

# TAFT

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PARENTS' DAY ADDRESS  
OCTOBER 31, 2009

## In *Loco Parentis*, The Past and Present

So here are my two questions today: First, what does in mean for a school to serve *in loco parentis* in 2009? And second, why is this premise so central to this school?

I found the answer to first question in a conference I attended, a book I read, and the author who penned it.

But I found the answer to the second in a love story, between a headmaster and his wife.

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It won't surprise you that I think a lot about how a school acts *in loco parentis*, and I shared some thoughts about this on our opening day and with the faculty. But there's more to be said, and so today I want to talk a bit about this idea of *in loco parentis*, the changing shape of the American family, and why we take on this role with the urgency and passion we do.

The Latin phrase *in loco parentis* is a term derived from British common law meaning “in place of” or “instead of” the parents. As a legal doctrine, it describes the responsibility of an institution—especially a school—to take on the functions of the parent.

Early American colonial educators brought the idea of *in loco parentis* with them along with their other intellectual and spiritual baggage. It meant that schools had a moral as well as academic responsibility to their students. Put very simply, they would act as parents, and with a lot of authority. Now, I don't claim to be a legal historian, but I know that the tenet is an important one for us. For much of our history, this doctrine shaped practice of schools and colleges. Indeed, in the nineteenth century we see legal cases that served explicitly to uphold the doctrine, especially in areas of discipline. In an 1866 case, for instance, involving Wheaton College (“*People ex rel. v. Wheaton College*”), a court stated, “A discretionary power has been given...[and] we have no more authority to interfere than we have to control the domestic discipline if a father in his family.” In 1913 the Supreme Court in Kentucky ruled that a college in fact had the right under *in loco parentis* to threaten to expel a student who did not eat where assigned. Even as schools and colleges became increasingly secular, the courts in general upheld the concept that as institutions they could act as parents.

But limitations would come. In 1942 the Supreme Court ruled in favor of a claim made by a Jehovah's Witness family who argued that the local public school did not have the right to require the saluting of the flag (*W. Virginia State Board of Education v. Barnette*). The court essentially argued that the doctrine of *in loco parentis* extended only up to the edge free speech. The legal death knell of *in loco parentis* at the university level probably came in 1961 in a landmark case, *Dixon v. Alabama State College*, a case involving the expulsion of six students for participating in a civil rights demonstration. The Fifth Circuit Court ruled that the college could not take this action without minimal due process. The free speech movement on college campuses in the 1960s further weakened the

standing of *in loco parentis* in higher education, and by the mid-1970's, the doctrine had largely disappeared there.

But the underlying premise of *in loco parentis* did not fully vanish, especially at the secondary level; and the past three decades have seen a combative working out of the competing claims of a school's interest in acting with parental authority and the individual's interest in preserving certain freedoms. The Reagan war on drugs and zero tolerance policies of the 1980s lead to a number of *in loco parentis* cases in public schools. In 1985, for instance, the court upheld a school's right to search a student locker, arguing that students were not afforded the same rights as adults in other settings (*New Jersey v. T.L.O.*). In 1987 the Supreme Court upheld the right of a school to censure school-sponsored publications (*Hazelwood School District v. Kuhlmeier*); and in 1995 the Supreme Court ruled that high schools were permitted to conduct random drug testing of student athletes (*Vernonia School District v. Acton*), arguing that such testing did not violate the reasonable search and seizure clause of the Fourth Amendment.

Today the doctrine holds sway, but only just, and the issues are complex. Consider the competing claims. On one hand, many public schools have successfully asserted the legitimacy of *in loco parentis*, especially regarding concerns about campus safety; this has led to rules about dress code, hate speech, and possession of threatening articles—you can think of cases where students were disciplined for possession of nail files or Swiss army knives or for wearing clothes that were construed as having gang affiliation. The Columbine shooting bolstered this view; and as a result, counter suits filed have generally been denied on the grounds that school authorities had the right to act *in loco parentis* in order to maintain safety. On the other hand, many families have argued that public schools have overstepped their bounds and usurped the role of the parents, especially in areas of sex education and religious expression. And to make things more complex, the pendulum has swung back in higher education from the 1960's and 70's when *in loco parentis* died a quiet death on campuses, as some parents—in some cases the very ones who buried the premise forty years ago--are demanding that colleges and universities act more assertively *in loco parentis* in terms of campus safety, cyber-harassment policies, alcohol abuse, and speech issues.

And so as you can see, the doctrine has a long legal history and is marked by torturous turns in America.

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Private schools—like Taft—have, of course, always exercised the authority to act “instead of parents,” and it is hard to imagine this place existing without this doctrine. You may well have chosen Taft precisely because we act *in loco parentis*.

I won't quite say that this is a simple issue for us, but I will say that there is no serious debate about whether we believe we act *in loco parentis*. We always have, we always will, and that's why we are here. The doctrine underscores and makes possible our mission to educate the whole student, and it does this so profoundly that it is impossible to think of this school without the belief. As a doctrine, you see it embodied in every teacher, from Dick Cobb in his 42<sup>nd</sup> year, or the teaching

fellow in her first.

And a question I ask all the time is this: “What should *in loco parentis* at Taft look like today?”

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I believe that the work we do *in loco parentis* is more important today than ever because we are in the middle of some profound changes in family structure in our nation, and that fact has very important implications for us as a school. That’s essentially the thesis of Rob Evans, author of [Family Matters: How Schools Can Cope with the Crisis in Childrearing](#), one of the nation’s leading educational consultants and clinical psychologists, with whom I spent four days this summer at a retreat, and who spent a day with the faculty in September.

What Evans has observed in his clinical work and hundreds of school visits is that as the American family structure has altered, the parenting role in this country has changed dramatically and that this fact leads to new challenges for schools and constitutes a national crisis.

Consider the data:

- The chance of a first marriage today resulting in a divorce is roughly one in two.
- The number of single parent households has increased significantly in the past three decades.
- The percentage of children living in a family where both parents worked full time has steadily increased.
- 80% of children now live in either a two-career or single parent family.
- The time children spend with the parent or parents has declined steadily, leading to what some term “time poverty.”

The problem, Evans says, is not that “the family has more varied forms, is more fragmented, and has fewer full-time parents, *but that it functions less developmentally than it used to.*”

The consequences are real and serious, for Evans argues that what child development requires is what schools must offer if they are to act *in loco parentis*, and this means three things I shared with new families on our opening day: *structure, latitude, and nurture*. By structure, Evans means a “framework for conduct, expectations, behavior and performance.” Latitude, we might think of as “room,” or the support of a child’s autonomy. Nurture, of course, is “affection and attention, holding and ministering.” Adolescents who have experience these three in the right doses, studies show, are healthier, stronger and happier adults. As the American family has changed, however, fewer children are experiencing these three in the needed proportions.

A high divorce rate, a high percentage of single parents, the increase in dual working parents families, decreasing child/parent time--you see where this is going. I believe at Taft we must recognize this national trend in the family and set out to consciously, rigorously and strategically create com-

munities of structure, latitude, and nurture. As I said to new families two months ago, it's a great challenge, and a great opportunity.

And so, Taft is very much a place of *structure*. This is not a laissez-faire place where anything goes, and the proof is that our students complain and push back. My hope is that when they push, they find something immovable, for they need the clarity—even safety—of this kind of structure. We require students to dress a certain way, attend meals, be on class on time, clean up their rooms, come to community gathering times in this auditorium, sign a pledge of honor. We do not negotiate on the really important things that are at the very foundation of the structure: that they are honest, that they treat each other with respect, that they approach the business of learning with earnestness and purpose, and that they follow the rules.

But if this is a place of structure, it is also one of *latitude*—of “room,” freedom, or risk. There is no good school that does not provide students with latitude, and frankly, here is where so much joy and excitement lies in teenagers. This means the ways in which we encourage risk-taking and—as a consequence—accept the fact that with this comes mistakes and disappointment. We cannot fully protect students from their choices, nor should we. Students are given freedom in many ways: in how they use their free time, in what activities they sign up for, in who they choose for friends, in whether to try out for the team or school musical, and so on. We know that independence requires latitude, and so we give a good bit, anticipating what might come.

And we can all accept the inevitable error or hurt that comes with this kind of freedom because we are also a school of *nurture*. The faculty here are profoundly compassionate and caring. We know that adolescence will bring with it moments of greatest sadness, loneliness, disappointment, regret, confusion, and pain. Teachers here want to be at a place where the architecture and the history make it inevitable that they will attend to the mind, heart and spirit of each student. This we see when a teacher puts an arm around the boy who let in the losing goal, when the advisor invites the advisee in the apartment to talk about facing grief after the funeral, when the dorm parent says, “Boy you look tired. Why don't you come in while I bake some cookies?”

Structure, latitude, and nurture: what I have described is what *in loco parentis* should look like in 2009. And if this sounds familiar it is not so much that I have shared some of these ideas before; it is because you know it all as parents.

Clearly, the shape of the family has changed dramatically in the last three decades. The reasons why are complex, few families have not been touched, and we cannot simply wish this trend away. To ignore it would be a disservice to students and a failure of our school. To embrace the trend and the challenges which accompany it must be of the highest priority.

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Why, though, why is it that this doctrine is so sacred here?

To answer that, I have to tell you a story, and it is about Horace Taft, and it is a love story, though like the best such stories, in the end it is beautiful and also sad. It is a story I would never have

known were it not for my dear friend Anne Romano, Taft archivist.

In the fall of 1889, Horace Taft was tutoring at Yale, and when he became ill with typhoid fever, his sister visited him and stayed at a boarding house where she met a woman named Winifred Thompson, who was teaching high school. Winifred had a sterling reputation as a dedicated, intellectual and artistic teacher; and she had just returned from travels in Europe: the glory of the Piazza della Signoria in Florence, the magnificent collegiate gothic architecture of the universities in England. She was tall and slender, the niece of the great Hudson River School artist Alfred Bierstadt, a graduate of Mt. Holyoke, where she had been admitted at age fifteen. Like any good sister, Fanny introduced her friend to her single and unclaimed brother.

Their courtship began quickly, though he was busy: after all, he was starting “Mr. Taft’s School for Boys,” in a modest house in Pelham Manor, New York. They were engaged within a year. Horace’s brother Will, who would later become president, wrote on June 1, 1891, “Horace loves [Winifred]. . . . She must be a girl of much character, for she is making her own way and living. I have an idea that Horace has found a girl who has a practical sympathy with his educational hopes and ambitions.” Will was right. Winnie spent the summer in Europe; Horace alternated between hard work and moping.

He was head over heels in love, acting the way any smitten young man does—that is, a bit out of character and even silly. An upright and moral man, he nonetheless wrote Will asking him if he might use his influence to get a U.S. Treasury boat to take him to her ship before it reached harbor so that he could surprise her. I have visions of him flowers in hand, knocking at her stateroom, “Surprise!” He was busy preparing for the start of the term, but one can pardon him that his mind was elsewhere. His mother wrote, “I fancy that his school work will improve in quality when he is present in body, though absent in spirit. It is charming to see him so happy and in love.”

They were married in the spring of 1892. Winnie accompanied him to Pelham, his school in its second year, now twenty students crowded in the single house. So from the start of this school, Winnie was there.

And at that moment she joined him in a decision that matters a lot to you and me: together they decided to move the school. Their hearts were set on Litchfield, first at property on Bantam Lake, but then on a farm atop a hill three miles from here. In all of Taft’s letters about this move, his references are to “we”: there is no question they were partners. She thrilled at the prospect of their school on the hill. Sadly, the deal fell through. Taft was crestfallen, but she bucked him up. In March 1893, Louise Taft wrote Will, “Winifred is a tower of strength to Horace in her sympathy and enthusiasm for his ideas which she will help him attain.” And they were lucky with plan B, buying a boarded up Civil War era inn in Watertown—almost exactly where we are now sitting—and they dragged their few pieces of furniture from Pelham and set the cleaners and carpenters to work.

Here Winnie’s influence really begins, and we cannot conceive of this school without recognizing her place in our history. Biographer Anne Romano writes that in the early years, “she was the driving force behind school spirit, lectures, entertainments, traditions and a large measure of style.” In 1894 she organized the first “Football Dance,” a celebration of their undefeated season

and trouncing of Hotchkiss, and the colors on the program—blue and red—were to become the school colors. The dances would become the highlight of the fall, with girls from St. Margaret’s invited, and we can well imagine the awkward pleasure of the boys trying to chat up the girls—exotic species, no doubt—as Winnie made introductions, before Headmaster Taft announced the dance over and chaperoned the girls to the Watertown train station. *The Papyrus* in 1908 opined, “All of the credit for the success [of the dance] goes to Mrs. Taft and her committee....” Her touch was seen everywhere. She nursed ill boys; she gave teas; she initiated the Halloween Dance, with hot cider and apple bobbing; she started the Taft Dramatic Association; and she was the unofficial business manager.

“Winnie,” Romano writes, “was the heart of Horace’s school.” He worked too hard, spending countless hours on campus with students and faculty, and when he fell seriously ill in 1904, it was she who nursed him back to health, writing brother-in-law Will, “He is doing the work of a strong man without the strengths to back him, and the daily cares and worries take it out of him tremendously.”

But she gave as much, and more. His longtime secretary, Minerva Bovaird reflected after his death, “She was the greatest help and inspiration Mr. Taft ever had. Imagine a bride taking care of fifty [students], faculty and staff.... I remember her frequent trips to New York to buy furniture, rugs, desks, etc., the consulting of wholesale meat people and grocers (bargaining and bargaining).... One [trip] was too much for her and she lost her baby (the school and Watertown did not know of the illness except as an illness).”

They would never have children. Horace passionately hoped to. During an illness many years before, he had written, “With a lot of children around me I think I shall not only be happier but a hundred percent better.” We cannot know why they could not, but by 1900 they had evidently lost hope: that year he wrote his friend and headmaster Sherman Thacher, “I have always hoped for a big family for you long after I gave up having any children of my own.”

Perhaps it is here, in this sadness and emptiness, that our school was really made. It is here, in a man who wanted children around him that the idea of *in loco parentis* was given flesh and blood. Maybe it is here that we today find the model of what it means to teach at Taft.

But the story does not quite end there. There is another reason Taft faculty even today serve *in loco parentis* with a quiet fervency.

Winnie’s role was to become even more important, for in 1908 the couple made a decision that would set our history. Together—and it was together—they hired the New York architecture firm Cram, Goodhue and Ferguson to design a main building in the collegiate gothic form—the style she had seen Oxford and Cambridge on her travels. She was intimately, actively involved in the design; references in Taft’s letters mention her work consistently. We sense a couple not only very much in love but also very much in pursuit of a shared dream. The building—what we call HDT, part of which we are renovating today in a move every bit as transformative as that one a century ago--was to be as much an expression of her sensibility as his.

But by 1909, before a single brick was laid, she was ill. Though no one other than Horace’s secre-

tary knew, she had gone through breast cancer surgery six years before, and despite the cheerful prognosis then, she clearly was not well. Horace wrote Will, “She has been quite ill and it will be quite a while, I fear, before she will be able to be about.” She appeared socially less. When Horace wrote his brother about going to the Yale-Harvard Regatta, he penned, “I am hoping she will go to the races with me.” When *The Papyrus* described the football dance, the tradition she had started fifteen years ago, it noted, “Owing to Mrs. Taft’s illness, she will be unable to chaperone.” She suffered terribly: searing headaches, endless nausea. In late October, she was admitted to Johns Hopkins Hospital, and there she had brain surgery, a tumor removed. The New York Times reported that the surgery was successful but “her husband sent word that he preferred not to talk.” Horace sat by her side, leaving only for nights of fitful sleep at a nearby hotel. There were a few good days: one letter reads, “I am as hopeful now as I was hopeless before.” But still she suffered, and doctors were required to remove a second tumor—terrifying surgeries for the time. She died with Horace at her side on December 17, 1909, never seeing the building she had helped design.

Horace’s letter to his brother ten days later is hard even to read today: he wrote that he had been “dealt the kind of blow that divides a man’s life in two.” He carried her body back to Watertown, where he was met by ninety students. His secretary recalled the scene: “The boys formed a procession and met the train. I can still hear the tramp, tramp of their feet. Our hearts were aching for Mr. Taft. [Later that evening] he wished only to see some of the older boys, and they came to him.” They came like sons. I see that scene in my dreams, and it took place behind the dining hall, in the old headmaster’s house: a headmaster accepting the condolences of a handful of seniors, he caring for them as much as they for him.

President Taft cancelled a gala dance in Washington and took the train north to Watertown, where he spent the night with his brother. They talked through the night, two aides and two Secret Service agents in the room next door.

Horace Taft never remarried.

I tell the story not only to pay tribute to a remarkable woman who shaped a school profoundly, but also because here history does what it always does: it explains who we are today. Think of the themes of this story: the love of a husband and wife, the sharing of dreams, the grief of a husband, the dedication of educators, the birth of a great school.... And ask these questions: Is it possible that our understanding of *in loco parentis* today owes something profound to the story of Horace and Winnie Taft, to their love and loss? What if they had raised their own children instead of everyone else’s? What if she had not died, leaving him with twenty-seven more years to serve a school?

I peer back through the curtains of time and can only see darkly, but I see a man who never had a family, who was a widower for most of his adult life, who was to lead his school for another quarter of a century, and who established—perhaps unintentionally and certainly without fuss—what it meant to teach at this school. Just maybe what he did for and what he was to Taft students a hundred years ago might inform us a little bit. It’s not a bad model.

Until the day he retired in 1936, Horace Taft acted *in loco parentis*, and graduates in his years tell countless stories about him and other teachers, and this an era when most private schools were austere, chilly places. The stories sound a lot like ones you hear today. Just the names change.

Here's one final story, and then let's end:

An alumnus from the mid-1930's, when interviewed, told of a time when he had made some bad choices and broke some rules, and Headmaster Taft had confined him to his room. "One spring, I had done something horrendous and was kept over during spring vacation. Of course, we had nothing like radio or television in those days. One evening, when everything was very quiet, I heard footsteps in the hall. A knock came on my door. Very much surprised, I opened it to find [Mr. Taft] standing there. He said he wanted to go to Waterbury to see what was supposed to be a very good movie but didn't feel like going alone, and would I accompany him? Would I ever! [The movie] was *The Scarlet Pimpernel*, and we both had a delightful evening without him once mentioning what a sad piece of humanity I was." I guess that's what structure, latitude and nurture looked like in 1935.

When I think of the landscape of the American family today and the developmental needs of teenagers, I think of Horace Taft, widowed and childless, teaching Latin and civics, watching games on Saturday, walking the dorms on quiet evenings, scolding a boy in his office one day and cheering him the next night, his heart aching with loss of a wife and brimming with the joy that comes with teaching here. He was a father with a thousand sons. His portrait hangs in my office, and hers on the Main Hall outside the Potter Art Gallery, and it does not take much to imagine that he and Winnie are walking the campus still. I see them every day, in the Main Hall, the fields, the classrooms and the dorms. I like to think you saw them, too, today.