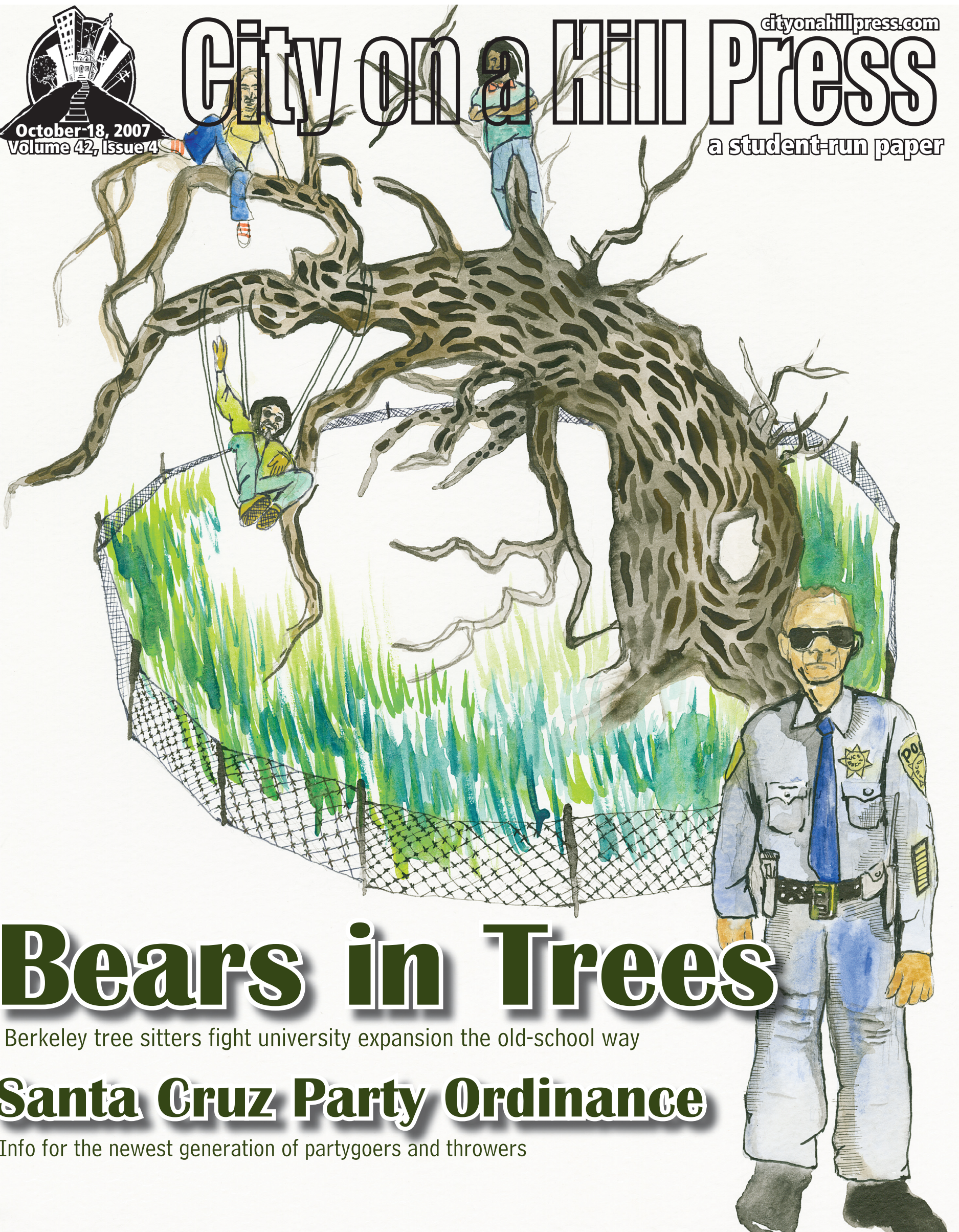




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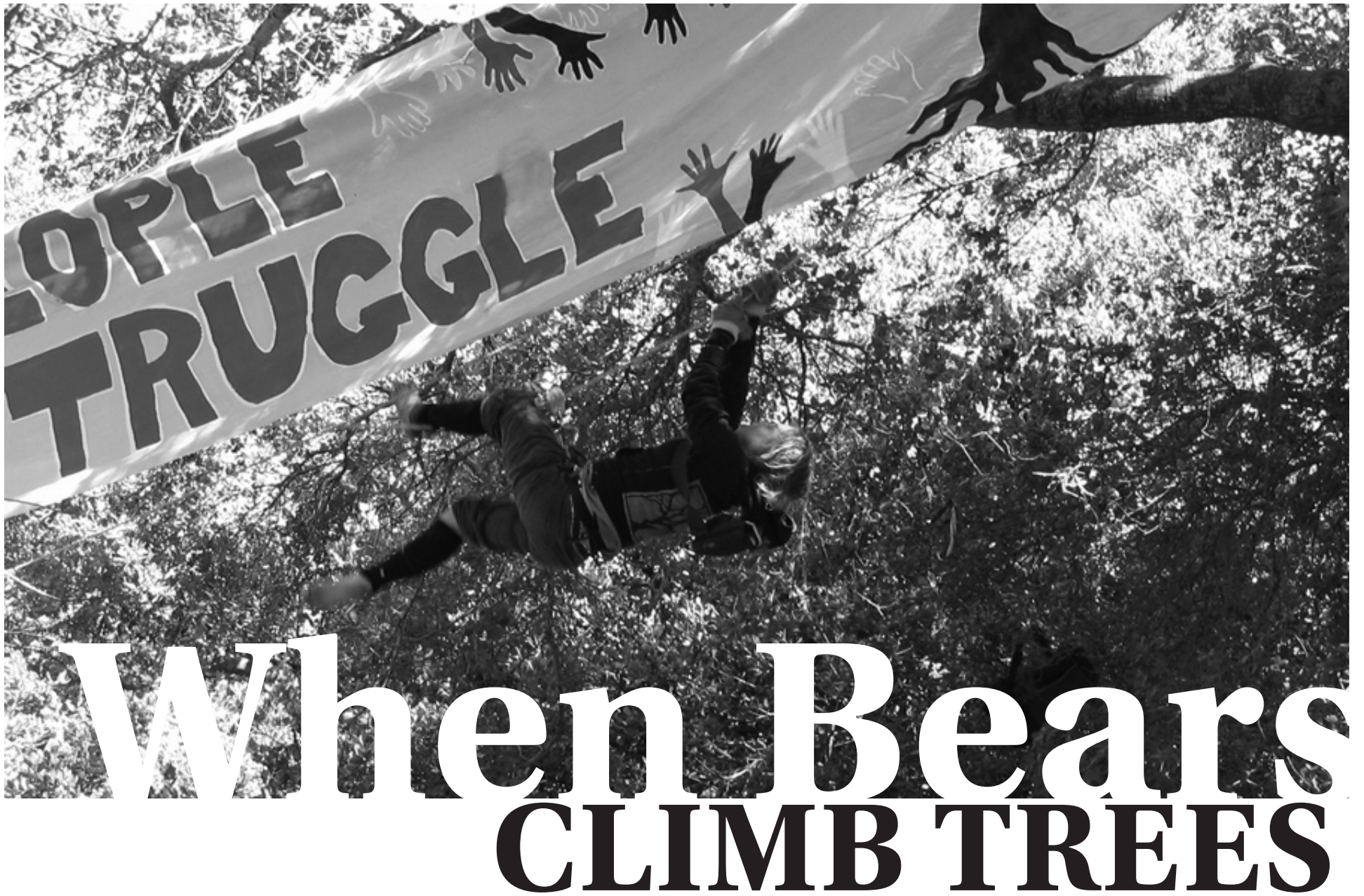


## Bears in Trees

Berkeley tree sitters fight university expansion the old-school way

## Santa Cruz Party Ordinance

Info for the newest generation of partygoers and throwers



# When Bears CLIMB TREES

**Daniel Zarchy**  
Co-Managing Editor

UC Berkeley set the standard for social and political protest in the 1960s, with socially progressive professors and a freethinking public.

Now, dozens of Berkeley students, faculty and residents have gathered to protest the very figurehead they once rallied behind, as the UC Berkeley administration has threatened to cut down a protected oak grove in order to enlarge the Cal Bears' athletic facility.

The Memorial Oak Grove, which overlooks Memorial Stadium in Berkeley, has become a hotbed of activity. Protesters first scaled the trees over 10 months ago, and have fought constantly in courts and on the street in order to stay in the trees and out of jail.

The experience Daneyal Siddique, a Berkeley protester, had with UC Berkeley police was one of many that occurred throughout the past 10 months of conflict between protesters and police.

### The Conflict

Siddique was approached by a UC Berkeley police officer on the sidewalk outside of the grove on the afternoon of Sept. 19. Officer J. Baird approached Siddique and demanded identification, stating that Siddique had just climbed down from a tree after trespassing on university property. Siddique denied that this had taken place.

When Siddique refused to comply, and asked the purpose of showing identification, Officer Baird raised his voice and repeated the order a number of times, threatening further legal trouble if Siddique refused. Officer K. Torres arrived soon after. Siddique eventually complied, and was given a ticket for

trespassing and a summons for a court date.

"You just came out of a tree; we have witnesses that have put you in the tree. That's why you're being detained right now," Baird said to Siddique. "[The] way I came up here could have been avoided."

This was not Siddique's first encounter with the city or campus police; he says there are clashes between protesters and the police fairly often. On Sept. 1, the date of the football game between UC Berkeley and Stanford, somebody near the stadium struck Siddique over the head with a beer bottle.

When Siddique approached nearby police officers to file an assault charge, he said, "[the police began] shoving my face into the dirt and cutting off my air until I passed out." He said they used pain compliance on him to force him into submission, even though he was not resisting.

"I consider it assault from UCPD," Siddique said. "They can use force on us, but the second you even raise your voice in a [threatening way] ... you have to sit there and passively resist."

### The Fence

The police explained that they put up a fence around the grove in order to protect the tree sitters from angry football fans. While this does prevent passersby from reaching the protesters, supporters outside the grove claim that this "precautionary" move is actually an unsuccessful effort to cut off the arboreal denizens from food and water.

"The fence was [put up] by the police; we asked for the fence to be put up," said Mitch Celaya, assistant chief of the UC Berkeley Police Department. "We were experiencing a lot

of criminal activity. It was the beginning of the football season ... we clearly didn't want people inadvertently walking through the trees."

Celaya reiterated that the fence was a necessary move to prevent violence between the protesters and the people who disagreed with their cause, which becomes more of an issue on game days.

He also said that the police were worried that items thrown from the trees might hit people walking by.

"Clearly we have been able to prevent altercations from occurring," Celaya said. "You have fecal material and urine thrown on the ground, and that's a safety issue, a health issue."

Celaya dismissed the notion that the fence was an attempt to starve out the protesters, and mentioned that the police have not written citations for anyone providing supplies to the trees.

"They have a choice to come down any time they want. It's kind of a false argument," Celaya said. "They've got things up there they shouldn't. The bottom line is they are getting supplies. They could be subject to citation, but we have not cited individuals for getting food and water into the trees."

Still, many of the protesters see the fence in a different light.

According to one protester, the fence is a tactic used by police to scare protesters into compliance. Another police tactic, he explained, came with their tendency to cite whomever they wanted.

"These police officers are proposing to have justifiable cause ... in order to issue a citation," explained "Bear," a protester who did not want his name printed. "Their probable cause is supposed to come from third-party evidence. This third-party witness is never mentioned or documented. [There is] no way to have him stand trial."

According to Bear, third-party witnesses such as security guards, who are employed by the state, are often cited as the probable cause needed to write citations. This allows the police greater legal power over protesters.

"This is the process," Bear said. "Is there a third party, or is this just a ghost witness used for the purpose of harassing and intimidating those who are considered political opponents?"

#### The Burial Ground

Zachary Running Wolf, a guest lecturer in ethnic studies at UC Berkeley who spent over 40 days in the trees, explained that the proposed building plan had a number of flaws, including building on an active fault line and on a protected Native American burial ground.

"I was the first one in the trees," said Running Wolf, who ran for Berkeley mayor in 2006 and ended up third in the polls. "I believe that we have a lot of power here, among us and in the trees. That helps me because I'm a little scared about the courts."

Running Wolf, a Blackfoot elder and leader of 85,000 Native Americans in the

Bay Area, also cited a history of broken promises between the U.S. government and Native Americans.

"[There have been] 389 legal, binding contracts [with Native Americans], and not one of them has been lived up to," Running Wolf said. "Based on how this country treats native people, they're 0-for-389."

There is, however, controversy about the claims that the area is, in fact, an Ohlone burial ground, as many protesters claim.

"We support what they're trying to do, their right to resist the state."

#### Gordon Kaupp, San Francisco lawyer representing the protesters

According to a 1923 article titled "Stadium Excavation Reveals Relics of Human Bones and Ancient Coin" published by the UC Berkeley student newspaper, the *Daily Californian*, a coin and ancient human remains were found on the site during an excavation. While this discovery has many wondering if there are other finds still hidden under the surface, others are more dubious about the authenticity of these claims.

"We have seen no evidence that the [site] was formerly a Native American burial ground," said Jennifer McDougall, principal planner for UC Capital Projects. "Human remains of a single person were discovered during excavation for the stadium project in the 1920s, and that find is documented in state records. There appears to be a conflation of that find with finds elsewhere in Berkeley that may be contributing to the confusion about the site. However, we have not found, nor been presented with, any evidence suggesting the site or stadium vicinity was a burial ground for multiple people."

McDougall continued to explain that before construction began, the area would be fully excavated and searched for significant finds.

"Once the court case is decided and the project permitted to proceed, the campus expects to further investigate the site to be developed prior to excavation," McDougall said. "We have a contract with an archaeological study team ready to proceed. However at this time there is nothing to suggest that the site contains unique archaeological resources."

#### The Future

Assistant Police Chief Celaya explained that the protesters managed to halt demolition of the oak grove until the university reevaluates its Environmental Impact Report.

"We have not at this time decided to remove individuals from the trees," Celaya said. "There is no plan to move forward with any kind of construction. The university has an injunction against it. There are some groups who filed suit against the university ... believing that the university hadn't

done what they needed to do. The judge is reviewing whether the university can move forward. If they all left the trees today, the university is not going to move forward because they can't, until the judge comes back with a ruling."

Celaya also explained that a court had ruled against the protesters' right to be in the trees. This allowed courts to punish offenders with a \$1000 fine and up to five days in jail for trespassing. The injunction,

however, only named one tree sitter and did not apply to other unnamed protesters.

"The tree sitter [named in the injunction] came down from the trees and complied with the court order," said Gordon Kaupp, a San Francisco lawyer who is one of many lawyers representing the protesters. Now the police would have to get another injunction with new named targets, he said. "[For] \$1000 a day, a lot of people may say 'lock me up, charge me criminally, but I certainly can't afford to pay.'"

Kaupp, a lawyer in the Law Office of Dennis Cunningham, explained that the protesters actually had a number of lawyers supporting them, particularly the National Lawyers Guild.


"We support what they're trying to do, their right to resist the state," he said. The National Lawyers Guild, he said, specifically supports "people who are being charged criminally for civil disobedience."

Most of all, the protesters seem disappointed by the change in the university.


"We are challenging the lack of imagination at one of the best universities in the world," said Francisco "Poncho" Ramos Stierle, a fourth-year Ph. D student in astronomy, reiterating a press release that he and fellow protesters had sent out. "Let's imagine the UC hiring a construction company other than war profiteers. We want the university to be completely dedicated to constructive scientific research and understanding the social implications of their work."

He explained that students are really protesting an inherent flaw in the system, and that the UC Berkeley administration's heavy-handed policies were not fair to its community.

"It is totally undemocratic, oligarchic in style," he said. "That's why we need creative ways to protest."



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
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