

Vincent Munoz:

I think what we need to do is explain how our principles of free speech, free inquiry will help serve the cause of justice.

Betty Friendan:

The First Amendment, the constitutional freedom of speech and freedom of conscience that is the bulwark of our democracy.

Bettina Apthekar:

There was a passion in what was being said, affirming this, what people considered a sacred constitutional right, freedom of speech and freedom of association.

Michelle Deutchman:

From the UC National Center for Free Speech and Civic Engagement, this is Speech Matters, a podcast about expression, engagement in democratic learning in higher education. I'm Michelle Deutchman, the Center's executive director and your host. 2024 marks the 60th anniversary of the Free Speech Movement at UC Berkeley, an anti-war protest movement that led to the university overturning policies that restricted political activities, speech and advocacy on campus. While we had initially planned this discussion to mark the movement's anniversary in the fall, due to recent events on campus, we decided to have this conversation sooner, which is why we are joined this month by historian and leading expert on the 1960s, Robert Cohen. Robbie will highlight the similarities and differences between the movements of the '60s and those occurring today.

To quickly recap, over the last month, students on campuses across the country have erected encampments in order to protest actions by Israel and Gaza and university's investments in weapons manufacturers and Israeli companies. The New York Times reports that more than 2,800 protesters have been arrested or detained. Recently, encampments at a few campuses, including UC, Berkeley and Brown, have been dismantled after protesters negotiated in agreed to terms with their institutions. With graduation season upon us, some protesters are disrupting commencement ceremonies as has occurred at Pomona, University of Michigan and Duke. Before we talk with Robbie about these events, however, let's turn to class notes, a look at what's making headlines. Tomorrow May 23rd, the House Committee on Education and the Workforce is having a third hearing about anti-Semitism on college campuses.

This one titled, Calling for Accountability: Stopping Antisemitic College Chaos, this is the first of the hearings to feature leaders of public institutions, Gene Block Chancellor of UCLA and Jonathan Holloway, President of Rutgers University, as well as President Michael Schill of Northwestern, a private university. I anticipate it will be heated. You can tune in at 6:45 Pacific Time AM. While campuses have been beset by protests these last few weeks, something new is afoot in the University of California System, a strike. UAW 4811, a part of the United Auto Workers represents almost 50,000 graduate students and other academic workers at the 10 UC campuses. Last week, the union voted to authorize a strike in response to unlawful behavior on the part of the university, including calling in law enforcement to forcibly arrest and eject demonstrators, actions the union claims violate workers' rights.

The vote sanctioned what is termed a stand-up strike, meaning workers strike incrementally rather than all at once. In response to the possibility of a strike, the UC System filed an unfair labor practices charge with the state alleging that the strike is not directly related to labor issues and asked union leaders to order their members to cease and desist strike activity. At the time of this recording, hundreds of UAW members at UC Santa Cruz walked off the job. It's not clear yet if other campuses will participate. Earlier this month, the ACLU of Indiana filed a lawsuit on behalf of two tenured professors at Purdue University Fort Wayne, claiming that a new state law which links tenure to whether instructors encourage intellectual diversity at Indiana's public universities violates the professor's First Amendment rights.

In February, two Indiana chapters of the American Association of University Professors published a joint statement arguing that the law undermines academic freedom and will hamper the ability of the university to recruit and retain faculty members. The law is scheduled to take effect on July 1st. We will wait and see if the court takes action before then. Now back to today's guest. Robert Cohen is a professor of social studies and history at the New York University and a historian of student protests whose books have explored the history of the struggle for free speech, peace and racial justice on campuses in the U.S. during the 20th century. Robbie wrote the first biography of Mario Savio, *Freedom's Orator: Mario Savio and the Radical Legacy of the 1960s*, published in 2009.

His other books include *the Free Speech Movement: Reflections on Berkeley in the 1960s*, *Rebellion in Black and White: Southern Student Activism in the 1960s*. His forthcoming book, *Confronting Jim Crow: Race, Memory, and the University of Georgia in the Twentieth Century* will be published in August. Additionally, Robbie was a member of the Center's inaugural class of fellows in 2017, 2018. His fellowship research compared free speech crises at UC Berkeley in 2017 and the University of Madison-Wisconsin in 1967, and he developed related curriculum materials for middle and high school teachers and incoming college students. Robbie was recently selected as the incoming center senior fellow. To mark the Free Speech Movement's 60th anniversary, Robbie's project explores the history of the Free Speech Movement, its legacy and the state of campus free speech in the past 60 years. This will involve public forums, teacher workshops as well as development of college orientation materials and publications. Thank you, Robbie. We're honored to have you join us.

Robert Cohen:

Okay, it's great to be here.

Michelle Deutchman:

All right, so I want to start with asking you what led you to become literally the foremost expert on Mario Savio and the Free Speech Movement? I think there has to be a story there.

Robert Cohen:

Yeah, oh, there's a bunch of stories there. First of all, my own activism as a young student even in high school during the tail end of the Vietnam War, I helped to lead a student's strike against the war, the moratoriums. These are the biggest national marches. They didn't even use the name strike, they said moratorium. So I did that when I was in high school, and also I was a political editor of my newspaper. This is in James Madison High School Brooklyn. It's the same high school much earlier that Ruth Bader Ginsburg went to Chuck Schumer, Bernie Sanders, a big, big high school, I was... my older brother and sister of an active anti-war movement. I had a friend who was a Marine in Vietnam and he came back very disillusioned. I had written to him when he was in Vietnam and he had been wounded and came back disillusioned. So that got me asking questions about the war.

So I was really, I'd say by the time I was a sophomore in high school, very engaged in student protest. As a political editor of my newspaper, there was a story we ran about racial discrimination in the local stores that affected our Black classmates. That experienced a censorship attempt by my principal of the high school. So you see those issues about student activism, free speech were there all along, and then I won't go through the whole thing, but it continued on through college. In grad school, I was involved in the the Anti-Apartheid Divestment Movement and was editorial page editor of *Dell Californian*. I was a founder of the TA Union. The important thing about that is this was in the mid-'80s, and in 1984, which is the height of the Reagan era, we were doing something collaborative.

When I say we, I was in the graduate student government, we did something together with the Free Speech Movement veterans on the 20th anniversary of the Free Speech Movement. That was the first time Mario Savio had come back to Berkeley to speak since the 1960s, and I got to meet him and the other

Free Speech Movement [inaudible 00:08:19] and work with them. So essentially, it was a big success. It was the biggest political event of the fall of '84 and it paved the way for the anti-Apartheid stuff that broke in '85. But the interesting thing about it was when I met them, I don't know if you remember this, The Big Chill, the whole way that veterans of the '60s were seen was like, "Oh, they were selling out." This was saying that if you're not active when you're in your college years, you don't have any heart. If you don't give up your radical politics later, you don't have any brain."

So there was a whole thing with Jerry Rubin, the idea that all these '60s veterans, there was a movie about The Big Chill, they've given up their radical politics and sold out to try to make a lot of money. What we found was the opposite of that, that with these people like Mario, Jackie Goldberg who was on the LA school board and was the founder of the LGBTQ+ Caucus of the state legislature in California, Bettina Apthekar, all these people maintained a serious commitment to very progressive politics long after the '60s. So that's how essentially getting to meet all those people helped to pave the way for the work that I did on Mario later. Then when he died in '96, I tried to put together a panel or the Organization of American Historians to talk about Mario Savio and the Free Speech Movement, and I couldn't find any historians that were working on it.

So that led me to start working on it. Reggie Zelnik, who was a friend of Mario's, he was a Russian historian at Berkeley, a close friend of Mario's, he and I put together a pane. That led eventually to a book of memoirs and recollections of some histories by historians we recruited called The Free Speech Movement: Reflections on Berkeley in the '60s. Then from that, Mario's second wife and widow Lynn Hollander Savio asked me if I could do a book of his writings. So I said, "Okay, okay." So I went to Oxford with a proposal and they said, "Well, people aren't really interested in writing so much or speeches, they want a biography." I said, "Well, I don't think you're right, so I'll write an introduction and then I'll give you the speeches." They said, "Oh, the introduction is great, expand it into a biography," so I lost the argument. That's how I became the biographer of Mario Savio. But it's all linked to my past politics and my past activism.

Michelle Deutchman:

No, thank you. I love that thread, and I love those stories where people ended up falling into something that they become well known for. So let's talk a little bit about some of the analogies people are making between Kent State and Berkeley and the Free Speech Movement and what's happening today. Can you just talk a little bit about similarities and differences and whether these moments are really analogous?

Robert Cohen:

Well, I think that there is an analogy in the sense that they're both concerned with the use of U.S. military power. In the Vietnam War, obviously, that was a big issue. Same thing here with U.S. aid to Israel and the Gaza war. So that's a very important thread of continuity, but there's huge differences. First of all, United States troops were massively involved in Vietnam. Obviously, hundreds of thousands of troops were there, and you could be drafted, so it was very personal involving the almost whole generation. Women at that point weren't drafted, but they had boyfriends and brothers and their parents, people who were involved in the fighting. So it was felt very intimately. The Gaza War is somewhat different in that, well, U.S. military is used, but you're not going to be drafted to go fight there, and there aren't hundreds of thousands of Americans involved in that.

So it's less immediate, I think, of interest in a way. It's a form of being concerned about, it's a humanitarian thing, but it's not directly involving the whole generation as the war in the '60s was. Also, the war in Vietnam, up until Afghanistan, it was called America's longest war, and so it dragged on and on. What that meant was that say the war had escalated in '65 and the bombing started. By 1970, it's still going on, and so that led some frustration and a lot of anger. When Nixon ordered the invasion of Cambodia in the spring of 1970, the students were furious because Nixon had got elected in '68 saying he had a secret plan to end the war in Vietnam, and instead he expands the war into Cambodia. The

campuses were all aflame from that. Again, if you compare that to today, the anti-Gaza War movement, the movement today is much smaller, basically, about 100 campuses.

Whereas after the Cambodian invasion, over 1000 campuses were experiencing major student protests, and also, the militance of that dwarfed anything that happened today. In the first week of May of 1970, there were ROTC buildings that were torched every day, 30 by the end of the first few weeks in May. By the end of May, there were 95 instances of bombing or arson on campuses across the country. One of the campuses that had a ROTC building that was torched was Kent State in Ohio. Ohio was one of 16 states after the Cambodian invasion where National Guard was called in to college campuses. So if you just think about the dimensions of it, because first the Cambodian invasions, then the shooting at Kent State, which the National Guard killed four students and wounded nine others that created more fury, right? I remember as a high school student I was so outraged by that, the idea that you could be killed for protesting.

So what happens is over 4 million students are involved in protest, which is the high point of protests on college campuses in the entire history of the United States. Now, if you add that up to compare that to today, instead of 4 million, there's just in the low thousands. It's hard to say exactly, but there's a few hundred on each campus. We're talking about over 350 campuses were shut down by student strikes or boycott of classes in May of 1970. That hasn't happened at all, nor has there been arson or that kind of violence. Yet, we'll talk about this in a moment. The response has been, "Oh, the whole country is coming apart, and this is just like the '60s." I'm saying to people, "No, it's not. You don't remember what the end of the long '60s was like. It was much more violent, more disruptive. By the way, by the end of this period, after Kent State, campus unrest was considered the number one problem in America according to Gallup Polls."

That hasn't happened today either, but people are getting all hysterical about it, maybe it will happen. So that's a big, big contrast. One last thing I would say is the anti-war movement there could also appeal to the whole campus world. Whereas today, the campus is ever divided. There are people who support Israel, others who don't like the Palestinian and nationalism that's being expressed by the anti-war movement. So in other words, it's not just the anti-war movement, today it's also a movement in solidarity with Palestinian nationalism. There was an element of that in the anti-Vietnam War Movement, the small number of radicals who waved the National Liberation Front flag. But that was a very small thing. It was peripheral to the larger student movement. In fact, never in my organizing as a high school student did anybody raise the NLF flag. So it's a different movement in terms of its dimensions, its militancy. The most militant thing that's happened in the recent protests are taking over buildings. That's relatively modest compared to torching an ROTC building or a bombing. So we got to keep that context in mind.

Michelle Deutchman:

Well, that's why you're on, it's because I think that people don't really understand some of the really significant differences. We are going to go to some questions about proportionality and the response. Before we do that, I'm going to ask one last question about Savio. Obviously, you can't know, but as the person who's written the biography of him, what do you think he might say about the protests today, especially the people who are doing them to, quote, unquote, "further his legacy?"

Robert Cohen:

Well, I think that he would like the fact that students are active and concerned and that there's humanitarian concerned about killing and rather than being indifferent to suffering that people are expressing their concern about it. So I think he would like that. I think he would take issue with some of the organizing that's going on. I think that Mario felt that your rhetoric should be inclusive. I think if he found something was not resonating with people, he'd want to talk to them. It's almost this Gandhi in sensibility that we can convince you 'cause we think we're right rather than write people off. Some of the rhetoric of the movement with, "From the river to the sea," that meant something different to somebody

who's involved in Palestinian nationalism how it's heard by a Zionist student. But in a way, it's like, what do you do about that?

I think Mario would be interested, what he called a rhetoric of communication, trying to reach people who might not initially be inclined to agree with you. I'm not saying, okay, some students who are so pro-Israel they're not going to be able to be open to the message and the anti-war movement. But I think Mario would still try to try and bring people in, and I think that's something he'd be concerned... He was very conscious of how he spoke to people and what he was trying to do, how to reach people. Let me give you an example of this from the Berkeley movement, the Free Speech Movement in '64. Back then, the big athletic rivalry at Cal was Cal and Stanford, and they had a big game every year. It was called the Football Teams. Stanford's colors were red, its color the red cardinal. So the week before you had the game, nobody's supposed to wear red at Berkeley.

One of the left students, more doctrinaire student was going to put a Free Speech Movement leaflet out on red paper, and in fact, had done that. I think it was Mario always said, "Why would you do that? Why would you want to alienate people who like football? We want to bring them in." So the PS, they did not use red paper for that. Before the game, the students who were at that pep rally are cheering, "FSM!" And the Free Speech Movement rally was cheering, "Go Bears!" Bears is the symbol of the school. So I'm just saying that's the inclusiveness of the movement was something that I think is really somewhat lacking. I don't mean to come down hard on the movement. I think the other thing that Mario was aware of, even when he disagreed with some of the more doctrinaire leftists in the late '60s, he said, "Look, there wasn't time for people to really figure out how to approach things maybe in the most thoughtful way and the most inclusive way."

Michelle Deutchman:

I think you're talking about this idea of it being slightly more universal in terms of bringing people in. I think one of the challenges of this moment is the polarization and the binary nature of this particular conflict of you're either with us or you're against us. That's an interesting contrast to what it was that he was about.

Robert Cohen:

Right. By the way, that's true. With the Free Speech Movement, they were all interested in taking an issue everybody could agree on. The free speech is universal value at its best, so how can we bring people into that as opposed to is there way to get beyond these traditional divisions of left and right? Because the Free Speech Movement included people all the way from the Young Socialist Alliance on the left to Goldwater Republicans on the right. That's lacking today. I'll give you an example from my school if that will help. At NYU, at the beginning of the Gaza War, the administration closed down the steps of the Student Union building, which is where there had been political rallies before.

I wrote to the president that I thought that was really symbolically a mistake, that we should be having more dialogue during the war, not cut it off, and we can talk about that whole issue a bit more. But what I was struck by was, even though I was concerned about it, the two sides, the Zionists and the pro-Palestinians were so divided, it never ever occurred to them to unite, to preserve that free speech space. So in a sense, the administration didn't have to divide and conquer, the division was already there. So that gives you a feel for how very different the Free Speech Movement was to what's going on today that the students lack the kind of power that unity can bring because they're not united. They're so divided.

Michelle Deutchman:

No, that's a really helpful example. So let's push a little bit more about some of the responses that we have seen in the last bunch of weeks. We've witnessed different approaches, not just to the protests, but in large parts to the encampments. We had Columbia and then your institution NYU that called in NYPD to



remove encampments and arrest students while at other campuses like Berkeley, Go Bears, as a Bear myself, I have to say, "Go Bears, and Boo Stanford," right? No, but those Berkeley administrators allowed encampments to continue as long as protests did not disrupt campus activities. Keeping history in mind, what advice or guidance would you be giving to college and university leaders regarding how to respond to what's happening on campuses right now, especially when deciding if and when to use law enforcement?

Robert Cohen:

Well, I think law enforcement should be a last resort, not a first resort. One of the things I wrote in my LA Times column that I've been noticing is that for some it seems like a first resort. Like at NYU, within 24 hours of the first sit-in, it was outside this business school in the Gold Plaza, they evicted them and brought the police in. Going back to what I said initially about say, May 1970, if you were a college president in 1970 and your students were sitting peacefully on the lawn or a plaza, you would just say, "Wow, I'm so lucky to have such moderate students." Instead, the administrators have been, I think, under pressure to evict them. So I think that it's always better to find a way to avoid evicting people and arresting people 'cause it creates bitterness and it's not really what the university should model, I think, is about dialogue. So I have to believe that universities, if they're free to do so, can find lots of alternatives to rushing to make arrests.

I think that let's say you don't like the space they're in. Offer them an alternative space or try to find ways to be accommodating because using force is always going to create its own backlash, and it often backfires. The students who might not agree with the students on the issue of Israel-Palestine are upset that their friends were arrested for sitting on the lawn. So I think dialogue is a big part of the answer. But you see, I think also it's the case that because of what happened to the president of Harvard and that hearing with Stefanik and then her being pushed out, the same thing at Penn, the presidents are under a lot of pressure now not to accommodate the protests because they've been depicted as pro-terrorists, pro-Hamas hateful, anti-Semitic. So with that image, the presidents are under a lot of pressure. We can look on this, the encampments with some degree of objectivity.

I think that's much harder if somebody's putting pressure on you that if you don't get rid of that what they see is a hate festival, then you're going to get fired. That's, I think, exactly what happened to Columbia where the president went to the congressional hearings and wanted to learn from the mistakes as she saw it of the president of Harvard and Penn and came across as tougher and then came back to her campus and ordered the eviction and the arrest of over 100 people. But despite having done that, the speaker of the U.S. House of Representatives and a congressional delegation comes to her campus to urge her to resign as if she hadn't been tough enough.

What signal does that send to other administrators? It's like, you know how university is really, it's a pecking order. Harvard is up there, the big prestige schools, Ivy League schools, some of the better state schools, they're near the top. If the president of Harvard could get fired for not being tough enough on this movement, then what does that say to somebody at a less prominent place? It says that, "You better suppress this." I want to say this too, whether or not you agree with everything the movement's saying, and I don't, it's still a question of the real test of free speech is not how we treat speech that's popular, it's how we treat speech that's not popular. Right now, I think we're not doing well in dealing with that test.

Michelle Deutchman:

Well, I want to follow up a little bit because you're making allusions to a lot of these external pressures, especially from Congress. We have another hearing coming up on Thursday. So I guess I want to ask you about the '60s. What kind of external pressures, if any, were happening then, and why do you think that presidents are responding the way they are now? Was that those pressures weren't there at the time, or presidents just weren't as worried about their jobs or the politics of it?

Robert Cohen:

Look, the anti-war movements are almost... well, student movements in general in the United States we can talk about are always unpopular. So there's always going to be people, especially on the right who want to suppress them. So it's not that that pressure wasn't there, but I think maybe it's because of Trumpism that there's a lack of, it's shameless, what I'm saying. Even Ronald Reagan who hated the student movement and eventually pressured the regents to fire Clark Kerr, the president of the University of California System for allegedly not being tough enough on the movement, even he denied that he had publicly... he tried to say that he didn't do that, that he let the regents make their own decisions. He had some sense of propriety. He's not my favorite politician by any means.

Whereas today, someone like the Speaker House of Representatives thinks nothing of going to the campus and calling for the resignation of the president of Columbia University. Or Stefanik, another Trumpist, they say when the Harvard president left office because of the furor created by the hearings, she said, "One down, two to go," and she meant the president of MIT and president of Penn. That's a crudeness that you didn't see before. The Free Speech Movement itself was sparked by pressure from The Oakland Tribune, which was controlled by Bill Nolan, a conservative editor, and also business interests in the state legislation to clamp down on students who had been protesting against racial discrimination among local employers in the Bay Area.

So there was pressure there, but it's not as explicit and overbearing from all these sources that people think nothing of auto-... Basically, the right in this country hates the university, sees it as a cultural fifth column. So for them, this is a great opportunity basically to do something else to take back the university, 'cause one of the few institutions that the right doesn't control in this country, and it drives them crazy. So the point is, that pressure is more direct and more much cruder and it's more explicit. Look, you saw what happened with the presidents of Harvard and Penn, and then also what happened with Columbia. Then look at even at Sonoma State, the fact that the president was willing to make some concessions to the movement, the state authorities, the regents that put him on leave for two weeks, and now he resigned.

Michelle Deutchman:

Now he resigned, right?

Robert Cohen:

So to me, that is, I think, much cruder and more heavy-handed than what you saw in the '60s, even though again, there was always this pressure that student movements are not popular. Should we talk a little bit about, yeah?

Michelle Deutchman:

I want to get to that-

Robert Cohen:

Okay., go ahead. Go ahead.

Michelle Deutchman:

... before I do want to quickly ask you what role, if any, do you think social media plays in the augmentation of the pressure? I am ready to blame social media for all else-

Robert Cohen:

Right. Right.

Michelle Deutchman:

... but I don't know if you think there's been an impact based on that sort of-

Robert Cohen:

Well, social media makes things happen much more quickly on both sides. In other words, it's been a way of making the movement spread more quickly, 'cause once these arrests occur or these big protests occur, the word gets out really quickly in social media, and the students are all plugged into their phones. So on the one hand, it helps the movement grow because of that, but also it also feeds this right wing backlash 'cause they see these images of students protesting and their outrage because of the way they see it. So I think it just makes things spread very quickly. But my perspective on that is that it's not altogether healthy in the way that this develops. By that I mean in the '60s, let's take the student part of this. They didn't have social media. They had to give out leaflets, thousands of leaflets, and they had to go talk to living groups face to face. Through that process, they learned, "Hey, this approach is not going to work with the average student, so I should modify my message to try to bring more people in."

In others words, it's more face-to-face communication, which allows for more than just these quick sound bites. So I think on both sides, both the movement and the anti-movement people, there's a lack of dialogue discourse, and I think a depth to the discussion that makes things go, even just reacting, "Oh, this is spreading real quickly. How is it spreading? What rhetoric is most useful in this? How can we best communicate so we can bring off a whole campus or the majority of students rather than a small minority?" On most campuses, the encampments are pretty small, on my campus over 200 students at the most out of 30,000. At the University of Washington, I think it was 60 students in camp out of 40,000. So why is that? That's very different from the Free Speech Movement. Then they got really a majority of students who were supporting the movement. It's still the largest mass arrest on a college campus in American history when over 1000 students went to Sprout Hall in December '64 and the Free Speech Movements culminating sit-ins.

Maybe it makes me seem like a neo-Luddite, like a 20th century person that I, not opposed to social media, but I think there's a certain shallowness that comes from that on both sides of the equation. So people on the right, they're not thinking about what would happen if college presidents are strictly creatures of partisan politics, that if the Republicans get in, then they get rid of the Democrats, or the Democrats get in, they get rid of the Republicans. What kind of university would you have? What kind of merit would you have in making hiring and firing decisions about college leadership? So I think it's really, in terms of the way this has worked with the backlash against the movement, is really unhealthy. I don't think it's accidental. There's been a long-term agenda on the part of the right to do everything they can to try to discredit the university. It's a dangerous thing 'cause American higher education is the leading university system in the world.

Michelle Deutchman:

Right, and one of the pillars of democracy.

Robert Cohen:

Right. That's right.

Michelle Deutchman:

So I agree, and I think that the response to the protests is part and parcel with a lot of the other assaults on higher education. I totally agree with what you were saying about the lack of depth and also the lack of the ability to iterate your ideas when you actually talk to somebody else, "Oh, well that doesn't resonate with Robbie, so I'm going to try a different tactic. Oh, that worked better." There's none of that back and forth.



Robert Cohen:

Right. It's more like everybody's broadcasting rather than-

Michelle Deutchman:

Right.

Robert Cohen:

... face-to-face dialogue. If you read the leaflets that the Free Speech Movement wrote, it's partially because of Mario, because he was a philosophy major and he really knew how to argue, these were not cliches. It was like three single-spaced pages of carefully-articulated logical arguments about why, "Here's what the administration's doing. Here's what we're doing. Here's why we think we're right. Here are the constitutionalists raised by it." You may not agree with it, but you know there's a well-developed argument and someone's going to come and talk to you about it.

Michelle Deutchman:

Well, I think this speaks to a larger issue about this question of dialogue, everybody has agreed is that, quote, unquote, "Students today don't know how to dialogue," but you don't just wake up and know how to do. So one of the things before we get back to why student protest movements are unpopular, I guess I have a question for you is, aside from this critical moment as we move forward, what kinds of things should universities be doing to both model and inculcate these concepts of dialogue and how to build those skills? Because you do have to practice dialogue. It's like learning math or learning a language, I think. It's a skill that needs to be learned and it has to be used.

Robert Cohen:

Well. I think part of it should be done as part of the orientation of students coming to university, is first of all, why is free speech important to the university? Why is dialogue an important part of being a citizen in a country? By the way, free speech is counterintuitive. It's always easier free speech for me, but not for thee. If I don't like you, what you're saying is shut up. So you really have to, especially for students who grew up with trolling and all this stuff going on on computers, they are not inclined to have a... They understand that there's something called hate speech. So I think the point is that we have to have a strategy because not going on enough in the high schools. So too much of college orientation is like, "Here's the building, here's the cafeteria," just these logistical things rather than, "Okay, why is free speech important? How do we model how do we learn how to talk to people who are very different from us in their politics or in just their overall view of the world?" It's not being done enough.

I think that you saw that at the beginning of this war in Gaza, that very few universities are really remodeling. You have Israel study, Jewish studies and Middle Eastern studies from the Arab perspective as well. Why don't you have forums where experts in these fields can air their perspective and disagree in a civil fashion? I don't think enough of that is going on. So what that means is if you are in the movement, you're mostly just hearing pro movement, pro-Palestinian perspectives and the other side can get demonized and vice versa. Stern has a book called *The Conflict Over the Conflict* where these two sides have engaged in political warfare for decades trying to gag each other and insult each other.

Michelle Deutchman:

Well, I do think at some universities when they tried to have some of these learn-ins or teach-ins, then they were disrupted by people who disagreed with that perspective, which just circles back to what you were saying before, that people aren't even willing to let people hear what they would consider to be one side or a perspective. It's like, "If it's not your perspective, then we're going to make sure it isn't allowed to be heard,"-

Robert Cohen:

Right, and-

Michelle Deutchman:

Which is hard, which is a challenge.

Robert Cohen:

Right, it's a challenge, but I think it can be done. I think that there are examples of that being done, and it has to be on your agenda. Part of this is too, I would say this too, one of the good things in the '60s they got rid of in loco parentis, which meant that you didn't have curfews or dress codes. So essentially, that was good. But the problem is, that meant that the university's responsibility for student life was really reduced 'cause you're an adult, and we have to respect that and you should. But also the question is, well, that can also be a way of being laissez-faire. Like it's not my problem if you don't know how to argue with somebody who disagrees with you. In other words, I think the university needs to take more ownership of that, because I know what you're saying. It's difficult in this moment with the war, but maybe it should have happened way before the war.

For those people who are juniors and seniors, it should have been something that the university had been thinking about doing when they were entering students and sophomores. So what I'm saying is, you're right. War makes everything more emotional, so it's really hard to have these discussions, but I think that you need to help students develop these skills all along. I don't see that being done. I talked to a lot of students on the free speech part of this, right? Even if they're inclined towards free speech, and I think there are students who are that way, they haven't really heard the arguments about why it's important for a university to model these things. I think that's a real problem, the university has been failing at this. This to me, what's been going on with the campuses just adds to that 'cause now students feel like if you say something unpopular, you're going to get evicted and arrested. That's really a terrible message to be sending to students. I also think, by the way, it has to do with university governance. That's another aspect we can get to.

Michelle Deutchman:

Well, that's what we're about to get to. But I was just going to say, you and I have talked over the past few years also about the continuum between ideally, these things should be starting in K-12 and then continuing them all the way through college. But I was actually going to ask you about that. That's one of the things that you've talked about in some of the recent interviews you've given, which is this fundamentally undemocratic nature of universities, how there's shared governance with faculty, but not with students. We've seen how beholden campuses, we just talked about it, how beholden they are to donors and outside constituents. I'm wondering if you could talk a little bit about how this dynamic plays into the creation of protest movements on campus today and in the past.

Robert Cohen:

Right. Well, basically, the problem is universities are not democratic. In fact, they're anti-democratic as far as their internal... They might be teaching courses about democracy, but they don't model it. I'll give you one example. My favorite example is from the Columbia Rebellion of 1968. Have you ever heard of the Strawberry Statement by James Kunen? Okay-

Michelle Deutchman:

I haven't.

Robert Cohen:

It's the name of a memoir about Columbia '68 and a movie that came off of it. James Kunen, who wrote the book, he was a Columbia Spectator, a student newspaper reporter, and the big issues there had to do with the war and building a gym in its relation to the Black community. So he speaks to this dean. His name is Dean Dean, by the way. Then he asked him, he says, "Well, what if the students feel like if they take a poll and students vote against these things," that is against building the gym without enough of the Black community involved and against university being part of this research consortium that might support the war, "What if they voted that way? Would that influence you as the dean?" He said, "Certainly not. He said, "The university is not a democracy. If it's a democracy, I'm out of here. What students think about an issue is about a significant to me is whether or not they like strawberries." Then Kunen writes in his book, "I like strawberries." It's arrogant, right? But to say it publicly like that is, "Oh, how can he say that?"

But he's just being explicit as to the way the university functions, right? Students don't have a vote, so how can they express themselves? If you didn't like President Trump or President Biden, you can vote. You can demonstrate too, but you can vote. Students don't have a vote. So one of the things that's really, really bad that came out of the '60s is we didn't learn that lesson about how to make the university governance more inclusive. You think the university has a lot of intelligent people, they could figure it out. The one reform that came out was that some, and this is just the public universities primarily, they got a student on the Board of Trustees or Board of Regents one student. But many institutions like mine, many private institutions don't even have that. So couldn't you design a governance structure where the president of the university regularly consulted with students about what... They didn't have to listen to necessarily, or they're not the dictators, but just consult with them, have a voice.

So the problem is this doesn't happen, so the presidents of most universities don't even know the students. My example, I'm doing a free spirit seminar as an undergraduate class this year, has 16 students in it. The last class we had Chancellor Carol Christ Zoom in from Berkeley, and I knew the students were excited about it, and I had a feeling why. I said to them, "Have you ever spoken to the president of NYU?" "No." "Have you ever been in the same room as the president of NYU?" "No." Even student government officials who I spoke to, they had never been in the same room with the president. So what I'm telling you is there's such a lack of consultation and democracy, there's no way... you would think that after all the tumult of the '60s we would've learned this lesson that you've got to find a way to bring the students from protest to politics. That was Bayard Rustin's argument, that the Civil Rights Movement eventually, once it got voting rights, could move from having demonstrations to being part of the political process or demonstrations you're less reliant upon them.

Michelle Deutchman:

Maybe you should become a president of a university.

Robert Cohen:

Well, I can't get my president to return my emails when I make suggestions like this. I'm not just picking on her, I'm just saying in general, that's not the way the place functions. The idea is look, why did Dean Dean say what he did? Why did he say what you think about this as a student is about as significant as to me is whether you like strawberries. The reason he said it was because he said, "We're the experts. We're the ones with the doctorates. These students, you're just like consumers. If you don't like it, you can vote with your feet and go somewhere else. You don't have the wisdom of the training that we do."

Michelle Deutchman:

Right, but it's very paternalist.

Robert Cohen:

Oh, definitely, definitely. But that's their perspective, and they haven't let go that. So I'm saying this is probably why I'm bizarre in this way. When I see a protest movement on a campus like that, especially if it results in arrests, I think there's something, most people say, "Oh, what's wrong with those students?" I'm thinking, "Okay, that's a fair question, but what's wrong with this university? What's wrong with this administration? Why did it come to that?" If you look at one of the biggest revolts of the '60s, going back to Columbia '68, they students took over five buildings, five.

Now you've got to be seriously alienated from your university if you're going to take over five buildings. It turned out Columbia in '68 didn't even have a faculty senate. So even the faculty, not only weren't they governing, but there was not even a body for them to govern. The faculty senate at Columbia came out of the rebellion. So at least now the faculty, they're at least represented, and they told the president, "Don't bring the police," and she didn't listen to them anyway. But in my campus, the idea of joint governance on issues like this is a myth because we're not consulted either. So this is the problem that who are these presidents consulting with and what power do they have to make their own decisions if they feel their jobs are on the line?

Michelle Deutchman:

Well, and I like the way that you flipped the question on its head of what's wrong with students today? The question being potentially what's wrong with universities today? I do want to take us in a slightly different direction because I feel like this particular moment has really crystallized some of the tensions between protecting expression that some consider to be hateful or ugly, while simultaneously maintaining an environment free from harassment, is required by Title VI and other federal statutes. I'm curious about your views on what responsibilities, if any, the university has to speak out in the face of expression that students feel interferes with their ability to access their education. Obviously, in particular since October 7th, there have been numerous allegations and investigations about both anti-Semitism and Islamophobia. I'm wondering if you have thoughts on how to figure out that balance?

Robert Cohen:

Well, I think there's several things. One piece of this before you get to what's happening, these terrible incidents you're talking about, is to teach students that speech involves not only rights but responsibilities, and that's not done very much. I think one of the things, this is years ago when I was working on my biography, it came out in 2009 on Mario Savio, people think about him, "Oh, he's..." They see that soundbite where there's a time when the operation of the machine becomes so odious, makes you so sick at heart that you can't take part, and you've got to put your bodies upon the gears. That angry speech, which that's his most famous speech, but he gave a lot of other speeches. Just a week after that, when the Academic Senate voted to give the students their free speech rights at the victory rally, what he said was this.

He said, "We're asking for there be no, no restrictions on speech save those provided for by the courts, and that's a tremendous area of freedom. Now that we have this freedom, we need to start thinking about being responsible because now we have the freedom from which to be responsible." So this is part of what people are not learning when they're brought to school, the universities, that of course, you're free to say anything you want, but why would you want to say something that's going to hurt somebody else's feelings or bring disrepute to yourself or to the institution they're in? One other Savio thing, just one of the pieces of this, which at the time, by the way, I didn't really understand why Mario... because this sounds conservative. But he's not saying censor people who are responsible. He's saying, "Let's orient people to be responsible." Can you express your political ideas in a way that's going to be illuminating and inspiring rather than demonizing people you disagree with or being dogmatic or being ugly?

So on the 25th anniversary of the Free Speech Movement, there were proposals to create a monument to the Free Speech Movement. One that Mario wrote, but he never submitted it, and I won't go into this whole design, but the thing that most interested me and is most relevant to what we're talking about here was he wanted all the speakers on the campus to speak on Sprout steps from the steel and see this inscription that he drafted, which was based on the Ancient Greece's [foreign language 00:46:00] and here's what it said. "We will never intentionally bring disgrace upon this our university. By our words and actions, we will endeavor to honor the ideals of those who have come before us and to deepen and strengthen this community in which we are privileged to speak." Now, again, he's not saying you have to take the oath, but he wanted you to read that as you got ready to speak to people so that you would think about what your words are going to do.

Are they going to illuminate and help people be persuaded or you going to do honor to yourself and your university, or are you going to disgrace yourself in the university? So he's saying we should try to be thoughtful about what we say. So from my perspective, that's one piece that we're not doing, teaching about responsibility as well as rights. The other part of it is that you just need to understand the difference between speech acts from a podium and harassment. I think people are not understanding that at all, and neither does Congress. Okay, hopefully, we would have the organizers who if you told them that Jewish students are hearing, "From the river to the sea," as anti-Semitic, even though you don't mean it that way, maybe you could find a different mode of expressing those ideas. On the other hand, maybe the Zionist students or Jewish students who are so offended might also be taught to be more tolerant, to not assume something that you're interpreting as being anti-Semitic is anti-Semitic, and that it's different something being said from the podium to a public audience as opposed to harassment.

I think that those things get conflated, and there's such political warfare going on that some of the conflating may be intentional. If you want to shut up the critics of Israel, then what a better way to do it than the charging them with all being anti-Semitic, which I think is a real overstatement. So the anti-Zionist students all can see pro-Israel as being Islamophobic when it's not. So what I'm saying is both sides have problems. In this moment where it's very emotional because there was a massacre in Israel, and then there's been all these killing of civilians, and anytime there's war, going to be emotional, and so to me it's almost too late. In other words, to wait until we're in the midst of this emotional tumult to sort out these issues, this has been going on for decades, and it's not been mediated.

Michelle Deutchman:

I agree with just so much of what you're saying, and I hope this is part of the reason that you're involved with the Center. But I think this is one of the things I always emphasize every time I do a workshop, which is this idea of with great power comes great responsibility and that having a voice imbues you with a huge responsibility, and you have to know the difference between the right to say something and the decision that it is a responsible way and thoughtful way of doing it. I absolutely agree that this is where we need to be, not just on this particular issue in this particular moment, but on all things.

Look, as we look forward into November and what's going to be a very contentious national election, I think we have to keep this in mind. In fact, I will give you a chance to add anything else. But one of the things we always try to leave our listeners with is something tangible that they might do. It doesn't mean that they need to go and protest and be part of a movement. But the question is, from your perspective, as we're working towards dialogue and modeling that and rights and responsibilities, are there things that you think people could be thinking about or doing between now and when we come back in the fall, whether they are administrators or students or others?

Robert Cohen:

Well, I think the administrators should try to repair the damage that they've done, to try to rebuild the trust that's been... When you arrest people, that's really heavy duty and you alienate people, you have to try to do everything you can to rebuild those relationships.



Michelle Deutchman:

Do you have thoughts more specifically on how to do that? If you don't, I get that.

Robert Cohen:

Yeah, no, no. I think meet with the students, talk to the people that were involved in the movement. That is, it's not going to be easy, and I think that not many administrators will do that. In other words, you have to build some trust, and you can't build trust by people you never speak to it, and I think that's one of the big mistakes. But the deeper issue, I think the more long-term processes, the university is beginning to take ownership of the problem of, how do you orient students to respect those who disagree with them?

How do you develop some workshops or a strand of people's education that teaches them to value, to understand the value of free speech? Nobody has to agree with us. Okay, not everybody's going to be as gung-ho on free speech as you or I am, but still to make the case and try to persuade them and let them chew on that and think about that so that they've heard that. Right now, I say the lesson the university's taught on some of these campuses is if you have an unpopular view, you're going to be evicted and arrested. That fosters the kind of polarization that's endemic to society right now. Universities should do better than that.

Michelle Deutchman:

Well, and lucky for the Center, we get to work with you for a whole year as you think about these issues and look backwards and then also get to look forwards. I could keep talking to you for more hours, and lucky for me, I'm going to get to do that. But I do want to give you an opportunity if there's anything else that you want to add to share with our listeners before we wrap this episode.

Robert Cohen:

Well, two things real briefly. One is that I want to get into the why movements are unpopular student movements and why they have an impact despite that. Okay, so the first one, they're unpopular because the role that students play. They're seen as young people who their social role is to study and not make waves, respect their elders. So no matter what their championing, whether it's sit-ins against racial discrimination, the freedom rides against racism on the buses, free speech, the Free Speech Movement, anti-war protests in Vietnam, the movement is always unpopular. Even when the country begins to move in the direction of the movement, they never like students being active. So one thing I'd ask people listening to this is to try to take that chip off your shoulder and try to be fair-minded and listen to students. I'm not saying you have to be critical, but give them a fair hearing 'cause that's never really happened for the majority of people in any period in American history.

The last thing I want to say is despite their unpopularity, these student movements do have an impact. The latest, just the other day when President Biden speaking at a Historically Black College in Atlanta, Morehouse College, said that he respects their right to peacefully protest and he hears them, "I hear you." I think it's not an exaggeration to say that his policy towards Netanyahu's bombing camp, his new invasion he was talking about, not giving a military aid for that has been seated, I think, in part by the students and also the adults in Michigan who organized the uncommitted vote, the adult Arab population that did that. So I think that's one example. They affected the 1960 election when President Kennedy, before he was president, he might not have become president if he hadn't interceded to help get MLK out of jail.

He was initially in jail for participating in a student-run sit-in Atlanta. In '68 the students succeeded because they were the foot soldiers for Eugene McCarthy, his peace candidacy in New Hampshire to challenge President Johnson on the war issue 'cause he had no money. It was a students' volunteer, it was called Getting Clean for Gene, shave your beard, cut your hair, and dress up and go door to door. McCarthy didn't win, but he came close enough that it convinced Johnson to drop out. Now, it didn't

always work out in the end because Nixon won because Humphrey was the one who got the nomination, Bobby Kennedy got assassinated. But even so, you can see where students do have this ability to influence history. So that's one more reason to say that even if they're raising things that may be uncomfortable for you, that you think are wrong, I think give them a fair hearing 'cause you may not really think it's going to happen, but they may be the people who are raising questions, which the universities should do that may change the course of history.

Michelle Deutchman:

Well, I think that seems like the perfect note to end on, and it will be interesting to reflect on this moment, whether it's 5, 10, 15, 20 years from now. Listen, thank you so much for joining us and sharing your expertise and your insights.

Robert Cohen:

It's my pleasure, and I'm looking forward to working with the Center again. It's a great institution, and I wish that more people would connect with the kinds of things you're trying to do with the Center. We'll work on that.

Michelle Deutchman:

We'll work on that.

Robert Cohen:

All right.

Michelle Deutchman:

Okay.

Robert Cohen:

Okay. Alrighty.

Michelle Deutchman:

That's a wrap. Thanks again to our guest, Robbie Cohen for joining us for this important and timely conversation. If you're interested in hearing more on this topic, the Center recently hosted a webinar with PEN America featuring an historian and legal expert discussing campus protests then and now. A link to the recording will be available in the episode notes. Next month, we'll be joined by Jonathan Mehta-Stein, a former UC regent and current executive director of California Common Cause. Jonathan will be joining us to discuss his organization's work, as well as a new initiative CITED, the California Initiative for Technology and Democracy, which is focused on combating the threat of misinformation and AI on elections. Congratulations to all of the 2024 graduates, and we'll talk to you next time.