

November 18, 2013

"My younger sister was Virginia ("Ginger") Stromsted. Her story, "Berkeley: What About Academic Freedom When the Student is a Teacher, Mr. Hook?" must have been written in late 1965 or early 1966. It was clearly based on my written recollection of my meeting with the Credentials Board on October 20. I assume I sent her a copy of it soon after I wrote it. Being a NY magazine writer at the time, she seems to have thought she might turn it into a publishable story, but she needed clarification about some of the stuff I had written—thus her handwritten questions and comments on the draft she sent me. However, I have no record that I ever responded or that the story was ever published.

The name on the title page, Virginia Stromsted, is her birth name. She married in August 1967 and steadfastly only used her married name—Virginia Glauber—from then on, even after her divorce 25 years later.

We can't get her permission to post online, because Ginger died in 2011. However, I know she would have been delighted to have it posted online. It is a form of publication, after all.

There are a couple of factual errors about me in her tale:

Bottom of p. 3. She says I was a teacher at Berkeley Junior High School. In fact, it was Garfield Junior High School.

Top of p. 4. Never would I have said that I majored in Latin to give the department a new image! That's just Ginger giving color to the main character in her story.

Diane Kepner
Minneapolis, MN

BERKELEY: WHAT ABOUT ACADEMIC FREEDOM
WHEN THE STUDENT IS A TEACHER, MR. HOOK?

by

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Academia has been rocking on the waves of the Berkeley Rebellion for over a year. The problem has been defined and re-defined, stated and re-stated, simplified and re-simplified.

A year ago, Sidney Hook in an article in the New York Times Magazine condemned the students who took part in the now-famous Sproul Hall "sit-in":

...Strictly speaking, it is nonsense to speak of "academic freedom" for students. Students have a right to freedom to learn. The best guarantee of freedom to learn is the academic freedom of those who teach them. Where teachers are deprived of academic freedom, students are ipso facto deprived of the freedom to learn....

His thoughtful analysis asked the question in the minds of people all over the country who did not--despite the accusations of Clark Kerr, President of the University of California's "multiversity" system--think the 5,000 students at California were dupes of the Communist Party. Admittedly, Bettina Aptheker, an undergraduate leader in the Free Speech Movement, was the "red-diaper baby" of Herbert Aptheker, at one time editor-in-chief of Political Affairs, the monthly organ of the National Committee of the Communist Party of the United States. However, the issue at Berkeley was the Administration's attempt to keep students at the University from being

attracted to, or participating in, off-campus political protests. In the eyes of the students, that mean "the right of advocacy" which they held to be a civil liberty inherent in the Bill of Rights as "free speech." They saw an infringement on their right to advocate as an infringement on their right to protest, "the right to petition against grievances." Not a decidedly Communistic doctrine.

Mr. Hook raised a provocative question: Isn't academic freedom a prerogative of teachers, not of students? Mr. Hook thought it was. His criticism of the students, however, was a criticism of tactics, not of grievances.

The general feeling as the ruckus died down was that the Administration had not handled the problem very astutely. Understandably, they seemed more concerned with saving face than anything else. Now, much later, rumor has it that President Kerr himself has said that the original order from the Dean's Office which prohibited "the use of University facilities 'for the purpose of soliciting party membership or supporting or opposing particular candidates or propositions in local, state, or national elections'" was foolish, but "it had been made and we had to stick by it." (The order, incidentally, was issued while President Kerr was out of the country.)

Across the country the sit-in by 800 students and their arrest was page one news. The verdict of "guilty of trespass"; the sentencing; The Byrne Investigation of the "Berkeley Crisis" made at the request of, and financed by, the Regents of the University of California which came out solidly in favor of the students--(This report was printed in the

Can we prove this?

Los Angeles Times on May 11, 1965--almost nine months after the commencement of hostilities between the Administration and students, and after five months of study--without the consent of the Regents, incidentally, because Regent Dorothy Chandler, whose son is Otis Chandler, Publisher of the Times, considered the findings of the report to be in the public interest)--these may not have been page one news, but they were a matter of record.

But assuming Mr. Hook was right when he premised that academic freedom was a prerogative of teachers, not of students--how does this bear on the Berkeley story?

California spends \$2 billion dollars a year on education--half of its tax revenue. Considered in many ways to be the bastion of conservatism, its educational policy has the most adventuresome approach to quality mass education in the country. One revolutionary program is for people who have a good background in their subject matter. They can qualify to teach without an education degree only if they have never had an education course. The purpose is to obtain people who really want to teach and who have not taken child psychology courses in lieu of those needed in order to be well-grounded in subject matter--history teachers who have heard of the Battle of the Bulge; math teachers who have proved one plus one equals two according to the Real Number System, English teachers who know Henry VI, Part I is not really about Henry IV.

What is the name of this program

Diane Kepner, graduate student and for three years a teacher at Berkeley Junior High School began teaching under this program. "My ambition in life was not to type a perfect letter," she said after she'd tried it.

As an undergraduate at Carleton College in Northfield, Minnesota, she majored in Latin and minored in Greek. She was a princess, not the queen, of the winter carnival her junior year. "I majored in Latin," she said at the time, "because I felt the department needed a new image." And, yes, she felt she succeeded in giving it one.

After her graduation in 1958, while working in England, she met and married Gordon Kepner, a Rhodes Scholar from North Dakota. They made the academic pilgrimage to Berkeley in 1960 and were well-established members of the community by the fall of 1964.

Then Diane decided to give up teaching for a year to finish the course work towards her masters in Latin at Berkeley.

That was in September, 1964.

One ground for denial of the teaching credential application or its renewal under the Education Code of the State of California, Section 13129, is "moral turpitude." Webster ^{according to} defines turpitude as "inherent baseness; depravity." A special hearing was called by the Credentials Committee to take place in Sacramento on October 20, 1965. Everett T. Calvert, Chief Deputy Superintendent and Chief of Departmental Administration, began the hearing by stressing the State's obligation to protect its children ~~XXX~~ from morally questionable teachers.

He then asked Diane Kepner, summoned to appear before them, if she cared to make a statement in her behalf.

She read it.

...First, my decision to "become involved" ... was...a deliberate one...As I became increasingly aware of the importance of the issues involved and ~~and as~~ the Administration became more and more

as the attempts at deceit on the part of

*at
Special
Hall
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grant
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due
to moral
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apparent, I found that I could not maintain moral isolation.

While convinced of the rightness of the students' position, I also agreed with them that honest negotiation was preferable to direct action as a means for settling the differences. It was on November 20 that I became convinced that the Administration at its highest level, did not know how to deal honorably and honestly.

That day, known as "the meeting of 5,000 on the grassy slope," the Regents held their November meeting on the Berkeley campus. ~~XXXXXXXXXX~~ Diane, while not involved in the original outbreak, had signed a petition along with 5, 000 others demanding the right to a hearing of the grievances of the Free Speech Movement and asking for reinstatement of eight students who were suspended while representing the Free Speech Movement. The petitions were presented to the Regents by four students.

There was a rally at noon at Sproul Hall. The mood was one of high spirits and considerable optimism; after all, we had been called beatniks and communists and a small minority, and we were at last showing "the world" that we were not these things, that we believed in what we were doing, that it was a cause which should be of importance to all men, and we only wanted a chance to discuss it honorably with honorable men.

At the meeting the students were not allowed to speak.

...the Regents had shown themselves to be of the Kerr-Strong mold--which meant they would never agree to honest discussions unless forced....power seemed to be the only argument the Administration--and now the Regents--would listen to.

Mrs. Kepner "sat-in" at Sproul Hall and was arrested on December 2, 1965.

In the alphabetical sentencing of the students on April 6, 1965, Diane

Kepner had stood before the bench of the Right Honorable Ruppert Crittenden, Judge for the Berkeley-Albany Judicial District County of Alameda, State of California, awaiting the pronouncement of sentence. She was an "et. al. defendant" in the case of "The People of the State of California v. Mario Savio et. al. Defendants."

Judge Crittenden was, according to his record, the best possible judge the students could have had. In California--stronghold of the right-wing in politics and conceded to have captured the Republican nomination for Barry Goldwater--the 800 students had found a "liberal" judge. Undoubtedly Judge Crittenden was subjected to the same pressures that a university depending on a state budget to operate must be. Whatever his reasons, the judge found the students guilty of "trespass."

Diane stepped down from the bench and her husband, Gordon Kepner, was called. Before Mr. Kepner stepped down, Judge Crittenden remarked: "By the way, Mr. Kepner, your wife is a fine teacher. She didn't teach me but she taught my children." A matter of record.

That had been in April, and this was October 20.

"Were you part of the leadership of what you call the movement?" Mr. Calvert began the question after Diane finished reading her statement.

21 "No, not at all." *she said*

Asked what she meant by the "cause," Diane said that she ~~had~~ felt students should have the same civil rights on campus they did off ~~the campus~~ and that if they broke laws they should be dealt with by civil authorities; that the University should not be able to regulate speech--The University she pointed out had since the sit-in decided there should be no prior censorship.

Q: You mean the University doesn't have the right to regulate content of speech.

A: That's right.

Q: I think the Regents would be very interested in that.

Q: You mentioned in your statement that you thought the Regents were not honorable men. Do you know any of the Regents? Do you know Glenn Anderson? Governor Brown? Max Rafferty?

A: I know who the Regents are. I don't know any of them personally. In this particular situation I do not believe they acted honorably. I don't think it is honorable to refuse to allow four students who are representatives of 5,000 petitioners to present their case, and to make decisions without allowing the students to be heard.

Q: I don't think its fair of you to condemn the Regents when you don't know them.

The examiners asked if the University was or was not responsible for a student and whehter or not it had the right to discipline him for disorderly conduct. Diane agreed in general, but said that her concern was only with advocacy of political and social action--an area that she felt civil laws ought to govern. She pointed out that President Clark Kerr himself had said the in loco parentis role of the University was not appropriate for the present generation of students.

As all agreed that part of the controversy had to do with soliciting funds and recruiting people to work in Alabama and Mississippi and to sit-in in California, the examiners wondered if she felt it was right for outsiders to recruit on campus for these purposes. Diane ~~xxxxxxxxxxxx~~ admitted she thought it was, and even that outsiders had the right to speak on campus, to disrupt it.

Diane said that she felt students at Berkeley viewed the problem

very differently. Judging the caliber of a man's speech, they decide whether or not to listen to him. For that she had great respect.

Q: What about obscenity? Let's face it. The obscene word business was an outgrowth of this movement. Do you think it's all right for students to get up and use an obscene word for sexual intercourse? Were you on campus when Mr. Artman got up and used the word and described his various perverted relationships? Have you read the magazine Spider in which that word is used over and over again?

Diane replied that she had heard about the incident and was not interested in reading the article.

Q: What would you do if a person got up and spoke that way in your classroom?

A: I acknowledge that certain language is inappropriate for certain situations. I don't think someone would speak that way in my classroom. If someone did say the word, I would probably ignore it rather than giving him more attention by acting shocked.

Almost everyone at the table looked shocked.

I find it hard to believe that grown men can be so overwhelmed at the thought of a word being spoken.

Q: Most women don't like it.

Q: What would you do if someone on the playground was making a speech in front of the children like the one made on the campus? If a student were making such a speech?

A: I'm not sure. I think I would go over and quietly ask to speak to him alone and suggest to him that he should watch his language.

Q: There were 12 professors in the crowd when that speech was made and none of them did anything.

The speakers had been arrested, but not for obscenity. They were charged with disturbing the peace. Diane pointed out only three students were involved and they got almost no support on campus. Even at the Free Speech Movement defendants' meeting, they had been censured.

Q: Do you think you have the right to break the law just because you think your cause is right. We can't have teachers who are going to tell their students that.

A: I would never tell students that. But there are times when the law comes in conflict with justice. We see this frequently in the south.

Q: Do you think you have the right to decide what justice is? On your own?

A: No, of course not, not ordinarily. I consider this situation a very difficult one--one that I hope would not arise more than once in a lifetime. It was a case of the minority administration trying to inflict their will upon an unwilling majority of students.

The committee pointed out 27 or 28,000 students managed not to participate or to be arrested. Diane referred to the findings of the Byrne Report which stated that 2/3's of the students supported the goals of the Free Speech Movement and 1/3 supported its tactics, but she tried to convince the committee that the decision to be arrested was a difficult one.

Q: There are proper channels. If you go to the top and are not satisfied, you either give up or get out.

A: But what if doing that means accepting a complete degeneration of the principles of American society?

Q: Then you give up. No one has the right to break the law for what he thinks is right.

A: There are instances in our history--the Boston Tea Party, the American Revolution itself.

Q: But in those cases the English were the ones breaking the law.

The questioning then shifted to another area of civil rights interest--draft-card burning and attempts to avoid military service.

Q: What would you do if someone came into your classroom--as has been threatened--and started to tell students how to avoid the draft.

A: I wouldn't allow someone to come into my classroom and do that.

Q: What if someone were on the playground advocating that position?

A: I hope if there were a possibility of such a situation that the Administration would inform the teachers what school policy was. I hope an individual teacher wouldn't be expected to make a decision on this on her own.

Q: What if someone came on the playground and burned his draftcard?

A: I would probably think he is nutty.

Q: What if you were alone on the playground and had no previous instructions on policy from the Administration and heard someone telling how to avoid the draft.

A: I don't know what I would do. I just don't know the law on this point. I know it is now illegal to burn a draft card, but I don't know if it is illegal for someone to come on the schoolgrounds to tell how to avoid the draft.

Q: But in your own heart what do you think of someone who would do such a thing?

A: I don't know. I'm not sure.

Diane's distinct impression was that the members of the committee looked dismayed.

Q: Really, that is a very simple question. Your answer should be automatic.

A: You mean my credential is going to be granted or denied on the basis of what I think of someone who is in favor of avoiding the draft?

Q: (from the one man on the Committee who seemed to be somewhat sympathetic with what Diane had said throughout). We didn't say your credential was going to be denied.

Since the policy the students had wanted was not in effect on campus, the committee wondered, did she think the justified the actions of the students. Generally, she felt that the ends did not justify the means, but in this instance when the Administration had been absolutely unwilling to discuss the issue, she did.

Q: You never even tried to petition the Regents until after the riot. That was a channed that should have been tried.

A: I know that's not tur. As I read in my statement, the turning point for me occurred when 5,000 of us petitioned the Regents.

Q: That was after the riot.

A: That was on November 20.

Q: That petition must never have been delivered to the Regents. Perhaps next time you will try to find out the facts instead of listening to what the student leaders tell you.

AA: I also know from testimony at the trial that faculty and students had tried behind the scenes before the October Regents' meeting to meet with the Regents and were unsuccessful. Minutes of the Regents' meeting of September and October indicate there was no discussion of the controversy. It should also be remembered that we considered the matter a campus issue which had to be handled through Strong and Kerr. Our meeting of 5,000 occurred only as a means of appealing to authority beyond them when they would not discuss it.

Q: I know there was a Heinz Committee which had student representation.

A: There was no Heinz Committee. Do you mean the Heyman Committee?

Q: Yes, that must be the name.

A: That was a faculty committee advisory to the Chancellor. There was another committee with student representation.

Asked if she felt it would be proper to advocate her own views on a political matter in the classroom, Diane said she would not and that even the most ardent members of the FSM would disapprove. As to whether or not students have the right to "illegal" advocacy, she felt it was a matter of definition.

A: If by illegal, the Regents meant the laws for the outside community would apply on the campus, that would be all right. But the Regents seemed to be saying that the University would decide what was "legal" and not legal. And what they considered legal or not legal could easily shift according to pressures in the outside community.

Q: The Regents make regulations, not law. And if you think any one opinion prevails among the Regents about what should be said and what not, you are very wrong. There is the whole range of viewpoints among the Regents.

Nevertheless, she said, the position of the Regents on November 20 seemed to be united. If the Regents had allowed the students to present

their case and the Regents had turned them down, would she still have sat-in at Sproul Hall. Diane found it impossible to imagine responsible men not agreeing with the students. If that had happened, everything would have been very different. The Board was distressed that she kept putting herself in the position of saying what she thought was reasonable was reasonable. She realized her stand was firm, she admitted, but she could see no justification for not giving in.

Q: Do you believe in the international Communist conspiracy?

A: Are you serious? I didn't think questions like that were asked.

Later she admitted her replay was too snide.

Q: What do you mean am I serious? I asked you if you believed in the international Communist conspiracy?

A: What do you mean do I believe in it? Do I believe there is one? Do I believe the Communists are trying to take over the world?

Asked if she realized the conspiracy had been defined, she admitted she hadn't. But she did feel the best weapon against Communism was to permit the expression of all viewpoints. Then the questioning turned to the trial and to the legal defense of the Free Speech Movement.

If she had it all to do over again, would she do the same thing? She would try to talk to an administrator herself. She doubted if it would have done any good, but she would have tried.

Q: Do you have anything more you want to say for yourself.

A: Yes. Various people told me that I should have letters of recommendations sent here to help me out. I told them that ~~xxx~~ I have been under investigation since I applied for renewal of my credential last April. The people I would have asked for letters--at my school, the people I did my teacher-training with, the people I did my academic work at Cal with--are the same people the investigators would first go to to find out about me. I felt that the best thing in my favor was my

record as a teacher. Yesterday I called the principal of my school to be sure he had been contacted. He said that no one had ever gotten in touch with him.

With that the hearing was over, the decision was made, and Mr. Calvert asked Diane to come to his office.

Calvert: I will tell you first of all that the recommendation for credential renewal has been denied. The reason was that although we think you were probably a very good teacher, you obviously are very mixed up, and we think you ought to get your thinking straightened out. Your opinions about the Regents when you have never even met them are very bad. And that question about the draft evasion was very clear cut. It's in the California Code.

Diane: You mean my record as a teacher counted for nothing. The fact that I was not sure how I felt about people who were against the draft was what decided it.

Calvert: Don't try to pin it on any one question. It was your entire attitude and thinking. I want you to know that I am an old liberal. I was president of the FDR Club in Pasadena, which is a very conservative community. I have done work for civil rights. We have gone all over the United States trying to recruit the best Negro teachers to come to California!

Diane: How many of those best teachers did you ask what they thought about the draft?

Calvert: I'm not going to argue with you.

Mr. Calvert and Diane Kepner terminated their conversation after a discussion of the appeal procedures.

Mr. Neil Horton, ~~xxx~~ Mrs. Kepner's volunteer attorney, in a letter to the American Civil Liberties Union asking that it take her case and that of another teacher similarly denied credential renewal, said:

We can debate whether the young ladies were right or wrong, whether they were too self-righteous and hasty or patient martyrs, but there can be no question that this act involved the opposite of "moral turpitude."

Mr. Horton received a letter from Burnell E. Johnson, Personnel Director of the Berkely Unified School District:

...without personally knowing this individual teacher I can state with conviction that I know both principals who evaluated the work of Mrs. Kepner. I know of their high professional and moral standards....I am therefore at a loss to reconcile the commendable record of Mrs. Kepner as a classroom teacher in this district with the interpretation given her action prior to or during the application hearing.

The people Diane did her teacher-training with are worried, for fear it will set a trend. There are stories floating around of teachers' remarks in the classroom being reported to the administrations and out-of-context. Many of the candidates for Diane's teaching program have been arrested in civil rights demonstrations so the consequences could be far-reaching. Her principal wrote her a letter in which he said that she was one of the best of his 70 teachers; that she was neat, courteous, and alert; that although politically active, she did not use her classroom for anything but teaching Latin and English; and that she had left voluntarily and could teach there at any time with or without credential.

An appeal of the hearing ~~XXXXXXXXXXXXXXXXXXXX~~ is to be held on March 18 in which Mrs. Kepner is to answer the charges of moral turpitude against her. After four months of guilt, Mrs. Kepner may, after all, find herself a cause celebre. Bill Plosser, a lobbyist for the American Federation of Teachers in California appeared before a committee of the state legislature in February. This committee, it seems, is investigating the credentials committee. Lord help the last man on the bandwagon.

California continues as the state of contrasts--the liberal and the illiberal. First one has the upper hand, and then the other ~~has~~.

At present Diane is working as a secretary on the Berkeley campus.

*back to a grade 5 or 6
give the principal
tenor
Chambers
could hardly
go out and
you were a health*