detail the extent to which radical activities have affected our high schools. I urge you, however, to carefully review the literature distributed at Mission High School in San Francisco. By no coincidence that high school experienced the most severe disruptions in the history of San Francisco schools and through pressure by outside groups, the three top administrators were replaced. Two of the three individuals urged as replacements by the Mission Coalition Organization have in fact been assigned to mission to fill the vacancies.

The coming school year on our high school campuses promises to be a serious one. The challenge is to the authority of the school. The demands are typical of radical groups and include the formation of student communities to hire, fire, and hear charges against the teachers, the power to make decisions on curriculum, student control of outside speakers, and always amnesty for all students involved in school disturbances.

The CHAIRMAN. Are you speaking only of the higher institutions?

Mr. ELLINGWOOD. I am speaking here only of high schools.

I do not need to belabor the point that there are obvious similarities in these demands and the tactics of disruption on high school campuses and those so prevalent on university and college campuses.

I have already submitted to your counsel a document which I have entitled "Campus Disorders in California." This document was pre-

pared by me and my staff, and it gives the origins and development of various radical organizations, basically in California.

It includes the SDS, Progressive Labor Party, Young Socialist Alliance, Independent Socialist Clubs, the Resistance, and the national BSU.

I have given you basically case studies in Berkeley, San Francisco State, and in the high schools. This is a well done, I think, and well documented item, and I think it would be advisable to your constituents if it could be printed in the record. I have already given it to your counsel.

The CHAIRMAN. Let it be received and made an exhibit.

(The document referred to was marked "Exhibit No. 751" for reference and may be found in the appendix beginning on p. 5079.)

Mr. ELLINGWOOD. Conclusions.

1. The University of California, particularly at Berkeley, has become a "political" university.

Its facilities can be and are used by any political or other group which registers as a student organization.

These organizations need not have a purpose even remotely connected with the educational aims of the university.

These organizations can invite anyone they please to speak on the campus.

Thus, university taxpayer-supported facilities are utilized by a variety of political and social-action groups for their own ends.

The CHAIRMAN. Cannot the State correct all of that by proper legislation?

Mr. ELLINGWOOD. The answer is "Yes."

2. Many students and faculty—and many noncampus persons—see the university as a convenient vehicle for radical social and political change.

Its physical plant and facilities are so utilized.

Its students provide a large pool from which cadres can be drawn to support various causes.

Money, including much which emanates from the Federal Government, is diverted to finance these causes.

The CHAIRMAN. That last one you mentioned is the Federal Government's responsibility wholly.

Mr. ELLINGWOOD. Many now conceive of the university as the ideal culture for breeding a political revolution and the actual overthrow of our Government and institutions.

3. A significant portion of the faculty collaborates with student and nonstudent activities to provide this radical social and political change.

The CHAIRMAN. We talked about that awhile ago. Cannot that be changed by State law?

Mr. ELLINGWOOD. Yes. With the help of the administration, the school administrators.

The CHAIRMAN. What?

Mr. ELLINGWOOD. I say it can be done with the help of the school administrators.

The CHAIRMAN. Can't you enact laws to require the administration to do it?

I don't understand. Somebody gets in the position as a head of an institution which is tax financed. When he gets to be the head or administrator of it, whatever the official title is, the legislative body of the State, and the people through their elected representatives, lose all control.

I think they have the power to remedy these conditions.

Mr. ELLINGWOOD. Yes; except that historically and philosophically society has given to school administrators a great deal of discretion.

The CHAIRMAN. But heretofore we haven't had these radical movements, violence and revolution in our universities, have we?

Mr. ELLINGWOOD. No; we haven't, not until recently. We would hope that the administrators would exercise that same discretion that they have been granted in past years to take care of the situation.

The CHAIRMAN. Do you have any hope that they will?

Mr. ELLINGWOOD. We hope that they will; yes.

The CHAIRMAN. I notice you just point out that they are going to infiltrate the high schools.

You are anticipating trouble there. Can that be controlled?

Mr. ELLINGWOOD. Steps are being taken through our department of education and other facilities to try to stop that.

The CHAIRMAN. All right.

Mr. ELLINGWOOD. Class time has been used for indoctrination.

Faculty has failed to exercise leadership in encouraging students to avoid confrontation and to obey the law.

4. Funds provided to the university through grants and other mechanisms by Government or by private foundations have been diverted to support persons and organizations engaged in activities totally unrelated to the purposes of the university.

Student fees have been misused; they have been diverted to individuals and to groups often through front organizations for other than educational purposes.

These activities include paying persons to picket, to purchase firearms, and to organize groups with social or political purposes and aims.

The CHAIRMAN. Is taxpayers' money used for those purposes, Federal and State money?

Mr. ELLINGWOOD. Both Federal and State moneys have been spent for those purposes.

5. The effects of the politicalization of the university are not parochial. The "revolution" has been exported and subcontracted out to other universities and colleges—both within and without California—to high schools and junior high schools, and to the general society as well.

Berkeley, in particular, has been the sanctuary from which the advocates of radical social and political change have charged and proselytized throughout the country.

The high schools and even the junior high schools have been victimized by radical groups creating and causing dissension, disruption, and outright violence. These groups include the SDS, Black Panthers, and Young Socialists. Other more local groups have adopted the same intimidations, and agitational tactics of the above-mentioned organizations.

The "revolution" is not content with the educational institutions; it now is invading the nonacademic society as well. The SDS summer work-in program for industry has been well publicized, and is just the harbinger of things to come.

It should be noted and highlighted that many of these off-campus social-action and political groups have been provided funds and personnel from university sources even though the stated goals of such groups are revolutionary. These funds, with few exceptions, are public moneys appropriated or allocated to the university.

6. Other significant costs to the public accrue as a consequence of riots and disturbances occurring on or near the university and college campuses.

For example, the People's Park affair, conceived by radical non-students, cost the taxpayers of California over \$1 million, not to mention the substantial losses to Berkeley merchants.

Over the past 4 years, the bay area around the Berkeley campus has been the victim of more than its share of property damage, personal injury, and outright sabotage.

Most importantly, the continued attempt on the part of student leaders, education administrators, and faculty to seek out justification for student violence has placed the total educational system in serious disrepute.

We seek your immediate assistance to combat the causes of this growing disenchantment with the educational process.

We seriously contend and repeat that a quick solution to this problem is a matter of extreme urgency.

That completes my prepared testimony.

The CHAIRMAN. Thank you very much.

Let me ask you: Do you have any specific recommendations for action on the part of the Federal Government, and specifically on the part of Congress?

Mr. ELLINGWOOD. Well, I have two recommendations. One is to cut off Federal funds whenever it is indicated that they are going to radical or revolutionary causes, whether they be to individuals as students or to faculty members.

The CHAIRMAN. Then I assume you endorse some of my statements of a little while ago.

Mr. ELLINGWOOD. Yes, sir.

The CHAIRMAN. I didn't know that. I am glad to have your support.

Mr. ELLINGWOOD. The second recommendation is to isolate the radical and place him in a position where people can look at him as he is, as a revolutionary, an anarchist, as a person whose aim is to overthrow, not as a youthful idealist.

I think if the people of California, as well as the people of the United States, can see the individuals and their purposes articulated, that they will agree with the aims that the chairman has indicated.

The CHAIRMAN. Do you think these extreme radicals—I am sure not all of their followers realize what they are doing; many of them are dupes—do you think these extreme radicals have in mind ultimately to cause a blood bath in this Nation?

Mr. ELLINGWOOD. Many of them do; yes.

The CHAIRMAN. Everything indicates that.

Mr. ELLINGWOOD. Their own documents indicate that.

The CHAIRMAN. Yes; their own documents indicate that. That makes it more difficult for me to understand why some people continue to try to alibi for them, excuse them, and justify their conduct for any reason whatsoever.

I think America had better wake up. It can become too late.

Mr. ELLINGWOOD. It does seem strange, Mr. Chairman, that the same educational institutions which can provide the learning to put a man on the moon, hopefully, as a result of today's activities, cannot find solutions to campus violence.

The CHAIRMAN. There is no question but that we can do it.

The question is do we have the will to do it, as I said awhile ago, paraphrasing Ben Franklin who said, "We have given you a Republic, if you can keep it."

Are the American people willing to pay the price necessary to keep their freedom and their heritage? That is the real issue before our country today.

Mr. ELLINGWOOD. Mr. Chairman, before I leave, I would like to offer this document to be received by the committee, which is the documentation to provide the background for what I have said in my prepared statement.

The CHAIRMAN. Very well. It may be received and marked as an exhibit.

(The document referred to was marked "exhibit No. 752" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. I want to thank you for your statement and the contribution you have made to the committee in helping to resolve many of the issues of this problem.

I cannot make any predictions as to what Congress will do. At the moment, I don't necessarily know in my own mind. I am sure all members of the committee are not yet fully convinced just what action should be taken by the Congress.

We are massing a tremendous volume of information and data that must be weighed, should be weighed and considered. I think we must employ any constitutional remedies which can be applied to cope with this threat to our internal security.

I, for one, am in favor of doing just that.

Is there anything further?

Again, I want to thank you very much.

The committee will stand adjourned subject to the call of the Chair.

(Whereupon, at 3:45 p.m. the subcommittee recessed, subject to call of the Chair.)

(Member of the subcommittee present at time of recess: Senator McClellan.)