Controversey and
the courts have closed
the institution
and left the deaf
and blind caught
in the cross fire.

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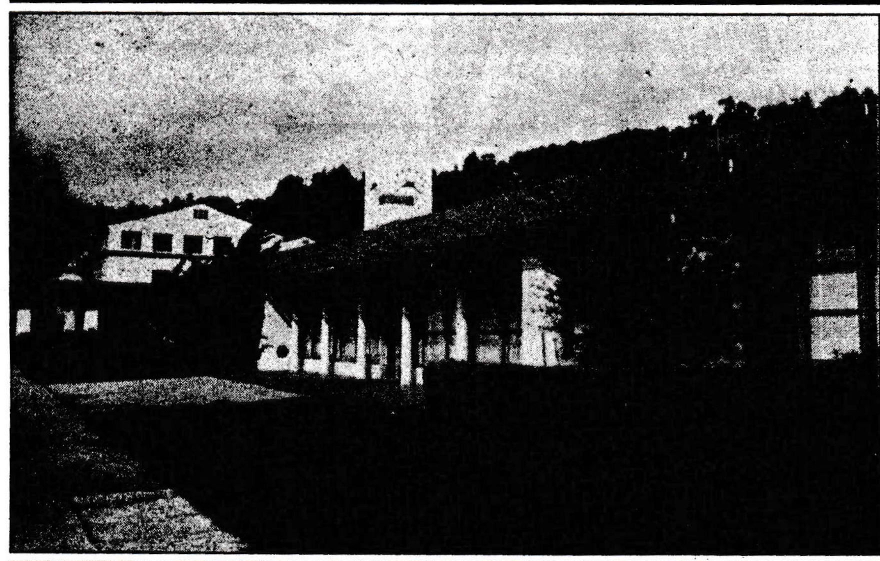
August 1981

Whose Fault?

By Charles Burress

While Berkeley is no stranger to political turmoil, there may be no issue more laden with emotion and controversy than the recent loss of the city's oldest institution—the California Schools for the Deaf and Blind. Except for the "UC Get Out" graffiti scrawled on one of the 40 vacant buildings on the schools' former campus, there is little hint of the power and events that have turned this once-thriving education center into a legal battleground and one of the major land-use issues in the city's history.



Now located amid cauliflower fields in Fremont, The California Schools for the Deaf and Blind have left behind the supportive urban environment their students used to enjoy at the 114-year-old Berkeley campus, just one of the reasons why opponents of the schools' relocation label the new site a $53 million blunder. Gone is the close proximity to medical and cultural resources, such as the Low Vision Clinic and the Lawrence Hall of Science. Gone, too, is the grid pattern of Berkeley's streets and sidewalks that provided easy access to the community and proved invaluable to the necessary mobility training for the blind students.

But with all the physical and cultural advantages of their former Berkeley campus, why were the schools moved to a semi-rural, car-oriented site?

The answer is strangely entangled in geology and politics. The fate of the 50-acre Berkeley campus was determined by an active earthquake fault that allegedly rested beneath the schools' buildings.

But opponents of the schools' relocation have challenged the existence of that fault. They argue that a geological study, commissioned by the University of California in 1978, turned up no evidence that the schools' buildings sat atop an active fault.

The capping irony came recently in federal district court in Sacramento when several seismologists testified that, in fact, the new Fremont site poses a far greater earthquake threat than the original Berkeley location. But the California Department of Education, which administers the state-run schools for the deaf and blind and has supported their relocation from the start, remains steadfast in its contention that the site is indeed too dangerous for the schools.

Meanwhile, the issue of seismic peril has faded into the background as the University of California and the City of Berkeley wrangle over the valuable 50-acre site. The city is considering the site for a housing project for the handicapped, the elderly and low-income families, as it has for the better part of two years. The university, however, is eyeing the land for badly needed student housing. The intensity of this fight

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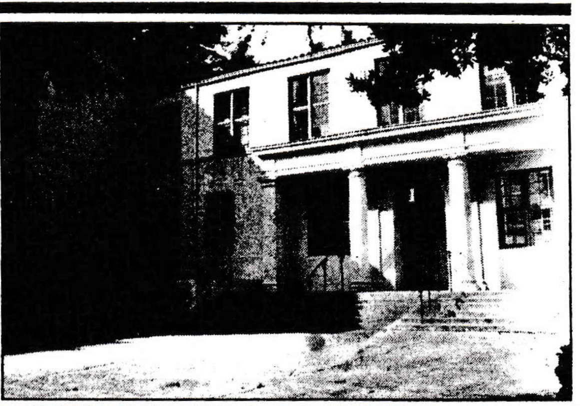


The old campus buildings (far left) made way for the newer, more familiar hacienda-style structures that are now under attack. Described as "a masterpiece of sound educational design," buildings at the Berkeley site (above) have fallen victim to criticism because of earthquake safety, needed repairs and limited wheelchair access resulting from a two-story construction (left).

has overshadowed a third interested party: blind school advocates who want the blind students returned to their former campus.

Although the schools' relocation was achieved last fall after nine years of unsuccessful protests and appeals, opponents of the blind school move are making one last court appeal. Pending the outcome of the case, which could last for several more months, the relocation of the blind school is not final. The deaf school, whose students face fewer mobility problems than do the blind, abandoned its opposition to the move years ago and is resolved to stay at its new location.

KEEPING THE TWO schools at their Berkeley campus has long been the near-unanimous desire of the community, a position which had been reinforced in the past several years by the city council, neighborhood organizations and various other civic groups.

The sprawling deaf and blind campus has been a key element in the character of the city. With the exception of the University of California campus and Aquatic Park, the site of the California Schools for the Deaf and Blind is the largest parcel of property under single ownership in Berkeley. Located three blocks north of the Claremont Hotel and four blocks south of the UC campus, its gentle sloping grounds and mission-style buildings with red-tile roofs provide a refreshing asset to one of the most densely populated residential communities in California. Compared to the university campus, the deaf and blind site represents a far more coherent architectural design, and a more sensitive relationship between a public institution and the adjacent community, according to professor David Gebhard, an architectural consultant. Architecture critic Allan Temko equates the campus, now under consideration for the National Register of Historic Places, to "luxurious private academies," and says the deaf school portion, which comprises the northern two-thirds of the site, is a "masterpiece of sound educational design, almost a little Stanford."

> "... the school was going to be moved and all we had to do was sit back and scoop up the property."

The Campus was established six years before the UC campus and eleven years before the city itself. There were only 12 homes in the vicinity in 1867, when the Society for the Instruction and Maintenance to the Indigent Deaf and Dumb and the Blind broke ground. The university moved to its present campus in 1873. Together, the state institution for the handicapped and the university "led to the physical development of (Berkeley's) eastern foothills and its emergence as a cultural and educational center," according to the city's 1977 Master Plan.

The state institution was divided into separate schools for the deaf and blind in 1921. Both schools grew in reputation and enrollment. In 1980, their last year in Berkeley, the deaf school had 500 students and the blind school 120.

During the last nine years of the relocation debate, there has been no doubt in anyone's mind that the schools' facilities were in need of major improvements and modernization. But from interviews with numerous participants in the early debates, as well as from newspaper accounts at the time, it appears that the earthquake fault was the critical issue that tipped the scales in favor of relocation.

Tipping the scales back in its favor will be no mean feat for the blind school, because the very agency that administers it, the state Department of Education, is the defendent in the blind school's current court battle in Sacramento. Headed by State Superintendent of Public Instruction, Wilson Riles, the department contends that the expanded, modern Fremont campus is far superior to and safer than the aging Berkeley facility. The less expensive option of remodeling the outmoded campus was rejected by the department, which insisted that the Berkeley campus had to be abandoned in any case... because of an earthquake fault.

THE PRESSURES BEHIND the relocation of the deaf and blind schools have never really been spelled out, but the allusions have included another prominent and forceful state agency—the University of California. Critics of the move have long charged that the university forced the schools out in order to get the property. Documents uncovered in university files show that, at various times dating back to 1923, UC had approached the state Department of Education to see if the deaf and blind schools could be moved so that the university could take control of the property. Over the years, the university's plans for the site have ranged from an agricultural college and graduate institute to a medical school and intramural sports facility.

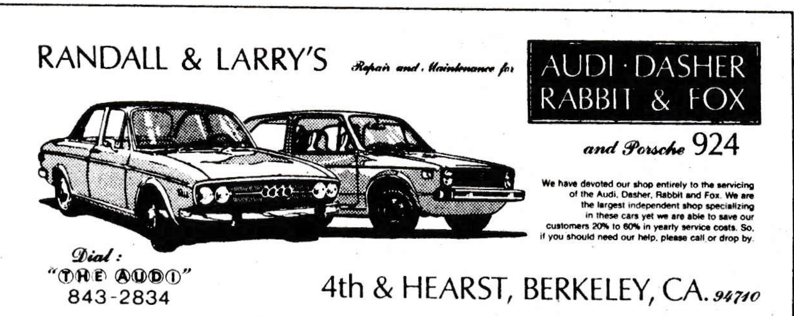
"While I was on the staff," recalls Myron Leenhouts, former assistant superintendent at the deaf school who served on the staff for 27 years, "there had been several threats and very real attempts by the university to take us over. It seemed this happened at least once a decade, the last time being in the 1960s when the university looked longingly at us because they needed an additional medical facility."

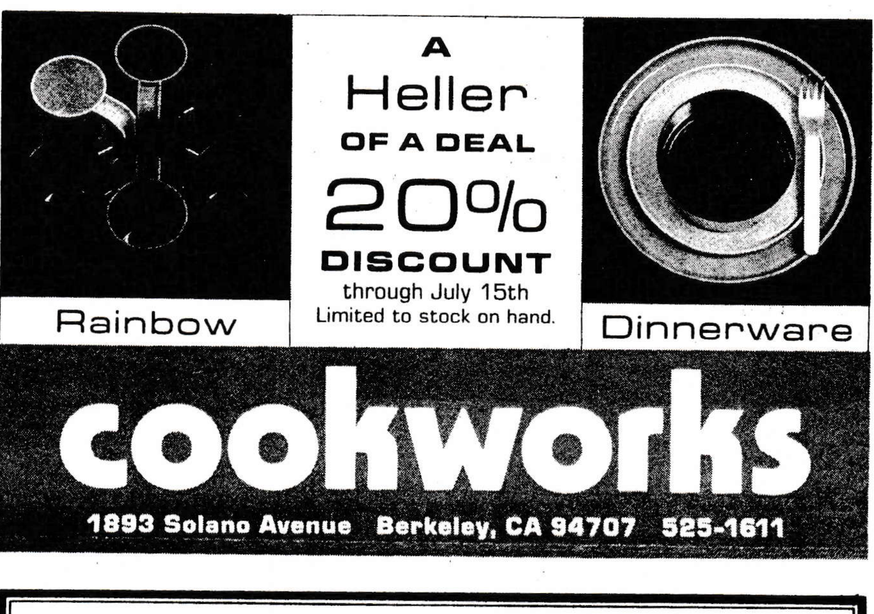
The university's current plan to use the site for housing was launched after it became known in 1973 that the state intended to move the deaf and blind schools. Although the university considered alternative uses for the site around the late '60s and '70s, there is no evidence that it actually initiated a push to move the schools during those years, as it had earlier.

Jay Michael, chief UC lobbyist in Sacramento a decade ago, says the university's plan in 1971, when a Berkeley medical school was still a possibility, was made in response to relocation hints from the state.

"The judgement at that time," he recalls, "was that the (deaf) school was going to be moved and that all we had to do was sit back and scoop up the property."

Frank Lanterman, who headed the state Assembly Ways and Means Committee, said in an interview before his death that he was involved in the issue through subcommittee hearings in 1970 on both the university's need for a medical school and on the option of moving the deaf school. The question, he said, was one of "pri-





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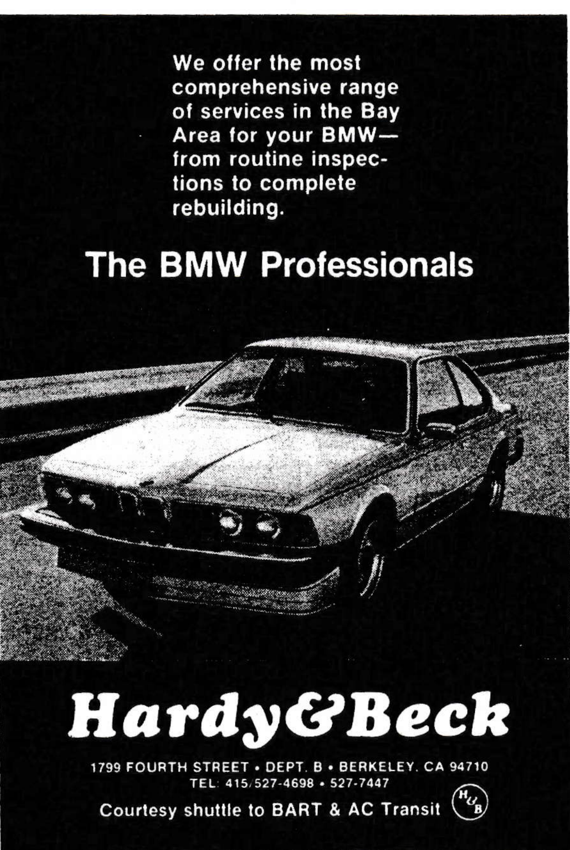
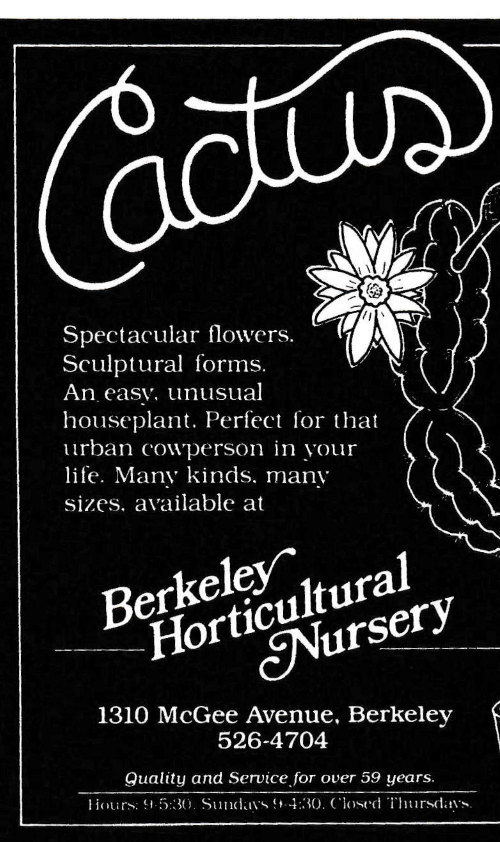


ority of need for the land...the most concentrated use of the site."

According to the state Department of Education, the problem started in 1968 with complaints about the deaf school kitchen, built in 1931 and in need of extensive renovation. The department decided that all the aging buildings should be investigated, and in 1971 secured funds from the legislature for a feasibility study of rehabilitating both schools. The following year, the state architect and fire marshal came back with a report that many of the schools' buildings did not meet fire, safety and seismic codes. The study showed that it would be cheaper to rehabilitate and modernize the schools on the present campus rather than build a new campus, but recommended that the blind school, whose buildings were mostly constructed before World War II, be relocated anyway. It concluded that the deaf school, housed in more modern buildings, should remain. (The current campaign to bring the blind school back to Berkeley calls for using the buildings formerly occupied by the deaf.)

State officials were not long in deciding the matter. The same year, senate bill SB681 became law, declaring that "no school building could be constructed or situated on the trace of an active geological fault." This law, in view of maps showing a suspected active trace of



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Demands for geological testing were allowed to go unheeded for reasons that were never made public.

the Hayward Fault under school buildings, "mandated" the relocation of both schools, according to a report written at the time by Hugo Schunhoff, then deaf school superintendent.

Opposition to the move was immediately forged at the two schools, with the deaf organizing a committee called S.O.S. (Save Our School) and the blind setting up the Blind School Employees Council. However, it did not take long for the strategies of the two groups to sharply diverge. The deaf group, feeling that the presumed earthquake fault made it futile to try to stay, put its efforts into lobbying for funds for a new school.

"Members of the legislature," recalls Hubert Sellner, a deaf school teacher for 25 years, "indicated that in view of the maps showing a quake fault through the site, they would refuse any funds for remodeling or rebuilding. Thereafter, the fight to remain was dropped and the battle shifted to obtaining funds for a new school elsewhere." Otherwise, the deaf feared, the national trend toward "mainstreaming" deaf children into public schools would lead to the elimination of a Northern California deaf school altogether, leaving only the state deaf school in Riverside.

But the blind, whose only state school was Berkeley, continued to challenge the relocation. They argued that the earthquake fault under the school wasn't confirmed and that the state ought to do geological testing before going ahead with the move. Remaining in

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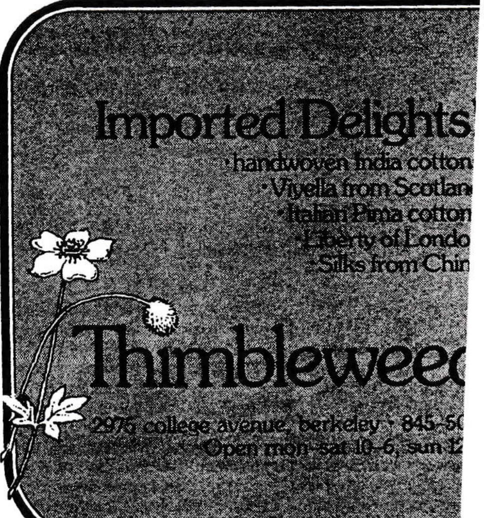


Berkeley was especially critical for them, they argued, because of the nearby medical facilities, cultural resources, the value of the many volunteers from the university and the grid pattern of the city's sidewalks and streets. The semi-rural site in Fremont had no sidewalks leading off campus and no place to go even if it had, they said.

The Department of Education, however, said the earthquake evidence was conclusive, based on both the maps and interviews with geologists. "There is no doubt," state schools chief Riles said at the time, "that the present Berkeley site . . . (is) immediately astride the Hayward Fault."

The earthquake fault wasn't the only objection the department had to the Berkeley campus. As reports at the time indicated, the buildings were not only old, but also of two stories. The absence of elevators and the incline of the terrain made accessibility difficult for the increasing proportion of the student body who were multi-handicapped and in wheelchairs.

Barry Griffing, the assistant superintendent in charge of the schools under Riles, was chiefly responsible for overseeing the relocation. He has consistently argued that these reasons were sufficient. The decision to leave the old campus, much beloved by generations of alumni, was one of the hardest he ever made, he admits, but it was necessary even without the earthquake fault.

OPPONENTS OF THE move say the department could have corrected all the deficiencies, except for the fault of course, by rehabilitating the Berkeley site. But the state was looking for an excuse to remove the schools, they say, to serve the expansionist desires of the university, if not the empire-building ambitions of its own officials.

"They tried several different things to move the schools," says one deaf school parent who asked not to be identified. "But they could never make anything stick until they came up with the earthquake fault."

The blind school advocates con-

> **The state was looking for an excuse . . . to serve the expansionists and empire builders.**

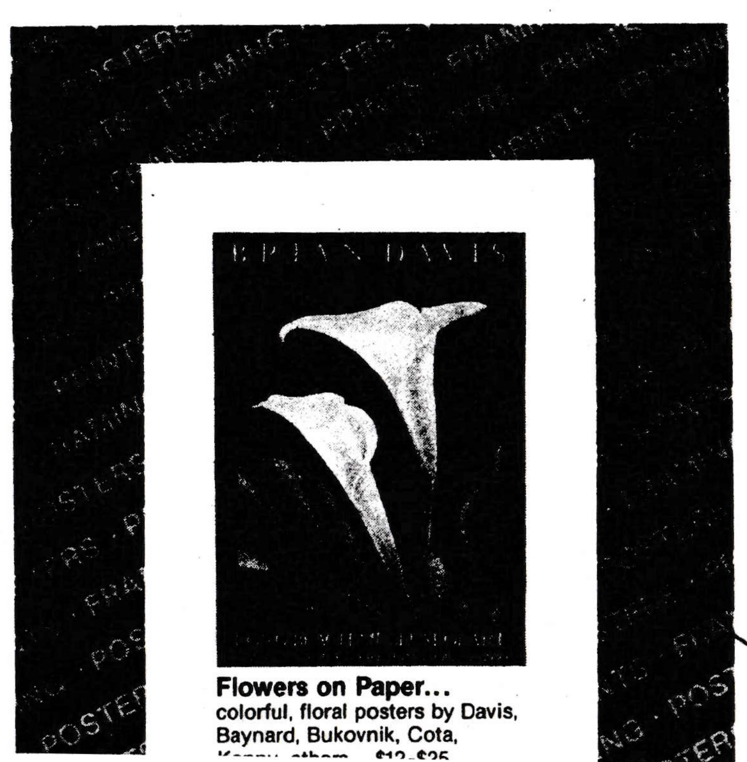
tinued to hammer away at the earthquake issue and in 1975 won an initially favorable ear from the new Brown administration, even though the state legislature had already voted the first appropriations to acquire the new campus. The two Brown appointees on the three-member Public Works Board called for geological testing in Berkeley, but later let the demand go unheeded for reasons that were never made public.

When construction began in Fremont in 1977, the prospects for retaining the Berkeley-based blind school looked gloomier than ever. But the battle continued. The following year, there emerged what appeared to be one final hope. The new campus had hit a cost overrun of more than $7 million, the funding of which would have to win approval of the Public Works Board. Mayors Warren Widener of Berkeley and Lionel Wilson of Oakland joined four Berkeley neighborhood groups, the Center for Independent Living and several environmental organizations in asking Governor Brown to stop the Fremont project.

Leading the fight for retention of the Berkeley site was John di Francesco, himself blind and a music teacher at the school for 22 years. Addressing the Public Works Board meeting, he unknowingly forecast the issue that three years later would come back to haunt the Department of Education in court—that, in fact, the earthquake fault was *not* under school buildings in Berkeley and that the soil conditions in Fremont would make that site vulnerable to terrible shaking during a major quake. But the board apparently felt the move was too far along to turn back. It approved the cost overrun on a split vote, leading di Francesco and his allies to finally abandon their efforts.

"I was through," di Francesco recalls. "The curtain had come down. That was one of the saddest days of my life." Di Francesco says he tore up his extensive braille files and disbanded the Blind School Employees Council, which he had headed for six years.

Just as quickly as the fight against the move had died, another confrontation emerged: Who would get control of the Berkeley site once



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the schools left? On the one side has been an array of city-based forces favoring some form of low-income housing for elderly, handicapped, families and students; on the other has been the university, with a well-developed proposal for student and faculty housing and office space.

Included in the university's argument was the most recent geologic study assessing the earthquake hazard. The controversial results of the study appeared in a thick draft of an environmental impact report issued in December 1978, but were not picked up by the press until almost a year later when they were published by the *Daily Californian*.

The study confirmed that the main active trace of the Hayward Fault ran under the deaf school track to the east of campus where it posed no serious hazard to the buildings. The alleged secondary fault line under the buildings was found not to be an active trace, if it existed at all. An investigation by the *Daily Californian* also found that the Department of Education had little evidence of the secondary fault's existence in the first place. The fault which supposedly ran under the buildings had originated as a dotted line (indicating an unconfirmed trace) on US Geological Survey maps. The maps explicitly stated that the possible fault was based solely on a second-hand verbal account given to the mapmaker and not on scientific evidence.

The major local news media picked up the story, and by January 1980, the campaign to save the blind school was back in full gear. Astonished politicians at first said it was too late to stop the move; the Fremont facility was too near completion. But the following month, Assemblyman Tom Bates (D-Berkeley) announced he would introduce a bill to keep the school in Berkeley. By last summer the bill had passed the full Assembly, only to be killed days later by the Senate Education Committee.

Meanwhile, the San Francisco-based public interest law firm, Public Advocates, filed a class-action lawsuit in Sacramento on behalf of two dozen parents seeking to block the move under federal law.

> Survey maps stated that the existence of an active trace was based soley on a second-hand verbal account.

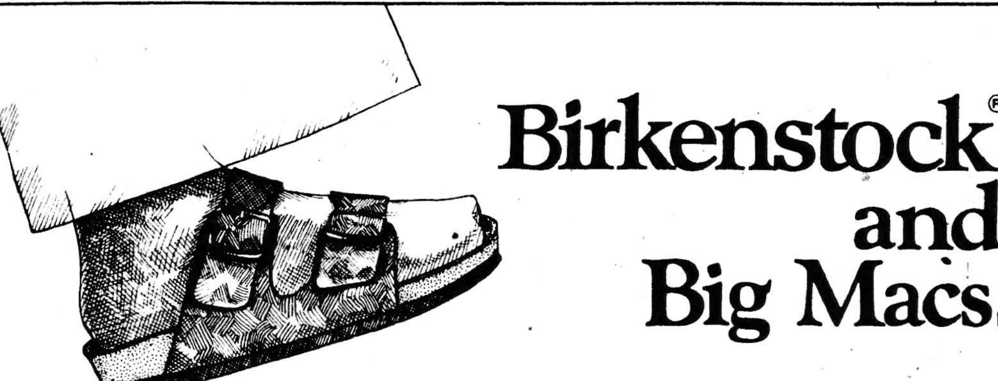
And on August 15, 1980, just before the relocation was to take place, the advocates for the blind thought that their miracle had occurred at last. U.S. District Court Judge Milton Schwartz stopped the move with a preliminary injunction. But the political winds again shifted when the legislature refused to provide funds to maintain the Berkeley school for another year. With the blind school students effectively blocked from going to either school, both sides agreed to let them attend Fremont until the case has been resolved.

The trial, which began last March, has been snagged by delays and will probably extend into September, with the losing side expected to appeal. At the time of this writing, experts representing the blind school parents have testified that Fremont is not only educationally less adequate than Berkeley but is also seismically more hazardous. They have said the Berkeley site, although nearer the Hayward Fault, is safer because it is built on bedrock, whereas the Fremont campus sits on deep, loosely packed alluvial soil that will shake like jello in a major quake.

The Department of Education's long list of defense witnesses will argue that Fremont's transportation network and potential for development around the campus can be developed to provide an ample educational environment, while the new single-story woodframe buildings are capable of withstanding any likely tremors.

Until the verdict is in, the Berkeley site sits in limbo. The university has suspended its planning until the courts render a final decision. The city council, which for two years stood opposed to the university plan, switched its position last May and is now considering a joint university-city undertaking, though it still supports the return of the blind school.

As for John di Francesco, he's now retired from teaching at the blind school. It's been nine years since he started the fight as the employees council president, and three years since he gave it up as lost. However, his current position is: "We're going to win."



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