

# Rebirth of the radicals in the politics of Berkeley

By ROBERT FEINBAUM

Those obituaries for the political organization of Congressman Ron Dellums and the Berkeley radical movement may have been a bit premature. Radicals — now called “progressives” — backed by Dellums captured nearly every office up for grabs in Berkeley’s municipal election this spring. Dellums’ main political foe, Mayor Warren Widener, was defeated by a 43-year-old newcomer both to Berkeley and to elective politics, Eugene (Gus) Newport, a job-development specialist for the United States Department of Labor. Widener’s defeat ended speculation that he would challenge either Dellums or the congressman’s ally, Assemblyman Tom Bates, in 1980.

The progressive Berkeley Citizens Action (BCA) also elected three city council members: incumbent John Denton, former city auditor Florence McDonald and Planning Commissioner Veronika Fukson. Only one member of the rival moderate slate of the Berkeley Democratic Club, incumbent Shirley Dean, managed to survive the onslaught. Not since 1971, when BCA’s predecessor, the April Coalition, elected three members to the council along with a supposedly sympathetic mayor (Widener), have the progressives been so well represented at city hall. In fact, the Dellums organization had suffered a series of defeats in recent elections, leading to speculation that Widener would attempt to deliver the *coup de grâce* in 1980 by running against Dellums himself.

## Battling factions

For the past quarter of a century, organized factions have battled for control of city government in Berkeley. During the '50s and the early '60s liberal Democratic clubs challenged the downtown Republican business interests. In 1961 the Democratic Caucus finally succeeded in electing a majority of the council, including its first black, and started to push for liberal programs. The Democratic Caucus held a majority on the city council throughout the tumultuous '60s. However, the Vietnam War split Democratic ranks so badly that by the end of the decade “new politics” activists were battling traditional Democrats more ferociously than the caucus ever battled local Republicans.

Berkeley’s bitter election of 1971 brought out 80 percent of the registered voters. An initiative for “community control” of the police was soundly defeated, but the radical April Coalition slate, which supported the initiative, was unified while liberals who opposed the “police partition” measure scattered their votes among a dozen candidates. This led to the election of three Coalition council members. In the next election, the liberals ran a tight slate and suc-

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Newport

ceeded in electing three of four to the council. Republicans, whose influence was on the wane in Berkeley, threw in with the liberal Democrats in an effort to keep the radicals out of office. Since then no Republican has even come close to being elected to the council.

In 1975, Widener, with support from moderate Democrats and Republicans, was narrowly re-elected mayor. Three of the five council members chosen in that election were sponsored by the Democratic Club. Moderates maintained control of the council. Then in the 1977 city election, the BDC swept all four council seats, giving the moderates their greatest margin on the council since the late '60s.

## No burning issue

This year’s election produced no burning issue of the kind that has inflamed local Berkeley politics over the past decade. Two initiatives were on the ballot. Both would have been controversial elsewhere, but in Berkeley neither provoked much disagreement. One measure directed the city to take its money out of banks that directly or indirectly made loans to South Africa. The other initiative proposed that the police department give “lowest priority to the enforcement of marijuana laws” by making no arrests for violations, and by spending no money for enforcement of state laws. Both initiatives passed by nearly 2 to 1.

Lack of an overriding emotional issue may actually have helped the BCA this time. In past elections the progressive slate has been tied to losing issues such as rent control. The

other side was able, as BCA leader Mal Warwick puts it, "to depict us as Huns pounding on the gates. Now it is fairly widely perceived that BCA and its candidates are sound, responsible, progressive people who do not pose a threat to the well being of Berkeley citizens. In the past the Democratic Club succeeded in depicting us as just the opposite."

After their setback two years ago, progressives came to the conclusion that an organization which appears two or three months before an election and then goes to sleep until the next campaign was not equipped to win elections. Warwick was hired as a full-time coordinator, and an office established in the Dellums Community Center in South Berkeley. In 1977, BCA became a dues-paying membership organization, in effect assuming the role of a political party.

In the wake of Proposition 13, BCA sponsored Measure "I" to roll back rents and to return 80 percent of landlords' property tax savings to tenants. It passed with nearly 60 percent of the vote. After passage of the initiative, BCA set up a "hot line" to assist tenants who had received rent increases. It held workshops to inform residents of their rights under the measure. And BCA managed to keep its name in the news as the sponsor of "I," while emphasizing the mayor's and the Democratic Club's opposition to the measure.

### Differing views

Since the days of the April Coalition, Berkeley progressives have differed among themselves on the means for achieving change. Some have looked at election campaigns pragmatically, as a way to win control of the council, and thus to change policy. Others have approached elections more ideologically, seeing them as organizing tools to forward a vision of social justice. In 1979 those two perspectives clashed again within BCA.

Progressives have held lengthy, emotional nominating conventions to select candidates for endorsement for city offices since 1971. This year two men vied for BCA's endorsement for mayor. Councilman John Denton, a white attorney, had the support of the pragmatists within the organization. Gus Newport, a black newcomer, had backing from Congressman Dellums and from the ideologues within BCA. After six ballots neither candidate received the two-thirds needed for nomination, and the convention adjourned for one week to allow both sides to muster support.

During that time, BCA leaders worked out an agreement to keep the organization from splitting apart. Whichever candidate was ahead on the second ballot would be the nominee; the other would withdraw. Although Denton held a substantial lead at the close of the first convention, Newport pulled ahead at the second one and stayed ahead to become the nominee. BCA leaders pleaded for unity. Retiring councilwoman Loni Hancock told the convention, "Our worst problems have always been ourselves."

The moderates also regarded unity as essential, and they went about choosing their slate in a less traumatic way than the progressives. The board of the Berkeley Democratic Club interviewed 10 candidates at length and unanimously recommended four of them to the membership. The club's 150 members quickly ratified three of the choices, and after two additional ballots went along with the board's fourth choice, businessman Jack Bonno.

### Doorstep tabloids

The campaign was a quiet one by Berkeley standards. After the nominating sessions in January, more than a month went by before the first signs of activity. At the beginning of March, BCA volunteers dropped a copy of a tabloid newspaper on each doorstep in the city. In it, the BCA sounded its main campaign themes: that rent rebates would be in danger if the moderates were elected; that spe-

cial interests would try to buy another Berkeley election; and that Berkeley's economy would continue to decline if Mayor Widener were re-elected to a third term.

BCA directed its heaviest attacks against Mayor Widener, figuring that if it could cut the head off its opposition, then the tail would die too. Widener ignored most of the criticism and emphasized his own record. He talked most about getting federal money for the city. According to his campaign leaflet: "Mayor Widener's aggressive efforts qualified Berkeley to receive enormous increases in federal funds — an increase from \$2.2 million in 1971 to \$22.5 million this year." Widener also displayed endorsements from Mayor Tom Bradley of Los Angeles and Mayor Lionel Wilson of Oakland.

In previous election campaigns, the Democratic Club outspent the BCA by substantial margins. This time the funding gap was much smaller. The mayor and the Better Berkeley Committee (the vehicle formed to promote the moderate slate) spent about \$70,000, much of which came in contributions of \$100 or more. Business interests were among the heaviest contributors to the slate.

BCA raised \$30,000 with some new approaches. Homeowners were asked to contribute their Proposition 13 tax savings, which ran into the thousands. They also staged a children's carnival, a punk-rock concert, a dance with bands, an indoor-frisbee sale. A Jane Fonda benefit cocktail party and movie raised more dollars, and the Committee for Ron Dellums contributed to BCA and to each candidate backed by the Congressman.

### 'The year of apathy'

Yet the media labeled it "the year of apathy" in Berkeley. The *Berkeley Gazette*, the city's daily newspaper, decided for the first time to keep letters about the election out of its letters-to-the-editor columns. On campus the big campaign event was a raffle with a kilo of marijuana as the prize, to benefit the pot-initiative campaign. Otherwise most students seemed disinterested in the local election; turnout in some student precincts fell as low as 15 percent.

Even in the Berkeley hills, where turnout hit 50 percent, the election created less interest than usual. The shockwaves from Proposition 13 may have been a contributing factor. Hill voters may have been satisfied that their property taxes would be limited no matter what the city government did. They may also have felt that nothing much can now be done at city hall. Such an attitude could have hurt the Democratic Club slate which depends for much of its support on the hill areas north and south of the University of California campus.

For the first time since 1971, Berkeley had a serious independent candidate for mayor. His presence in the race changed the outcome of this election, just as the presence of an independent eight years ago changed that election's outcome. In 1971 feisty, conservative John DeBonis siphoned off enough votes from moderate Wilmont Sweeney to elect Warren Widener. This time independent Larry Schonbrun, a young white attorney campaigning with the slogan that "the people are angry," drew about 10 percent of the vote, mostly away from Widener's camp.

Although BCA now has four seats on the council, it is still one vote shy of a majority. The most likely candidate to join with the progressives is Carole Davis, a black moderate who became estranged from Widener's council majority. However, BCA will have to negotiate and sometimes compromise to hold that fifth vote. BCA also will face some difficult problems. Mayor Newport may not be able to produce the federal dollars that Widener did, and the city may lose some programs. The progressives may learn quickly that it is easier to make political promises than it is to deliver them from inside city hall. ♣

# When is government liable for losses from earthquakes?

By TERRY R. MARGERUM

It is March 1980, late afternoon on a warm, hazy Thursday. The sun provides welcome respite from the previous two weeks' heavy rain. In downtown San Francisco the streets and sidewalks are full of people emerging from their work places and jostling one another for the inside track home. The same scene, slightly less frenetic, is taking place in most Bay Area cities.

Suddenly an earthquake rocks the area. Not *the* earthquake — not the monster of 1906 come back to finish the job, but a moderately strong temblor registering 6.8 on the Richter scale and causing considerable damage, injuries and some loss of life. In downtown areas of Berkeley, Oakland and San Francisco, hundreds are injured when stone cornices and parapets crash down on busy walks. Across the Bay an old county hospital partially collapses, killing several patients and nurses and injuring dozens of others. In Berkeley and down the peninsula, scores of hillside homes slip off their precarious perches as the quake loosens the rain-soaked earth.

A few weeks later, just as life is returning to normal, several local governments are hit by an aftershock of a legal nature. Several injured persons and relatives of deceased victims have decided to sue the local governments, contending that the jurisdictions had long known about the dangerous conditions (parapets, the old hospital, the landslide area) which caused the injuries and had done nothing about them. Some plaintiffs point out that for over 10 years San Francisco has had a law requiring the repair or removal of hazardous building appendages such as parapets and cornices. In that time, less than 10 percent of the potentially hazardous buildings had been inspected and less than half of those identified as dangerous had been repaired. By contrast, Los Angeles enacted a similar ordinance in 1949, and by the late 1960s parapets were no longer a major problem there. The law saved both life and property during the 1971 San Fernando quake.

The basic argument in all the suits is that local government's failure to abate known hazards contributed significantly to the injuries. Cumulatively the claims total many millions of dollars. News of the initial suits triggers a flood of litigation against Bay Area cities and counties — and, indirectly, their taxpayers.

## Reducing immunity

Not so long ago such suits were inconceivable. Earthquakes and their effects were considered "acts of God" and governments were protected by so-called sovereign immu-

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ity, a legal doctrine inherited from the English common law. In simple terms, sovereign immunity meant that the king could get into your pockets, but you weren't allowed into his.

Well, things have changed. For years the courts and legislatures have been reducing the special immunities of government. And the trend continues. Indeed, a woman was recently awarded \$50,000 based on her claim that a San Francisco cable car accident (she bumped into a pole inside the car) left her a nymphomaniac. The National Park Service is currently fending off a suit by campers who were



ILLUSTRATION BY PAT CANNON

injured by a lightning bolt while in Sequoia National Park. And there are many less ludicrous but equally sobering cases which could be cited to document this legal trend.

To date the courts have not been asked for a ruling on state or local government's liability for earthquake losses. Following the 1971 San Fernando quake, one suit was filed against the federal government, charging its negligence contributed to deaths caused in the collapse of the Veterans' Hospital in Sylmar. The case was dismissed but its rele-