

**CLARK KERR: TRIUMPHS AND TURMOIL\***  
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**ABSTRACT**

This paper is a personal recollection of Clark Kerr and his presidency of the University of California by a friend of 43 years, not from a distance, but as a former student, colleague and successor president of the University. It is also a summary remembrance of the contributions made by his three most influential predecessors. These three presidents: Gilman (1872-75), Wheeler (1899-1919), and Sproul (1930-1958), essentially defined the trail of history that led to and helped shape Kerr's own presidency (1958-1967). The principal focus of this paper is Kerr's beliefs, values, style, personality, ways of working, priorities and life-experiences that so informed his professional and personal lives. Few such private persons have held such a public position as that of president of the University of California. The interplay between the man and his duties helps one better to understand and more deeply to appreciate Kerr's remarkable accomplishments and the triumphs and turmoil that defined both his presidency and legacy alike.

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The University of California, while chartered in 1868 by the state Legislature, was mostly formed and fashioned as to its mission, structure and governance by the vision, fortitude and personality of four of its presidents – Daniel Coit Gilman (1872-1875); Benjamin Ide Wheeler (1899-1919); Robert Gordon Sproul (1930-1958); and Clark Kerr (1958-1967).

These four presidents, each very different one from the other in background, personality, and temperament, at different times and in varying ways, managed to protect the University's independence and to modify its mission, form and structure as circumstances required while persuading governors, legislators, donors, agricultural and business interests, and the people of California to support the University and sustain it over time.

They did so, it should be noted, during times of war, civil and social unrest, natural disasters, financial panics, recessions, and depressions, faculty discontent, student-driven political activism, contending political interests and the vagaries of California's many cultures and lifestyles.

To better understand Clark Kerr's service as president and the challenges he confronted upon taking office in 1958, a summary remembrance of the contributions of his three most influential predecessors will better inform the reader about the trail of history that led to and helped shape Kerr's presidency. It will also accord them the recognition they so richly deserve but, which in today's preoccupation with what is only immediate, they so rarely receive.

Let me note that this is a personal account of Clark Kerr and his work as UC's president, relying on our 43 years of friendship, not from a distance, but as a student, colleague and successor president of the University of California (1983-1992). I have sought to do so as objectively and as honestly as did Clark when preparing his own memoirs.

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**GILMAN (1872-1875)**

Daniel Coit Gilman became the University's second president when appointed in 1872 at 41 years of age. He was a Yale man and a contemporary of Charles William Eliot of Harvard, Andrew Dickson White of Cornell and James Burrell Angell of Michigan, all of whom were transforming their respective institutions from the colleges they had been into the universities they were to become with the then modern German universities as their model.

The character and course of American higher education would be changed forever by these initiatives, their influence extending even to the far reaches of the nation's most distant frontier: the California coastline, site of the State's then fledgling university and destined for greatness. Gilman brought this vision of the university to his adopted state and its even newer university. He chose his inaugural address as the venue not only to introduce but also to declare his plan for developing the University of California, a vision as fresh, far-reaching, vibrant and bold as those planning for Harvard's, Cornell's and Michigan's futures. His vision, however, was at odds with the then raging debate in California about how its new university should plan for its future: agricultural interests battling those favoring industrialization and mining and each of these opposing those favoring a more classical curriculum.

Gilman used his inauguration to place his stake firmly in support of a vision more comprehensive than the more narrowly articulated educational purposes of those seeking to influence and/or control the University; more strategic in its thinking than the latest debate in the state capitol; more public as to the University's character and purpose than those arguing for a more private, limited and tightly focused mission; and more in tune with the probable direction of American universities as they were then being envisioned. In other words, Gilman did not seek to negotiate or mediate the then contending views over the University's mission, structure, governance and/or purpose. He merely asserted his own view and laid claim to his intentions as being those of the University as well, as excerpts make clear:

First, it is a "University" and not a high school, nor a college, nor an academy of science, nor an industrial school which we are charged to build. Some of these features may indeed be included in or developed with the University, but the University means more than any or all of them. The University is the most comprehensive term which can be employed to indicate a foundation for the promotion and diffusion of knowledge – a group of agencies organized to advance the arts and sciences of every sort, and to train young men as scholars for all the intellectual callings of life...It is not the University of Berlin nor of New Haven [Yale] which we are to copy; it is not the University of Oakland nor of San Francisco which we are to create; but it is the University of this State. It must be adapted to this people, to their public and private schools, to their peculiar geographical position, to the requirements of their new society and their underdeveloped resources....

Science is the mother of California. Give us more and not less science; encourage the most thorough and prolonged search for the truth which is to be found in the rocks, the sea, the sand and air, the sun and the stars; in light and heat and magnetic forces; but let us also learn the lessons which are embodied in languages and literature, in laws and institutions, in doctrines and opinions, in historical progress (Adams and Newhall 1967, p. 12).

Gilman's tenure at UC was to be brief, but telling. His vision, it might be said, laid the foundation for the University's development and set the course for its public character and educational underpinnings. While his inaugural failed to dampen the political maneuverings for the course and control of the University, his vision came to outweigh and outlast these adverse forces. In 1875, Gilman resigned to accept the presidency of The Johns Hopkins University in Baltimore, for both personal and professional reasons (Stadtman 1967, p. 12). Owing in no small part to Gilman's untimely resignation and the enduring political wranglings within the state about UC's future, a Constitutional Convention was convened to write a new constitution. One was drafted and in 1879 submitted to a vote of the people. It was approved, including Article IX, Section 9, thus enshrining in the state's highest law for the University of California the autonomy it so desperately needed.

This provision provided for a Board of Regents to govern the University with nearly unqualified authority, excepting that the Board keep the University free of political and sectarian influence in its administrative affairs and in the appointment of its Regents; the admission of women to the University was to be on the same basis as for men, a requirement previously approved by the Regents in 1870 but now embodied in the state's constitution; and members of the governing board were to be appointed by the governor for sixteen years. *Ex-officio* members served during their term of eligible office. Constitutional amendments were made in 1918 and 1974 as well. These changed the composition of the Board, in the first instance by increasing the number of *ex-officio* members by two, and in the latter, by increasing the number of gubernatorial appointments by two, reducing the number of *ex-officio* members by one, and the lengths of terms for appointed members from sixteen to twelve years.

The University's autonomy has proven to be, time and again, both an indispensable protection for the University against external political pressures and internally against actions of the Regents or administration that might otherwise have been considered.

(As president from 1883 to 1892, numerous occasions arose of both kinds, mostly legislative in origin, that were deflected or mooted by the provisions of Article IX, Section 9, when firmly and confidently invoked.)

The University of California owes much to its second president, Daniel Coit Gilman.

### **WHEELER (1899-1919)**

Between the years 1875 and 1899, the University of California evolved rather than developed. It was mostly opportunistic, both in action and outlook. Five presidents came and went, earning the University a reputation for using up as many presidents as were willing to take the job.

Significant academic progress had, nevertheless, been made during those years: enrollments grew from 231 when Gilman resigned to 2,553 as the century turned (Stadtman 1967, pp. 212, 216). Private donations grew; state resources flowed with a modest measure of predictability; several professional schools and research centers were added mostly through gift, affiliation or merger, such as the medical sciences in San Francisco (later to become UC San Francisco) and the Hastings College of Law, also in San Francisco. The range and character of educational offerings obviously responded to local demands. Most importantly, distinguished scholars and scientists were recruited, including several from the former Southern Confederacy, all gambling their professional careers and personal hopes on what California and its university might well become. Powerful external forces, however, tended to drive UC's internal decision making at this time, owing to an insufficiency of countervailing pressures from within.

The election in 1899 of Benjamin Ide Wheeler, as the University's next and eighth president, changed all that. He was 45 years of age and came to California from a professorship at Cornell where he taught philology and Greek. Brown was his undergraduate college, and the University of Heidelberg in Germany had granted him his PhD.

Wheeler wrote to the Board of Regents, prior to his being offered the presidency, in which he set down four conditions for the Board's review, and if they wanted to consider him further, for the Regents' approval as well:

- (1) That the President should be in fact, as in theory, the sole organ of communication between Faculty and Regents;
- (2) That the President should have sole initiative in appointments and removals of professors and other teachers and in matters affecting salaries;
- (3) That the Board, however divided in opinion during discussion, should in all things the President is called upon to do regarding the Faculty, support him as a unit;
- (4) That the President should be charged with the direction, subject to the Board, of all officers and employees of the University (Stadtman 1967, p. 181).

By agreeing to Wheeler's conditions without amendment or restraint, and then with his acceptance, the Board of Regents for the first time in UC's history delegated to the president the executive discretion needed to administer the increasingly complex and growing university. Clearly, Wheeler had no intention of being just another president whose tenure was brief and influence marginal. He served as president for 20 years – a golden era for the University, and especially for undergraduates whose respect and affection he earned as well as reciprocated.

The University also grew in enrollments - 2,553 at the start of Wheeler's presidency and some 12,227 at the close (Stadtman 1967, pp. 216, 218) - in its physical plant, in the size and diversity of the faculty, in the flow of funds and the richness and variety of its academic program and research. The University's geographic reach and influence was by then spreading well beyond the boundaries of Berkeley and San Francisco: agriculture at Davis (later UC Davis); the Citrus Experiment Station at Riverside (later UC Riverside); astronomy at Mt. Hamilton (the Lick Observatory, later part of UC Santa Cruz); the absorption of the regional Normal School in Los Angeles (becoming UCLA during Wheeler's tenure); and the Marine Biological Research facility at La Jolla (later the Scripps Institution of Oceanography, and afterwards, a part of UC San Diego), among others. One could sense even then the prospects and potential for one state University having several parts, not just on its mother campus but throughout the state. These early initiatives, however, were as much an effort by the University to prevent the absorption of university-level research and teaching by institutions independent of UC as it was to attract such endeavors to the University itself. Wheeler also had an eye for talent and proved to be a remarkable recruiter of distinguished scholars and scientists from throughout the country, and even beyond, just as faculty members from the last half of the nineteenth century were retiring.

While Wheeler's relations with UC's myriad constituencies remained strong throughout, not so for important segments of the faculty who regarded him with respect but not in his dealings with them which they saw as unduly autocratic. So strained were these relations that near and following the close of his presidency a "faculty revolt" occurred. The consequences were a timely

retirement by the president at age 65 (who in any event was in ill health), and a Regental delegation of authority to the Academic Senate (the professoriate), not via the president but directly, for the full but not necessarily final involvement of the Senate in the processes of faculty recruitment, appointment and promotion, academic planning and the formulation of educational policy. The Senate was also delegated authority to organize itself as it wished, to elect its officers and appoint its committees and otherwise to perform its duties free of administrative or Regental oversight, involvement, reproach and/or concurrence.

By 1920, therefore, some but not all of the University's governing and management principles familiar to us today were in place. Gilman's earlier vision remained the referent. The Berkeley campus was named as one of the six major universities in the nation (Kerr 2001, p. 50). Three years following Wheeler's retirement, the University with an enrollment of 17,347 students was the largest of any university in the country; and Wheeler's successor, President Barrows, and the Senate were beginning, by virtue of Regental actions, to develop a shared governing arrangement, a unique and challenging expectation, but, as it matured, as much responsible as any other single consideration, except for the University's autonomy, when seeking to understand the University's ascendancy to a pre-eminent position among public universities worldwide.

The complexities and prospects for one University with multiple campuses and a worldwide range of relationships and obligations was just forming within the University's leadership during the later years of Wheeler's presidency, but the expansive growth in enrollments then looming was not well forecast nor especially well planned. These and other matters of consequence were to fall not so much on the shoulders of Wheeler's two immediate successors but on those of Robert Gordon Sproul, UC's first native Californian and UC graduate to be so chosen.

### **SPROUL (1930-1958)**

Robert Gordon Sproul was elected as the eleventh president of the University of California in 1930 at the age of 39. His affiliation with UC spanned one-half a century, from his admission as a freshman in 1909 (excepting one year working in Oakland as an engineer) until his retirement as president in 1958 at age 67.

His first appointment at UC was as its Cashier. In 1920, he was chosen by the Board of Regents to serve as Comptroller, Secretary of The Regents and UC's land agent, all at the age of 29. In 1925, he was appointed vice-president for business and finance; and then president in 1930. These were not just titles. They reflected as wide a range of administrative duties as were held in the University by any person (except for the president). His direct report was to The Regents but, as expected, he worked closely with his two sequentially serving presidents as well.

This nearly ten-year assignment immersed him in all things administrative; placed him in regular contact with members of the governing board; introduced him to the vagaries and uncertainties of political life in California when representing the University in the state capitol; and broadened his reach and appreciation for the complexities in working simultaneously with the Regents, the president, the Academic Senate, his administrative staff, the students and the political, agricultural, labor and business leadership of California.

Sproul, however, was not an academic. This gave pause on the part of some Regents as to whether or not Sproul, if considered for the presidency when it opened in 1929, would be acceptable to the University's faculty. By then, however, the recently won rights of the Academic Senate (1920) were an established reality. That fact along with Sproul's more than decade-long service within the University's administration had earned him the faculty's respect and, therefore, their support. Thus, he was elected president with the widespread and confident regard of the faculty, the larger University community and those external to UC whose opinions also counted. Sproul had a full plate of problems awaiting him:

- The nation's "Great Depression" was then one year old and destined to persist throughout the decade, accompanied by shrinking funds for UC as the needs of the University were growing both in complexity and scale, necessitating fresh sources of funding and/or reduced expenditures to balance spending with revenues;
- The Berkeley campus was casting an uneasy eye toward UCLA, given the latter's expressed ambitions and assertions of a Berkeley bias among Sproul's staff, which, if correct, would pit a growing UCLA in the south against a more mature and settled Berkeley in the north, allegedly protected to UCLA's detriment by a presidency charged with having favored Berkeley rather than UCLA and the northern interests over the southern;
- The growth of the state's community colleges and the implications this carried for UC's academic standards for admission to its lower-division programs;
- The growing restlessness of California's state colleges, then under the aegis of the State Board of Education, and tied, therefore, more to K-12 than to California's other public institutions of higher education;
- The growing concern among the private colleges and universities that UC seemed to be looking increasingly to the private sector's donor base – foundations, corporations and individuals of means – to augment insufficient public funding, thus,

impinging on a sphere of funding believed to be the province of the state's private colleges and universities;

- The cultivation and servicing of an ever-widening number of alumni, now from both Berkeley and UCLA, as they and other friends both in the public and private sectors played an increasing role in building support and good will for the University;
- The increasing diversity of UC's operations, now widely distributed throughout the state, and the ensuing changes this would have on the University's practiced and established ways of working;
- The need for long-range planning of the then quite large and complex University grew steadily more urgent as enrollment increases appeared on the horizon (to Sproul's credit addressed by him in the early years of his presidency but less so subsequently as prospects for the doubling of enrollments in the 1960s became apparent); and,
- To sustain Sproul's commitment to one, unified university with its several parts, including new campuses, rather than to succumb to the omnipresent centrifugal forces increasingly in evidence within the larger University of California.

As the years passed, Sproul found his list of strategic challenges lessened or enlarged by changing times and conditions.

For Sproul, the "Great Depression" yielded in 1941 to the second world war. Hostilities ended in 1945, and veterans returned to their colleges and universities, helped and encouraged by the G.I. Bill (Servicemen's Readjustment Act of 1944), filling UC's campuses then operating with a much augmented teaching staff and year-round classes with weekend and night classes being the norm; and this post-war era yielded in 1950 to the Korean War (1950-53) with its disruptions and federal and state governments' initiatives to uncover "disloyal" members on the faculty and staff of American universities, including California's.

In addition, the University in 1949 self-imposed a loyalty oath to be signed by all members of UC's faculty and staff as a condition of employment and/or continuing service. The oath controversy (1949-1952) proved to be the single most disruptive event within the University's internal affairs and in the negative opinions of the public in Sproul's otherwise remarkable record of accomplishment (see Gardner 1967).

During his final years as president (1952-1958), three seemingly intractable but also strategic issues remained, managed by Sproul but not resolved:

- The concept of a single university with multiple campuses, to which Sproul was unwaveringly committed, became even more of an issue within UC when Sproul agreed in the very early 1950s, under Regental and regional pressures, to appoint chancellors at UC Berkeley and UCLA, while refusing to accompany the appointments with delegations of executive authority from the president sufficient to enable the chancellors to perform their assigned duties. This resolved in the mind of Clark Kerr, who was the first Berkeley chancellor, any residual reservations about the need for dramatic changes in the University's administrative structure. He would have to await his presidency, however, to do anything about it as Sproul was immovable on this subject (Lee 1995);
- California's public institutions of higher education were not functioning as a system, not only loosely, divided as they were on issues of mission, governance, structure, funding and admission standards. This impasse, long-standing and as yet unresolved, became a matter of real concern to the state at the end of the second world war and thereafter as enrollments for these institutions were expected to double in the 1960s. Given the lead time needed for such expansion by these institutions, the matter moved from a mere concern to an immediate crisis;
- It was also being made clear by the Legislature that they were quite willing, in the absence of agreement between the various segments of California's higher education community, to act on their own, approving as they were in the late 1950s new colleges and universities throughout the state at each legislative session and according to no plan whatsoever, just political and financial pressure from the home districts of the most powerful members of the Legislature. It was not that this matter had not been studied. It had been studied, indeed studied nearly to death (Douglass 2000). Decisions, on the other hand, had not been made. The luxury of indecision was no longer an option but the differences, deeply held, resisted resolution, yielding up instead answers that were unworkable: lots of unworkable answers, no viable solutions; and,
- The delayed but now compelling need for the University of California to develop its own long-range planning, i.e., an academic plan, a physical facilities plan and a fiscal plan, the first including enrollments, academic programs and personnel, the second, the grounds, buildings and equipment needed to support the first, and the third, the fiscal resources needed to fund it all.

The University's long-range planning had been well done over the decades, for the most part, but with a doubling of enrollment expected for the 1960s, UC was back of the curve in the latter years of the 1950s when Sproul announced his intention to retire in 1958.

Thus, these three unresolved and major strategic issues were mostly bequeathed by Sproul to Kerr, although Sproul as president and Kerr as Berkeley's chancellor had worked on these issues, sometimes together and other times separately, Kerr mostly for Berkeley's planning and Sproul's for UC as a whole.

As the twenty-fifth anniversary of Sproul's presidency (1955) arrived, celebrations were arranged. Professor Joel Hildebrand, Dean of Berkeley's famed College of Chemistry and a leader among the faculty, was asked to author the Senate's tribute to Sproul and add thoughts of his own as well:

Professors are hard to please, as they should be because timid, uncritical men cannot train youth for courage and adventure. The President who retains his intellectual and moral stature under their cold scrutiny is indeed a good one. Many a president has had to take refuge in aloofness and the authority of his position. Not so President Sproul. He is the kind of president who can be called by his first name without loss of dignity. His government by cooperation rather than ukase has fostered a fine sense of loyalty and responsibility. We respect his wisdom and we like his friendly humility....

You have abundantly earned our confidence. You have demonstrated over the years your appreciation of the high standards of both discovery and teaching upon which the greatness of the University must be built. You have devoted yourself with zeal and success to maintaining the unity, the dignity, the distinction of the University of California. We deeply appreciate the fact that your leadership has been affected by patient, persuasive wisdom, rather than recourse to the formal authority of your office. You have been receptive to constructive criticism. You have treated us as colleagues, and have shared the sense of obligation to our common task which has become the genius of this institution.

Such a combination of virtues, essential to the distinction of a university, is too rarely found in a university president (Pettitt 1966, p. 86).

In short, Sproul's presidency was a triumph and a second golden era in UC's history, complementing Wheeler's (Gardner 1986, pp. 462-490). Clark Kerr agreed with this judgment of Sproul's presidency, as he made abundantly clear throughout his own memoirs, whatever differences they may have had when serving together for six years (1952-1958), Kerr as Berkeley's chancellor and Sproul as president.

The shoes Kerr was asked to fill as Sproul's successor in 1958 were large indeed, both a challenge in the ordinary sense of the term, but also in the very real sense as well, that following a successful and revered predecessor is a good deal more difficult than succeeding one less well regarded or, even better, one poorly considered.

Sproul was Sproul, of course, and Kerr was Kerr. I knew them both personally and also understood their role as I later served as UC's fifteenth president (1983-1992). Here are some general impressions I have of them before I move into Kerr's work as UC's twelfth president:

- They were not in personality, style or background very much alike other than they each learned how to work at an early age, Sproul in urban San Francisco and Kerr in rural Pennsylvania. Whatever the differences in their life experiences as children, they shared in their respective homes a solid and loving environment, where education was valued and individual responsibility nurtured;
- Their working relationship when Sproul was president and Kerr was Berkeley's chancellor was not altogether smooth or seamless, if I may understate it, the perceptions of their respective roles differing fundamentally one from the other;
- Each was committed to the concept of a single, unified university, with a single Board of Regents, one president and with multiple campuses. Beyond that, they disagreed over how best to sustain this concept. Sproul had run a highly centralized administration, a role he regarded as essential to preserving the one-university idea. Kerr, on the other hand, believed the times, growth and complexity of the University could no longer be managed, not to mention governed, with Sproul's system. It had worked for Sproul but as far as Kerr was concerned, decentralization of the University was long overdue, indeed desperately needed. Neither conceded to the other on this point, but as Sproul was leaving and Kerr was coming, the outcome was predictable;
- Kerr was deliberative and intensely analytical, as was Sproul. Sproul, however, tempered his conclusions with what he perceived as being also relevant considerations independent of the analysis itself. Kerr's conclusions, however, reached after his always studied and thorough analysis, were arrived at with less regard for other variables he regarded as extraneous to his analysis, but to which Sproul attached significance and Kerr did not. In short, for Kerr the answer was the solution, but for Sproul, the only solution was an answer that worked, not answers that were suspect or might prove to be unworkable when factoring in other considerations that appeared to others to be extraneous but often were not;
- Sproul cultivated constituencies outside the University as deliberately as he did internally. For Kerr, this use of time did not

rise to a level of priority that would deflect or otherwise diminish his efforts to deal with Sproul's bequest of major, indeed strategic, issues referred to above. Sproul, however, had also bequeathed Kerr a "reservoir" full of good will toward the University by its key external constituencies. In the course of dealing with the incredibly challenging tasks at hand, each on a tight time line for resolution, Kerr drew down the reservoir of good will without replacing it. Thus when the Free Speech Movement hit (1964) and Kerr looked to the outside for help, there was not sufficient water left in the reservoir to make much difference;

- Kerr was prompt in dealing with the business on his desk and implementing his decisions. Sproul was not, not because of neglect but on purpose. (His assistant of over 30 years, Ms. Agnes Robb, one of the University's real characters, told me while I was waiting to see him on a matter, that Sproul had discovered early on in his administration that a not small percentage of the problems piled on his desk would, if not answered, resolve themselves within four to six months and without his involvement);
- Kerr's contacts were more international than Sproul's and Sproul's were more domestic than Kerr's;
- Kerr was more reluctant socially than Sproul who was an extrovert; Kerr did not feel as comfortable in large crowds as Sproul who thrived on it.

The above is not an exhaustive list, merely illustrative. In other respects, the two men were less different and more alike. For example:

- Each was devoted to the University and made personal and professional sacrifices by putting the University first;
- Each was young when elected president, Sproul at 39 and Kerr at 47 (so, too, had been Gilman at 41 and Wheeler at 43);
- Each was well prepared for the task, full of knowledge and relevant facts and figures, with a vocabulary to match, and persuasive styles, Kerr being more understated and Sproul more expressive;
- Each had an uncanny way of seeing the larger issues within context. Kerr was more historical and theoretical about the links between the context, the problem and his favored solution, and Sproul more practical and instinctual about both his perception of the context and the reasoning that ran to his solution. These were especially important considerations when Sproul was dealing with the antecedents of the loyalty oath and then proposed that it be enacted by The Regents, as it also bore directly upon Kerr's perceptions of student unrest in the 1960s and his actions to cope with it;
- Each was quite capable of saying "no" when others or most were pressing them to say "yes," and the reverse;
- Each earned both the faculty's respect and confidence, Sproul having chosen to work closely with the Academic Senate during his presidency when his predecessors had not. Kerr's reputation stemmed from his long service as a faculty member at Berkeley and as the first director of The Institute for Industrial Relations (Kerr was already a famous negotiator and arbitrator of some of the major union-management disputes in the United States.); and his involvement in the loyalty oath controversy also earned him the respect of the faculty generally and a high opinion among some Regents, but not all;
- Each was healthy throughout his respective tenure, full of energy and verve expended in behalf of the University, all made possible, of course, by a supporting family, and the intelligent, capable and accomplished spouse each had married;
- Each had Regental support on the major issues throughout their service, except for Sproul during the loyalty oath controversy when, had it not been for the intervention of his former classmate at Berkeley and then governor of the State of California, Earl Warren, the tide might well have turned against him. It was close.

As for Kerr, all went well except during the Free Speech Movement (FSM) at Berkeley in 1964, and the Filthy Speech incident a year later. There were also some Regents, a distinct minority, however, who had not welcomed Kerr's role in the loyalty oath years and liked even less his handling of the Free Speech Movement. These feelings came to be more tellingly expressed once Ronald Reagan became governor of California, promising during his campaign to "clean up the mess at Berkeley" and "get rid of its President, Clark Kerr." (See Kerr 2003, chaps 15-16 and pp. 332-365 for the role of the Federal Bureau of Investigation in the matter of Kerr's dismissal).

### **KERR (1958-1967)**

While there are other differences and similarities that could be drawn, I go now to Kerr's service, first as Berkeley's chancellor (1952-1958) and second to his labors as UC's twelfth president, elected in 1957 and in possession in 1958, at the age of 47.

"I was the first Chancellor at Berkeley, a title in search of a job," he was fond of saying. What he meant was that the title, august as it was, possessed none of the academic and administrative executive authority implied, no office of consequence, no staff and mostly makework. Kerr was really an assistant to the president in a highly centralized administrative apparatus, and Sproul was president. Kerr, who found idleness to be out of character for one ordinarily working 12- to 14- hour days, determined to make his years as chancellor productive, even if in doing so he incurred the displeasure of Sproul's staff, which he did.

In typical fashion, and in the absence of direction from above, he chose to pursue seven objectives:

- Make something of the chancellorship;
- Maintain Berkeley in the Big Six;
- Develop an academic plan for the future;
- Improve the quality of undergraduate life;
- Provide the physical facilities needed for the support of this institution;
- Plan for the improvement of Berkeley's cultural life; and,
- Restore lost confidence in Berkeley's academic freedom, damaged by the loyalty oath controversy just concluded (Kerr, 2001, p. 29).

Kerr succeeded, and in every respect, not because he possessed delegated authority sufficient for his title, but because he acted as though he did.

Berkeley would soon bustle with evidence of his efforts: residence halls for undergraduates, student cafeterias and a student union building, playing fields, facilities for the performing and visual arts, all intended to move Berkeley away from the German model with its neglect of student life and more towards the British model that took more explicit account of it. Kerr also set very high academic standards and expectations for the Berkeley campus, and, along with the Academic Senate and faculty, worked tirelessly to improve even further the quality and standing of Berkeley's academic departments, schools and colleges.

The basic Berkeley strategy was "one of select attention, not equal across the board distribution of efforts and resources, and aimed at the...intellectual resources for advancing academic performance" (Kerr 2001, pp. 56-57). This effort, pushed hard by Kerr when appointed Berkeley's chancellor, continued throughout his tenure and beyond by Glenn Seaborg, who succeeded him in 1958. Seaborg, a Nobelist in chemistry, and later to serve several U.S. presidents as Chairman of the U.S. Atomic Energy Commission, was Kerr's first appointment of a chancellor as UC's new president (Seaborg 1994).

In Spring of 1964, the American Council on Education named Berkeley at the top of the "Big Six" universities in the United States; and Berkeley was also judged to be the "best balanced, distinguished university in the country (Kerr 2001, pp. 57-58). Credit for this accomplishment, of course, radiated across the University, as indeed it should have, but the role Sproul played for so many years and Kerr's leadership at Berkeley and then as President should not be overlooked.

Kerr was a self-starter, always reaching for a challenge. He did not seek people's approval. He did not need "position" to get things done. He did not seek favors from others. He did not require adulation in any way or form whatsoever. He tended to be direct in his speech but not overbearing. He was a child of the Enlightenment and, thus, reasoned in his thought, but too often assumed others were the same. He was always Clark Kerr doing his job. To his credit, this style worked at Berkeley and to its immense advantage when he served as chancellor. It was somewhat more problematic when he became president, as we will see.

Kerr moved into the presidency on July 1, 1958, but not into University House on the Berkeley campus, occupied by his predecessors beginning with Wheeler. He preferred to live in his own home in El Cerrito, just north of the City of Berkeley's northern boundary with a 180° view of San Francisco Bay from high in the Berkeley Hills. He also chose to work at home rather than in his office just a block or two from the west entrance to the Berkeley campus. With couriers moving back and forth between his office near campus and his home, he only needed his real office for meetings, entertainment or special guests.

While this arrangement worked for him, others thought differently, preferring to work with him on a more frequent and personal basis. This was Kerr's preference throughout his tenure as president, and while some found this pattern to be reflective of someone who valued his privacy more than his colleagues, or one who wanted to put distance between those who worked for him and himself, I tend to believe that for Kerr time was precious and, thus, better to work at home on the priorities he favored than to work at the office and thus be more susceptible to the priorities of others. It was a mixed blessing in any event.

Here is the agenda Kerr confronted from the first day of his presidency:

- The need to break the lock in the then stalled negotiations between California's public colleges and the University of California on issues of governance, mission, admissions and funding, and the effect these negotiations were most likely to have on the state's private colleges and universities. The need to move on this matter was as great as the resistance to do so. Kerr would have to play, and did play, the major role in this initiative. He was a skilled and seasoned arbitrator of major union-management disputes on the West Coast and elsewhere as well. This task played to his strength. That Sproul had



also retired, changed the personal and institutional dynamics among and between the key people on all sides;

- In October of 1957, when Kerr was president-elect but not yet president, the Regents directed Sproul to plan for three new campuses without, however, having settled on the futures of the six existing ones: Davis, Berkeley, San Francisco, Santa Barbara, UCLA and Riverside; and all but Berkeley and UCLA were in a state of uncertainty, knowing where they had been but not where they were going, being mostly hybrids or half-formed as to mission in any event, all of this in anticipation of doubling UC's enrollment during the 1960s;
- Decentralizing the University's governing and management system, no surprise to Kerr who had been living with it as chancellor at Berkeley, as had his counterpart at UCLA, was a job not to be taken lightly: many moving parts and many implicated persons; and,
- Pressures were building on UC campuses, especially at Berkeley, to loosen or at least lighten, the restrictions on the time, manner and place regulations governing the use of UC's grounds and buildings by on-and off-campus persons and organizations for political purposes. UC's rules and regulations in these matters were out of step with the trends elsewhere as universities were liberalizing their pertinent regulations. The courts were also looking with increasing favor on these trends, and were also broadening the definitions of free speech to include political advocacy. This subtlety had not been picked up by Kerr or by UC's legal counsel when in the early 60s Kerr moved to liberalize UC's rules on time, manner and place, and not just because of student pressure to do so but because he thought it was the right thing to do even when he was chancellor. All of this was antecedent to the Free Speech Movement of 1964, misnamed as it was unforeseen by the University and its leadership.

Kerr was also faced with the task of managing the transition of his administration taking office and Sproul's administration leaving. Sproul had been president for twenty-eight years, functioning according to his pleasure and staffed by persons vested in the outgoing administration and not the one coming in. The self-evident problems attending such a transfer of authority require no explanation or elaboration; and this was just one more example of what Kerr faced in July of 1958.

In retrospect, this portfolio of problems would most surely have given pause not only to the Regents, but also to Kerr as to the feasibility of tackling them all at once, not just a daunting task, but perhaps even an unattainable one within the given timetable. However, he saw this portfolio not as a whole but, rather, as the sum of its parts, each amenable to modification and redefinition and potentially complementary rather than conflicting:

Three new campuses, all at once! This tremendous opportunity came along at the same time as reorganization [decentralization] of the University which included transferring three quarters of the University-wide staff to the campuses; and both came on top of the day-to-day operations of our already very large and very complex enterprise (Kerr 2001, p. 235)

Courageous optimism is the only way one could describe his attitude about his new job and the challenges entailed. Thus he chose not to work sequentially on his problems, but on them all at once.

It was the tidal wave of students expected to enroll in California's colleges and universities, a doubling in the 1960s, that was the impetus for his decision to take immediate action on three new campuses and to designate five more as general campuses within the University of California system, and its corollary of administrative decentralization, an already overdue reaction to a centralized administration that for reasons of scale and complexity had become increasingly dysfunctional.

This "tidal wave" was driven by very large in-migration to California after the second world war, the growing percentage of high school graduates seeking higher education and the high birthrate in the immediate years following 1945. Just as UC had an urgency to prepare for this massive influx of students, so too did the public colleges of the state and the private sector colleges and universities as well. Prior efforts by the leaders of California's public institutions of higher education had failed to find a consensus among the contending parties. The state had lost patience with these efforts and, with a new UC president, delayed its involvement for a year in order to afford the higher education community one last chance to work through its differences.

Enter Kerr who knew how to arrange the variables such as to make a negotiated settlement possible among those previously unable to do so. Thus, it was Kerr who fashioned a new approach to the old and stale arguments that had divided the segments rather than having brought them together. But at this point, neither the students were going to go away nor were the governor and the Legislature. It was decision time. Kerr described it best:

We had to do everything all at once: set up new campuses and renovate some of the older ones, reorganize as well as administer the University – and each was a full-time task in itself. Our basic task in preparing for the future, however, was to

determine the role of the University of California within the totality of higher education in the State. As of 1958, this was much in dispute.

Working to develop an outstanding statewide system of higher education and to keep the University's place as the great center for graduate instruction and research within that system, while considering both the public welfare and the primary interests of the several segments, we created the Master Plan for Higher Education in California....*Ex post*, the Plan looks like a grand design to achieve great purposes: equality of opportunity through universal access to higher education; provisions for supplying the highest level skills and the most advanced knowledge to serve both health and welfare; concern for the full labor market needs of a technologically advancing society; and preservation of the self-governing ability within institutions of higher education....

*Ex ante*, however, the plan looked to those of us who participated in its development more like a desperate attempt to prepare for a tidal wave of students, to escape state legislative domination, to contain escalating warfare among its separate segments. This it also was. And the preparation, the escape and the containment in that case was barely in time and barely succeeded. This master plan was a product of stark necessity, of political calculations, and of pragmatic transitions (Kerr 2001, p. 172).

The daily work of pushing this through fell on the shoulders of Dean McHenry, Kerr's vice president for academic planning and his assistant Charles Young. McHenry was a personal friend of Kerr's for quarter of a century and had been previously serving as Dean of Social Science at UCLA. He was later to be named as the founding chancellor at Santa Cruz and Young was to be named chancellor of UCLA where he served with distinction for over a quarter of a century.

While these two men carried the heavy water, it was Kerr in the end who had arranged the variables in the most optimal way possible and at the very end offered the deal-clinching concession, namely, a joint doctoral degree possibility with the state colleges.

For those who perceived Kerr as "merely an academic" and "one over his head in his position," they had no idea how shrewd, substantive, resolute and nimble he could be as circumstances required. I saw this first hand when I was working for the California Alumni Association at Berkeley and driving Kerr around the state in early 1960, working the editorial boards, alumni and service clubs, donors and others to secure passage of the Master Plan then pending before the California Legislature. It passed with only one dissenting vote. Kerr shortly thereafter was featured on the cover of *Time* magazine and his triumph acknowledged.

At this time, he was concurrently pursuing the siting and construction of the three new campuses and settling on the future of the other six campuses. As with the Master Plan effort, Dean McHenry was carrying the heavy water on this assignment, and to a brilliant conclusion.

It was not long before the University was to have its three new campuses: one at Santa Cruz, in the redwoods just north of and looking over Monterey Bay, a short distance south of San Francisco; one at Irvine, in Orange County just south of Los Angeles and immediately east of the Pacific Ocean; and one very near La Jolla, just north of San Diego. Each of these sites had been gifted to the University and each was large enough to plan for a major university campus. The sites were magnificent in appearance and environment, all three within a short distance of the Pacific Ocean, and serving parts of the state welcoming of a University of California campus.

All three were open for students as early as 1959 in San Diego, with the presence of the Scripps Institution of Oceanography at La Jolla, and in 1965 at Irvine and Santa Cruz. Of the remaining campuses, Berkeley's and UCLA's role as "general campuses" was confirmed. Davis, Santa Barbara and Riverside were also designated as "general campuses." San Francisco was designated as a health sciences campus. Each of the University's now nine-campus system was to have a chancellor, appointed by the Regents on recommendation of the president, and accountable to him as the president was in turn accountable to the Regents.

The University's work was proceeding apace within the strictures of the State of California Master Plan for Higher Education and in accord with a new confidence in its internal planning concerned at that point with massive new construction, recruiting and appointment of new members of the faculty for a growing institution, setting enrollment goals and caps for the nine campuses, both short and long term, adjusting admission standards consistent with the Master Plan's requirements, and establishing new schools, colleges, centers, institutes and bureaus for research and related matters.

The decentralization of the University's administrative structure was also moving forward under the guidance of Professor Eugene Lee of Berkeley, Kerr's vice-president- executive assistant who was assigned this task. (Lee had been my major advisor during a portion of my graduate years at Berkeley.)

In 1966, Clark Kerr, President of the University, could report that the number of general campuses had risen from two to eight, enrollment from 43,000 to 88,000, faculty from 4,000 to 7,000, Nobel Laureates from five to twelve, nineteen new colleges and professional schools had been created, and sixty-one new institutes, bureaus, centers, and laboratories for organized research. In eight years, the University of California had doubled both in size and distinction (Adams and Newhall 1967, p. 16).

This was another golden era complementing those of Wheeler and Sproul.

Kerr bore the burden of making the strategic decisions, in consultation with the faculty and the concurring approval of the Regents, that led to this spectacular outcome. He too was responsible for implementation once the Regents had acted; and Kerr was well served by the chancellors and the vice-presidents and key staff in his immediate office. He also had to live with the ambiguities of decentralization as it evolved and the consequences of his other decisions as they played out over time, as we will see.

During the years 1958-1963, he accomplished what few people could have; but he was engaged in work to which he was devoted. His reach and influence went well beyond the University to encompass the course and direction of California's system of public higher education, to the national associations concerned with higher education's fortunes within the country, and, in a way, was the resident intellectual who also happened to be president of the University of California, witness his still famous Godkin Lectures at Harvard University in 1963, *The Uses of the University*. He was also known throughout Europe, Latin America and Asia for his work and in frequent demand as a lecturer, consultant and advisor to colleagues and governments worldwide.

Putting it all together, Kerr had a full-time job! But his schedule so insistent, the demands on his energy so unforgiving, the daily burdens of overseeing the University of California and its remarkable growth so encompassing, that whatever time he did have, or could carve out, went to the cause of higher education elsewhere. Something had to suffer under the exigencies of this insistent schedule. What suffered was everything else a UC president would have done in ordinary times, but what Kerr was then mostly constrained from doing. Cultivating the plethora of UC's external constituencies was slighted by Kerr in preference to those internal, owing to the immediacy of the latter and the distance of the former. Kerr's natural inclinations, as to serving the needs of one over the other, very likely played a role as well.

Kerr gestured toward the University's external constituents early in his presidency to help assure enactment of the Master Plan. Subsequently, in the early years of his presidency, it was a less predictable part of his calendar, except for an annual visit to alumni clubs in California (for which I was then responsible as a staffer at the California Alumni Association), on what was called the President's Tour. I accompanied Kerr (1960-1964) not in any way to help with the substance of his visits, but merely to arrange them. Nevertheless, I came to know him as I drove from one event to another, he to speak, socialize and otherwise "show the flag," and me to make everything else work.

Kerr's speeches were well prepared, well delivered and substantive. He was always open to arriving early and staying late. He was easily approachable and responsive to the questions that followed his remarks.

He had other obligations of this kind to fulfill, of course, and did so in the state capitol of Sacramento, in Washington, D.C., and elsewhere, both in and out of California, but not in quite as inclusive or public way as his predecessor. Sproul, of course, had done this for twenty-eight years; Kerr just recently. But the disparate commitment of time and energy was only part of the point I am making.

Sproul mostly lived and worked in different times than did Kerr: with different issues, with a much smaller state population, with fewer alumni and donors, with a much smaller University, with less complicated media coverage, and with richer acquaintances and relations built over three decades, whereas Kerr had just assumed office. Thus Kerr's audiences had known Sproul. Many thought they knew him, even if they didn't, but liked to tell Kerr that they did. They compared Kerr with Sproul more than they did the reverse. And, finally, Kerr was not Sproul: not in personality, in style, in demeanor or in appearance.

This was no one's fault, just the way it so often is when a revered, successful and long-serving president is compared to a successor who is just getting started. This same phenomenon was evident during Kerr's first years in office at the annual Charter

Day ceremonies in the Greek Theatre on the Berkeley campus. When Kerr was introduced, it was to warm and cordial applause, but for Sproul, it was to a standing and prolonged ovation, the audience composed mostly of townspeople, alumni, faculty, staff and students. It couldn't have been easy for Kerr, and probably not for Sproul either.

I mention all this because as Kerr's presidency moved into its sixth year in 1964, the "reservoir" of public good will towards the University, full when bequeathed by Sproul to Kerr in 1958, had been much depleted: time taking its inexorable toll on those in positions of authority and/or leadership, and time having generally not accorded Kerr the luxury of meeting his external obligations as he strove to meet the internal ones. Even so, this would not have been a necessarily consequential problem if times were otherwise congenial. The fall of 1964 at Berkeley, however, would prove to be anything but congenial.

It was also true, and should be noted, that by 1964, all things considered, Kerr still looked to his internal agenda for his personal and professional satisfactions, more to the private, inner life of the University than to the expectations of the University's many publics.

Unlike Sproul, Kerr was a true academic and felt most comfortable in an environment defined as such and less comfortable in the more social and transitory. On more than one occasion, at least when I was present, and when he was crowded around by well-wishers, critics, complainers or what not, I thought he would have much preferred to be at home gardening, reading and writing, or with his friends and colleagues in conversation at the Faculty Club, in the heart of the Berkeley campus.

The consequence of all of the above was that when the fall of 1964 came with the misnamed Free Speech Movement and its accompanying turmoil, Kerr as president faced a campus whose chancellor had only recently received from the president (under UC's decentralization process) the executive authority to administer the campus (including the use of University facilities), on the one hand, and on the other a dearth of public good will on which Kerr might otherwise have drawn as a counter-weight to Berkeley's ensuing troubles. The ambiguities inherent in the systematic but prolonged transfer of authority from the President's Office to the campuses, during this interim but changing time, didn't help.

Sandwiched in the middle, Kerr was in an unenviable position, emboldening his detractors internally, while delimiting his discretion externally as he struggled to cope with a problem that escalated within a mere day to an unprecedented level of international scrutiny and judgment. Thus, Kerr, qua president, was ripe for exploitation from within and for scapegoating from without. Not good!

I will not recount the history of the Free Speech Movement at Berkeley in the Fall of 1964, as it has been written about *ad nauseam*, but most completely and honestly by Kerr himself in ways reflective of his remarkable ability to analyze and objectify events, finding fault with his own actions as he also does in referring to the errors and offenses of others, all within the larger context of student protests then occurring elsewhere, domestically and internationally (Kerr 2003, Parts IV & V). I will instead try to identify and to interpret Kerr's decisions during this now well-memorialized event.

One of Sproul's legacies to Kerr was University Rule 17, established in 1936, and according to Kerr, both as chancellor and as president, "the most restrictive set of rules covering free speech and political activities on any campus, to my knowledge, of any American university, with the possible exception of City College of New York" (Kerr 2003, p. 122). This rule controlled the use of the University's name and facilities by students and off-campus groups, including the granting of permission for outside speakers to appear on campus.

As chancellor, Kerr had been required by virtue of Rule 17 to deny Adlai Stevenson permission to speak on campus, once in 1952 and again in 1956, as Stevenson was running for public office, in this instance for the presidency of the United States. (Kerr regarded this as an embarrassment.) While this rule was a well-established one in the University, no such prohibitions pertained at the state colleges. Kerr regarded these limitations and restrictions to be dated, if I may understate it, but was resolved to revise not abandon them. Becoming president in 1958 facilitated this purpose, assuming the Board of Regents could be persuaded accordingly.

Kerr's views on these matters were rooted in his own history:

- I knew at firsthand of the rising level of student concerns about the shape of the world we were inheriting, going back to my experiences as a student peace activist in the 1930s.
- I had learned of the horrible deprivations of black people as a Swarthmore student working in the ghetto of North Philadelphia...[and] had long expected a civil rights revolt.
- I had witnessed German student and faculty support of the Nazis in Germany in the 1930s and had been antagonized by

what they did.

- I had seen student riots in Latin America in the early 1960s as I visited most Latin American countries as a member of the Conference on Higher Education in the American Republics and heard many rectors recount student abuse of their academic privileges.
- As a member of the Board of Trustees of the Chinese University of Hong Kong during the 1960s, I had also observed the rise of the Red Guards in China and the Zengakuren in Japan as a several-time visitor with friends in Japanese universities.
- As Chancellor at Berkeley, I had listened to countless students complaining about their neglect in the developing "multiversity" that concentrated on research... [and] students were being alienated.
- I had seen the rise of the modern American trade union movement in response to exploitations and grievances. I knew a lot about student unrest.

Rule 17 provided in summary:

- All off-campus speakers must continue to have the advance approval of the president of the university or his representative, except when invited by faculty members for their own classes.
- Only student groups "recognized" by the university, or under the jurisdiction of the associated students (the ASUC), could submit applications for outside speakers.
- University facilities could not be used for partisan political or sectarian religious events. Specifically, "Facilities may not be used for the purpose of raising money," and meetings or events which by their nature, method of promoting, or general handling, tend to involve the university in political or sectarian religious activities in a partisan way that will not be permitted. Discussion of highly controversial issues normally will be approved only when two or more aspects of the problem are to be presented by a panel of qualified speakers (Kerr 2003, p. 106).

Beginning with his first year as President (1958) Kerr, with Regental approval, withdrew his support for Sproul's earlier directives written to implement Rule 17 as to its practical aspects, by preparing amendments to Sproul's directives and thus liberalizing them both in spirit and in language. This effort extended over the period 1958-1963 (and even beyond), including in 1963 lifting the ban on Communist speakers on campus. This initiative by Kerr, coincided with some of the most active years of the Civil Rights movement, mostly in the American South, but engaging the participation of young people from throughout the country. Some in the late 1950s and early 1960s had made their way to Berkeley either as students or otherwise. Berkeley was becoming the place to be as, among other things, Kerr's Godkin Lectures in 1963 at Harvard University had also captured the attention of students, professors and those interested in higher education nationwide.

The "multiversity," which was so thoroughly and brilliantly explained in Kerr's Lectures, was a prototype of what he saw American research universities becoming but not what Kerr was necessarily advocating. Indeed, he pointed out its shortcomings as well as its strengths, paying special attention to his own view that the students were the chief victims. Students took note.

Several things were beginning to happen and all at once, but not well perceived by Kerr as potentially interactive or even prospectively troublesome:

1. What had been referred to as the Sproul Directive on the use of University facilities and off-campus speakers, now, with Kerr's efforts to liberalize them, became the Kerr Directives. Kerr owned them, not Sproul, and they were being perceived by the more activist students at Berkeley as just another set of regulations intended to limit freedom of speech on the campus, at least as they defined it. On the other hand, these very same Directives were being increasingly viewed by some Regents, politicians, alumni, donors and members of the general public as prospectively, if not already in reality, violating the social compact between the state and the University: "to keep external politics out of the University and the University out of external politics." Indeed, UC's constitutional autonomy was predicated on this principle.
2. Student resentments against racial discrimination, mostly in the Southern states, were being challenged, and effectively, with non-violent tactics. These tactics became the means most favored by the Civil Rights Movement, and for persons involved in the Movement, and then later as students at Berkeley, the transfer of such tactics to grievances against UC seemed suited.
3. The decentralization of authority from the president to the chancellors continued, and over a period of years as with the Kerr Directives (the extended period of time needed to effectuate these delegations of authority and revisions to the Sproul Directives did not help matters); and,
4. As to these delegations of authority within UC's administrative structure, it should not be surprising that persons in the Office of the President did not necessarily interpret the delegations as would those in the chancellor's office on campus, given the former's reluctance to relinquish authority and the latter's disposition to welcome it. This ambiguity became operative at the outset of the Free Speech Movement in the fall of 1964.

The trigger for the Free Speech Movement at Berkeley was an action taken by the chancellor's office on the Berkeley campus to prohibit student political advocacy, as defined by Rule 17 above, as subsequently implemented by Sproul, as later revised by Kerr and, through decentralization within UC's administration, recently delegated by the president to the Berkeley chancellor for its administration. The locus of authority to act on such violations of these regulations now rested squarely on the chancellor, whatever residual uncertainty there might have been with the language of delegation itself.

On September 14, 1964, the chancellor's office deemed that prohibited political advocacy was occurring at the south edge of Sproul Plaza, the southern corridor of egress and ingress to the Berkeley campus from the City of Berkeley, the larger plaza itself being just west of Sproul Hall, the main administration building for the campus. This small strip of land on the south edge of the Plaza was believed by the chancellor's office to be UC property and, therefore, within the purview of his jurisdiction and, therefore, his responsibility. The staff was not of one mind as to the interpretation of the pertinent Kerr Directive in this instance, but was of one mind that if there were a problem, it was the chancellor's to handle. Clarification was not easily obtained as Kerr was in Asia, on his way home.

There was a prior ambiguity, however, that did not include the language of the Kerr Directives or the language of delegation to the chancellor from the president, namely, that months earlier the Regents, on Kerr's recommendation, had authorized the University's land agent to negotiate a transfer of a small strip of land at the south end of Sproul Plaza to the City of Berkeley so that the tradition of having a "Hyde Park" near but not on the campus could be preserved.

The transfer of this strip of land, however, had not taken place on September 14, 1964 when the chancellor judged its use for student political advocacy to be prohibited. Kerr, on the other hand, thought that the transfer had taken place, given the Regents' earlier action in the matter. Each would have had a different view of the chancellor's action if each had known the real status of this small piece of property (Kerr 2003, pp. 182-186).

It is not clear to me who really knew what and when they knew it! But it was a monumental and avoidable breakdown in communication any way one looks at it; and on an issue that was to mark the Berkeley campus of the University of California for years to come as a campus given over to liberal policies and practices and confirming in some people's minds already holding that view, given the loyalty oath controversy of fifteen years earlier (1949-52), which was also recalled, both on and off campus.

Kerr returned to Berkeley from his extended trip to Asia the day following the chancellor's action, amidst the dramatic and immediate reaction of the campus to this decision. Meetings were promptly held between Kerr and persons from the Office of the Chancellor. Instead of reversing the chancellor's decision, Kerr allowed it to stand, much, he said later, to his enduring regret. But in Kerr's mind, he, as the architect of decentralization within UC, did not want the first time something went awry to be seen as the first to recentralize; and, in this instance, the Berkeley chancellor had no intention of changing his own mind. Also, if Kerr were to have reversed the chancellor, Kerr would have owned the problem. As it turned out, he owned it anyway.

The history of what then followed, as noted above, has been well documented. The following months, in summary, were a nightmare for everyone, including the governor, Legislature, the Regents, the president, the chancellor, the faculty, the staff, most students and, of course, law enforcement. The public was not happy, and neither were most alumni. Neither was the governor nor the Legislature. Neither was Kerr.

Fall Term 1964 was defined by daily protests, marches, sit-ins, building occupations, police actions, trespasses, confrontations and civil disobedience of all kinds, which of all large and complex institutions in our society, the university is the least able to deal with. The meaning accorded the key words in this event such as free speech, freedom to speak, political advocacy, direct political action, and so forth, both changed and confused the campus. Most of the ambiguities, semantical and otherwise, as one might expect, were used as weapons among and between contending parties. Kerr's views on these matters were not in the least ambiguous:

In any event, the Free Speech Movement was not about freedom of speech ....Freedom of speech in our sense existed in full within the University of California, as events in the fall of 1964 demonstrated....If there ever was full freedom of speech in our sense of it actively exercised anywhere at any time in U.S. history, one such place and one such time was that fall at Berkeley (Kerr 2003, p. 143).

Kerr was walking across campus one day on the thirtieth anniversary of the Free Speech movement. He was approached by an alumna who had been active in support of the Free Speech Movement and said to Kerr, "I had hoped to run into you to tell you that if you had not brought free speech to Berkeley and kept the campus open for free speech in the fall of 1964, we could never have had our free speech movement (Kerr 2003, pp.143-144).

In Kerr's view, the Free Speech Movement had entirely to do with UC permitting "direct political action" or "free advocacy," or whatever term accorded with the activist students' desire to use the University's facilities to advocate for on-and-off campus political action, to sign up members for the same, to raise money for the cause and to organize for the purpose, for both on- and off-campus political action. This is what the Free Speech Movement was all about and, with the help of the courts who were then broadening the definition of free expression and free speech to include most of the Free Speech Movement advocacy agenda, along with changes in the pertinent University regulations in the use of University facilities, most of the real objectives of the Free Speech Movement had been realized.

Kerr was to pay a dear price for this controversy. His memoirs call out his self-admitted mistakes, too hard on himself in my view; he also criticizes others, too gently in my view; but his account of the Free Speech Movement in his memoirs, in every other respect, was vintage Kerr: thoroughly analyzed within a conceptual framework more universal than merely domestic or local; attention to detail and its place in the broader course of events and explained with remarkable insight and clarity; reflective but not morose; forward-looking but with an eye to the events and variables that determined the course of events; too modest as to his own accomplishments and too condemnatory of his perceived failings, as the following quote suggests:

I had no understanding of romantic radicals or sympathy for them, of experience of how to work with them. I had experience with the ideologies of the Old Left who were more rational, more disciplined, more oriented toward achieving results and less to enjoying expressive experiences. The world of the romantic radical – no cost-benefit analysis, and immediate passion instead of long-term analysis – was unknown to me.

The key to understanding my actions is an appreciation of how opposed I was to authoritarian outcomes like the September 14 edict and how devoted I was to persuasion and to consensus, or failing that, consent; and how concerned I was with means as well as with ends; and how protective I was of the reputation of the University.

To those observers among the regents, the alumni, the politicians, and the campus administrators who most criticized my conduct in fall of 1964, I offer a quotation from President John F. Kennedy, 'There will always be dissident voices heard in the land...that vituperation is as good as victory, and that peace is a sign of weakness (Kerr 2003, p. 244).

And, I would add one of my own from Erich Fromm: "There is perhaps no phenomenon which contains so much destructive feeling as 'moral indignation,' which permits envy and hate to be acted out under the guise of virtue."

Kerr also paid a heavy personal price, as well as the professional ones already noted, as his own words make clear, with special attention to the last sentence that so starkly confirms why so few persons of influence rallied to his side when times were hard and even when facing his own ouster as president. The incidents below occurred within days of his being dismissed as UC's president:

That weekend I had a phone call from Walter Haas, Sr. of the Levi Strauss family, asking me to have lunch with him and his friend and colleague, Dan Koshland, at a leading club in San Francisco. Walter had taken a central table in the dining room as a way of declaring his support for me – a warmhearted and courageous thing to do. When I arrived, I glanced around and knew almost everyone there. But except for Walter and Dan, no one said hello or smiled – I got a frozen response. This was a signal to me that the Establishment was following Governor Reagan.

Shortly thereafter, I was considering attending an affair at another San Francisco Club. So I asked my good friend former Regent Dan McLaughlin what to do. He said that I should not go, that my presence "would anger" my enemies and embarrass my friends. I have followed this advice ever after, even to this day, and have found it good advice....I was being shunned by the Establishment. Their leader [Reagan] and hero had spoken. I accepted that, and the Establishment did not mean that much to me in any event (Kerr 2003, p. 314).

Kerr survived the Free Speech Movement (but it was much in evidence when he was dismissed some two years hence), others did not, such as Ed Strong, Berkeley's chancellor, and members of his staff. Public attitudes towards the University were mixed but mostly negative and spreading, especially among the alumni. Some donors withdrew.

Governor "Pat" Brown remained very supportive even though not always sympathetic to Kerr's decisions on handling the protests. The attitudes in the Legislature varied, as one might expect, as with the media. As to Kerr's last two-plus years in office, besides contending with the short-lived but widely noticed "filthy speech" incident, his fortunes tended to wane. In 1966,

Governor Brown was running for another term but this time against Ronald Reagan, vowing to clean up "the mess at Berkeley" and to rid UC of its sitting president.

The tide was turning in California. Governor Brown's record was the focus of his campaign: building much of the state's infrastructure, the school system, the state's colleges and universities, along with other accomplishments tied to the state's prosperity and economic well-being. The focus in 1966, however, was on social more than on economic issues, and when personalizing the sense of frustration felt by the public on issues mostly social and political, Kerr was the convenient bull's-eye for what was ailing California. Kerr, in 1964, had been exploited from within and in 1966 scapegoated from without, as noted earlier in this chapter.

The long trail of the loyalty oath controversy still led to Kerr's coattails, as well, quite unfairly it should be said, for he performed admirably during that dispute as far as most members of the faculty were concerned as well as most Regents, but what does fair have to do with it under the circumstances Kerr faced in 1966? A coupling of the legacy of the loyalty oath controversy and the turmoil of the Free Speech Movement utterly overwhelmed people's then fleeting recollections of Kerr's earlier triumphs. Real accomplishment, as with fame, is yesterday's news!

With the election of Ronald Reagan as governor in 1966, having run on a campaign in significant part criticizing UC and its leadership, the die was cast. Kerr's memoirs provide a remarkably honest and accurate account of the events that led up to his being dismissed as the University's president in 1967, which I will not cover here, except to say that he comported himself with dignity and grace throughout, twice refusing to resign the day he was to be fired, believing, and rightly so, that he had done nothing to warrant such a resignation (Kerr 2003).

Consequently, in spite of offers of implied benefits were he to resign, which he spurned, he was dismissed by a split vote of the Board of Regents on January 19, 1967, with immediate effect, leaving the position as he had come into it eight and a half years earlier, "Fired with enthusiasm," as he wryly commented on his way out the door (Kerr 2003, pp. 303-330).

Here was a President who had performed a miracle for the University and for the people of California, opening wide the doors to educational opportunity in ways unprecedented, and positioning the University for a doubling of enrollment in the 1960s.

Here was an educational leader, tested, accomplished, valued and recognized worldwide, carrying UC's banner and message to an admiring world.

Here was an educator with the highest of standards, forging one university with several campuses whose ratings and rankings today, as one university and as to its several parts, is without peer or precedent.

Here was a decent, honest person, devoted to his work, committed to his university, serving it without stint or other ambition (he refused President Kennedy's offer to serve as Secretary of Labor in his administration and President Johnson's offer to serve as Secretary of Health, Education and Welfare in his administration). His dismissal was a great blunder in my view, depriving UC of his leadership at such a critical time and losing for California a voice of calm, good will and patience coupled with a rare combination of practical competence all encompassed by an intellect informing his decisions and, thus, enabling him to explain them to persons from all walks of life.

In other ways, however, he was spared the trauma of the anti-Vietnam War protests of the late 1960s and early 1970s that so shook the University of California as they also did the leading American universities. If he were troubled by the behavior of students in the 1964 Free Speech Movement at Berkeley, which lasted only one quarter, he would have been appalled by what happened during the later protests that persisted for nearly four years.

The dismissal of Kerr by the Board of Regents and the tasteless way it was done, wounded him deeply and, I believe, stayed with him for the rest of his life. Whenever he raised this matter, or when raised by others, I would say to him that he had no choice under the circumstances other than to have done what he did. "No," he would say, "I should have anticipated this action and taken steps to deal with it before the only remaining possibilities were to resign or be fired."

In preparing an article about Kerr for the *California Monthly* (Berkeley's Alumni magazine), following his death at age 92 on December 1, 2003, I closed by saying, as I do this chapter, as follows:

When I was serving as President of the University of Utah and then of UC, Clark Kerr was my most valued counselor. No person could have had a better mentor, a closer colleague, a steadier friend, or a more honest critic. And I am sure I am



not alone; many others have also benefitted from Kerr's friendship, generosity of spirit and intelligent, candid, honest advice. It is very unlikely that we will see his kind again. How fortunate we were that Clark Kerr devoted to the University of California so much of his talent, energy, and remarkable life (Gardner 2004, p. 27).

#### POST SCRIPT

Kerr's dismissal as president of the University of California spared him having to confront and deal with the anti-Vietnam War protests that engulfed the nation's colleges and universities, 1968-1971, and UC as well. He would have been appalled, irrespective of the issues, by the behavior of many of the protesting students, their abusive uses of the University and its grounds, personnel and buildings, and their arrogance. Reason was the last thing the protestors had in mind, but for Kerr, it would have been the first.

I was in the middle of this maelstrom as a young (mid-30s) vice-chancellor at the University's Santa Barbara campus shortly after having completed my PhD at Berkeley, much younger, that is, than my administrative colleagues, and thus able to translate the language of one contending party into the language of the other.

In a way, the Free Speech Movement at Berkeley was a "dry run" for the protests that shortly followed. The Free Speech Movement leadership at Berkeley, as with the Vietnam War protestors, was composed mostly of a student generation impatient for change and lacking sympathy for the norms, customs and educational underpinnings of American academic life. The Movement at Berkeley in 1964 targeted University regulations intended to limit political advocacy on campus. It was a limited-purpose protest, even though it had wider repercussions than even the activists may have supposed; and students, faculty, staff and administrators were walking on unplowed ground as each sought to cope with the tactics and demands of the others.

Not so with the Vietnam War protestors: seemingly targeted, but with numerous sub-agendas; more violence against the University itself and the surrounding communities, and less respect for those in disagreement; personalized, as the draft was on and the students were deferred so long as they were enrolled in good standing; financially secure, as the economy was strong and jobs plentiful; indifferent as to the effect of their disruptions on non-protesting students who were far and away in the majority; contemptuous of authority and less restrained in their own behavior than they expected of the administrators with whom they dealt; and using the protections of the University's policies and regulations and use of facilities and grounds on campus to shield them from civil sanctions that would otherwise have befallen them if the direct political action had been off campus.

In this matter, however, and mostly in contrast to the Free Speech Movement, the anti-Vietnam War protests were not perceived by the state and local governments as a matter for the University to deal with alone. Government's involvement was prompted by protests that were unlawful as often as they were permitted and as much off-campus as on. The government's role, therefore, escalated using law enforcement more aggressively and politicizing the entire matter given the higher level of public interest and anger towards the University that was daily becoming more evident. Besides, the Free Speech Movement was really only at Berkeley and lasted for only four months; whereas the anti-Vietnam War protests were nationwide and university-wide and went on for nearly four years.

Although not entirely parallel, the University administration soon found itself, as did Kerr in the Free Speech Movement, sandwiched in the middle, between protesting students on the one side and the government on the other. As with Kerr, and under similar circumstances, the situation was ripe for exploitation from within and scapegoating from without. Not good, but as with Kerr, that is what happened.

My thoughts on all of this were summed up after the worst of the Vietnam War protests at the University of California had ended:

In a strange way, the coercive character of the new student activism and the familiar coercive nature of government are much alike: each relies on direct political action to achieve its respective objectives; each is as ready as the other to distort truth and misrepresent facts to secure its purposes; each finds it convenient to make simplistic assertions about highly complex, nuanced, and subtle events and ideas; each is by and large uncaring about the effects its actions have on the university; and each in approach, behavior, means, and tactics is at fundamental odds with the norms, customs, beliefs, and principles of free universities everywhere, relying as the latter do on evidence, reason, reflection, respectful tolerance, civility, and the commonly accepted ways of knowing (Gardner 2005, p. 42).

I also commented on the much overlooked consequence of these protests on the lives of others, and not just on those of the protestors, the former usually ignored by the public and the latter highlighted if not glorified by the press.

During the protests the lives of thousands of students were stimulated and invigorated. But the lives of thousands more were bruised, battered, harmed and bewildered and often enduringly. The professional careers of capable, long-serving, and often distinguished academic administrators and some senior faculty members were also prematurely concluded, often under sad and unforgiving circumstances. Because of these protests, the politics of the state changed, the attitudes of the California public hardened against the University, and the norms of academic life were fundamentally and permanently altered. Whatever the gains, the costs were dreadful and yet rarely mentioned, it should be added, as the recollections of these times have come to be memorialized in mostly self-congratulatory assertions as unbalanced as they are unaccountable (Gardner 2005, p. 64)

These protests, and the others that followed, such as the "divestment" controversy throughout the University of California in the mid-1980s (demands that the University divest its holdings in companies doing business in apartheid South Africa), also employed political advocacy and direct political action, on and off campus to advance their agenda: marches, sit-ins, demonstrations and so forth.

Advocacy of this kind has clearly brought the University more into the larger political arena, and the larger political arena into the University, precisely what UC's constitutional autonomy was intended to prevent. There is nothing immutable in this world, including constitutional provisions, in force today, but changeable tomorrow.

Whatever successes various advocacy groups or direct political action organizations may have enjoyed in recent decades, working from their base in the universities, it is the university that has paid the price: political advocacy subsuming freedom to speak by those who think otherwise; prospective speakers not invited for fear of disruptions; speakers invited who are safe or otherwise insulated against disruptions because their views accord with those who would otherwise disrupt; political considerations in the appointment and promotion of faculty, however subtle or vigorously denied; political correctness subordinating the freedom to speak with subtle but potentially hurtful consequences, by way of example.

During the controversy over divestment at the University of California (1985-1986), I confronted as president many of the same issues and tactics that Kerr did when dealing with student-driven, direct political action, although it did not generally but only occasionally rise to the level of violence and ill-will characteristic of the anti-Vietnam War protests, nor were the University's internal policies in dealing with such political action as ambiguous or fluid as they were during the Free Speech Movement. Moreover, the respective roles of the chancellors and the president were understood by both parties; and most of us were already quite seasoned in dealing with such protests, whereas Kerr and his colleagues were not.

As with the protests of earlier years, the students were not of one mind on the merits of divestment, the faculty was divided, the staff held mixed views as did the Regents and the public was confused. The Legislative leaders favored divestment and, at least during the first year of protests, the governor was opposed. I was opposed throughout. In short, the Regents opposed divestment the first year and voted for it the second, divided votes both years.

My remarks to the Board of Regents in opposing divestment, made just prior to their vote against divestment in 1985, are as applicable to the issues of political advocacy that drove the Free Speech Movement as they are to the direct political action that characterized the anti-Vietnam War protests:

The issues before the Board this morning encompass more than the injustices of apartheid, divestment of the University's interest in companies doing business in South Africa, fiduciary duty, investment options, and legalisms; they also reflect a dispute about the nature of the university itself and how it is to respond to injustices in the larger society.

The University of California, like all universities in America, is committed to the established values of academic life: patient inquiry; the sequential development of ideas; the emphasis on reasoned discussion and criticism; and the continual reference to evidence. These values affirm the University's faith in intelligence and knowledge and its obligation to ensure the conditions for their free exercise. Ideas are to be welcomed, exchanged, critically examined, freely debated, and respected.

These values are the means by which the cause of truth is carried forward. They are the values that distinguish the university from governments, churches, businesses and other institutions, parties, groups, and associations in our society. They form the core of the enterprise and the basis for whatever respect and freedom the university can hope to command from the larger society. They should be nurtured and protected, not contravened; and these values stand in contrast to economic sanctions, boycotts, institutional pressuring and similar means of effecting change, which are more coercive than they are reasoned expressions of the human will (Gardner 2005, p. 287).

On this occasion, the Regents voted not to divest, to mixed reactions within the University. The action was reported across the country, and internationally as well. The action encouraged some universities and complicated the lives of others. And, it should be mentioned, it was an action taken in the midst of major protests occurring outside, barely contained by the San Francisco police, typical of the direct political action we had been dealing with for nearly a year on this issue and precisely to the point made in my remarks.

The next year, The Regents voted to divest, but by then the issue was of less consequence.

I had attempted throughout the divestment controversy, as I did in my remarks to the Regents, to remember the purposes of the University and the means by which truth is sought, and the academic freedoms essential to these purposes on the one hand, and, on the other hand, its antithesis of using the University for predetermined political ends and not employing just the means of persuasion and discussion just noted, but the means of coercion, threats, boycotts, sit-ins, disruption of classes, and other forms of pressure not to persuade but to force others into conformance. In this effort, I failed as The Regents eventually acquiesced to political pressure and voted to divest. Kerr quotes from Alexander Meikeljohn, one of the nation's foremost civil libertarians, and this puts the matter squarely:

The primary purpose of the university is that all the individuals who carry on the active life of the community shall be both encouraged and unhindered to pursue the truth wherever, to each of them severally, it shall seem, at the moment, to lead. And the danger which must, therefore, be avoided is that the university, by committing itself officially to any political or sectarian belief will, consciously or unconsciously, abridge the freedom of its individual members....[S]o far as student organizations are regarded as representative of the university, it has full authority to apply to them the same ban upon partisanship and sectarianism which it applies to all its other like organizations. And the censorship and control thus imposed are not violations of the First Amendment (Kerr 2003, p. 150).

Kerr was president during the Free Speech Movement of 1964; Charles Hitch, Kerr's successor, was president during the Vietnam War protests of 1968-71 (and I served under him as a vice-president of the University from 1971-73); and I was president during the Divestment Movement of 1985-86. We were driven by a common commitment to the fundamental values and norms of American academic life referred to in my remarks to the Regents in 1985, as noted above. All three of us were willing to speak out in defense of these values and at no little risk to our position, and even occasionally to our personal safety. Each of us was subjected to the most vicious of attacks by both ends of the political spectrum as we were seeking to hold the center while also protecting the basic values held dear by free universities everywhere.

My work as an academic administrator spanned twenty years with the University of California and ten with the University of Utah, while also holding a professorship and even having time periodically to teach a course and occasionally serve as an invited lecturer. The challenges of academic administration are not those that warrant complaining about; they are instead opportunities to serve a noble cause, one's tenure in the position tied in part to the times and in part to one's understanding of how it all works, especially in the most distinguished and observable ones. The University of California surely qualified.

Here is what I learned both at UC Santa Barbara as a vice chancellor during the anti-Vietnam War protests, and at UC as its president during the divestment controversy:

I learned how very much alone the person is who carries decision-making authority under conditions such as those we confronted; how confident and unforgiving the views and judgments of noncombatants and 'Monday morning quarterbacks' can be when they know nothing of the facts and the real world with which we were dealing; how reluctant most faculty members are to get mixed up in matters of this kind; how readily students believe the worst of authority and the best of those challenging it; how easily misled the public and how willingly misled the media. I came to recognize how important it was to have advisors who would speak their minds; how crucial it was to explain decisions to all interested parties in a timely and open manner; and how an administrator working under these circumstances and looking for any acknowledgement of a job well done would be well advised "to go buy a dog" or so my friend Derek Bok, President of Harvard, later told me at the time I was retiring from the University of California in 1992.

[I learned] that the political center of gravity fit between the opposite ends of the political spectrum and how crucial it was, therefore, that the center hold during times of stress. Otherwise, the pressures from the opposite extremes will weaken the center and thus destabilize the consensus of views and opinions upon which rest the means of settling disputes and managing or resolving conflict; that most students, faculty, staff, alumni and the public were well-intentioned even when misled and that you simply had to work harder to gain their confidence; that persons of good will could be very much as

odds, one with another; that to reconcile differences without compromising either of the contending parties or those whose counsel and advice you had sought and whose judgment you respected was crucial; that there is a difference between finding an answer that satisfied and discovering a solution that worked; that after most controversies had ended, there is a rush to penalize the innocent and reward the guilty; and that the world at large is not nearly as rational as those within the academy prefer to believe and, of course, neither are they (Gardner 2005, pp. 64-65).

Thus, the academic imperatives that drove Kerr, Hitch and myself are by definition in conflict with the more narrowly construed and targeted purposes of those using political advocacy and direct political action to accomplish their goals, the tactics and strategies of which clash fundamentally with the values and norms of university life as earlier described.

The faculty of the University of California was very much divided during the loyalty oath controversy of 1949-1952, divided during the Free Speech Movement of 1964, divided during the Vietnam War protests of 1968-1971, and divided by the divestment protest of 1985-86. While it is very understandable that they should have been divided on the issues, they should not be divided but united when it comes to defending the historic purposes of the university and the accompanying norms, values and customs of academic life honored by free universities everywhere and upon which their own work depends, as does the university's authority in the broadest sense of the term. The next great protest will bring this conflict over the uses of the university into stark relief. This time, however, it will not be enough for academic administrators to bear the burden mostly alone. The Academic Senate must be a timely and confident partner in defending the University's academic freedom and the freedom to teach and the freedom to learn, fundamental values of the academy, but routinely ignored by political advocates whose objectives are to advance their cause whatever the means. On the issues of the university itself and the cause it represents, and the freedom both the institutions and its faculty enjoy, the need to be of one mind on these issues is not just critical, it is indispensable. And if we are not willing to fight for our freedoms, we will surely forfeit them, irretrievably.

Kerr's life was a testament to his belief in reason, persuasion, consensus-building and the respectful interplay of ideas and evidence - the embodiment of the academic freedoms to which he was so personally and professionally committed. These were the "uses of the university" to which he was devoted, and, therefore, just as opposed to its misuses which rely on the more authoritarian and coercive means of "persuasion" than on the reasoned expressions of the human will for which Clark Kerr will be so long remembered. Fiat Lux.

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