

(Editor's note: This article is excerpted from a letter sent on November 25 to C. Grant Spaeth, Palo Alto City Councilman. Mr. Wolpman recently represented the Free University in a federal court suit which led to Palo Alto's park regulations being declared unconstitutional. Mr. Wolpman is referring here to proposed substitute ordinances designed to stop be-ins while remaining technically "constitutional".)

The relationship between Palo Alto and the Midpeninsula Free University has so completely disintegrated that I was at first inclined to let the ordinance pass without bothering to comment on it. Implicit in so doing is my feeling that the entire ordinance, with its elegant preamble, its careful definitions, its elaborate procedures, and its exhaustive appendices, is aimed at nothing more than seeing to it that the Free University never has another be-in, while, at the same time, preserving and protecting all of the other traditional park activities. Any comment I might offer would, therefore, merely cause the City attorneys to scurry off to their law books to find a turn of phrase which would satisfy my criticism while still insuring the end of be-ins.

While I still feel that a number of Council members would vote for anything if (1) it could be effectively utilized in stopping the Free University and (2) it appears to be constitutional, the consequences of abandoning all hope that the Free University and Palo Alto can resolve their differences anywhere else but in the streets and in the courtroom are so depressing that I am willing to risk comments which may, if reconciliation is indeed impossible, serve only to make things harder for my clients.

In return, I would ask that you consider not only the comments which I have about specific portions of the new ordinance, but also the broader issue of which the ordinance is only a part, and which, to the extent it has been dealt with at all, has only been dealt with piecemeal by the Council.

**T**he broader issue, as I see it, is social change or, to use a less pleasing but perhaps more honest term, social revolution. At the center of this revolution are the young people. They are profoundly disenchanted with the traditional values of their parents. I am sure that you and I could argue about whether they are right or wrong, but that would change very little. The social revolution is already well along. The newspapers are full of it; it can be observed first-hand on every high school and college campus. And it is not just a phenomenon among the young; adults, too, are drifting away from traditional values.

Given all of this, it was inevitable that organizations would arise to represent these new interests and convictions.

In our area the Midpeninsula Free University is such an organization. It's young, it's active, it's large; and there hasn't been anything quite like it before. It is an attempt to create some sort of a community among the people I've been describing. It is not just a school, it is not just a political organization, it is not just a social club. It is a mixture of these, and more besides. It is, as I said, an attempt or an experiment at creating a total community. As such, it is quite different from the politically radical organizations which one hears so much about; it is not basically political. Its aim, I happen to feel, is a much more positive one-- to actually forge a new kind of community.

Because the Free University had some success and because its plans are not restricted simply to politics, it desperately needed adequate quarters; a back room

# for free park use



**by jim wolpman**

or a store front was simply not enough. This need, together with growth of the festivals, or be-ins, held to celebrate the beginning of each quarter, forced the Free University, very much against its will, into politics. Until that time, though it had taken some political stands, it had not really been politically involved. What I want to stress is that its present heavy political involvement stems primarily from its attempt to establish itself as an ongoing part of the Palo Alto-Menlo Park community-- to create a niche for itself. The city, weighing the interests of the residents of 101 Alma Street against the interests of the young people in a festival, determined that there could be no be-in. Ultimately, that brings us to the present park regulations. Property owners, fearing a hippie invasion, determined that they would not rent a building to the Free University for a community center.

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That led to Lytton Plaza and eventually to a number of arrests.

Both of these decisions were, as I see it, attempts to preserve an old status quo-- keep Palo Alto quiet and residential even if it meant ignoring the revolution among the young.

In opposing these decisions, the Free University took the only course open to it. It went to court to attack the park ordinance and it conducted a number of demonstrations to protest the discriminatory refusal of property owners to rent to it. I think most people accept the legitimacy of the court's attack on the park ordinance.

The demonstrations are something else. The mere holding of a demonstration is, for many, left wing and un-American. This startles me; lawful assembly to seek redress of grievances is recognized in the Constitution. Labor unions have been doing this for fifty or

**T** Sixty years. The result of all this is that the Free University has come to be seen by the City and by a number of its residents as some kind of frightening, left wing villain. In their eyes it has committed an unpardonable and very ancient crime: the corruption of the youth. I honestly believe that all of the antagonism directed against the Free University ultimately reduces itself to that.

In answer to the accusation that the Free University has corrupted the youth, I have three things to say. First, the Free University, far from subverting young people, is one of the vehicles which they have chosen to represent their beliefs. It is an organization which expresses their convictions; it is not interested in manipulating or changing those convictions. As such, it is a valuable instrument not only for the young people, but also for the establishment. It could be something whth which the city could work in an attempt to prepare our community for the far-reaching social changes which are so obviously in the wind.

Second, contrary to what is implied by Mayor Arnold's letter to parents, the Free University is not responsible for juvenile delinquency, narcotics use, teenage vandalism, or the alienation of the young from their parents. If the Free University went out of existence tomorrow, not one of those problems would change in the least. Indeed, I happen to believe that the Free University may be one of the few organizations around with the potential to deal effectively with some of these problems.

And this brings me to the third and the most important thing I want to say. The real difference between the Free University and the establishment, and the reason I think the Free University is and could continue to be a positive force in the community is simply that we, unlike much of the community, are willing to trust the young people. We feel that every person must be responsible for what he is, for his life and his actions. But this responsibility can only come where there is trust. Unless you are willing to trust the young people in their attempt to shape their own lives, they will not be responsible, for they have nothing to be responsible for. Their lives are not their own.

There are those who feel that this can only lead to anarchy and a total breakdown in society. For these persons, discipline and control from without are the only answers. Matters cannot be allowed to get out of hand. Implicit in this position is the feeling that young people cannot know what is best for them. They must be told or ordered. It seems obvious to me that discipline and control no longer work the way

they once may have. Instead, they create resentment and alienation. What is needed, and what the Free University has to offer, is a chance for the young to be involved in creating a community to work out the implications of their convictions in an atmosphere where their ideas and opinions are respected and trusted.

**I** make no special claim for the Free University; there are many good organizations working with young people and there are many parents and many teachers who do trust and respect their children and students. But more is needed.

It is also true that along with the kind of trust I am talking about goes a risk. Abuse is inevitable. But, given the importance of the problem, risks are, I feel, justified.

Turning now to the matter which is directly before the Council-- the park ordinance. Let me reiterate my suspicion that it is drafted in such a manner as to prevent the holding of future be-ins in Palo Alto.... Let me comment on the extensive preamble. The feeling I get as I read it over is that Palo Alto's principle interest is to go as far as it possibly can in controlling the use of the parks. Again and again there is mention of restriction. This is a very negative approach. There should be something in the preamble indicating the Council's desire that organizations of all kinds be encouraged to use the city parks and recreation facilities. Furthermore, I question the wisdom of regulating to the fullest extent legally possible the use of recreation facilities. The Council should ask itself if it really needs or wants that kind of domination over the leisure activities of the citizens of Palo Alto. Perhaps a short statute with a very specific few directives would be sufficient to protect against the dangers of park misuse.

(Further note: Mr. Wolpman goes on to discuss specific provisions of the ordinance, noting that amount of wattage is being confused with volume of sound in setting limits for electronic music in the parks; that requiring applications a minimum of 20 days in advance would place the right to conduct an emergency assembly to air a political grievance at the discretion of the Director of Community Services; that public assemblies might be required to pay for their own police and fire protection; that "not enough police" may be invoked as reason for denial of free assembly; that "limited parking space" may be a similar criterion; that "disruption of traffic" may be used indiscriminately to ban public assemblies; that sale of refreshments would be prohibited and that size of assemblies would be limited if the assembly features an "activity". He concludes:)

So much then for my specific comments. I would like to suggest another way of looking at the entire matter of festivals or be-ins. It may be that they should be considered as an annual community festival or holiday and as such should be entitled to some sort of special consideration, like the Big Game or the Pet Parade. This implies recognition by the community that these are valuable events for which people should be willing to make temporary sacrifices in terms of noise and inconvenience realizing how important the event is to the young people of the area.

Majorities may have power, but minorities often have understanding.

- Ray Stannard Baker