
Finding aid to the Lawrence Berner vs. John Briggs Collection, 1940-2004

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2012

Title: Lawrence Berner vs. John Briggs Collection,

Date (inclusive): 1940-2004

Date (bulk): 1977-1982

Collection Identifier: GLC 75

Creator: Berner, Lawrence, 1940-1995

Physical Description: 2.0 cartons(2 cubic ft.)

Contributing Institution: James C. Hormel LGBTQIA Center, San Francisco Public Library

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Abstract: The collection documents the legal suit brought by homosexual school teacher Lawrence Berner against California State Senator John Briggs for defamation of character. Briggs had sponsored Proposition 6 which would have prevented gay and lesbian teachers from teaching in California. The Briggs campaign singled out Berner. The case settled in Berner's favor in 1982.

Physical Location: The collection is stored onsite.

Language of Materials: Collection materials are in English, with 3 items in Japanese.

Access

The collection is available for use during San Francisco History Center hours, with photographs available during Photo Desk hours.

Publication Rights

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Preferred Citation

[Identification of item], Lawrence Berner vs. John Briggs Collection (GLC 75), LGBTQIA Center, San Francisco Public Library.

Provenance

The collection was donated in three accessions (November 2011, May 2012, and September 2012) by Bernard Niechlanski for the Estate of Rodger Brooks. Brooks was Lawrence Berner's life partner in the 1970s. When Berner moved to Japan, he left his papers in Brooks' care; Berner died of AIDS in 1995. The case files were transferred from Heller, Ehrman, White & McAuliffe to Berner in 1982.

Biographical Note

Lawrence Berner was born on July 27, 1940 in Elm Springs, Arkansas. He graduated from the University of Arkansas in 1962 with a B.A in Psychology. From 1962-1966 he served in the U.S. Air Force and was honorably discharged in 1966. He attended Sonoma State College from 1970-1972 and studied for an elementary education credential. From January 1972-August 1982 he was a second grade school teacher for the Healdsburg Union Elementary Schools in Healdsburg, California.

John Briggs was a California politician who served in the State Assembly and in the Senate beginning in 1977. He sponsored Proposition 6 (also known as the Briggs Initiative) for the 1978 General Election. Adoption of Prop. 6 would make it possible to fire teachers based on homosexual acts or activities. The Briggs campaign singled out Berner as an example of a homosexual teacher from whom school children needed protection.

In 1979, after the Briggs Initiative failed, Berner brought suit against Briggs for defamation of character. The suit also named the California Defend Our Children Committee, National Broadcasting Co., K.N.B.C., Mrs. Lee Lee and Does I-XX. Lee Lee was a member of the Healdsburg School Board.

Berner was represented by Jerel McCrary of Gay Rights Advocates, and by Stephen V. Bomse and Michael L. Rugen of the San Francisco law firm Heller, Ehrman, White & McAuliffe. The case was settled in Berner's favor in 1982. In 1984 Berner moved to Japan where he taught English. He learned he was HIV-positive in 1988, and was one of the first people to go public with his condition in Japan. Berner died due to AIDS complications on January 25, 1995 in Tokyo.

Scope and Contents

The collection includes the documents filed for the legal case Lawrence Berner vs. John Briggs, additional supporting material collected by Berner and his legal representatives, and audiotapes of Berner's speeches and interviews. The majority of the material consists of newspaper clippings that document the activities and remarks made by Briggs and

Berner in the months leading up to the November 1978 California general election. Some additional materials concern Berner's life in Japan.

Arrangement

The collection is arranged into four series: Series 1. Case Files; Series 2. Lawrence Berner Papers; Series 3. Newspaper Clippings; and Series 4. Audiovisual Materials.

Subjects and Indexing Terms

- Berner, Lawrence, 1940-1995.
- Briggs, John V., 1930- .
- Gay liberation movement--California--San Francisco.
- Gay men--California--Political activity.
- Gay teachers--California.
- Gays--Legal status, laws, etc.--California.
- Homophobia in employment--California.
- Homosexuality and education--California.
- Lesbians--Legal status, laws, etc.--California.

Series 1 Case Files, 1964-1982

Physical Description: 1.2 boxes

Arrangement

The Case Files are arranged into three sections: Chronological File, Alphabetical File, and Exhibits.

Chronological file, 1978-1982

Physical Description: 33.0 folders

Arrangement

Arranged chronologically.

Scope and Contents

Contains originals and copies of the legal papers filed for the case. These include the original and amended complaint for damages and depositions by John Briggs, Lawrence Berner, Lee Lee and others. Some depositions are annotated.

- Box 1, Folder 1
- Box 1, Folder 2
- Box 1, Folder 3
- Box 1, Folder 4
- Box 1, Folder 5
- Box 1, Folder 6
- Box 1, Folder 7
- Box 1, Folder 8

Correspondence, 1978-1982

Pleadings, 1978-1979

Complaint for damages (defamation of character), June 22, 1979

Amended complaint, November 14, 1979

Summons on amended complaint, November 30, 1979

Deposition of Leona Ellen Lee, August 22, 1980

Deposition of Leona Ellen Lee [annotated], August 22, 1980

Answers and objections of Plaintiff Lawrence Berner to first set of interragatories propounded by Defendant John Briggs, September 26, 1980

Deposition of Lawrence Berner, September 26, 1980

Deposition of John V. Briggs. Mr. Rugen copy [annotated], October 21, 1980

Deposition of John V. Briggs; and Examination by Mr. Rugen, October 21, 1980

Plaintiff's further responses to Defendant Briggs' first set of interrogatories, November 1980

General note

Includes May 29, 1980 Interrogatories.

- Box 1, Folder 13

Deposition of Lawrence Berner, February 4, 1981

Box 1, Folder 14	Deposition of Lawrence Berner. Michael L. Rugen copy. With notes. Includes photocopied newspaper articles, February 4, 1981
Box 1, Folder 15	Deposition of Ernest van den Haag. Original with corrections in pencil, July 30, 1981
Box 1, Folder 16	Deposition of Ernest van den Haag [annotated], July 30, 1981
Box 1, Folder 17	D.E. Smuckler's Summary of quotable articles as of..., October 27, 1981
Box 1, Folder 18	Deposition of Penelope McMillan [original], December 18, 1981
Box 1, Folder 19	Deposition of Penelope McMillan [copy], December 18, 1981
Box 1, Folder 20	Deposition of John F. McGrew, December 21, 1981
Box 1, Folder 21	Deposition of John F. McGrew [annotated], December 21, 1981
Box 1, Folder 22	Declaration of Michael L. Rugen in support of Plaintiff's motion to compel, December 29, 1981
Box 1, Folder 23	Memorandum of points and authorities of Plaintiff Lawrence Berner to compel further answers to interrogatories and further responses to requests for admission by Defendant John Briggs, December 29, 1981
Box 1, Folder 24	Notice of motion of Plaintiff Lawrence Berner to compel further answers to interrogatories and further responses to requests for admission by Defendants John Briggs, December 29, 1981
Box 1, Folder 25	Notice of motion by Plaintiff to preclude testimony of Dr. Ernest van den Haag, December 30, 1981
Box 1, Folder 26	Memorandum of points and authorities in support of Plaintiff's motion to exclude testimony of Dr. Ernest van den Haag, December 30, 1981
Box 1, Folder 27	Declaration of Michael L. Rugen in support of Plaintiff's motion to exclude testimony of Dr. Ernest van den Haag, December 30, 1981
Box 1, Folder 28	Proposed order, December 30, 1981
Box 1, Folder 29	Michael L. Rugen. Proof of service by delivery, December 30, 1981
Box 1, Folder 30	Proposed order, January 4, 1982
Box 1, Folder 31	Further answers to interrogatories, March 31, 1982
Box 1, Folder 32	Deposition of Arnold C. Forde [original and copy], April 30, 1982
Box 1, Folder 33	Final accounting. Finances including David Kessler payment and Lawrence Berner settlement, September 1 and 9, 1982

Alphabetical file, 1973-1982

Physical Description: 18.0 folders

Scope and Contents

These majority of these files contain copies of newspaper articles arranged by the name of the reporters. Files may include memoranda about the strength of the article for use in the case, or notes on conversations with the reporters. The chronology of events and the campaign literature folders are of particular interest. The files on Kessler and van den Haag contain photocopies and reprints of scholarly articles on the subjects of homosexuality, teaching, and children.

Arrangement

Arranged alphabetically.

Box 1, Folder 34	Barnett, Catherine. Exhibits 25, 26a, 49, 1978
Box 1, Folder 35	Briggs' finances, 1978-1980
Box 1, Folder 36	Campaign literature "No on 6," 1978
Box 1, Folder 37	Campaign literature "Vote Yes on Prop. 6," 1978
Box 1, Folder 38	[Case notes on depositions (Lee Lee, Briggs, Berner, van den Haag), and items on emotional distress and libel law], [1981-1982?]
Box 1, Folder 39	Chronological listing of events, 1977-1978
Box 1, Folder 40	Circulation information, 1981
Box 1, Folder 41	Healdsburg School District. Records pertaining to Lawrence Berner, 1973-1980

Box 1, Folder 42

Kessler, David R. Articles and curriculum vitae, 1982

General note

Includes articles written by Kessler and collected by him regarding gays and lesbians in the medical profession and the article "Relating to Children: Gays as Role Models" by Dorothy I. Riddle (*Journal of Social Issues*, 1978).

Box 1, Folder 43

McManus, Doyle. Exhibits 37 and 42, 1978

Box 1, Folder 44

McMillan, Penelope. Notes by Smuckler, and Exhibit 2, 1978, 1980

Box 1, Folder 45

Olson, Karl, 1978, 1981

Box 1, Folder 46

Roberts, Jerry. Interoffice memo from D. Smuckler to C. Freibrug (Octo. 16, 1982), and Exhibit 24, 1978, 1981

Box 1, Folder 47

Shilts, Randy. Interoffice memo and Exhibit 39, 1978, 1981

Box 1, Folder 48

Stuckey, Michael. Exhibits 22, 44, 45, 47, 52, and 55, 1978

Box 1, Folder 49

Swartz, Susan. Interoffice memo and exhibits 4A, 40, and 51, 1978, 1981

Box 1, Folder 50

Todd, John. [Notes of telephone conversation], undated

Box 1, Folder 51

van den Haag, Ernest, 1981

General note

Includes correspondence, articles by van den Haag, and notes on possible approaches to questioning.

Exhibits, 1964-1982

Physical Description: 5.0 folders

Scope and Contents

The majority of the exhibits files contain copies of newspaper articles published during the campaign. The Kessler file contains photocopies and reprints of scholarly articles on the subjects of homosexuality, teaching, and children.

Arrangement

Arranged in original order.

Box 1, Folder 52

List of exhibits with notes on relevance and admissibility, undated

Box 1, Folder 53

Exhibit A [David R. Kessler, M.D.], 1981-1982

Box 1, Folder 54

Exhibit B, 1964-1981

General note

Contains: State of Oregon, Department of Human Resources "Final Report of the Task Force on Sexual Preference" (December 1, 1978). Photocopied portions from the following books: *Pedophilia and Exhibitionism; a Handbook* by J.W. Mohr, R.E. Turner, M.B. Jerry (University of Toronto Press, 1964); *Adult Sexual Interest in Children* edited by Mark Cook (London: Academic Press, 1981); *Hidden Victims: the Sexual Abuse of Children* by Robert L. Geiser (Boston: Beacon Press, 1979). Photocopies of several articles on adult and adolescent sexuality.

Box 2, Folder 1

Exhibit C, undated

Box 2, Folder 2

Photocopies of exhibits, 1978-1979

Series 2 **Lawrence Berner Papers, 1940-1984**

Physical Description: 18.0 folders

Scope and Contents

The Berner Papers include non-trial material that documents aspects of Berner's life. Of particular interest are his speeches, some of which are on notecards, and a folder of personal memorabilia. The memorabilia includes a copy of Berner's birth certificate, confirmation program, graduation programs, transcripts, Air Force honorary discharge certificate, and resumes. It also includes his remarks given on his 8th grade graduation and a charming story about his dog Blackie. Photographs of Berner in military uniform are also in this series. The series also includes letters of support, two scholarly articles about the Briggs Initiative and its effect on the gay rights movement, and a transcript of an interview with Berner after his lawsuit was settled.

Arrangement

Arranged alphabetically by folder title.

Box 2, Folder 3

Ballot measure, voter pamphlet, November 1978

Box 2, Folder 4

"Defending Gay Rights: the Campaign Against the Briggs Amendment in California," (*Radical America*, vol. 13 no.4), July-August 1979

Box 2, Folder 5

John Mehring's "Interview with Larry Berner upon announcement of the settlement of Berner v. Briggs," [1982]

Box 2, Folders 6-7

Letters of support, 1978

Box 2, Folder 8

[Notes on meetings and activities], 1978-[1979?]

Box 2, Folder 9

Personal memorabilia and vital records, 1940-1984

General note

Includes copy of birth certificate, church confirmation service program, eighth grade graduation speech, "My Dog: Blackie" paper, high school and college diplomas, college transcripts, United States Air Force commissioning ceremony materials and honorable discharge certificate, teaching credential certificates, November 1978 ballot stub, and resumes.

Box 2, Folder 10

Photographs, 1964, 1969, undated

General note

Includes Air Force uniform portrait, driver's license.

Box 2, Folder 11

Photographs. Contact sheet. Photography by Cookie (Oakland, California), 1978

Box 2, Folder 12

"Sexuality and the State: the Defeat of the Briggs Initiative and Beyond, " Interview with Amber Hollibaugh (*Socialist Review* #45, vol.9, no. 3), May-June 1979
Speeches, 1978-1979

Physical Description: 8.0 folders

Box 2, Folder 13

[Draft remarks regarding No on Proposition 6 campaign], [1978]

Box 2, Folder 14

National Education Association Conference (17th: Washington, D.C.) includes draft remarks, 1979

General note

Includes *Report of the 17th Annual Conference on Human and Civil Rights in Education. Rise of the New Right: Human and Civil Rights in Jeopardy* . Session: "Among Constitutional Rights: Whatever Happened to Privacy?" Berner was a panelist.

Box 2,

[Remarks on notecards], [1978]

Folders 15-19

Physical Description: 5.0 folders

Box 2, Folder 20

"You attack me because I am a role model...," [1978?]

Series 3 **Newspaper Clippings, 1977-1982**

Physical Description: 15.0 folders

Scope and Contents

Contains newspaper and magazine articles on gay political issues in Miami and California. Subjects include: John Briggs, Proposition 6 (also known as the Briggs Initiative), Anita Bryant, Lawrence Berner, Lee Lee, the California election of November 1978, the Healdsburg School District, and the Berner vs. Briggs lawsuit and trial. Some of these articles were used as exhibits in the lawsuit.

Arrangement

Arranged chronologically.

Box 2, Folder 21
Box 2, Folder 22
Box 2, Folder 23
Box 2, Folder 24
Bin 2, Folder 25
Box 2, Folder 26
Box 2, Folder 27
Box 2, Folder 28
Box 2, Folder 29
Box 2, Folder 30
Box 2, Folder 31
Box 2, Folder 32
Box 2, Folder 33
Box 2, Folder 34
Box 2, Folder 35

1977

January-March 1978

April 1978

May 1978

June 1978

July-August 1978

September 1978

October 1978

November 1978

December 1978

1979

1980

1981

1982

undated

Series 4 **Audiovisual Materials, 1978-2004, undated**

Physical Description: 10.0 items(8 audiocassette tapes, 1 DVD-ROM, 1 VHS)

Scope and Contents

The audiorecordings include an oral history with Berner that begins with his childhood and includes his experiences in the Air Force and later. Several audiotapes address the Briggs Initiative and the reactions of the Healdsburg community both for and against Proposition 6. "Memories of Rodger" is a video history of Rodger Brooks. It contains Rodger's recollections of life with Berner in 1977-1978 during the Briggs campaign; it also describes his life from childhood through his years as an HIV/AIDS survivor. Two tapes contain Berner's musings on life in Japan and his observations of cultural differences between the United States and Japan.

Arrangement

Arranged alphabetically.

Briggs: "Scout Trip," "Heterosexual Molestation," [1978]

Physical Description: 1.0 audiotape

General note

Includes clips of two statements made by John Briggs: the first is about not wanting Berner on a scout trip; the other is that "majority of child molestation cases are heterosexual teachers."

Briggs Initiative, Briggs Debate, Fruit Punch-KPFA, 1978

Physical Description: 1.0 audiotape

Healdsburg Interviews, Part II, [1978] 

Physical Description: 1.0 audiotape

General note

Larry Berner and Healdsburg community residents discuss their views on Proposition 6, gay and lesbian teachers, and the rights of both teachers and parents.

[Japan 1] "Larry," [1984?]

Physical Description: 1.0 audiotape

General note

Side A contains Japanese-English vocabulary. Side B contains a stream-of-consciousness journal of Berner's experience in Japan with friend Hiroshi.

[Japan 2] "Love, Larry," October 18, 1984

Physical Description: 1.0 audiotape

General note

Side A contains music. Side B contains Berner's journal of his life in Japan with friend Hiroshi.

[Japanese television program on AIDS with Berner on panel], 1994

Physical Description: 1.0 videotape


Languages represented: In Japanese.

Larry Berner Discussing Briggs Initiative, undated 

Physical Description: 1.0 audiotape

"Memories of Rodger" [videotaped history of Rodger Brooks], [2004]

Physical Description: 1.0 item(DVD-ROM)

[Oral history] Larry Berner (sessions 1-4), undated 

Physical Description: 2.0 audiotapes