

People's Park

The battle for land

Jack Straw

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Confrontations over a contested Berkeley lot “legally” owned by the University of California (U.C.), known as People's Park, continues. But increasingly, University and City attempts to reassert the rules of private property are succeeding.

Private seizure of common land, a process known as enclosure, was the essential basis for the imposition of the capitalist system. Starting in the 14th century, peasants found land which had previously belonged to the community as a whole fenced off and claimed as private property. They had to move. Many small farmers also saw their meager holdings seized by larger landlords.

In both cases, this was a process openly aided by the state. The initial purpose was the feudal landlords' desire to use economies of scale in producing items increasingly in demand in the growing world trade web, such as wool. An ultimately more important result was the forced removal of masses of people from the land, and into cities and towns where they could no longer meet their own survival needs. Increasingly, they were channeled into the spreading factories, often through open state force (e.g., vagrancy laws). This process was expanded world-wide, and continues today, especially in “undeveloped” lands, but also in our urban areas (gentrification, urban renewal).

Interesting texts on enclosures are in the Fall 1990 issue of *Midnight Notes*, available from Autonomedia, Box 568, Brooklyn, N.Y. 11211.

Before 1967, the lot in question, located just south of the campus, was the site of houses and apartment buildings. Many of the residents were hippies and political activists whose target was frequently the University.

U.C. used the process of eminent domain, the takeover of private land for necessary public use, to force the owners of the dwellings to sell the land at below market price, for the expressed purpose of constructing new dormitories, even though existing dormitories had many vacancies (students in that era often couldn't stand to live in the regimented University residences.) The Board of Regents, a group of corporate bigwigs appointed to run U.C. on behalf of the state, described the impacted area more honestly as a “hippie concentration.”

The structures were razed, but not surprisingly, U.C. did not construct the planned dorms. This was an illegal use of eminent domain, but the statute of limitations on challenging the University had expired before anyone knew this was so. The site became a muddy garbage dump.

In April 1969, an assorted group of Berkeley residents, street people, students, etc., practiced reverse enclosure by turning the empty lot into a park, complete with a garden and children's playground. Within weeks, police moved in to destroy the park, fence the lot and defend the site at the cost of well-known bloody riots. The lot was paved over and a basketball court was constructed on it, but the community generally boycotted it.

Free Speech Zone

Several times in the next three years, attempts were made to take the park back. In May 1972, in the wake of a massive anti-war demo, several thousand people knocked down the fence, pried the surfacing off, and dug up the ground, recreating the park.

During the intervening years, the University shied away from any attempt to reclaim the lot, but prevented any moves which would seem to indicate acceptance of the park as common land, such as the construction of fixed bathrooms or water fountains, and the placement of children's playground equipment.

These policies ensured that the park, which had become a dwelling for a growing number of homeless people would deteriorate. In the public mind (thanks in large part to a media campaign) it became associated with hard-drug dealing and crime. It had another unreported side, that of a secure free speech zone often used for rallies, organizing, free concerts the feeding of the homeless.

Within the last couple of years, the University has sought an agreement with the supposedly progressive Berkeley city government regarding the park's future, in no small part to help facilitate its planned expansion. This culminated several months ago in a deal to divide the park, with the University getting the open space in the middle, and the city getting a lease on the two ends (including the "Free Speech" stage) for five years, at the end of which the University can assert complete control if it isn't satisfied with the situation. U.C. announced it would use its portion to construct sand volleyball courts (a la Southern California) and a basketball court.

University police began enforcing a 10 p.m. curfew on the park, arresting violators, eventually even people who were standing on the adjoining sidewalk. They were assisted by City police, who also arrested 100 protesters who had taken over the City Council chambers in the wake of its approval of the agreement. The arrests came at the request of "leftist" mayor Loni Hancock.

On July 31st, the heat came down. Hundreds of cops from both the City and the University, as well as several other cities and University campuses, and Alameda County sheriffs (known as Blue Meanies), moved on the park, cleared a large area (arresting some 35 people), fencing it off, and bulldozers proceeded to destroy the park (the construction company is non-union). A hole dug for the court's foundation was large enough to serve as a building's base; this indicates that the courts are a mere beachhead for future construction plans.

An anonymous University employee reported that U.C. Chancellor Tien decided on a confrontation course because of the success of the strategy employed by George Bush in the Gulf War: you don't negotiate, you simply attack.

Several days of rioting followed, during which the police forces frequently resorted to firing wooden and rubber bullets at usually peaceful and/or retreating demonstrators, and brutally beat up many folks, including bystanders and even a conservative police-supporting member of the city's Police Review Commission. Over 150, including 8 cops, were injured, and over 200 arrested.

The volleyball courts opened soon after, although it seems even now, in early November, that their most frequent users are a small group of U.C. employees who are paid to play. Several weeks of confrontation over the courts ensued, especially during weekends, but resulted mostly in arrests and more beatings. Then on September 14th, a new element was introduced; another lot nearby was liberated, the site of the former Berkeley Inn.

The Inn, located right on Telegraph Avenue, the area's main thoroughfare, a half-block from the park, used to serve as a fancy hotel way, way back, but more recently provided housing for quite a few low-income people.

A fire of extremely suspicious origin resulted in its becoming uninhabitable about five years ago. Many of the residents ended up in the streets. Last December, another very suspicious fire destroyed it completely. The city knocked down the burned-out shell, and left another empty, garbage-filled enclosed lot in its place. Some people turned it into an anti-commodity museum, especially focusing on TVs. The displays were cleared out when the park began heating up, but the fence fell to the demonstrators on the first day. Increasingly, more and more people talked of turning the lot into a People's Park Annex.

Come the 14th, it happened. At first, only a couple of dozen folks with pickaxes and shovels clawed at the concrete. As the day wore on, their ranks grew as others heard and came to join the effort (as did I). The pace at which the concrete was being broken up accelerated.

Others brought food and drink. Still others stood and watched. The whole scene reminded me of the community feeling when we pulled down the fence and pried off the asphalt at the park in '72, as well as of the dismantling of the train tracks at the Concord Naval Station in '87. We weren't just fighting cops but building something, as well as taking space for common usage.

It's so satisfying to break through concrete and see dirt again. People brought flowers and plants, including a tree which had stood on the site of the volleyball courts. Others brought good soil. Others brought chairs and tables. Paths were being laid out, using the bricks dug out of the ground, and between them, beds for flowers, veggies, grass... It looked great.

And then we came up against the same problem as in the original park project; the site became a magnet for the many urban social problems, the inevitable by-products of this society. Crack dealers flocked here like flies. So did petty criminals. And, of most consequence, the homeless, whose ranks swell daily, figured they had a place to crash in. The argument that they put up, which was accepted by many of the activists, was that their need for a "home" was certainly more pressing than the general community's need for free space.

While they certainly have a pressing need, this argument had disturbing consequences. It asserts a hierarchy of oppressions, and hence, an order of priority as to whose oppression should be dealt with first, as if all our problems are not mutual and interconnected. It also changed the role of the rest of us from that of fighting for our space to that of supporting others "more oppressed" than ourselves. And it placed the primary role of carrying on with the site upon those least able to do it.

Predictably, the Annex deteriorated rapidly. Every corner in the tiny lot was soon claimed by a tent-dweller. The greenery wilted for lack of care. The numbers of those who came to hang out dwindled. It just was not a very nice place to be in. In fact, fights became commonplace.

A rainstorm turned it into a swamp, since proposals about drainage got shelved when the energy died. Complaints soon followed about contamination from human waste, fires and noise.

Unfortunately, there was more than a little truth to these charges. A City Council meeting the night of November 5th approved such a declaration. This resulted in the spraying of council members with a foul-smelling fluid, and threats from a small group of protesters. The next morning the lot was re-occupied, "cleaned up" and re-fenced, with little opposition offered.

So what did we learn? One problem was the limited number of people involved. Our activities only managed to attract hundreds, instead of the thousands of yesteryear who made radical direct action viable. Some former supporters have become more conservative with age and yuppiedom, or have burned out. But most of those missing have been driven out of town, and even the Bay Area, by rising costs, especially for housing. The liberal-left was unsupportive, as exemplified by derisive comments on the local leftist radio station KPFA. Even some anarchists in the region have dismissed this battle as 60's nostalgia; they can only be involved, apparently, in something which takes place far away. Little do they understand the essential part which control of land plays in this system.

But then, neither did many of the participants. During hecklings of volleyball games, what I usually heard people yelling was something like "Don't you care about the homeless?" In general, I heard park supporters going on and on with moral sermons about how uncaring the University and the City are about society's unfortunates.

By the end of the Annex, its supporters were reduced to calling for public housing on the site. Apparently, we can't simply take land back as a general community project. It has to be couched in social welfare terms. Even when land control was raised, it was in the context of "the land was stolen from the Native Americans." Actually, the Native Americans did not believe land could be owned. The solution is not new owners.

Our chosen line of argument did little to attract support from the community at large. It also meant that the narrowing group of Park/Annex supporters could not ward off destructive elements, lest we be perceived as "uncaring."

This has also been a problem faced by recent liberatory urban projects such as squats in Europe, which frequently attract heroin addicts. How do we deal with this problem without becoming authoritarian and police-like? Suggestions welcome. Unless we deal with it, future efforts are likely to fail.

Initially, the park's defenders managed to avoid incorporation into the politics-as-usual racket. Decisions were made by people attending a daily meeting. Sects such as the RCP and the Sparts were prevented from imposing their own agenda. But as participation decreased, many of those left were sectarian die-hards forever hopeful of

finding recruits or crazed zealots with flipped-out ideas such as one person I met who suggested, while the hills around here were burning and the rest of the town was threatened, that we go and create trouble in the park, since the authorities were busy. Now that would have really endeared us to the community.

Sectarian influence was probably important in terms of the moralistic turn the movement took. After all, leftists are usually liberals who simply want to go a little further down the same road.

Another incident which took place during one of the many park concerts brings up other deep problems. A prominent park/homeless activist took the stage after one of the acts and denounced the audience for being there to have fun. We should be there to fight for the park and the homeless, he said, and proceeded to try and lead repeated chants of “Fuck Volleyball” for five minutes. Another park activist later came by and disgustedly wondered if fun was now counter-revolutionary.

The anger that marginalized people feel is understandable. But guilt is a poor motivator. In my experience with various campaigns, movements, etc., those recruited from guilt have a shallow commitment and tend to revert back to their old ways after a short period of “activism.” How quickly folks forget that one of the reasons that the 60’s movement grew as much as it did was because it appeared like fun to be involved.

The increasing neo-puritan flavor of radical actions bothers me, as does the ease with which even many anarchists, autonomists, or whatever we call ourselves, succumb to liberal/Christian guilt-based politics. Even if most people can’t hear the message yet, we should still emphasize how commodity relations and domination in all their forms are the root causes of all social ills, and must be abolished if we are to solve any of them.

The effort to re-enclose People’s Park will continue. No meetings are now allowed in the park without permits from both the City and the University. More construction is slated for later this Fall. Many, if not most residents, especially the students, have been persuaded that the park is nothing but an eyesore/crime area (much less true of the park than the Annex), and the City-U.C. agreement is in the best interest of everyone.

In the post-Gulf War period, social opposition is “out” as far as most people are concerned. And the opposition which has been put up has done little to change that. So, it looks bleak. But we intend to continue fighting.

—Jack Straw, November 1991 (Colide-o-scope, 2140 Shattuck, No. 2200 Berkeley CA 94704)

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