

A Brief History of Peoples Park and the SLAPP-Suit by Carol Denney

Berkeley is a company town; the “company” is the University of California. The biggest business in the area, it has enormous government and corporate funds to carry out research in social engineering, bio-technology and thermonuclear weapons. It also has extensive land holdings, including the area known as Peoples Park. Less than one square block, the Park has been the rallying point in an ongoing struggle between a community determined to establish and maintain local control and an institution determined to assert autocratic power.



Activists Carol Denney and David Nadel surrounded the volleyball courts with a visual display of the struggle over the park every weekend for nearly three years.
photo by Al Ventimiglia

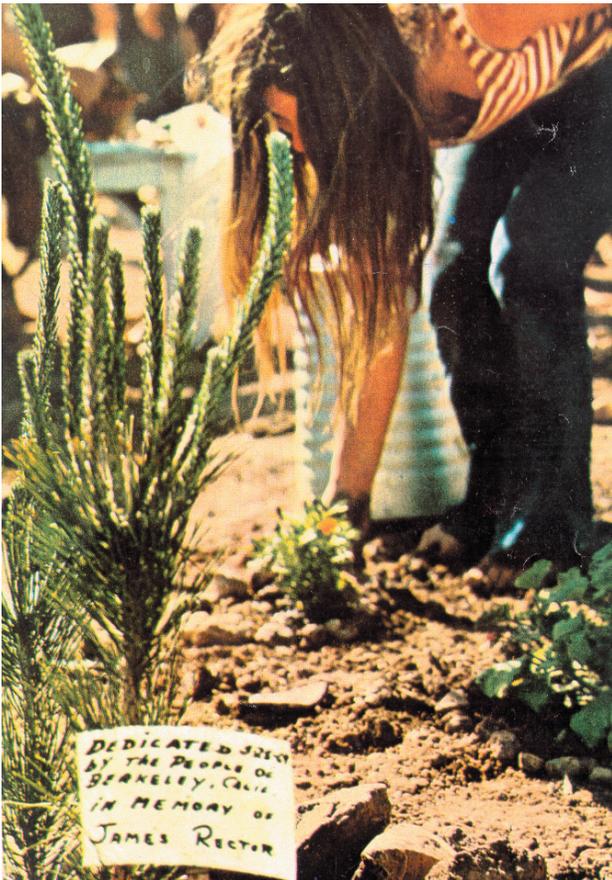
Starting in the fifties and continuing today, the area around what is now Peoples Park attracted independents, free thinkers, beatniks, civil rights advocates, tattooed neo-tribalists, anarchists and militant queers- in other words, forty years of each generation’s rebels.

The university’s policy, under a succession of regents and chancellors, has been to harass, dilute, dissipate and eliminate the colorful parade of dissidents. The consistent theme throughout this near half-century is the university’s insistence on denying the right of people to peaceably assemble and speak freely, and of trying to erase the cultural history using an agenda of intimidation, police muscle, collusion with merchant interest groups, and illegal removal of park support systems.

Tearing Down Their Houses

UC’s campaign dates back to 1967, when UC declared eminent domain, acquired, and tore down the low-income housing on the square block bounded by Bowditch, Haste, Dwight and Telegraph, leaving an empty lot filled with trash, litter and broken glass. In 1969, a group of local residents, fed up with the blight, gathered together to clean up, replant, and transform the festering eyesore into a Peoples Park. The university responded by putting up a chain link fence. During ensuing protests between park supporters and various police and military agencies, hundreds were injured and James Rector was killed. The fence was permanently removed by the people within the next couple of years, and the park reclaimed by the neighborhood.

In 1979 the university poured asphalt over the west end of the park, trying to set up a UC permit parking lot. This united the community, which gathered together and spontaneously tore up all the paving, replacing it with a community garden



On Sunday, May 26th, 1969, on land owned by Bay Area Rapid Transit Authority, People’s Park Annex was spontaneously created. Photograph by Elihu Blomnick

in direct response to the university's test of the community's will to defend the Park, which was landmarked by the city in 1984.

1991 Events: the SLAPP-Suit

On July 31st, 1991, the UC regents, against advice from Berkeley's city commissions (but with the approval of then-Mayor Loni Hancock who took a convenient vacation in Romania), moved to build sports courts on the grassy area of the Park. Hundreds of police and FEMA advisors were put in place ready to enforce the entrance of bulldozers. Thousands objected; an initial 36 protesters were handcuffed and held two days in jail *without being charged with any crime*.

During this time a police riot took place resulting in mass arrests and injuries. After six months the university realized that the risk of arrest or injury would not break the community's will to protect the Park, and filed a SLAPP-suit (Strategic Lawsuit Against Public Participation). Four named defendants (Bob Sparks, David Nadel, Carol Denney and Mike Lee) and 50 "Does" were sued, initially for more than a quarter of a million dollars, targeted as the "key leaders" of a violent conspiracy.

The university had Denney and Nadel declared public figures to insulate itself from a counter-suit for slander. In 1994, Judge James Lambden granted UC a permanent injunction in exchange for dropping all damage charges, without requiring that the regents suffer the inconvenience of a trial.

Where We Are Now

The SLAPP-suit decision was appealed by Bob Sparks and Carol Denney, who also appealed the summary dismissal of the counter-suit. Sparks died suddenly in the spring of 1995, but his appeal survived until May of 1996, when both appeals were denied. The permanent injunction can be expanded at any time to include new defendants who would similarly lose their due process and be jailed or fined for violating the university's ambiguous set of prohibitions, which attempt to inhibit speech and dictate behavior at the Park. Denney is struggling alone to pay off legal debts and vacate the injunction which threatens future activists, and would appreciate moral and financial support (Contact: Carol Denney, 1970 San Pablo Ave #4, Berkeley, CA 94703, (510) 548-1512, or cdenney@igc.org).

The Park itself is at a stand-off. Wholesale removal of the free food and clothing traditions threatened by UC in 1995 was successfully opposed by hundreds of people who turned out at meetings, demonstrating to then-Mayor Shirley Dean that any such action would meet with wide-spread opposition. The Mayor wisely withdrew support for disrupting these park traditions, implying that city police would not be available to back UC.

"Improvements" are the euphemisms for upcoming city and UC efforts to separate the Park from its history and traditions. More of these are planned soon. "Advisory groups" and "ad-hoc committees" are the terms used to describe the perhaps disoriented citizens appointed to "implement" these non-user-developed changes, usually designed to alter traditional users and uses to "welcome" a less radical, less committed, more sports-oriented crowd.



Anarchist Rosebud Denovo in January of 1992.

Watch Your Back

Those who love and understand the park should beware; the university will never quit trying to destroy the Park by reclaiming the land itself or by divorcing it from its past and purpose. The city may occasionally break rank, but will traditionally knuckle under to UC, despite UC's willingness to risk Berkeley citizens' lives and property to assert the property rights it feels are violated by the mere existence of the Park, though its acquisition of the land was fraudulent, since eminent domain requires the identification of a legitimate public purpose. The effort to transform the disputed 2.8 acres to a sports court is effective strategy. Many years have past since the Park's birth, and many of

the Park's traditions are on shaky ground. Will people notice and object to non-democratic processes, or will they allow the city and university to appoint their representatives? Will people manage to educate each other about and remember the Park's traditions and keep its unique culture alive? Will they allow the city and university to arrest, beat, sue, exclude, divide and discredit them?

You are the answer. The Peoples Park, a territorial and cultural battle which has cost two lives, belongs to you. Don't sell it out. Don't let UC or city money sway you. When they walk into the park to make "improvements", tell them they're violating the park's landmark status, a status which encompasses the user-developed traditions they wish to destroy. Just say, "UC out of the Park." There aren't too many places where land was reclaimed from the rich for a shared purpose. This land belongs to you.

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photo by Elihu Blotnick

Between 2,700 and 3,000 National Guardsmen virtually occupied the city and the campus while a helicopter indiscriminately gassed thousands of citizens in 1969.