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Presidential Leadership: A Documentation of the Defining Issues Confronted by Presidents of The University of Texas at Austin from 1967 to 1997

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Presidential Leadership: A Documentation of the Defining Issues Confronted by Presidents of The University of Texas at Austin from 1967 to 1997

by

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Dedication

To my Dad, *Robert S. Sullivan* (1932 – 2001),

who taught me the value of hard work and determination,

tempered by a great sense of humor and a genuine concern for others.

Acknowledgements

Initially, my interest in the issues encountered by university presidents developed after witnessing three troubled presidencies while obtaining my second Master's degree and teaching as an adjunct instructor. In one case, the president was unceremoniously fired. In a second case, the faculty took a vote of "no confidence" in the institution's president and provost, while the third institution's faculty voted no confidence in the "administration." As a graduate student and junior faculty member, I became acutely aware that institutions of higher education can not effectively carry out their primary mission of transforming the lives of students through education if the position of chief executive officer is in peril. For that reason, this treatise seeks to assist institutional leaders in better understanding the demands placed on them by their unique leadership position. It is my hope that such understanding will contribute to the awareness of the difficulties these individuals face and demonstrate the fortitude necessary to meet the challenges of leadership.

Working on this dissertation has proven to be a rich and rewarding experience thanks to the many individuals associated with this study. I am indebted to Norman Hackerman, Lorene Rogers, Peter T. Flawn, William H. Cunningham, Robert M. Berdahl, Robert Mettlen, Don Zacharias, Ronald Brown and William S. Livingston, who allowed me to interview them and glean information from their vast experience. Also, to the late Stephen H. Spurr, who provided his own presidential insights through contributions to the literature of

higher education. The chance to collect first hand accounts from these individuals proved to be an invaluable opportunity.

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American colleges and universities represent the most diverse system of higher education in the world. Institutions vary in many dimensions and managing a single institution of higher education with all of its complexities requires considerable energy and training. Demands upon institutional leaders are numerous, as campus constituents require constant attention. In working with these individuals and groups, a wide-range of issues is encountered. The university president, as the institution's chief executive officer, is usually the central figure around which such issues revolve and the one held accountable by constituents to fulfill the institution's mission. Therefore, this study examined

issues encountered by university presidents in order to provide insight into the complexities associated with this position.

Specifically, a case study was conducted investigating the issues faced by presidents of The University of Texas at Austin (UT) between 1967 and 1997. UT is a large public, research intensive institution located in close proximity to the Texas Capitol, the center of legislative activity, and serves as the flagship of The University of Texas System, the state's largest and most complex higher education system. These elements add to the complicated nature of the UT president's responsibilities. The researcher used six general issue themes – governance, finance, academics, student life, legal actions and significant incidents – identified at the national level during the same time period as a guiding framework to perform the document analysis. The primary document chosen for analysis was *The Daily Texan*, the student newspaper. Supplemental sources were also consulted: the *Alcalde* (the UT alumni magazine), University Council minutes, presidential addresses to the General Faculty and "state of the university" speeches or both, as well as archived information (articles, speeches, press releases, letters of correspondence) found in the UT Office of Public Affairs. In all, approximately 6,700 documents were analyzed. The specific issues identified provided the basic framework for interviewing the former UT

presidents or members of their cabinet in order to record their perceptions related to the issues pertinent to their time in office.

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Chapter 1: Introduction

American colleges and universities represent the most diverse system of higher education in the world. Institutions vary in many dimensions. Among these are mission, organization, size, affiliation, funding structure, coordination and regulation, areas of specialty, pedagogical delivery, and student population. Managing a single institution of higher education with all of its complexities requires considerable energy, time, skill, talent and training. Demands upon institutional leaders are numerous, as campus constituents – administrators, faculty, staff, students, parents, alumni, members of governing boards and coordinating agencies, politicians, corporate and community leaders, as well as private citizens – require constant attention. In working with these individuals and groups, a wide-range of issues is encountered. The university president, as the institution's chief executive officer, is usually the central figure around which such issues revolve (Levine, 1993) and the one held accountable by constituents to fulfill the institution's mission.

This study examined issues encountered by university presidents in order to provide insight into the complexities associated with this position. As an introduction to the research, this chapter begins by examining the historical antecedents of the American university presidency. The purpose and methodology

of this research have been outlined in some detail, as has the relevant terminology associated with this study.

Historical Antecedents

The Colonial College

The office of the university president is distinctly American. Modeled after early English colleges, the American college presidency functions in much broader and at more varied levels than that of its European ancestors (Ferrari, 1970; Shapiro, 1998). The earliest colleges of the New World – Harvard, William and Mary, Yale, New Jersey, King's, Philadelphia, Rhode Island, Queen's, Dartmouth – were founded before 1770 with the purpose of educating clergy and instructing young people in the classical curriculum and good manners (Cardozier, 1987; Rudolph, 1990). To illustrate, an early publication, *New England's First Fruits*, published one of the first discourses in 1647 regarding the need to found Harvard.

> After God had carried us safe to *New England*, and we had builded our houses, provided necessaries for our livelihood, rear'd convenient places for God's worship, and settled the Civil Government: One of the next things we longed for, and looked after was to advance *Learning* and perpetuate it to Posterity; dreading to leave an illiterate Ministry to the Churches, when our present Ministers shall lie in the Dust. (Morison, 1956, p. 31)

These were community-based efforts that sought to bring faculty and students together to fulfill public responsibilities, namely education. As head of a community-based institution, the college president was responsible for ensuring that the academic community responded to the needs of society as well as advocating the needs of the academic community to society.

The colonial college presidents were typically theologians, practicing ministers and members of the faculty (Westmeyer, 1985), who taught advanced courses related to Christianity as opposed to those focused on research, thus allowing them to have a large role in the moral development of individual students (Ferrari, 1970). As Dean James O. Murray stated in 1888 at the inauguration of F. L. Patton, the new President of Princeton University:

> The Presidents of our American Colleges have from the beginning been men of noble mark, the very elect in their callings, leaders in the Church, not seldom leaders in both Church and State. No other class of men have done more than they to build up our American civilization. . . . Yes, American College Presidents have moulded the life of the State, quite as much as that of the Church. If they have not always been profound scholars, they have been men, whose *characters* educated those under them, . . . (Knight, 1940, p. 2)

In this tradition of paternal responsibility, President Asa Messer of Brown wrote in a letter to the father of one of his students, "I have requested your son not to contract any other debts without my knowledge; for I find the value of money has not yet engaged his attention" (as cited in Rudolph, 1990, p. 103). Messer, like

other institutional presidents, had a solemn responsibility to develop the character of his students.

The curriculum was fixed, focused on the Bible and classical literature with some exposure to Renaissance art and literature (Cardozier, 1987; Shapiro, 1998). The institutions were simplistic, religious-oriented organizations, serving aristocrats, expending a meager budget and offering a narrow course of study (Rudolph, 1990; Shapiro, 1998). Colonial colleges have been portrayed as "lengthened shadows of the president" (Schmidt, 1957, p. 103) due to the authority conferred to that individual. As Kauffman (1982) maintained, "The early college president was the college. Its identity became a reflection of his character, leadership, and personal success" (p. 13). This was certainly true of cases where a president held a long tenure, such as Eliphalet Nott, whose presidency at Union College in New York State ran sixty-two years from 1804 to 1866 (Crowley, 1994).

The College Movement

In 1780, there were only nine colleges in the United States. Going into the Civil War, that number had increased to 250 of which around 182 survived the war (Cardozier, 1987; Ferrari, 1970; Rudolph, 1990). The college movement was underway and, as Absalom Peters observed in 1851, "Our country is to be a land

of colleges" (Rudolph, 1990, p. 42). Correspondingly, the student population between the Civil War and World War II began to grow at five times that of the population of the country (Westmeyer, 1985). Difficulties in travel encouraged the localism of American colleges; in addition, states sought to establish their own public universities, stating that their inhabitants were having to acquire an education in other states, resulting in a loss of state revenue (Rudolph, 1990).

Religious denominations also began to found their own colleges. According to Rudolph (1990), the second period of religious awakening during the early decades of the nineteenth century kindled the desire to propagate Christianity. Those denominations holding the Calvinist belief of an educated clergy were first to form colleges: Congregationalists, Presbyterians, German Reformed, Dutch Reformed and Unitarians. This proliferation of colleges began to democratize education as more and more individuals had the opportunity to access an advanced education.

During this post-Civil War era, the nation struggled to rebuild and define itself. Large efforts were made in new ventures, which ultimately fueled the growth of the nation's colleges and universities. Increases in the number of students, faculty, facilities and course offerings produced more campus responsibilities, which led to greater administrative needs. The college president could no longer afford to manage the college alone. In the 1870s, Presidents

Andrew Dickson White at Cornell and Charles W. Eliot at Harvard appointed faculty members to serve as deans. Within a few years, most colleges had followed their example and appointed a dean of faculty as well as a dean of the college, who served the needs of students (Levine, 1993). Later, positions for a registrar and librarian were also added. In the 1880s, a college generally consisted of three or four administrators; by 1930, this number increased to nearly sixty for large institutions (Levine, 1993). President H. W. Dodds of Princeton University commented on the growing demands and requirements of university presidents in 1936.

> Consider the job of a president of a college or university. As the duties of the position have developed in the United States the post is almost too unrealistic and romantic to be filled by one singe specimen of human clay. I once saw a complete job specification drawn by the trustees of a university in search of a president. Talk about dual personalities! The gifts of a financier, business man, scholar, preacher, salesman, diplomat, politician, administrator, Y.M.C.A. secretary, were some of the qualifications enumerated in addition to high moral character and a happy marriage to a charming wife. But various efforts to modify the mutually exclusive demands of the presidential office having failed, the only course is to accept it for what it is, a queer vocation, infested with worries but rich in satisfactions and opportunities. (Knight, 1940, p. 17)

Geiger (1986) indicates that in the decades preceding the Civil War there was some debate among university presidents concerning the curriculum. Some felt the American institutions should more closely follow the example of German universities, where faculty emphasized research, which played a critical role in discovering and transmitting knowledge, and thus, made available a more diverse

curriculum. One of the greatest challenges faced by college presidents during the late nineteenth- and early twentieth-century was the permeation of the scientific method (Sontz, 1991). Darwinian biology posed many questions to the classical curriculum, calling into question the religious doctrines on which the moral philosophies of higher education rested. Presidents where forced to reassess their institution's curriculum and consider measures for supporting science. In the words of Charles W. Eliot of Harvard, "The new education would require nothing less than an overhauling of the traditional curriculum and the institution of freely chosen and elective courses, including those that comprehended general and specialized science programming" (Sontz, 1991, p. xxviii). Responding to Harvard's movement in adopting an elective system, Professor S. E. Morison, the official historian of Harvard University, states, "It is a hard saying, but Mr. Eliot, more than any other man, is responsible for the greatest educational crime of the century against American youth – depriving him of his classical heritage" (Knight, 1940, p. 109).

Other changes in the curriculum occurred with the founding of state institutions through support from the Morrill Act of 1862, which endorsed a new focus on agricultural and mechanical arts. Additionally, Johns Hopkins University was established in 1867, modeled after the German research university (Cardozier, 1987; Ferrari, 1970; Rudolph, 1990). The University of Chicago,

founded in 1892, also stressed research, scholarship and graduate education; the founding president, William Rainey Harper, had received his Ph.D. from a German University (Cardozier, 1987).

> There was a steady move from a religious to a secular emphasis in college curriculum; from a simple to complex form of academic organization; from a more classical curriculum to a vocational-utilitarian curriculum; from a philosophy of education for the few to education for the many; from simple literary societies to a great growth in extracurricular activities; and for the increased development of coeducational institutions, professional and graduate programs, and research activities due to the influence of the German university on American higher education. (Ferrari, 1970, p. 10)

The issues faced by college presidents required that they adapt to the changing environment of higher education. Indeed, these sweeping changes necessitated a change in the qualifications of those individuals who became president.

> The clergyman president went into discard because he lacked skill in the ways of the world, because his commitment to the classical curriculum stood in the way of the more practical and popular emphasis which commended itself to trustees, and because the world in which the colleges and universities now moved was more secular, less subject to religious influences. (Rudolph, 1990, p. 419)

In 1938, President James L. McConaughy of Wesleyan University summarized the general thoughts regarding those individuals who became president and the challenges they faced.

> Yesterday almost all college presidents were ministers. . . . Today only those colleges with strong church ties look to the ministry when choosing a president. . . . Presidents do not change from one presidency to another as much as formerly. . . . If there is no general rule for the previous training of a president, there certainly is none for the method by

> which he is selected. . . . In times of difficulty for a president his wife often suffers more than he does. . . . Presidential salaries are usually not large. . . . When Texas appointed a football coach at $15,000 a year, . . . there were some citizens who felt it regrettable that this was nearly twice the President's salary. . . . Long presidencies are fairly frequent in the East, but nationally they are decidedly the exception, not the rule. The average length of presidential service on one campus is just under four years. About fifty new presidents are elected annually; last fall there were sixty-three. Usually ten percent "fail," at least in the judgment of the Trustees. A few die in harness; . . . There are those who maintain that no president is a good judge of the time to retire. . . . The American college has many able leaders today. . . .
>
> Are there as many able college executives today as in past decades? Probably not. Teaching now attracts many men who previously would have chosen administrative work. The presidency is more complicated and less revered, than it was. In the state university field we have many able leaders today, but they are not, I fear, the equal of those of yesterday. . . (Knight, 1940, 17-18)

Post-World War II

The responsibilities associated with the office of the university president grew as college student populations grew.

> The postwar history of the United States has been one of expanding access to higher education. . . . At the outset of the Second World War, the vast majority of Americans never went to college. Indeed, some three-quarters of the population never even finished high school and only about 15% were high school graduates. Just 1 in 10 Americans even set foot on a college campus, and only around 5% were college graduates. (Massey, 2002)

In 1944, the Servicemen's Readjustment Act (also known as the G.I. bill) provided 11 million veterans the financial assistance needed to attend a postsecondary institution (Cardozier, 1987). Thus, at the end of the war, colleges

and universities changed dramatically in size, number and diversity. As Kaplin and Lee (1995) observe,

> In 1940 there were approximately 1.5 million degree students enrolled in institutions of higher education; by 1955 the figure had grown to more than 2.5 million and by 1965 to more than 5.5 million. (In 1992 the number of students had increased to nearly 14.5 million.) The expanding pool of persons seeking postsecondary education prompted the growth of new educational institutions and programs, as well as new methods for delivering educational services. Great increases in federal aid for both student and institutions further stimulated these developments. (p. 7)

The larger number and varied backgrounds of students caused a strain on the traditional processes of selection, admission and academic socialization (Kaplin & Lee, 1995). Furthermore, public attention became more focused on colleges and universities with these dramatic changes and increases of both student enrollments and the subsequent expansion of facilities (Gross & Grambsch, 1974).

Modern presidents face challenges far different from that of their predecessors. Enrollment rates continue to rise and the student population continues to change as minorities and women enroll in larger numbers. In 1967, twenty-five percent of the nation's population had some level of college or university education. In 1997, this increased to sixty-five percent (American Council on Education, 1999; U.S. Department of Education, 1998, Indicator 22). The number of college students increased to over 13.5 million by 1990 and the majority of the bachelor's degrees were earned by women (as cited in Losco & Fife, 2000, p. 2).

Over time, institutions have become much more diverse not only in enrollment, but in type, size, forms of management, stated objectives and curriculum (Ferrari, 1970). Faculty have been organized according to discipline and a greater emphasis has been placed on graduate and professional education, which emphasizes innovation and critical thinking. Organizationally, colleges and universities have evolved from the sovereignty of the president and trustees to increased participation of the faculty as well as state and federal governments and students (Bowen & Shapiro, 1998).

Clark Kerr (1963), former President of the University of California, gave an excellent description of the modern American president.

> The university president in the United States is expected to be a friend of the students, a colleague of the faculty, a good fellow with the alumni, a sound administrator with the trustees, a good speaker with the public, an astute bargainer with the foundations and the federal agencies, a politician with the state legislature, a friend of industry, labor, and agriculture, a persuasive diplomat with donors, a champion of education generally, a supporter of the professionals (particularly law and medicine), a spokesman to the press, a scholar in his own right, a public servant at the state and national levels, a devotee of opera and football equally, a decent human being, a good husband and father, an active member of a church. Above all he must enjoy traveling in airplanes, eating his meals in public, and attending public ceremonies. No one can be all of these things. Some succeed at being none.
>
> He should be firm, yet gentle; sensitive to others, insensitive to himself; look to the past and the future, yet be firmly planted in the present; both visionary and sound; affable, yet reflective; know the value of a dollar and realize that ideas cannot be bought; inspiring in his visions yet cautious in what he does; a man of principle yet able to make a deal; a man with broad perspective who will follow the details conscientiously; a good American but ready to criticize the status quo fearlessly; a seeker of

> truth where the truth may not hurt too much; a source of public policy pronouncements when they do not reflect on his own institution. He should sound like a mouse at home and look like a lion abroad. He is one of the marginal men in a democratic society – of whom there are many others – on the margin of many groups, many ideas, many endeavors, many characteristics. He is a marginal man but at the very center of the total process. (as cited in Cardozier, 1987, p. 41-42)

The university presidency has been transformed from its original position of more centralized management to one in which campus constituents, both internally and externally, have greater influence over the institution's management. Limits have been placed upon the office of the president on almost every front, "from the initial appointment process, to board policies and practices, to institutional governance, to presidential evaluation. . . The formerly legitimate conditions of presidential authority have been reduced or eliminated" (Fisher & Koch, 1996, p. 13).

> Until well after the Second World War presidents of most American colleges and universities enjoyed considerable autonomy in the management of their institutions and consulted minimally with faculty and other constituencies, other than their boards of trustees. By 1970 that had changed almost completely. Successful presidents consulted frequently with faculty, students, legislators, alumni and others, in addition to their boards. (Cardozier, 1987, p. 42-43)

Since the 1960s, a number of laws and executive orders have placed increasing demands upon institutions of higher education, such as the Civil Rights Act, Affirmative Action, Title IX, American Disabilities Act, and Family Educational Rights and Privacy Act (Kaplin & Lee, 1995). The issues

surrounding each have greatly impacted the way university presidents manage their institutions; for that reason, the modern president needs skills and training that go well beyond that of their early predecessors (Stoke, 1959). Moreover, few college presidents have a formal knowledge about the leadership techniques and power provided to them by their office (Fisher & Koch, 1970). As a result, presidents must work to gain a greater understanding of their influence and pay close attention to the campus culture as well as local, regional, state and, perhaps, national cultures.

> The modern university requires its president to be a skilled politician and a competent manager of a large, complex enterprise. Like all truly first-class political leaders, the first-class university president also needs to know the central values and fundamental purposes of the polity he or she leads and must find ways to preserve those while helping the organization adapt to changes imposed by a changing environment. (Rosenzweig, 1998, p. 136)

Therefore, knowing that the college presidency has changed considerably since its inception requires that a closer examination be made of the issues encountered by the modern college or university president.

Purpose of the Study

Presidents confront numerous critical issues, and yet, misinformation and mystery surround their work (Bowen & Shapiro, 1998). This study, therefore, provides the opportunity to document historically the issues confronted by

presidents at one institution over an extended period of time in order to provide insight into their experiences, to enhance the understanding of future holders of this key leadership position, and to enlighten trustees who must select institutional leaders and judge their performance while in office. Studies of university presidents have focused primarily on those individuals who served at the nation's oldest and most prominent institutions; the contributions of presidents at public institutions have been neglected (Sontz, 1991). Thus, this study was undertaken to fill a void in the present knowledge.

General Methodology

Much attention was given to the methodological perspective of the research topic. Considering the nature of the study, it was determined that a naturalistic approach was most appropriate to gain greater insight into the historical dimensions of the investigation. According to Patton (1990), naturalistic inquiry focuses on describing the process, documenting similarities and differences, and exploring the variations in events and effects. Letting the information naturally unfold through the investigation provides a rich and complete understanding of the topic. It was then determined that the most appropriate means for conducting the investigation was using the case study method. This method describes a special or unique group of people or a time

period to a significant depth. Therefore, the researcher chose to conduct a case study examining university presidents who served at The University of Texas at Austin (UT)[1] between 1967 and 1997.

Literature review, document analysis and interviews were utilized to gain insight into university presidential leadership. Information relating to each contemporaneous UT president found in *The Daily Texan*, The University of Texas at Austin's student newspaper, was examined. Supplemental sources were also consulted to determine if any defining issues were not identified in *The Daily Texan* and consulted when information found in *The Daily Texan* lacked sufficient detail. These supplemental sources included the *Alcalde* (the UT alumni magazine), University Council minutes[2], presidential addresses to the General Faculty[3] and "state of the university" addresses or both. Since there was such a

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1 For the purposes of this manuscript, "UT" will be used to refer to The University of Texas at Austin. While there are a number of other institutions in The University of Texas System which also contain "UT" as a portion of their title, The University of Texas at Austin was the first general academic institution established within the System. In fact, during the first few years of this study the University of Texas at Austin was referred to as "Main University."

2 The University Council was a legislative body at UT composed of faculty members, administrators and students. During the time of this study (1967 – 1994), this group met to conduct business, which involved UT Presidents. In 1995, the University Council and Faculty Senate (an all faculty governance body) were dissolved and replaced by one group, the Faculty Council. More will be explained in Chapter Four about these groups and the changes that took place.

3 The General Faculty represents all voting faculty members. During the early portion of this study, UT Presidents and Chancellors presented their "state of the university" addresses before this group.

large volume of information from these sources, a classification system was developed in order to identify the most relevant information. After all the document data had been collected, it was then organized using a modified set of six larger topics developed from the *a priori* classification system. (Chapter Three contains a more detailed explanation of this process.) The written analysis of the data provided the basic framework for interviewing the university presidents or members of their cabinet in order to record their perceptions related to the issues pertinent to their time in office.

The following questions guided the research to achieve the objectives of this study.

1. What were the common issue themes identified in the literature for higher education between 1967 and 1997?
2. What issues have presidents at The University of Texas at Austin confronted as they carried out the duties of their office in the same time period? How were they similar and how were they different from other UT presidents of this period?
3. How have these same presidents perceived the issues they confronted?

Terminology

The following terms and their corresponding definitions were used for the purpose of this study:

Chancellor: In Texas, the chief executive officer of a multicampus system is referred to as chancellor.

Chief Executive Officer: This individual, identified as president or chancellor, serves as the senior administrative officer for an institution or a system of institutions.

Flagship: A fully mature public university focused on research and graduate education designated as the primary research institution for a multicampus system or a state (Berdahl, 1998).

President: In Texas, the individual who serves as the chief executive officer of a single institution is referred to as the president.

Research Intensive: The Carnegie Foundation for the Advancement of Teaching developed a system for classifying institutions of higher education in 1973 and subsequently revised that classification in 1976, 1987, 1994 and 2000. Prior to the 2000 revision, institutions were classified in a hierarchical fashion with research being the highest valued institutional characteristic. Institutions with an intensive research component were classified based upon the number of doctorates awarded and the amount of federal research support received. “Research intensive” or

"Research I" (pronounced "Research One") was the highest classification available for institutions conducting significant research. For instance, in 1994, an institution of higher education was classified as Research I if it awarded 50 or more doctorates and received $40 million or more in federal research support.

System: A System in higher education refers to "groups of public institutions, each with its own mission, academic and other programs, internal governing policies and procedures, and chief executive officer (either 'president' or 'chancellor'), but governed by a single board with a systemwide chief executive officer" (Johnstone, 1999, p. 3).

Organization of the Study

This study is organized into six chapters. Chapter One provides relevant background information and outlines the needs, which call for such an investigation. Chapter Two examines and critiques other works and analyses related to the topic being studied. The research design is described in Chapter Three. Chapter Four presents the data analyses generated from historical documents, while Chapter Five examines data collected from interviews with the university presidents or members of their cabinet. Finally, Chapter Six offers conclusions and recommendations based on the results of this investigation.

Chapter 2: Literature Review

Having noted the background information and general nature of this study, it is now important to review and critique other analyses related to the topic under consideration. There is no single body of literature that historically documents the issues confronted by university presidents between the years 1967 and 1997. However, the issues that confronted higher education at the national level during the time of this study have been the subject of some analysis. Studies of the university presidency have typically focused on matters related to individual president's performance, such as leadership traits, assessment and career paths, all of which will be affected by the issues confronted by the individual while in office. Therefore, this chapter examined those studies analyzing leadership, university presidential leadership, culture and its manifestation on university campuses, as well as the issues confronting higher education between 1967 and 1997. Information related to Texas higher education, the University of Texas System and The University of Texas at Austin (UT) also have been identified.

Leadership

Drastic alterations in the national and global environment over the last 35 years have placed a strain on the traditional notions of leadership. "Never were so many changes ongoing; the rise of global competition, increased complexity and

change, and the demise of hierarchy and position power all were creating broad new challenges" (as cited in Razik & Swanson, 2001, p. 60). These challenges call for leaders who can envision a new future for their organizations and guide his/her constituents through an ever-changing world. "We are entering an era of fundamental change that will demand leadership as few eras have before" (Luker, 2000, p. 14).

Accordingly, the question should be asked, what constitutes leadership? If indeed this is a time of leadership crisis, then inquiries should be made about the very nature of leadership. Burns (1978) concluded over twenty years ago; "leadership is one of the most observed and least understood phenomena on earth" (p. 2). The body of literature related to leadership is broad and conflicting. Razik and Swanson (2001) commented on the illusive nature of leadership, believing that traditional definitions are not satisfactory.

> Leadership today must be seen in its rich variety – there is probably no single set of standards by which we can judge it, no single, best practice of the art of leadership, and no research agenda capable of capturing it in its entirety. Leadership may be naturally illusive, emergent, and differing within each context and across contexts. (p. 60)

Definitions of Leadership

A precise definition of leadership has not been universally agreed upon, though many have offered varying descriptions. Yukl (1989) defined leadership as an agent's capacity to influence the attitude, perceptions and behavior of others. This

ability to influence can be exercised upon others who are above, equal to, or below the agent. Essentially, the agent uses his or her position, personal appeal or political power to gain control. Burns (1978) offers a definition of leadership that combines the work of individuals and the task they seek to accomplish.

> [Leadership is] the reciprocal process of mobilizing, by persons with certain motives and values, various economic, political, and other resources, in a context of competition or conflict, in order to realize goals independently or mutually held by both leaders and followers. (p. 425)

Still, Rost (1991) defines leadership as "an influence relationship among leaders and followers who intend real changes that reflect their mutual purposes" (p. 102). Bolman and Deal (1991) concur with Rost that leadership must be viewed as a two-way relationship between a leader and their constituents. "It [leadership] is a subtle process of mutual influence that fuses thought, feeling, and action to produce collective effort in the service of the purposes and values of *both* the leader and the led" (p. 410). Therefore, leaders lead by gaining consensus and may exercise leadership only to the extent that others are willing to follow. These definitions offer variations on the theme of leadership; they do not offer a singular line of thought that can be easily characterized.

Overview of Leadership Theories

Though the term itself may be difficult to describe, a number of studies have been conducted to examine leadership. Early theories, labeled the *"Great Man"* theories, proposed that some individuals were natural born leaders because they

embodied certain intellectual, personal and physical traits (Yukl, 1989). These early theories were called the great man theories given that their focus was on the leadership qualities of male leaders, specifically European kings and members of royal families ruling several centuries ago (Witherspoon, 1997). Researchers studied the biographical and autobiographical data of these men in order to identify their superior qualities, which led to their success as leaders. Their theories used only a small sample of the population, males holding high status and great wealth, ruling in countries where royal sovereignty was standard practice; therefore, their findings hold limited value.

Recognizing that leaders emerged in places other than royal families, researchers expanded the field of study by observing the traits of leaders. *Trait* theories postulated that if an individual is not born into a privileged class, yet managed to become a leader, then there must be something unique about that individual's traits, which distinguishes that individual from his or her followers. The assumed belief is that leadership consists of qualities within an individual, which causes him or her to be an effective leader (Yukl, 1989).

In reviewing early trait theory research, Smith and Peterson (1988) critiqued the studies' methodology stating that the researchers accepted a lack of design uniformity. The early studies described an assortment of qualities held by a mixture of individuals in various situations. Therefore, the lack of consistency in the variables being studied created greater confusion. Peter Drucker (1996) stated two

principles regarding the trait leadership theories: (1) there may be some individuals who are natural born leaders, nevertheless leadership can be learned, (2) there is not a particular set of traits or characteristics that make an individual into a leader.

Studies focusing on trait theories of leadership used correlational statistics to compare the traits of successful and unsuccessful leaders; what they did not take into account were factors associated with the individual's situation (Razik & Swanson, 2001). The notion that a person could be a successful leader no matter what their situation was refuted by Stogdill (1948), an organizational theorist, who compared 19 studies, which revealed that the patterns of leadership traits differed by situation. Further explaining *situational* theories of leadership, Bass and Stogdill (1990), and Bolman and Deal (1991) summarize two propositions about leadership that are widely accepted. The first asserts that good leaders must have the right qualities, such as vision, commitment and the ability to persuade. The second contends that good leadership is situational, calling for varying qualities depending upon the particular situation. One behavior may work well in one condition and not work in another; furthermore, these different behaviors can be learned and applied in a variety of contexts. Thus, situational leadership theories assert "situations make leaders out of people who find themselves in positions of authority, especially in times of crisis. At other times, in other places, such individuals might not exhibit leadership behaviors or might not be recognized for them" (Witherspoon, 1997, p. 14).

Other researchers recognized that leadership occurs in a particular context, but that context does not necessarily create a leader. Instead, researchers acknowledged the interaction of the leader to the context (including followers) and developed the *personal/situation* theory of leadership. "Leadership is the result of a good match between personal traits and a situation that requires the exercise of those traits" (Witherspoon, 1997, p. 14). Hersey (1984) summarized research acknowledging the primary factors of a given situation, which need to be considered. These factors include the relationships among the leader, follower, boss, associates, organization, job demands and time constraints. According to Hersey, the relationship between the leader and the follower is the most critical of all the aforementioned variables. If a follower is unwilling to follow, none of the other variables matter.

Researchers began to understand the value of the individual follower and developed *humanistic* leadership theories. Most notably, Douglas McGregor (1960) in his book, The Human Side of Enterprise, outlined the assumptions leaders had about their followers by developing new leadership constructs called Theory X and Theory Y. Theory X states that people are unmotivated at work. Hence, they must be "coerced, controlled, directed, threatened with punishment to get them to put forth adequate effort toward the achievement of individual objectives" (p. 34). Alternatively, Theory Y maintains that people see value in work; their efforts are "as natural as play or rest" (p. 47). This humanistic model provides freedom to the

individual to realize his or her full potential while accomplishing organizational goals (Bass, 1990).

Behavioral theories of leadership recognized the importance of the interaction between the leader and the follower. Hersey (1984) stated that leaders must recognize and assess their own styles and attitudes as perceived by their followers in order to be most effective.

> Leadership style is defined in terms of how the leader appears *in the eyes of the beholder*. It's not how people see themselves that matters, but how they come across to others they're attempting to influence. You may see yourself as a humanistic and caring person, but if your followers see you as hard-nosed and bossy, *their* perceptions, not *yours*, will affect their behavior. (Hersey, 1984, p. 27)

It also stands to reason that different environments place different demands on leaders and thus, leaders will not be able to treat all followers the same way at all times. This idea led to the development of *contingency* theories of leadership. Researchers postulated that a leader's behavior was determined by the particular organizational situation in which they operate (Witherspoon, 1997). When an organization is in crisis, the leader may not have the time or opportunity to openly communicate and work democratically with followers. This type of behavior is not necessarily a consistent pattern in which the leader operates, but has been dictated by the situation. Warren Bennis (1988) even contends that leaders learn best when confronted with difficult situations.

> . . .Leaders learn by leading, and they learn best by leading in the face of obstacles. As weather shapes mountains, problems shape leaders. Difficulty bosses, lack of vision and virtue in the executive suite, circumstances beyond their control, and their own mistakes have been the leaders' basic curriculum. (p. 146)

No matter what the circumstance, a leader's behavior affects his or her followers. This leads to an inquiry regarding the significance of the follower's behavior towards their leader. Two noteworthy concepts that explain the impact of the two-way interaction between leader and the follower are the transactional and transformational leadership theories. *Transactional* leadership is the exchange between leader and follower where each gives up something in order to obtain a goal; it is based on an economic model where one thing is exchanged for another (Blau, 1964). The leader must identify what the follower wants out of his or her participation in the workplace in order to best reward the follower for working to achieve the organization's goals (Lipman-Blumen, 1996). The leader has the greater influence, although the subordinate also holds some power; neither is self-sufficient in the transaction (Hollander, 1978; Lipman-Blumen, 1996; Miner, 1988).

In 1978, Burns introduced the idea of *transformational* leadership (Witherspoon, 1997). Transformational leaders are those who call upon followers to base their actions on what is best for everyone involved in the organization or in society as a whole (Bass, 1990). Effectively, everyone in the organization is asked to contribute to the common social good and "translate that vision into a living reality" (Bennis & Nanus, 1985, p. 217). This theory empowers employees to fulfill their personal needs while at the same time accomplishing the collective aspirations of the organization.

From this brief overview of leadership theories, it is apparent that the body of work surrounding leadership is diverse and growing. Each theory builds a foundation for more theories or provides insight leading to new questions and consequently, new investigations. Those theories presented here are not meant to serve as an exhaustive record of every theory or category of leadership but rather are highlighted because of their significance to the study of leadership and to this examination of university presidential leadership.

University Presidential Leadership

Much of our understanding about university presidential leadership is derived from the written works of the presidents themselves. Sontz (1991) in her book, The American College President, 1636 – 1989: A Critical Review and Bibliography, showed that works written by presidents have only begun to expand in the last half of the twentieth century. Table 1 from Sontz's study reveals the number of citations written by university presidents between 1800 and 1989 (p. xxxi).

Table 1: Citations of Presidential Works, by Time Period, 1800 – 1989

(There were 852 citations in total.)

Time Period	Percent of Total
1800 – 1850	1.8
1851 – 1900	28.4
1901 – 1950	28.6
1951 – 1989	41.0

Likewise, Table 2 identifies the topics on which these presidents wrote (p. xxxi). The majority of the topics identified by the presidents concern particular subjects (e.g. academic governance, college and society); only two topics specifically offer insights into the life and work of a president (e.g. autobiographies, leadership perceptions).

Table 2: Distribution of Presidential Works, by Topic, 1800 – 1989

(There were 402 citations in all. Only those citations have been included that could be readily classified by title.)

Topic	Percent of Total
Academic Governance	18.0
College and Society	17.0
Autobiographies	15.0
Leadership Perceptions	12.0
Institutional Histories	9.0
Governmental Role in Higher Education	6.0
Faculty/Teaching	6.0
Students	6.0
Curriculum	5.0
Academic Finance	5.0

Since Sontz's study in 1991, a number of other studies concerning university presidential leadership have emerged. These studies include a broad range of analyses regarding the work of a president; presidential profiles and career paths; presidential selection; presidential assessment; and the power of the presidency. These studies have given greater clarity to factors surrounding the presidency.

In order to narrow the focus of this review of literature, three significant studies relevant to the research at hand have been examined. The first is a study by Birnbaum (1988), who wanted to determine how university presidents defined leadership. To accomplish this, he simply asked presidents what leadership meant to them. Consequently, their answers revealed their own bias towards leadership theories that centered on the traits of a leader. His subjects responded that leadership meant possessing certain traits such as being a good listener.

To establish best practices of leadership, studies were produced reflecting the most admired qualities of leaders. This leads to the second study, which was conducted by Kouzes and Posner (1987). They surveyed several thousand business and government executives and asked the question: "What values (personal traits or characteristics) do you look for and admire in your superiors?" (p. 20). From this, four responses were consistently recorded; the person should be honest, forward-looking, inspiring and competent. When an individual is able to convince others that they hold these qualities, they are seen as credible leaders. Their study was extensive. In later years, they built upon this survey by conducting focus groups and in-depth interviews with respected leaders.

Fisher, Tack and Wheeler (1988) conducted the third study, which surveyed 412 college and university presidents, who were considered by their peers to be successful. Their hope was to discover what made these individuals effective. What

they found were behaviors and philosophies that these presidents utilized during their tenure.

- Be less collegial and more distant
- Be more inclined to rely on respect than affiliation
- Be more inclined to take risks
- Be more committed to an ideal or a vision than to the institution
- Believe more strongly in the concept of merit pay
- Be more thoughtful than spontaneous
- Work longer hours
- Be more supportive of organizational flexibility than rigidity (p. viii)

Their study added to our understanding of presidential effectiveness; however, the methods used may have hindered our full understanding of the topic. To identify these 412 individuals for an interview, they asked 485 people with expertise and experience in higher education to identify five college and/or university presidents they felt were most effective. When asking this question, they did not define what they meant by effectiveness, not wanting to place restrictions on the respondents. This nominating group was composed of 15 heads of major national higher education professional associations, 28 heads of the private foundations that gave the most money to higher education institutions in 1983, 35 scholars who had written articles, books or both about the presidency between 1979 and 1984, and 407 current presidents of two-year, four-year, public and private institutions of higher education in the United States, all of whom were from representative regions in the country.

Accordingly, to be nominated, a person must have been active in matters external to the institution in which they served; specifically, they must have been interactive with national associations, private foundations and other presidents. This

may have neglected presidents with lesser public profiles. Of the individuals who were identified, only three percent were listed by three or more of the nominators. Also, in calculating their results, the group used an experimental survey, which may not have fully defined the attributes they were exploring. They received 222 responses (46%) to the survey instrument. From this group, they selected 18 individuals from various regions and institutional classifications to interview; this represents less than a 10 percent sample of the surveyed group. While these criticisms may seem harsh, they do not completely dispute the findings of the researchers. The information gained is valuable for researchers to test and build upon. It also serves as an instructional tool for trustees, who select institutional leaders, as well as current and future presidents, learn from the wisdom of their peers. For the university president, this information is important because it explains the president's relationship with constituents both internal and external to his or her institution. Campus constituents have expectations of the university president by which that individual is evaluated.

These studies represent a sampling of the literature on university presidential leadership. The question of leadership is not directly examined in this particular research project; instead, the focus is on understanding the issues encountered by university presidents. Nonetheless, the question of leadership surfaced as inquiries were made concerning the individual president's response to the issues.

Culture

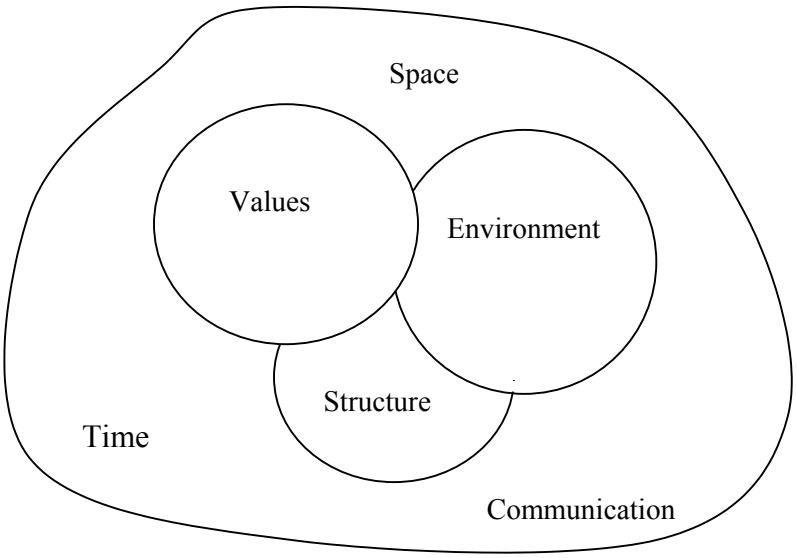
While the qualities and behavior of a university president reveal some aspects of their leadership, the influence of culture cannot be overlooked. "Traditional notions of the solitary, heroic leader have led us to focus too much on the actors and too little on the stage on which they play their parts. We often overemphasize the influence of individuals and underemphasize the significance of context" (Bolman & Deal, 1991, p. 408). In order to begin a dialogue concerning the interaction of leadership and culture, it is important to define culture. As with leadership, definitions for culture are inexact due to the inferential nature of the concept (Cusick, 1987) and to the fact that researchers from many disciplines have examined culture, creating a multitude of definitions. In 1952, Kroeber and Kluckhohn reported 164 varying definitions of culture. Some of these definitions focus on the observable behaviors of a group; others emphasize the dominating values and beliefs; still others stress the feeling or climate within an organization. One definition offered by Kuh and Whitt (1988), focuses specifically on the culture of institutions of higher education. They believe that culture is

> . . .the collective, mutually shaping patterns of norms, values, practices, beliefs, and assumptions that guide the behavior of individuals and groups in an institute of higher education and provide a frame of reference within which to interpret the meaning of events and actions on and off campus. (p. 13)

In conducting a case study of various institutional types, Caffee and Tierney (1988) offered a model of organizational culture that contains three general

dimensions of culture: structure, environment and values. Surrounding these three dimensions are three themes: space, communication and time. Figure 1 depicts this model.

Figure 1: Organizational Culture



Structure refers to the many ways an organization accomplishes its activities such as the formal and informal decision-making process, daily operations and planning. The environmental dimension refers to and institution's context – the people, events, controls and limitations in which the campus must operate. More precisely, Chaffee and Tierney believe this should be called the "*enacted* environment (Smircich & Stubbart, 1985), or the understanding organization members develop about the nature of the organization's context" (Chaffee &

Tierney, 1988, p. 20). The values dimension refers to the priorities and norms of an organization.

The three themes – space, communication and time – represent elements, which affect each dimension. Space reveals more about the symbolic nature of the organization; spatial relationships bring greater understanding to formal and informal interactions. Communication is the means by which members interpret the organization and impart their understanding to new members. Time provides insight into the institution's history and traditions. All six of these elements are interdependent and interactive. As each changes, the others are duly influenced. Organizational leaders must understand the importance of all these elements and recognize their relationship.

> Structure influences leadership by way of historical context; the power of a leader is determined in part by institutional history. Leaders articulate values and interpret the environment. Leaders help the organization seek a dynamic equilibrium, but they do not do so divorced from the organizational dimensions of culture. Leaders influence culture, and culture defines leadership. (p. 21)

Leaders shape and enforce culture through several mechanisms:

> . . .(1) what they pay attention to, measure, and control; (2) leader reactions to critical incidents and organizational crisis; (3) deliberate role modeling, teaching and coaching by leaders; (4) criteria for allocation of rewards and status; (5) criteria for recruitment, selection, promotion, retirement, and excommunication. (Schein, 1985, p. 225)

Paying attention to certain things can send a powerful message about what the leader values and sees as a priority; conversely, ignoring certain things will communicate what is not valued. During times of crisis, underlining assumptions will be revealed

and new values can be created through the leader's reactions. The actions of the leader will assist the organization in learning how to handle difficult situations in the future.

The visible presence and communication of leaders is an important tool for teaching and coaching, especially to newcomers to the organization. Members also learn cultural values and adopt appropriate behaviors through a system of rewards and punishments. Finally, a leader can embed elements of culture through selecting and hiring individuals who hold a like belief system. This is especially significant if the leader needs to make a drastic cultural change. Members who have a long tenure with the organization may be unwilling to change their beliefs and behaviors. Selectively replacing those individuals with newcomers will create turmoil in the short term, but should eventually result in a new system of beliefs and behaviors.

Once a culture has become fully mature, it is important to understand that its rich history and traditions cause the organization to only accept certain kinds of leadership. "As scholars we must understand this paradox: Leaders create cultures, but cultures, in turn, create theirs next generation of leaders" (Schein, 1985, p. 313).

The Culture of Higher Education

Kerr and Gade (1986) examined the contemporary culture of the academic presidency and developed four axioms: (1) the presidency is context-bound;

(2) contexts vary greatly; (3) there is no single best, or even possible, strategy for all contexts; (4) the president should be evaluated within the possibilities and limitations of the context (p. 74). They arrived at these conclusions after interviewing 800 presidents from different types of institutions about their individual situations. Their research is strong and convincing. For those institutions where the culture was led by a hierarchical model, the leader needed to possess vision and decisiveness. For an institution led by consensus, good judgment and persuasiveness were needed. Their research demonstrated the importance of incorporating the overall institutional culture when researching the issues encountered by presidents and presidential leadership.

> The interaction of environments and character constitute a great continuing drama played out on many stages before many audiences. Heroes and villains both emerge; courage as well as cowardice is shown; wisdom and folly are variously displayed; and nobody really can know precisely how many or how much of each are the result of time and place, on the one hand, or of human performance, on the other. That is the eternal puzzle. (p. 170-171)

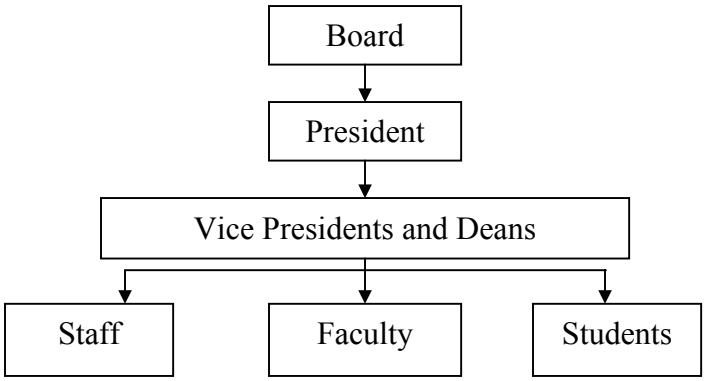
To best understand the culture in which institutions of higher education operate, the three primary dimensions of Chaffee and Tierney's Model of Organizational Culture – structure, environment and values – need to be examined in greater detail.

Structures of Higher Education Culture

Structurally, public universities may have any number of organizational patterns, which carry out the daily operation of the institution. Not all institutions are alike in their decision-making process; much of this will depend upon the

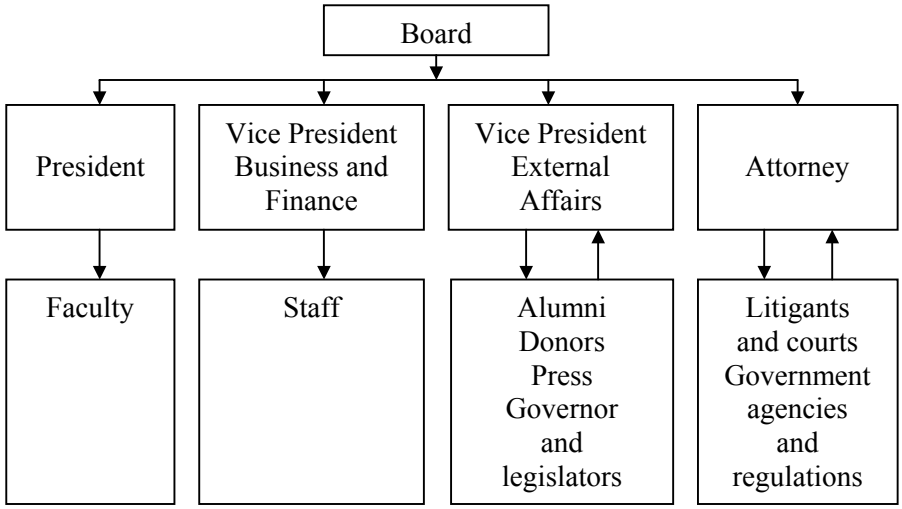
institution's history as well as its regulations and relationships with campus constituents. Kerr and Glade (1986) provide four particularly relevant models of presidential leadership, which illustrate the varying organizational structures of university administration. These structures also represent varying processes, procedures, rules and regulations, which govern decision-making. The first is that of the traditional presidency represented by a vertical command structure. Kerr and Glade (1986) offer several variations to this model. The first variation is the Pure Model. The president reports directly to the board and all other staff report directly or indirectly to the president, as illustrated in Figure 2. The president is a key leader, individually responsible for much of the institution's operation. Few checks and balances are in place to control the president's power and influence. The president, who chooses to implement this organizational structure, typically assumes that he or she can make good decisions and therefore build a system of highly centralized controls.

Figure 2: Authority on a Vertical Axis (The Pure Model) (Kerr & Glade, 1986, p. 130)



Another variation of this model reflects developments during the last portion of the twentieth century, when it became more acceptable for other executive officers to report to the board, namely, those responsible for institutional finances and legal disputes (see Figure 3).

Figure 3: Authority on a Vertical Axis (More Complex Model) (Kerr & Glade, 1986, p. 130)

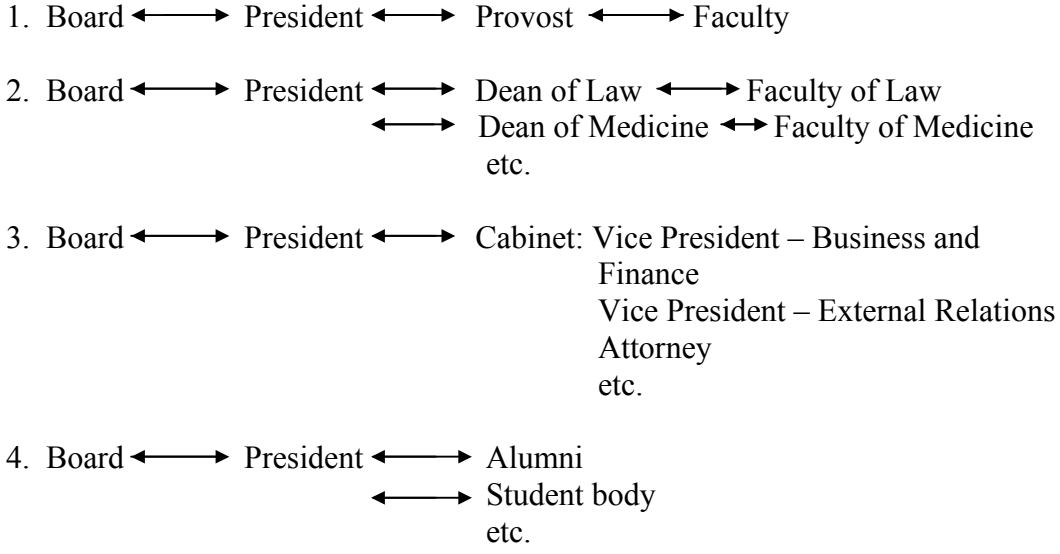


This variation shows the growing importance of finance (specifically fund-raising) and external relations as these positions are given direct access to the board. The new president may find that they are in competition with these other officers, who may have served with several former chief executive officers. The board has developed a working relationship and trust with these individuals, which a new president has yet to achieve. Board members may also use these executive officers to keep an eye on the president's conduct and report information back to the board. These executive officers may also be vying for power amongst themselves.

Kerr and Glade's second model reflects a greater degree of shared governance along a horizontal axis; presidents work collegially with all members of the campus community (see Figure 4). Presidents choosing this organizational model believe that people are the strength of the organization and allow for greater authority among their constituents. Teams and committees play a greater role in university governance. The president is a key leader, but because the organizational structure has become horizontal, the president must perform different functions.

> The president is still at the center of the process, however, as the chief communicator, the chief negotiator, the chief persuader, the chief mediator among other centers of influence and, more occasionally, the chief arbitrator. The president runs the major communication center and acts as the principal intermediary, the first among many equals. Decisions sometimes get made but sometimes just emerge. (p. 133)

Figure 4: Consultation on a Horizontal Axis (Kerr & Glade, 1986, p. 137)



Kerr and Glade assert that strong and weak forms of this model exist. The strong form is that of a president acting as a "mediator," "initiator" and "gladiator," essentially "maintaining a moving equilibrium"(p. 133). The weak form is that of a president acting as a servant to the will of the community. At times, difficult decisions must be made and carried forward even though campus constituents disagree on the correct course of action. Indeed, in times of conflict and crisis, the collegial model might break down entirely. For instance, during the 1960s and early 1970s when campus unrest was highly prevalent, the collegial model may not have been an option for many institutions as they faced immediate threats and disruptions.

Kerr and Glade further state that this model calls for individuals with a wider range of skills and temperaments. They list two distinct and divergent skills.

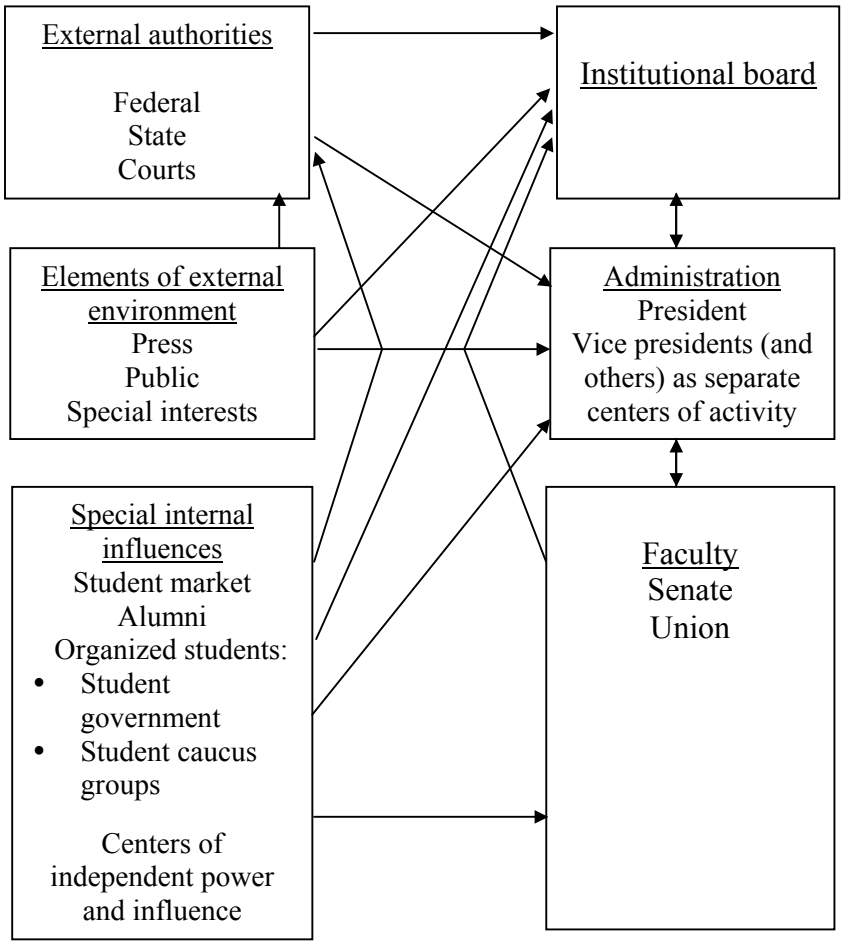
- Hierarchical skills with personal staff. He or she is the boss here. He or she must make good decisions.
- Collegial skills with academic and administrative colleagues. He or she is captain of the team. He or she must encourage agreement and elicit support.

> The hierarchical relation requires decisiveness and clarity; the collegial, patience and persuasiveness. These temperaments may not reside equally in one and the same person, but even if they do, it may not be easy to turn from one mode to another between phone calls or between appointments. (p. 138)

These two models present different representations of the organizational processes, procedures, rules and organizational structures surrounding the presidency. One is hierarchical; the other collegial; both focus primarily on internal relationships.

The third model illustrates the political coalitions involved in institutional governance and focuses to a greater extent on the external relationships, which presidents must consider (see Figure 5).

Figure 5: The Polycentric Model (Kerr & Glade, 1986, p. 144)



This draws on a diagram by Frederick S. Lane in his introduction to *Current Issues in Public Administration*, ed. Frederick S. Lane, 2nd ed. (New York: St. Martin's Press, 1982, p. xvi).

Decisions made within an institution may be heavily influenced by a number of outside entities: federal legislation, state mandates, coordinating agency requirements, courts, the press as well as public or other special interest groups.

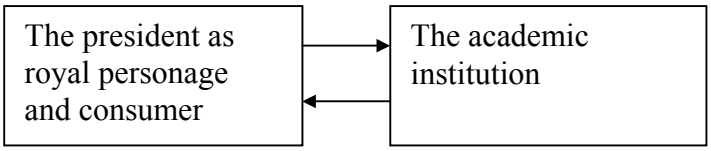
> Each power bloc is itself pressured by other focal points of influence seeking to affect its actions, and sometime they are permitted to exercise veto power; in turn, each power bloc seeks to influence others. Each power bloc also seeks to gain and to enlarge a territory that it can control on its own. The big losers have been the educational institution to outside power blocs and the presidency to inside power blocs. And sometimes "the very idea of a concern for the common good had faded," in what John Gardner has called "the war of the parts against the whole." All these power blocs have their own interests and goals. (p. 142)

Within the institution, groups may place pressure on the central administration in order to influence decisions. Students, whose connections to outside coalitions may be stronger than their tie to the university, may organize to sway the campus community on a particular issue. Likewise, alumni, members of the board, other administrators and faculty may all organize to impact decisions made by the university president.

Kerr and Glade believe that a president must engage in a type of guerilla warfare in order to be successful. This means taking on one power bloc at a time, avoiding confrontation unless the president has greater power, attacking others when and where they are weak, withdrawing when faced with overwhelming opposition and keeping constituents happy or neutral as much as possible. Therefore, a president must be politically minded, skilled at confrontation as well as building coalitions and bargaining.

The fourth model represents a presidency outside the realm of power. Kerr and Glade portray this model with two variations. The first was developed using Cohen and March's (1974 & 1986) concept of an "organized anarchy" (Cohen & March, 1986, p. 3). (See Figure 6.)

Figure 6: The Presidential Nullity in Organized Anarchy (Kerr & Glade, 1986, p. 152)



The president is depicted not as a larger-than-life hero making bold decisions on behalf of the institution; but rather, is cast as a figurehead, unimportant to the daily operation of the institution. The reason for this inconsequential status of the president is due to the ambiguous nature of an institution's goals; ". . .the university is an organization that does not know what it is doing. Its goals are ambiguous and its technology obscure" (p. 149). As a consequence, the president is a leader without an objective. Kerr and Glade (1986) clarify the notion of ambiguous goals.

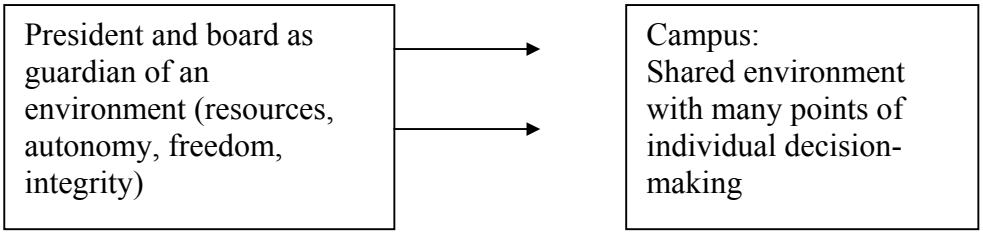
1. Some goals are ambiguous, like "good teaching," but most are not, such as balancing the budget and filling the residence halls.
2. Some goals are in conflict, and thus ambiguous in their totality, but also many are not.
3. The president gains some influence from ambiguity by being able to choose among goals and by seeking to define them. The danger is that he or she may choose, too often, those goals that are most precise and where results can be calculated in the short run.

4. Some power is ambiguous but much is not. Most issues are subject to decision someplace; but not all in the same place. Nobody is in charge of everything but somebody is in charge of each thing. . . .
5. The president gains some influence, if not power, by working in areas of indecision where he or she can work out solutions.
6. Some results are ambiguous, but many are not. Unfortunately, the most important result, the long-run quality of the academic program, is the most ambiguous. (p. 152-153)

Some presidents may choose to follow this model, enjoying the privileges of their symbolic status. Others may be forced into this model "by the interim nature of their "home guard" appointments, by excessively administrative boards, by staffs of untouchables surrounding them, or by dominating systems above and aggressive unions below" (Kerr & Glade, 1986, p. 151).

The second variation to this model is that of "atomistic decision-making in a shared environment" (p. 153). (See Figure 7.)

Figure 7: President as Guardian (Kerr & Glade, 1986, p. 155)



In this case, the president is seen as a guardian, outside the realm of decision-making. Decisions are made by individuals and units; the president is only needed during a time of crisis or when the resources of the institution are threatened. In the organized anarchy model, the president plays a feeble, yet visible character. In the

atomistic decision-making model, the president intervenes only at specific times. Both of these models portray a presidency that is powerless. Individuals participating in one of these presidential paradigms must hold certain skills, specifically, the ability to recognize the limitations of their office and to enjoy a more relaxed and less influential position of power.

The Environment of Higher Education Culture

The environmental dimension specifically relates to the surroundings (individuals, groups, events, controls and limitations) in which the institution operates. Within an institution, the university president must work with a large number of constituents organized into subcultures.

> Institutional subcultures have been defined as subgroups of an institution's members who interact regularly with one another, perceive themselves as a distinct group within the institution, share a commonly defined set of problems, and act on the basis of collective understandings unique to their group. (Kuh & Whitt, 1988, p. 36-37, citing Van Maanen and Barley, 1985)

As Baldridge (1971) indicates, these groups want to impose their values on other groups. Douglas Abrams (1993) in his book *Conflict, Competition, or Cooperation?* states that disagreements are often "turf issues," where parties expect to gain only at each other's expense. Therefore, a president must have an intimate understanding of the subcultures active on the university campus.

Presidents of state institutions must work closely with the governing board, whose members may hold personal agendas regarding the organization and

administration of the institution. Their position as a board member gives these individuals extensive authority over the institution and the president. As a state institution, presidents must also understand the extent of their institution's autonomy from state government. State legislators may have power over finances, personnel and programs. Highly intrusive legislators could discourage or prohibit the use of state resources for specific purposes or require strict approval for new degree programs (Johnstone, 1999).

Students make up the largest subculture on campus; within their ranks are a number of other subcultures. If these subcultures profess divergent values, conflict may occur, which negates the feeling of community, thwarts student unity in campus governance issues and inhibits the learning experience (Kuh & Whitt, 1988). Furthermore, the values of students may or may not be the same as faculty or administrators. Students may be more interested in issues related to becoming a more autonomous person – developing new personal relationships, learning more about a new environment and how to take care of themselves apart from parents, and discovering their interests and skills (Kuh, 1990).

Faculty are more interested in academic endeavors and, as a subculture, are organized by discipline. Each discipline and specialization will in turn affect the values and attitudes held by its members. Becher (1984, 1987) and Clark (1984) posit that individual disciplines affect the "assumptions about what is to be known and how, assumptions about the task to be performed and standards for effective

performance, and assumptions about patterns of publication, patterns of professional interaction, and social and political status" (as cited in Kuh & Whitt, 1988, p. 77-78). The debate among faculty concerning the idea of an academic profession is long-standing. Are faculty one unified professional group or are they a number of subgroups focused on disciplines (Clark, 1987), which establish more differences than similarities (Astin, 1990)? Evidence exists that as a subculture of the institution, faculty do hold common values and goals (Astin, 1990). At the second annual meeting of the American Association of University Professors (AAUP), the AAUP president stated, "The truth is that we are a single profession – the most responsible branch of that profession. . . .It is the vocation of our profession to unite itself into one single body, . . . (Gruber, 1975, p. 16-17) Policies created by institutions will affect faculty as a whole, serving as a catalyst to unite this diverse group of individuals to work for a common purpose. Indeed, throughout history, faculty have tended to view administrators with skepticism, suspicion or antagonism (Kerr & Glade, 1986); this attitude has fostered greater unity among faculty.

University presidents must also concern themselves with the symbolic nature of their office amongst these subcultures. Geertz (1973) asserts that culture is revealed through historically guided patterns of meanings "embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which [people] communicate, perpetuate and develop their knowledge about and attitudes toward life" (p. 89). Culture, therefore, is held together by the shared assumptions

and interpretations of the participants. These assumptions are revealed through stories, special events and language.

> The organization is seen as a stage, a theater in which every actor plays certain roles and attempts to communicate the right impressions to the right audiences. The main premise of this frame is that whenever reason and analysis fail to contain the dark forces of ambiguity, human beings erect symbols – myths, rituals, and ceremonies – to bring order, meaning, and predictability out of chaos and confusion. Symbolically, the task of leaders is to *interpret experience* (Bolman & Deal, 1991, p. 438-439).

The president, as chief executive officer, can communicate ideas that others are unable to communicate. University presidents can also have a large impact in the socialization of campus constituents through formal and informal interactions, styles of communication, institutional ceremonies, hiring practices and reward systems.

One difficulty concerns the constraints that may be placed on symbolic acts. As with other forms of communication, when audiences receive a message, it is not guaranteed that they will interpret that message as the sender intended. For example, a manager may casually visit with subordinates in the hallway to show respect for the organization's members; however, some might interpret this as an intrusive act, seeing the manager's action as a way of scrutinizing employee work and behavior (Tierney, 1991).

Understanding the symbolic nature of the university presidency requires a greater exploration of various symbols. Tierney (1991) reviewed transcripts from interviews with presidents from thirty-two colleges and universities participating in the Institutional Leadership Project, a five-year study conducted by the National

Center for Postsecondary Governance and Finance. His review of these data revealed six categories of symbols, which highlight the symbolic acts of university presidents, all of which are communicative in nature: metaphorical, physical, communicative, structural, personification and ideational. Metaphorical symbols are figures of speech. Presidents use metaphors in speeches to identify organizational values, define their role in an organization, or the activities or environment of the organization. A president who refers to himself or herself as a "general leading an army" is conveying the message that they are dictatorial and do not believe in shared governance.

Physical symbols are objects that convey meaning. These objects can be artifacts that reveal a part of the institution's history; they can also be a building or space such as a new library or faculty club. A president who opens a faculty dining hall to staff is sending a symbolic message that staff should have the same privileges as faculty. Communicative symbols involve verbal and nonverbal communication as well as written discourse. Birthday cards sent to faculty members communicates an aura of familiarity. Formal statements and speeches highlight the leader's beliefs that are appropriate for public expression; however, these statements may not define the culture of an organization (Schein, 1985). Structural symbols are the institutional structures and processes used in decision-making. Tierney believes that this symbolic form distinguishes new presidents from old. New presidents may change the structural process to indicate that they are bringing change to the institution. Task

forces and other advisory committees may also be used by presidents to symbolize change.

Symbolic personification refers to the individual's attempt to represent a message to a particular person or group. Presidents who appoint students on university committees are symbolizing the importance of student participation in university matters. Ideas serve as symbols when a leader uses these to communicate the mission and purpose of the institution; it is the leader's attempt to encapsulate the unique mission of the institution. Effectively using these forms of symbolic behavior requires that a university president understand not only the structure and environment of an institutional culture, but also the institution's values. University presidents must also understand their own personal values, which will shape their understanding of the campus culture and could come into conflict with institutional values.

The Values of Higher Education Culture

This leads to the third dimension of organizational culture, the values of an organization. Schein (1985) asserts that the central values of an organization will guide the behavior of its members and that these values assist in reducing uncertainty and anxiety. Through testing certain values over time and seeing successful results, a group begins to validate those values. In time, those values develop into assumptions

and beliefs, which are not longer questioned. These beliefs and assumptions are necessary in order to maintain the group.

As was stated earlier, institutions of higher education are composed of a large number of constituents organized into groups. According to Schein (1985), these groups form based on a number of factors: physical proximity, shared fate, common occupation or work experience, similar ethnic background, or similar rank level. Once the group is formed and maintains its identity for a time, it develops a culture. When groups get into conflict with each other, it is more difficult to lessen the conflict because groups maintain their identity through comparing and contrasting themselves to other groups. "In other words, *inter*group comparison, competition, and/or conflict helps to build and maintain *intra*group culture (Sherif and others, 1961; Blake and Mouton, 1961; Alderfer, 1977; as cited in Schein, 1985, p. 39).

Though institutions of higher education are composed of subcultures that may hold differing values, there are a number of values that are generally accepted among all groups. One of the values held in highest esteem is academic freedom. Robert O. Berdahl (1997) defines academic freedom as the "freedom of the individual scholar in his/her teaching and research to pursue truth, wherever it seems to lead, without fear of punishment or termination of employment for having offended some political, religious, or social orthodoxy" (p.470). This value was a key element in the organization of the American professoriate. In 1915, the American Association of University Professors issued a statement on academic

freedom declaring that "senior professors were granted the right to pursue research, to discuss controversial ideas with graduate students, and to speak freely outside the university on subjects of professional competence" (Spring, 1995, p. 51). Furthermore, academic freedom is fundamentally important to a democratic society.

> …[B]oth academics and statesmen have long recognized that one of the guarantors of freedom itself is the freedom of inquiry which the university must, by its very nature, espouse. It follows that the autonomy of the university, i.e., its ability to govern itself and to protect itself from external pressure and manipulation, is an essential condition of its very existence. In fact, the institutional support of academic freedom is so important that it can truly be said that the academic community cannot be free if the institution is not free. (Kean, 1985, as cited in Newman, 1997)

Closely linked to the notion of academic freedom is tenure. Tenure is a granted to a faculty member after a probationary period of time in which that individual demonstrates their ability to succeed as a member of the faculty. After receiving tenure, an individual's service can only be terminated for "adequate cause" (AAUP). Thus, tenure provides a safeguard for an individual's academic freedom. The debate between academic freedom and tenure has become more intense in recent years. Some believe that tenure protects faculty members from accountability, eliminating all notions of productivity required of other employees (Magrath, 1997).

Dressel (1981) notes that sociologists and others have understood the values of the nation to be embraced to some degree in all organizations. These values consist of democracy, individualism, equality and human perfectibility. Democracy carries with it the idea of shared governance – individuals making contributions to the governance or quality of an organization. Individualism marks the importance of

personal authenticity; freedom of inquiry is highly regarded by both faculty and students as a means to know truth on a personal level (Perkins, 1973). Equality and human perfectibility reference the need to allow access to higher education for all people in order to develop their intellectual potential to the fullest extent.

University presidents are challenged to reflect these institutional values and equip followers to engage these values in their behaviors. Barnard (1938) and Selznick (1957) state that leaders are the individuals who define the values and purpose of an institution, select its personnel, and provide vision and direction for the future. Therefore, investigations should be conducted to learn more about the historical culture of an organization. In order for a leader to be effective, they must be aware of and understand the culture in which they lead – its structure, environment and values.

Issues Encountered by Higher Education (1967 – 1997)

As the previous chapter established, the issues confronting university presidents in American institutions of higher education have revolved around questions regarding who should be taught, what should be taught, who should pay for higher education and how should institutions of higher education be governed. The presidency itself has changed based on the answers to these questions. Early presidents were clergymen, who concurrently served as a faculty member and watched over the lives of individual students. Thus, they were consumed with issues

relating to teaching, the administration of a small budget and the everyday care of their pupils. Later presidents were faced with issues relating to changes in the basic curriculum, the lessened influence of religion and the increased emphasis upon science, as well as the change in the student population as education became accessible to a broader group of people. Studies of this early period of American higher education rely heavily upon the autobiographies, biographies, public newspaper reports, speeches and various documents composed by former presidents (Sontz, 1991).

National organizations specializing in the study of higher education have conducted studies concerning larger policy issues for higher education between 1967 and 1997. Among these were studies commissioned by the Carnegie Foundation for the Advancement of Teaching, an independent organization that conducts non-profit research activities aimed to generate, critique and monitor advances in the theory and practice of education. Between 1967 and 1979, the Carnegie Commission on Higher Education and the Carnegie Council on Policy Studies in Higher Education created 15 policy reports and 38 sponsored research and technical reports covering national higher education issues. The goal of the two groups was to assist public and private higher education policy makers to make effective decisions and to enhance the overall understanding of higher education (Carnegie Council on Policy Studies in Higher Education, 1980). In 1980, the Carnegie Foundation commissioned a study that would summarize all of these reports.

The result of this review of reports was published in a book, The Carnegie Council on Policy Studies in Higher Education: A Summary of Reports and Recommendations. Reports from this digest cover a large number of important issues affecting higher education: the federal role in higher education, affirmative action, faculty bargaining, selective admissions, missions of the college curriculum, financial aid, governance and quality of academic programs. In order to better organize these studies, Clark Kerr (Carnegie Council on Policy Studies in Higher Education, 1980) developed six broad categories, which consolidate and yet encompass all the issues that were studied by the Carnegie Council.

(1) social justice,
(2) provision of high skills and new knowledge,
(3) effectiveness, quality, and integrity of academic programs,
(4) adequacy of governance,
(5) resources available to higher education, and
(6) purposes and the performances of institutions of higher education. (p. 1-2)

These six categories and their usefulness to this study will be expounded in greater detail in Chapter Three.

Since the Carnegie Council's studies and Kerr's six summative categories became an important consideration in this study, care was taken to document the critiques others have written about those works. These critiques supported the usefulness of the issues and issue themes that the Carnegie Council and Kerr identified.

Jack Embling, senior administrator with the British Ministry of Education/Department of Education and Science wrote his critique in a volume

titled, A Fresh Look at Higher Education: European Implications of the Carnegie Commission Reports (Carnegie Council, 1980). One of the weaknesses of the reports, according to Embling, is each report's concentration on a single issue without paying attention to how that issue impacts other elements of higher education and society.

> The strategy adopted by the Commission has therefore had two results. First, their recommendations in successive reports are cumulative and evolving . . .some of the proposals in earlier reports are modified in later ones – which may be disconcerting to the casual reader. Secondly and more deliberatively, it amounts to a strategy of gradual penetration with continual reiteration of ideas and recommendations and, hopefully, stronger and stronger impact resulting from greater familiarity and increasing acceptance on the part of the public and interested parties. . . . (p. 22)

Lewis Mayhew, who was Professor of Education at Stanford University at the time of his critique, stated one major criticism of the Commission's work; it sought to gain support from all sectors of higher education and thus, did not go far enough in some of its recommendations (Carnegie Council, 1980). Despite this criticism, Mayhew believes the Commission did excellent work.

> In total, the work of the Carnegie Commission on Higher Education must be judged highly successful. The research studies and reports are technically competent and focus on perplexing matters central to higher education. The level of writing is consistently superior to that of most educational writing. . . .The work of the Commission is so nearly definitive that another Commission of similar magnitude is probably not in order for at least another generation. (p. 24)

Scott Wren, who was active as an undergraduate student in student affairs at the University of California, Davis, wrote a critique of the Commission's work that focused on students (Carnegie Council, 1980).

> I find myself in agreement with many of its proposals and with others as far as they go. A proposal may be quite helpful on one campus; yet on another the same proposal might be completely innocuous or simply irrelevant. But that is just the point; such things will depend on the nature of your campus. There is no "ideal" in this respect as the types of college campuses should and do vary considerably. So you will have to adapt anything you read in this report to your local conditions. (p. 24)

Individual reports produced by the Carnegie Foundation were typically critiqued through journal articles. Of these articles, most felt that the reports made strong statements about American higher education. Some criticized the Commission and the Council for seeking to drive national higher education policy. Others criticized the reports stating that the large choice of recommendations compromised significant differences in opinion. In their view, these documents were political in nature, written for politicians and higher education policy makers.

Overall, the Carnegie reports covered a wide range of issues that held national significance, were well-written, contained excellent research and focused on influencing public policy. These reports were practical and helped guide higher education through a time of uncertainty and turmoil. Individual issues were examined, but more importantly they delivered a more general understanding of American higher education and supplied policy recommendations to direct postsecondary education for the short and long term.

The Carnegie reports covered issues between 1967 and 1979. Therefore, studies from other national higher education organizations were consulted to determine if there were issues that the Carnegie series may have neglected and to

discover the most significant issues encountered by higher education between 1979 and 1997. The first of these sources was a book, Issues of the Seventies, by the American College Testing Program. Published in 1970, this book was a forecast of issues that would continue to make a large impact on higher education during the coming decade. Fred Harcleroad (1970) edited manuscripts from twelve authors; their focus was primarily on issues related to the changing student population, and thus, the changing needs of students. Their work was interesting, but because of its speculative nature, it did not give a historically accurate representation of the decade of the 1970s. However, it did provide valuable information regarding issues from the 1960s.

Two works, written and edited just before the 1980s, sought to help college and university administrators succeed in the new decade. Lewis Mayhew wrote Surviving the Eighties: Strategies and Procedures for Solving Fiscal and Enrollment Problems, a volume in the Jossey-Bass Series in Higher Education.

> In a sense, over thirty years has been spent in the preparation of this book, for it rests largely on impressions gained from visiting or consulting with members of almost 700 collegiate institutions of all sorts since the early 1950s. . . .[this book is] intended to be a serious reflection on how colleges and universities operate and how those operations can be made smoother or more effective and, when appropriate, more efficient. (p. ix-x)

Mayhew focuses on funding and enrollment issues related to institutions, believing that higher education has seen rapid growth since the beginning of the College Movement, but will see no growth or a decline in enrollment in the later part of the twentieth century. His observations are valuable in that they cover information

regarding higher education in the 1960s and 70s. His work is not based on formal research methods, but rather originates from his own reflections.

Likewise, in 1981, Gene Budig, President of West Virginia University and Professor of Educational Administration and Journalism, edited a volume of manuscripts in cooperation with the American Council of Education titled, Higher Education: Surviving the 1980s. He took many of the concerns from the 1970s and extended their implications into the coming decade, specifically focusing on relationships with the external and internal campus constituents.

The Unfinished Agenda: Higher Education in the 1980s was a work sponsored by the American Council on Education – the nation's higher education coordinating association founded in 1918 – and written by Judith Eaton. This volume contains observations and analysis of key issues from the 1980s, particularly focusing on how the political and social features of public life affected higher education. It is not exhaustive, but rather considers the most important issues of that decade including governance, academic reform, campus constituents, race relations, finance and access. Her work is interesting principally because of its emphasis on the impact of government on higher education.

The Association of Governing Boards ([AGB], 1997), a national nonprofit organization of governing, coordinating and advisory boards of higher education, produced a report, Ten Public Policy Issues for Higher Education in 1997 and 1998, which identified the top ten national public policy issues affecting higher education.

The purpose of this report was to provide board members and higher education officials with an understanding of how shifting public policies affect colleges and universities. The top ten issues as outlined by this report consist of

- Higher Education Act Reauthorization
- The Federal Budget Squeeze
- Innovative State Financing
- Affirmative Action
- Health-care System Changes
- Fair Use Under Copyright Law
- Job Training
- The Quality of Teaching and Learning
- The Virtual University

From this list, it is evident that the AGB was addressing issues related to national policy rather than local concerns, though each of the issues hold the potential for influencing a local campus such as the reauthorization of the Higher Education Act. This report is also concerned with actions that resemble lobbying activities, lacking a descriptive quality to the issues addressed.

The National Center for Public Policy and Higher Education, an independent, nonprofit, nonpartisan organization, established in 1998, produced a report in 1998 titled The Challenges and Opportunities Facing Higher Education: An Agenda for Policy Research. It outlined the need to address the changing environment of state-level policy frameworks and suggested seven of the most important issues in the 1990s: mission and program approval, governance, regulation, financing and resources allocation, quality assurance, reporting requirements, and setting public priorities. The emphasis of this work was not on the issues themselves, but rather the

changing policy environment. In effect, the organization was promoting its own services in order to shape "both the way policy is conceived and the way it is applied" (p. 25).

One other work produced by Losco and Fife, Higher Education in Transition: The Challenges of the New Millennium, published in 2000, seeks to draw upon the most significant issues that have affected higher education in the last part of the twentieth century. The issues chosen for this work include: the changing student population, role of faculty, finance, higher education policy, state governmental relations, college sports, university administration, diversity and technology. From this look at significant issues encountered in the recent past, the authors speculate about the future of higher education. As a whole, this document does an excellent job of summarizing the major issues in higher education in the last 30 years, the primary focus for this study.

All of these works represent significant contributions that aid in understanding the issues impacting higher education within the last 30 years. Generally, the authors approached their subjects with a great deal of experience, using their own observations along with formal research to enlighten readers. The Carnegie reports represent the most comprehensive of all the works, covering 12 years of sustained research. What is lacking in these studies however, is an understanding of how issues have impacted individual institutions and thus, their leaders. There is a need to conduct a detailed, close and comprehensive examination

of the smallest unit of analysis, the local institution of higher education. The issues discussed by these studies will no doubt affect each campus differently. Therefore, examining a single institution to identify how issues interrelated will bring clarity to the existing knowledge and demonstrate how issues have impacted a particular campus. Focusing on issues as encountered by the chief executive officer of an institution enhances the understanding of this key leadership position.

Issues Encountered by Presidents at The University of Texas at Austin (1967 – 1997)

No work exists that comprehensively identifies the issues encountered at The University of Texas at Austin between 1967 and 1997. Individual works cover various aspects of university life. Ronnie Dugger (1974) wrote Our Invaded Universities: Form, Reform and New Starts as a "nonfictional play" (p.xiv) based upon his observations and personal study of UT. His dramatic account of university life focuses primarily on the political relationships associated with the institution and covers issues and events in the first few years of this study (approximately 1967 to 1969). Duren (1979) published a work titled Overcoming: A History of Black Integration at the University of Texas at Austin, which provided a brief social history of minority integration at a historically segregated institution. In celebration of the 100th year of the University, Margaret Berry (1980) published The University of Texas: A Pictorial Account of Its First Century. Within its pages are numerous photographs and brief accounts of the important events and individuals since the

founding of the university. Finally, in celebration of the first 100 years of *The Daily Texan*, two of its former editors, Copp and Rogers (1999), documented the significant events at UT as recorded by the student newspaper. Their accounts are brief and sporadically report about events and people. None of these works is comprehensive or directed towards particular issues encountered by the UT president.

Texas Higher Education

Richardson, Bracco, Callan and Finney (1999) produced the most recent and thorough study describing the political and governance structure of Texas higher education. While some of their information has become outdated, it stands as an invaluable foundation for understanding the culture of Texas higher education. Studies conducted on a regular basis by the Texas Higher Education Coordinating Board (THECB) also offer helpful insights into the culture of Texas postsecondary education.

In the state of Texas, public higher education institutions include 50 community college districts with 74 campuses, four technical colleges with two extension centers, two state colleges and a technical institute, 35 universities, eight health-related institutions, plus 40 independent colleges and universities and one independent medical school. Since 1965, Texas has added 42 public community and technical college campuses, 12 public universities and four public health science

centers, making Texas fourth nationally in the number of colleges and universities (THECB, 2000). The public higher education sector in the state is composed of a mix of large multicampus systems, smaller regional systems, freestanding campuses with individual boards, individual colleges and universities, and community colleges (Richardson et al., 1999). Almost 90 percent of the total enrollment of the approximately 990,000 students attend a public institution of higher education (THECB, 2000). The Texas Higher Education Coordinating Board oversees higher education efforts in Texas and serves as "a planning body to advise the Legislature on higher education and to coordinate designated services statewide" (THECB, 1987, p. 6).

The University of Texas System

The University of Texas System (UT System) is the largest and most diverse multicampus system within the state. In 1967, the UT System was composed of three general academic institutions and eight health-related institutions (University of Texas System, 2000a). Since that time, the System has grown significantly. It is now composed of fifteen component institutions including nine general academic and six health-related institutions located in various geographic locations around the state. These institutions vary considerably in mission, history, culture, goals and objectives. Component campuses include major research universities, comprehensive universities, comprehensive health science institutions and specialized hospitals. A

nine-member Board of Regents governs the University of Texas System. The Governor of Texas appoints three members every two years to this board. Members serve a staggered six-year term; their appointments are subject to confirmation by the Texas Senate (University of Texas System, 2000b).

The University of Texas at Austin

The University of Texas at Austin is a large public, research intensive institution, as categorized by the Carnegie Classification of Higher Education Institutions (1994) and serves as the flagship for The University of Texas System. In the Texas Constitution of 1876, Article VII, Section 10 provided that

> The legislature shall as soon as practicable establish, organize and provide for the maintenance, support and direction of a University of the first class, to be located by a vote of the people of this State, and named, "The University of Texas" (State of Texas, 1876).

In 1881, the citizenry voted that the location of the UT campus should be in the state capital, Austin. The institution was then established in 1883 on 40 acres near the state Capitol. The Legislature vested the governance of the University in the UT System Board of Regents.

Being a public university, UT receives funding from state appropriations, which is distributed on the basis of formulas. Each public university is given formula funding, which is based on a mathematical formula and calculated based on the number of semester credit hours and the classification of the individual student

enrolled in a particular course. This is a simplistic definition of Texas formula funding. For the purposes of this study, it is important to note that formula funding provides common levels of funding for common activities, gives incentives for achieving certain goals and is often the centerpiece of the political decision-making process (Brinkman, 1984).

One important difference in funding is support derived from the Permanent University Fund (PUF), a public endowment contributing to institutions that were within The University of Texas System and The Texas A&M University System in 1985. The PUF was established in the Texas Constitution of 1876 through the appropriation of land grants previously given to UT. At present, the PUF contains approximately 2.1 million acres of land located in 24 counties primarily in West Texas. PUF funds grew quickly when oil was discovered in 1928 on the lands provided by the state. The PUF is managed by The University of Texas Investment Management Company (UTIMCO), a 501(c)(3) investment management corporation, which manages all investment assets under the fiduciary care of the UT System Board of Regents. On December 31, 2001, the market value of the PUF was $7.2 billion dollars; its book value was $7.4 billion (University of Texas Investment Management Company [UTIMCO], 2001). Two-thirds of the PUF is designated for the UT System and one-third for the Texas A&M System. The corpus cannot be spent, but the total return from investments called the Available University Fund (AUF) is used to pay debt service on PUF bonds for capital needs for twelve of the

UT System component institutions and five components of the Texas A&M System. It also funds System Administration for both UT System and the Texas A&M System[4]. Furthermore, UT Austin receives PUF funds in support of its annual operating budget for general academic excellence programs (UTIMCO, 2000b).

Conclusion

This chapter has examined and critiqued other analyses related to the topic under consideration. Based upon the ideas found in this review of literature, it became apparent that certain elements of information are missing from the current body of knowledge. The work of university presidents at public institutions has been neglected in past studies. A holistic examination of university presidents and the specific issues they encountered over an extended period of time has not been the focus of research. While certain studies examined different university cultures, none observed the changes at a single institution over multiple years and through multiple presidential terms. The issues encountered by presidents have been the subject of some analysis; however, tracing the historical development of issues relevant to university presidents at one institution has not been the subject of research. Lastly, the issues encountered by presidents of The University of Texas at Austin since the

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[4] Institutions that were added to the UT and Texas A&M Systems after 1985 do not receive capital funds from the Permanent University Fund. Those institutions derive their capital funding from other means, one of which is the Higher Education Assistance Fund (Richardson et al., 1999).

late 1960s have not been explored. These gaps in the current body of literature support further investigation.

Chapter 3: Methods and Procedures

The purpose of this study was to document historically the specific issues confronted by presidents in order to enhance the understanding of this key leadership position. Previous chapters have outlined the needs, which call for such an investigation and have examined and critiqued other works and analyses associated with this topic. Now, the methods and procedures that were used to facilitate the research process must be identified and supported. This chapter considers different research options and provides a rationale for selecting a particular research method. It also reviews the process by which data were gathered and analyzed.

Selection of Methodology

When considering this study, thought was given about whether to engage in a positivist, experimental or post-positivist, naturalistic approach. Both are legitimate designs; each has strengths and weaknesses and is appropriate for different situations. In experimental research, "the investigator attempts to completely control conditions of the study by manipulating, changing, or holding constant external influences in which a very limited set of outcome variables are measured" (Patton, 1990, p. 41). In contrast, naturalistic inquiry makes use of a discovery-oriented approach (Guba, 1978), which minimizes the researcher's role in controlling the elements being researched. Naturalistic inquiry focuses on describing the process,

documenting similarities and differences, and exploring the variations in events and effects (Patton, 1990). For this particular study, there was no need to exercise control or manipulate any portion of the investigation; information should naturally unfold through historical data.

Choosing to follow a naturalistic inquiry, the next decision centered on the form of data collection. Several questions posed by Patton (1990) were considered.

1. Who is the information for and who will use the findings?
2. What kinds of information are needed?
3. How is the information to be used? For what purposes is evaluation being done?
4. When is the information needed?
5. What resources are available to conduct the evaluation?
6. Given answers to the preceding questions, what methods are appropriate? (p.12)

Answering these questions took some investigation. The information is useful to past presidents as they reflect upon their own presidency, current presidents wishing to better understand their own situation, future presidents that may be deciding how to carry out their work as chief executive officer, and trustees, who must select institutional leaders and judge their performance while in office. Information about the major issues encountered by university presidents over a period of time was needed for this investigation. Many sources of this information were readily available: past presidents, cabinet members of former presidents, other members of the higher education community and multiple forms of historical documents. Regarding how the information would be used, the intention was that practitioners,

including current and future presidents and their boards, use the study's findings to enhance their overall understanding of this key leadership position.

Numerous methods to conduct this study were available; choosing the appropriate method proved to be the larger challenge. Using a quantitative investigation, one could survey former presidents, members of their cabinet or other university constituents who observed the events encountered by presidents. This quantitative data would provide basic information, but would not impart the richness of their individual narratives. After further scrutiny of alternative quantitative measures, it was determined that a qualitative investigation was most appropriate for this study. Qualitative research produces two outcomes necessary for this study; it provides an understanding of the research subject and produces descriptive data. Within qualitative research, three kinds of data collection can be made: (1) in-depth, open-ended interviews; (2) direct observation; and (3) written documents (Lincoln & Guba, 1985). Since this was to be a historical documentation, direct observation was not possible; however, both interviews and document analyses were possible.

Case Study

Having chosen to use a qualitative research method, it was then determined that the most appropriate means for conducting the investigation was using the case study method. This method describes a special or unique group of people or a time period to a significant depth. "Case studies provide detailed, descriptive data in

deepening our understanding of individual variation" (Patton, 1990, p. 17). In summarizing the literature concerning the characteristics of case studies, Merriam (1988) suggests four characteristics that are essential attributes of a qualitative case study: particularistic, descriptive, heuristic and inductive. Particularistic means that the study focuses on particular events or phenomena. Descriptive indicates that the phenomenon under study is given a complete and rich description. Heuristic implies that the case study provides illumination to the reader's understanding. Inductive denotes that generalizations emerge from examining the data. For a historical study of this nature, these attributes are most desirable.

Having chosen to conduct a case study, university presidents who served at The University of Texas at Austin (UT) between 1967 and 1997 were then designated as the focus of this case. The University is a large public, research intensive institution, located in the state's capital city and serves as the flagship for The University of Texas System. The UT System is a multicampus system with fifteen component institutions, composed of both general academic as well as health-related institutions. All these characterized elements add to the complicated nature of the president's responsibilities and provide a greater challenge in working with the campus and its many external constituencies.

The beginning date of 1967 was chosen for the reason that between 1963 and 1967 the Chancellor of the UT System, Harry Huntt Ransom, served as both the chief executive officer of the UT System and The University of Texas at Austin.

Ransom's relationship with the System and UT is uncharacteristic of the roles of the presidents selected for this study. This posed a potential difficulty in that some of the issues he encountered related to his position as chief executive officer of the UT System, some to his position as President, some to both. Therefore, it seemed most logical to begin the study in 1967, when individuals chosen for the UT presidency served exclusively in that position. Additionally, all but one of the presidents who served between 1967 and 1997 are available to interview. One president from this period, Stephen H. Spurr, is deceased; however, members of his cabinet were available as resources. The ending date of 1997 was chosen since that was the last year of a former president's tenure. The current UT President, Larry R. Faulkner, took office July 1, 1998. He was not consulted, because his is an unfinished tenure; he does not have the hindsight of the other participants, who have had some time to process their years of service at UT. Furthermore, his taking part in this type of study might compromise his position as the current President.

Having chosen to use UT presidents serving between 1967 and 1997, the following questions guided the research to achieve the objectives of this study.

1. What were the common issue themes identified in the literature for higher education between 1967 and 1997?
2. What issues have presidents at The University of Texas at Austin confronted as they carried out the duties of their office in the same time period? How were they similar and how were they different from other UT presidents of this period?

3. How have these same presidents perceived the issues they confronted?

Subjects

The subjects of this study were the UT presidents who served between the years 1967 and 1997. During this period, six individuals served in the capacity of university president; two individuals served as *ad interim* or acting president; one individual served *ad interim* before taking the position as president. Table 3 lists these individuals and their date of service.

Table 3: Former Presidents of The University of Texas at Austin

Former UT President	Date of Presidency
Norman Hackerman	November 1, 1967 – June 30, 1970
Bryce Jordan, *ad interim*	July 1, 1970 – June 30, 1971
Stephen Hopkins Spurr	July 1, 1971 – September 24, 1974
Lorene Lane Rogers	September 25, 1974 – September 11, 1975, *ad interim* September 12, 1975 – August 31, 1979
Peter Tyrrell Flawn	September 1, 1979 – August 31, 1985
William H. Cunningham	September 1, 1985 – August 31, 1992
William S. Livingston, Acting President	September 1, 1992 – December 31, 1992
Robert M. Berdahl	January 1, 1993 – June 30, 1997

For the purposes of this study only those individuals who served in the capacity of UT president for one year or more were utilized. Therefore, Bryce Jordan, who served *ad interim* and William S. Livingston, Acting President, were not

subjects for this study. The issues these two individuals encountered during their time of service began before they took office and continued to impact their successors after leaving office. Thus, no critical issues were neglected from the elimination of these brief interim term occupants of the office. Lorene Rogers served *ad interim* before assuming office. Given that she had a continuation of service, all of her years as chief executive officer were included in the study.

Procedures for Classifying Document Data

A classification system was developed in order to organize and analyze the data. This *a priori* system of classifying documents was employed because such a large volume of information was found covering this 30-year period; it was a tool for linking datum to datum and for making initial sense out of what would otherwise be disparate bits of information. National organizations specializing in the study of higher education were consulted to determine if any studies had been conducted regarding larger policy issues for higher education between 1967 and 1997. The Carnegie Foundation, an independent institution that conducts non-profit research activities, generates, critiques and monitors advances in the theory and practice of education, proved to have the best source of data. In 1980, the Carnegie Foundation commissioned a study that would summarize all the reports of the Commission on Higher Education and the Carnegie Council on Policy Studies in Higher Education. This included 15 policy reports and 38 sponsored research and technical reports

covering higher education conducted between 1967 and 1979. The result was published in a book, The Carnegie Council on Policy Studies in Higher Education: A Summary of Reports and Recommendations. To summarize the data analyzed from these studies, Clark Kerr (Carnegie Council on Policy Studies in Higher Education, 1980) developed six broad categories, which encompassed their content.

> *Social Justice*. The provision of equal opportunity for talent to be discovered and advanced is a central function of higher education.
>
> *Provision of high skills and new knowledge*. A rough balance in the labor market of supply and demand for high skills is essential to the effective operation of society.
>
> *Effectiveness, quality, and integrity of academic programs*. In this area, attention was concentrated on basic skills, broad skills, broad learning experiences, library resources, the role of the performing and creative arts, the place of the new electronic technology, the integration of education with work and service, and the integrity of academic life.
>
> *Adequacy of governance*. The policy reports under this heading were directed to the preservation of the independence of institutions of higher education; to the role of the faculty in governance, including through collective bargaining; to the influence of students and the appropriate channels for its expression; and to the need for effective administrative leadership and the conditions that make it possible.
>
> *Resources available to higher education*. Attention was directed both toward the human resources of faculty and students, including their changing numbers, characteristics, attitudes and interests; and toward the financial resources provided from federal, state, and private sources.
>
> *Purposes and the performances of institutions of higher education*. This concern was evident throughout most of the reports of both the Commission and the Council. The main purposes, throughout, were identified as: (1) the education of the individual student and the provision of a constructive environment for developmental growth; (2) advancing human capability in society at large through finding the training talent, developing new ideas, and enhancing understanding; (3) educational justice for the postsecondary age

> group; (4) pure learning – by supporting intellectual and artistic creativity; and (5) evaluation of society for self-renewal through individual thought and persuasion. (p. 1-2)

These broad areas represent national policy issues in higher education between 1967 and 1979. Since this particular study extended to 1997, a cross check was made with other sources of national policy and history to determine if these six categories were universal in their description of higher education. Other sources from national organizations focused on higher education were consulted to determine if the Carnegie series covered the essential issues for the time period being studied. The other works consulted included: Issues of the Seventies, by the American College Testing Program; The Unfinished Agenda: Higher Education in the 1980s, by the American Council on Education; Surviving the Eighties: Strategies and Procedures for Solving Fiscal and Enrollment Problems, a volume in the Jossey-Bass Series in Higher Education; Ten Public Policy Issues for Higher Education in 1997 and 1998, by the Association of Governing Boards; and The Challenges and Opportunities Facing Higher Education: An Agenda for Policy Research, by the National Center for Public Policy and Higher Education. The issues acknowledged in each publication post-dating the work of the Carnegie Council corresponded in general terms with the six areas identified by the Council.

After collecting the data, it became apparent that these categories needed to be modified in order to record the issues encountered by each president with greater accuracy and understanding. For instance, certain issues extended over several of the

categories, while other issues did not neatly fit under any one category. Therefore, in order to record the issues encountered by each president with enhanced precision, six modified categories were developed: governance, academic concerns, finance, legal actions, student life and significant incidents. These modifications did not greatly vary from the previous categories. Social justice was relabeled "legal actions." Two categories – provision of high skills and new knowledge; and effectiveness, quality, and integrity of academic programs – were combined and given the new heading "academic concerns." Adequacy of governance was simplified to "governance." Resources available to higher education became "finance." While purposes and the performances of institutions of higher education became "student life." One new category was added, "significant incidents;" this addition provided a way to describe particular incidents, which involved several issues. These modifications also simplified the descriptive characteristics of each category. For each former president, an introduction was also provided in order to reveal that individual's background. In cases where the president took his or her position after an interim presidency, information was presented concerning the relevant events and issues occurring prior to that president's appointment.

Document Analysis

In order to identify the significant issues each president encountered, past issues of *The Daily Texan*, the UT student newspaper, were examined. *The Daily*

Texan is the oldest college daily newspaper in the South and the largest college newspaper in the nation (Dupre, 2000) and has won numerous All-America awards from the Associated Press and the Pacemaker award (Reetz, 1971). Former *Texan* staffers have won sixteen Pulitzer prizes (R. Finnell, personal communication, September 6, 2000); thus, demonstrating the quality of journalism that is promoted and taught to *Texan* staffers. It serves as a consistent, daily source for news and events that focuses heavily on UT. In the words of Rob Addy, former editor of *The Daily Texan*, "As long as there is a University of Texas, there will be a *Daily Texan* to keep an eye on it" (Addy, June 6, 1999). A high probability exists, therefore, that its contents concentrated on major issues related to the institution, which were addressed by the president serving during the period covered by this study.

Past issues of *The Daily Texan*, beginning with September 1, 1984, were electronically searchable from the Internet. All the issues prior to this date were available on microfilm located in the Center for American History, a special collections library, archive and museum at The University of Texas at Austin. Issues beginning on January 9, 1974 were available on microfilm in the Undergraduate Library. For the purposes of this study, the front page, editorial page, university page (if available) and special editions were surveyed from those newspapers available on microfilm. Specifically, these pages were searched for any mention of the contemporary UT president's name. In all, 1,566 microfilm articles between November 1, 1970 and August 31, 1984 were found that mentioned the

contemporaneous UT president and were related to one of the topics from the *a priori* system of classification. The distribution of the number of records for each president by date is listed in Table 4. Relevant articles were then photocopied and organized.

Table 4: Number of Articles Found Using Microfilm Archives of *The Daily Texan*

UT President	Date of Search	Number of Records
Norman Hackerman	November 1, 1967 – June 30, 1970	282
Stephen H. Spurr	July 1, 1971 – September 24, 1974	287
Lorene Rogers	September 25, 1974 – August 31, 1979	569
Peter T. Flawn	September 1, 1979 – August 31, 1984	435
Total References		*1,573*

Issues of *The Daily Texan* after September 1, 1984, were electronically searched using the Internet. This covers the last year of service for Peter T. Flawn, who served from 1979 to 1985, and continues through the presidencies of William H. Cunningham and Robert M. Berdahl. The proper last name of the contemporaneous president and the date they served in office were used as the parameter for searching the electronic archive. Only the last name was used because the searchable database selected articles that contained the exact words entered. For instance, if a search were conducted on the words "Peter Flawn," the search engine would only identify those articles that exactly matched those two words. If an article referred to "President Flawn" or "Dr. Flawn," then that article would not be displayed. Using only the last

name posed some difficulty in that many individuals with the same last name might be referenced. For that reason, after each search was conducted, the articles were examined to be certain that they referenced the university president. This was a problem primarily with the proper name "Cunningham." Consistently, there were references to six other individuals with the last name of Cunningham. Among those were Isabella C. M. Cunningham, UT Professor of Advertising and wife of William H. Cunningham; Merce Cunningham, a well-respected choreographer at UT; and Ed Cunningham, a defensive tackle for the Longhorn football team.

After the president's name and dates were entered, the search engine retrieved the articles, which were listed in chronological order along with a brief description of the story's contents. From this search, 2,326 Internet-based articles between September 1, 1984 and June 30, 1997 were retrieved. The retrieved descriptions were examined to determine their relationship to the classification system. Selected articles were then printed and organized according to their relevance to each of the six categories[5]. Each of the six categories was then sorted according to the specific nature of each article; these commonly themed articles were then used as the basis for the narrative in each section. Those articles whose

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5 The articles retrieved from the Internet-based search engine did not contain page numbers; therefore, when quotations from these works are cited the page number was not included. Generally, articles after September 1, 1984 were retrieved using the Internet-based search engine.

information was used in the text were then recorded in the bibliography[6].

Table 5 identifies the number of records found for each academic year in which a given president served[7].

Table 5: Number of Articles Found Using the Web-based Search of *The Daily Texan*

UT President	Date of Search (September 1 to August 31)	Number of Records
Peter T. Flawn	1984 – 1985	107
William H. Cunningham	1985 – 1986	178
	1986 – 1987	191
	1987 – 1988	272
	1988 – 1989	231
	1989 – 1990	171
	1990 – 1991	231
	1991 – 1992	200
Robert M. Berdahl	January 1, 1993 – August 31, 1993	82
	1993 – 1994	21
	1994 – 1995	189
	1995 – 1996	243
	September 1, 1996 – June 30, 1997	187
Total References		*2,303*

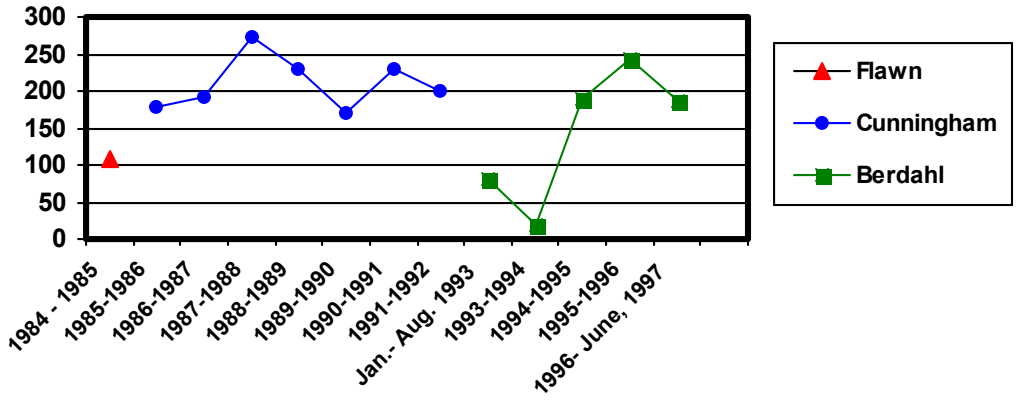
6 Due to limitations in the electronically searchable database, articles could not be precisely referenced in the bibliography; therefore, the general address for *The Daily Texan* database has been listed for each of these articles. To find a particular article, it is necessarily to search using a key word (such as the president's last name) and the date of publication.

7 Some irregularities occurred when searching for articles between January 1, 1990 and September 1991; therefore, microfilm was searched to ensure that no content was lost due to these irregularities.

September 1 was used as the beginning date for the academic year; August 31 was used as the end date. (Berdahl was the only president within the period of this Internet-based search that did not begin his term of office on September 1. Consequently, a search for articles began on January 1, 1993 when he took office and ran until June 30, 1997, his last day as UT president.)

Figure 8 graphically illustrates the distribution of the number of records for each president by date and shows some interesting differences in the number of references. For instance, during his first full academic year as president, Berdahl was referenced 21 times; the following year, he was referenced 189 times. This stimulated a great deal of curiosity regarding the issues during this time period and will be investigated to a larger extent in Chapter Four.

Figure 8: Number of Articles Found Using the Web-based Search of *The Daily Texan*



Using two different media – microfilm and the Internet – to search past issues of *The Daily Texan* provided interesting variations in information. Searching through past issues of *The Daily Texan* from 1967 to 1984 using microfilm, required that the search be narrowed to sections of the paper that contained the most pertinent source of information related to issues encountered by the president: the front page, university page (if available), editorial page and special editions. This kind of searching provided an enhanced understanding of the larger issues of the time, since articles regarding city, state and national news were scanned to determine if they were relevant to this study.

Searching past issues of *The Daily Texan* from 1984 to 1997 using an electronic database accessible through the Internet allowed for a complete search of all sections of the paper, rendering a more thorough investigation of the information. This also provided the unique opportunity to observe the number of times a president was mentioned. One difficulty arose with the Internet search; photographs and editorial cartoons were not searchable through this medium; therefore, microfilm copies of *The Daily Texan* were scanned for the years 1984 to 1997 for relevant photographs, editorial cartoons and information.

Supplemental sources of public information were consulted to determine if any defining issues were not identified in *The Daily Texan* and consulted when information found in *The Daily Texan* lacked sufficient detail. These documents included the *Alcalde* (the UT alumni magazine), University Council minutes,

presidential addresses to the General Faculty and "state of the university" speeches or both. Archived information (articles, speeches, press releases, letters of correspondence) found in the UT Office of Public Affairs[8] was an excellent source of relevant data. These supplemental sources contained approximately 2,800 additional elements of information through which to sort. In the end, approximately 6,700 sources of information from various documents were used to write the document analysis found in Chapter Four.

Procedures for Interviewing

The literature review and document analysis provided the basic framework for interviewing the former UT presidents or their cabinet members. An ethnographic, open-ended interview was conducted. Ethnographic interviews have been utilized by social scientists for over a century (Tierney, 1991). One definition of the ethnographic interview was presented by Becker and Greer (1972).

> The interviewer explores many facets of the interviewee's concerns, treating subjects as they come up in conversation, pursuing interesting leads, allowing imagination and ingenuity full reign as the interviewer tries to develop new hypotheses and test them in the course of the interview. (p. 133)

The specific protocol for these interviews was based upon the issues each UT president encountered. The interviewer incorporated general questions related to

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[8] Some of the files found in the Office of Public Affairs were moved to the Center for American History in July of 2002.

each issue as outlined by Patton (1990), who notes that there are six kinds of questions that can be asked in an interview: (1) Experience/Behavior questions ask what the person has done. (2) Opinion/Values questions are intended to understand what people think about an issue. (3) Feeling questions relate to a person's emotions regarding their experiences. (4) Knowledge questions concern the respondent's understanding of the information about a given issue. (5) Sensory questions elicit the respondent to think about the things relating to their sensory perception. (6) Background/demographic questions allow the interviewer to contextualize the respondent's situation.

The specific questions developed for the interviews can be found in Appendix B. These questions were used as guidelines; however, during the interview process, several of the former presidents volunteered much of the information needing to be discussed without the need of a question to prompt their answer. The former presidents also provided additional information not included in the interview questions, which added to the understanding of their circumstances. Interviews were scheduled in advance. Prior to the interview, the president or cabinet member was provided a letter explaining the general purpose of the interview and a request for their consent to audiotape the interview (see Appendix A). All gave their advised consent. Each individual was then interviewed in person. After the interviews were conducted, transcribed and written with a narrative description of their content, each president (excluding the individuals who served as members of Spurr's cabinet) were

given the written account of their interview as laid out in Chapter Five. Their reactions were noted and in some instances the flow of the interview (not the content) was adjusted to more accurately record the presidents' perceptions.

Limitations of the Study

While this study provided a detailed understanding of the issues encountered by UT presidents, serving between the years 1967 and 1997, it also presents some limitations to the inferences that can be made from these data. First, this study focused on one institution. Using one institution as a case study met the needs for this investigation; however, conclusions drawn from this examination are not necessarily generalizable to other institutions. For instance, this is particularly true for private institutions, whose governance structures and funding sources are unlike those of public institutions.

Second, a predetermined system of classification was utilized to group documents according to their content. This system was developed due to the vast amount of resources available over this period of time. Using another classification system might produce a slightly different data set. For the purposes of this investigation, the classification system worked well and allowed the researcher some flexibility in organizing relevant information.

Third, for the first seventeen years of the period being studied (November 1, 1967 to September 1, 1984), issues of *The Daily Texan* were not searched fully;

rather this investigation limited the search to the front page, university page, editorial page and special editions. Reading each page of every *Daily Texan* issue during this time frame might offer slightly different results.

Lastly, the interviews of former UT presidents or members of their cabinet were limited by the time available for the interview as well as the president's ability to recall facts without significant preparation. Some of the presidents were at a greater disadvantage than others because their term in office occurred at an earlier time. The first president to serve during the time period under investigation, Norman Hackerman, was asked to recall events some thirty-one to thirty-four years earlier, while Robert M. Berdahl was asked to recall events five to eight years earlier. In the case of Stephen Spurr, an interview was not possible; therefore, the perspective that was recorded was a combination of his own words, which were recorded shortly after his traumatic firing, and those of select members of his cabinet.

Summary

In considering the nature of this study, the determination was made to investigate the work of university presidents through qualitative research methods. Qualitative research provided an understanding of the research subject and produced descriptive data. Having chosen to conduct a qualitative analysis, a case study was then chosen to better observe one institution over an extended period of time.

Specifically, university presidents who served at The University of Texas at Austin between 1967 and 1997 were the subject of this analysis.

Information found in *The Daily Texan*, the UT student newspaper, was examined and classified related to each UT president. Supplemental sources were consulted to test if any defining issues were not identified in *The Daily Texan* and consulted when information found in *The Daily Texan* lacked sufficient detail. These sources included the *Alcalde* (the UT alumni magazine), University Council minutes, presidential addresses to the General Faculty and "state of the university" addresses or both, and archived information found in the UT Office of Public Affairs. These sources yielded a large quantity of information; therefore, a classification system was developed in order to identify the most relevant information. After all the document data had been collected, it was then organized using a modified set of six larger topics – governance, academic concerns, finance, legal actions, student life and significant incidents – developed from the *a priori* classification system. The written analysis of the data provided the basic framework for interviewing the university presidents or members of their cabinet in order to record their perceptions related to the issues pertinent to their time in office.

All but one of the former presidents who served over this 30-year time period was available for an interview. In the one case, former members of that UT president's cabinet were interviewed. Therefore, the opportunity to document historically the issues these presidents encountered was enhanced by the unique

opportunity to gather and record their perspectives or that of a cabinet member on these issues.

Chapter 4: Document Analysis

This chapter historically documents the issues encountered by presidents of The University of Texas at Austin (UT) who served between 1967 and 1997 by examining data found in *The Daily Texan* and other supplemental sources, including the *Alcalde* (the UT alumni magazine), University Council minutes, presidential addresses to the General Faculty and "state of the university" speeches or both, and archived information found in the UT Office of Public Affairs. This material not only contained written accounts of the presidents and the issues each encountered; it also contained noteworthy photographs and editorial cartoons. Understanding that a picture is worth a thousand words, these elements have been added to broaden the understanding of the individuals and sentiments involved. Narration along with these editorial cartoons has been included when the image is not self-explanatory.

This chapter has been organized chronologically by each president's tenure rather than topically. A topical organization would have taken the issue themes found in this study and shown their development over the years. However, it is important to examine each president's tenure in isolation in order to understand fully that individual's experience. Due to the nature of this study, this chapter is not an exhaustive history of UT Austin, but rather highlights those issues encountered by six UT presidents, which caught the attention of the media or were archived by the institution. The perspectives mentioned in this chapter, to a large extent, reflect the opinions of the UT student body, faculty, alumni, regents, private citizens, government officials and business leaders; only a small portion reflects the opinion of the individual president.

The issues encountered by each president are classified according to six broad categories identified in Chapter Three, which were developed specifically for this study: governance, academic concerns, finance, legal actions, student life and significant incidents. This documentation provided the basic framework for interviewing the university presidents or a member of their cabinet in order to gain their perspective on these issues. Chapter Five records the responses of the university presidents or members of their cabinet. After all the presidents' experiences were documented, generalizations were then recorded in Chapter Six.

Presidents of The University of Texas at Austin (1967-1997)

Norman Hackerman

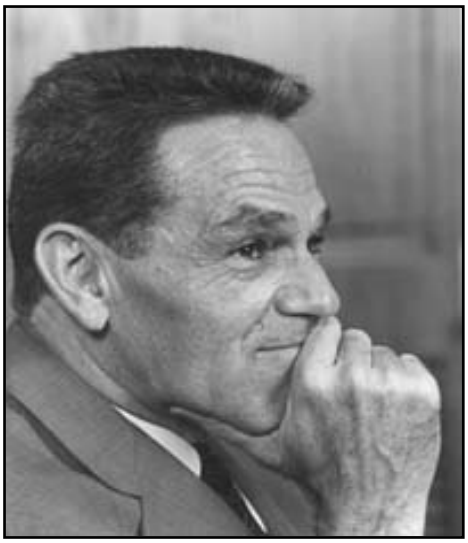

Figure 9: Norman Hackerman. (The University of Texas at Austin, Office of Public Affairs)

Born March 2, 1912 in Baltimore, Maryland, Norman Hackerman is the son of Russian immigrant parents who had no formal education (Ackerman, 2000; "Norman Hackerman," 1983). Hackerman's parents encouraged him to pursue formal education and in 1928, he enrolled at Johns Hopkins University. In 1932, he received a B.A.; in 1935, he received a Ph.D. (Maguire, 1970). While a graduate student at Johns Hopkins, Hackerman met Gene Allison Coulbourn and on August 25, 1940, they were married (Wheelock, 1970).

After completing his doctoral degree, Hackerman began his career as an educator, serving as an Assistant Professor of Chemistry at Baltimore's Loyola College. Hackerman left Baltimore in 1941 to become an Assistant Professor of

Chemistry at Virginia Polytechnic Institute. Shortly after taking this position, Pearl Harbor was bombed and Hackerman enlisted in the U.S. Navy and was commissioned as a Lieutenant. He continued in his position at Virginia Polytechnic Institute teaching future Army officers and was later transferred to New York City to serve as a research chemist where he worked with the Atomic Energy Commission's Manhattan Project (Hackerman, 1979; Maguire, 1970; "Norman Hackerman," 1983).

In October 1944, Hackerman came to UT Austin for a job interview. "Arriving on campus the day regents fired President Homer Rainey, he remembers having trouble 'getting anybody to pay attention to me'" (Ackerman, 2000, p. 39A). Notwithstanding the campus circumstances, he received an offer from UT to be an Assistant Professor of Chemistry, which he accepted despite the fact that it meant cuts in both salary and rank (Maguire, 1970).

> The campus was quiet when Hackerman and his wife, Gene, arrived in January 1945, "but the opportunity was right," he says. The only problem: no money for research. "Whatever you could find in the storerooms, you used. And you built all your own instruments," Hackerman recalls.
>
> But another military agency, the Office of Research and Inventions (now the Office of Naval Research), offered some money to support Hackerman's work on metal corrosion. The office funded his research until 1968. (Benningfield, 1993, 11)

Over the next 25 years, Hackerman rose steadily through the faculty and administrative ranks. In 1967, he was unanimously chosen to be UT President by a 10-member faculty-regent recommending committee as well as by the full UT Board of Regents (Rudes, 1967; Stephenson, 1967). Table 6 summarizes the positions held by Hackerman while at UT and The University of Texas System.

Table 6: Positions Held by Hackerman at The University of Texas at Austin or The University of Texas System

Position	Date
Assistant Professor of Chemistry	1945 – 1946
Associate Professor of Chemistry	1946 – 1950
Director of the Corrosion Research Laboratory	1948 – 1961
Professor of Chemistry	1950 – 1970
Chair of Chemistry Department	1952 – 1961
Dean of Research and Sponsored Programs	1960 – 1961
Vice President and Provost	1961 – 1963
Vice Chancellor for Academic Affairs, UT System	1963 – 1967
President	1967 – 1970

No matter what position he held, Hackerman insisted on continuing his academic responsibilities. In fact, he refused to take the job as Vice President and Provost until he was guaranteed that he could continue to teach (Maguire, 1970). "Faculty should be interested in lower-level instruction. They should teach at least one class a year. The wisest thing I ever did was to not separate myself from my own professional interests. I was not a born administrator" (Benningfield, 1993, p. 11). Hackerman was proud to be the only major university president in the country to continue to teach a freshman class (Maguire, 1970).

His administrative pursuits did not end his teaching activities; nor did they end his participation in scholarly societies or scientific endeavors. From 1968 to 1980, Hackerman served as a member of the National Science Board (a 25-member

policy-making body of the National Science Foundation). He also edited the Journal of the Electrochemical Society for 24 years and has been an editor or on the editorial board of a number of other publications (Simarski, 1993). At the time he was nominated for the UT presidency, Hackerman maintained a laboratory in the Chemistry Building and daily received "up to as many as 66 phone calls and letters from various parts of the world on research progress" (Rudes, 1967, p. 1). Clearly, Hackerman had a keen interest in the academic endeavors that have become a hallmark of American higher education: teaching, research and service.

Prior to November 1, 1967, when Hackerman took the position as UT President, Harry Huntt Ransom, served as both the chief executive officer of the UT System and UT. During a speech to the General Faculty, Ransom enumerated the growing needs of the multi-campus system and its flagship institution.

> In 1967, The University of Texas is far-flung, both in geographic location and in new institutional titles. Since 1961, the System has grown from 8 to 12 institutions, from about 25,000 students to about 55,000 and from 11,000 to 19,000 faculty and supporting personnel. I have very little respect for quantitative measurements of education, but those figures suggest that the System is badly understaffed. ("Documents and Minutes," 1967, p. 9254)

Ransom continued by listing the specific goals for the UT System in the coming decade, explaining that most of these require new methods of financing, specifically from gifts. Thus, his responsibility as Chancellor demanded greater attention to fund-raising efforts, leaving the System's flagship campus in need of someone who could devote their undivided attention to its management and leadership ("Documents and Minutes," 1967).

> Such projects are among the numerous reasons for my asking the Regents to change my own administrative assignment by eliminating direct administrative responsibility for the University of Texas at Austin. The Chancellorship, apart from Budgetary and public responsibilities already prescribed by Regents Rules, will be concentrated on planning and developmental activities including especially the newly founded Chancellor's Council and the University of Texas Foundation. I will continue direct work with programs of the Academic Center, the Humanities Research Center, and the Texas Quarterly. Otherwise, I will retain no direct responsibility for student and faculty activities. ("Documents and Minutes," 1967, p. 9255)

While still a presidential nominee, Hackerman outlined what he believed to be the priorities of the newly appointed president: the academic program, faculty quality, student retention and admissions requirements, student awareness of rights and responsibilities, and the physical plant (Rudes, 1967).

Hackerman began his term at a time when student unrest was high; student protests had become commonplace on many colleges and universities. In 1970, Fred Hechinger (1970), former education editor of *The New York Times*, stated that academic freedom on college campuses is embattled. It is embattled "not only by the hostility of the repressive right-wing throughout the country, but also by the coercive and occasionally violent radicalism within academia" (p. 33). The potential existed at UT for many unpleasant confrontations.

Significant Incidents

Waller Creek incident. Waller Creek is a small urban stream that flows south through the UT campus. One portion of the creek runs along San Jacinto Street south of Twenty-first Street, near the UT football stadium. On May 2, 1969, plans were

revealed by the Board of Regents to expand the stadium westward ("Tree Trouble," 1969). This expansion required San Jacinto Street to be repositioned closer to Waller Creek. Making this kind of change meant that trees along the east bank would have to be destroyed. The University chapter of the American Association of University Professors (AAUP) expressed disapproval of this expansion stating that those funds should be used for higher academic priorities. Others agreed that the stadium was expanding disproportionately over time to other segments of the campus.

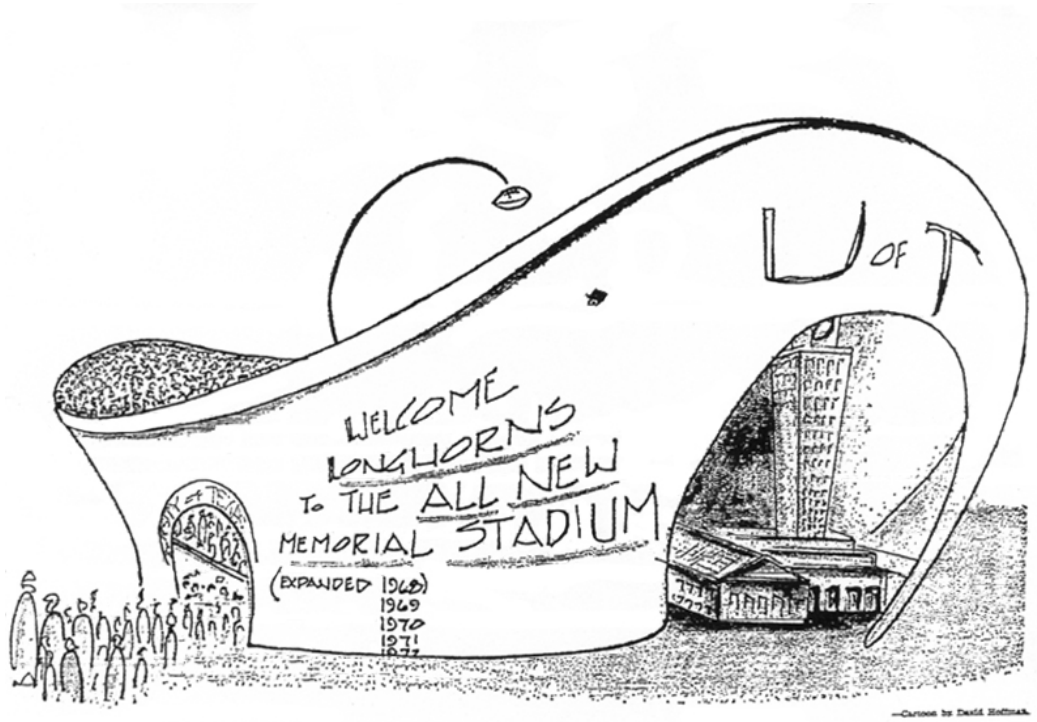

Figure 10: Editorial cartoon. (David Hoffman, *The Daily Texan*, November 5, 1969, p. 4)

President Hackerman responded that the intercollegiate athletics program could not continue as effectively with the current stadium. The new space would be used for

physical training with facilities for gymnasiums, rehabilitation rooms and an intercollegiate athletic office (Hinckley, 1969).

Students protested the destruction of the 30 oak and cypress trees along the east bank of Waller Creek (Abram, 1974a). Their protest erupted in confrontation when on October 22, 1969, after three days of protests, Regents Chair Frank Erwin appeared at the construction site, demanded that the crew remove the trees and ordered police to arrest any student obstructing the workers. “Arrest all the people you have to. Once these trees are down, there won’t be anything to protest” (Guenzel, 1969, p. 1). Students perched themselves in the trees and were forcibly removed by state, city and campus police. In all, twenty-seven were arrested (Britt, 1985).

Figure 11: UT police remove a protester from a tree near Waller Creek. (“Struggling,” 2001)

Figure 12: Frank Erwin overseeing work at Waller Creek. (“Trees Fall,” 1969)

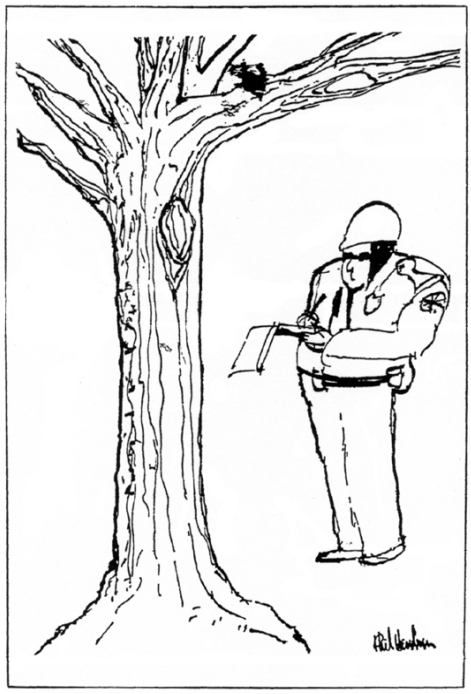

Figure 13: Editorial cartoon. (*The Daily Texan*, October 31, 1969, p. 4)

During this process, Hackerman was trying to work out a compromise with students giving them the opportunity to stall construction while a judge was considering a motion to enjoin the university from acting (Britt, 1985). The injunction was approved a few hours too late ("Campus Planning," 1969). While on the scene, Erwin refused to consider alternative plans offered by the students.

> You can't build the stadium addition without the trees coming down. We spent 18 months studying how to keep the damage to a minimum. If you move the stadium west, you have to move the street west, and the trees have to go. (Guenzel, 1969, p. 1)

Erwin was later asked whether he authorized Hackerman to take action. "Hell, I can't wait on the University administration. Some things have to be done

right now" (Frantz, 1983, as cited in Benningfield, 1993, p. 11). The bulldozers felled the trees and the crowd dispersed. Later that day, approximately 500 students gathered at the construction site to see the cut trees. One student directed the group to "Take the trees to Hackerman's office!" (Doyle, 1969, p. 1).

Figure 14: Students at Waller Creek. (Doyle, 1969)

Following this command, the crowd seized branches and stumps, dragged them to the Main Building and piled them in front of the main entrance (Elliott, 1969c). They then began to shout, "We want Hackerman!"

> After the trees were down, Erwin did not take any of the responsibility for explaining the morning's happenings. He left the campus. He also left President Norman Hackerman holding the bag – the aftermath of clearing Waller Creek being a rally at Hackerman's front door and meetings with students and press. ("Erwin's Action," 1969, p. 4)

From the crowd gathered in front of the Main Building, a six-member student committee headed by Joe Krier, President of the Student's Association, held a two-hour closed meeting with President Hackerman. One of the agreements reached

during this time was that Hackerman would set up a meeting between students and Frank Erwin (Flocke, 1969b). Upon hearing this agreement, the crowd disbanded peacefully (Elliott, 1969c). The following day, Erwin met with these students, four of which walked out when Erwin refused to use his position to have the charges against the student protesters dropped. The group also requested that the administration accept the Waller Creek recommendations proposed by an architecture faculty-student committee and that Waller Creek be developed as a green area. Erwin committed to looking into the possibility of a master plan for university expansion given that the last master plan was made in 1934 (Flocke, 1969b). One student asked Erwin to resign if he would not comply with their requests. Upon hearing this, Erwin chuckled (Flocke, 1969b).

On Wednesday, after the situation settled down, the same students who had earlier protested the work of the construction crew appeared at the site to assist workers in clearing the creek bed of debris. A "clean-in" and "plant-in" were scheduled for the following Saturday (Flocke, 1969b). Vice President for Student Affairs Bryce Jordan entreated students to wait until the contractors had finished their work, warning that the injunction to prohibit work at the site could be dissolved. If that were the case, the group's efforts would be for naught (Carter, 1969). That Saturday several hundred people gathered to plant 50 new trees donated by nurseries and other sympathetic donors. This group included some of those who had come to watch the football game between UT and Rice University. Black

ribbons were tied around the remaining tree trucks and signs were posted reading, "Only Erwin can kill a tree" (Carter, 1969, p. 1). It is unclear whether the individuals involved in this beautification effort understood the fact that the contractor still had work to do around the creek or if they were deliberately trying to cause another confrontation ("Waller Stand," 1969). In any case, the university administration, led by Hackerman, made significant efforts to avoid any more altercations.

The restraining order had been lifted the next Monday and Hackerman announced that the expansion would continue. He further stated that work would not resume until the following day in order for individuals to remove the trees they had planted ("Waller Stand," 1969). A noon rally was held after hearing the court's ruling and Daniel Willard, Professor of Botany and Zoology and one of the plaintiffs, urged students to abide by the court's decision. "It won't do any good to get arrested a second time and besides, we don't have the bail money" ("Creek Construction," 1969, p. 1). No decision had been made regarding the charges against the students who had earlier been arrested. Protesters spent Monday night beside the creek. At 6:30 a.m., groundskeepers arrived to remove the saplings. The students assisted and moved their possessions out of the area without interfering (Thompson, 1969a).

Hackerman once again reassured students that there was a good chance that they would be allowed to develop the west side of the creek after construction was completed ("Creek Construction," 1969). Hackerman also assured students that they would be included in future planning efforts ("Campus Planning," 1969).

Accordingly, he appointed four faculty members and four students to serve as a special committee to counsel the Faculty Building Advisory Committee about future development and preservation efforts surrounding Waller Creek (Carter, 1969). The Student Assembly passed several resolutions suggesting changes in UT's planning process. Their proposal "does not call for a 'master plan,' but rather attempts to create a situation where proper priorities may be set, many alternatives considered and reasonable direction established" ("Students Need Voice," 1969, p. 4).

The Waller Creek incident received a great deal of press; in fact, a photo of the students in the trees made the Herald Tribune in Paris, France ("Documents and Minutes," 1970). In his address to the General Faculty, Hackerman stated that he saw the Waller Creek incident not as an ecological matter, but rather as a protest against intercollegiate athletics ("Documents and Minutes," 1970). Still others speculated that the difficulty was caused or at least exacerbated by Erwin's role.

> Many were even more dismayed by the way the incident was handled. Board of Regents Chairman Frank C. Erwin Jr. and members of the University System interfered with a matter that should and could have been dealt with by the local administration of this institution. ("Waller Stand," 1969, p. 4)

> The trees – and students – lost, but already deeply rooted anger against the administration grew.
>
> "Now all the trees are torn down," Morrison wrote. "A small patch of trees resulted in twenty-seven arrests and embarrassing publicity for The University – because Frank Erwin had to run the show his way. His way was fantastically inept. . . .The days of the University being accurately referred to as Frank Erwin's University must come to an end. It is time for power to be given to the Institution's administrators, faculty members and students, where it belongs." (Copp & Rogers, 1999, p. 93)

In reaction to the Waller Creek incident, the Ex-Student's Association created a farcical award – the Distinguished Axe Award. This award was given to Erwin for his "patient and understanding" communications with the UT faculty and students ("Erwin Axed!," 1969, p. 1).

At the next General Faculty meeting, a resolution was adopted concerning the incident. "The faculty expresses its deep concern with the low priority accorded the natural environment of the Austin campus in planning for future expansion and physical alteration" (Thompson, 1969a, p. 1). They recommended that the administration consult in advance with the university community, especially the Architecture Department and the standing committee of students and faculty that oversee the planning process.

In reaction to the Waller Creek incident, the UT Board of Regents passed a rule prohibiting UT System presidents from negotiating with disruptive students[9] (Smith, 1969). The new rule was a reaction against Hackerman's decision not to unleash more than 59 state, city and campus police officers upon students obstructing the front entrance to the Main Building (Elliott, 1969c).

Mark Morrison, editor at the time of *The Daily Texan*, stated, "the whole [Waller Creek] incident could have been avoided if the administration had made its plans known" ("Tree Trouble," 1969, p. 11). Hackerman responded that it had not

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9 This rule is still in the *Regents' Rules and Regulations* today – Part One, Chapter VI, Section 11 – and has affected UT Presidents since Hackerman's term (The University of Texas System, 1988).

been a secret, but that the current interest in environmental pollution has created a condition where these kinds of projects stimulate more interest. He then pointed out a similar project 10 or more years before, which required some trees to be cut down in order to make room for the Drama Building. No one thought about protesting at that time ("Tree Trouble," 1969). Morrison went on to make the point that the Waller Creek incident was a case in point of the failure of communication between the administration and students.

This one incident demonstrates the interrelated nature of the various issues under examination – governance, academic concerns, finance, legal actions, student life and significant incidents. Governance became important when Regent Erwin assumed responsibility for the situation, ignoring President Hackerman's desire to resolve the situation using other means. Their opposing viewpoints and actions raised questions about the authority of board members and presidents. Academic concerns were apparent in Hackerman's statement that the new addition would enhance the intercollegiate athletics program. The UT chapter of AAUP highlighted academic and financial conflicts, maintaining that the stadium expansion was an inappropriate use of funds. They believed that academic endeavors should be a higher priority than athletic ventures. During the incident, legal actions were taken; injunctions were issued and protestors were arrested. The students were the initiators of the incident. Destroying the trees conflicted with their deeply held value for the

environment and perhaps, their concern that administrators valued athletics more than the environment.

Chuck Wagon incident. Another incident occurred, which was more explosive than the destruction of trees at Waller Creek. On Friday, November 7, 1969, the Texas Union Board of Directors voted to block non-UT students and personnel from using the Chuck Wagon, a popular dining facility housed in the UT student union on the north end of the first floor that served approximately 6,500 customers daily (Elliott, 1969, p. 1). The decision was made based upon District Attorney Bob Smith's call for an immediate investigation by the Travis County Grand Jury on activities at the Chuck Wagon (Flocke, 1969c). The day before the Union Board's decision, two plain clothes Juvenile Officers from the Austin Police Department were assaulted in an attempt to take an 11-year-old runaway girl into custody. Smith indicated that he had considerable evidence supporting charges of drug abuse in the dining facility ("Union Board," 1969, p. 1). Charlie Holdorf, a student manager, speaking to the Board stated that he had received complaints from men who had been propositioned in the Chuck Wagon and that the facility had become a place for "dope pushing, pot smoking and prostitution" (Elliott, 1969a, p. 1).

Indeed, the trouble had been building for some time. In late September, 1968, the administration requested the Union Board of Directors to assist in handling persons, "who misused the Chuck Wagon by bringing weapons into the room,

releasing animals. . .stacking dishes until they fell, burning napkins on tables, pilfering food items, and destroying furniture" ("Special Committee," 1970, p. 4). The Union Board declined stating they had no jurisdiction over Union dining areas. On June 1, 1969, the UT Board of Regents transferred the jurisdiction to the Union Board of Directors ("Special Committee," 1970). About this time, the Union Board also became concerned about the "use of lounges in the Union for lengthy periods of time for sleeping by juveniles often estranged from their homes. . ." ("Special Committee," 1970, p. 4). On September 25, 1969, campus police arrested a number of persons for sleeping in the building. In protest, a group of individuals who slept in the Union on a regular basis called for a "sleep-in" to be held October 2 on the Union patio. This event occurred without incident ("Special Committee," 1970).

The Union Board composed of six students and three faculty members made the decision to limit the use of the Chuck Wagon facilities to current UT students, faculty, staff and their families for a two-week period in the hope that it would prevent action from an outside agency and give them time to devise a long-range plan ("Union Board," 1969). Hackerman commenting on the Union Board's decision stated that the policy would be continued past the two-week period (Elliott, 1969a). "I agreed with the decision of the board and, were I a member of the board, I would have voted for it" (Hackerman, 1969, p. 4). The day following this decision, managers checked the identification of customers before they were allowed to enter.

Students were irritated at this new requirement and blamed Union President Steve Van for these restrictions ("Special Committee," 1970).

A former UT student who pushed his way into the restaurant was arrested when he refused to leave. Bryce Jordan, Vice President of Student Affairs, ordered the doors to be locked after the former student entered because he felt there was a "clear and present danger of a riot" (Elliott, 1969a, p. 1). After the offender was removed, Union Director Jack Steele ordered the Chuck Wagon to be closed.

Figure 15: Editorial cartoon. (H. Ivey, *The Daily Texan*, November 11, 1969, p. 4)

On Monday, two days after the arrest, the facility was reopened. That same day a noon rally was held from which approximately 60 persons entered the Chuck Wagon and held a meeting to denounce the Union Board's decision to limit access (Flocke, 1969c). This group also remembered the difficulty at Waller Creek with Erwin and speculated his involvement in the current crisis.

> During the debate at the Chuck Wagon on Monday, subjects ranged from the present problem to Frank Erwin to PEO [Program for Educational Opportunity], 'Frank Erwin is the cause of this,' one student speaker said. Many agreed. Logically this was not true. Erwin has had little or no hand in the present crisis. He has said not one word, publicly. But emotionally Erwin might well be the cause of Monday. His actions have created much of the anger, frustration and tension present Monday. He has set an example to Jordan and to radical students to be uncompromising." ("Crisis Attitude," 1969, p. 4)

Steve Van and Joe Krier, President of the Student's Association and member of the Union Board of Directors, told the group at 3:30 p.m. that the Chuck Wagon would close at 4:15 p.m. and those without proper identification would be arrested. They also urged the crowd to move to the Main Ballroom where they could continue their discussion. They answered him shouting "Hell no, we won't go!" (Flocke, 1969c). Seeing that the situation had become volatile, Vice President Jordan then consulted Chief of Campus Police Allen Hamilton who determined that the 20-member UT police force could not handle the situation. Hamilton called state and local police for assistance (Lewis, 1969).

Figure 16: Police responding to the Chuck Wagon incident. (Flocke, 1969c)

> For three hours the crowd had stood steadfast in its demands that the Chuck Wagon be open to everyone – student and non-student. But in the face of police action, many headed for the exits. During the last frantic five minutes [of negotiations] a number of women wove through the crowd passing out wet paper towels to protect against possible tear gas attacks. "Don't rub your eyes, take off your shirts and wrap them about your heads," a voice droned on the bullhorn.
>
> While the crowd pressed toward the two glass doors of the Chuck Wagon, a contingent of twenty-five olive-helmeted Department of Public Safety officers pushed into the north entrance. An equal number of security officers filed in the East Door.
>
> Dishes crashed to the floor as tables were overturned by fleeing demonstrators. "Sieg Heil, Sieg Heil," the crowd screamed with hands raised in a Nazi Salute. "Sooey Pig, Oink Oink!" some shouted.
>
> As DPS officials struggled to lock doors, the crowd began to surge in, throwing ball point pens and kicking at officers. A stream of mace drove them back against the wall and into the Union Courtyard. But as patrolmen secured the door, a rock crashed through, splintering glass to the floor and into one officer's eyes. (Elliott, 1969b, p. 1)

> At the north door of the Chuck Wagon another battle developed. When the crowd refused to disperse, an officer sprayed Mace. Students fell away covering their eyes.

> Outside, students gathered around two trucks serving as paddy wagons. Police formed a circle around the trucks. . . .
>
> Others were arrested after police arrested a man for letting air out of truck ties. As police tried to handcuff him, the crowd surged forward, and several people tried to drag the prisoner away.
>
> A tug-of-war developed. The police pulled out night sticks and pushed the crowd back. (Flocke, 1969c)

Figure 17: An officer restraining an individual during the Chuck Wagon incident. (Flocke, 1969c)

> The crowd yelled as the arrested people struggled with the police. Several more times the crowd surged forward, trying to rescue arrested people.
>
> As the men were driven away in the limping trucks, the crowd followed out into the street. The police who were marching back from the trucks were verbally harassed.
>
> An officer chased a student he thought had hit him with a rock and tackled him. The student tried to get away and three more officers jumped on him. He struggled for a moment until he was handcuffed. (Flocke, 1969c)

In the end, eight people – five of them UT students – were arrested ("8 Arrested," 1969).

On Tuesday, 2,500 students gathered for another noon rally on the Main Mall. This time the meeting was peaceful. A smaller student conference was also held with UT administration officials: Norman Hackerman, Bryce Jordan and Dean of Students Stephen McClellan. The group debated ideas for a reasonable solution to the problem; by 1:00 p.m., the crowd had dwindled to less than 350 people (Hackerman, 1969; Lewis, 1969). A student referendum was held the following Friday to determine whether the students supported the Union Board's decision to limit the use of the Chuck Wagon. This vote not only affirmed the Union Board's decision, but also favored restricting the entire Union building ("Board Responds," 1969).

Hackerman expressed his thoughts on this matter in a statement appearing in *The Daily Texan*.

> In my first remarks to the General Faculty as president of the University (May 14, 1968), I emphasized that the primary concern of this administration is for students. The regard of the faculty, administration and regents for the judgment and maturity of students here has been expressed in many ways since this time. Most significant, perhaps, is the addition of student members to the University Council and to the policy making committees formerly composed exclusively of faculty members and administrators.
>
> It is important to understand that although the regrettable occurrences of Monday afternoon will be ascribed to the Union board and or the University administration, those events would not have taken place at all if those who forcibly entered the Chuck Wagon had used the meeting provided by the Union board to make their case that afternoon.
>
> In concluding this statement, it must be reiterated that violence is antithetical to the atmosphere of reason in which a university should exist. (Hackerman, 1969, p. 4)

In reaction to the Chuck Wagon incident, the Faculty Senate created a Special Committee to study the event and made recommendations based on their findings ("Special Committee," 1970). One criticism in the report stated that President Hackerman ". . .was evidently not consulted about the request to the Department of Public Safety for assistance at 1:32 p.m. . ." ("Special Committee," 1970, p. 4). In a subsequent statement, Hackerman pointed out that it had been a long-standing policy that the authority to summon outside law enforcement assistance had been given to four members of his staff: Vice President of Academic Affairs Gardner Lindzey, Vice President for Business Affairs James Colvin and Vice President for Student Affairs Bryce Jordan, and Chief of Campus Police Allen Hamilton.

After the Waller Creek and Chuck Wagon incidents, another threat arose – vandalism. Seven fires were reported in the Union Building and two more fires in the Main Building. At the stadium, a firebomb was discovered on the field by grounds personnel. Before the Baylor game, ground glass had been spread on the Astroturf. Greater security measures were taken to maintain safety at the stadium, including increased surveillance and better lighting (Hicks, 1969).

Clearly, the Chuck Wagon incident demonstrated student frustration about enacted regulations, which affected their everyday lives. The situation became more intense because of the involvement of non-students. The investigation of the District Attorney necessitated the change in policy. Hackerman, Jordan and the Union Board were in a difficult position. They valued safety more than open access; students

valued access and saw no danger in continuing current policies. Space, time and communication became important factors in resolving this situation. The occupation of the Chuck Wagon intensified the emotions of students. Time was critical as students were given an ultimatum to vacate the premises. Communication with the Union President and President of the Student's Association was disregarded; however, communication with Hackerman on the day following the occupation soothed student concerns. Fortunately, this incident ended with little physical injury to participants.

Kent State protest. Monday, May 4, 1970, stands as a dark day in university life. On that day, four students at Kent State University were killed and nine others wounded when National Guards fired upon a group of 2,500 who were protesting the invasion of Cambodia ("Chronology," 1999). On college and university campuses across the country, students held marches, strikes, sit-ins and candlelight services for the fallen (Copp & Rogers, 1999). The day following the Kent State tragedy, UT students held a noon rally, which turned into a march around the campus. As the protestors' passion built, they broke from the campus route and advanced to the Capitol where they were met with tear gas from Austin police (Avery, 1970).

On Wednesday, the crowds reconvened on the Main Mall and listened over a public address system to a meeting between Hackerman and four students, including the President of the Students' Association. The students demanded that the institution be closed in honor of the dead; Hackerman refused, but announced that

the university would sponsor a series of teach-ins – informal classes where faculty and students gathered to discuss events – around campus on Thursday and Friday. This decision came several hours after a force of 9,000 protestors assembled on the Main Mall (Elliott & Kennedy, 1970; Yemma, 1970). Leaders of the group determined to march in the tradition of Martin Luther King, nonviolently.

On Thursday, the faculty passed a resolution supporting the strike. Before President Hackerman had a chance to consider the measure, the UT Regents rejected it ("The Week," 1970). The students applied for a parade permit, which was rejected by the Austin City Council. Furthermore, Governor Preston Smith threatened to call out the National Guard (Copp & Rogers, 1999). The stage was set for a riotous day. Incredibly, UT law students successfully convinced Federal Judge Jack Roberts to intervene, setting a restraining order against the city's parade ordinance and opening the streets to protesters. The tensions of the week broke as 25,000 people peacefully marched down Congress Avenue to the Capitol (Flocke, 1970; "Political Unrest, 1980; "Recent Events," 1983).

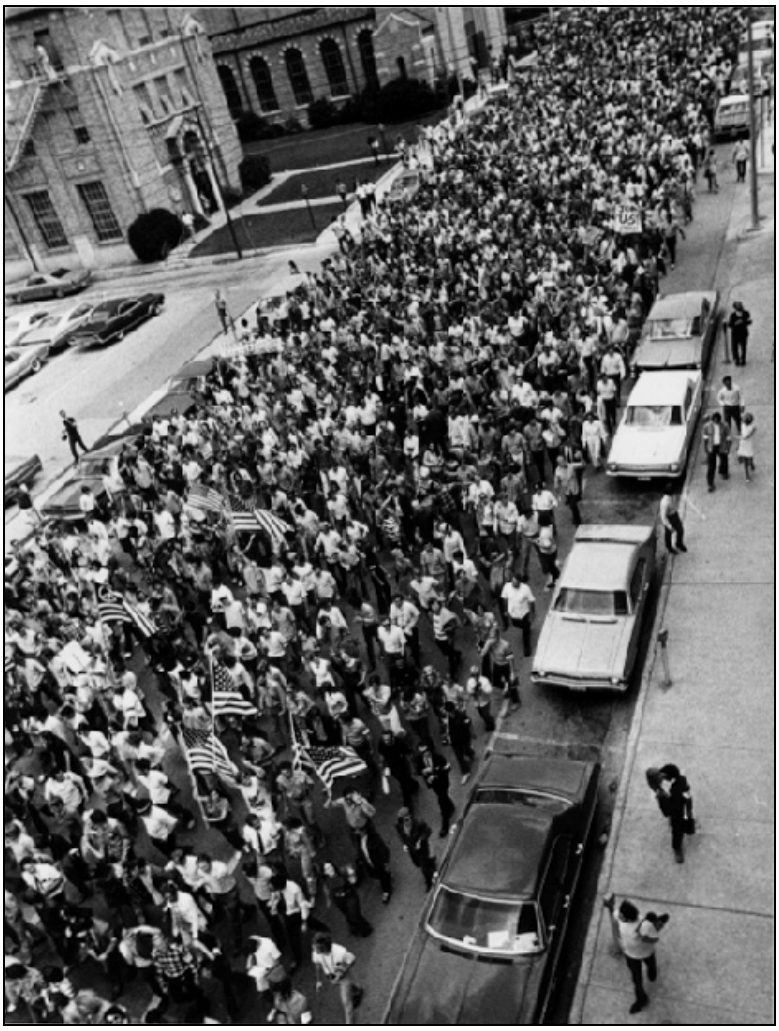

Figure 18: Protesters marching from UT to the Texas State Capitol in protest of Kent State and the Vietnam War. (Center for American History, UT-Austin, CN01963, Prints and Photographs Collection)

At a later University Council meeting, Hackerman expressed his appreciation to students and faculty for letting good sense prevail so that the purposes of the protests were carried out without the need for excessive violence. Hackerman "felt that force did very little besides begetting counter force, which begot further force and further counter force. He was proud to be a member of the University faculty

which handled itself as this one had done last week" ("Documents and Minutes," 1970, p. 10057).

All three of these incidents demonstrate the potentially volatile nature of student unrest at UT during the late 1960s. Hackerman understood this volatility. "Universities are turbulent places, which in one sense simply mirror a turbulent society" (Hackerman, 1970, p. 7). Hackerman also believed that universities are more prone to unrest because they attract radical thinkers (Hackerman, 1970). UT was more vulnerable because of its large size. "Wherever you have a great number of students gathered together, you're more apt to have people who make inquiry about the procedures, about how the system operates, about the propriety of decision" (Evans, 1968, p. 9). These incidents also reveal the larger issues encountered by President Hackerman while in office; hence, a more careful examination of these larger issues is warranted.

Governance

Lyndon Baines Johnson. Among those rumored to have sought control over policy decisions at the University was President Lyndon Baines Johnson (LBJ). President Johnson, a native Texan who graduated from Southwest Texas State Teachers College in San Marcos, had determined to have a relationship with UT upon retiring from the presidency in January 1969. His office was located on the UT campus in the Lyndon B. Johnson Library and Museum, which was the sixth

presidential library administered by the National Archives and Records Administration. Its primary purpose was to preserve LBJ's papers and memorabilia for research purposes (Elliott, 1968; "Biographical Chronology," 2001). In 1970, the LBJ School of Public Affairs was established to provide graduate education in public policy and administration (Berry, 1980). Regent Frank Erwin, was instrumental in overseeing the new relationship between LBJ and UT. "We hope to have a dean and faculty so that formal activities (of the LBJ School of Public Affairs) may open in September, 1969. . .His [President Johnson's] experience should substitute for whatever degrees he has or does not have" (Elliott, 1968, p. 1).

Another regent commented privately, "Lyndon Johnson was trying to get control of the university to make his deal on the campus the biggest thing out there. The question among those powerful men was not whether to exploit the university, but how" (Dugger, 1974, p. 36). In 1967, an article from the Texas Observer noted that,

> Further jeopardizing the equilibrium that Ransom and others of his administration have sought to effect are the close ties between Texas' government and the White House, whose chief occupant, a Texan, is most sensitive to criticism, and particularly to criticism of the U.S. role in Vietnam. (as cited in Friedel, 1969, p. 1)

Frank C. Erwin Jr. These bold statements show some evidence of LBJ's influence at UT. However, that influence seemed to be manifest more through the work of Regent Erwin, who was appointed to the UT System Board of Regents in 1963 and again in 1968 and served until 1975 (Hooker, 1981a).

Figure 19: Lyndon B. Johnson looking over Regent Frank Erwin's shoulder at dedication of Sid Richardson Hall. (Center for American History, UT-Austin, CN11105, Prints and Photographs Collection)

From 1966 to 1971, he presided as Chair of the Board. During this time, he frequently represented UT System and its flagship campus before the Texas Legislature (Dupont, 1969a; "Erwin, Frank Craig, Jr.," 1999). Erwin's tenure on the Board of Regents and presence in Austin impacted four UT Presidents: Norman Hackerman, Stephen Spurr, Lorene Rogers and Peter Flawn. Therefore, in order to better understand Erwin's relationship to UT and the UT System, some consideration should be given to his long history with these entities.

In 1937, Erwin was salutatorian of Waxahachie High School and entered UT as a freshman. While a student, Erwin quickly rose in status, becoming a leader in his fraternity, Kappa Sigma. Academically, his performance was outstanding. When World War II broke out, Erwin joined the Navy. Five years later, he returned to the University. As President of the Interfraternity Council, he led students in an effort to get Jake Pickle, who later served in the U.S. Congress, elected as president of the UT student body. In the end, Pickle lost to an independent candidate, John B. Connally, who was elected Governor of Texas in 1962. Even as a student, Erwin understood the role and power of the UT regents. Opposing the firing of UT President Homer P. Rainey[10], the young Erwin wrote a letter to the regents "damning" their action (Thompson, 1969b, p. 1; "Erwin, Frank Craig, Jr.," 1999).

In 1948, Erwin graduated with a law degree and stayed in Austin to practice law. He continued to be active in the life of the University, serving as an alumni adviser to his fraternity and founding the Longhorn Club, a statewide booster club for UT athletics (Thompson, 1969b). Erwin entered the political arena, developing friendships among those of the Democratic Party, including former U.S. President Lyndon Johnson, former Texas Governor John Connally and former Lieutenant Governor Ben Barnes (Thompson, 1969b).

> The Johnson-Connally group in Texas was organized in circles around Johnson, and as one of Connally's earliest supporters, Erwin became one of

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10 Rainey was fired because he refused to dismiss, without proper justification, a number of faculty members whom the Board of Regents considered liberal (Copp & Rogers, 1999).

> the power-brokers closest to the center. Spinning about in his Cadillac painted the school colors of orange and white, tilting gaily with the socialist student president in the statewide press, sporting around in an orange blazer at the regents' parties before the big games, putting the knuckle on his administrators, he could be witty, shrewd, entertaining – and mean, profane, and abusive. (Dugger, 1974, p. 35)

As a regent, Erwin was devoted to his alma mater and its system. "My work for the university has been a labor of love. I'd like to be remembered as a fellow who was dedicated to the university and accomplished something for it" (Abram, 1974a, p. 1). Though controversy repeatedly surrounded Erwin, he was able to significantly impact the finances and enrollment of The University of Texas at Austin and The University of Texas System.

> Working closely with his political allies in the state legislature, he increased university appropriations from $40.4 million in 1963-64 to $349.7 million in 1975-76. He further increased the system's available revenue by expanding the bonding capacity of the Permanent University Fund from 20 percent to 30 percent. Much of the money was allocated to expanding university's physical plant, and the building contracts issued by the regents during Erwin's tenure totaled more than $762 million. . . .The system's enrollment also increased rapidly, from 29,940 in 1963-64 to 77,437 in 1974-75. ("Erwin, Frank Craig, Jr.," 1999, p. 1)

> The UT System expanded. From 1964 to 1971. . .campuses took root in far-flung regions of the state. UT-Austin. UT-San Antonio. UT-Dallas. UT-Arlington. UT-El Paso. UT-Permian Basin. Medical schools were established or enlarged in Galveston, Dallas, San Antonio. (Yemma, 1977, p. 12)

Erwin made every effort to use his authority to shape the university into what he believed would make it a great institution. Unfortunately, Erwin's private interests frequently collided with public opinion as has been demonstrated in the Waller Creek incident. He had little tolerance for student protests as he once sneered,

"Students have the morals of a fig" (Szilagyi, 1980b). He had a tempestuous relationship with faculty and many alumni. On a number of occasions, students and faculty requested Erwin's resignation; these requests were dismissed by Erwin, the Texas Legislature and the Texas governor. After Hackerman resigned to become President of Rice University in 1970, a letter to the editor of *The Daily Texan* illustrated student opinion about Erwin's leadership versus that of President Hackerman. Please be informed "that many University of Texas students would be quite willing to accept Dr. Hackerman back to the Austin campus, provided Rice is willing to accept Frank Erwin in exchange" (MacNaughton, 1971, p. 4).

Hackerman recognized that universities were places for participatory democracy. "It's not a bad sign. It makes for better judgments by having more people, but it's just more difficult. This fact causes a university president's term to be short" (Jayson, 1974, p. 1). Hackerman maintained that the political context of his position as President provided him less academic freedom than any faculty member (Morrison, 1970b). Indeed, the UT President had to consult with many campus constituents, both internal and external to the university, in order to articulate common goals and negotiate areas of involvement. On numerous occasions, these negotiations faltered. Hackerman also questioned the continuing development of the UT System.

> I wasn't convinced a (UT) System was desirable (and Erwin was). The formation of the system diminished the brightness of the campus as a university. . .But in an era of mass education, that (the system) may have been the only choice available. (Hooker, 1981a, p. 1)

Academic Concerns

Quality of teaching. Questions were raised by students about the quality of teaching, especially concerning the role of teaching assistants at the University. Hackerman stated that poor teachers are more likely to be found among teaching assistants, who are also graduate students, but "they can not be categorically called bad instructors" ("Hackerman Upholds Board," 1968, p. 1). According to his estimation, approximately 10 percent of teaching assistants are "uninterested or unqualified," a situation that he was working to solve ("Hackerman Upholds Board," 1968, p. 1). In evaluating higher level faculty, Hackerman stated that faculty who conduct their own research make better teachers than those not engaged in research ("Hackerman Upholds Board," 1968).

Questions were raised regarding the relationship between size and educational quality. In 1968, enrollment at UT was approximately 32,000. Responding to this concern, Hackerman stated

> . . .I don't think we can make the statement that there is a necessary relationship between size and quality, whether small size or large size.
>
> You can have good large institutions. . .or poor small institutions. One of the advantages of size is diversity. . . .The fact of the matter is the problems of size really are restricted to one area, and that's the undetermined majors in the College of Arts and Sciences. In the university we have many, many small units – a unit with 50 people init, 100 people in it – in which the students can get to know specific faculty very well: say in music, art, psychology, management, electrical engineering and so on.
>
> It's in the very large bulk of students who have not yet determined what they want to do that we have whatever problems there are in matters of size. And it's precisely these people who have the opportunity to see the diverse character of programs in a place like this. . . . (Evans, 1968, p. A18)

The Texas Higher Education Coordinating Board proposed an enrollment limitation for UT of 35,000 students[11] (Evans, 1968). When asked about this proposal, Hackerman responded

> A numerical limitation is a very efficient way of doing things, but it is essentially unfair. You can limit in terms of sheer numbers – first come, first served; you can limit in terms of only the very, very best students; or you can do it by saying that we'll put all the requests for admission into a basket and pick them by stochastic process – just on the basis of probability.
>
> Of the three, by the way, I prefer the last. I am not an advocate of higher selectivity in an educational institution – particularly a public institution. I don't advocate it for a very simple reason. The person who finds himself immersed only with other highly intellectual people is living in an unreal world. That's not the way the world is.
>
> I much prefer. . .to be in an institution where the whole spectrum is available.
>
> I much prefer limiting by programs and by facilities. When a program has reached a point where it's stretching the capabilities of whatever facilities are available to it, then a decision has to be made. Either you increase the facilities or you limit the program. (p. A18)

Discontinuation of minority recruitment programs. In the fall 1969, the Board of Regents voted to discontinue two programs aimed at minority recruitment and retention: the Program for Educational Opportunity (PEO) and the Council for Legal Educational Opportunity (CLEO). PEO was a provisional admissions program designed for students who do not meet UT's entrance requirements. Through this program, students attended UT in the summer or spring semesters and were required to pass four specific courses. Students were given full financial aid, tutoring and counseling in order to facilitate their success ("Hackerman Backs," 1969). CLEO

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[11] Between 1960 and 1970, UT's enrollment doubled from approximately 20,000 to 40,000 students ("Expansion," 1980).

was a similar program for UT's School of Law. In a question and answer session with the Mexican American Student Organization (MASO), Hackerman stated that 25 students came to the University during the summer of 1969 through the PEO and he believed that the number admitted provisionally should remain small.

> These students are given a lot of help and I doubt if several thousand students were to come that we could give them the same help. If you lower standards at the University, you are doing a disservice; we need to have refurbishing at lower levels such as the junior colleges. ("Hackerman Backs," 1969, p. 1)

The reorganization of the College of Arts and Sciences. A concern of great importance at UT during Hackerman's term in office was the question of the reorganization of the College of Arts and Sciences. In 1967, the College of Arts and Sciences was the largest college on UT campus. It was also in the process of finding a successor dean to the late J. Alton Burdine (Elliott, 1970a). In November of 1967, Norman Hackerman announced the recommendation of the nine-member faculty committee, which had been meeting since September of 1967. The new dean would be John Silber, who was then serving as Chair of the Department of Philosophy and Comparative Studies (Baker, 1967). Ironically, Silber had been elected by the General Faculty to serve on the committee that advised the appointment of Hackerman as UT President ("Documents and Minutes," 1967). During that same year, Chancellor Ransom speaking to the General Faculty stated that "high priority must be given to. . .a reorganization of Arts and Sciences, not by fragmentation but by a unified, functional plan" ("Documents and Minutes," 1967, p. 9254).

The enormous size of the college was given as one reason for exploring the reorganization. Harlan J. Smith, Chair of the Astronomy Department, believed the college had become too large for one person to manage and had lost its ability to give personal attention (Dugger, 1974). Some concern was expressed by Silber that splitting the college would result in less interdisciplinary efforts among the departments (Dugger, 1974). Silber also complained that the College of Arts and Sciences did not have the benefit of proper financing causing it to appear weak. He argued that 64 percent of all semester credit hours are taught in the Arts and Sciences, but that the College received only 49 percent of the university's budget allocations (Beveridge, 1970).

Some speculated that the reorganization was largely a question of personality conflicts between Hackerman and Silber (Dugger, 1974; Elliott, 1970a). "The conflict may have put the two men on a collision course. At stake could be the positions of one or both at the University" (Elliott, 1970a, p. 1). It was even supposed that Regent Frank Erwin pitted Hackerman and Silber against each other in order to have one or both of them fired (Dugger, 1974). According to the Regents' Rules, regents did not have the power to dismiss presidents of component institutions. The chancellor hired that individual; therefore the president serves at the chancellor's pleasure. Likewise, a chancellor may not remove a dean (Elliott, 1970a). It was rumored that the regents took a unanimous "no confidence" vote on

Hackerman and instructed Deputy Chancellor Charles LeMaistre to solve the problem from the System level ("Administrative Upheaval," 1970).

Proposed reorganizations were varied. Silber wanted to keep the College unified and appoint five associate deans to lessen his administrative load (Beveridge, 1970). Hackerman proposed augmenting the organization by adding four deans of faculty, who would be appointed by the president and have line authority to the president. In February 1970, faculty members from the College of Arts and Sciences voted (276 to 97) to form a special commission to make recommendations. A 27-member commission was created. Both the majority and minority reports from the special commission recommended adding four deans of faculty, but contended they should be appointed by the dean of Arts and Sciences. The majority report called for associate deans appointed by the dean (Elliott, 1970b). Hackerman stated that he would bend to the wishes of the faculty. "I have always chosen to have my base with the faculty, because I am a part of the faculty. I always have been and always will be" (Elliott, 1970b, p. 1). Once again, Hackerman affirmed his belief in the value of faculty as a decision-making body of the institution.

In a poem titled, "Battle of UT," Dave Helfert (1970) expressed the multifaceted problem associated with the split of the College of Arts and Sciences.

> The plight of this great University
> which is growing up by leaps and bounds
> is the subject for much discussion
> from whispers to animal sounds.

Presidents, regents and various deans
are trying to cope with the growth.
the deans are fighting the president
and the regents are fed up with both.

The College of Arts and Sciences
is the basis for most of the mess.
Some chalk it up to the president
but the regents still blame SDS [Students for a Democratic Society].

There's not enough money for everyone,
the faculty just manages to eat.
There's only enough for the athletes'
cafeterias on each side of the street.

The stadium is being expanded
for the greater glory of Texas,
not for the students or faculty,
but to pacify wealthy exes.

Trying to get to the basis
of the fighting and bitter debate,
The Texan has become the object
of comments both mean and irate.

The reporter covering the story
finds the president in the Tower alone,
the dean is out making speeches
and the regents won't answer their phone.

The reason for this behavior
seems unusual, even odd,
but deans speak only to presidents
and regents speak only to God.
(p. 5)

This poem affirms that the dispute between the UT Regents, President Hackerman and Dean Silber was evident to the student body. It also affirms that communication between these parties was strained. The College of Arts and Sciences

was eventually split and Silber was fired. These actions occurred after Hackerman had transitioned to Rice University. More will be explained about this in the next segment of this study.

Finance

Tuition increase. In 1968, Frank Erwin, Chair of the UT Board of Regents and Ralph Steen, President of the Council of Presidents of State Colleges and Universities, issued a joint statement supporting a tuition increase for Texas public institutions of higher education (Shively, 1968). This came after the Texas Legislative Budget Board proposed a cut of $46 million in state appropriations for colleges and universities. The statement by Erwin and Steen supporting a tuition increase emphasized two key points:

- During the current year, 41 states increased tuition and fees.
- Texas educational charges are "so near the bottom" in many listings of state tuition and fees that non-resident students from many states can register here for less than they would pay at home. (p. 1)

Erwin believed that the increase would not prevent students from attending school because there was a "favorable economic climate in which students find it relatively easy to obtain summer or part-time employment making it possible for any qualified and motivated student to obtain a public education in Texas" (p. 1). Erwin further explained that scholarships and loan programs were available to students to help pay college costs.

Commenting on this proposal, Rick Keenton (1968), Vice-President of the Students' Association, reminded his readers that students not only pay tuition, but also fees and living costs. "These expenses [tuition and fees] come at a time of the year when a student must pay for deposits on room, telephone, and occasionally utilities. The student must also make expenditures for books, supplies and any other materials necessary for his courses" (p. 4). He reminded readers that John Silber, Dean of the College of Arts and Sciences, had testified before the Texas Senate Finance Subcommittee on Education that there were not enough scholarships to meet the financial needs of students in Arts and Sciences. Silber also testified that loan programs as a type of financial aid were deficient. Keeton asserted that the Student Financial Aid office was reluctant to allow students to incur debts exceeding $1,000 a year and that part-time jobs were inadequate as a means to pay for increased tuition because many of those jobs were on the UT campus and paid extremely low wages (Keeton, 1968). Tuition was not raised during this time; however, certain fees were increased to meet specialized needs. One example was a fee for campus facilities expansion.

Campus construction. In 1969, campus construction projects totaled approximately $70,875,000 with another $32 million in projects that had been approved by the UT Board of Regents and were in the final stages of planning (SoRelle, 1969). The largest of these projects was the Beauford H. Jester residence hall and classroom complex, costing $18 million. Other projects included:

- Expansion of the campus utilities and addition of two chilling stations at a cost of $14 million;
- The Sid W. Richardson Library and adjoining Lyndon B. Johnson Library at a total cost of $13.4 million;
- A Physics, Math, and Astronomy Building scheduled to cost $9.3 million;
- Humanities Research Center costing $7 million. (SoRelle, 1969, p. 1)

In order to pay for these construction costs, the university charged a $26 building use fee to all students (SoRelle, 1969). Regent Erwin advanced the institution's building efforts, though he came into conflict with students and faculty. New buildings, especially the sports facilities proposed by Erwin, were not high on the students' and faculty's list of priorities; however, Erwin prevailed (Szilagyi, 1980b).

Legal Actions

The Larry Caroline case.

During the late 1960s, rallies on university campuses protesting the Vietnam War were common. UT was no exception. At one antiwar rally held on the Capitol grounds, Larry Caroline, a non-tenured instructor of Philosophy in the College of Arts and Sciences, stated, "This country needs a revolution. I think we can change our society with a bloodless revolution only if the people who hold power are willing to give it up gracefully" (Abram, 1974a, p. 8). He later toned down his language, but his earlier words rang in the ears campus constituents, namely, Frank Erwin. Infuriated by the accounts he heard from the local press, Erwin determined to do something about this liberal faculty member. The matter was brought up before the Board of Regents, who voted not to renew Caroline's contract (Abram, 1974a).

The Caroline case divided opinions at the University. Some felt he was merely expressing his right to freedom of speech. Others agreed, but felt he was a bad teacher and should be held accountable for poor judgment. Charles Alan Wright, Professor of Law, explained to Caroline that, "there was a difference between his constitutional right of free speech and competent free speech for an academic" (Fish, 1968, p. 4). Some disagreement existed concerning Caroline's academic qualifications, specifically citing a lack of progress on his dissertation, which was being written for a doctoral degree from the University of Michigan (Fortson, 1968).

Hackerman stated that he would not become involved in the case unless asked by the Department of Philosophy's Budget Council or Caroline. In May 1968, the Budget Council, composed of 13 faculty members including Dean Silber, voted not to extend Caroline's contract because the group "did not think he was qualified academically at that time to continue" ("Hackerman Won't Take Action in Case," 1968, p. 1). In September, 1968, the UT Board of Regents unanimously voted to terminate Caroline's contract, even though the Budget Council had agreed to reconsider the case ("Editor Comments," 1968). Upon reconsideration, the Budget Council voted six to five to recommend an extension of Caroline's contract for one more year. Hackerman commented that "when the Budget Council is closely divided over renewing a contract or hiring a new professor, usually the person is not hired" ("Hackerman Won't Take Action in Case," 1968, p. 1). Hackerman became involved in the case when Caroline appealed to him for assistance. "Such matters usually go

directly from the dean of the school to Chancellor Harry Ransom," However, because of the nature of this case, Hackerman made an exception (Fortson, 1968, p. 1). Hackerman further acknowledged that Caroline's political views were not a consideration in the recommendation (Fortson, 1968).

Since Caroline taught in the College of Arts and Sciences, Dean Silber was placed in a difficult situation, receiving pressure to intervene in the case. Caroline lost favor with Silber after he failed to defend Silber from accusations by radical students, who claimed that the Dean was a racist (Abram, 1974a). The tension surrounding this incident was so great that Silber received an assassination threat and his office was fired upon by a gunman (Abram, 1974a). Ultimately, the Philosophy Department solved the difficulty, letting Caroline's contract expire. Jack Josey, a UT Regent, gave Caroline $10,000 to make up for the year that he would not be teaching at UT (Flocke, 1969a; Abram, 1974b).

Student Life

Student participation in university decisions. During the late 1960s, students demanded to have more participation in the university's decision-making process. The Union Board of Directors gained a student majority in 1967, but had no jurisdiction over the Chuck Wagon or the commons area within the Union ("Special Committee," 1970). Later, the Board of Regents handed over the management of Union dining facilities, but stated all decisions made by the Union Board would have

to be approved by the Board of Regents (Davis, 1968). Other proposals to increase student participation called for student members on the Board of Regents, Faculty Council and the committee that chooses university administrators (Dupont, 1969b). Students expressed their concern for greater shared governance on campus, especially in light of campus incidents involving clashes between members of the institution's governing body.

> Then this fall came the Waller Creek clash, essentially another environmental control issue (if one can simplify that affair). Students wanted their say on what goes up and what's torn down on campus.
>
> They want to decide about other living conditions, too. Men in Simkins Hall want to be able to change the policy on female visitation; the women in Jester want to change curfew rules. (Dupont, 1969b, p. 4)

Two student groups organized and presented demands to Hackerman, which called for greater measures of participation in university life, specifically for minority groups: the Afro-Americans for Black Liberation (AABL) and the Mexican-American Student Organization. The AABL submitted a list of 11 demands to President Hackerman (Scott, 1969). Among their demands were a Black Studies Department, free admissions for a minimum of 2,000 minority students, decent housing for all minority students, dismissal of Regent Frank Erwin, the elimination of San Jacinto Day, the establishment of February 21st in honor of Malcolm X and April 4th in honor of Martin Luther King, Jr., the rehiring of Larry Caroline, and conversion of the LBJ Library into a Black studies building ("AABL Petitions Administration," 1969). President Hackerman responded by meeting in a closed session with AABL representatives. After their meeting, group members felt that

Hackerman had been "reasonable relative to his position" commenting that the meeting had primarily been a discussion about the president's role in university decision-making (Schwausch, 1969, p. 1). An ad hoc committee was appointed to "investigate the conditions surrounding 11 demands, rather than the demands themselves, because most of them are out of President Hackerman's jurisdiction" (p. 1).

The Mexican-American Student Organization followed suit, questioning university hiring practices and salary rates for on-campus construction jobs. "No white construction worker makes less than $4.70 an hour and no black or Mexican-American makes more than $2.85 an hour" (Bird, 1969, p. 1). Further, no Afro-American or Mexican-American is employed as a skilled laborer in any of the university's construction projects (Bird, 1969). In response, Hackerman spoke to approximately 60 people in an open meeting of the MASO.

> The University includes in construction contracts federal requirements of equal opportunity employment. The contract says that contractors and all sub-contractors will abide by the federal laws. Implementation is not the responsibility of the University, but I agree that if there is discrimination you should file suit. I am perfectly willing to further investigate this matter and see what I can do. ("Hackerman Backs Aid to Minorities," 1969, p. 1)

Students for a Democratic Society. Perhaps one of the most outspoken groups on the UT campus during the late 1960s was the Students for a Democratic Society (SDS). A group of radical students tightly connected to a larger, national organization, which opposed U.S. policies in Vietnam and other aspects of national policy (Abram, 1974a). Larry Caroline, a figure who sparked much debate on

campus, served as an SDS faculty sponsor ("Hackerman Will Allow Collection to Continue," 1969). On a number of occasions, this group caused confrontation. In reaction to this group's protests, the Texas Legislature approved the arming of university guards (Abram, 1974a).

One particular difficulty occurred when group members reserved rooms in the Union during the 1969 Spring Break for an SDS National Conference (Hinckley, 1969). The group did not inform the Union Director, Union Board or UT administrators that this reservation was for a national meeting. Only when Jack Steele, Union Director, decided to close the Union for heavy cleaning during the break, canceling any reservations made for that time, did SDS members reveal their intentions in an appeal to the Union Board. Steele's decision was overturned by the Union Board; however, the Board's decisions were subject to review by UT Regents. Vice President for Student Affairs Bryce Jordan recommended to Hackerman and the UT Regents that the Union Board be overruled. The Regents followed Jordan's recommendation, who decided against the Union Board because of concerns surrounding the Regents' Rule, which makes the University a joint sponsor of meetings held on campus. Jordan also consulted with other campuses that had hosted the SDS National Conference. He discovered that these meetings typically involved approximately 1,500 students (Keeton, 1969) and required extra security measures that could cost $1,000 a day (Hinckley, 1969).

Hackerman communicated regularly with students. One of his gestures during times of protest was to meet with students in his office and place a loud speaker outside in order for others to hear their discussion. This tactic along with his willingness to visit with individual groups and teach a freshman chemistry course confirmed that he valued students and wanted to use every opportunity possible to help students learn. One faculty member credited Hackerman for keeping the campus relatively peaceful during these turbulent years by simply stating, "His [Hackerman's] office was always open and he was available" (Hooker, 1981a, p. 1).

Hackerman's Departure

Hackerman's last day as UT President was June 30, 1970; his term as President of Rice University began on September 1, 1970 ("Hackerman's Last Day," 1970). Speculation surrounded Hackerman's decision to leave UT. Some believed that he was being "squeezed out" by the UT Board of Regents, specifically Frank Erwin (Hooker, 1981a, p. 1). Hackerman disagreed with Erwin on the handling of the Waller Creek situation and, it was reported that Deputy Chancellor Charles LeMaistre was dissatisfied with Hackerman since the Waller Creek incident. Hackerman denied these allegations. "I had differences of opinion (with Erwin). He was a vigorous and vociferous debater. . .(But) I did not feel compelled to move. I do not feel I was pushed out" (Hooker, 1981a, p. 1). When asked about the rumors of his candidacy for the Rice presidency, Hackerman stated, "It's a delicate situation

whether the rumors are true or false. I get offers fairly regularly, and I weigh each one on its own merits" (Morrison, 1970a, p. 1). He further stated that he had been on the list of candidates at Rice for more than a year before being appointed as that institution's president (Morrison, 1970a).

It is clear from observing the issues encountered by Norman Hackerman and his response to those issues that he believed in the importance of teaching, research and service. He modeled this belief by continuing his duties as a faculty member and researcher. Hackerman valued faculty input in the decision-making process. Students were also important. As students, they were in the process of learning and needed the freedom to debate ideas, no matter how controversial. When situations became heated, Hackerman understood the art of debate and negotiation. His presidency is one marked by efforts to improve the pursuit of knowledge.

During the Interim (September 1, 1970 – June 30, 1971)

Significant changes occurred after Hackerman's departure on June 30, 1970. On July 1st, Bryce Jordan, Vice President of Student Affairs, was named UT President *Ad Interim*[12]. In July 1970, John Silber was fired as Dean of the Colleges of Arts and Sciences. As a tenured UT faculty member, he returned to teaching; after one semester, he became President of Boston University. Regarding his firing, Silber recalled that Jordan handed him a letter of resignation, though Silber noted, "obviously it was from [Chancellor Charles A.] LeMaistre and [Regent Frank] Erwin" (Lewis, 1974, p. 1). Later, Silber was given the reasons for his dismissal in writing and told by Jordan that he was being released because he opposed the reorganization of the College of Arts and Sciences at a meeting of the Board of Regents. Silber replied that he was fired a week before the meeting with the Regents (Lewis, 1974).

One UT professor recalled Erwin telling Silber, "John, you are the most intelligent, articulate and persistent man around. You scare the hell out of the incompetents above you" ("The 12-month," 1971, p. 4). Silber stated that he had no rancor towards Erwin, though he had it "too easy on the board" (Lewis, 1974, p. 1).

> What Frank needed were fellow members of the board who were as strong and dedicated and intelligent as he, so he could have had worthy and constructive opposition on the board.

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12 The title "*ad interim*" granted Jordan "all the powers of the presidency" (A. J. Long, personal communication, July 22, 1970).

> I'd love to have a guy like Frank Erwin on my board. He would add a strong voice to other strong voices on the board of Boston University. (Lewis, 1974, p. 1)

Many believed that "Erwin and Silber were simply two ambitious men with opposing viewpoints, and one had to go" (Szilagyi, 1980b, p. H5).

> Their clash was demonstrative of the century-long struggle between the entrenched power of the state's leaders and the academic elite on campus. That classic struggle. . .forged the unique character of one of the largest and richest institutions in the free world. (Vaidhyanathan, 1989, p. 1)

Frank Erwin later recalled that the firing of John Silber was the "biggest stink" of his career (Cheng, 1975, p. 1). One week after Silber was dismissed, the Board of Regents voted to reorganize the College of Arts and Sciences into four administrative units the Colleges of Humanities, Natural Sciences, Social and Behavioral Sciences, and an interdisciplinary studies program ("Silber to TSP," 1971; "University's Year," 1972). Many of the faculty resigned in protest.

> Claiming academic freedom had received a mortal wound from which it would not soon recover, some of the University's most renowned scholars doted the year with sporadic and vociferous resignations. In angry protest, Professors Arrowsmith, Carne-Ross, Koch, Gould and Shattuck fled from the situation that had become intolerably repressive. ("The 12-month," 1971, p. 4)

Arrowsmith, who resigned on December 13, 1970, commented,

> A university of 40,000 students and several thousand faculty and staff has become, through political chicanery and abusive power, the personal property of one man.
>
> In no case was the coarse brutality of Erwin's tyranny more sickening than in the peremptory and unexplained firing of John Silber as the dean of the College of Arts and Sciences. ("Silber to TSP," 1971, p. 4)

Upon hearing this accusation, Erwin replied,

> Apparently when Arrowsmith learned that his lucrative playhouse had been exposed, he chose to find another job rather than assume his fair share of the teaching load. ("Silber to TSP," 1971, p. 4)

After Shattuck resigned, Erwin responded,

> Roger Shattuck is another member of the Arrowsmith-Carne-Ross clique which was living high on the hog until their lucrative playhouse was discovered early last summer. ("Silber to TSP," 1971, p. 4)

In response, Shattuck stated,

> I don't want to respond to the unfortunate tone of Mr. Erwin's statement. I very much regret that he sees fit to imply that the Research Institute in his own university misuses State funds in order to send professors on "vacations." ("Silber to TSP," 1971, p. 4)

After leaving the UT presidency, Spurr admitted that he was surprised by the low morale among faculty and their reaction to him.

> I started out with the premise that that [split of the College of Arts and Sciences] was water over the dam. . . .I felt I was one of the faculty, yet I found a great deal of distrust of the administration. It was very acute at the time. (Selby, 1981c, p. 1)

UT also suffered the loss of its two top administrators. Hackerman left to become President at Rice University and Vice President for Academic Affairs Gardner Lindzey resigned on June 9, 1970. Less than a month later, Peter Flawn took Lindzey's former position on an *ad interim* basis (Copp & Rogers, 1999; "Spurr Expected," 1971, p. 1). UT System lost two of its top administrators. Chancellor Harry Ransom and Executive Vice Chancellor for Academic Affairs John McKetta both resigned (Copp & Rogers; 1999; Hall, 1973; "Presidency," 1975). When asked

about his resignation, Ransom replied, "I entered my letter of resignation in January, 1971, because I had been in office 10 years, and 10 years is a good, round figure" (Hall, 1973, p. 3). Even the UT System Board of Regents was not exempt from turnover. In September of 1970, Jack Josey, Vice Chair of the UT Board of Regents, resigned, which added suspicion that he and Erwin did not agree on board matters ("Silber to TSP," 1971, p. 4).

Additionally, students became discouraged by recent regental actions. On January 21, 1971, Jeff Jones, Students' Association President, declared that he would no longer appoint students to serve on administrator search committees. "Students, like faculty members, are busy people who have better things to do than sit through boring meetings waiting to ratify decisions which have already been made" ("Silber to TSP," 1971, p. 4).

Clearly, the early 1970s was a time of great turmoil, administrative turnover and political suspension. The chief executive officers and chief academic officers at both UT and UT System had departed; the Board's own vice chair resigned; the most powerful dean was dismissed; the institution's largest college was split; and students saw administrative leaders as puppets for the Board of Regents, more specifically, for Erwin. Unifying the campus would be a challenge for the next president and without an established chancellor, the search for a new president could be problematic.

A letter from the UT Information Service explained the presidential selection process.

> The selection process is rather complicated. An advisory committee is now screening presidential possibilities. The committee is composed of six voting members elected by the General Faculty, three voting faculty members appointed by the chancellor of the UT System and three voting student members selected by the student government. In addition, there are four non-voting faculty and staff members appointed by the chancellor and two non-voting students (newly elected president and vice president of the Students' Association), the latter seated by the committee itself.
>
> The consultative committee (12 voting, six non-voting members) is headed by one of the elected faculty representatives, Prof. Charles Alan Wright of the Law School.
>
> The committee will submit the names of three or more nominees for the presidency. From those nominees, the chancellor will make a nomination to the Board of Regents.
>
> According to the institutional rules, "If the chancellor declines or, because of rejection of the post by all nominees, is unable to recommend any of the nominees, the chancellor may either request the committee to make additional nominations or may invoke such different procedure for selecting the president as he deems appropriate, provided that such different procedure shall include consultation with the committee before the chancellor offers the position of president to any candidate." (A. J. Long, personal communication, July 22, 1970)

The faculty-student advisory committee worked for six months to reduce the list of over 100 candidates to three ("Only to Learn," 1971). Those three candidates were Vice President of the University of Michigan, Stephen H. Spurr, who specialized in forestry; the Provost of Michigan State University, John E. Cantlon, who was African American; and Dean of the UT Law School, Page Keeton (Powell, 1971a; I. Iscoe, personal communication, October 22, 2001). Faculty and student support for

Keeton was strong; some 650 petitions were circulated among the faculty in favor of his selection and were then presented to Chancellor Charles A. LeMaistre, who had recently been chosen to succeed Harry Ransom ("Silber to TSP," 1971). *The Daily Texan* also endorsed Keeton. Andy Yemma, *Daily Texan* Editor from 1970-1971, later stated that in retrospect their endorsement could have cost Keeton the UT presidency (Copp & Rogers, 1999). Erwin, it was reported, found Keeton "unacceptable" (Powell, 1971a, p. 1).

On February 21, 1971, Chancellor LeMaistre announced Spurr's selection. That very day a press conference was quickly called after Spurr's acceptance.

> The chancellor cited Spurr's academic credentials and administrative competence as his reasons for appointing Spurr.
>
> "In addition," LeMaistre said, "much of his experience at Michigan especially qualifies him for the University presidency. He has personally been involved in improvements in undergraduate instruction, enrollment control and lowering the number of college dropouts." (Powell, 1971a, p. 1)

Two weeks prior to Spurr's appointment, President *Ad Interim* Jordan was named President of UT Dallas (Powell, 1971a; Stoler, 1974b).

On July 1, 1971, Spurr's first day in office, one student expressed the expectations of the new President in a *Daily Texan* editorial.

> We hope, Dr. Spurr, that during your stay here, be it short or long, you will recognize the rights and interests of the students and support Student Government as their legitimate voice.
>
> We hope you will uphold the tradition of a free and independent student newspaper at a time when that tradition faces a cloudy future.
>
> We ask that you strive for more equitable minority enrollment. . . .
>
> We ask you to defend the diversity of a campus by understanding the need to register all student groups. . . .

We ask you to upgrade the quality of education by increasing the number of teachers available per student and repair to an extent the damage incurred by the tragic splitting of the late College of Arts and Sciences. . . .

Finally, we expect you to warm the chilled atmosphere that pervades the ideals of academic freedom and faculty autonomy and do your utmost to rid the University of the demeaning politics that have driven out so many of our more outstanding scholars.

We fervently hope you can help in bringing this university together. ("Give Spurr," 1971)

Stephen H. Spurr

Figure 20: Stephen H. Spurr. (1973 Cactus Yearbook, The University of Texas at Austin)

Stephen H. Spurr was born February 14, 1918 in Washington, D.C., the son of noted geologist, Josiah E. Spurr. He married Patricia Chapman Orton on August 18, 1945; they had two children: Daniel Orton and Jean Burchard. Spurr received a B.S. (1938) in Botany from the University of Florida, a Master of Forestry (1940) and Ph.D. (1950) in Forest Ecology from Yale University. Previous to his coming to UT, Spurr spent his early academic years at Harvard University, working in several capacities – Instructor, Assistant Professor and Acting Director of the Harvard Forest (1940-1950). From 1950-1952, he taught as an Associate Professor at the University of Minnesota. His longest tenure was at the University of Michigan (1952-1971)

where he served variously as Professor of Silviculture, Special Assistant to the Vice President for Academic Affairs, Dean of the School of Natural Sciences and the Rackham School of Graduate Studies and Vice President (Spurr, 1971b; "Stephen H. Spurr," 1990).

Spurr was actively involved in scholarly societies: the American Society of Photogrammetry, Ecological Society of America, Renewable Natural Resources Foundation Advisory Council and Society of American Foresters. Service was also a part of his work, being a member of the President's Advisory Panel on Timber and the Environment as well as the Nature Conservancy's Board of Governors. These opportunities allowed him to travel and lecture extensively on topics related to silviculture, forest botany, geology and soils, and environmental policy. In 1971, he was given an honorary Doctor of Science degree from the University of Florida (Spurr, 1971; "Stephen H. Spurr," 1990).

On July 1, 1971 after 10 months without a permanently seated president, Stephen H. Spurr began his tenure as the chief executive officer of The University of Texas at Austin (Stoler, 1974b). Spurr's appointment as President marked a break in tradition; he was the first person chosen as president from outside the institution (Ackerman, 1992) and one of the few non-Texans to be chief executive officer of the campus (Price, 1986). Understanding the uniqueness of his outside status, Spurr initially was reluctant to take the position. He was visited three times in Michigan, while he served as Vice President, once by members of the faculty-student

presidential advisory committee and twice by LeMaistre. On another occasion, Spurr came to Austin to give a lecture and look over the campus. Spurr had one requirement that had to be met before he would be willing to accept the position; he had to have unanimous support of the Board of Regents and the faculty (Scott, 1975b).

> Spurr was hesitant at first; he knew of the regents' proclivity for purging administrators. But constant wooing by Erwin, then regent chairman, and a student/faculty selection committee convinced him to take the job.
>
> When he assumed the position in July 1971, bringing [Ronald] Brown with him from Michigan, Spurr knew he was in for some rough times. But he had no way of knowing just how rough. Brown said in 1981: "Knowing what I know about the culture of Texas and the culture of the University, I think it was almost presumptuous for myself and Spurr to come here." (Price, 1986, p. 16)

In a *Daily Texan* editorial column, Spurr responded to the question of why he took the position as UT President.

> Truthfully, I wonder why myself. I deeply believe that the University exists primarily for learning, and that the core of the University is the complex of systems in which students and faculty work together and learn together. Everything else – especially the presidency – is secondary. For myself, I've been a life-long student and an adult-long teacher, and I've loved both roles. I still much prefer to face a class rather than either a student confrontation or a board of regents, and I'd rather write (and am much better at writing) a scholarly paper than a newspaper column. The best and happiest role in the university is that of the full professor. Why, then, trade heaven for hell?
>
> The answers are various, and no one is entirely true. One is that a man reaches a stage in life when he has an uncontrollable biological urge to show that he isn't completely over the hill and that he can still take on a new challenge and handle it. Another is that, for people such as me, the university is my life and I have to do what I can to preserve and enhance it. Still a third may be that hell is more exciting than heaven.
>
> At any rate, I'm here, happy in my choice of the University, happy in the knowledge that the life-expectancy of university presidents is short these

> days, and happy that I have a professorship that will enable me to work full-time in ecology and natural resources when my tour of duty is over. ("Spurr," 1971a, p. 4)

In responding to the question of why Spurr chose UT, he stated,

> The more I read, the more I saw that Texas was a good university and that it had the attributes of becoming a truly great one. In terms of the reputation of its graduate programs, it is roughly the fourteenth best university in the country, and the best in the entire South. . . .Texas is a great state and has the capacity of supporting a truly distinguished university. Despite the politics and the differences in opinion that prevail, all of the ingredients of greatness are here. ("Spurr," 1971a)

From these accounts, Spurr understood the tenuous nature of the UT presidency and was well informed about the large number of turnovers that began just prior to his acceptance. Still, he seemed to thrive on the challenge of the situation. Early in his term at UT, Spurr commented on his view of the university president.

> I DO NOT believe the president has any miraculous mystical capabilities. There is really very little direct authority that the president has or should have. The university is a successful institution if it is a working system. The president is there to help it go more smoothly and to do everything he can in order to facilitate the working of the system. (Powell, 1971a, p. 1)

> A university administrator has to think like a faculty member. Unless an administrative officer thinks of himself as a faculty member, and that is his motivation, he's not going to do a good job. (Fly, 1969, p. 3D)

Towards the end of his term, Spurr reflected on the nature of his presidency and the divisive nature of campus constituents.

> It is true that a university presidency has become a very tenuous position in recent years, because really there are such great gaps in the constituencies that he must deal with.
>
> Not only the students versus the regents, but the State Legislature versus the alumni – the president has to deal with constituencies that

> frequently differ very markedly in their views on matters. (Stoler, 1974b, p. 4)

While Spurr knew about the vast numbers of campus constituents, he had a great deal to learn about working with these individuals and groups in Texas. As Ronald Brown, Spurr's chosen Vice President for Student Affairs, commented, "He [Spurr] didn't have time to know who held the (political) cards" (Selby, 1981c, p. 1).

Governance

Presidential selection. During Jordan's interim presidency, governance continued to be an issue as faculty and students witnessed a number of prominent individuals leave for various reasons and endured perhaps the single greatest academic reorganization of the institution. Furthermore, the faculty and students' favorite choice for UT president, Dean Keeton, had been rejected. Fortunately, Spurr's reputation with the faculty-student presidential advisory committee was strong; therefore, few could raise complaints about the Regents' choice ("Only to Learn," 1971). However, after Spurr had been selected, the Regents voted to change the presidential selection process, which effectively removed faculty and student participation. The campus community became outraged (Wisch, 1971d).

The new committee was selected by the chancellor and was composed of "the deputy chancellor for administration, vice-chancellors for academic and health affairs and two regents and three institutional heads from the UT System appointed by the chairman of the Board of Regents" ("Only to Learn," 1971, p. 4). As to the

former faculty-student advisory committee, the *Regents' Rules and Regulations* stated that the chancellor "will ordinarily establish a faculty-student committee to suggest persons who should be considered by the Selection committee" ("Only to Learn," 1971, p. 4). Faculty and students would now only serve in an advisory capacity. LeMaistre explained the change in committee composition saying that the university presidency demanded skills outside the academic area and required candidates who could "garner the necessary support to make the institution prosper" (Wisch, 1971e, p. 3). Thus, it was assumed that faculty and students would not have the expertise to find such a person.

The regents took this one step further in stating that the UT president "shall not be bound by nomination to key administrative positions in his office by campus selection committees" ("Only to Learn," 1971, p. 4). The latter change supported two of Spurr's early actions. The first was his appointment of Ronald Brown as Vice President for Student Affairs. In appointing Brown, he sidestepped a campus committee, which had been working for six months to generate a list of possible candidates ("Is It Starting," 1971). Likewise, in appointing Peter Flawn as Vice President for Academic Affairs, he again bypassed campus input.

The change in Regents' Rules angered faculty and students, who believed that all power was usurped from their ranks.

> Great qualms arise from these two latest regental actions. They minimize student-faculty input till it is for all practical purposes nonexistent. They further degenerate the already tenuous power of faculty members and students across this campus. And, even worse, they signal a regressive

> tendency at this University, a tendency to move back to that time when students were at a University only to learn, and faculty members, only to teach. Such a tendency can only serve ultimately to hurt and retard a good university. ("Only to Learn," 1971, p. 4)

Shared governance was being hindered in the selection of those individuals who will ultimately hold some power over faculty and students. The Regents and Chancellor were increasingly seen as an oligarchy and students and faculty questioned Spurr's responsibility in managing the institution.

A couple of years into Spurr's term as President, a *Daily Texan* reporter asked him about the relationship between Spurr and Chancellor LeMaistre. "Does it entail the chancellor giving the president instructions on UT-Austin matters? Do you meet with regents frequently? Do they attempt to influence or affect your day-to-day decisions?" (Wisch, 1973, p. 5). Spurr responded,

> I've had good relations with both the chancellor and the regents. First of all, we have a lot of jurisdictional questions arise through the fact that preceding both Dr. LeMaistre and myself, the chancellor and the president was one and the same person, Dr. Harry Ransom. The first time that the System and the campus had been separated was when Dr. LeMaistre took over as chancellor, and when I took over as president. So, in the fist year I was here, we spent quite a bit of time discussing what was his role and what was my role. I think it worked out very well. I'm in the public meeting with the regents, and the chancellor is their chief staff officer. He meets with them in executive session, whereas I do not. In general academic matters, I've had absolutely no pressures from the regents, in any sense. They've taken a position, and I've taken a position that, by and large, academic decisions are made on campus and are subject to review and approval by the chancellor. At least the major ones are, and the major ones beyond that go on the regents' docket for approval by the regents. There's been very little pressure. I name my own vice presidents and deans. I have to get the chancellor's approval, but I call him up and say, "I've looked over a list of candidates, and my choice is so-and-so, do you have any objections?" Up to this time, he's said, "No, go ahead and make your own appointment." (Wisch, 1973, p. 5)

The interviewer followed with a related question. “Didn’t you say that when you first came here you did not think there would be as many political overtones to the operation of the University?” (Wisch, 1973, p. 5).

> That’s right, I thought that the regents and the chancellor would be able to absorb more of this (political overtones) than they have. When I look back at the people who are interested in what’s going on at UT-Austin, I remember that we’re the state capital, we’re in the center (of politics). Our faculty mix socially with people in the state offices all of the time. You are asked questions and I find myself in the advocacy role much more than I thought I would. The very fact that the University of Texas at Austin is substantially different from the other institutions in the state system requires, sometimes, a special type of defense. I’ve taken a very strong position that although I’m not going to isolate myself from people in politics. I’m not going to become a Republican or a Democrat. I keep myself independent. I don’t pay for any $100 a plate dinners. I don’t make campaign contributions. My basic reaction is that all factions in the state government like this. On the other hand, I don’t believe that being an advocate for the University, and the viewpoints that come from within the University community, is being political. I don’t make a pitch as a Republican or a Democrat or as a liberal or a conservative. (Wisch, 1973, p. 5)

Academic Concerns

The exodus of faculty members that began during the interim period when the College of Arts and Sciences was split continued well into Spurr’s presidential term. In April 1972, Spurr remarked that the resignations of certain faculty members were “symptomatic of a very real morale problem that exists in some areas of the faculty” (“Not Much Time,” 1971, p. 4). The low morale was accentuated by the change in the presidential selection process; faculty would have less input into the leaders who will shape the institution and thus, their work. Add to that the fact that

state legislators, Erwin and other Regents did not seem to understand or appreciate the work and contributions of faculty members ("Attendance Sparce," 1975).

Faculty workload standards. During the 1971 Texas Legislative session, legislators added a rider to the appropriations bill calling for the governing boards of public institutions of higher education to formulate minimum faculty workload standards (Goldfaden, 1972). This measure was negotiated by officials at The University of Texas System in lieu of a legislatively mandated workload. Vice President for Academic Affairs Peter Flawn pointed out that this initiative was a national trend. "All over the country, legislatures are concerned with what the faculties are doing with their time and with getting the most teaching out of every dollar" (Bohls, 1971a, p. 5). Kenneth Ashworth, the newly appointed Vice Chancellor for Academic Affairs, suggested that the UT Regents adopt a single formula to apply equally to three of the then UT System general academic institutions – Austin, El Paso and Arlington.

In speaking to the General Faculty, Spurr admitted "no fully satisfactory workload formula can be found for the simple reason that faculty effort cannot be adequately equated with the number of hours spent in formal classroom contact with the students" (Bohls, 1971a, p. 5). He compared the problem of measuring a faculty member's workload with the problem of measuring a lawyer's workload; you simply cannot measure either accurately based on the number of hours they stand before a class or jury. A great deal of research, organization and coordination goes into the

preparation for both. Furthermore, he stated that faculty reported spending some 68 hours per week on their professional activities (Bohls, 1971a).

In December 1971, the Regents adopted a complex and comprehensive formula identifying minimum workload requirements for faculty. The new formula required faculty to teach a minimum of four, three-hour undergraduate classes (Wisch, 1971d). The formula highlighted the importance of undergraduate teaching, but also recognized differences in teaching undergraduates and graduates. For instance, teaching five graduate students was counted the same as teaching 100 undergraduates. Other unique class attributes were identified; large classes would be counted at a higher rate than smaller classes; those classes with more than 300 students counted as two classes. The formula also recognized the faculty member's role in administration. Departmental chairs could have up to three courses waived each year by the UT president. Spurr could also waive one or two courses for newly hired faculty during their first year (Jarboe, 1971d; Wisch, 1971d). This helped reduce some of the fear that the new workload standards would hamper future faculty recruiting efforts (Bohls, 1972b).

James Roach, Chair of the Department of Government, approved of the UT Regents' action. "I think the Regents are trying to develop a policy that they can defend to the Legislature. They probably prefer to develop one of their own rather than having one imposed upon them that is less flexible" (Jarboe, 1971d, p. 2). LeMaistre stated that the action will help compensate for the "crisis of confidence"

that the people of Texas hold concerning the work of university faculty (Wisch, 1971d, p. 3). One *Texan* article identified Spurr's concerns regarding the faculty's trust of the central administration and the Texas state government as well as the role of legislators in academic matters.

> . . .many of the faculty are concerned about the commitment of the State to the University and about the complex and unwieldy bureaucracy of the University and State government. . . .higher echelons of the University and of the State government involve themselves more directly in the academic decision process than is good for a university of the first rank." (Bohls, 1972a, p. 1)

This was a great concern that many faculty had about Regent Erwin, who involved himself in academic matters, which faculty felt was their sole responsibility. On one occasion, Erwin remarked, "There is no such thing as faculty autonomy at a State university. Authority comes from the top" ("Silber to TSP," 1971, p. 4).

In February 1972, Spurr appointed an ad hoc committee on Faculty Productivity and Effort Evaluation to study the newly identified workload standards. Four months later, the committee reported that the standards should be changed. Two main reasons were given for change: 1) Deans should ultimately be responsible for evaluating departmental policies, including that of faculty workloads; and 2) the formula accounts for the quantity, not the quality of faculty work (Goldfaden, 1972).

Though the formulas were not perfect, a study of workload found that well over 90 percent of all UT faculty were in compliance with the new standard. This was a significant finding. LeMaistre boasted that these results documented that faculty were legitimately engaged in teaching efforts. "I would say that this is the

most important thing that has been done in the last year to solidify the faculty's position with the Legislature and the taxpayer" ("University's Year," 1972, p. 2B).

Admissions. Another academic concern centered on the admissions process, specifically minority recruitment and retention efforts. Many were still angry at the Regents' 1969 decision to eliminate the Program for Educational Opportunity and the Council for Legal Educational Opportunity. Both were provisional admissions programs, which did not use the required scores from the Scholastic Assessment Test (SAT) or Law School Admissions Test (LSAT), but rather used other criteria such as personal recommendations, interviews and financial need. Students admitted through one of these programs were given full support to facilitate their education ("HEW Raps," 1971). UT had instituted a program, Project Info, designed to allow students and faculty to talk to high school students about the University's opportunities. However, this program was not specifically focused on serving minorities or the economically disadvantaged (Bray, 1972).

Texas Senator Oscar Mauzy, Democrat from Dallas and an alumnus of The University of Texas at Austin's School of Law, requested that the Department of Health, Education and Welfare (HEW) and the Justice Department conduct an investigation into the Regents' decision to discontinue the CLEO program. Mauzy believed that this action constituted a "policy of discrimination" (Bass, 1971, p. 1). He felt that the use of the LSAT was "culturally biased" and did not reflect the abilities of minority applicants (Bass, 1971, p.1). Mauzy also proposed a Senate

resolution supporting the CLEO program and condemning the Regents for ceasing the PEO program (Fitzgerald, 1972).

Spurr advocated the use of special admissions programs for underprivileged applicants, but stated he did not believe in using such programs exclusively for minority groups. His contention with programs such as PEO and CLEO was that they were too closely tied to minorities instead of all economically disadvantaged persons. “Our admissions programs should not discriminate on any basis of race, color, sex, creed or national origin. A person should neither be favored nor discriminated against because of any one of these factors” (“Spurr Backs Special Admission Policies,” 1971, p. 2). According to Spurr, approximately 80 percent of all Texas’ economically disadvantaged population was compromised of minorities, but reiterated that these programs should exist for all segments of the population (Wisch, 1971b).

In 1971, HEW released its report of the University to Spurr citing charges of discrimination. “We deeply regret the dropping of two potentially useful admissions programs [PEO and CLEO] at the University” (“HEW Raps, 1971, p. 1). The report cited that in the 1970-71 school year, only 3.7 percent of the student population had Spanish surnames and only 289 or .8 percent of the students were Black (“HEW Raps,” 1971). Spurr responded that efforts were being made to improve the situation and stressed that the greatest hindrance in recruiting minority students was the lack of financial aid. “The University differs from northern universities I have been

associated with. There's no high tuition here like at Harvard, for example. But Harvard gives many scholarships. In that way, the rich students are paying for poor students" ("Spurr Talk," 1971, p. 2). Funds, he explained, will need to come from federal and state sources (Wisch, 1971b). He also stated that such programs are not up to the Board of Regents, but the Texas Legislature ("Spurr Talk," 1971).

In January of 1972, nine members from five UT campus-based organizations – the Mexican-American Youth Organization, the Blacks, La Raza Law Students Association, the Thurgood Marshall Law Students Association and the Human Rights Research Council – filed suit in federal district court claiming discrimination in the admissions process used by The University of Texas at Austin.

> The suit alleges that "little progress has been made in effecting meaningful desegregation" since State institutions were instructed to desegregate in the mid-1950's.
>
> All plaintiffs allege that a racially identifiable dual system of higher education exists in the State of Texas (Lopez, King & Speicer, 1972, p. 1).

On January 28, 1972, students rallied in front of the Main Building to express their discontent while representatives of MAYO met with President Spurr, Provost for Arts and Sciences Stanley Ross and Vice Provost for Arts and Sciences James Roach to present their demands ("Administrative Faux Pas," 1972; Lopez, et al., 1972). One individual commented on students' frustrations with President Spurr.

> Spurr had hit the University frothing at the mouth with liberal platitudes, promising among other empty promises to do what he could to reinstate programs which would effectively up minority enrollment and end the racist image this University has so long cultivated. That was eight months ago, and since then, nothing has been done to implement other recruitment plans in place of the long-defunct PEO and CLEO. . . .

> To give our president his due, it seems apparent that Spurr is not opposed to minority recruitment programs. It seems apparent that Spurr is not bent on further squashing Chicanos and blacks on this campus. And yet it is also apparent that Spurr's general donothingness is as much of a detriment to the success of minority programs on campus as former President Ad Interim Bryce Jordan's active antipathy. ("Administrative Faux Pas," 1972, p. 4)

In the spring of 1972, Members of four Law School organizations met with Spurr and Dean Keeton to discuss new admissions policies for Law students. Previously, admission was based on a student's LSAT score, undergraduate grade point average (GPA) and the college the student attended. Thus, if a student attended Huston-Tillotson College, a private, historically Black institution located in Austin, they would receive a college-weighting factor of 101 while a UT graduate would receive 185. In the proposed policy, the college-weighting factor was eliminated (Renfrow, 1972a). Both Spurr and Dean Keeton rejected the use of a quota system. "We want qualified students who can make it. Bringing them in and busting them out does more harm than good" (Renfrow, 1972a, p. 1). Other demands were presented by the students.

Spurr was criticized by the Student Government for his minority enrollment policies. This criticism prompted five state representatives to file requests for information on the matter ("Spurr Explains," 1973). Spurr released the information and volunteered to meet with representatives about their concerns. He maintained that there were two major problems regarding increased minority enrollment: 1) persuading members of minority groups that UT is a welcoming institution and 2) assisting economically disadvantaged minority students in financing their education

("Legislative," 1973). Spurr pointed out that recent Texas Legislative sessions "have decreased rather than increased the amount of student financial aid made available through state appropriations to the University" ("Legislative," 1973, p. 1). One of the representatives requesting the information, Senfronia Thompson, Democrat from Houston, called Spurr's assertion that the problem was a lack of state funds, "hypocritical" (Dorsett, 1973h, p. 1). Thompson was quoted,

> Black and brown students are still a much lower priority at the University than Bevo [the name of the UT mascot, a longhorn steer], and the football athletic program symbolized by that steer. . . .
>
> The University is the second wealthiest school in the nation. To claim lack of funds as an excuse is to perpetrate a hoax upon the people of Texas. (Dorsett, 1973h, p. 1)

In January 1974, Spurr requested that $400,000 from the Available University Fund[13] be appropriated over a four year period for economically disadvantaged and minority students (Jones, 1974a). The Board of Regents approved the measure. In a prepared statement, Spurr offered his thoughts on the current status of UT financial aid for these special populations.

> We are deeply grateful to the Board of Regents for the establishment of a four-year $400,000 program for additional financial aid over and above that which we are already spending for economically and culturally disadvantaged students. We appreciate the efforts of the [Texas Legislature's] Black Caucus on our behalf to help provide similar funds at the last session of the Legislature.
>
> However, it is only fair to point out that both of the last two sessions of the Legislature have diminished rather than increased financial aid made

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13 The Available University Fund consists of income derived from the Permanent University Fund, a public endowment contributing to the support of certain institutions in The University of Texas System and the Texas A&M University System.

> available from state funds to the University, and that efforts to earmark any appropriations for economically and culturally disadvantaged students have been totally unsuccessful to date. (Stoler, 1974a)

Spurr was making headway in supporting recruitment for minorities and the economically disadvantaged. His struggle was not simply one of admissions standards, but financial support. This proved to be even more controversial as campus constituents began to question the priorities on spending established by the UT System Board of Regents.

Finance

Confrontations between the UT Regents and *The Daily Texan* began before Spurr took office and continued during his presidency. While Spurr was not directly related to these disputes, his position as an intermediary became more difficult as a result of these altercations. One dispute concerned matters of finance.

Bauer House controversy. On February 24, 1971, *The Daily Texan* revealed on the front page that the UT Board of Regents had overspent its budget to remodel the chancellor's home, known as the Bauer House (Price, 1971). The initial estimate for the renovation was $163,000 (to be paid from state appropriations), but *Texan* staffers reported that the total cost could reach $1 million ("Erwin," 1974, p. 4). Furthermore, the *Texan* staffers reported that the project was not a remodeling project, but rather involved the demolition and rebuilding of the current house with the addition of a guest house and a bath house. Moreover, no competitive bids were

taken on the project as was required by state law. In a later study, the Legal Research Project, an organization of UT law students, found that the Regents had committed 16 violations of state law in the Bauer House project ("Erwin," 1974). The *Texan* published this story without prior knowledge of the Regents.

Texan editorials began to label the Bauer House project as a "lucrative playhouse," the same term Erwin had used for some UT faculty research projects ("Silber to TSP," 1971, p. 4). The Texas Legislature took note of the *Texan's* report and questioned Erwin about the cost and source of funds. Erwin revealed that the residence would cost $907,700.23 when completed, but stated that $600,000 of that amount was donated by an anonymous foundation (Price, 1971). Legislators pressed Erwin for the name of the donor; Erwin refused to identify the source and, in the end, returned the money to the donor. All of this happened during the 62nd Texas Legislative session (1971), when the UT System was asking Legislators to raise resident and non-resident tuition.

The Bauer House story was published three days after Spurr agreed to become the next UT President. The Texas Legislative hearings occurred before Spurr officially took office. On March 12, Frank Erwin stepped down as Chair of the Board of Regents; he remained on the Board and was succeeded as Chair of the Board by John Peace ("Silber to TSP," 1971).

Swimming facility construction. One other funding priority was highly questioned by members of the campus community because if its high cost. In the fall

of 1973, contracts were awarded by the Board of Regents to construct a $6.6 million swimming pool complex. Students were enraged at this proposal. Sandy Kress, President of the Student Government, expressed the students' general sentiment.

> At a time when we're all feeling the pinch of a bitter inflation, at a time when the faculty doesn't get enough pay to meet cost of living increases, at a time when the TAs [teaching assistants] have received only one modest pay increase in the last four years and at a time when students are being strapped with a huge fee increase, the System has decided to bring the Atlantic Ocean to our backyard. (Kress, 1973, p. 4)

Spurr was taken by surprise by the large cost for the facility. He stated that when the faculty recommended the construction of the complex, the total cost was to be $3.5 million. Moreover, had he known the cost would rise so high, he "wouldn't have supported it so enthusiastically" (Dorsett, 1973e, p. 1). Erwin defended the swimming complex saying that it would make Austin the center of swimming competitions, calculating that the National Collegiate Athletic Association would want to hold national competitions in the facility (Dorsett, 1973e).

Beginning in the fall of 1973, Regents approved a number of other construction projects:

- Preparation of the east campus site for the College of Fine Arts and the Performing Arts Center, costing $250,000;
- Expansion of two chilling stations on campus, costing $1.9 million (Dorsett, 1973e);
- Construction of a wall extending along Guadalupe Street next to the new Communications complex, costing $375,000;
- Construction of a baseball field, costing $2 million; and
- Construction of a special events center, costing $29 million ("Summer of '74," 1974, p. 4).

The Regents were inclined to favor construction of non-academic structures. Hostility between Erwin and Spurr rose sharply when Spurr was able to successfully persuade the Board of Regents to halt construction on the Performing Arts Center, a favorite project of Erwin, in order to build an addition to Welch Hall, the chemistry building ("Summer '74," 1974). Regarding his role in campus construction projects, Spurr commented that he was removed from the decisions being made by the Board of Regents. Even after being at UT for eight months, he still did not know what was going to be on the Regents' building agenda until the day of the Regents' meeting (Selby, 1981c).

These construction projects were evidence of Erwin's political power. During his tenure on the Board of Regents, which lasted beyond Spurr's presidency, legislative appropriations increased by 400 percent. When asked about campus construction, Spurr responded, "We are building an abnormally large number of structures which are designed to make up for the drought of the past decade" (Dorsett, 1973b).

Salary increases. Shortly after taking office, Spurr sent a letter to Texas Governor Dolph Briscoe requesting a special session of the Legislature to consider faculty and staff salary increases given the significant increase in inflation. Allan Shivers, former Texas Governor and member of the Board of Regents, approved of Spurr's request (Brumley, 1971). Briscoe declined; however, he did say he would

request a 10 percent salary increase for all state employees during the next Legislative session (Stoler, 1971).

In the spring of 1972, Spurr told a group of Travis County ex-students that he wanted to make UT a top rate institution, which would require a commitment to paying adequate faculty salaries.

> If the University is to reach the top, it must be competitive in terms of faculty salaries, fringe benefits, faculty workload and freedom from bureaucratic restrictions.
>
> We will not thrive if the State Legislature persists in refusing to vote faculty salary increases during a period of massive inflation and salary adjustments to other State employees.
>
> We will not thrive unless our faculty can qualify for development leaves so as to keep abreast with their fields. We will not thrive unless faculty workload and bureaucratic restrictions are no more restrictive than those at competitive institutions. (Renfrow, 1972b, p. 1)

He supported these statements citing that the institution has performed well despite the low amount of state funding. A 1970 report from the American Council on Education ranked UT's graduate school as fourteenth in the nation, though the average faculty salary was twenty-second nationally (Renfrow, 1972b).

During the 1971 Texas Legislative session, non-faculty salaries increased by 6.8 percent; faculty earning less than $15,000 annually increased by 2.3 percent; faculty earning more than $15,000 received no increase (Bender, 1972). In October 1972, UT requested a 12 percent increase in faculty salaries for the following biennium. Vice President for Business Affairs James Colvin explained. "We are requesting faculty salaries in line with the Coordinating Board, Texas College and University System, formula [which provides approximately four percent increases

each year]. The Legislature did not follow the formula two years ago, so we have to catch up in the first year" ("UT Requests," 1972, p. 1). When the UT System's budget was presented to the Senate Finance Committee, the 12 percent figure had lessened. Regent Erwin requested a 3.4 percent increase for each of the two years with an additional 1.7 percent merit increase (Fresques, 1973a). The 3.4 percent increase was granted beginning in September 1974. In July 1974, at the request of the Faculty Senate, Spurr sent a letter to Governor Briscoe requesting that the financial needs of faculty and staff be "reviewed and considered for immediate improvement" (Fly, 1974c, p. 1). His reasoning was that the cost of living in Austin rose 11.8 percent between the fall of 1972 and the fall of 1973 and other state employees seemed to fair better during the previous session. (Teachers and classified employees of the Austin Independent School District received a 16.8 percent increase, while employees of the City of Austin received a 10 percent increase [Fly, 1974c]). UT administrators were not able to make up for shortfalls in faculty salaries because $10 million was cut from the institution's budget request (Stoler, 1974b). Spurr contended that faculty salaries remained a top priority throughout his presidency.

Library allotment. Another difficulty experienced soon after Spurr's arrival related to the institution's library allotment. The UT libraries were in need of renovation and improvement. Individuals had to wait in long lines for pages (library information assistants) to retrieve information not accessible to students and faculty.

Some information was not catalogued. The physical facilities were too small for the growing UT student body and security was poor resulting in greater loss (Daily Texan & Student Government Committee for Better Library Service, 1971; Pope, 1971b). Therefore, the Student Government Committee for Better Library Services unanimously approved of a resolution calling on President Spurr to request an emergency appropriation of $1 million from the UT Regents. The resolution also questioned the priorities set for the institution. Students wondered why money was being spent on landscaping, mansions and swimming pools, while the institution lacked basic necessities such as quality libraries and library services (Daily Texan, et al., 1971). Faculty, librarians and students criticized the $1 million set aside from the Available University Fund for special collections. This money was used to support the Humanities Research Center (HRC), which was opened during Spurr's first year as President (Cunningham, 1972). Harry Ransom, who initiated the HRC project when he was serving as chief executive officer for both the UT System and The University of Texas at Austin, insisted that 75 percent of the HRC's holdings come from private gifts and complemented the institution's overall library investment (Pope, 1971b).

Spurr concluded that part of the difficulty was a lack of state funding. Library allocations are based on a formula developed by the Texas College and University System Coordinating Board and then negotiated through committees of the Texas Legislature. UT's library allotment for 1971-72 was $2,887,291 approximately

$500,000 less than the CB's formula recommended (Pope, 1971a). Two years in a row, Regents made up for this amount, using $500,000 from the Available University Fund (Pope, 1971b). Spurr asked the System to furnish the $500,000 in funds again and to add $300,000 to that amount. Erwin was said to have protested this allocation, calling the library a "bottomless pit" in which you "can spend as much as you find. There really have to be some priorities set and a limit to the money poured into the library" (Pope, 1972b). To solve the problems experienced by campus libraries, a new library was proposed to be built at West 21st Street and Speedway; however, it would take an estimated six years to complete (Pope, 1972a).

Legal Actions

Texas Student Publications Board. Confrontations between the UT Board of Regents and *The Daily Texan* resulted in a poor relationship between the Regents and the Texas Student Publications Board (TSP), which oversaw the publication of seven campus-based publications including the student-operated newspaper, *The Daily Texan* ("TSP Dispute," 1971). The Bauer House incident came a few months before TSP's 50-year-old charter would be expiring. Decisions needed to be made about the future of this non-profit enterprise. At the time of this dispute, TSP utilized 27 full-time employees, 80 student workers and served as a lab for some 130 journalism students each semester (Reetz, 1971b).

In order to understand the gravity of this conflict, some history needs to be presented concerning the battle between the Regents and TSP. In the summer of 1956, the Board of Regents voted to remove any TSP publication editor from the TSP Board. Students feared that Regents were moving closer to appointing editors instead of allowing students to elect editors. The Regents additionally authorized the president of The University of Texas at Austin to have veto power over the TSP Board (Smith, 1956). In the spring of 1965, Regent Erwin made the motion, which was passed unanimously, to eliminate free off-campus distribution of *The Daily Texan*, including distribution to state legislators ("Regents' Confine," 1965). Conflicts between the two groups had a long-running history even prior to these events.

Regarding the renewal of TSP's charter, a number of actions were taken. On April 13, 1970, LeMaistre named a committee of 14 state newspaper editors to study *The Daily Texan* in order to improve the relationship between the *Texan* and the UT Journalism Department, though many wondered whether this was actually an issue of academic improvements or censorship ("TSP Dispute," 1971). On April 30, students gathered 18,184 signatures on a petition favoring the continuation of *The Daily Texan* as a student-operated newspaper. One month later, LeMaistre proposed an alternative plan to the TSP Board, which would have significantly changed its operations. The TSP Board rejected LeMaistre's plan. Five days later, the Board of Regents approved LeMaistre's plan and voted to reduce the Student Government's

"blanket tax" allocation (a fee collected from students). Five days later, the TSP Board presented an amended version of the Chancellor's proposal to Secretary of State Martin Dies, Jr. In this new version, the TSP Board eliminated a clause, which would have prevented TSP from seeking legal decisions in the courts. On June 31, Dies rejected their proposal, but granted a seven-month extension to the TSP charter in order to give more time for the TSP Board and Regents to come to an agreement. Dies then followed up by requesting an opinion from the Texas Attorney General to determine the legality of his ruling ("Silber to TSP," 1971). The day following Dies' ruling, Spurr began his term as UT President. Less than two weeks later, the Board of Regents met and took action on the TSP dispute.

> On July 9 at a special called meeting, the Board of Regents determined that TSP could no longer exist as a nonprofit corporation since its charter expired at midnight on July 5; thus, they ignored Dies' ruling to extend the TSP charter. The Board rescinded the minutes of their meeting on June 4 in which they approved of LeMaistre's plan, then voted unanimously to remove TSP from all blanket tax funds and file suit in order to claim TSP's $600,000 in assets, calling upon the Texas attorney general "to institute the necessary legal action to recover the assets that are now unlawfully held by the former directors of the TSP Board" (Reetz, 1971a, p. 1).

Not wanting to completely eliminate the newspaper, the Regents voted to allow the paper to continue as an auxiliary enterprise with a new publishing board to be appointed by the UT President (Reetz, 1971a; Wisch, 1971a). In response to the Regents' new plan, Lori Rodriguez, Editor of the *Texan* stated that this action set up the procedures, which could give the Regents censorship over the paper (Reetz, 1971a). President Spurr commented that the Regents' action provided "that *The*

Daily Texan will continue to be published as an independent voice of student opinion" ("A Question," 1971, p. 4; Wisch, 1971a, p.3). The day following the regents' ruling, the statewide committee of the Texas Young Republican Federation (TYRF) denounced the Regents' decision.

> While TYRF often differs with the editorial content of the *Texan* and other TSP Board publications, they. . .support. . . *The Daily Texan* as a student-controlled newspaper, uncensored by the University of Texas Board of Regents either editorially or financially. ("The Last Straw," 1971, p. 4)

Ten days after the Regents' ruling, the Attorney General filed the Regents' suit. The TSP board defied the Regents five days later (July 26) by filing a counter-suit, which claimed that the Regents violated the First and Fourteenth Amendments and asked for an immediate injunction against the cut in "blanket tax" funds (Barr, 1971), which would reduce the paper's income by one-third or $125,000 (Wisch, 1971a). The timing of this case was of the essence since students would be registering and paying tuition and fees for the fall semester during the last week of August (Barr, 1971).

On September 8, the TSP controversy ended when Regents voted to accept a "Declaration of Trust" agreement, which had been developed by Spurr and his attorney. The TSP Board had approved of the agreement at their meeting on August 27 (Taylor, 1971, p. 1). Both sides claimed victory. Essentially, the agreement replaced the TSP Board with an 11-member board acting as "operating trustees" composed of a student majority and allowed UT Regents to serve as trustees (Taylor, 1971, p. 1). The UT president continued to have final say over the new board. All of

TSP's assets were transferred to the Regents and were to "be used solely for the maintenance and support of the Texas student publications" (Taylor, 1971, p.1). The agreement allowed the current TSP Board to continue until the new board could be appointed and established. The trust agreement also provided for a stronger relationship between the student publications and the Department of Journalism. Erwin presented a written statement on the Regents' decision.

> I am both shocked and amazed that the directors of TSP have agreed to dissolve their corporation and to transfer all of the TSP assets to the Board of Regents in return for the regents' agreement that these directors can continue to serve during the next nine months on the new publishing board. (Taylor, 1971, p. 1)

Erwin also sarcastically congratulated the TSP attorneys "on getting a legal fee of $16,000 out of TSP funds for negotiating the dissolution of the corporation and for negotiating the transfer of the remaining TSP assets of $600,000 to the regents" (Taylor, 1971, p. 1). Student Government President and Chair of the TSP Board, Bob Binder criticized Erwin's statement.

> It is apparent that since he [Erwin] could not destroy the agreement, or the Texan's freedom from censorship, he has reacted totally irresponsibly in attempting to impugn the integrity of TSP and its attorneys. . . .He has lost and has issued a transparent statement in the classic manner of the poor looser." (Taylor, 1971, p.1)

The trust agreement added that neither the Regents nor the new board could amend the agreement without the approval of the majority of other. The trust agreement provided for legal action if such actions occurred (Evans, 1971). Spurr commented on the TSP controversy and the agreement reached. "The central issue, as far as I am

concerned, is the preservation of the uninterrupted publication of the student newspaper with no denial of freedom of the press and no censorship" (Jarboe, 1971b).

Though the agreement was accepted, the technical details of dismissing the lawsuits, financing the publications and developing new operating procedures still needed to be worked out. In a surprise visit to the Student Senate, President Spurr told the group of his approval of a mandatory $2 assessment of the Student Services Fee beginning in the spring of 1972 (Jarboe, 1971c). "The TSP Board voted to ask for a $2 assessment. I've approved it and forwarded it to the System offices" ("New Fees," 1971, p. 4).

Spurr was later seen as violating trust with students when he asked Binder to appoint a student-faculty committee to produce a new operating procedure. After this appointed committee worked to produce new procedures for TSP, Spurr rejected their work in favor of the operating procedures formulated by the Regents ("A Violation," 1971). He explained his decision in a statement to the TSP Board.

> The trust agreement between the Board of Regents and the former Texas Student Publications, Inc. calls for me to promulgate an operating procedure outlining the working relationship between *The Daily Texan* and the Department of Journalism. Although the operating procedures are not in any way as significant as the trust agreement itself. . .they still comprise a useful set of ground rules for all concerned.
>
> The text of such an agreement was prepared last spring, at which time it had the approval of both Texas Student Publications, Inc. and the Board of Regents. This operating procedure was formally adopted by the Board of Regents at its meeting on July 9, 1971. On my instigation and with my support, modifications of this original agreement have been proposed which have the support both of *The Daily Texan* and the Department of Journalism.

> It is my understanding that the regents understood approval of the trust agreement to imply approval of the previous operating procedures agreed to by them in July and approved earlier in the summer by the Board of Texas Student Publications.
>
> In view of this understanding, and in view of my own judgment that the differences between the two documents are more of form than substance, I believe the appropriate thing to do is to adopt the earlier operating procedures for a reasonable period of trial. Then, after use of those procedures, we can proceed to develop such changes as our experience will suggest to be useful and desirable. ("A Violation," 1971, p. 4)

Students were not satisfied with his explanation. Another disappointment came when LeMaistre refused to present Spurr's recommendation for a $2 mandatory student fee to the Board of Regents. (At that time, the *Regents' Rules and Regulations* stated that university presidents had access to the Board only through the chancellor.) LeMaistre reasoned that the request should not be made since the operating procedure was still unsettled. However, he did state that he would bring the matter to the Regents if Spurr requested him to do so, but LeMaistre would later make it clear that he did not support such a measure (Wisch, 1971c). Mandatory fees for the *Texan* were later approved in 1972 (Kelly, 1974; Spurr, 1974).

In March 1974, the Regents voted to shift student funding for the Student Government and *The Daily Texan* to optional rather than mandatory fees. Erwin proclaimed, "We do not fund anything we don't control" (*Daily Texan*, 1974, p. 1). Later, the *Texan* published an issue of the student newspaper with a blank front page except for Erwin's quote.

Figure 21: Editorial cartoon. (*The Daily Texan*, March 28, 1974, p. 4)

Reacting to the Regents' decision, 3,000 students rallied on the Main Mall in protest. Armando Gutierrez, a faculty member in Government, spoke to the group. "Frank Erwin has a lot of nerve to say that *The Daily Texan* and Student Government are not representative of the students. Who the hell is HE representative of?" (Kelly, 1974, p. 1). The telephone numbers of the Regents were announced to the crowd. Everyone was urged to call each regent and ask about the decision (Kelly, 1974). A photo of the Regents and their phone numbers were also printed in the *Texan* (*Daily*

Texan, 1974). Michael Eakin, *Daily Texan* Editor, called for Spurr's resignation, accusing Spurr of "being a puppet of the regents" and "because of his lack of action on the regents' decisions" (Kelly, 1974, p. 1). Sandy Kress, Student Government President, urged the protestors to march to the Capitol and talk to their representatives about the decision as well as the general concern that the Board of Regents was not properly supporting campus priorities in its decision-making process. "We must tell the legislators that we don't favor spending $6 million on swimming pools when our faculty doesn't even get descent pay" (Kelly, 1974). Several hundred of the protestors marched, shouting, "Get Erwin out!" ("Protesters Shout," 1974) Austin police blocked traffic as students progressed to the Capitol. Capitol guards locked the doors to the building's north entrance until protesters reassured the guards that they were there to talk individually with their representatives ("Protestors Shout," 1974).

In an article published in the *Texan*, Spurr explained the reason for the change in fees.

> On Feb. 18, I submitted my annual request to the System office for a required student services fee on the assumption that the fee would be at the $3.50 per semester hour and that the required fee would continue to support the health service, shuttle bus, intramural sports, student ID cards, Texas Student Publications, Students' Associations, students' attorney and Senior Cabinet. On Feb. 26, I was notified by the System office that, pursuant to a legal question raised by the state auditor to the attorney general, the System law office had determined that the $3.50 per semester hour fee was illegal and that it would be necessary for UT Austin to reconstruct its budget on the basis of a required student services fee of only $2.50 per semester hour elected. . .

> In approaching this problem, my first effort was to protect required services, particularly those involving the employment of major numbers of fulltime staff. . .
>
> With regard to student publications, I was aware that the student publications fee had been voluntary until only two years ago when, on my own initiative, I moved it from a voluntary to a required basis. Furthermore, a quick check of our budget indicated to me that *The Daily Texan* was a profitable enterprise and that Texas Student Publications had a surplus of approximately $85,000 from the previous year. Finally, the proposed budget for the Texas Student Publications for 1974-75 was $895,046 compared to an actual budget of $792,125 for 1973-74. This indicated to me that if the voluntary contributions to *The Daily Texan* equaled as much as one-half the income expected from the required fee, the Texas Student Publications would have an increase in its budget comparable to that of all other units on the University. . .
>
> I should like to emphasize that these actions were taken solely to accommodate the legal ruling that the required student services fees had to be set at $2.50 per semester hour rather than $3.50 per semester hour and that this portion of the University budget had to be cut. . .
>
> I personally regret that these actions had to be taken on such short notice and with so little consultation. I do point out the action is for one year only and that the instructions of the regents authorize me to consult with those concerned to develop recommendations for the dollar amounts of the optional fees necessary to fund the various activities involved. . . (Spurr, 1974)

Spurr was trying to restore the students' faith that the decision was not based on politics, but on questions of legality. Not convinced of Spurr's explanation, the *Texan* editors chose to include the following editorial next to Spurr's article.

> *Beware of the Ides of March*
> *To the editor:*
> "Friends, Students, Countrymen, lend us your ears;
> We come to bury The Texan, not to praise it.
> The evil that men do lives after them.
> The good is often interred with their bones;
> So let it be with The Texan. The noble Erwin
> Hath told you The Texan was ambitious;
> If it were so, it was a grievous fault,
> And grievously hath The Texan answered it.

Here, under leave of Erwin and the rest –
For Erwin is an honorable man;
So are they all honorable men –
Come we to speak at The Texan's funeral.
It was our friend, faithful and just to us;
But Erwin says it was ambitious;
And Erwin is an honorable man.
When that the poor have cried, The Texan hath wept;
Ambition should be made of sterner stuff."

Drew Roberts
Dan Patterson

P.S. "Beware the Ides of March. . .for Erwin is an honorable man."
("Beware," 1974, p. 4)

Student Government President, Sandy Kress, responded to Spurr's remarks in a *Texan* editorial.

> BUT THIS MUCH IS CLEAR: First, LeMaistre, Spurr and their legal lackeys raised the issue. They claimed the reason for this sudden action which prevented any prior consultation with students was that the system was uninformed of a certain law (Section 54.503 (b) of the Education code) and its effect on the legitimacy of the current Student Services Fee structure.
>
> Now, anyone who has watched the Legislature in action knows that the University, especially in the form of lobbyist Dan Petty, hawks EVERY education bill that is introduced. Obviously, then the System knew of the law as the bill was introduced a full year ago, and the lawyers certainly came to know it better when Frank Erwin hung his hat on the VERY SAME BILL to increase the Building Use Fee last summer.
>
> Essentially if there was any legal difficulty with the current fee, the System had reason to know it long before we paid our fees for the spring semester and, without doubt, before the last few weeks. (Kress, 1974, p. F-A)

Texan staff members conducted a deeper investigation of the fee change and found a discrepancy in the origin of the proposal. When trying to obtain copies of the proposal from the Chancellor's office, a *Texan* staff member was directed to President Spurr's office, because (as the staff member was told) Spurr initiated the proposition. When the same staff member inquired about the documents in Spurr's

office, he was directed to the Chancellor's office, again with the explanation that the proposal's origin was at the System level. This led to an editorial in which the writer referred to President Spurr as a "trained president" ("Trained President," 1974, p. 4). In this editorial, a statement made by Regent Erwin on June 1970 was used to demonstrate the author's belief that Spurr was a trained president.

> I'm not sure at all that we haven't gotten to the point where this business [of higher education] is so big and complex and so difficult that we aren't going to have to get a professional bunch of people who are trained as college presidents and not just go out and get some professor who happens to be available and make him president. ("Trained President," 1974, p. 4)

Erwin was also quoted as saying in 1974, "People have been saying for years that I run the University on a day-to-day basis and I've never denied it" (Schwartz & McKinnon, 1980). The writer concluded that President Spurr is not to blame; he was simply doing his duty as a professional administrator. The power of the institution resided in the Board of Regents, who the writer believed would continue in their pattern until changes occurred in state government.

Student Life

Gay Liberation Organization. Another controversy that began before Spurr took office, which impacted his presidency, was the refusal to recognize Gay Liberation as a student organization. On December 2, 1970, Students' Attorney Jim Boyle represented Gay Liberation before the Committee on Student Organizations (CSO) for recognition as a campus organization. (The Students' Attorney position

had only been established two years earlier and had only represented students in legal matters pertaining to student conflicts with the off-campus community ["Who's Who," 1971].) Three days after representing the students before the CSO, the Regents restricted Boyle from representing students against the University administration ("In Support," 1971; "Silber to TSP," 1971). Boyle responded strongly.

> The action is a direct interference with the relationship of the students' attorney and the individual students to whom he is solely and directly accountable. The students of the university have elected to retain counsel. The Board of Regents is telling the students that they cannot make use of such counsel, for which they have already paid. ("Silber to TSP," 1971, p. 4)

On December 8, 1970, the CSO approved Gay Liberation as a student organization. The following day, President *Ad Interim* Jordan reversed their ruling. In April of 1971, LeMaistre rejected an appeal from Gay Liberation to be recognized as a student group ("In Support," 1971).

During Spurr's first year as UT President, Student Government President Bob Binder and the Student Senate created an Ad Hoc Committee on Gay Rights. This Ad Hoc Committee in turn planned to sponsor a dance on campus for the purpose of raising funds for the legal defense of the Gay Liberation Organization. Based on that stated purpose, Dean of Students James Duncan approved of their request. Later, Vice President of Student Government Ken McHam openly admitted to *Texan* staff that the dance was actually a forum for Gay Liberation members to meet rather than a fund-raising event ("Gay Lib Dance," 1971; "Gay Lib Fund," 1972). That

acknowledgement was then published in the *Texan*. Duncan responded to McHam in a letter.

> Having read your comments in Wednesday's issue of *The Daily Texan*, and assuming that you were correctly quoted, I must point out that your interpretation of the Student Government Ad Hoc Committee on Gay Rights as a vehicle for the Student Senate to sponsor the meetings on campus of Gay Lib members is contrary to your interpretation to me on previous occasions when meeting space requests were being considered. ("In Support," 1971, p. 4)

As a consequence of McHam's statements to the *Texan*, Duncan was forced to cancel the dance.

Though students were unhappy with Duncan's actions, one *Daily Texan* editorial admitted that both Duncan and Spurr were showing their tacit approval of the Gay Liberation members by not acting upon the committee when it was first formed.

> . . .both Duncan and Spurr saw the committee and its purpose clearly. But, both being just men, and both no doubt seeing the inequities of LeMaistre's action, Duncan and Spurr decided conveniently to ignore a committee they could not reconcile with the law the chancellor had decreed. Until, at least, the situation became public last week [sic]. And, then, both being under the employ of LeMaistre, they were left with little choice but to renounce the committee and bar it from the campus. ("In Support," 1971)

The action exemplified the difficult position Spurr had representing the interests of all campus constituents.

Physical plant disputes. Students became disillusioned with the decision-making structure regarding campus facilities and buildings. Two encounters particularly disappointed students; both began before Spurr took office. The first

centered around the Board of Regents decision to approve the architectural design for the Communications complex on the Northwest corner of the UT campus. The main building in this complex was built without windows and was described by journalism students as a "tin can" or an "upended battery box" ("Tin Can Alley," 1973, p. 4). Approval of architectural plans was solely at the discretion of the Regents. A University Faculty Building Advisory Committee was in place, but it had no power other than advising the institution's administration. Students were angry that they were paying building use fees ($9 per capita along with $6 per semester credit hour), but did not have input concerning the use of those fees (King, 1973c).

> We present the near-completed complex as further evidence of a System-regent building concern affecting everyone in the University community – and indeed in the city of Austin – but falling under the jurisdictional power of one. . . .When reduced to the lowest common denominator, the issues here are simply those of taxation without representation and the right of people to participate in those decisions that vitally affect their lives. ("Tin Can Alley," 1973, p. 4)

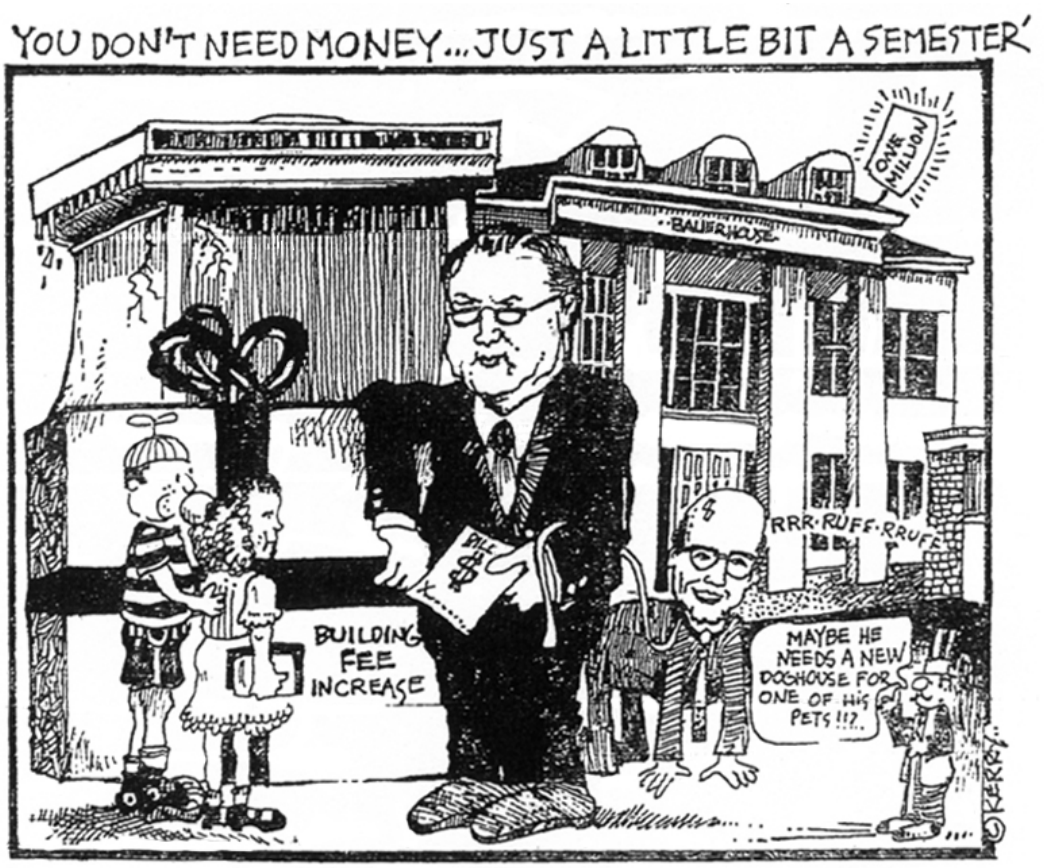

Figure 22: Editorial cartoon. (Kerry, *The Daily Texan*, June 5, 1973, p. 4)

The second encounter centered on the redesigning of the West Mall, a grassy area West of the UT Tower ("Spurr the Environmentalist," 1973, p. 5). The mall's renovation occurred after Spurr's arrival, but had been planned before his coming to campus. The new design called for uprooting the existing grass, flowers and trees and replacing them with planter boxes and sidewalks, which had pipes underneath for a fountain to be installed in the future (King, 1973b; "A Permanent Reason," 1974). An estimated $279,000 was budgeted for the project ("Summer of '74,"

1974). Students maintained that though these plans began before Spurr took office, he should vehemently oppose such "upgrading" of campus facilities, primarily because of his background as an environmentalist. Pleas from students to beautify the campus and reverse the trend "that is turning our campus into the vast panorama of concrete and glass" began shortly after Spurr's arrival ("Spurr's View,"1973, p. 5).

An alumna also pointed out that the proposal to add a fountain was problematic because of the national energy crisis. "Already the other University fountains are turned off to save power, and yet the University officials are considering more fountains?" ("Spurr the Environmentalist," 1973, p.5). Another student complained about the priority placed on campus landscaping when "Batts Auditorium has two circa 1910 blackboards that can't be seen from mid-auditorium back" ("On Going Batts," 1973, p. 4). After the mall had been plowed and renovations had been made, students began to doubt Spurr's true commitment as an ecologist and questioned his verbal promises.

> Spurr is prone to contradiction. Concerning the environment, Spurr professes a commitment to as "much of the natural environment as is possible." It is a pity Spurr the ecologist could not muster this sentiment in July when the regents embarked on the bulldozing of the West Mall. No ecologist here, Spurr defended the destruction against the articulated will of thousands of students and University alumni. ("The 'Neutral' University," 1973, p. 4)

Significant Incident

Spurr's health. In November 1973, Spurr's health became an issue, when he was hospitalized in order to treat a cardiac condition. On Wednesday, November 23, Spurr flew to Dallas where he was met by Dr. Charles Mullins, Chief of Clinical Cardiology at Parkland Hospital and Professor of Internal Medicine at UT Southwestern Medical Center ("Spurr Released," 1973). Commenting on Spurr's condition, Mullins stated "[that he was suffering from] a minor cardiac condition. We admitted him to the intensive care unit because we have a cardiac monitoring system there" (Dorsett, 1973f, p. 1). No one was certain when Spurr could return to Austin or whether he would be allowed to go home or be transferred to another hospital. Vice President for Business Affairs, James Colvin, announced the news the following Monday, November 26 at a called meeting with university deans. Colvin read a letter from Chancellor LeMaistre regarding Spurr's illness. In the letter, LeMaistre stated that Spurr had requested Colvin to assume the duties of UT president in his absence and "to keep me [LeMaistre] advised as to how I may be of assistance to you during President Spurr's temporary absence" (Dorsett, 1973f, p.1).

Spurr was released from Parkland on Friday, November 29. Mullins instructed Spurr "to rest at home, take no telephone calls and receive no visitors" ("Spurr Released," 1973, p. 1). Mrs. Spurr commented that he was feeling better each day, but did not think he could return to his duties before Christmas ("Spurr Released," 1973). Spurr's condition persisted. He was advised to have bypass

surgery in December, which was postponed until the following July (Price, 1986; Stoler, 1974b). After only eight days, he returned to UT and worked half days until his firing two months later (Price, 1986; Selby, 1981c).

Spurr's firing. Spurr's term as UT President ended abruptly when he was fired after refusing to resign. (Spurr was offered one year's severance pay, housing allowance and a research and travel budget if he agreed to resign ["The '70s," 1980].) On September 23, 1974, Spurr was asked to meet with LeMaistre at the UT System office concerning what Spurr thought was a "small dispute with two regents over the operation of the Humanities Research Center" ("Spurr Tells Senate," 1974, p. 1). Spurr recalled the events leading to his dismissal to the Faculty Senate, which was recorded in *The Daily Texan*.

> When Spurr arrived Monday, LeMaistre had typed out a letter of resignation and said Spurr "had lost the confidence of the Board of Regents."
>
> LeMaistre verbally presented to Spurr a bill of particulars behind the resignation request.
>
> "I went home and actually prepared a letter of resignation, which was dictated over the phone by the chancellor," Spurr said.
>
> "At the time, I thought I had completely lost the confidence of several constituencies, but then I started checking around and found this was not so," he continued.
>
> "I've always taken the position that if I lost the support of my constituencies I would gladly step down," Spurr said.
>
> The former president refused to resign Tuesday morning and "told him (LeMaistre) I changed my mind overnight. . . ."
>
> "I believe the formal charges are red herrings. The real issue has to do with academic governance of the University," he added.
>
> "In the three years, three months I have been here the academic decisions, whether good or bad, have not been made above my office," Spurr said.
>
> "I have tried to be meticulous in involving the chancellor and deputy chancellor in any dealings with the Board of Regents," he added.

> In a statement that seemed to surprise most people at the meeting, Spurr said, "I hear about many decisions that are made by the president of the student body and one influential member of the Board of Regents. I read about these decisions in the paper after they are made."
>
> The statement was an obvious reference to Frank Fleming, Student Government president, and Regent Frank C. Erwin.
>
> "I have never made any attempt to discredit the chancellor," Spurr said to a standing ovation "and I only wish I could say the same for him." ("Spurr Tells Senate," 1974, p. 1)

On Wednesday, the Board of Regents voted 8-0 to approve of LeMaistre's decision (Fly, 1974e). Lady Bird Johnson abstained stating

> . . .[that I do] not feel that under the circumstances I have enough facts to approve and sanction the chancellor's action. I could not do so in good conscience.
>
> I am agonized that it has reached this situation with such swiftness. I feel that we have all ill served the University.
>
> No great educational institution can sustain its greatness with the frequent and sudden firing of its presidents and deans. Such actions have a severe and traumatic effect on the administration, the faculty and the student body" (Fly, 1974e, p. 1).

Johnson's opinion stands in sharp contrast to that of Frank Erwin, who later remarked, "If you find out you've made a bad choice, you should get rid of him. You shouldn't make the University suffer for three to five years until the president reaches retirement age. We fired lots of presidents" (Price, 1986).

Concerning LeMaistre's request for Spurr's resignation, Spurr stated, "[I did] not feel that my resignation at this time would be in the best interest of the University, and I must ask for a full opportunity for a review of my stewardship as President" (Fly, 1974d, p. 1). Furthermore, Spurr requested "in writing" a complete list of the 16 reasons given to him verbally by LeMaistre for his dismissal (Fly,

1974b, p.1). The Chancellor was advised by the UT System law staff to not discuss the detail of Spurr's firing due to the legal implications (Fly, 1974l).

When the Chancellor refused to provide this list, Spurr revealed those items that he could remember. One of the first charges was that Spurr had diminished the pregame football receptions before each home game, particularly the refreshments (Fly, 1974j; "Spurr Tells Senate," 1974). Spurr reduced the number of invitations given to the pregame buffet before home football games. Those typically invited included city and state officials, wealthy private citizens, members of the Chancellor's Council, friends of the Board of Regents and University employees. Funds from private sources funded the event, which served as a fund-raiser and promoted goodwill among campus constituencies [Katz, 1976d].) Other reasons were cited and recorded in the *Texan*.

> . . .his (Spurr's) failure to relieve one of his executive officers (unidentified) "from a major portion of his administrative responsibilities," and his alleged failure "to force the elimination of discriminatory institutional 'weights' in the Texas Index used by the Law School Admissions Committee. . . .[and for] not moving the University fast enough into the field of energy research, not adequately justifying the use of the Available Fund and not cooperating on revised policies for guest campus speakers. . . .[and for] antagonism to the Ex-Students' Association ("including our unresponsiveness to association offers to assist in minority recruiting)", [a lack of] program development a the Port Aransas Marine Science Institute, staff unhappiness with the University's McDonald Observatory, premedical advising, "and a poor presentation of this institution's budget before the Legislative Budget Board staff." (Fly, 1974l, p. 1)

Concerning the allegations of his lack of minority recruitment, Spurr stated that he was firmly opposed by the Board of Regents on attempts to recruit minorities.

"When I came here I was shocked to find we had only one tenured professor who was black" (Fly, 1974f, p. 1). That individual, Melvin Sikes, professor of Educational Psychology, asked Spurr to hold a black congress, a measure that met opposition from the Regents. Accordingly, Spurr asked Lyndon Johnson to be a speaker at the congress, which suppressed regental opposition.

LeMaistre maintained that the primary reason for Spurr's dismissal was his efforts to communicate directly with the Board of Regents (Szilagyi, 1980b).

> This erosion has been accelerated by a generally uncooperative attitude on the part of Dr. Spurr and an effort on his part to discredit the Chancellor and System Administration through direct contact with members of the Board of Regents. Obviously this utter disregard for the duties and responsibilities of the Chancellor as mandated by the Board of Regents cannot be tolerated. (Fly, 1974d, p. 1)

Spurr believed that he finally angered the Chancellor into turning against him when Spurr in front of other system presidents opposed the appointment of a candidate for Vice Chancellor of Academic Affairs, who was supported by LeMaistre. He further stated that Erwin's support of him was broken when Spurr refused to order Dean Keeton to admit one of Erwin's friends into the Law School (Fly, 1974j).

Figure 23: Editorial cartoon. (Wayne Austin, *The Daily Texan*, September 26, 1974, p. 4)

Commenting on Spurr's firing, Standish Meacham, Professor of History, stated, "I do regret the way it was done – in the tradition of the Texas bushwhackers.

He was fired in the wrong way on a trumped-up charge" (Tomlin, 1974b, p.2). Gardner Lindzey, who became Spurr's Vice President and Dean of Graduate Studies, remarked, "The problems Steve had were in part that he had not been at the institution before; the Board of Regents had a history of being actively concerned with what's going on" (Selby, 1981c, p. 1). Spurr echoed Lindzey's statement. "There has been a long history of regental involvement in the affairs of this university, not by the majority of the Board of Regents but by individual regents" (Fly, 1974f, p. 1). Lindzey believed that UT presidents should be chosen from within the institution. "I don't think that's true at all universities, but in the case of the University of Texas, I would feel that way" (Shelby, 1981,p. 1).

Spurr reflected on UT's past presidential exiting record.

> No university anywhere has the kind of record found at this institution when it comes to presidential turnover. The University has had 20 presidents in its 80-year history. Of the 20, 12 served less than three and one-half years in the top spot.
>
> One man, however, died shortly before he would have been due to retire.
>
> One interesting fact is that eight of the former presidents went on to become president at other universities. (Scott, 1974, p. 16)

Spurr was one of two UT Presidents fired in the previous 30 years. In 1944, the Board of Regents fired Homer Price Rainey, who made public a list of 16 charges of "restrictive measures" against the Board (Hall, 1974, p. 17). Rainey at the time of his firing summarized the difficulty of university representation.

> The heart of the trouble arises out of the fact that the University is controlled by a group of persons who represent almost entirely one attitude and one group of interests in the state and they have tried in numerous ways to impose

> their point of view upon the University and to restrict the freedom of those who have other points of view. (Hall, 1974, p. 17)

The repercussions from that event were enormous. Faculty resigned in protest, three regents resigned, students went on strike for one week and the American Association for University Professors (AAUP) placed the institution on their "black list" (Fly, 1974b; Harvey, 1974, p. 1). Likewise, with the firing of Spurr, repercussions were felt: UT faculty requested AAUP to investigate "the interdependence of the components of the University System and political interference" (Fly, 1974g, p. 1); faculty members took a vote of "no confidence" on LeMaistre (Fly, 1974h, p.1); the general faculty called for LeMaistre's resignation (Fly, 1974i) State Senator Lloyd Doggett, Democrat from Austin, stated he would block Erwin's reappointment to the Board or Regents (Fly, 1974h); requests were made for Legislative investigations into the incident (Fly, 1974g); and some 4,000 students protested on the Main Mall (Stoler, 1974c).

LeMaistre attended a meeting of the General Faculty to answer 16 questions that had been submitted to him by that body. During the process he explained his philosophy of the relationship between UT System and its component campuses.

> [UT System academic affairs] are decentralized with the campus chief executive officer, the president, delegated a primary and determinant role. Let me stress that there is no intervening line authority between the president and the chancellor, and that the president has available direct daily access to the chancellor on matters of concern to the campus.
> . . .[Regarding the overall governance of component institutions,] we must be ever mindful that it belongs to the people of Texas and cannot be possessed by the administration, the faculty or the students. . . .

> It would be wrong of me to recommend anyone (for president) who does not have the support of faculty and students.
>
> It would be wrong to recommend someone who was supported only by faculty and students. (Fly, 1974l, p. 1)

Some believed that LeMaistre would himself be dismissed soon because of his handling of the Spurr firing. He also put the Regents in the awkward position of confirming his dismissal of Spurr. Their only choices at that point were to fire LeMaistre and Spurr, reinstate Spurr and dismiss LeMaistre or show support to LeMaistre ("Preparing for Future," 1974).

Wayne Danielson, Dean of the School of Communications, questioned the structure of the relationship between UT and the UT System.

> There seems to be something wrong with the structure, the basic relationship between the president and chancellor. It makes it impossible for a president to endure very long in office.
>
> I do not think anyone of stature wants to feel he is simply a link in the chain of command. There has to be a feeling of autonomy and freedom of action, especially at a university as big and powerful as this one. (Williams, 1974, p. 3)

The chancellor's position was created in 1950 and then abolished in 1954 for a short period of time. When it was reestablished, Logan Wilson assumed the position and served for one year. Harry Ransom then served as both the Chancellor of The University of Texas System and President of The University of Texas at Austin. Hackerman then assumed the duties of President of The University of Texas at Austin (Speizer, 1974). The position of chief executive officer at both The University of Texas System and The University of Texas at Austin have been tenuous.

When Spurr was asked how he felt about the firing, he replied, “I don’t have that high of an opinion of myself to characterize my position as that of martyrdom. I feel more like I was bushwhacked” (Scott, 1974, p. 16). “I had always heard you’re not a native Texan until you’ve been bushwhacked” (Brown, 1975f, p. 4). “Anyone who is president at this University needs more than intelligence – they need luck as well” (Brown, 1975f, p. 4). Spurr contemplated legal action, but decided to allow the academic investigation to progress before taking legal action (Fly, 1974f).

Spurr, as a tenured Professor in the Department of Botany and the LBJ School of Public Affairs, returned to teaching (Scott, 1974). About leaving the President’s Office, Spurr felt it was important to not take any privileges with him as he transitioned to the role of a faculty member. “I even turned in my ‘O’ parking permit [a University official parking permit allowing him to park anywhere on campus] and my University car” (Scott, 1974).

Conclusion

Spurr came to UT as an outsider during one of the most turbulent times in UT’s history. The campus community was divided; students questioned the motives and wisdom of the institution’s governing board and politics seemed to mean more than academics. Almost all of the issues encountered by Spurr were actions, events and policies, which were enacted before he took office. His removal from office was dramatic causing yet more feelings of distrust between the faculty and students

versus the regents and UT System administrators. The presidential selection process was changed immediately after Spurr's selection. Students and faculty input was essentially removed. Selecting the next president would prove to be another challenge for the institution.

Lorene Rogers

Figure 24: Lorene Rogers. (Center for American History, UT-Austin, CN10058, Prints and Photographs Collection)

Lorene Lane Rogers was born in Prosper, Texas, a small town north of Dallas, on April 3, 1914. She graduated high school as the valedictorian in 1930 and at the age of 16 began attending North Texas State Teachers' College. In 1934, Rogers earned a Bachelor of Arts in English literature. While at North Texas, she met Burl Gordon Rogers, and in 1935, they were married. Rogers moved to Austin so her husband could study for an advanced degree in chemistry at The University of Texas. He completed his degree in 1940 and they moved to New Jersey, where Burl had accepted a job in a plant producing chemicals used for the United States' efforts

in World War II. Tragically, he was killed in an explosion at the plant two years later (News & Information Service, 1976; Rogers, 1974).

After the death of her husband, Rogers considered her options and decided to continue her education. She began working on a graduate degree in English at Columbia University, but changed her mind to pursue another goal, which she felt was more relevant at the time. “This was during the war and we were arguing about whether Shakespeare wrote this play in that year or the year before. It just didn’t seem to matter very much” (Tuma, 1979g, p. 1). Therefore, Rogers decided to return to the University of Texas in order to study chemistry. She had become captivated by her husband’s descriptions of his work and determined to learn more.

Figure 25: Lorene Rogers. (Center for American History, UT-Austin, CN09740, Prints and Photographs Collection)

In 1946, she earned a Master of Arts in Organic Chemistry; in 1948, she earned a Ph.D. in Biochemistry. She spent two years teaching at Sam Houston State College (1947-1949) before returning to Austin. Her career at UT proved to be a distinguished one. Over a span of 29 years, she served in a number of capacities: researcher, teacher and administrator (News & Information Service, 1976; Rogers, 1974). Table 7 summarizes the positions held by Rogers while at UT.

Table 7: Positions Held by Rogers at The University of Texas at Austin

(Rogers, 1974; UT Faculty-Staff Information, 1980)

Position	Date
UT's Clayton Foundation Biochemical Institute	
Research Scientist,	1950 – 1961
Executive Assistant and	1951 – 1957
Assistant Director	1957 – 1963
Lecturer in Chemistry	Spring Semester 1961, 1963
Professor of Home Economics	1962 – 1979
Assistant Dean of the Graduate School	1964 – 1965
Associate Dean of the Graduate School	1965 – 1971
Vice-President	1971 – 1974
President *Ad Interim*	1974 – 1975
President	1975 – 1979

One curiosity about Rogers' teaching and research activities is the department of her faculty appointment. Though she held advanced degrees in Chemistry and served as a researcher in Biochemistry, she was appointed in Home

Economics. In Rogers' words, her appointment to Chemistry was rejected because as she was told, "We've never had a woman in our department and we never will" (News & Information Service, 1976, p. 1). Therefore, she accepted a position as a Professor of Nutrition in Home Economics, a field more traditionally led by women (News & Information Service, 1976).

Roger's *Ad Interim* Presidency

Beginning on August 31, 1974, Rogers had taken a leave of absence from her position as a UT Vice President to become the Chair of the Graduate Record Examinations Board[14] (Stoler, 1974c). Soon after firing Spurr, Chancellor LeMaistre called Rogers and asked her to serve as UT President *Ad Interim* ("Lorene Rogers," 1975). She accepted and began serving in that capacity on September 25, 1974. As with Bryce Jordan, the *ad interim* title gave her all the authority of a permanent president ("Lorene Rogers: 'I Don't Care,'" 1975). Her foremost objective was "to get the campus settled down as quickly as possible and get everyone back to their business" ("Lorene Rogers: 'I Don't Care'," 1975, p. 14).

The abrupt firing of President Spurr caused great apprehension on the part of faculty and students concerning the selection of their next president. President Spurr

14 In 1971, Rogers started to take a one-year leave of absence, but was asked to remain as a Vice President by Spurr in order to facilitate his transition to UT ("Lorene Rogers," 1975).

had been selected with significant input from faculty and students; a 16-member faculty-student committee selected three candidates from which the Board of Regents could choose. After Spurr was chosen, the faculty-student presidential advisory committee's power had been reduced by the Regents. The committee's power was solely in an advisory capacity; the committee no longer presented Regents with a select list of candidates from which to choose. This faculty-student advisory committee was composed of three students chosen by President *Ad Interim* Rogers and nine faculty members elected by the General Faculty (Burris, 1975c; Scott, 1975a). A new presidential advisory committee was formed and was composed of 14 members: Chancellor LeMaistre (Chair); Chancellor Emeritus Harry Ransom; Regents A.G. McNeese, Allan Shivers, Ed Clark and Lady Bird Johnson; William H. Knisely, Assistant to the Chancellor; Deputy Chancellor E. Don Walker; UT San Antonio President Peter Flawn; UT Dallas President Bryce Jordan; Wales Madden, President of the Texas Exes; Frank Harrison, President of UT San Antonio Health Science Center; Jane Strauss, a student representative; and Professor of Business Law Eugene Nelson ("Presidential Selection," 1975; "UT's Fate," 1975). The committee's composition was heavily criticized by faculty and students. Some doubted whether Strauss, who was also Chair of the Texas Union Board of Directors, could represent student opinions based on her status as the daughter of a Dallas banker and niece of the Chair of the Democratic National Committee. *Texan* editors also speculated that Flawn and Jordan were selected because they were potential UT

presidential candidates and serving on this committee would prohibit their selection ("Presidential Selection," 1975).

Two months after Rogers' selection as UT President *Ad Interim*, Chancellor LeMaistre told the UT General Faculty that the new presidential selection process had been used six times since its implementation.

> In five of those cases, the choice of the advisory committee was also the choice of the selection committee. . . .Let me be realistic. It would be foolhardy for me as Chancellor to recommend to the Board of Regents someone for the presidency at this institution who is not acceptable to the faculty and students. Indeed, I do not believe anyone would accept the job under those conditions. In addition, I believe that it would also be equally foolhardy for me to recommend someone to the Board of Regents who had only the support of the faculty or the students. ("Document and Minutes," 1974, p. 11713)

After LeMaistre's speech, the General Faculty adopted a resolution concerning the role of the faculty-student advisory committee in the selection of the next president. Essentially, this document stated that UT faculty members would only accept a candidate that was approved by the faculty-student advisory committee ("The Faculty's Alternative," 1975). The resolution, proposed by UT Professor of Physics David Gavenda, identified his concerns regarding governance.

> Since my student days in the early Fifties I have been witness to slow, but steady progress toward the kind of institutional autonomy and self-governance that are hallmarks of great universities. Now this progress is threatened because the legal authority to control the destiny of the University has fallen into the hands of people who do not understand the purpose and function of faculty self-governance in a first-class university.
>
> The attitude which prevails in the System office is exposed in a letter written to the Board of Regents by Chancellor LeMaistre (quoted in *On Campus* Oct. 7, 1974): the chancellor refers to the president as "a subordinate

> to the chancellor, and as his agent in the conduct of the affairs of the institution."
>
> As a deliberative body we can select our own presiding officer. There is also no reason why we cannot have an executive officer of our own choice sign the letters of appointment to standing committees of the General Faculty. The members of these committees are either elected by the General Faculty or nominated by the Faculty Committee on Committees. When the president signs the appointment letters he is acting as the agent of the General Faculty. If he is actually no more than the agent of the chancellor, then we should not delegate our authority to him.
>
> I realize, of course, that the chancellor's president would have legal authority in budget matters, but we should not yield to him in those areas where the authority clearly lies with the General Faculty. Obviously, such a system of dual presidents would soon become intolerable in an academic community; I desperately pray that it will never come to pass. Surely no one would accept appointment unilaterally by the Chancellor in the face of certain knowledge that the General Faculty will not accept him as their leader. It is imperative that we approve this resolution now, by an overwhelming majority, to make it crystal clear to the Chancellor and the Board of Regents that we are prepared to take whatever steps are necessary to maintain some semblance of faculty self-governance in the academic affairs of The University of Texas. ("Documents and Minutes," 1974, pp. 11714 – 11715)

Spurr's unexpected dismissal also caused concern regarding the institution's ability to recruit quality candidates for the presidency (Speizer, 1974).

> Such a new president would land in the midst of a blood-thirsty horde intent on making life and University governance impossible. The scenario is unlikely to come to fruition simply because there is no fool so great as to accept the post if offered under those circumstances. Anyone willing to blindly enter that hornet's nest would be just the non-entity required by LeMaistre – and of course Erwin – but we can't imagine a person both willing to grovel before the System and to bear up under a declaration of war from the entire University community. ("Preparing for Future," 1974, p. 4)

Both the faculty-student advisory committee and the advisory committee created by the Regents considered Rogers as a potential candidate for the presidency. *Texan* editors chose not to endorse Rogers as a candidate stating that the best

candidate would be one from outside UT and the UT System. Others criticized Rogers for her seeming inefficiency. In the spring of 1975 when the Texas Legislature convened, Professor of English and Education and Secretary of the General Faculty James Kinneavy observed that pieces of legislation were being slowed down in the president's office, rendering them ineffective. Some felt that Rogers was slow to act upon certain administrative measures because she was consulting with UT System officials before making any decisions ("Lorene Rogers: 'I Don't Care,'" 1975). Kinneavy accused Rogers of being a pawn for the Regents. "The board did not want a strong president" ("Presidency of Lorene Rogers," 1975, p. 4). Rogers explained that she was utilizing a minimum number of staff members while the presidency was in an interim period; thus, work progressed at a slower rate (Burris, 1975g). She also proposed that many of the issues her office was handling seemed routine to the faculty, but in reality are not routine at all (Burris, 1975j).

Ultimately, the advisory committee did not choose to include Rogers on their list of candidates; in fact, they rejected her nomination on four separate occasions[15] (McMillan, 1978e). Instead, the advisory committee chose: Willard Boyd, President of the University of Iowa; William Livingston, Chair of the UT Faculty Senate and Professor of Government; J. Russell Nelson, Executive Vice President of the University of Colorado System; and Cecil Mackey, President of the University of

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15 The advisory committee had agreed to not consider anyone more than 55 years of age because the mandatory retirement age was 65 and they wanted someone who could stay at the institution up to 10 years (Hooker, 1981c).

South Florida at Tampa (Brown, 1975e). On Friday, September 12, 1975, despite the fact that Rogers was not one of the candidates recommended by the faculty-student advisory committee, the Regents' voted 5 to 3 in favor of her appointment as UT President[16]. After the vote was taken, the three individuals who voted against Rogers congratulated her and promised their full support (Burris, 1975g).

Significant Incidents

Protesting Rogers' presidential appointment. Dr. Rogers' appointment as UT President set off a number of protests that continued for an extended period of time. These protests impacted many of the larger issues being examined. Therefore, the material in this section is substantial because the events, participants and their motivations bear on a majority of the issues encountered by Rogers during her presidency.

Soon after Rogers' appointment was announced, Student Government President Carol Crabtree and Vice President Lyn Breeland declared the student position on the matter.

> On behalf of the student body of the University of Texas at Austin, we refuse to support the regental decision to appoint Dr. Lorene Rogers as president of our campus.
>
> Never did the Advisory Committee offer Dr. Rogers as a candidate. Never did it support her nomination for president of the University. Never did the Advisory Committee 'agree' with the Selection Committee, as Chancellor

16 Regents Lady Bird Johnson, Thomas Law and James Bauerle voted against her appointment; Chair Allan Shivers, Walter Sterling, Ed Clark, Joe Nelson and A.G. McNeese voted in favor; Dan Williams was absent (Burris, 1975g).

> Charles LeMaistre stated today at the meeting of the UT System Board of Regents. (Burris, 1975g, p. 1)

Crabtree and Breeland further stated that they were not trying to damage Rogers' reputation, but were showing their dissatisfaction that the advisory committee's contribution was disregarded. "We do not question her [Rogers'] competency, but rather the process by which she was selected" ("Student Leaders," 1975, p. 2). They claimed that the advisory committee spent 3,000 hours examining 200 candidates in order to submit a short list of names that were then submitted to the presidential advisory committee. LeMaistre added Rogers' name to this list; she was then appointed. At that point, the Advisory Committee had no veto power over the appointment; Regents had the final say in the matter (Pena, 1975c).

Figure 26: Editorial cartoon. (Eric Harrison, *The Daily Texan*, September 15, 1975, p. 4)

Figure 27: Editorial cartoon. (Dolgener, *The Daily Texan*, September 16, 1975, p. 4)

Other students enumerated their particular complaints against Rogers. For the spring 1975 graduation ceremony, Rogers chose McGeorge Bundy to give the commencement address[17]. Bundy was a somewhat controversial figure because of his role in the Vietnam War initiatives. Consequently, in order to keep the ceremony's disruption to a minimum, Rogers prohibited students from wearing any

17 Bundy served as national security adviser to Presidents John F. Kennedy and Lyndon B. Johnson during the Vietnam War. Earlier in his life, he served as a faculty member and Dean at Harvard University (Gerwertz, 1996; Thomson, 1996).

signs or symbols on their academic regalia. When Bundy rose to speak, a number of faculty (including Thomas Philpott and Standish Meacham [Burris, 1975l]), graduates and audience members left, still others began chanting slogans about his role in Vietnam. Five students, all members of the United Students Against Racism at Texas (USARAT), were arrested for disorderly conduct (Dryden, 1975). Students also felt that Rogers was not being fully honest with the Department of Health, Education and Welfare's (HEW) investigation of the University. Furthermore, student government representatives claimed that Rogers took credit for minority recruitment programs, which were fully funded and administered by their organization (Colson & Chriss, 1975).

After her appointment, Rogers commented "I considered all the pros and cons before I accepted the job. The decision has been made. I didn't ask for the job, and I had nothing to do with the decision-making process" (Burris, 1975g, p. 1). A number of affirming telegrams and letters were sent to Rogers and, as she stated, her home and office were full of flowers; thus, indicating that she had substantial approval (Burris, 1975g). Following several days of protests, Rogers attended a National Science Medal presentation having been invited by U.S. President Gerald Ford. While at the event, she ran into Norman Hackerman, then President at Rice University, who encouraged Rogers. "Don't let those people run you off. The same men who are criticizing you were criticizing me and will criticize others" (Hooker, 1981c, p. 1). Later, Hackerman stated that he was not referring to anyone

specifically, but speaking generally. “If you show a sign of weakness, people jump all over you” (Hooker, 1981c, p. 1).

James Colvin, Vice President for Business Affairs, issued a statement supporting Rogers, saying that she had a great deal of support from the Texas Legislature; National Science Foundation; and Department of Health, Education and Welfare, all of which provided a large amount of funding to the institution (Sargent & Sprague, 1975). Roger Abrahams, Chair of the English Department, remarked “Anybody who would take an appointment under such circumstances, knowing what the faculty stance with regard to her appointment is, must have remarkable fortitude and chutzpah” (“What Is Your Opinion,” 1975, p. 9).

Students began to organize protests. Believing that the Regents’ choice for UT President violated academic freedom; a coalition of student groups formed the Students Helping Academic Freedom at Texas (SHAFT) to protest Rogers’ appointment (Fessenden, 1975b; “Support Academia’s Grasp,” 1975). The group began to orchestrate a rally on campus and called for a boycott of classes (Fessenden, 1975b). The first of several rallies drew between 5,000 and 7,000 students to the Main Mall at noon on Wednesday, September 18. In support of the rally, some faculty dismissed classes to allow students to attend. Other faculty held classes under trees on the Main Mall and discussed academic freedom and the present situation. Nine speakers were scheduled for the event. One speaker, State Representative

Gonzalo Barrientos, called for an investigation of UT's governance procedures by the Texas House Higher Education Committee.

> The University of Texas System Board of Regents has enjoyed a virtually free hand in governing the system and therefore the trend toward mediocrity can be laid at their feet. I believe the continuous controversy generated through administrative changes in the University of Texas System raises too many questions for the Legislature to ignore the problem. (Olafson, 1975, p. 13)

He recommended that students call representatives from their home districts and demand an investigation. One USARAT member speaking to the crowd of protesters drew parallels between Rogers and U.S. President Richard Nixon. "I remember the time when people said Richard Nixon would never resign. Nixon fell and Rogers will fall" (Fessenden & Kilday, 1975, p. 1). Interspersed throughout the speeches were chants: "Quit! Quit! Quit!" (Fessenden & Kilday, 1975, p. 1). During a two-week period, four rallies were held on campus (O'Neal, 1979). Students also protested in front of the homes of LeMaistre, Rogers, and Regents Shivers and Erwin (Daily Texan, 1975). The last of the four rallies drew 2,000 participants (Mogavero, 1975). Student leaders even used money from the Student Government service fund to travel to various cities across the state to speak against the Regents' action (Gugenheim, 1976). One student commented on the organized protests.

> The student groups seem to hold Dr. Rogers responsible for everything from the Alamo to the Vietnam War, "Racism," "Sexism" and LBJ aid McGeorge Bundy, though Mrs. Johnson was warmly approved. . .Qualifications for the presidency appear to include bowing low to all dictates of HEW bureaucrats and perhaps an occasional jog through the dorm areas. . . .The [student] Senate action of giving money to the coalition [SHAFT] makes me glad that those funds are voluntary. . . . (Griffin, 1975, p. 4)

SHAFT members later voted to cease the class boycott and take other actions (Fessenden & Turnham, 1975). One of those actions was a petition signed by 15,000 students calling for a referendum on Rogers' appointment ("Rogers: Not Our President," 1975). When asked about the petition, Rogers responded,

> I do not think a student petition at this time would be indicative of student feelings. I don't think that (a student referendum election on the issue) would be a fair thing to do because I don't think the students know me. . . .I knew there would be some dissatisfaction. . .I took this job because of my concern for the University and I'll keep it because of my concern for it. I cannot see that my resignation would do anything but destroy this university. If I could be run off by a student-faculty group it would be very difficult to get someone else to come here. . . .If I thought I had no student/faculty support I wouldn't have taken it. I think I have a significant base of faculty support. Even some of the members of the student-faculty advisory committee have offered their support. . . .I think the selection process is a miserably poor one, and one reason I took the job was to change this process. (Karisch, 1975, p. 11)

Student Government representatives also voted not to participate in the University Council (Pena, 1975c). Some 200 law students held their own protest by marching from Townes Hall to the Governor's mansion in order to read a declaration calling for Rogers' resignation (Kilday, 1975b). Teaching Assistants (TA) voted to vacate classrooms on Friday, October 3. "Evacuation Day" as it was called was not an actual boycott; TAs were to call in sick, but were to meet the responsibilities of their classes either by holding class off-campus, handing out lecture notes in advance or postponing classes (Rizley, 1975, p. 2). Additionally, TAs voted to give their final grades to the Chair of the Faculty Senate instead of to Rogers' administration. They

also called for UT shuttle bus drivers to call in sick in order to force off-campus students to think about the situation to a greater extent (Rizley, 1975).

Likewise, faculty began organizing. A meeting of the General Faculty was called to discuss the situation. Rogers gave a brief address to the group and though the president normally presides over the General Faculty, Rogers decided to give that responsibility to Robert Jeffery, Professor of Speech Communication. In her address, Rogers explained her decision stating that it became apparent that "no ideal solution to the appointment of a president was available in spite of diligent efforts by both the Advisory and Selection Committees over a period of almost a year" (Burris, 1975i, p. 1). Essentially, she said the choice came down to two scenarios: "Start the search process over again because the Advisory and Selection Committees could not arrive at a consensus or accept the nomination of the Selection Committee without the approval of the Advisory Committee" (Burris, 1975i, p. 1). Rogers stated that she chose the latter because she felt another year with an interim administration would hurt the institution; however, she respected the opinion of many faculty and students who would have chosen the first scenario (Burris, 1975i). "We will never agree among ourselves on every issue and that is a good thing. The climate of higher learning is one that not only accommodates but encourages differences of opinion" (Burris, 1975i, p.1).

After Rogers spoke, faculty members began to vocalize their disapproval of her appointment and voted overwhelmingly (730 to 20) to adopt a resolution

demanding Rogers' resignation (Walsh, 1975). Former UT President Stephen Spurr, as a faculty member participating in this session, voted in favor of the resolution.

> I voted in favor of all faculty resolutions. Although she (Rogers) is a competent person and fully capable as a president, I feel no one should accept a college presidency without student-faculty support.
>
> I thought it inconceivable that they [UT Board of Regents] would appoint someone who didn't have at least some faculty and student support. But then, I was surprised I was fired without any consideration given to my record of performance. (Brown, 1975f, p. 4)

The General Faculty adopted three other resolutions. One endorsed the statement by the Advisory Committee denouncing the selection process. The second charged that the Board of Regents departed from sound principles of shared governance supported by the Association of Governing Boards, the American Council of Education and the American Association of University Professors. The third argued that students should not be punished for boycotting classes in protest of Rogers' appointment[18]. The faculty voted not to work with standing committees appointed by the president or participate in the University Council until Rogers resigned and the *Regents' Rules and Regulations* reflected greater faculty participation in the presidential selection process (Burris, 1975g). In response to this action, Chair of the UT Board of Regents Allan Shivers stated that if faculty decided to boycott the University Council, then he supported Rogers in circumventing the Council. "They need her more than she needs them" (Katz, 1976a, p. 1). The 52-member Faculty Senate also voted 32 to 8 not to

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[18] Faculty did not vote to boycott themselves because that action might be construed as a strike; Texas law prohibits state employees from striking (Fessenden & Kilday, 1975).

participate in the University Council. The group then voted to form a standing committee of the Faculty Senate on Faculty Participation in University Governance ("Faculty Senate," 1975). A statement was read from the University of Houston Faculty Senate supporting the UT faculty protest of Rogers' appointment (Kilday, 1975d).

The Austin Chapter of the American Association of University Professors requested that the national organization investigate the UT System's policies and procedures on governance (Brown, 1975c). AAUP issued a press statement, which outlined past grievances with UT Regents, including the firing of Spurr and the 1972 appointment of Arleigh Templeton as President at UT El Paso in which Regents neglected to consult with faculty ("AAUP Criticizes," 1975). In a follow up investigation, AAUP maintained that the UT Board of Regents "has exercised a control that is unnecessarily and unproductively restrictive. . .[and]. . .has come perilously close to subverting both academic rights and responsibilities" ("AAUP Calls," 1976, p. 1). Shivers responded to the allegations stating that the AAUP only looks at issues from one point of view – the faculty – while regents are charged to serve many constituents including taxpayers, students, faculty and staff ("Shivers' Reply," 1976).

The Faculty Senate, chaired by UT presidential candidate William Livingston, passed a resolution requesting a meeting with Chancellor LeMaistre and Regents Chair Shivers; they also voted that this request be sent directly to LeMaistre

instead of through President Rogers. Upon receiving the letter, LeMaistre stated that he would not accept the invitation unless it came through the proper channels, namely through President Rogers. In a letter to LeMaistre, Rogers approved of the Chancellor's refusal to acknowledge the faculty's resolution, but asserted that such a meeting was a good idea.

> In our present situation, however, there is clear need for opening the lines of communication between faculty representatives and members of the administration.
>
> For this reason, I am requesting you and Chairman Shivers to set aside normal procedures in this instance and meet with representatives of the Faculty Senate so that they may convey their sentiments on these matters directly to you.
>
> Academic governance is a matter of serious concern on this campus . . . . Under these circumstances I believe an informal meeting as requested by the Faculty Senate can serve to clarify the mutual concerns and responsibilities of faculty members and of the administration. (Burris, 1975p, p. 1)

Other complaints about Rogers from faculty included her alleged manipulation of faculty salaries, which were meant to punish those who disagreed with Rogers' decisions (White, 1975). Additionally, some faculty accused Rogers of not supporting academic freedom and tenure. Rebutting that statement, Rogers explained, "I believe very strongly in academic freedom and tenure. At the same time, I believe some faculty have abused that concept. This endangers the protection we all have and need" (Burris, 1975i, p. 8).

Other individuals began to respond to the campus conflict. State Senator Lloyd Doggett (Democrat from Austin) expressed his disapproval of the regental action.

> The regents had an opportunity to end the tension that they have created over the years. Now by their action they have indicated a desire to continue the same politics. I am very disappointed in (Regent) Allan Shivers. Assuming this was intentional and not just a mistake in judgment, the problems on the board probably cannot be solved for six to eight years. ("Clayton's Approval," 1975, p. 1)

Frank Erwin issued a press statement to respond to the student referendum taken on campus, which called for Rogers' resignation (Katz, 1975b).

> It is truly amazing that after keeping the polls open for two solid days with dozens of faculty members and teaching assistants urging their students to vote against the president, and with *The Daily Texan* exhorting the students to vote negatively for 18 continuous hours, Dr. Rogers' detractors could only persuade less than 18 per cent of the 42,600 students to vote against her. ("87% Don't Want You," 1975, p. 4)

In a public forum, Shivers and Associate Professor of History Thomas Philpott met to discuss the appointment process. Shivers replied, "You've got a few hundred students raising hell and thousands stopping to see what's going on. In my opinion, more people could care less because most people are here to get an education" (Kilday, 1975c, p. 1). In response to the campus turmoil, Shivers and LeMaistre met with Student Body President Carol Crabtree and the officers of the Faculty Senate ("Boycott Poll," 1975). From this meeting, Shivers determined to name a committee of eight individuals to study UT System matters, including its method of presidential selection (Fessenden, 1975e).

After five months of protests and four University Council meetings without a quorum, *Texan* editors began to question the effectiveness of the protest efforts (Katz, 1976b; Katz, 1976c).

> Difficult as it is to admit, we must admit that under the current Board of Regents and our governor we are not going to be given a greater voice in actual governance of the institution. . . .
>
> Well, it is quite clear that Dr. Rogers is not going to resign. In fact, it appears she has thrived on both the controversy and antagonism. And she has avoided falling into the bitterness that has marked so much of the rhetoric of her opponents. (Katz, 1976b, p. 4)

> Because the [Faculty] Senate has refused to address this question, the campus community has been faced with a seemingly unresolvable paradox. Namely, that on the one hand the Senate won't discuss what it will take to end the boycott, and on the other hand University President Lorene Rogers argues that if only the Senate would tell her what she can do to end the boycott she will consider the proposals.
>
> Ironically, the Senate has advocated continuously that better faculty participation in administrative decisions is needed, yet they have declined to give Rogers any "faculty participation" on the most important issue the University has faced this year.
>
> A week ago, Rogers sent the Senate a letter urging the formation of a faculty committee which would meet with her to discuss the council boycott. Discussion was begun Monday during the joint Senate meeting, but no real directives were established. What seems to be emerging from the Senate's caucuses is that no one is really interested in talking to Rogers about the problems of faculty participation at the University. ("Is there a boycott," 1976, p. 4)

The Faculty Senate finally agreed to establish a committee to meet with Rogers (Mack, 1976a). However, as time passed, *Texan* editors became even more impatient with the faculty's actions.

> The protest against University President Lorene Rogers. . .has reached an unrealistic and academically harmful point. . . .
>
> Support of University Council participation should not be construed as a positive endorsement of Rogers' presidency. Her appointment still stands as an abomination of academic governance which will mark her throughout her tenure. But the simple truth is Rogers has done more toward reconciliation with the faculty than the [Faculty] Senate has. The following are only a few of her accomplishments so far.

- When the Faculty Senate committee wanted to meet with the University System administration without Rogers present, Rogers stepped aside and allowed the meeting to take place.
- After careful consideration of the University Council's legislation on grievance procedures, Rogers approved the measure with only minor changes.
- Rogers was the first person to address reconciliation measures with the faculty, sending the Faculty Senate an official letter asking their consideration on the matter.
- Despite considerable disregard of student/faculty committees by past presidents, Rogers approved the basic recommendations by committees studying the funding of the *Texan* and Student Government. And she defended her position before the Board of Regents. ("End the University Council Boycott," 1976, p. 4)

The faculty boycott ended little by little. In May 1976, after eight months of boycotting, the Faculty Senate and General Faculty voted to show "good faith measures" by resuming participation in all University committees and attending the May commencement ceremonies ("General Faculty," 1976; Hutcheson, 1976b, p. 1; Hutcheson, 1976c). The following September, the faculty and students voted to resume full participation in the University Council ("Faculty Senate," 1976; "Student Senate," 1976). The slow process of reconciliation began.

> It has become easy to ignite protests on this campus and we, the faculty and students, have mastered the art of protest after years and years of practice. But when it comes to put[ting] the pieces back together after the battle, frustration and confrontation always make the effort weak. ("Faculty Senate: Return," 1976, p. 1)

Rogers' appointment made her the first woman president of a major American university[19] (Burris, 1975h). Though Rogers did not believe her appointment was a women's issue, many on campus reflected on the meaning of that milestone and were disappointed that it would be submerged in such intense controversy (Boyer, 1975; Sims, 1975). Francis May, Professor of Business, believed that individuals should observe the strength of Rogers' character during this time of campus turmoil. "I think she has already demonstrated [strength and character]. She's got guts. That's an indelicate thing to say about a lady, but she's got guts" (Coleman, 1975, p. 13).

Governance

Changes in governance. In January 1975, a noteworthy change occurred within the Board of Regents. Frank Erwin's regental career came to an end. Before the end of his second term as UT Regent, Erwin made a public announcement that he would not accept a reappointment by Governor Dolph Briscoe (Fly, 1974k). Some speculated that Briscoe would not have reappointed Erwin because he opposed Briscoe's 1972 gubernatorial campaign ("We're Glad," 1974). Even if Briscoe had

19 The Association of American Universities, an association of leading research universities in the United States and Canada, inducted The University of Texas at Austin as a member in 1929 (Association of American Universities, 2002).

reappointed Erwin, State Senator Doggett vowed to block Erwin's appointment[20]. Therefore, Erwin's reappointment was unlikely.

While visiting with a group of students, Erwin asserted his belief about regental power.

> The regents aren't the servants of the University, they're the governors. This bit about an autonomous faculty is a bunch of baloney. The only power the faculty has is what the Board of Regents gives them, and the Legislature rules the regents. (Cheng, 1975, p. 1)

One of the students asked Erwin about the political forces at work at the university and wondered if the institution would work more effectively without those political influences. Erwin responded

> It might be more comfortable for some people, but you wouldn't get any money. Money is what it's all about, this place runs on $60 million a year, and it takes political power to get that money – especially with *The Daily Texan* publishing every day and making everybody mad. (Cheng, 1975, p.1)

Although not on the Board of Regents, Erwin remained active in UT System affairs, having accepted the appointment as the System lobbyist, though his official title was "consultant" (Burris, 1975b, p.1). For a nominal fee of $10 per year and daily expenses, Erwin represented university interests to Texas legislators during the 1975 session ("Erwin: Not the Lobbyist," 1975).

From the actions elaborated upon in the significant incidents section, it is evident that governance was a concern for many campus constituents. Faculty and

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20 A long-running tradition in the Texas Senate prohibits a gubernatorial appointment from being confirmed if the senator from the district of the appointment raises objections; Doggett was a Senator from the Austin area (Fly, 1974k).

students were still incensed at the abrupt firing of Spurr, which in their opinion occurred without an adequate explanation. Questions began to rise about the role of governing boards in matters of academic governance, which led to more questions about the relationship between the presidential selection process and academic governance. Rogers had quickly been named President *Ad Interim* during a turbulent time in the institution's history and a presidential selection process was being implemented, which did not have the full approval of the faculty and students. Regents searched for ways to improve their governance structures and policies. For instance, the committee created by Shivers, Chair of the Board of Regents, to study, among other things, the UT System's method of presidential selection, drafted a proposal in April 1976. Their proposal recommended that each president "be selected by the Board of Regents from a list submitted to the chancellor by a committee consisting of regents, faculty, staff, students and ex-students" and that each president's performance "be reviewed every six years by a similarly selected committee" (Mack, 1976b, p. 1).

Regents made their own recommendations for change as well. Jess Hay, Chair of the Board of Regents, suggested that one elected faculty member from each UT System component institution should attend regents meetings in order to "dispel any feelings of estrangement" felt by faculty ("Jess Hay," 1977, p. 1). He also recommended that the regents meetings rotate among the component institutions, aside from the time when the Texas Legislature is in session when the meeting

would need to remain in Austin. Additionally, he proposed that at each meeting the Board should allow one component institution to give an extensive one-hour report on its activities, goals and needs ("Jess Hay," 1977; "Regent procedures," 1977). The Board approved all the recommendations ("Regents procedures," 1977).

Coordinating Board authority. An important change occurred with regard to the authority of the Texas Higher Education Coordinating Board. Governor Briscoe persuaded the Texas Legislature to allow the Board to have the final say in campus construction projects costing more than $100,000 and repairs costing more than $25,000. Briscoe was troubled by the trend he saw towards funding building projects instead of direct academic services (Semas, 1975).

> It disturbs me to see the emphasis and the pressure and the arm-twisting applied in behalf of every material facet of our institutions except the teachers and the students. . . .They are, after all, the only reasons for having institutions of higher learning. Students today feel they are being loaded increasingly with costs of empire-building, commercial profit, alumni vanity, and loose management. (Semas, 1975, p. 6)

Commenting on the changes in the Coordinating Board's authority, *Texan* editors stated that the Governor's proposals "sounded fine to us knee-jerk U.T.-System critics. . . .Our rulers would have to answer to somebody. Well, we aren't sure who this certain somebody is. From our view, it appears the coordinating board is the board of regents in drag" (Semas, 1975, p. 6).

Institutional autonomy. The autonomy for each of the UT System component institutions was also increased during Rogers' interim presidency. The UT Board of Regents approved a measure allowing UT presidents to process legislation on their

individual campus without submitting it to the Chancellor for approvals, as long as the legislation did not affect any other institution, require approval by the Regents or require a change in the *Regents' Rules and Regulations*. Rogers reported these changes in her "State of the University" address in October 1975.

> I have been working with Deputy Chancellor Walker in trying to clarify the lines of authority for various units which are in truth a part of the UT Austin operation but over which the President has little control. . . .
>
> For the first time in many years, presidents of the component institutions in the System are now authorized to represent their institutions with the Coordinating Board, the Legislature, the Board of Regents, and other governing boards. ("Documents and Minutes," 1975, p. 12043)

Rogers continued by expressing the need for a stronger administrative structure at the institution.

> The workload at each administrative level in the University increases each year, in part because of the ever-increasing number of governmental regulations and accompanying record-keeping and reporting, in part because of the need of a state university, such as The University of Texas at Austin, to be accountable to all of its constituents; and in part because of the very real and pressing fiscal restraints that all universities are facing. Every effort will be made to create the kind of structure which will provide maximum support to the faculty in their academic pursuits by relieving them as much as possible from unnecessary administrative burdens. ("Documents and Minutes," 1975, p. 12043 – 12044)

Changes in UT System administration. In July 1975, the Board of Regents altered the duties of Chancellor LeMaistre, passing the daily UT System operations to Deputy Chancellor E. Don Walker, who was also given the title "President of the System" (Puffer & Schwartz, 1981, p. 4). The new *Regents' Rules and Regulations* provided Walker with the power to dismiss university presidents, represent the System to the Texas Legislature and "act as agent of the Board of Regents in

implementing policies of the board" ("Shifting LeMaistre, 1975, p. 4). LeMaistre's duties were primarily focused on fund-raising and public relations. Some speculated that this was a move to ease LeMaistre out of his position as Chancellor in much the same way Harry Ransom was removed in 1969, when LeMaistre was Deputy Chancellor (Burris, 1976b). Following the changes in job descriptions, four System administrators submitted their resignations – Richard Gibson, Director of the System Law Office; William H. Knisely, Assistant to the Chancellor for Health Affairs; Lanier Cox, Assistant to the Chancellor for Academic Affairs; and Mike Quinn, System Director for Public Information Services. These resignations caused an even greater suspicion that power was being shifted from LeMaistre to Walker, though some speculated that it was more a power shift from Frank Erwin, former Chair of the Board of Regents, to Allan Shivers, former Governor of Texas and now Chair of the Board of Regents ("Shifting LeMaistre," 1975).

Shivers commented that the changes in job descriptions represented a greater appreciation for the growing number and significance of external constituencies and the need for "a dual system of authority" ("Regents Detail," 1977, p. 1).

> Of necessity, the role of the chancellor, as chief executive officer of the System, has increasingly become an external one designed to ensure and enhance the governmental, business and philanthropic climate in which The University of Texas System could continue to develop and attain the standards of excellence to which we are all committed. ("Regents Detail," 1977, p. 1)

On September 1, 1978, LeMaistre left his position as Chancellor to become the President of one of the UT health-related components, M.D. Anderson Cancer

Center in Houston, and Walker was named the Acting Chancellor and the position of President of the System was eliminated (Perri, 1978d).

Walker worked to decentralize the UT System's authority. "I see the institutions as being virtually freestanding. The System administration is more in the role of coordinator of over-all activities" (Burris, 1976b, p. 16). In Walker's opinion some System affairs needed to be centralized such as the management of investments, legal services, construction and system-wide police offices. Rogers commented that she had less communication with Walker than LeMaistre since the changes in their job duties, which stemmed from allowing greater autonomy among the component institutions (Burris, 1976b).

Academic Concerns

Teaching assistants. During Rogers' era, many began to question the work and training of the institution's teaching assistants. In fact, Frank Erwin stated that his greatest failure as a Regent was not being able to remove all teaching assistants from teaching positions. "I tried for 10 years; I busted my guts trying to do it, but I couldn't. TAs ought not to teach because they are not qualified" (Cheng, 1975, p. 1). In the months prior to the 1977 Texas Legislative Session, the Texas House Higher Education Subcommittee heard testimony from Rogers about the University's teaching assistant (TA) program. Rogers testified that TAs compromised 19 percent of UT's faculty, a lower percentage than many major universities. She also defended

the practice of requiring TAs to take nine hours during the long semesters "to discourage professional teaching assistants" (Hutcheson, 1976d, p. 1). During this same meeting, legislators questioned the validity of the 398T: Supervised Teaching for Graduate Students course. This course was offered in several departments and designed to give greater supervision and instruction to TAs. UT Professor of English James Sledd testified that the 398T course was designed "to circumvent the nine-hour requirement by giving TAs credit for work they would be doing anyway" (Hutcheson, 1976d, p. 1). House Higher Education Chair John Hoestenbach (Democrat from Odessa) called the 398T course "a sham, phony and immoral" ("Cheap Shots," 1976, p. 4). Rogers disagreed with Hoestenbach and cautioned him not to believe everything he heard about UT teaching assistants or the 398T course.

> I believe strongly in 398T. When it was first set up there were many problems with it, but we have been working to make it an effective course. I can't personally take responsibility for what went on 10 years ago.
>
> I have all kinds of materials to refute some of the things that were said about the teaching assistant program. (Hutcheson, 1976d, p. 1)

Legislators began to criticize faculty workload requirements, which seemed to encourage the use of TAs, who do the work for ranking faculty members. Representative Frank Gaston asked Rogers, "There seems to be an elitist group that in effect says, 'It's foolish to teach. We would rather spend our time doing research.' Have you seen this attitude?" (Hutcheson, 1976d, p. 1) Rogers responded that the institution followed a "publish or perish" policy in the 1950s and 1960s, but was now emphasizing classroom teaching. However, she stated,

> You cannot have a graduate instruction that's effective unless you have research to go along with it. Without this creation of new knowledge our whole nation, our whole technology, our whole life in effect, would come to a standstill. (Hutcheson, 1976d, p. 1)

During the 65th (1977) Texas Legislative Session, Hoestenbach filed a bill (House Bill 833) that prohibited an academic department from hiring more TAs than the number of full-time faculty. It also limited TAs from teaching more than 25 percent of the institution's contact hours at all levels. Hoestenbach explained, "The purpose of the legislation is to see that freshmen and sophomores are exposed to full time faculty members and to see that a teaching assistant has had training before he's given a text and told to 'go to it'. . . .We're going to get some honesty back into the University System" (Ehrlich, 1977b, p. 1).

Though the bill failed, administrators made changes to the institution's *Handbook of Operating Procedures* that limited the work of the teaching assistant, who had previously taken full responsibility of teaching some courses. This change came at the suggestion of a faculty committee and was circulated to the academic deans and the UT vice presidents before being adopted. The new policy became effective September 1, 1978 (Bersano, 1978b) and specifically stated that TAs "may not be assigned regular classroom instruction duties nor may they serve as an instructor of record for any instructional activity" (Malone, 1978, p. 1). Gerhard Fonken, Executive Assistant to the President, noted that those provisions would keep new graduate students from being in the classroom before having any teaching experience. Assistant Instructors (AI) assumed most of the teaching duties previously

held by TAs. Under the new provisions, AIs were not required to complete all the coursework required in their individual program, instead they were only required to hold a master's degree or an equivalent level of achievement, complete one semester of the 398T course, have one semester experience as a TA or have had at least one year of teaching experience in an accredited college (Bersano, 1978b; Malone, 1978). When asked why these changes were implemented, Rogers responded that it was partly in response to the Texas Legislature. "We are dependent upon them [the Texas Legislature] for appropriations, we have to care what they think" (Perri, 1978c, p. 1). Some criticized the new policies stating that they provided less financial support for first-year graduate students. Rogers responded that the institution would have two and one-half times as many University Fellowships available in the future (Perri, 1978c).

From the beginning of the debate on the role of TAs, Erwin felt that TAs were unqualified to teach. "I don't think it makes sense at all to say a TA whose working on a dissertation, going to school and probably has a family at home is better than a fully trained professor devoting his time to education" (Hoppe, 1977a, p. 1). Erwin also criticized Rogers' approach to the Legislature.

> She has a lack of appreciation of what she's getting into when she starts defying the Legislature. . . .
>
> There's a lot of different ways to get around a problem without going up to a guy and saying, 'you're a dumb ass and you better come around.' I hope Dr. Rogers is going to be quiet for a while and let us see what we can do down there. . . .
>
> Dr. Rogers is playing with fire. There's no question where the power in this situation is, and it's not at the University. . . .

> It is far better for the Legislature to tell you what the intent of their legislation is and then let the Board of Regents and [UT System] administration do it within the spirit of that intent. . . . (Hoppe, 1977a, p. 1)

Erwin also spoke critically of faculty.

> The faculty is going to have to make some concessions. . . .
> A lot of people are asking for time off for research when it doesn't make a damn bit of difference if they do or don't do research. . . .
> Most fulltime professors don't want to teach freshmen and sophomores and they resist it in any way they can. They don't even like to teach juniors or seniors. They prefer to read papers and write books, which they make money from even though written on University time. (Hoppe, 1977a, p. 1)

Erwin's criticism exacerbated the division in the debate concerning the work of teaching assistants and workload of faculty.

Academic reorganization. During Rogers' presidency, an extensive academic reorganization began, which essentially reversed the 1970 reorganization of the College of Arts and Sciences. In October 1977, Rogers formed an ad hoc committee to study other options for the much troubled Division of General and Comparative Studies (Bersano, 1978). The Division suffered from a lack of funding and a lack of equal status among other academic units since its formation seven years earlier (Cunningham, 1977b). After studying the situation, the committee report was released at a University Council meeting in January 1978. The new proposal called for the consolidation of three of the four academic units that were divided in 1970 – College of Humanities, College of Social and Behavioral Sciences and the Division of General and Comparative Studies – into the new College of Liberal Arts ("Fate of General," 1978; Frerking, 1978a; Perri, 1978b). (The College of Natural Sciences

was to remain separate.) On January 1, 1979, with the approval of the Texas Higher Education Coordinating Board, the College of Liberal Arts was formed ("Documents and Minutes," 1978; Hooker, 1981b).

Finance

Faculty salaries. Members of the academic community accused Rogers of decreasing the amount of the recommended faculty merit raises given to certain faculty members as a way of punishing them for publicly engaging in political activities with which Rogers did not approve (Dryden, 1975). In response to this accusation, Rogers stated that it was "absolutely not true" (Burris, 1975g, p. 2). "I tried with my best judgment to erase inequities that had crept into the budget" (Burris, 1975g, p. 2). "I wasn't punishing, there was no black list. There was no enemies list. That kind of thing is so far from my nature and anyone who knows me would know it's not the truth" (Fessenden, 1975c, p. 2). She also explained that since 1970 faculty pay raises had been across the board; 1975 was the first year for individual merit raises to be decided (Hoelscher, 1975). Some complained that Rogers had not properly consulted with deans on the issue[21]. Forest Hill, Professor of

[21] Subject to Board of Regents and institutional budget policy, a department budget council (normally composed of the department's senior faculty members) typically first determined the recommended amount of merit increase for individual faculty members. Their recommendation was then forwarded to the departmental chair, the dean of the college or school and finally to the president. Recommendations are subject to approval or modification at each review point beyond the budget council (Cunningham & Krull, 1975; Burris, 1975l; Hoelscher, 1975).

Economics and President of the Texas Association of College Teachers (TACT), stated that this was the first time since 1960 that the president had not called a budget conference with the institution's deans before releasing the budget (Hoelscher, 1975).

Rogers issued a statement concerning the decisions she made about UT's budget. Regarding faculty salaries, she stated that "equity adjustments" were made for faculty "who have devoted long years to building this institution" (Burris, 1975f, p. 1).

> In working with the Legislature to get funds for faculty salary increases, I became very much aware that legislators wanted those faculty members rewarded who were making the greatest contributions to the teaching function. I made every effort to carry out their wishes in the final budget. (Burris, 1975f, p. 1)

Responding to the complaint that a Deans' Budget Council meeting had not been called, Rogers said that there was little time between June 1, when the Legislature approved the final budget allocations and July 25 when the Board of Regents met to approve of the institution's budget (Burris, 1975f; Burris & Brown, 1975). Therefore, "because of the time pressure, she used the written recommendations of the deans and her own judgment in making final decisions" (Burris, 1975f, p. 1). Rogers also pointed out that her office made fewer recommended salary changes than either the department chairs or the deans (Burris, 1975l).

Mildred Boyer, a UT faculty member, stated that she appreciated Rogers' efforts to make faculty salaries more equitable.

> I, for example, must be among the first to acknowledge her achievements in improved salaries for women; my own has risen a total of $7,000 since 1972, the first year she took part in the awarding of equity adjustments on this campus. (Boyer, 1975, p. 5)

Another female faculty member stated that her salary increased by $3,000, which was possibly due to the fact that her original salary was lower than the average for her rank (Fessenden, 1975a). Rogers stated that women's salaries were one area of concern and mentioned that one dean did not recommend any salary increases for women in his college ("Rogers Speaks," 1975).

Frank Erwin caused a flurry of debate, when he publicized his opinion of faculty merit increases and teaching assistants on a local televised news program (S. Montgomery, 1975, p. 1). On the program, Erwin stated that several of the UT faculty members should not get the full amount of the recommended salary increases because they were "not teaching their fair share of the load" (Fessenden, 1975d, p. 1). Instead, Erwin maintained that the "professors in question" were not personally teaching undergraduates, namely freshmen and sophomores, but leaving that work to their teaching assistants (S. Montgomery, 1975, p. 1).

> I think it's a goddamn outrage that these professors who are the ones leading the attack on her [Rogers] are the ones doing the least teaching – the ones taking the money from those who are doing the teaching.
>
> These people are the ones who get on every committee they can find to spend their time trying to run the University. If we're going to let the professors run the University, then we ought to interview them about their management abilities, instead of their proficiency in the disciplines they come into. . . .
>
> The money for the support of the University from the Legislature comes from a formula based on semester credit hours.

> They [Texas Legislature] don't give us money for time served on committees, for time spent trying to stir up trouble in the Legislature, for time being down at the Legislature lobbying against getting regents appointed, nor for time spent in research, except for organized research classes. (S. Montgomery, 1975, p. 1)

Several of the UT deans responded that faculty should be evaluated according to criteria contained in the University's *Handbook of Operating Procedures*, which were adopted when Erwin was still a regent. These criteria include "teaching, research, scholarly activity, student counseling and advisory activities, service to the community and campus and national recognition" (S. Montgomery, 1975, p. 1). When asked about these criteria, Erwin opined that their adoption was a "major error" (Fessenden, 1975d, p. 1).

> . . .I didn't realize the significance of it until now.
> They've [faculty] got everything approved as a substitute for teaching. The purpose of this University is to train the young men and women of this state, and they're doing everything but that. They're turning all of that over to teaching assistants and doing whatever they want to. (S. Montgomery, 1975, p. 1)

Rogers issued a statement that refuted Erwin's comments by highlighting the duties faculty perform outside the classroom and maintaining that there was a "grave danger" in "relying on quantitative measures of faculty productivity when assessing institutions of higher education" (Fessenden, 1975d, p. 1). "We must be concerned with the quality of instruction, not merely with the head count" (Fessenden, 1975d, p. 1). Her statement ended by reaffirming her role as a faculty member and administrator.

> I myself am, first, a member of this faculty and second, an administrative officer of this institution. I continue to believe that the character of the University is shaped most of all by the character of its faculty. And I believe the people of Texas can be proud of both. (Fessenden, 1975d, p. 1)

A few days later, Erwin offered a response to Rogers' statement.

> Dr. Rogers is dangerously wrong in her recently announced views regarding the problem of faculty teaching loads and teaching assistants because the people of this state and the Legislature of this state are demanding that their sons and daughters at UT Austin be taught by fulltime professors that are being paid two and three thousand dollars a month to teach, rather than having their student children taught by other students who take parttime teaching jobs primarily to earn enough money to finance their graduate education. If Dr. Rogers and the UT Austin administration don't solve this problem within the next 18 months, I am very afraid that the Legislature is likely to solve it for them when it next meets in January of 1977. ("Erwin Criticizes Rogers' View," 1975, p. 1)

After Erwin's statement was released, some questioned why he was speaking on this issue. Former Student Government Vice President Bill Parrish asserted that one way to make an issue more popular was to have Erwin speak out against it. The issue would not only get more press, but many have come to disagree with Erwin to such a great extent that they would naturally take the opposite position ("Erwin Criticizes Rogers' View," 1975).

State appropriations. Rogers met with more conflict during the 65th Texas Legislature (1977). Earlier, she had requested that mandatory teaching loads be abolished for faculty and argued that this was not a requirement among top national schools ("Briscoe Lacks Faculty," 1977; Carver, 1976; Ehrlich, 1977a). She also argued that some regional schools had workload policies, but these came from the institution and not the state (Ehrlich, 1977a). Despite her arguments, the Legislative

Budget Board (LBB) proposed a $6 million cut in UT appropriations claiming that 72% of UT's full time faculty members did not meet the state's mandatory teaching requirements (Ehrlich, 1977a). According to the LBB, funding formula guidelines required faculty to teach nine hours of undergraduate or six hours of graduate courses per semester. Rogers asserted that the LBB disregarded the provision for the "academic equivalent" of nine hours[22] (Ehrlich, 1977a, p. 1). Proposed appropriations were also reduced because of the number of small classes – undergraduate courses with less than 10 students and graduate courses with less than six students (Ehrlich, 1977a). Commenting on the proposed budget cuts, Rogers stated, "People have asked me how many professors will have to be dismissed. I won't have to dismiss anybody. Our best people will be resigning. They'll go to another university" (Ehrlich, 1977a, p. 1).

Governor Dolph Briscoe, an outspoken critic of higher education, announced, "One of the problems in higher education today is that faculty teaching loads average only 10 hours and 45 minutes per week in the classroom. Twelve hours should be the absolute minimum" (Ehrlich, 1977a, p. 1).

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22 Another study conducted at this time concluded that the average faculty member worked 59 hours per week ("Briscoe Lacks Faculty," 1977).

Figure 28: Editorial cartoon. (BRS, *The Daily Texan*, January 17, 1977, p. 1)

James Sledd, UT Professor of English, agreed with the governor that mandatory teaching loads were "absolutely essentially" (Ehrlich, 1977a, p. 1). "This university should be a university, not a research institute. I'm heartily in favor of such intervention. The faculty neglects teaching, especially the teaching of freshmen and sophomores" (Ehrlich, 1977a, p. 1). Sledd continued by accusing faculty of evading the workload requirements by creating phony courses and redefining teaching activities loosely (Sledd, 1977).

At the close of the 65th Texas Legislative Session, Rogers believed that the institution managed "reasonably well. . .with a few exceptions" (Cunningham, 1977c, p. 1).

> We have just come through a most difficult legislative session, one in which we saw expressed distrust of faculty dedication and contempt for the

> workload the faculty is perceived to carry; dissatisfaction with having inexperienced teaching assistants in the classroom; a crack-down on the small classes by means of deductions from our total appropriation; and non-support of graduate education and organized research. It was a session that produced tight budgets and sounded a clear call for increased accountability. ("Documents and Minutes," 1977, p. 12808)

In sum, the state did not mandate any faculty workloads and did not impose unacceptable restrictions on teaching assistants (Daniel, 1977). Faculty salaries were only raised 3.4 percent, far less than the current rate of inflation; however, retirement contributions were increased (Austin & Rogers, 1977; Cunningham, 1977c; Daniel, 1977). Organized research requests were reduced by 69%[23]. This reduction in funding eliminated or limited 13 UT research programs (McMillan, 1978d). In light of the lesser appropriations, the UT deans were told not to fund any new items and to implement zero-based budgeting for existing programs. Their budgets increased only 3.9% (Parker, 1977a, 1977b). To lessen the impact of the state's lower appropriations, the Regents diverted a greater portion of the Available University Fund towards operating expenses (Parker, 1977b). In 1976, the Board adopted a policy that would allow Available University Fund allocations to be used for certain academic expenditures (Brown, 1975a).

Federal government. Just as the state government was calling for greater accountability, the federal government was demanding more and more of institutions

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[23] UT requested $15.5 million in research funds, but was granted only $4.8 million. This was down from $6.4 million approved in the previous biennium (Castro, 1977; Daniel, 1977).

of higher education. Rogers noted this change in her 1977 "State of the University" address.

> In addition we are seeing increased bureaucracy everywhere, at both the state and federal level. We see the intrusion of government into areas that had always been considered the province of the academicians. Federally-mandated programs, social programs, seem to take precedence over education and scholarship, and so far no one has been able to convince the federal government to provide financial assistance for carrying out many of these programs. . . .
>
> When we met here in the Fall of 1976, I spoke of the emerging public disenchantment with higher education throughout the country. That disenchantment has continued and has been reflected in many ways, most notably in a continuing decline in the percentage of the gross national product which is being allocated for higher education and in rising demands for accountability. There is also an emerging pessimism and despair throughout faculties of the nation's institutions of higher education. ("Documents and Minutes," 1977, p. 12808, 12811)

Finance became a critical issue. State appropriations decreased as the nation was seeing double-digit inflation. Federal and state dollars became more strained; consequently, the public demanded greater accountability. Those dollars created larger demands on university administrators; they were responsible for proving that funds were used in the most efficient manner possible to benefit every student in higher education without prejudice.

Legal Actions

Faculty salary dispute. On September 29, 1975, seven UT faculty members whose proposed salary increase had been lowered by President Rogers filed suit against Rogers and the Regents in federal court alleging "that the salary cuts were

punitive in nature as a reprisal for activities of a constitutionally protected nature which the administration objected to" ("8 Professors," 1975, p. 1; Burris, 1975n). The Texas Civil Liberties Union agreed to pay the group's legal fees (Burris, 1975o; Katz, 1975a). The seven faculty members included:

- Philip White, Professor of History and President of the Austin Chapter of the Texas Association of College Teachers (TACT);
- Edwin Allaire, Professor of Philosophy and former President of the Faculty Senate;
- David Edwards, Professor of Government and former Faculty Senate member;
- David Gavenda, Professor of Physics and former President of the Austin Chapter of TACT;
- Forest Hill, Professor of Economics and State President of TACT;
- Standish Meacham, Professor of History and President-elect of the American Association of University Professors; and
- Thomas Philpott, Associate Professor of History. ("8 Professors," 1975; Malone, 1975)

Rogers restored the salaries of some faculty. UT Professor James Kinneavy, who was Chair of the faculty-student presidential advisory committee, was originally a part of the suit. His salary was restored after Rogers had further consultation with the deans. Rogers commented, "I certainly am not trying to buy them off. I intend to be as fair as I can be and if the deans come in with good amendments, I'll consider them" (Burris, 1975n, p. 1). Kinneavy noted that many times in the past, presidents have raised faculty salaries after the budget had been approved (Burris, 1975n).

Two years later (1977), Chancellor LeMaistre was asked about the suit on a KNOW news program.

> I'm quite certain that there are those who misinterpret the actions of Dr. Rogers with regard to salary and budget matters. As far as my knowledge

> goes, I know of no instance where I think a prejudicial rendering has caused a decrease in salaries.
>
> Notice that in many cases, it might have been a case of not increasing, rather than decreasing a salary. . .As a consequence, I think these have been interpreted as prejudicial, when in fact they were an attempt to stay within the budget. (Ehrlich, 1977c, p. 1)

In a written response, Rogers outlined her reasons for reducing each faculty member's proposed salary increase. Essentially, she looked at each individual's history and compared their salary to faculty with comparable rank and experience. Allaire, Rogers explained, was being paid at a higher rate compared to others of equal ability and achievement. His department's recommendation seemed to be based upon his serving as the Chair of the Faculty Senate in 1974. Gavenda, in Rogers' estimation, showed "little evidence of outstanding scholarly or teaching ability" (O'Leary, 1976, p. 16). Furthermore, in looking at his folder, Gavenda had only assisted two graduate students in completing their degrees over the last 10 years (O'Leary, 1976). Rogers explained that "Dr. Hill had the reputation on this campus of a poor teacher and he hasn't published a scholarly paper since 1967" (O'Leary, 1976, p. 16).

After Rogers' had left the presidency, Judge Jack Roberts ruled on March 13, 1980, that the professors' constitutional rights had not been violated. Three of the faculty members decided to appeal the case to the Fifth U.S. Circuit Court of Appeals (Abdo, 1980b). In October 1981, a judge of the Fifth Circuit ruled that one of the faculty members (Philip White) was denied a $400 raise because Rogers rejected a report he wrote for the Texas Association of College Teachers stating that

faculty salaries were declining and UT had the poorest student-faculty ratio of any major U.S. university (Hooker, 1981c).

Janet Berry discrimination suit. In August 1971 (before Rogers' presidency), a lengthy legal proceeding began as UT Assistant Professor of Art Janet Berry filed a complaint with the U.S. Department of Health, Education and Welfare. Berry alleged that she was the target of sexual discrimination by the institution, and was seeking $500,000 in damages (Fly, 1974a; Stoler, 1974e). Sexual discrimination, she claimed, was manifest when she was denied tenure and promotion, pressured to resign, denied the opportunity to teach graduate courses and limited in the courses she could teach (Fly, 1974a; Stoler, 1974e). In October 1971, HEW declared from its investigation that Berry was discriminated against and ordered the institution to promote her to the rank of associate professor and provide for the requisite salary increase (Stoler, 1974e). HEW warned that failing to act on its ruling could jeopardize all federal contracts received by the institution, which amounted to $29 million ("Berry Promotion," 1977). Conversely, UT's Committee on the Status of Women and Minorities headed by then Vice President Rogers investigated the matter and determined that Berry was not the victim of discrimination and recommended that she not be promoted (Fly, 1974a). Hence, UT appealed HEW's ruling (Stoler, 1974e).

In February 1974, Berry filed suit in U.S. District Court against the University alleging that she had experienced "harassment and retaliation" for

criticizing the institution's discriminatory practices. HEW was named as a codefendant because the agency had failed to take action against the University based on the agency's earlier ruling (Brown, 1975d). UT had not been contacted by HEW regarding its appeal in the original case until HEW withheld two federal grants in the fall of 1974 for failing to act on the Department's judgment[24] (Stoler, 1974e). HEW accused the University of withholding important data needed for its continuing investigation. Rogers defended UT's withholding certain information citing the uncertain nature of Berry's pending lawsuit. Moreover, she stated that a lack of a hearing before HEW's decision to withhold federal funds violated the institution's right to due process (Stoler, 1974e). When Rogers threatened to seek an injunction against HEW if the funds were not released, HEW complied and released the funds (Stoler, 1974f).

In April 1976, Rogers testified in a hearing that Berry was denied promotion because she had not made sufficient progress on her Ph.D. degree from Harvard (Bremner & Guarino, 1976; Guarino, 1976). Former UT President Spurr also testified that Berry was not promoted because that would have given "a senior position to a person who could not contribute to the doctorate program" (McClung, 1976, p. 1). In February 1977, Administration Law Judge William Naimark of the U.S. Department of Labor issued an opinion stating that the University's "failure or

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24 The two grants withheld amounted to $3 million – $25,000 from the National Aeronautics and Space Administration and $2,900,000 from the Department of the Navy (Stoler, 1974e).

refusal to promote Berry to associate professor was due to her not obtaining a Ph.D." ("Berry Promotion," 1977, p. 1). The institution was found not guilty of sexual discrimination concerning tenure and promotion. However, Naimark did find that Berry was discriminated against on the basis of salary and teaching assignments. In addition, he ruled that the institution violated policy by not providing the personnel records and data requested for the investigation ("Berry Promotion, 1977). Both Berry and the University filed exceptions to the decision ("UT to Contest," 1977).

In July 1977, U.S. District Court Justice Joseph Leonard ruled that Berry was not discriminated against on the basis of her gender. He further ruled that UT did not retaliate against Berry after she filed a complaint with HEW in 1971 (McMillan, 1977). In spite of this ruling, HEW reexamined the Berry case and found UT guilty of violating Executive Order 11246 – discriminating against Berry and withholding the requested data. Rogers responded in a prepared statement.

> The decision of the reviewing authority, which upheld the findings of an earlier administrative hearing, is in direct conflict with the decision of the federal court which, using the same factual evidence, found on all counts that the University did not discriminate against Berry.
>
> Since the federal court decision was not appealed, the University considers the issues in this lengthy sex discrimination case fully resolved.
>
> Apparently the HEW administrative reviewing authority has decided to ignore the decision of the federal court and to rely instead on their interpretation of the facts. (Tuma, 1979b, p. 1)

In January 1979, Berry resigned from her teaching position a few days before HEW ruled that the institution was in violation of Executive Order 11246. She had been on leave from the University since the spring of 1977. Oscar Brockett, Dean of

the College of Fine Arts, stated that she had been unable to teach due to poor health caused by the stress of the prolonged suit (Tuma, 1979d).

Student Life

Student protests. During Spurr's UT presidential term, Sandy Kress (the UT Student Government President from 1973 – 1974) and others filed a complaint with the Department of Health, Education and Welfare against the University accusing the institution of discriminatory practices (Scott, 1975c). After an investigation into Kress' allegations, HEW released a 24-page report in February 1975 listing procedures that were not in compliance with Title VI of the 1964 Civil Rights Act. Specifically, the report listed discrimination in the institution's recruitment efforts, student financial aid policies, student employment practices, student support services, placement, university housing and Greek life organizations. HEW gave the institution 90 days to respond to its charges (Scott, 1975c). Rogers responded with a 31-page statement of UT's "vigorous affirmative action efforts" ("UT Shams," 1975, p. 1).

The matter became more confrontational when on March 13, 1975, a group of ten students barricaded themselves in Rogers' office[25] (Scott & Ullmann, 1975a). This occupation occurred in conjunction with a noon rally called by members of the United Students Against Racism at Texas to protest UT policies highlighted in the

[25] Rogers was not in her office that day; most of that week she had been at home ill with the flu (Scott & Ullmann, 1975a).

HEW report (Perez, et al., 1975; Scott & Ullmann, 1975a). Police immediately sealed off the fourth floor of the Main Building and brought in officers with riot helmets and tear gas (Scott & Ullmann, 1975a). The ten students blocked the door using the furniture in Rogers' office. Three members of the University's administration (Dean of Students James Duncan, Assistant to the President Don Zacharias and Associate Dean of Students Rodolfo Arévalo) stepped through an open window to assess the situation and communicate with the protesters. The protesters, however, requested formal negotiations with specific individuals (Scott & Ullmann, 1975a).

Members of the occupying students stepped out on the balcony overlooking the Main Mall in order to address some 300 protesters, who stayed throughout the eight-hour ordeal. Protesters on the Main Mall displayed signs reading "HEW Exposes Racism at UT" and "Ya Basta!" (translated from Spanish as "Enough!") (Hudlow & Smith, 1975, p. 1). Blacks, Chicanos and Anglo students on the Main Mall took turns speaking during the rally. A cardboard box was tied to a rope in order to communicate with the barricaded students (Pena & Villanueva, 1975). The four women and six men made 13 demands of university administrators including increasing minority recruitment (Hudlow & Smith, 1975). A number of individuals negotiated with the protesters: State Representatives Gonzalo Barrientos and Mickey Leland; Visiting Professor of English Dennis Brutus; Cameron Cunningham, an Austin attorney; Director of the Afro-American Studies Program John Warfield;

Americo Paredes, Professor of English; and Assistant Professor of Philosophy Doug Kellner. Later, Barrientos commented "This should be a first class university for all the people of Texas. Right now there are more foreign students here than blacks and Chicanos" (Hudlow & Smith, 1975, p. 1). The occupation and rally ended when University officials agreed to three conditions: 1) allowing a delegation of USARAT members to speak at the next Board of Regents meeting later that week, 2) organizing a meeting with university officials the following week and 3) providing amnesty to the barricaded students (Hudlow & Smith, 1975; Pena & Villanueva, 1975; Scott & Ullmann, 1975a).

At the Board of Regents meeting, Chair Allan Shivers issued a warning to the USARAT delegation that future seizures of university property will not be tolerated. The tri-racial USARAT delegation spoke to the Regents for 15 minutes. One protester told Regents that UT's policies had been discriminatory for the past seven years with the elimination of the Program for Educational Opportunity and the Council on Legal Education Opportunity, both of which were minority recruitment programs (Scott & Ullmann, 1975b). She further wanted the Regents to issue a progress report on their 13 demands by the next Regents meeting. While the Regents meeting progressed, 60 other students stood in the foyer outside chanting "We want in!" (D. Montgomery, 1975a, p. 8A) Once the USARAT members had spoken to the Regents, University police escorted all the protesters outside the Main Building without incident (Hudlow, 1975; D. Montgomery, 1975b).

In a follow up meeting, USARAT members spoke with Rogers for two hours. Displeased with Rogers' response, the group promised to continue using other tactics to carry out their message ("UT Students," 1975). Rogers told the representatives that some of the demands were out of her control such as the elimination of standardized tests for admissions purposes. Seven of the group's demands were separatist, such as funding Black and Chicano newspapers and the establishment of a minority committee to oversee grievances related to racism; thus, Rogers contended that she could not support them (Pena, 1975b).

> We have the mechanism for instituting many of the changes these students seek, but instead of separating them all for minorities only, we need to get these organizations, such as the student newspaper, to work for minority students too. ("UT Students," 1975, p. 1)

Rogers favored several of the group's demands: more financial aid for minority students, hiring more minority teaching assistants and assistant instructors, and increasing both the money and time spent on minority recruitment (Scott, 1975d). In addition, hiring minority physicians at the Student Health Center was a reasonable goal, but Rogers pointed out that there were few minority doctors in the area that would be willing to work at that center because of its lower salary rate (Pena, 1975b; Scott, 1975d).

Abolishing student government. Astonishingly, on March 1, 1978, UT students voted (2,644 to 2,458) to abolish their student government organization, the Students' Association (Bersano, 1978a). The reasons for this dismantling can be explained in the organization's history. In the late 1960s and early 1970s, a number

of liberal student government presidents were elected, who espoused ending the Vietnam War, providing abortions on demand at the student health center and recruiting more minorities and women. University officials responded to the group's activism by changing their status from an association to an agency of the institution. This change gave the organization assured funding, office space, space in which to hold functions and paid staff. It also meant that the group lost a great deal of control (Perri, 1978a). The student government as an agency was unable to take legal action against the institution; its authority and budget were derived from the UT Board of Regents. Prior to 1971, the organization's funds came from optional fees. In 1971, the Regents changed their funding to mandatory fees, which were controlled by the Board of Regents. In the same year, Regents created the Senior Cabinet as an academic equivalent to the student government and allowed the Cabinet to access Student Services Fees (Fritschel, 1982a). Some of the programs initiated by student government such as the students' attorney and the campus escort service were moved to other administrative units. Over time, the student government leaders also failed to bring about greater student participation in the university matters; many believed this was due to student government's organizational structure (Perri, 1978d; "Students' Association," 1978).

In the spring of 1978, Judy Spalding, Students' Association President, gave a harsh critique of student government stating that it "attracts low caliber political hacks and resume padders" and that it had "lost touch with its own members and the

student body" ("Students' Association," 1978, p. 4). During Spalding's tenure, the Students' Association had sponsored several successful programs – a student book sale, Halloween dance and a summer storage program – all of which could be performed by a service organization. Students argued that this was not the role of the student government. Its proper role should be that of a student advocate and liaison with other campus constituents ("Students' Association," 1978). The vote to abolish the student government was taken in order to clear the way for a new structure to be formed (Rose, 1978).

The outcome of the student referendum required the approval of both President Rogers and the UT System Board of Regents ("Regents Postpone," 1978). In a letter to Walker, Rogers gave her approval of the student referendum believing that it would enable students to form a new structure more acceptable to the student body.

> Although I would have preferred that an alternate structure be proposed concurrently with the present action of the association, it is my interpretation that approval will have the effect of simply allowing the Students' Association to take the first step in a reorganization effort. (Frerking, 1978b, p. 1)

Shivers, a former UT student body president, understood why students voted to abolish the Students' Association. "They (students) got to where they were making such a joke of it. It was a laughing matter, as only a few were participating" (Brasher, 1979b, p. 1). For instance, in 1976, two students ran on what they called the "Arts and Sausage" ticket. "It's time we got those amateur clowns out of office

and some professional clowns in" (Stutz, 1982b, p. D6). They won by a 2 to 1 margin (Stutz, 1982b). In 1977, the "Dogs Is People Write In Candidates Party" ran "Amy the Wonderdog" in the student government election and received 123 votes, more than one of the human candidates ("Political Unrest," 1980, p. 5). Rogers approved of the student referendum and after a two-hour debate, the Regents voted 6 to 3 in favor of upholding the measure (Perri, 1978d).

In April 1978, students again held a referendum, which called for the deletion of the Students' Association constitution that required compliance with the *Regent's Rules and Regulations*. This would have given student government financial and legal independence from the University and the Board of Regents. The referendum passed, but was not approved by Rogers or the Board of Regents (McMillan, 1978b, 1978c). Shivers warned, "They [students] are going to have to come up with something that will be acceptable to both the administration and the regents" (Brasher, 1979b, p. 1). Rogers promised the Regents that she and her staff would work with students in order to reestablish a student government (McMillan, 1978b). More will be mentioned about this during the explanation of events during Peter Flawn's presidency.

Conclusion

In November 1977, Rogers announced her plans to step down as UT President on August 31, 1979. (In April 1979, she turned 65, the mandatory

retirement age for administrators [Malone, 1977].) When asked what she thought were her greatest accomplishments, Rogers cited "the recruitment of competent administrators and faculty members, the formation of a liberal arts college and greater funding for student scholarships" (McMillan, 1978a, p.1). During her time as UT President, four members of the National Academy of Sciences were recruited (Malone & Karisch, 1976) as well as one recipient of the National Medal of Science, John A. Wheeler (National Science Foundation, 2002). One UT Professor, Ilya Prigogine, won the Nobel Prize in Chemistry in 1977 (Hunt, 1979c). At Rogers' insistence, the University also joined the National Merit Scholarship (NMS) Program, which, Roger's stated, would support the NMS program in directing more national merit scholars to campus (Hunt, 1979c). Funds for minority scholarships increased from $200,000 to $1,000,000; funds for graduate fellowships rose by $300,000 and UT's main library rose from 15th to 10th largest in the nation (Benningfield, 1976; Hunt, 1979c).

Commenting on her unique position of not only being the first female president at The University of Texas at Austin, but the first female president of any major American university (including those institutions in the Association of American Universities), she remarked that it was "very strange" that many women's groups were not favorable towards her.

> I thought if they understood what I was trying to do and my motives they would approve. . . .I have been the first woman in many positions, and always, I have felt a responsibility to other women – if I flub the job, then there's an inclination to say "we'll never have another woman," and I've tried

> to do a good enough job that that wouldn't be the decision. (Benningfield, 1977, p. 1)

As to her view of university presidential leadership, Rogers acknowledged the complicated nature of that position.

> The president has to be a many-faceted individual. My role is to see to it that there are people in my administration who have much the same philosophy as I do. . .
>
> The president also has to be an inspirational force – you have to be a leader. You have to be a person of vision. You have to see what this university can become and try to convince other people to go along with you in making it what it can become. (Benningfield, 1977, p. 1)

This particular presidency began in a great deal of turmoil. In spite of the prolonged protests and boycotts from both faculty and students, Rogers was able to lead the institution through difficult circumstances as state and federal finances tightened and regulations became more onerous and prominent.

Peter T. Flawn

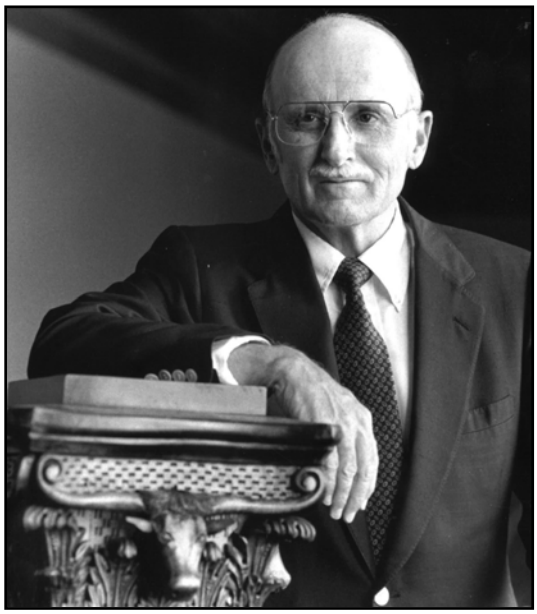

Figure 29: Peter T. Flawn. (The University of Texas at Austin, Office of Public Affairs)

Peter Tyrrell Flawn was born on February 17, 1926 in Miami, Florida (Flawn, 1985a), but grew up in New Jersey (Flawn, 2000). In 1947 he received a Bachelor of Arts in Geology at Oberlin College. While at Oberlin, Flawn met Priscilla Pond and on June 28, 1946, they were married (Flawn, 1985b). Flawn enrolled at Yale University where he earned two graduate degrees in Geology – Master of Science (1948) and Doctor of Philosophy (1951). Before completing all the requirements for the Ph.D., Flawn moved to Austin to work at the University as a Research Scientist and Geologist with the Bureau of Economic Geology (Flawn, 1985a), where much of his time was spent in West Texas and Northern Mexico.

Realizing that he was unable to communicate efficiently with local residents, particularly in Mexico, Flawn decided to learn Spanish. Through hard work and constant practice, he taught himself to speak Spanish proficiently in a relatively short period of time (Flawn, 2000). Eleven years after beginning his career at UT, Flawn was chosen as the Director of the Bureau of Economic Geology and appointed as a Professor of Geology (Flawn, 1985a).

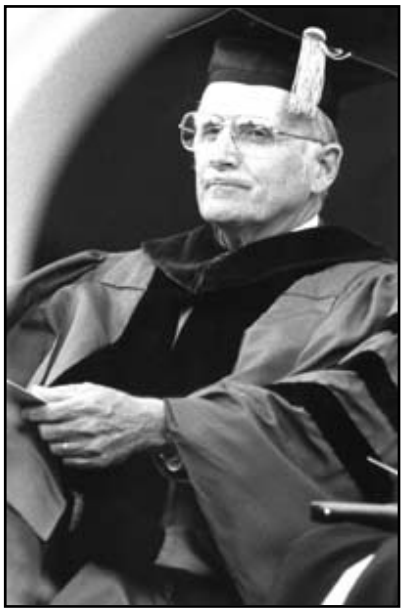

Figure 30: Peter T. Flawn. (The University of Texas at Austin, Office of Public Affairs)

During his career, Flawn was nationally recognized for his work in the field of Geology and held memberships and/or served as a leader in 23 scientific and geologic-related associations, including serving as President of the Association of American State Geologists (1969-1970) and the Geological Society of America

(1978) (Flawn, 1985b, 2000). He also received a number of prestigious awards and honors. In 1974, Flawn was elected to the National Academy of Engineering (Flawn, 1997). In 1984, the President of Peru awarded Flawn the Condecoracion de la Orden del Sol del Peru. In 1985, Yale University presented him with the Wilbur Lucius Cross Medal ("Former President," 1997; "Kudos," 1985). In the words of a colleague, "Peter Flawn became a respected, authoritative voice on both the use and availability of mineral resources and the environmental problems facing the nation" (Flawn, 1989, p. 2).

Flawn's association with The University of Texas at Austin and The University of Texas System continued throughout his career; not surprisingly, he became more actively involved in academic administration, serving as Vice President for Academic Affairs with UT President *Ad Interim* Bryce Jordan and as Executive Vice President with Stephen Spurr (Flawn, 2000). Spurr noted that he used vice presidents as an "executive officers group," consulting with them on university matters. "He [Flawn] was the No. 2 man in the governance of the University of Texas at Austin. He was active in the whole range university activities" (Tuma, 1979c, p. 1). This experience provided Flawn with the foundational knowledge of University operations. Table 8 summarizes the various positions held by Flawn at both The University of Texas at Austin and The University of Texas at San Antonio (UTSA).

Table 8: Positions Held by Flawn at The University of Texas at Austin and The University of Texas at San Antonio

(Flawn, 1985a; "Former President," 1997)

Position	Date
Research Scientist and Geologist	1949 – 1960
Director, Bureau of Economic Geology Professor of Geology	1960 – 1970
Director, Division of Natural Resources and Environment Vice President for Academic Affairs	1970 – 1972
Professor of Geological Sciences and Public Affairs	1970 – 1985
Executive Vice President	1972 – 1973
President, The University of Texas at San Antonio	1973 – 1977
Acting Director, UT Marine Science Institute Acting Chair, UT Department of Marine Studies	May 1978
President, The University of Texas at Austin	1979 – 1985

The year prior to Spurr's dismissal, Flawn was named President of The University of Texas at San Antonio. UTSA was a graduate institution, which was developing an undergraduate program to serve the needs of residents in San Antonio as well as Central and South Texas (Hunt, 1979a). Establishing a comprehensive program required that Flawn cultivate community relations; construct a functioning, appealing physical plant; and recruit high quality faculty to teach an indeterminate number of students (Flawn, 1989, 2000). When Flawn resigned as President in 1977, UTSA had undergraduate and graduate programs in place for approximately 8,800 students (Flawn, 1989). He had successfully led the comprehensive institution through a most critical, formative phase in its history. After resigning from UTSA,

Flawn became Acting Director of the UT Marine Science Institute and Acting Chair of UT's Department of Marine Studies (Flawn, 2000).

Presidential selection. The presidential selection process used in appointing Flawn was similar to that used to appoint Spurr; it consisted of a single committee. After the fiasco associated with the selection of UT President Rogers, which utilized a single committee, Regents Chair Shivers put together a blue ribbon presidential selection committee to study the System's method of presidential selection. The Shivers committee recommended and the Board subsequently approved in July 1976 that a new advisory committee to nominate candidates to the Board of Regents be formed and consist of various constituents: the chancellor, deputy chancellor, three regents appointed by the regents chair, three chief administrative officers appointed by the Board of Regents from three UT System component institutions, five faculty members from the local institution and chosen by the institution's general faculty, one dean selected by the local Dean's Council, two students designated by the student government, and the president of the local ex-students' association. The committee's composition more equally distributed representation between System administrators/officials (eight members) and faculty/student representatives (eight members), with a 17th member being the ex-students' association president. The procedure called for the advisory committee to screen and recommend three to five candidates (without preference) to the Board of Regents. From this nominations list, the Board would select the institution's president; however, if the Board was not

content with the list of candidates, it could institute a new committee or choose its own president ("Presidential Selection," 1976).

Shivers formulated the advisory committee, which after six months narrowed down a list of 150 presidential candidates to three: Wayne Holtzman, Director of the Hogg Foundation for Mental Health; Paul Saltman, Vice Chancellor of Academic Affairs at the University of California at San Diego; and Peter Flawn (Brasher, 1979c; "Faculty Representatives," 1978; Wormser, 1978). On February 9, 1979, the UT Regents voted unanimously to appoint Flawn as President of The University of Texas at Austin (Tuma, 1979e). President Rogers commented positively on Flawn's appointment. "Dr. Flawn will be an excellent president. I have worked with him for many years and have great confidence. He is dedicated to this university and to improving its quality" (Tuma, 1979e, p. 1). Rogers also promised to consult with Flawn during the rest of her term on decisions that might influence his presidency. This, she hoped, would make the transition a smooth one (Tuma, 1979e).

Significant Incidents

Centennial celebration. Texas Governor Oran M. Roberts approved legislation, which established The University of Texas on March 31, 1881. Texans voted to locate the institution in Austin and in 1883, UT's first entering class of approximately 200 students enrolled. President Flawn capitalized on the institution's 100th birthday by launching initiatives in three areas: 1) programs and activities

designed to observe the anniversary; 2) an evaluation of the institution by a special centennial commission, charged to make recommendations that would enhance the institution's future; and 3) fund-raising efforts for special endowments and gifts (Wright, 1982). In order to coordinate these efforts, Flawn created the Centennial Program Office in 1979, which remained intact for the duration of the centennial celebration.

Centennial festivities began on February 4, 1983. Over 1,000 students played a role in the opening ceremony and thousands more attended. Five specially designed centennial flags were raised in front of the Main building, LBJ Library, Balcones Research Center, Memorial Stadium and Disch-Falk Field (Stubbe, 1983a). Texas Governor Mark White was one of the guest speakers for the opening ceremonies; he reinforced the state's commitment to the institution. "Let me assure you that the government and the people of Texas are joined in a commitment to the continued fulfillment of the University's constitutional mandate" (Stubbe, 1983b, p. 1). Following the opening ceremonies, a symposium titled "The Imperative for Excellence in American Society" was held in the Performing Arts Center with four special guest speakers: John A. Wheeler, UT Physicist and National Medal of Science recipient (National Science Foundation, 2002); Novelist James Michener; former U.S. Congresswoman Barbara Jordan and President Emeritus of Stanford University Richard Lyman (Stubbe, 1983a; 1983b; 1983c).

September 15, 1983 marked the 100th anniversary of the first day of class held in 1883. Flawn was particularly busy that day. At 10:30 in the morning, UT's convocation was held in the Frank C. Erwin Special Events Center[26], where he addressed a crowd of 4,000 (Taylor, 1983a). Chair of the Centennial Commission, Wales Madden, advised participants to continue to pursue excellence.

> We (the commission) would caution you that maintaining first-class status demands an ever-escalating effort, because excellence is not an absolute and complacency is a committed foe of success. Once great, a university can lose its greatness if it ceases to strive for excellence. (Taylor, 1983b, p. 1)

Following the convocation, students, faculty, staff and administrators were invited to the Texas Union for barbeque and musical entertainment. A special eight and one half foot tall cake in the form of the UT Tower was created for the occasion; 10,000 people were expected to partake in the noonday festivities (Robberson, 1983).

That afternoon, Flawn spoke at the dedication of Austin's gift to the University, Centennial Park. The park, a three-acre track of land near the University (East of Waller Creek), was present by Austin Mayor Ron Mullen. He explained that the gift was from Austin residents, 20,000 of which gave donations over a 20-month period of time. Flawn remarked, "The Centennial Park is a lasting legacy that will forever remind us of the ties between the city and the University" (Thompson, 1983, p. 2). During the dedication, a 6-foot long time capsule was displayed, containing

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26 The Special Events Center was renamed the Frank C. Erwin Jr. Special Events Center by the UT Board of Regents on February 12, 1981. Frank C. Erwin Jr. died of a heart attack on October 1, 1980; his funeral was held in the Special Events Center (Vinson, 1981a).

memorabilia from the City of Austin and The University of Texas at Austin. It was buried in the park in anticipation of the University's 200th anniversary in 2083 (Robberson, 1983; Thompson, 1983).

That evening, the Centennial parade processed down Guadalupe featuring the UT Alumni Band, local high school bands and drill teams and 10 floats designed to represent each decade of the University's existence. Following the parade, a pep rally was held for the Longhorn football team. Participants were invited to stay after the pep rally for the City of Austin's Centennial Birthday Party featuring seven bands, who performed well into the evening on four stages set up on San Jacinto Street between 15th and 18th streets (Robberson, 1983).

Centennial day energized the campus for many other events, programs, projects and activities that ensued throughout the year: an oral history project, Centennial exhibit, open houses of campus facilities, tours, concerts, lectures, special publications and seminars. The centennial commemoration ended on December 9, 1983 with a closing ceremony less dramatic than the celebration's beginning earlier in the year. On that day, the institution celebrated the addition of the five millionth book to the UT libraries. Vice President and Dean of Graduate Studies William Livingston remarked that UT had the ninth largest library system in the United States (Vowell, 1983). With the conclusion of the anniversary celebration, the centennial flags were lowered and stored in the Barker Texas History Museum (Vowell, 1982b; Wright, 1982).

The second portion of the centennial observance required that a Centennial Commission be appointed by the Board of Regents in order to assess the institution and set priorities and objectives for the future. One hundred and seventy five individuals, who were UT alumni and friends of the institution, constituted the Centennial Commission. (Their work was similar to the "Committee of 75," who assessed the institution on its 75th anniversary in 1958.) After working for three years (the Committee first met in March of 1981), the Commission presented their 97-page report with over 100 recommendations on September 15, 1983 (Munoz, 1983d; 1983e; University of Texas at Austin [UT], 1983; Wright, 1982). One of the Commission's findings spoke about the power of the UT presidency. "In addition to the delegation of authority from above, the president's position should be further strengthened within this institution by re-examining the participative form of governance" (UT, 1983, p. 81). Regarding this recommendation, Flawn commented

> I've always compared the presidency of the University to the governorship of Texas. They are both positions of very little authority.
>
> It's an indication that the people of this state have never wanted to give too much authority to an executive of any public institution whether it be the governor of the state or a state agency or the University. (Munoz, 1983d, p. 2)

The Faculty Senate was not convinced that the Centennial Commission's report was a fair evaluation of the institution and disagreed with some of its recommendations. For that reason, on October 3, 1983, the Faculty Senate passed a resolution asking the Board of Regents to accept the faculty's assessment of the

report when considering its usefulness. James Sledd, Professor of English, severely criticized the report.

> The report reads like the Chamber of Commerce plea for deregulation of free enterprise and the autocratic corporate management comfortably protected from public view. The report could not hardly have been otherwise, given the composition of the commission – overwhelmingly Anglo, male and wealthy.
>
> The report says a great deal about excellence and almost as much about high technology and the assumed criteria of excellence seems to be success in serving the interest of rich bankers, oilmen, lawyers, doctors, ranchers – the big money of Texas. (Munoz, 1983e, p. 1)

A Faculty Senate committee reviewed the report and presented their findings in a resolution. The committee highlighted concerns regarding the report's recommendations to recruit a "star system" of faculty to conduct research, which seemed to come at the expense of teaching (Munoz, 1983f, p. 2).

> The Senate is aware that attracting internationally recognized scholars to the University is important, but it is also important that steps be taken to guard against alienating outstanding faculty members already on campus who may feel undervalued in a "star system" in which salaries, personnel decisions and other privileges are distributed unequally. (Munoz, 1983f, p. 2)

In February 1984, the Faculty Senate finally approved the Centennial Commission's report after making amendments to the document (Cunningham, 1984).

The third initiative – fund-raising – focused on creating 100 new faculty endowed positions, 100 new scholarships and fellowships and 100 other gifts for special acquisitions (Vowell, 1982b). These efforts are better categorized in the issue of finance; therefore, more focus will be placed on these efforts later in this section.

Protesting the former Iranian Ambassador's speech. One significant incident occurred, which reflected international tensions between the United States and Iran. In 1979, Shah Mohammed Reza Pahlavi fled Iran and was replaced by Ayatollah Khomeini, who eliminated many of Iran's elite citizens. Subsequently on November 4, Iranian militants took the U.S. Embassy in Tehran and held sixty-two Americans hostages. The militants demanded that the U.S. return the Shah, who was receiving cancer treatments in New York. Tensions on campus began to build as UT fraternities began to demonstrate in favor of deporting Iranians and students began to voice their opinions in *Texan* editorials. On November 10, U.S. President Jimmy Carter called on the Immigration and Naturalization Service to check the immigration status of Iranian students. The American Civil Liberties Union felt that singling out Iranian students was a violation of international human rights laws (Abdo, 1979b; Copp & Rogers, 1999). Flawn provided space in Bellmont Hall for the interviews and stated that the legality of Carter's action was up to the courts. "As far as we (the University) are concerned, it is between the INS and the students. The University is providing a place where the students can be interviewed" (Abdo, 1979b, p. 1). By November 28, thirty-five out of approximately 220 UT Iranian students were found to not meet immigration requirements (Copp & Rogers, 1999). Student protests became more numerous and heated.

> . . .a crowd, comprised of mostly American students, roared that U.S. tax dollars should not be going to educate Iranian students. Saeed Zabihi, one of the few Iranian students at the rally, was escorted away by University police,

> who said "We want to make sure he doesn't get hurt." (Copp & Rogers, 1999, p. 114)

On January 31, 1980, Fereydoun Hoveyda, the former Iranian Ambassador to the United Nations, who served under the overthrown Shah was scheduled to speak on campus (Hagan, 1980a; Kelly, 1980a). Many students were angry that UT had paid some $4,000 in student fees for Hoveyda to present the ideas of the "repressive regime" of the deposed Shah (Kelly, 1980a, p. B8). For that reason, when Hoveyda was introduced to present his speech, a crowd of approximately 100 protesters began chanting, "Death to the Shah" (Copp & Rogers, 1999, p. 116). Police then began to arrest protesting individuals. In all 23 persons – all Middle Eastern students, calling themselves "Progressives" – were arrested and sent to the Travis County Jail[27] (Kelly, 1980a, p. B5; Wilson, 1980). Three of those arrested were women; they all posted $300 personal recognizance bonds and were released (Kelly, 1980a). The twenty men in custody began a hunger strike (Pierre, 1980a). They stated that their physical condition was

> . . .no comparison to the conditions under which millions of oppressed and starving people are living in the Middle East, Africa, Latin America, et cetera, and of no comparison to the barbaric tortures and massacres that thousands of Iranians and Palestinian people have suffered from. (Kelly, 1980b, p. B5)

UT students continued to rally almost daily on the West Mall. On April 30, supporters of the Middle Eastern students marched from the University to the

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[27] Twenty-four individuals were actually arrested and released the same day; however, warrants were later issued for their arrest. All but one was apprehended (Kelly, 1980a).

Capitol; the three-hour protest occurred without incident. Protesters were able to collect 1,500 signatures on a petition urging that the charges against the Middle Eastern students be dropped. Furthermore, students demanded to have more say in who was invited to speak on campus (Cannon, 1980). Flawn released a strongly worded statement regarding free speech on campus.

> Shouting down an invited speaker strikes at everything for which a university stands. Throughout history these tactics have initiated the world's great tyrannies. I regard the matter very seriously, and I will use all legal means to discourage such anti-intellectual activities by any individual or group. It should be obvious that no one who disrupts the presentation of a speaker is an advocate of free speech. (Kelly, 1980a, p. B5)

The Faculty Senate likewise passed a resolution stating that the faculty ". . .reaffirms the rights of invited speakers to present their material free of disruption and urges the administration to continue taking every legitimate means to protect the rights of invited speakers on our campus" (Maines, 1980, p. 1). One UT student commented, "I think the Iranians want the freedom to speak and assemble but they're not willing to let others have the same freedoms" (Maines, 1980, p. 1). The same UT student pointed out that the Iranians do not completely understand the American culture (Maines, 1980).

The situation became even more complicated. The U.S. Department of Justice became concerned that the clash between the University and the arrested students might upset the negotiations to free the U.S. hostages (Kelly, 1980b). Defense attorneys for the arrested students claimed that police officers ignored disruptive Caucasian students and selectively arrested only Middle Eastern students

(Szilagyi, 1980a). In order to prove that the arrests were selective, the defense attorneys subpoenaed the negatives and photographs taken by *Texan* staffers. When *Texan* Editor Mark McKinnon refused, County Court-at-Law No. 3 Judge Jon Wisser had McKinnon remanded in the county jail for contempt of court. McKinnon was released the next day and all charges were dropped (Copp & Rogers, 1999).

After nine days in the county jail, County Attorney Jim McMurtry withdrew the protester's arrest warrants. With the warrants withdrawn, the protesters could not stay in jail even if they wanted to according to McMurtry, who felt that the prisoners "were using the criminal justice system to attract attention to their political-type cause. I don't want the taxpayers to foot the bill for that" (Pierre, 1980b, p. 1). The arrested protesters were met by some 200 international and American supporters in front of the jail (Pierre, 1980b).

Academic Concerns

War on mediocrity. Soon after being named the next UT President, Flawn announced that he intended to improve the University's performance in all its endeavors. A reporter labeled Flawn's proposal as a "war on mediocrity" and though this was a catchphrase identified by a reporter, Flawn felt it captured the spirit of the academic improvements he wished to institute (Hill, 1981c; Stutz, 1982; Tuma, 1979, p. 1). Berkeley Breathed, a cartoonist for *The Daily* Texan, further embellished Flawn's "war on mediocrity." Breathed had been drawing a cartoon strip, *The*

Academia Waltz, since 1978 and had used situations at colleges and universities as material. When the "war on mediocrity" was announced, Breathed picked up on the catchphrase and began to portray Flawn's proclaimed "war" in *The Academia Waltz* and editorial cartoons, thus providing additional attention to the issue.

Figure 31: The Academia Waltz. (Berkeley Breathed, *The Daily Texan*, August 13, 1979, p. 4) © Berkeley Breathed

Figure 32: The Academia Waltz. (Berkeley Breathed, *The Daily Texan*, August 15, 1979, p. 4) © Berkeley Breathed

Figure 33: Editorial cartoon. (Berkeley Breathed, *The Daily Texan*, September 15, 1980, p. 5) © Berkeley Breathed

Flawn believed that the institution should achieve excellence in all its activities: instruction, student performance, research, scholarship and administration. A graduate of The University of Texas at Austin, Flawn stated, should have "a command of the language. . .minimal sophistication in mathematics. . .a perception of time, a sense of history. . .and discovered and developed creative talents"

(Morrison, 1979a, p. 1). One of Flawn's intentions in concentrating on the institution's quality was to improve faculty morale and motivation.

> The greatest thing that can be done is to give the faculty a sense of movement and direction, that we're not just dead in the water, trying to keep the doors open. (Hooker & Selby, 1981, p. 1)

> I believe this is a very good faculty and it is a better faculty than is generally recognized. Look at the people who have come here over the last few years and we have been getting the best. What it needs is more than recognition, it needs to marshal its energies and come to a sense of direction and commitment. (Tuma, 1979f, p. 1)

Flawn felt that faculty represented the backbone of the University; therefore, he wholeheartedly supported attracting and retaining first-rate faculty members and a critical element of this process was the institution's policies on promotion and tenure.

> Tenure is essential to preserve the intellectual independence of the University. There is a great misunderstanding of it. It has been abused, but without it over time the University would become nothing more than a service bureaucracy.
>
> Tenure does a number of things. It depends on how you ask the question. If you ask "should you spend public funds to give incompetents a guaranteed job for life," then the answer is no. But if you say "should tenure be used to protect unpopular ideas," then the answer is yes.
>
> Tenure does not guarantee to a faculty member who has it, a lifetime job. It is the prospect of continued employment and the requirement that the University show cause, to demonstrate why and under what cause they should be let go. (Tuma, 1979f, p. 1)

Flawn proposed that tenure was not for faculty members who are "good, satisfactory or adequate," but rather should only be given to those who are truly excellent (Tuma, 1979f, p. 1).

Figure 34: The Academia Waltz. (Berkeley Breathed, *The Daily Texan*, September 15, 1980, p. 5) © Berkeley Breathed

State Representative Frank Gaston (Republican from Dallas) put pressure on the University and other Texas institutions of higher education when he authored two bills during the 1979 Texas Legislative Session that would have eliminated tenure. Though the bills were not passed, he threatened to continue authoring such bills if institutions did not change their tenure policies. Tenure, he alleged, promotes mediocrity. "The University (the University of Texas System) would grant tenure to anybody in the late '40s and '50s. And now that they (faculty members) have tenure, they don't have to compete for their jobs" (Abdo & Wiedemer, 1979a, p. 1).

The Texas Higher Education Coordinating Board supported tenure. In their estimation, abolishing tenure would remove Texas from the mainstream of American higher education (Shwiff, 1980). The strongest argument for continuing tenure centers on the notion of academic freedom. With tenure, a faculty member cannot be dismissed or receive financial or political reprisals for his or her academic activities; although, tenure does not protect promotion and merit increases. Some individuals

believed that tenure should be replaced by a system of short-term, renewable contracts, as was the case at The University of Texas of the Permian Basin. Those in favor of short-term contracts believed that the court system would protect a faculty member's right to academic freedom (Abdo & Wiedemer, 1979c).

UT tenure policies. In December 1979, the Faculty Senate voted on recommendations, which called for a periodic review of tenured and non-tenured faculty. Two years earlier, the University Council formulated new tenure policies, which consisted of 20 proposals. In response to their work, the Faculty Senate put together a committee on Faculty Review and Tenure to study tenure and examine the University Council's recommendations. This committee made seven policy recommendations to sections 3.14 and 3.16 of the University's *Handbook of Operating Procedures*; these were the items approved by the full Senate (Abdo, 1979c; Abdo & Wiedemer, 1979a; Tuma, 1980b).

- All tenured and non-tenured faculty members must be evaluated annually.
- At the departmental level, non-tenured faculty must be evaluated annually in the areas of teaching, service and research or creative activities, and then be provided with a written statement of the evaluation. New faculty members are to be given a statement in writing of the criteria for evaluation for retention and promotion to tenure.
- Department chairmen must provide a written report to tenured faculty members, who are not full professors, at regular intervals of no more than three years, and to full professors at intervals of no more than five years, based on evaluations in the areas of teaching, service, and research or creative activities.
- Each evaluated faculty member must be given reasonable notice of the date of evaluation to have the opportunity to provide requisite information. . . .
- In the case of negative recommendations covering promotions or reappointments by the department's budget council or chairman, the

faculty member must be given an opportunity to respond or present additional evidence. The recommendation from the department's dean must then be reported back to the original department before it is transmitted to the next level of administration so that the department may supply any additional evidence.

- If the dean or department gives a negative recommendation on promotion or reappointment, the faculty member must be given a reason from the unit where the negative recommendation originated.
- The president of the University will have the option of providing reasons for denying tenure. (Abdo, 1979c, p. 1)

The University Council considered the Senate's proposal and approved the measures with one amendment – deans and department chairs could also provide oral as well as written negative evaluations (Abdo, 1980a).

A number of disagreements were expressed in the deliberation of the new tenure policy recommendations. One was the weight placed in the review process on teaching versus research. Students believed teaching to be more important; while the tenure decision seemed to be more heavily weighted towards research as evidenced in publications (Abdo & Wiedermer, 1979b, p. 1). Another debate centered on whether or not the institution's administration should have the final authority in tenure decisions; that is, whether or not administrators, who are farthest from the faculty member in question should be allowed to overrule the judgment of the department's recommendations (Abdo & Wiedermer, 1979b).

Faculty support. Tenure decisions were one portion of the "war on mediocrity;" a number of other initiatives were created to support Flawn's comprehensive promotion of quality. One included the creation of more endowed

chairs and professorships[28]. Given that UT faculty salaries were lower than comparable major research institutions, these income streams facilitated the recruitment and retention of high quality faculty (Kavanaugh, 1981). In the fall of 1979, the University held 15 endowed chairs and 78 professorships (Hunt, 1979f). On Flawn's recommendation, the Regents voted to establish the Centennial Teachers and Scholars Program, a two-year effort that used AUF monies to match private donations for academic positions. By June 1982, the University had collected enough funds for 115 endowed positions (Elliot & Jannuzi, 1981b; Fisher & Vowell, 1983). One difficulty in the program was getting donors to support endowed positions equitably across all academic disciplines. In an effort to alleviate this problem, the Faculty Senate approved a resolution calling for administrators to encourage endowed chairs in all academic areas. John Durbin, Chair of the Faculty Senate and Professor of Mathematics, calculated the number of faculty holding endowed positions in the various UT Schools and Colleges: 83 percent in the School of Law, 3.2 percent in the College of Education, 67.2 percent in the College of Business Administration, 8.8 percent in the College of Liberal Arts, 41.2 percent in the College of Engineering and 7.1 percent in the School of Nursing (Woodruff, 1983).

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[28] Endowed chairs and professorships were established by funds placed in an endowment; $500,000 minimum for endowed chairs; $100,000 minimum for a professorship. Interest derived from the investment of these funds was allocated to recognized distinguished faculty members as additional income. These funds could also be used to provide a portion of a faculty member's full salary; thus, permitting a faculty member to teach part time and work on scholarship the other portion of their time (Kavanaugh, 1981).

The Program was extend through 1985 and renamed the Endowed Teachers and Scholars Program. In 1984, Flawn announced that the institution had received $165 million in gifts, pledges, and matching funds for faculty endowments ("Documents and Minutes," 1984).

In an effort to promote quality teaching, the University established over 50 awards to recognize outstanding classroom teaching. One such award was the President's Associates Teaching Excellence Award, which was established to reward faculty teaching fundamental courses, specifically lower division classes. Previous to 1980, the award did not carry any monetary reward; however, thanks to generous contributions, between six and eight faculty members were chosen each year and received a $5,000 remuneration during Flawn's presidency (Duvall, 1983; Khiew, 1983; Stutz, 1982a). Beyond these teaching awards, Flawn made it clear that teaching effectiveness would be a significant element in the promotion process (Stutz, 1982a).

Undergraduate curriculum review. Another of Flawn's academic excellence initiatives was a review of the basic undergraduate degree requirements, which had not been reviewed in the past 25 years (Stutz, 1982a). The UT Faculty Senate agreed to support Flawn's initiatives because it was "not purely a request from the administration" (Hunt, 1979d, p. 11). To facilitate this review, the University Council established the Committee on Basic Education Requirements and named James Vick, Assistant Dean of the College of Natural Sciences, as its chair (Fisher,

1982). The committee produced a report, commonly referred to as the "Vick Report," which stated that the institution should adopt a new set of degree requirements for all undergraduates. Flawn agreed with the committee's findings. Some hoped that a more rigorous college curriculum would lead to a "trickle down effect," which would force the state's high schools to prepare their students for the difficulty and thoroughness of the college's course work (Galinsky, 1981, p. 4).

Enrollment management. Faculty expressed their concern about the relationship between enrollment and academic quality. In the fall of 1980, enrollment at the University had risen 4.6 percent over the previous fall bringing the total number of students to an all time high of 46,148. Karl Galinsky (1981), Professor of Classics, wrote an editorial in the *Texan* explaining that quality certainly had been diminished by increased enrollment.

> Excessive growth has indeed started to erode the quality of undergraduate education at the University. For example, professors which formerly required some thoughtful writing and analysis on their exams are now increasingly switching to machine-graded formats. This is not because faculty are lazy, but because there is a point of no return in terms of class size. One does not educate a citizenry nor prepare it for life's complexities through multiple choice or true/false questions. At least this practice – and many others could be cited – gives the lie to the assertion that the University, if it clamps down a lid on the current enrollment, would be an "elitist" institution. A University with 40,000 or more students is not elitist. (p. 4)

Certain colleges had more difficulty with increasing enrollments. For instance, in the fall of 1980, the College of Business enrolled 10,325 students – 22 percent of UT's total enrollment (Chriss, 1981). Between 1973 and 1983, enrollment for the College of Business doubled and enrollment for the College of Engineering

tripled (Peter, 1984). Other schools and colleges implemented enrollment limitations: Architecture, Law, Nursing and Pharmacy (Chriss, 1981).

This growth caused Flawn to appoint a committee to reevaluate the institution's admission plan, which had originally been formulated in 1970. Paul Kelley, Director of the UT Measurement and Evaluation Center and a member of the committee, reiterated Flawn's charge to the group. "The president didn't ask to be advised on an ideal number of students. He asked to be advised on what kinds of controls could be maneuvered to allow us to keep enrollment in line with the facilities and faculties that we have to work with" (Sipple, 1981, p. 7).

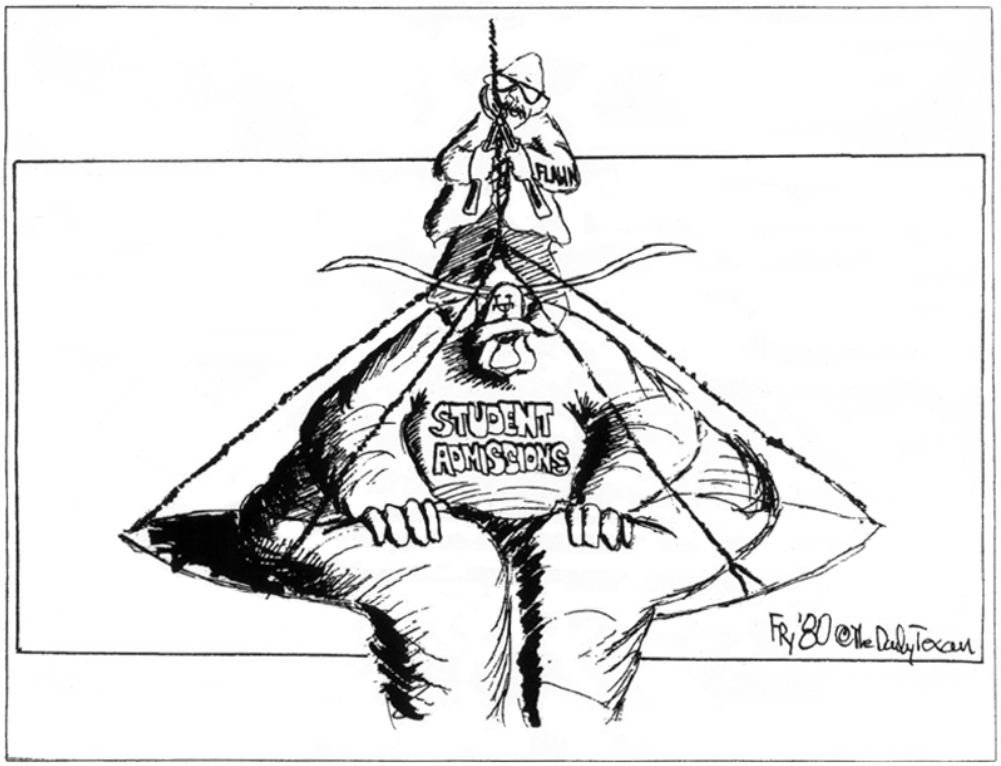

Figure 35: Editorial cartoon. (Fry, *The Daily Texan*, November 6, 1980, p. 4)

An enrollment management plan was created by the special committee and approved by the Board of Regents in the summer of 1981. According to Flawn, the plan would stabilize enrollment at around 45,000. The new policies restricted the collegiate test scores acceptable for those students in the lower three quarters of their high school graduating class. Table 9 summarizes the UT admissions requirements for the 1980 – 1981 and 1982 – 1983 academic years (Hill, 1981a, p. 1).

Table 9: Admissions Requirements for The University of Texas at Austin

1980 – 1981 Freshman Admission Requirements		
Resident Status	*Class Rank*	*SAT Score Required*
Texas Residents	Top 10% Top half Bottom half	Any score acceptable 800 1000
Non-residents	Top half Bottom half	1000 Not eligible
1982 – 1983 Freshman Admission Requirements		
Resident Status	*Class Rank*	*Test Score Required*
Texas Residents	Top quarter Lower three-quarters	Any score acceptable SAT – 1100 or better ACT – 27 or better
Non-residents	Top quarter Lower three-quarters	SAT – 1100 or better ACT – 27 or better Not eligible

For the 1980 – 1981 academic year, students in the top 10 percent of their high school class were admitted without a particular score on either the SAT or ACT; the following academic year, this standard was extended to those students in the top 25 percent of their class. For those students in the lower three-quarters of their class, an SAT score of 1100 or an ACT score of 27 was required for admission.

The requirements for out-of-state students were also increased; those students were required to graduate in the top quarter of their class and score 1100 on the SAT or 27 on the ACT. Likewise, the grade point averages for transfer students increased. Those with 54 or more credit hours would have to hold a 2.5 instead of a 2.0 grade point average to be admitted; those with less than 54 hours would have to hold a 3.0 instead of a 2.5. One exception was made; any student who had been offered a scholarship would be unconditionally admitted. UT also retained its provisional admissions program. Those students not qualifying for admission could enroll in spring or summer and take a minimum of 12 hours. If the student maintained a 2.0 grade point average, he or she would be officially admitted. Flawn believed that the new plan would accomplish three goals: decrease enrollment, increase the academic quality and provide easy access to minority students who may not have performed well on the SAT or ACT (Hill, 1981a; McKenna, 1981; Sipple, 1981). Flawn also downplayed the use of standardized tests as an indicator of academic success in college. "Success in high school shows success in college – not tests" (McKenna, 1981, p. D1).

In the fall of 1981, one year before the new plan was implemented, enrollment swelled to 48,156 students, a 4.4 percent increase from the previous year (Selby, 1981a; Sipple, 1981). In the fall of 1982, the new plan provided for a more controlled admissions process. The overall enrollment took time to decrease because of the large classes admitted in fall 1980, fall 1981 and summer 1982 ("Documents

and Minutes," 1982). In the fall of 1983, the Board of Regents further gave Flawn the flexibility to amend admission standards for out-of-state students. This came from a concern that out-of-state applications were rising rapidly (Elliot & Jannuzi, 1983).

Two other indicators of the increased quality of newly admitted students were the average SAT score and the number of National Merit Scholars. The average SAT score rose during Flawn's presidency; in 1981, it was 1020; in 1984, it rose by 22 points to 1044. In the 1984 – 1985 academic year, 258 new National Merit Scholars were admitted for a total of 675, putting UT first among public institutions ("Documents and Minutes," 1984).

Minority recruitment. Texas, like most Southern states, maintained a dual educational system until the 1950s (Ward, 1980c). In 1938, a black student, George L. Allen, registered by mail for extension courses at UT, but after the first day of class, he withdrew. *The Daily Texan* stated that he withdrew after "subsequent investigation developed that he was not eligible" ("Recent events," 1983, p. 8). In the 1930s and 1940s, the Texas Legislature fended off legal actions by providing financial support to black Texans to study outside the state (Davis, 1983).

The seminal case for integration at UT came in 1946, when Heman Sweatt filed suit against then UT President T. S. Painter, the Board of Regents, the Dean of the Law School and the UT Registrar for not admitting him to UT's Law School. The case progressed to the U.S. Supreme Court, which in 1950 ruled that Sweatt

must be admitted. In 1950, two black students were admitted as UT undergraduates, but withdrew in protest when they learned their classes would be taught off-campus. In 1954, *Brown vs. Topeka, Kansas Board of Education* found that the concept of "separate but equal" educational opportunity was unconstitutional (Davis, 1983, p. C4). A string of other lawsuits caused the UT System Board of Regents (in 1955) to open UT admissions to minorities (Davis, 1983; Duren, 1979; Locke, 1981). In the fall of 1956, 104 blacks were admitted as undergraduates. Because UT's enrollment was not opened until 1956, many of the minority students enrolling since that time were first generation college students; thus, the cultural transition for those students was difficult (Ward, 1980c). In the fall of 1980, blacks represented only 2.4 percent (1,100 students) of the UT student body; 7.6 percent (3,518 students) were Mexican-American (Ward, 1980c).

In January 1980, the League of United Latin American Citizens (LULAC) accused UT of continuing segregation because of its "woefully weak" minority recruitment program (Tuma, 1980a, p. 1). LULAC President Ruben Bonilla, Jr. sent a letter to every president of Texas colleges and universities asking them to comply with the 10 desegregation guidelines that the group had proposed, which were based on a 1979 report from the Office of Civil Rights. Failure to comply, the group warned, would jeopardize some $260 million in federal funds. Furthermore, Bonilla stated that LULAC supported "goals, objectives and timetables" to accomplish greater numbers of minority students, but added that the institution would need to

use a quota system to resolve its deficiency if the other measures failed. Flawn expressed his view on quota systems. “I am certainly opposed to any kind of quota. It is incumbent upon us to provide an opportunity to everyone” (Tuma, 1980a, p. 1). He further explained that goals and quotas are dependent upon other factors.

> You can establish goals, but it depends on the pool of people available to you whether it will work. And in student recruitment you are dealing with an open institution. It depends not only on the quality of your academic programs but also on the financial aid available. (Tuma, 1980a, p. 5)

Another group, the Coalition of Minority Organizations (COMO), composed of approximately 20 minority organizations interested in minority recruitment at UT, requested that Flawn correct several deficiencies in the institution’s recruitment process. The chief criticism was that UT lacked organization and coordination in its recruitment and admissions process between the Admissions Office, the Office of Financial Aid, Housing and Food Services Administration, the Graduate School and the individual schools and colleges. Flawn responded that the “decentralized federation of schools and colleges must pull together. . . .It seems we have four different departments, none of whom is talking to each other. It doesn’t cost any money to fix that” (Pierre, 1980a, p. 1).

Later, COMO gave a proposal calling for the establishment of The University of Texas at Austin Council for Minority Affairs, which Flawn rejected. He then made a counter-proposal including an itemized budget, staff support and minority programming. COMO members thought Flawn’s plan would bring a drastic turnaround in UT’s minority recruitment efforts, but were reluctant to accept the plan

because University administrators would control the budget (Selby, 1980). Flawn acknowledged the contributions made by COMO. “Many of the proposals we have been working on have come out of our many meetings with COMO. We have to have the advice and counsel of the minority community if we are to be effective” (Locke, 1980a, p. 1). Flawn also appointed an ad hoc committee on minority recruitment composed of three administrators, three faculty members, four students and two off-campus representatives (Locke, 1980b). Flawn later appointed a Minority Affairs Officer for each UT college and school. Their duty was to coordinate minority recruitment and retention, and to serve as a support to minorities (“Documents and Minutes,” 1984).

Flawn acknowledged that financial aid was a primary concern regarding minority recruitment. Two award programs were initiated to specifically support minorities. The Texas Achievement Award provided $2,000 per year for up to five years of undergraduate study. The second program, the Texas Honors Achievement Award, was offered to top minority high school seniors and provided $4,000 per year (Grape, 1985). Flawn believed these programs were helpful, but acknowledged that more support was still needed. “Although this year [1982] the Texas Achievement Scholarship Program and other related programs for minority students have been increased by $650,000 to $2,450,000, adequate financial aid to minority students at the University remains a problem” (Fisher, 1982, p. 1).

Microelectronic and Computer Technology Corporation. UT and the city of Austin received national attention on May 17, 1983 when the Microelectronic and Computer Technology Corporation (MCC)[29] – a computer research consortium – announced that it would build its research center in Austin. Flawn declared that "UT was a major element in the decision" to establish the research laboratory in Austin (Blesener & Williams, 1984; Butts, 1983b, p. 3).

> It's really the coming together of a critical mass of people, facilities and equipment to dedicate themselves to a creative process. This is what a university is all about. . . .
>
> What MCC provides is an opportunity for us to accelerate the plans we had in place. What we had hoped to accomplish in 10 years, we may now accomplish in three or four years. (Butts, 1983b, p. 3)

Ben Streetman, UT Professor of Electrical Engineering, echoed Flawn's comments, believing that Austin was chosen because it is a "center for intellectual activity" (Dunn, 1983, p. 3).

In order to attract the research group, Texas Governor Mark White formed a task force, which worked with Flawn, UT System Chancellor Don Walker and the UT Board of Regents to assemble a benefits package: $5 million pledged by UT for the construction of the new facility; $15 million in private donations to cover the rest of the facility's cost; and $20 million in low interest mortgage loans from Austin

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[29] MCC was formed in January 1983, when twelve computer companies decided to combine their resources to meet the growing demands for computer technologies. These companies were once competitors, but hoped to share highly sophisticated information in order to develop more advanced technologies and compete with international competitors. Austin was chosen over 56 other cities in 27 states to be its headquarters (Butts, 1983a).

banks (Baker, 1984b; Budd, 1983; Jannuzi, 1983). MCC leased the new facility for $2 per year for the first 10 years and had the option to renew the lease after that time at fair market value (Williams, 1985c). Additionally, UT agreed to establish a $15 million endowment to fund 30 new faculty positions in engineering and computer science over the next three years and agreed to provide $750,000 in grants for graduate students each year for 10 years (Jannuzi, 1983; Williams, 1985c). The MCC facility was built in Northwest Austin on a portion of the University's Balcones Research Center[30] (Jannuzi, 1983). Harden Wiedemann, Director of the Texas Governor's Office of Planning and Intergovernmental Relations, reasoned that MCC would help the Texas economy. In recent years, Texas had based its economy on oil, gas and agricultural industries, but Wiedemann predicted that technology would represent 10 to 15 percent of the future Texas economy (Dunn, 1983). Over 50 companies expressed interest in moving to Austin to join MCC (Jannuzi, 1983). Flawn considered the expansion of the Balcones Research Center to be one of his administration's highest achievements.

> We have some 25 research enterprises now, and we are determined to make that tract north of campus into a first-class research park. It has been sort of a second-class annex, but by moving all our research efforts to Balcones, we can free up space on campus. (Stutz, 1982a, p. D1)

Flawn also cautioned that the University could not afford to be complacent now that it has accomplished such a great task.

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30 Efforts in the technology area had begun earlier when the UT Board of Regents in 1981 approved over $50 million to expand the Balcones Research Center (Jannuzi, 1983).

> Society continues to expect more of its public institutions. What was first class 25 years ago is not considered first class today. And, what is first class today will not, if it stands still, be considered first class 25 years from now.
>
> We must continue to plan and make investments now so that 25 years hence we will be meeting the expectations of the society that supports us. (Stutz, 1982a, p. D1)

Governance

Flawn was making great strides in developing the institution into a first-class university; however, some doubted whether this status could be achieved due to the considerable influence of Texas politicians. In 1982, *The New York Times* reviewed 265 U.S. universities in their S*elective Guide to Colleges 1982 – 1983*. Of UT, the commentators wrote

> UT-Austin appears to be on the verge of becoming a university of the first class. The major obstacle is the extent to which the University remains under the thumb of Texas politicians who do not understand what makes a university great. . . .
>
> If the power brokers of Texas can ever figure out what makes a good university into a great one, the ivy may grow more luxuriantly in this (Texas') sunny climate and oil-enriched soil than it ever has in New England's rock-bound Ivy League. (McNamara, 1982, p. 1)

Flawn quickly responded that the guide's observations were " the creation of someone's imagination" (McNamara, 1982, p. 1).

Governmental intrusion. Before the *New York Times* aimed its accusations at Texas politicians, Flawn charged that excellence might never be achieved at The University of Texas at Austin due to the intrusive nature of governmental regulations. On October 1, 1981 while delivering the "State of the University"

address to the General Faculty, Flawn asserted that governmental intrusion was "eroding the intellectual independence of our great universities" ("Documents and Minutes," 1981, p. 14660).

> A management net is tightening around us. Viewed from the University of years past, it is a galling and restrictive net that formalizes and codifies what used to be free, easy, and very personal relations among students, faculty, staff, and administration. In the toils and meshes of this management net we find time reports, workload reports, annual evaluations, course evaluations, grievance procedures and hearings, elaborate recruiting and hiring procedures, and excessively detailed personnel procedures. We find planning exercises. We find course inventories, program reviews and evaluations. We find internal and external audits. Within the net, we maintain offices that grind out a staggering volume of reports demanded by state, federal and quasi-governmental agencies, and by accreditation associations.
>
> . . .But let me assure you that this management net has not been thrown by the President's Office, by the Chancellor's Office, or by the Board of Regents. Indeed, we are trying to rearrange the net, to loosen it, so we can continue to function as an intellectually independent university.
>
> It is the public policy of the United States and of Texas that the public's business shall be done in public and that public employees shall be protected against arbitrary, capricious, and discriminatory administration. From this policy come open meetings, open records, accounting, reporting, compliance, grievance procedures, due process, and formal, detailed personnel procedures that govern relations among faculty, students, staff, and administration.
>
> It is the public policy of the State of Texas that its public enterprises shall be operated efficiently and effectively. From this policy come formal planning and management systems, accounting, reporting, compliance, and, of course, internal and external audits and evaluations. These management systems involve administration and employees in continuous review and evaluation of objectives, accomplishments, and the quality of performance.
>
> We as an institution have struggled to meet the requirements of public policy and of law, and we have worked in good faith with representatives of state and federal agencies that, under law, have authority over us. It has not been easy. As the Sloan Commission [on Government and Higher Education] has found, all too often the representatives of these state and federal agencies are ignorant in the field of higher education and, worse, uncaring about the University's public responsibility to develop the human resources of society,

> to investigate, to inquire, to disseminate knowledge, and to provide public service.
>
> My experience over the last ten years as a university president has convinced me that the overriding higher education issue for the nation and for Texas is: How to protect and preserve the intellectual independence of American public universities and the academic freedom of their faculties in the face of increasing intrusion into academic processes through regulation in the guise of coordination at the state level and through accounting, reporting and compliance requirements at the federal level?
>
> . . .If the business of the state is to be conducted efficiently and effectively, using modern management systems, it is now in 1981 clearly in the public interest for the representatives of the people of Texas sitting as a Legislature to sort out the role and function of a Board of Regents vis-à-vis the Coordinating Board. If, in their wisdom, they elect to invest management authority in the Coordinating Board, the public institutions can plan and operate within that structure. Under such a system there will be a leveling – a sameness of curricula and faculty and students – and the State will lose the centers of excellence it has been building for more than a century. ("Documents and Minutes," 1981, p. 14660, 14662)

One example of the onerous faculty compliance reporting was the federal requirement by the Office of Management and Budget that all University employees whose departments received federal funds give an account for 100 percent of their time. This new system of reporting increased the reports filed from 500 each month to 6,000 and was projected to cost $100,000 annually (Ward, 1980a; 1980b). Flawn encouraged faculty to "comply under protest." "What we cannot account for will be disallowed. What is disallowed, we will have to repay" (Ward, 1980a, p. 1).

After hearing Flawn's speech, the UT Faculty Senate took a survey of all UT faculty, asking for a ranking of the most intrusive entities: 62.6% voted for the Texas Legislature; 41.6% voted for the federal government; 41.4% named the Coordinating Board, Texas College and University System; 35.3% voted for UT System; 39.4%

voted for UT administration (Selby, 1981e, p. 1). It seemed that the faculty did not completely hold Flawn and other UT administrators completely harmless. The Faculty Senate also voted to form a committee to study the risk posed in reaching academic excellence by state, federal and internal incursions (Hooker, 1981a).

University expansion into East Austin. UT was accused of being intrusive by East Austin residents and businesses in the Blackland neighborhood, an area adjacent to the campus just across Interstate 35. After an era of rapid growth and expansion, the University found itself land-locked. Needing to acquire a larger portion of land to house a $12.5 million physical plant services building, the University began looking at property east of the University where a number of homes and small businesses were located. A real estate firm, Anderson-Wormley, began making offers to property owners to purchase their land on behalf of the UT System. They acquired 27 properties in a 10-acre tract adjacent to Interstate Highway 35 north of Manor Road (Elliot & Jannuzi, 1981a; Fisher, Munoz & Vowell, 1982). Five property owners were unwilling to sell; therefore, on September 27, the Regents moved to invoke the UT System's right of eminent domain[31] (Godwin, 1983; Munoz, 1983c).

Students began to criticize the eastward expansion of the University as the "path of least resistance," reasoning that individuals in that portion of town are among the poorest and had no representation on the UT Board of Regents

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31 Eminent domain became the right of Texas state agencies in 1965. It provides that property can be condemned if the owner is unwilling to sell their land and the agency's purchase of the land is for the public good (Godwin, 1983; Munoz, 1983c).

(Campbell, 1983b, p. 4). The Student Senate passed a resolution opposing UT's acquisition of the land and calling for the University to hold a public hearing with the East Austin residents, allow sufficient time for those individuals to relocate and assist homeowners in relocating (Boyd, 1984; Campbell, 1983a). Jim Wilson, Assistant to the Vice President for Business Affairs, responded, " I don't think it's a student issue" (Boyd, 1984).

Mayor Carole Keeton McClellan, the Association of Community Organizations for Reform Now and the City Planning Commission asked UT Regents to hold a public hearing with residents of East Austin. Chancellor Walker told the Regents, "I don't see anything that can be gained from this public meeting" (Fisher, Munoz & Vowell, 1982, p. 1). An Opinion was requested from Texas Attorney General Jim Mattox regarding whether or not House Bill 430 from the previous Texas Legislative Session applied to a city's right to impose municipal zoning. Mattox's opinion was that the bill did not apply to federal or state agencies (Lunsford, 1984).

Vice President for Business Affairs Charles Franklin (1984) published an editorial in *The Daily Texan* to explain the viewpoint of UT's central administration on the East Austin expansion project. He argued that property north, west and south of the campus had been fully developed for residential use, state office buildings and state parking; however, property east of campus was not as well developed. In the view of the UT administration, it was evident that the property purchased by the

University would have eventually been purchased and developed by private developers. Franklin also stated that UT would avoid using eminent domain in the future for acquisition of property east of Interstate Highway 35 and south of Manor Road by requesting that the Regents approve of a long-term plan to buy property in that area as it came on the market. The University made an agreement with residents in the area and the City of Austin to work together by establishing a committee with representatives from all three groups in order to facilitate communication. Moreover, The University of Texas at Austin and the City of Austin agreed to provide joint social services to the residents. Franklin concluded, "The University serves an important public purpose. It is essential that we provide adequate physical facilities and real estate to permit the University to serve future generations" (Franklin, 1984, p. 5).

Reorganization of the chancellor's office. In August 1981, the Board of Regents changed the organizational structure and duties of UT System administrators by creating three new executive positions that would report directly to the Board. Some of the chancellor's duties were given to the newly created positions of the Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Health Affairs (Godwin & Munoz, 1982; Selby, 1981b). These two individuals supervised the UT System's general academic and health-related institutions. The position of Executive Secretary to the Board was the third position created (Munoz, 1983b; Selby, 1981c). At approximately the same time, UT System Vice Chancellor

for Administration Robert Hardesty announced that he would be resigning to become President at Southwest Texas State University (Selby, 1981b).

Editors of both the *Texan* and *UTmost* acknowledged the pattern of System administrative changes that had developed over the years:

> 1) Create new positions with meaningless but important-sounding names 2) Use those jobs to whittle away the authority of the chancellor, and to give your own officers a little experience at the chancellor's job 3) Wait for the chancellor and his officers to leave 4) Appoint your own officers to the vacated posts, and dissolve the newly-created positions. (Puffer & Schwartz, 1981, p. 4)

On two separate occasions, Flawn was considered for the position of Executive Vice Chancellor for Academic Affairs; in both cases, he either declined the post or withdrew his name for consideration (Munoz, 1984; Selby, 1981c). In 1984, after Walker announced his plans to leave the chancellorship, Flawn was considered for that position, but also withdrew his name from consideration (Munoz, 1984). On August 31, 1984, Chancellor Walker completed his term as chancellor and was replaced by Hans Mark, a Deputy Administrator for the National Aeronautics and Space Administration (Munoz, 1984).

Finance

Divesture. Before Flawn became President of The University of Texas at Austin, controversy arose when campus constituents discovered that UT System was investing public funds in stock with companies conducting business with the Republic of South Africa. According to a report by the U.S. Senate, American

companies operating in South Africa contributed to the continuation of apartheid[32] (Hastings, 1977). Former Vice President of the Students' Association Trevor Pearlman lived in South Africa for 20 years before enrolling at UT. He maintained that the 16 percent of the South African white population received 64 percent of the income while the 72 percent black population earned only 26 percent (Baker, 1984a; Wagner, 1984). The *Texan* published its first story on UT investments in the Republic of South Africa in November 1977, when Lorene Rogers was President of The University of Texas at Austin. At that time, the UT System held stock worth more than $172 million in 53 companies doing business with companies in South Africa.

Some students demanded that UT System divest funds from these companies arguing that social issues should be more important than financial profit. They also questioned former UT President Rogers' appointment to the Texaco Board of Directors and Flawn's appointment to the Tenneco Board (Elliot, 1983; Hastings, 1977). Regents Chair Shivers, who served as Chair from 1975 to 1979, responded to student demands saying, "I don't think just because the University owns stock in some company that does business in another country, we should try to tell that country how to run its affairs" (Hastings, 1977, p. 1). "We [regents] adopted the policy that we ought to judge the caliber of the company, the quality of the stock"

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32 Apartheid, an Afrikaan word meaning "separateness," identified the South African discriminatory policies of segregation, which had been in operation since 1948 ("Apartheid," 2000).

(Dooley, 1979, p. 1). Conversely, John Warfield, Director of The University of Texas at Austin's Afro-American Studies Center, commented, "We [those calling UT System to divest public funds in stock with companies conducting business with the Republic of South Africa] want to change the yardstick by which the University makes decisions on its investment portfolio" (Baker, 1984a, p. 2).

Figure 36: Editorial cartoon. (Mark Antonuccio, *The Daily Texan*, April 16, 1984, p. 4)

During three consecutive Texas Legislative Sessions (1979, 1981, 1983), State Representative Al Edwards (Democrat from Houston) sponsored bills requiring

state agencies to divest from stock in companies supporting the Republic of South Africa. Each bill failed; however, they served to heighten the public's awareness of the issue (Barron, 1983; Hill, 1981e). William Lobb, a UT System representative, stated that divesture would be "very harmful" to the UT System because most of the larger companies do some business in South Africa. (By 1983, UT System had increased its investments in 52 companies conducting business in South Africa for a total of $252 million; however, most of these companies had signed the Sullivan Principles[33] [Barron, 1983].) Lobb also suggested that people should consider the amount of business that is being transacted with other "oppressive" governments (Barron, 1983, p. 1). Regents were also constitutionally bound to follow the "prudent person" rule; that is, UT Regents were obligated to invest public funds with "prudence, discretion, and intelligence" as if they were managing their own affairs (Texas Constitution, Article 7, Section 11a).

Students remained actively involved in the issue through a variety of means. Two student organizations were formed: the South Africa Liberation Action Committee (formed in 1978) and the Steve Biko Committee (formed in 1983), which was named after the former leader of the black consciousness movement in South Africa who was arrested and killed in 1978 for his protest activities. A number of

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33 In an effort to set standards that would improve the working conditions of non-white employees in South Africa, Reverend Leon Sullivan of Philadelphia, a member of General Motors' Board of Directors, proposed six principles by which companies should abide; these were approved by the State Department (Barron, 1983).

rallies were held on campus to protest UT System's investment policies. A resolution was proposed to the University Council asking the University to denounce South Africa's policies and divest from companies supporting apartheid (Wagner, 1984). The Council voted in favor of the resolution. Flawn tried to dismiss the resolution by saying it was beyond the purview of the University Council; he was unsuccessful and the resolution was sent to the UT Board of Regents (Baker, 1984c). In August 1984, a group of students tried to gain a place on the UT Board of Regents agenda by protesting. Regents Chair Jon Newton noted the students' efforts and understood their concerns.

> Currently, our investment portfolio approximates $2.2 billion, and about $600 million or 27 percent is related to companies doing business in South Africa. Changes in investment policy of this magnitude should not, and will not, be considered without full staff and regental study. This board has a recognized fiduciary responsibility to the citizens and taxpayers of this state to maximize the returns from its investment polices. (Baker, 1984c)

This issue continued to be a pressing concern after Flawn left the UT presidency; therefore, more information will be reported in the section of the next UT President, William H. Cunningham.

67th Texas Legislative Session. Inflation and the growing cost of living created financial difficulties for UT. In addition, the University faced political accusations; Governor Bill Clements considered institutions of higher education to be the least efficient and most wasteful of all state agencies (Hunt 1979e; Jackson & Williams, 1985b). In preparation for the 67th Legislative Session (1981), the Texas Higher Education Coordinating Board began to formulate its recommendations for

state officials. To accomplish this, the Board conducted two key studies. One was directed by Charles McKnew, a Houston economist, who affirmed that faculty salaries in Texas (unlike other salaried positions in the state) were among the most seriously affected by inflation, losing 15 percent of their purchasing power since 1969. McKnew surmised, "An increase of 17.4 percent is needed just to restore the buying power of faculty members to 1969 levels" (Baker, 1980b, p. 1). The second study was completed by the full Board and considered many areas of higher education finance. At its quarterly meeting in October 1980, Commissioner Kenneth Ashworth presented the 100-page report with 17 recommendations, a few of which are listed below.

- Income from a tuition increase should be applied to faculty salary increases. (A Special Senate Committee on Higher Education recommended that increases in tuition should be applied to construction funds to be given to institutions outside the Permanent University Fund.)
- All institutions in the UT and Texas A&M Systems should be included in the Permanent University Funds if the fund can provide for the institutions' endowment needs. (This would prevent competition among those institutions for appropriated funds.)
- Funding for faculty salaries should include a catch-up appropriation for the 1982-83 biennium besides an increase to keep up with the rate of inflation. (Abdo, 1980d, p.1)

Students were not satisfied with the proposal to raise tuition, feeling that the institution had more than enough support from the Permanent University Fund.

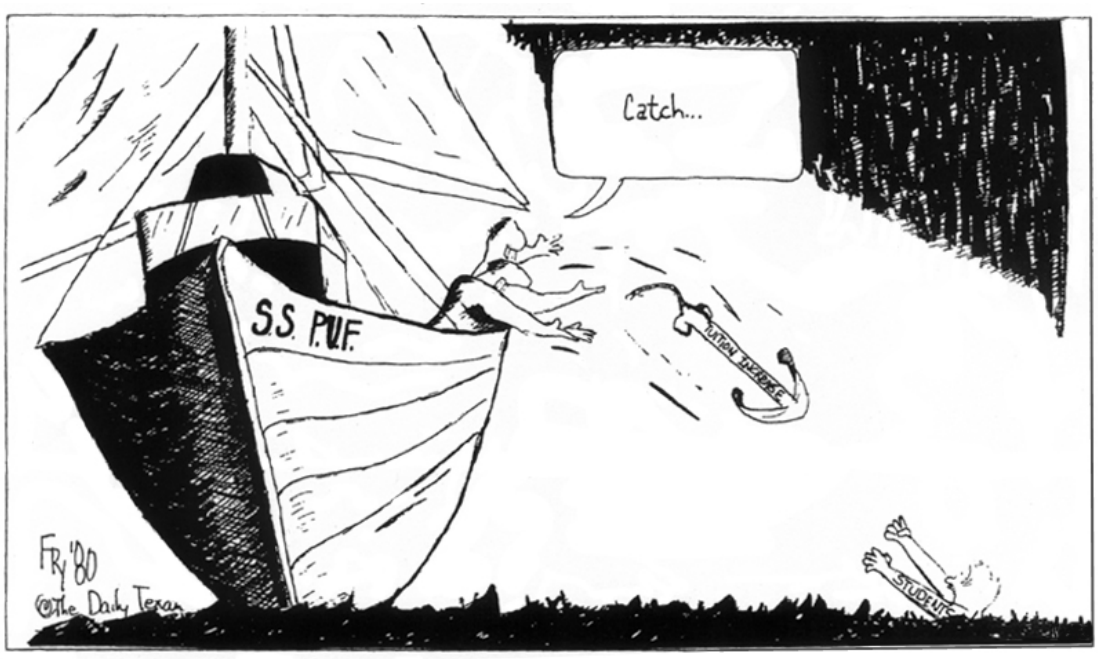

Figure 37: Editorial cartoon. (Fry, *The Daily Texan*, October 22, 1980, p. 4)

Flawn submitted the University's budget proposal to the Legislative Budget Board and called for a 34 percent increase over the biennium. In 1981 – 1982, the institution's operating budget was $142.8 million; the request for 1982 – 1983 was $191.4 million and for 1983 – 1984, $215.4 million (Angerstein, 1980c). Flawn hastened to point out that for every dollar invested in the University, six dollars are returned in the form of research from outside organizations. As a case in point, the Bureau of Economic Research saw a return of $51 for every dollar provided (Angerstein, 1980d).

Flawn's highest priority was to improve faculty salaries and benefits in which he requested a 20 percent increase for 1982 – 1983 and an additional 13 percent

increase in 1983 – 1984. “The single most serious problem the University has is faculty and staff compensation. We are losing too many people and having too many recruiting failures” (Angerstein, 1980d, p. 1). One UT faculty member expressed concern that not increasing faculty salaries would eventually lead to poor teaching.

> We cannot allow faculty salaries and working conditions here to become so poor that only the people who can get no better jobs will become faculty. They, in turn, will train future faculty and because they can do no research, they will teach only what they have been taught – a perpetual motion machine reproducing mediocrity. (Bash, 1980, p. 4)

In requesting such a large increase, Flawn hoped that the University would not have to use money from the Available University Fund for operating expenses. “I don’t believe the Available Fund should be used for basic operation of the University. These funds should help the University maintain its margin of excellence and make the real difference between a first-class institution and one that isn’t” (Angerstein, 1980d, p. 1).

At the end of the session, the Legislature ultimately approved a 17.06 percent overall increase for 1981 – 1982 and an additional 8.7 percent for 1982 – 1983. Teaching assistants, assistant instructors and classified personnel received a minimum salary increase of 14.3 percent, which included an emergency 5.1 percent pay raise in February 1981 (Elliot, 1981; Mashberg, 1981c). Increases for tenured faculty were allocated based on merit (Mashberg, 1981c). This pay raise was the first since 1975 to exceed inflation and was the largest increase among all the states for that year (Sanders, 1983).

69th Texas Legislative Session. The University again experienced difficulty in 1985 when the State of Texas projected a $1.1 billion shortfall. State Representative and Chair of the House Appropriations Committee Jim Rudd (Democrat from Brownfield) sent a letter to Flawn urging the University to implement a no-growth budget. Rudd and House Speaker Gib Lewis had earlier recommended a moratorium on hiring in March and again in September of 1984. Flawn accommodated in January 1985 by implementing a hiring freeze and denying salary increases for the rest of the fiscal year (Blesener, 1985b).

The following month, the Legislative Budget Board proposed cutting the state's higher education budget by 26 percent and cutting UT by 31 percent ($56 million). Appearing before the Budget and Oversight Subcommittee of the House Higher Education Committee, Flawn testified that the institution would not be able to absorb that large of a deficit by simply cutting support staff. "Were this bill to become law, it would drastically alter the University. We would have to become a smaller, more specialized institution or an institution of lower quality" (Pratt, 1985a). UT System Chancellor Hans Mark testified, "The budget of the University System is salary-driven. Therefore, to make cutbacks, the only way to do it is to get people off the payroll" (Blesener, 1985d). Legislators withdrew their support of the Legislative Budget Board's recommendation and supported Lieutenant Governor Bill Hobby's proposal to raise tuition and leave higher education at 94 percent of its current level.

This plan further required that AUF money be used for costs previously financed by state appropriations – library acquisitions and capital purchases (Pratt, 1985a).

Raising tuition would prove to be a challenge. Low tuition had been a tradition in Texas higher education. In 1880, Texas Governor Oran M. Roberts decreed that higher education was for the common individual, not merely for the wealthy elite.

> Nor will the benefits of the University and its branches be confined to the sons of the wealthy few. By no means will that be so. Place the facilities of higher education before the people of the state, make it a reality, make it complete and cheap by a separate endowment, and youths all over this broad land who catch the inspiration of high native talent in our common schools will, if necessary, struggle through poverty and through adversity by labor and perseverance, until they will stand in front ranks of the most gifted and favored in the halls of learning, and afterwards will adorn every sphere of life with their brilliant accomplishments and practical usefulness. So it has been in other countries, and so it will be here. (Schwartz & Groce, 1981)

The difficulty in providing low tuition for state supported institutions of higher education comes when state revenues, for whatever reason, fall short. In 1980, as state finances became strained, Hobby and other legislators realized that students needed to carry a larger portion of the cost of higher education. Tuition had not increased in a number of years. In 1957, students were assessed a flat tuition payment per semester; in that year, resident tuition was increased from $25 to $50 per semester; moreover, governing boards were authorized to charge full-time non-resident students between $125 and $200 per semester. This accounted for approximately 16 percent of the cost of educating an individual student (Abdo, 1980c; Angerstein, 1980a). In 1971, the flat rate was changed to a per semester credit

hour cost; residents paid $4 per hour with a required minimum semester charge of $50 each semester, non-residents paid $40 per semester credit hour (Abdo, 1980c). Tuition had not been raised since that time. In 1980, it was estimated that students were paying 4.6 percent of the cost of education. In 1984 – 1985, students were paying only three percent (Angerstein, 1980a; Blesener, 1985c); that is, for every $4 a student paid in tuition, the state paid $91 (Angerstein, 1980a). Hobby's plan proposed a drastic tuition increase in a short period of time, with the greatest increases going to non-resident students, who he believed were "freeloading" by paying Texas' low tuition rates (Williams, 1985d; Woodruff, 1985).

This proposal outraged some students, who were not prepared to accommodate such a radical change. On April 5, 1985, two thousand students from around the state protested the proposed tuition increases by marching from the UT's West Mall to the Capitol. The group was angry with Hobby for proposing the tuition hike and after protesting for an hour on the Capitol's south steps, students entered the Capitol to talk to their legislators, particularly Hobby. Hobby encountered a group of angry students and was taken into the Senate chamber by security guards, where he addressed the protestors in the Senate gallery. Most of those protesting were angry about the sharp increase in non-resident tuition to which Hobby responded, "Do you really want the Texas Legislature to subsidize New York taxpayers? Those of you who say yes should run for the Legislature" (Williams, 1985a; 1985d).

In the end, Hobby's proposal was passed; as a result, beginning in fall 1985, resident tuition increased from $4 to $12 per semester credit hour, non-resident tuition increased from $40 to $120. Rates increased again for the 1986 – 1987 academic year: $16 per semester credit hour for residents, $160 for non-residents. Legislators instituted measures that would assist students such as providing the option of paying their tuition in installments and setting aside 15 percent of the tuition for those individuals needing financial assistance (Williams, 1985b; 1985d). Hobby's plan projected a $270 million increase in general revenue over the two-year biennium (Williams, 1985b). In July 1985, with funding more secure, the hiring and salary freeze was lifted and appropriations to higher education were reduced by only five percent (Jackson, 1985a).

Permanent University Fund/Higher Education Assistant Fund. Between 1961 and 1979, the State of Texas imposed a property tax – the ad valorem tax – costing property owners 10 cents per $100 valuation. Revenue from this tax was used to finance the building and construction needs of those institutions not benefiting from the Permanent University Fund. During the 66th Texas Legislative Session (1979), Representative Wayne Peveto (Democrat from Orange) proposed a bill to modify the Property Tax Code; his bill passed and reduced the ad valorem tax from 10 cents to .0001 cent per $100 valuation (Hill, 1981b; Rasp, 1981). A bill was proposed that would have created a new fund to replace the loss in ad valorem tax revenue; however, the Texas House and Senate could not agree and the measure died,

effectively eliminating all building and construction funds for institutions outside the Permanent University Fund (Hill, 1981d; Jordan, 1979).

During a special Legislative Session called in the summer of 1981, Governor Bill Clements refused to revive the ad valorem tax and suggested that institutions of higher education request building and construction funds from general revenue. Conversely, House Speaker Bill Clayton advocated a reallocation of the PUF to benefit all Texas colleges and universities. Flawn argued that splitting up the PUF would prevent the University from fulfilling its legislative mandate.

> To put it bluntly, first class means the Permanent University Fund and the Available University Fund. Without them, we cannot be first class. Without them, the people of Texas will not realize the great benefits that flow from a truly first-class university. ("Documents and Minutes," 1984, p. 15866)

In November 1982, Texans voted to eliminate the ad valorem tax. Two years later, Texans voted favorably on Proposition 2, which amended the Texas Constitution by expanding the Permanent University Fund's bonding capacity to all component institutions in the UT and A&M Systems. This was a compromise from Clayton's earlier proposal to expanded Permanent University Funds to all Texas public institutions of higher education ("Permanent University Fund," 2002). UT System Board of Regents Chair Jon Newton commented favorably on the vote. "(The proposition) keeps the decision-making (for use of the PUF) in the Board of Regents, as opposed to in the state Legislature" (Beebe, 1984). Proposition 2 also created the Higher Education Assistance Fund (HEAF), which benefited the other 26 state colleges and universities not in the PUF ("Permanent University Fund," 2002). In

1985, the Legislature voted to appropriate $100 million annually to the HEAF (Cardozier, 2002).

Legal Actions

Kelleher case. One significant legal action consumed a great deal of time and energy over a five-year period. The case began in the fall of 1980 when Kathleen Kelleher, an Assistant Instructor in the Department of Government, who had received national recognition for teaching excellence by the Danforth Foundation, had been assigned to teach two sections of Government 310L. One week before classes were to begin, Chair of the Government Department Charles Cnudde reassigned her to non-teaching duties (Broe, 1980a; 1980e). At the time, Kelleher was not given official reasons for this decision. Later, she was told that she was out of compliance with the Department's guidelines for the 310L course. Kelleher recalled a conversation with Cnudde in which he told her to include a Texas politics textbook in her syllabus to use with the class. Kelleher protested that the use of such a textbook was not a requirement as outlined by the Texas Legislature, UT *Handbook of Operating Procedures* or the Government Department guidelines[34]

[34] The Government Department had been found to be out of compliance with UT rules and had been working for over a year to define the guidelines for the Government 310L and 312L courses and the supervision of AIs. This included identifying a common syllabus and examinations for those courses (Broe, 1980e; Herring, 1981b).

(Broe, 1980a; 1980d). However, she later stated that she agreed to include the textbook (Herring, 1981b).

Speculation arose that Kelleher had been reassigned because of complaints received from two students and one parent regarding the content of a summer course, Government 312L: Politics of American Culture. During the class, Kelleher invited two homosexual activists to be guest speakers; they advocated extending basic rights to homosexuals and articulated their personal and political struggles in advocating such an opinion (Broe, 1980a; 1980c; Herring & Bartels, 1981). Kelleher, who received advice from the University Academic Freedom Committee, filed a grievance with the Department of Government's Executive Committee, hoping to have the matter resolved at the administrative level (Broe, 1980b; 1980c). Through the procedure, Kelleher requested that she be reassigned teaching duties and that her record be cleared of any charges. The Executive Committee, chaired by Cnudde, passed a resolution asking Liberal Arts Dean Robert King to clear Kelleher's academic record. Meanwhile, Kelleher resigned her non-teaching position in the fall 1980 semester because it was the last semester for which she could receive financial aid as a teaching assistant or assistant instructor[35] (Broe, 1980c), and she wanted to remain eligible for an assistant instructor's position in the future (Broe, 1980d). In the spring of 1981, she was offered another non-teaching position, but turned it down. King decided that her "complaint does not present issues upon which relief

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35 At the time, graduate students were only permitted 10 semesters to receive financial aid as a teaching assistant or assistant instructor (Broe, 1980c).

may be granted under the Teaching Assistant and Assistant Instructor Grievance procedure" (Herring, 1981a, p. 1). This decision was based on the fact that during both the fall of 1980 and spring 1981, she was offered a position as an assistant instructor, but that her duties had been changed (Herring, 1981). Kelleher maintained that Cnudde and King had not responded to the particular grievances or charges she had filed, saying the two

- Violated academic freedom;
- Instigated punitive disciplinary action by demoting AIs to perform the duties of teaching assistants; and
- Violated contractual and constitutional rights by denying due process and individual freedom of speech. (Herring, 1981a, p. 1)

Kelleher filed a grievance with the University Faculty Grievance Committee. Since this was the first time the four-year old committee had dealt with a case involving a teaching assistant or assistant instructor, many felt that her case would set the standard for the rights and responsibilities of TAs and AIs (Broe, 1980g). "Some of the time, we're considered part of the faculty; at other times we're students. It seems to me [Kelleher] it needs to be clarified exactly what our responsibilities are (Broe, 1980g, p. 1). The hearings lasted for five days in March 1981 (Mashberg, 1981a), after which time the Faculty Grievance Committee found that the University had violated Kelleher's right to due process when the department chair "decided that the grievant should be reassigned from teaching the 310L course because he thought her intense commitment to a political ideology to the left would prevent her from offering quality instruction" (Mashberg & Lind, 1981, p. 1). The

committee further agreed that the meeting between Cnudde and Kelleher was not a fair hearing on her reassignment of duties, which represented a demotion when compared to other assistant instructor's assignments (Mashberg & Lind, 1981). Recommendations from the committee included removing a damaging letter from Kelleher's permanent file and rewarding compensation for the fall 1980 semester (Mashberg, 1981d). King disagreed with the committee's findings saying that Kelleher's reassignment was a "necessary and legitimate exercise of administrative responsibility" (Mashberg & Lind, 1981, p. 1), that this was a "good faith" dispute between Kelleher and Cnudde concerning the quality of her teaching (Mashberg, 1981b).

Kelleher appealed to President Flawn to accept the Faculty Grievance Committee's findings, implement its counsel, provide back pay for the fall 1980 semester and remove any negative material from her permanent file related to the case (Mashberg, 1981b). Flawn gave his response in a letter to Kelleher and King.

> The Department of Government's failure to provide supervision and guidance to Ms. Kelleher in the summer session of 1980 did not confer unto Ms. Kelleher the right to set the terms of her employment and define her own duties for the Fall Semester of 1980. The department chairman has the authority to assign duties consistent with the title and job description of graduate students employed part-time in academic positions. . . .
>
> She [Kelleher] voluntarily resigned her position rather than carry out the duties assigned to her. Her employment was not terminated by the University. The University is under no obligation to pay her for work that was not performed. Therefore, I *reject* the recommendation of the hearing panel that Ms. Kelleher receive the compensation she would have received had she performed her duties.
>
> On behalf of the University, I apologize to Ms. Kelleher for the University's failure, through its Department of Government, to provide her

> with the supervision and guidance to which she was entitled as a graduate student employed as a part-time assistant instructor.
>
> I find that the record does not support the contention that there is an academic freedom or constitutional free speech issue in the case. The first issue is whether or not a department chairman has the authority to assign duties and set standards of performance for student employees. He does. The second issue is whether Ms. Kelleher is culpable because of her conduct of Government 312L in Summer 1980. She is not. ("Flawn responds," 1981)

Kelleher was not satisfied with Flawn's ruling and brought suit in federal court, naming Flawn, Vice President for Academic Affairs Gerhard Fonken, Associate Dean of the College of Liberal Arts Joseph Horn and Cnudde as defendants (Munoz, 1983g). U.S. District Judge Fred Shannon dismissed the lawsuit. "I believe the law is correct in allowing the University to impose a substantial restraint on the academic freedom of untenured graduate students" (Munoz, 1983g, p. 1). Kelleher appealed the case and in June 1985, the U.S. Circuit Court of Appeals upheld Shannon's ruling (Knox, 1985; Price, 1985).

Student Life

Reestablishing student government. In the spring of 1978, UT students had voted to abolish student government (Bersano, 1978a); thus, Flawn inherited an institution with no formal leadership organization of the general student body. Soon after being named to the UT presidency, Flawn began to encourage student initiative in reestablishing a student government. "If the student body does not want a student association, there is no way anybody can give it one. It has to be generated from

within the student body. All I can say is that I will respond to any kind of initiative" (Hunt, 1979b, p. 1).

Several of the student organizations were formed to fight for and against student government. In 1978, three groups were successful in their campaign to see that the student government was eliminated: Students Concerned About Representation, Constructive Abolition Movement and Committee to Retire Aspiring Politicos (Morrison, 1979b). After the organization was abolished, another group, Students for Student Government (SSG), took up the cause and acquired 2,500 signatures (1,000 more than were needed) to hold a student referendum on reestablishing the student government. SSG sponsored a noon rally to call attention to the referendum. U.S. Representative J.J. "Jake" Pickle, former President of the UT student government served as a guest speaker. Their efforts were successful. On November 15, 1979, students voted (2,121 to 1,078) to authorize a constitutional convention in order to craft a new constitution for the student government (Broe, 1980e; Morrison, 1979c).

In opposition to the student government, six students decided to form the group APATHY/CYNIC when they read an article stating that only 21 students had signed up to run for the 25 delegate positions. In February 1980, a student election was held to choose the 25 convention delegates; only 1,681 (3.8 percent of the total student population) voted, 446 of those voted "none of the above" (Broe, 1980e). Later that year, on October 8, 1980, students voted to reinstate student government

by only three votes (Broe, 1980f); however, because of voting irregularities in which dozens of students appealed, claiming that they were not allowed to vote; an additional vote was taken (Broe, 1980i). The outcome reversed the first vote; students did not want to reinstate student government (Stutz, 1982b).

In the fall of 1981, the student members of APATHY/CYNIC changed their opinion of student government and took on the name Associated Students (Fritschel, 1982a). Another group of students formed – Group Effort for Student Government – and began to call for the reinstatement of student government; however, instead of voting for delegates to write amendments to the constitution, they wrote their own and in January 1982, it was presented to students. Debate ensued. Members of the former SSG and the Associated Students organization began to work with Group Effort. The various leaders could not agree and slowly began to withdraw their support. After some time, the SSG and Associated Students were the only individuals left to work on a constitution. Both presented separate documents for the student body to consider. On March 10, 1982, students were presented with another referendum. This time, the students ratified (by a three-fifths majority) the Group Effort's constitutional amendments; in fact, the turnout was relatively strong with 8.5 percent of the student body voting (Fritschel, 1982a; Stutz, 1982b). The approved constitution, which was presented to the Board of Regents contained several of

Flawn's amendments[36] (Fritschel, 1982a). Flawn wanted to send the constitution back to the students for approval; however, students asked Regents to either approve of the document or send it to a committee of five law professors to judge whether the changes were substantive. Flawn argued,

> Mr. McCormack [student advocate for student government] is anxious to avoid another election to ratify this document and understandably so. . .(citing the number of elections and appeals to get the current document before the regents). However, if the board approves this document, there will be a challenge to the legitimacy of this document by some students. (Stutz, 1982c, p. 1)

The Regents voted to ask the Law School Dean to appoint a panel of five law professors to examine the document and then forwarded the document to that committee (Stutz, 1982c; 1982d). Those professors unanimously agreed that the constitution required another student vote for approval (Fritschel, 1982a). In October 1982, students voted favorably (1,707 to 1,178) to approve amendments to the Students' Association constitution, reinstating UT's student government (Fritschel, 1982c).

Students had mixed reactions to the constitution's approval. Some believed this would be the basis for a stronger student voice; others believed the approved constitution was just as weak as the one that lead to the abolishment of the organization in 1978 and that it was only a matter of time before the new

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[36] Flawn revised the document to require candidates running for office to hold a 2.5 instead of a 2.0 grade point average. He also required that student officers carry full-time course loads: 12 hours for undergraduates and 9 hours for graduate students (Fritschel, 1982b).

organization collapsed (Fritschel, 1982b). Early in the debate, students deliberated over the proper function of a student government. One student commented, "The term 'student government' is a misnomer. The proper term is 'student association' – an association of student looking after students' interests" (Ballard, 1979, p. 1). Even so, student government had been reestablished. All that was required was the election of student government representatives. This proved to be another interesting challenge.

Elections were scheduled for November 10, 1982. Several student candidates ran for Students' Association president – J. Wray Warren, second year law student; Paul Begala, a liberal arts senior and Pat Duval, a senior in business (Fritschel, 1982d; 1982e). Returning to the absurdist tradition of the late 1970s, Sam Hurt, who drew the comic strip "Eyebeam," declared the presidential candidacy of the comic strip's prominent character, Hank the Hallucination (Godwin, 1982). Students who had been skeptical of the new student government quickly joined the movement to elect Hank. A petition signed by 1,200 individuals endorsing the hallucination's candidacy was presented to Election Commissioner Ray Albrecht. Albrecht questioned whether all the signatures represented real people, "With Hank's friends, who can know?" (Godwin, 1982, p. 1). Albrecht also stated that Hank did not qualify as a presidential candidate because he was not an enrolled student. This did not deter Steve Patterson, a second year law student serving as Hank's campaign manager,

who called Hank the "dream candidate" and urged students to heed Hank's campaign slogan, "vote your mind" (Godwin, 1982, p. 1).

> In your mind, you know he's [Hank] right. . . .He's the perfect candidate for the illusion of student government" (Godwin, 1982, p. 1).
>
> Hank has caught the imagination of many students. There will be a number of students who will find it as easy to believe in student government as it is to believe in Hank. . . .Hank has big shoes. I don't know if student government can fill them. (Fritschel, 1982d, p. 1)

On election day, Hank garnered 3,013 write-in votes followed by Duval with 1,486 and Begala with 1,327. Hank caused a run-off election between Duval and Begala because neither received the clear majority of the vote. Therefore, on November 17, another vote was taken and Begala became the new President of the Students' Association (Fritschel, 1982f). All student government officers were sworn in on December 1, 1982; the first time the institution had a student government since 1978 (Fritschel, 1982g).

Flawn was asked whether he saw the newly formed organization in an advisory capacity or as one with real power. Flawn responded, "I don't know that the objective of an organization. . .whether it's student government or an administration . . .should be to have power. We're not seeking power, and I don't think the Students' Association should be seeking power (Brown-Richau, 1983, p. C2).

Conclusion

President Flawn retired August 31, 1985. His successor, William H. Cunningham was chosen prior to Flawn's departure. Thinking about his years as UT

President, Flawn reminisced about his achievements. “I guess that if I were to reflect on the principal achievement of the last six years, it would have to be this intangible renewal of a sense of the institution’s purpose, quality, destiny” (Jackson & Williams, 1985b). During Flawn’s time as president, research grants and contracts increased between 10 to 15 percent each year, providing greater returns for the state’s investment in higher education. Admissions changes provided students with strong academic qualifications; curriculum changes added quality to the educational process; faculty rewards provided quality incentives. Flawn wanted it to be known that while he was UT President, “the faculty improved very significantly,” which he stated was the “ultimate measure of an institution – the quality of its faculty” (Campbell, 1983c, p. 4). Acknowledging UT’s special mission among Texas colleges and universities, Flawn stated, “As a premier graduate research university, it can bring this state, not just research and development related industries, but a cultural enhancement that’s going to make the difference between Texas being a center or a backwater” (“Advice,” 1985).

William H. Cunningham

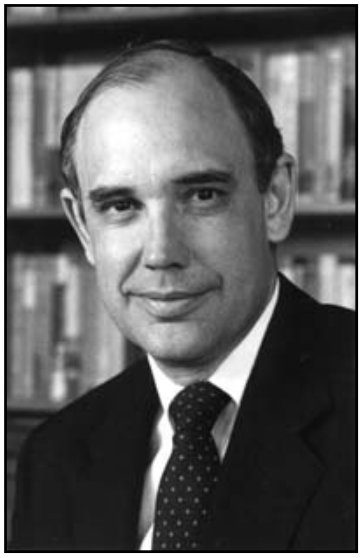

Figure 38: William H. Cunningham. (The University of Texas at Austin, Office of Public Affairs)

William H. Cunningham was born January 5, 1944 in Detroit, Michigan. He received three degrees in Marketing from Michigan State University: Bachelor of Arts (1966), Master of Business Administration (1967) and Doctor of Philosophy (1971) (W. Cunningham, 1989). In the spring of 1971, Cunningham served as an Instructor in the Department of Marketing at Michigan State University. The following fall (1971), he moved to Austin where he accepted the position of UT Assistant Professor of Marketing. Cunningham married Isabella C. M. Cunningham, a faculty member in UT's Department of Advertising, who joined the Department in 1974 as an Assistant Professor and has since advanced to become the Ernest A.

Sharpe Centennial Professor in Communication. They have one child, John William, who was born August 11, 1977 (I. Cunningham, 2001; W. Cunningham, 1989).

For over three decades, Cunningham served UT and the UT System in various capacities. After serving seven years as UT President, Cunningham became Chancellor of the UT System (W. Cunningham, 1989). Table 10 summarizes the positions held by Cunningham while at the University of Texas at Austin (and the University of Texas System) (W. Cunningham, 1989).

Table 10: Positions Held by Cunningham at The University of Texas at Austin and The University of Texas System

Position	Date
Assistant Professor of Marketing	1971 – 1973
Associate Professor of Marketing	1973 – 1979
Professor of Marketing	1979 – present
Associate Dean of Graduate Programs	1976 – 1982
Foley's/Sanger Harris Professor of Retail Merchandising	1982 – 1983
Acting Dean, College of Business Administration/Graduate School of Business	1982 – 1983
Centennial Chair in Business Education Leadership	1983 – 1985
Dean, College of Business Administration/Graduate School of Business	1983 – 1985
Regents Chair in Higher Education Leadership	1985 – 1992
President, The University of Texas at Austin	1985 – 1992
James L. Bayless Chair for Free Enterprise	1988 – present
Chancellor, The University of Texas System	1992 – 2000

In his early years as a faculty member, Cunningham was renowned for his teaching ability, having received five awards in teaching excellence: the Hank and Mary Harkins Foundation Award for Effective Teaching in Large Undergraduate Classes, the Jack G. Taylor Award for Excellence in Teaching, the College of Business Administration's Teaching Excellence Award, Alpha Kappa Psi Award for Outstanding Achievement in Teaching Excellence, and recognition as one of the top 20 professors at UT by *UTmost*, the University's quarterly student magazine (Bartels, 1981). He also received the Distinguished Scholastic Contribution Award given by the College of Business Administration Foundation Advisory Council. Other factors point to Cunningham's dedication to his field of study; he received seven academic development grants, has co-authored five books and 50 articles and made numerous presentations at professional associations (News & Information Service, 1985).

Serving on a number of University committees – Faculty Senate; University Council; Board of Directors for the Texas Student Publications; as well as committees concerned with computers, research and long-range planning for the University – provided him the opportunity to learn more about the institution. Outside the institution, Cunningham served on the U.S. Department of Commerce's Economic Advisory Committee and the Texas Governor's State Executive Development Advisory Council. As a Professor of Marketing, Cunningham understood the importance of presentation and networking. Serving with entities both

inside and outside the University offered numerous occasions in which to make connections with individuals from a variety of backgrounds (News & Information Service, 1985).

Presidential Selection

After President Flawn announced his resignation in December 1984, the Board of Regents began to form an advisory committee to appoint his successor. A single advisory committee was utilized; Executive Vice Chancellor for Academic Affairs James Duncan served as Chair of the committee. Other members included Chancellor Hans Mark; Regents Robert Baldwin III, Beryl Milburn and Jess Hay; UT Austin Centennial Commission representatives, Wales Madden, Maline McCalla and John Chase; UT Ex-Student's Association President Bob Dorsey; three presidents of other UT System component institutions; five faculty members; one dean; and two students (Blesener, 1985a).

The advisory committee eventually narrowed the list of candidates to six individuals – four from out of state, two from The University of Texas at Austin (Jackson & Williams, 1985a). From this list, the UT System Board of Regents chose the two UT candidates to replace Flawn. William Cunningham was chosen to be UT President; Gerhard Fonken, Vice President for Academic Affairs and Research, was chosen for the new position of Executive Vice President and Provost, a position that filled the role of chief academic officer. Ira Iscoe, Professor of Psychology, Director

of the Plan II Honors Program and presidential advisory committee member, stated that appointing an outside president would have been a mistake because it would take that individual one year to get to know the physical plant and two years to understand all the component's of the institution's situation (Henderson, 1987a). Iscoe acknowledged that the new structure was a compromise. "We could have had a nasty split" (Jackson & Williams, 1985a). The split to which Iscoe was referring had to do with the opposing views concerning the qualifications for the new president. Some believed the new president should be a strong academician; others believed that individual should be more gifted in public relations (Jackson & Williams, 1985a). Regarding the new arrangement, Cunningham stated, "It was my recommendation to the chairman of the board of regents that we do it this way" (Jackson, 1985b). The definitions of responsibility for Cunningham and Fonken took time to develop, though Cunningham believed Fonken would assist him with the internal matters of the institution, while Cunningham devoted more time and energy to external constituencies (Jackson, 1985b). Concerning the newly chosen UT President, Flawn cautioned that decisions, especially those concerning faculty, should not be made quickly.

> I think overall we are well positioned for the next decade. But it's not going to be easy. Incoming UT President William Cunningham should be careful in selecting faculty to fill the numerous endowed positions created during the Centennial. He will have to resist the pressure to move too quickly to fill these positions. Many of them are vacant. People say, 'What's the matter, why are these positions still vacant?' It's incumbent upon us to bring people here on a visiting basis to get acquainted with us so that when we

> offer an endowed chair or professorship, we minimize the risk that we're making a mistake. It's not an easy mistake to rectify. ("Advice," 1985)

Significant Incidents

Free speech regulations and enforcement. UT's free speech regulations were tested in the spring of 1986. At that time, student rallies had to be approved by the Campus Activities Office and could only be held from noon to 1:00 p.m. on the West Mall. Two other campus areas were designated for protests that did not carry time restrictions – the Texas Union patio and the area near the East Mall fountain (Ashe & Gaumnitz, 1986). The institution was in its legal right to restrict the "time, place and manner" of student demonstrations; however, many felt the present system was too restrictive (Scott, 1986).

To protest UT System's investments in South Africa, student members of Democracy in Academia (DIA), built a shanty[37] in the fall of 1986 on the West Mall to bring greater awareness of the issue of divestment. Since it first appeared on the West Mall, the shanty had been destroyed and rebuilt numerous times. Some believed that the structure was against UT's regulations (Swan, 1989; Webb, 1987). However, Cunningham told students that the shanty was allowed to remain on the West Mall as a sign of protest as long as those who built it were from registered student organizations (Freedenthal, 1987a).

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[37] A small structure made of wood and cardboard with three or four walls and a roof, symbolizing the housing conditions of South African blacks (Swan, 1989; Webb, 1987).

In the spring of 1986, students became more vocal in their activism than simply erecting symbols of South African oppression; they began to hold a series of spontaneous anti-apartheid rallies. On Friday, April 11, the first rally began shortly after noon; approximately 200 protesters attended the event. Activists presented speeches, chanted slogans and sang songs. At around 3:00 p.m., Consuelo Trevino, Assistant Dean of Students, told the crowd to move from the steps on the West side of the Main Building and reassemble at the Texas Union patio or they would be arrested for disruptive activities. The activists refused to move and at around 3:15 p.m., twenty-five UT police officers and several Austin police officers were called by UT officials; they began arresting those individuals seated on the steps. In all 42 protesters were arrested of which, 37 were UT students. Fifty to seventy-five other demonstrators followed and heckled the arresting officers. The 42 were led through the Main Building to the Northwest courtyard where they were loaded into vans used by the athletic department and driven to Belmont Hall, there they were photographed, identified and issued field releases. Protesters were then released in small groups. As they exited Belmont Hall, they were met by more protesters, who were cheering and applauding those arrested. Twenty-five protesters remained on the Main Building's steps demonstrating after the arrests. County Attorney Ken Oden advised UT police against arresting the protesters and later stated that he would "require a great deal of proof" before prosecuting the activists (Shuey, 1986).

These arrests did not deter student activism on campus. On Wednesday, April 16, approximately 30 individuals met on the steps on the West side of the Main Building and protested the recent U.S. attack on Libya. Glenn Maloney, Assistant Dean of Students, told the group to leave or they would be arrested. Some left. At 1:45 p.m., four individuals – two UT students and two non-students – were arrested (Ashe, 1986b). Two days later, on Friday, April 18, 1986, some 500 students and protesters attended another rally on the West Mall to protest apartheid (Ashe & Gaumnitz, 1986).

> The rally began at noon, when about 20 people who were arrested recently in similar protests stood on a concrete planter on the West Mall, wearing gags and holding their hands behind their backs. From 12:30 to 1:00 p.m., the demonstrators held a banner that read, "Apartheid kills – Divest now," while about 200 people applauded and chanted. . . .As the demonstration moved toward the Main Building, members of the crowd took their places on the west steps of the building. . . .Beginning about 1:15 p.m., at least 25 University police officers began arresting the protesters on the steps in groups of about 10. UT police were assisted by about 22 helmeted Austin Police Department officers, who formed a line separating the protesters on the steps from the crowd. UT police continued arresting protesters every 15 or 20 minutes, until the steps were cleared about 3:15 p.m. (Ashe & Guamnitz, 1986)

In all, 182 people were arrested (Ashe & Guamnitz, 1986).

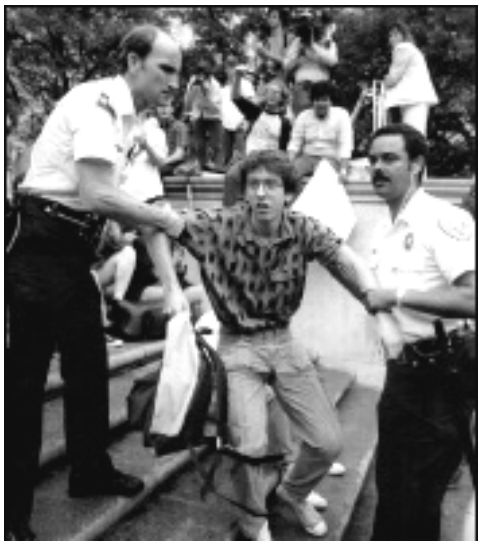

Figure 39: UT police arrest a student on the West Mall in April 1986. ("Struggling," 2001)

One week later, on April 25, just after the 1:00 p.m. free speech curfew, approximately 1,000 people crowded on the West Mall for the fourth unauthorized rally. They protested UT's free speech regulations and UT System's investments in South Africa. This time, no arrests were made. Instead, UT officials used video cameras to record those attending the rally in order to identify the leaders of the protests. Brian East, attorney for many of the protesters and Coordinator of the UT Free Speech Legal Defense Team, stated that the lack of arrests was a step towards greater freedom of speech. To assist the 228 people arrested in the two week period, students held a benefit concert, raising some $3,000 for their legal defense. Any funds left over would be used to "sponsor future civil disobedience" (Ashe & Gaumnitz, 1986). Chancellor Hans Mark stated that other measures than arrests existed to handle student protests. Students speculated that his experience at the

University of California, Berkeley during the 1960s provided valuable insight into managing student protests and that he understood that the arrests were increasing, not decreasing the crowd of protesters (Crosby, 1986).

The Faculty Senate approved a resolution asking UT administrators to drop all charges against the protesters "unless actual interference with educational activities took place or were threatened" (Taylor, 1986). Cunningham commented that he

> . . .may very well appoint an ad hoc committee to examine the University's regulations in relationship to the time, place and manner of student demonstrations. The University is dedicated to free speech. I am dedicated to free speech and we are pleased when people exercise free speech. . . .The reason it has the right to regulate (protests), in a reasonable manner, is to protect the rights of other people on campus. (Taylor, 1986)

Cunningham further declined to comment on the reasons why no arrests were made on April 25th or how a new policy might impact those who have been arrested (Taylor, 1986).

Cunningham appointed a presidential committee to examine the institution's free speech regulations. The committee was composed of three faculty members, two students and one staff member; Mark Yudof, Dean of the School of Law, chaired the committee. Cunningham further stated that all disciplinary proceedings against the arrested students would be postponed in order to assess the committee's findings (Blesener, 1986). The committee held three hearings in June 1986; none were well attended by students (Cademartori, 1986a; Nather, 1986). Two reports were presented for the committee to examine, one from the Students' Association Task

Force on Public Demonstrations, the other from a group of students arrested in the April rallies. Both reports called for the removal of time restrictions for protests on the West Mall, a halt on arrests and the deletion of charges against those arrested (Cademartori, 1986a). After hearing the committee's report, Cunningham decided to drop all charges against those arrested. The committee also recommended that the West Mall be designated as a 24-hour free speech area and that sound amplification be allowed on the West Mall between 11:30 a.m. and 1:30 p.m., then again from 5:00 p.m. to 7:00 p.m. on weekdays[38] (Cademartori, 1986a).

Racial tensions on campus. Four years after the arrests on the West Mall, the campus became embroiled in racial tensions, which led to a number of protests. In March of 1990, UT System's divestment of public funds in stock with companies conducting business with the Republic of South Africa was still a passionate topic for many students. The Steve Biko Committee sponsored a rally on the West Mall as a part of South African Awareness Week. Some 100 people attended the rally that was designed to memorialize those who lost their lives in the Sharpsville Massacre in South Africa 30 years earlier. Students cheered as a South African flag was burned on the steps of the tower. Police officers took the names and student identification

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[38] The presidential committee had a sound test conducted to determine the maximum levels of acceptable noise at four different sites. The West Mall ranked first in the amount of noise that could be produced without significantly disturbing the activities in nearby buildings. The East Mall came in second; The Texas Union patio came in third; and the Main Mall came in last (Cademartori, 1986a).

numbers of those involved in the burning, but no arrests were made (Weiner, 1990a; 1990b).

On April 2, 1990, Toni Luckett, a 24-year old senior majoring in African and African-American History, became the African-American black student body president. One month earlier, Luckett came in second out of seven candidates, but she was able to garner enough votes to warrant a run-off election against a sorority member. In order to win the election, Luckett focused on specific groups to win votes as her campaign manager Peter Chua explained.

> We knew (from looking at past elections where voter turnout is usually very low) all the votes needed to win was 2,000. So we targeted marginalized communities and came up with an agenda addressing their issues. People of color, gays – we just tried to approach groups who usually wouldn't bother to vote. (Gilchriest, 1990, p. D10)

Her platform called for greater student control over the university, divestment of UT holdings with companies conducting business in South Africa, a larger emphasis in teaching as opposed to military research and a higher priority for increasing campus diversity. On March 8, Luckett won the run-off election by 400 votes (1,849 to 1,449). Some Greek organization members were angry that voting took place on that date because many students had left campus early for spring break. Others believed that the fraternities and sororities were angry because they had dominated past elections with block voting (Hightower, 1990b). Luckett freely expressed her anger and proved to be a force with which to reckon. "Angry? I am a black lesbian in America. How could I not be angry?" (Gilchriest, 1990, p. D1). When asked about

working with the Board of Regents, she commented, "We'll have to deal with the Board of Regents because Bill Cunningham is basically their puppet" (Ward, 1990, p. 3).

In April 1990, racial tension escalated due to two incidents associated with Round Up weekend, a University sponsored event (Moss, 1990b). The first incident concerned the members of the Delta Tau Delta fraternity, who parked a beat up car in front of their fraternity house and spray painted it with racial slurs. The second incident involved Phi Gamma Delta (also known as "Fiji") fraternity members, who distributed T-shirts with a caricature of "Sambo" on top of the body of Michael Jordan, a professional basketball player. The "Sambo" caricature was commonly viewed as a racial insult and had been banned by the national fraternity since 1987 (Harmon & Weiner, 1990, p. 1).

Reacting to the incidents, some 500 students and Austin residents marched from Beauford H. Jester Center down Congress Avenue to the Texas Supreme Court Building, where several individuals addressed the crowd. From there, the protesters marched back across campus, doubling their numbers and locking arms together as they proceeded. They stopped at the statue of Jefferson Davis[39] on the South Mall, where Tony Barrueta, a second year law student and Vice President of the Student

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39 Jefferson Davis was best known as the President of the Confederate States of America and was responsible for leading the South in the American Civil War ("Davis, Jefferson," 2002).

Bar Association, was staging a hunger strike[40] (Harmon & Weiner, 1990; Nichols, 1990; Yen, 1990). There the marchers began to chant, "Tear it down! Tear it down!" in reference to Davis' statue. Barrueta addressed the crowd saying, "Whatever you do, be peaceful, but be vigilant" (Harmon & Weiner, 1990, p. 7). The crowd then proceeded to the Phi Gamma Delta house (at 27th and Guadalupe), where they stood for 45 minutes chanting, singing and listening to speakers. The situation became tense when one onlooker held up a sign saying, "Keep Sambo" (Harmon & Weiner, 1990, p. 7; Moss, 1990a). Two members of Phi Gamma Delta saw the sign held by the student and tore it up, not wanting to make a bad situation worse (Moss, 1990a). Four hours after beginning their march (around 7:00 p.m.), the crowd reassembled at the West Mall. Luckett lead the group. She pointed to the UT Tower and the crowd began to hiss. She responded, "We don't have to boo it – we just have to take it" (Harmon & Weiner, 1990, p. 7). Luckett gave the crowd Cunningham's office and home phone numbers and urged everyone to call and express their opinions. (The numbers were also printed in the *Texan* the following day [Harmon & Weiner, 1990].) A meeting between the Interfraternity Council and representatives of the National Association for the Advancement of Colored People was scheduled after the rally; however, it was canceled by members of the Interfraternity Council. "It got out of hand. A thousand to one is not the type of situation where you can sit down

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40 Barrueta ended his hunger strike after three days when he was reassured by Cunningham that a statue of Martin Luther King Jr. was being planned (Nichols, 1990).

and have a productive meeting. All that would have been accomplished is a lot of yelling and shouting" (Moss, 1990a, p. B1).

Also in response to the racial incidents on campus, members of the Black Student Alliance presented UT administrators with a list of demands called the PRIDE (Proposed Reforms to Institute Diversity Education) proposal. Recommendations included recruiting more black faculty members and requiring one African American course for all undergraduates (Moss, 1990c). Likewise, another student group, Todos Unidos (Spanish for "Everyone United") presented their Manifesto, which called for administrators to implement a multicultural element into UT's curriculum and increase recruitment and retention efforts among Hispanics (Canton, 1990a; Moss, 1990c). Eric Dixon, a black student government representative, gave an example of the need to reexamine the value placed on ethnic courses at the institution. "They [the Department of English] offer African Literature, but you can't use it to fulfill an English requirement. You can't substitute it for mainstream American or British literature, which I've had all my life. And there's only so much Shakespeare one can take" (Wright, 1990, p. A1).

The presidents of both fraternities involved in the Round Up incidents made a public apology. Efforts were made to collect and destroy all the offensive T-shirts. Cunningham asked Vice President for Student Affairs James Vick to review Round Up activities in order to determine if "it still fills a useful function" (Hoppe, 1990, p. 2). Both fraternities were eventually suspended for one year, ordered to perform

1,200 hours of community service and to attend a multicultural education program (Ewing, 1990).

Interrupting Cunningham's speech. Seeing the students' passionate response to recent campus incidents, Cunningham decided to give a speech on the steps of UT's West Mall in an effort to quell student activism and calm an unpredictable situation. His text was a speech delivered some four months earlier at a celebration of Martin Luther King's birthday (Gilchriest, 1990). On Thursday, April 12, 1990 at 6:45 p.m., Cunningham's staff contacted *Daily Texan* staff to inform them of the speech, which would be given the following (Friday) morning. Students were angry that he gave such late notice and that he did not bother to contact the student groups who had been active in leading campus demonstrations (Weiner, 1990c). Despite the late notice, some 1,500 students showed up in force in express their frustration. Prior to Cunningham's appearance, Marcus Brown, President of the Black Student Alliance, moved to the podium and microphone that had been set up for Cunningham.

> . . .But before he [Marcus Brown] could speak, a UT official ran toward a sound truck, yelling for technicians to "Turn it off. Turn it off!"
>
> Brown, equipped with a bullhorn, spoke anyway, berating Cunningham for not notifying students of the speech.
>
> "You were supposed to be informed," Brown said, pointing out that students paid for the podium and microphone that Cunningham used for the speech.
>
> Other students took positions behind the podium, raising a banner emblazoned with a picture of Nelson Mandela and reading "UT Divest Now."

Brown said Cunningham would try to "sugarcoat" issues in the speech, accusing him [Cunningham] of believing "the movement is about who can speak the best." . . .

Brown said that "when William Cunningham takes the stage, we will not allow him to speak." . . .

The crowd began to chant "Adopt PRIDE!" . . .

The chants continued and were accompanied by booing and hissing when Cunningham appeared at 11:10 a.m. . . .

The moment Cunningham stepped up to the podium, throngs of students flooded up the steps and surrounded him as he began his speech.

Figure 40: William Cunningham speaking to a crowd on the Main Mall April 13, 1990. (The University of Texas at Austin, Office of Public Affairs)

. . .he was repeatedly shouted at by students. When Cunningham asked them to allow him to speak, one retorted, "He's not speaking – he's reading."

Cunningham tried unsuccessfully several times to quiet the crowd, which interrupted him with repeated shouts of "No more lies" and "Talk is cheap."

> . . .as Cunningham continued denouncing racism, a few students behind the podium looked over his shoulder and began to read the prepared speech out loud with him, into the microphone.
>
> "I'm sorry that you will not permit me to complete my speech," Cunningham said, . . .He then retreated to the south entrance of the Tower, followed by hundreds of angry students. (Weiner, 1990c, p. 1)

A UT sophomore explained why the crowd did not allow Cunningham to speak.

> They're damn tired of Bill Cunningham, tired of his tactics, tired of his shenanigans. Any value, any worth [the speech might have had] has been negated by his lack of respect for the people who are trying to make a sincere change at the University of Texas.
>
> Cunningham was allowed to speak, and he finished about three quarters of his speech. He wasn't allowed to continue because his speech was empty. (Weiner, 1990c, p. 2)

Regarding the incident, Luckett commented, "I don't see any commitment on his part. I'm still waiting for the day he comes out of his tower with a plan of action and some money" (Mangan, 1990, p. A33).

The April protests aggravated many students on campus and created a climate for activism. Protests on the West Mall had become commonplace, but not all were successful. On April 17, 1990, a group of 10 to 15 atheists gathered to burn the American flag. The Young Conservatives of Texas organized a counterprotest, convincing some 400 students to surround the protesters and arm themselves with fire extinguishers and water bottles in order to prevent the flag burning (Hightower, 1990a). One senior remarked that the latest incident would further divide liberal and conservative students and leave the "average" student caught in the middle (Hightower, 1990a, p. 17A).

Racial harassment policy. In addition to taking action against the two fraternities that sparked recent racial protests, Cunningham declared that he would approve a campus racial harassment policy (Mangan, 1990). The process to develop such a policy began in June 1989, when Cunningham appointed a presidential ad hoc committee on racial harassment in response to a resolution proposed by the University Council (Dadmun, 1989). The committee, chaired by Mark Yudof, Dean of the School of Law, examined the racial policies at other institutions and held a series of public hearings in order to learn more about the concerns of campus constituents and to discover the extent to which racism is experienced on campus. Yudof commented that developing such policies was a complex process particularly in regard to an individual's right to freedom of speech as provided in the First Amendment[41]. One UT sophomore felt that the problem was with the institution. "The racism that is most detrimental is practiced by the University. You are throwing a glass of water on a fire that has been burning for centuries" (Schiller, 1989a).

In November of 1989, the committee finalized its report and forwarded the 30-page document to Cunningham for examination. Yudof hoped that the document would stimulate academic debate and allow time for the university community to examine its contents before being presented in January of 1990 to the University Council (Schiller, 1989b). In April of 1990, Cunningham committed to implement

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41 The University of Michigan Board of Regents approved a racial harassment policy in 1988, which prohibited verbal and physical behavior that stigmatized or victimized minority groups; this policy was later found to be unconstitutional (Schiller, 1989a).

the recommendations made by the committee, including hiring a race relations counselor to work with students reporting racial harassment, establishing a system to arbitrate those complaints and beginning a series of race relations seminars for UT personnel (Hoppe, 1990).

The racial tension on the UT campus was a reflection of an increase in racism and bigotry that was occurring nation-wide at institutions of higher education. Between 1987 and 1989, the Community Relations Division of the U.S. Department of Justice cited a 14 percent increase in race-related incidents. In April of 1990, when the UT incidents were taking place, the Justice Department had already visited 29 schools since the beginning of the year to evaluate racial tensions. Most of the confrontations involved fraternities, typically between predominately white and predominately black fraternity houses (Wright, 1990).

Attempted attack. One other unusual incident occurred during Cunningham's presidency. On September 18, 1991, John Oliver, a 24-year UT student, went to Cunningham's office and demanded to see the president. When an administrative assistant told him that Cunningham was not in his office, Oliver pulled a .357 Magnum from his backpack and aimed it at the assistant. UT Police Officer Pascual "Don" Marquez observed the situation and rushed Oliver. The gun went off as the two wrestled for control of the weapon. No one was shot. Marquez suffered neck injuries and had a permanent 20 percent hearing loss in his left ear. Oliver was

arrested and charged with attempted capital murder, carrying a prohibited weapon and aggravated assault with a deadly weapon (Goodrich, 1992).

Student Life

Hazing and concerns about student organizations.

After receiving five or six letters from students and parents about hazing[42] incidents on campus, Cunningham sent a letter dated November 14, 1985, to 55 registered student organizations, which "engage in some sort of initiatory rites" (Sutter, 1985a). In this letter, he detailed his concerns about reports of hazing and indicated that hazing was prohibited by state law and the UT System Board of Regents' rules. He also asserted that organizations found guilty of hazing could possibly be barred permanently from the institution (Sutter, 1985a).

> Hazing is a violation of the rules of common decency. It is incomprehensible for me to believe that decent individuals want to inflict pain on another human in the name of brotherhood, sisterhood or tradition. . . .Hazing is outmoded, antiquated, and thoroughly unacceptable. It has no place in today's universities. (Muller, 1985)

The last page of the letter contained an anti-hazing agreement, which stated that the group was aware of the consequences of hazing and would not carry out hazing activities (Muller, 1985). Personal meetings were scheduled between Cunningham and the organizations' presidents and pledge trainers, who were expected to sign the agreement on behalf of their organizations. "The purpose of that [the personal

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42 As defined by Texas state law, hazing includes any action "designed to humiliate, intimidate, shame, disgrace or humble individual students" (Freedenthal, 1986).

meeting] is to have an eyeball-to-eyeball conversation, and for everyone to understand that when the University is forced to take strong action, I don't want anybody coming in to say, 'Well, I didn't know'" (Sutter, 1985a).

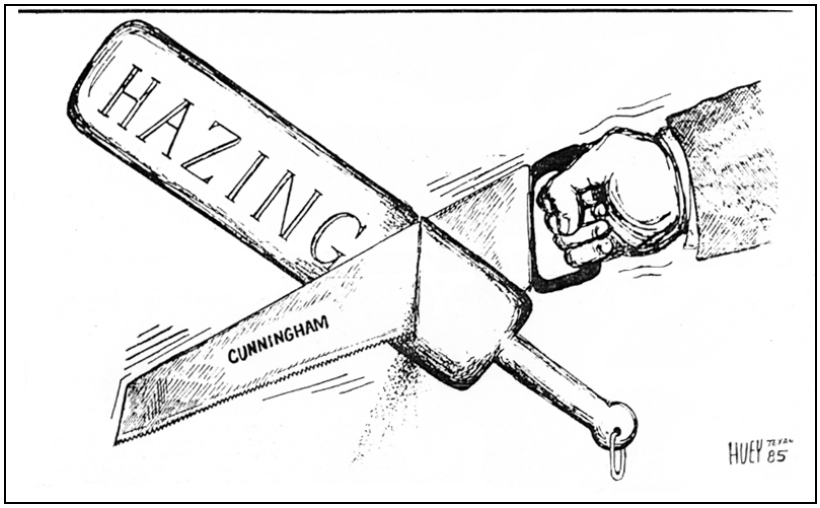

Figure 41: Editorial cartoon. (Huey, *The Daily Texan*, December 3, 1985, p. 5)

Less than one week after sending the letter, an anti-hazing seminar was sponsored by the Students' Association, Interfraternity Council, the Black Greek Council, *The Daily Texan* Editorial Board and the Dean of Students Office. Cunningham reiterated the claims in his letter. "If you're involved in this [hazing] and you're found guilty, you're going to have to leave the University. . . .Everybody starts with a fresh slate. It's a new set of rules and a new deal" (Sutter, 1985a). Assistant Dean of Students Glenn Maloney declared that the former procedure of warning an organization for its first offense would be waived. "This [the seminar] is

the warning. Consider yourselves all on probation. The next complaint will be considered a violation" (Sutter, 1985a).

After all 55 organizations signed the letters and returned them by the February 3, 1986 deadline, Cunningham restated his earlier warnings regarding the University's response to hazing incidents. "If a student is found guilty of hazing after all the due process has been done, then they'll have to leave the University" (Ashe, 1986a). Suspended organizations would not be allowed to use campus facilities, play UT intramural sports, raise funds or any other privilege provided to student organizations (Ashe, 1986a; Matejowsky, 1987c).

In December 1985, Kappa Kappa Psi, an honorary fraternity composed of Longhorn Band members, was suspended for allegedly "branding" freshmen band members with brands cooled in dry ice (Sutter, 1985b). In February 1986, the Alpha Tau Omega (ATO) fraternity and four of its members were suspended for hazing. Suspicion was raised when 10 pledges sought treatment at the UT Health Center for staph infections (Ashe & Pratt, 1986; Edwards, 1986a). Vice President for Student Affairs Ronald Brown stated that the suspended members engaged in several forms of hazing including sleep deprivation and isolation. The pledges' staph infection occurred because they were pelted with raw eggs, creating "a perfect growing medium for bacteria" (Edwards, 1986a). The four suspended students were not allowed to finish the spring 1986 semester and could not reenroll in the institution until 1988. The fraternity itself was suspended until 1989 at which time its status

would be reviewed (Edwards, 1986a). Interfraternity Council Director Eric Webber believed Cunningham's actions would get the attention of other campus organizations. "What ATO did is sort of tested the waters, and found out that the University and Dr. Cunningham were very serious" (Pratt & Yonan, 1986). Some, however, wondered if the actions taken would cause organizations to become more secretive about their initiation rites (Pratt & Yonan, 1986).

In the fall of 1986, Cunningham required all registered student organizations to sign the anti-hazing agreement (Gaumnitz, 1986). Despite this move, the most serious hazing incident occurred on September 17, 1986. On that day, three fraternity members and one female student took three Phi Kappa Psi pledges for a "ride," an activity where intoxicated pledges are taken from campus and left to find their own way home (Matejowsky, 1987e; Trampe, 1987a). The pledges were handcuffed and instructed to drink a large amount of alcohol. Two of the pledges were left in a remote location. One pledge, Mark Seeberger, an 18 year old from Dallas who had been at the institution less than one month, was taken to his room in the Goodall Wooten residence hall because he was unconscious. The following morning, Seeberger was pronounced dead by Emergency Medical Technicians. An autopsy found that he had died of acute alcohol poisoning, having consumed between 16 to 20 ounces of rum within a two-hour period of time and had a blood-alcohol level of 0.43. Just two hours before Phi Kappa Psi was scheduled to co-sponsor a rush party, members discovered that the organization had been suspended from campus for four

years. UT Professor of Law Stanley Walker had found the organization guilty of two counts of hazing and presenting alcohol to minors (Lai, 1986a; 1986b; Price, 1987a). One year after Seeberger's death, his parents filed suit seeking $40 million in punitive damages from the fraternity's national chapter (Trampe, 1987a).

Figure 42: Editorial cartoon. (Van, *The Daily Texan*, September 24, 1986, p. 4)

Cunningham appointed a 26-member special commission to investigate the activities of Greek organizations (Burke & Henderson, 1988). In October 1987, the President's Commission on Fraternal Organizations presented a 111-page report, which found two major problems: hazing and racism (Burke & Henderson, 1988; Price, 1987c). Recommendations from the report included banning the Texas Cowboys and Silver Spurs from participating in football games; continuing hazing, alcohol and drug abuse awareness seminars; and reinstating the Panhellenic Council

of sororities[43] (Boren, 1987b; Price, 1987b). Commenting on the report, Chair Jack Ratliff stated that the committee did not want to punish current members of organizations for activities of former members. "We just wanted to say the grace period is over" (Boren, 1987b). Sororities chose in the spring of 1988 to register as official student organizations, not wanting to retain their racist image (Lubke, 1988a; Price, 1987c). The sororities also signed the anti-discrimination pledge and held an "open house" during the first days of rush in order to allow all interested women to participate (McCarthy, 1987d). This was a drastic change and required that the organizations no longer continue their practice of rushing pledges by invitation-only; their closed system would be open to any female student wanting to join (Price, 1987d).

Academic Concerns

Enrollment management. Enrollment at the University continued to increase, causing Cunningham to reexamine the admissions criteria set in place by Flawn in 1982. Looking at a variety of factors such as the number of faculty, staff and graduate students; university resources; facilities and classroom space, Cunningham stated that the institution best served between 46,000 and 48,000 students (Milch, 1988a). Many believed that the UT administration had neglected undergraduate education in order to pursue lucrative research interests.

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[43] In 1968, UT sororities lost their status as registered student organizations when they refused to sign an anti-discrimination pledge (McCarthy, 1987d; Price, 1987b).

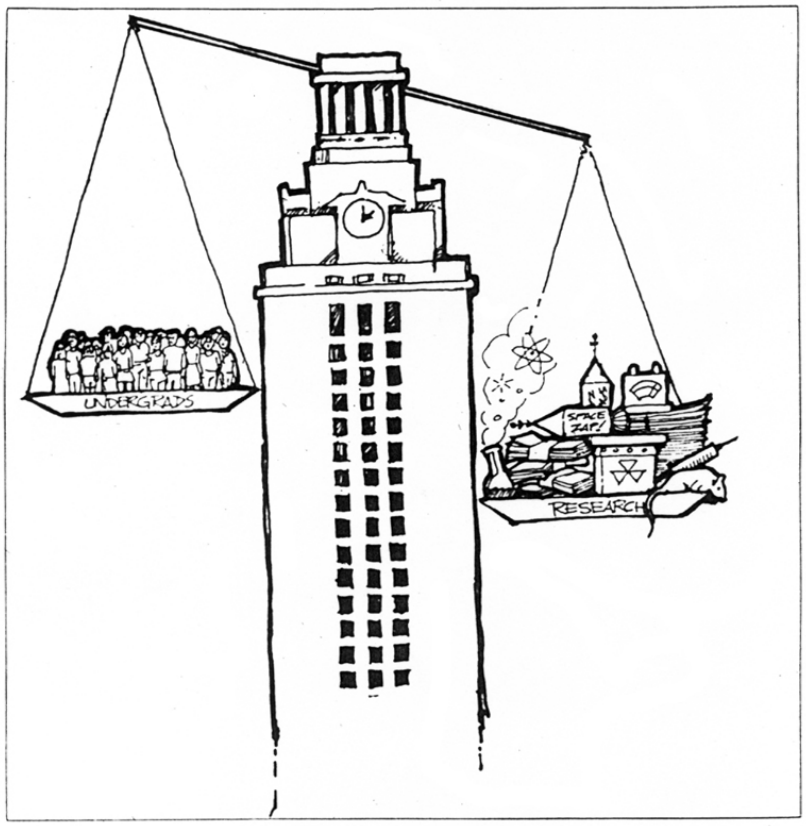

Figure 43: Editorial cartoon. (*The Daily Texan*, October 6, 1987, p. 4)

Evidence of this belief was found in the lack of class availability and a high student/faculty ratio (Ewing, 1990). In March 1988, Cunningham appointed an ad hoc Committee for Undergraduate Education to examine undergraduate education and solve problems associated with increased enrollment and decreasing state funding (Llorens, 1989; Solie, 1989). Called the "Doluisio Committee" after its chair, James Doluisio, Dean of the College of Pharmacy (Godwin, 1988), the committee submitted four reports to Cunningham, which recommended ways to

improve course scheduling, manage transfer and re-entry students, improve the quality of undergraduate education and management enrollment (Llorens, 1989).

Cunningham used this information to submit proposed changes to the enrollment management plan to the University Council's Committee on Admissions and Registration (Twilligear, 1987c). The University Council unanimously approved changes offered by the Committee in June of 1987 (Matejowsky, 1987a). On October 9, 1987, the UT Board of Regents approved the modified admissions plan, which paralleled a newly approved enrollment plan to be used by Texas A&M University. The plan only affected the admission criteria for Texas residents (Henderson, 1987b; Levine, 1987).

Students in the top 10 percent of their graduating high school class and/or who scored 1,200 on the SAT or 29 on the ACT were eligible for automatic admission. For other students, their applications would be subject to review, which could include submitting a writing sample, the quality of high school education and "the University's need for ethnic diversity"(Henderson, 1987b). The new plan, though passed in the fall of 1987, was not implemented until the fall of 1989 since 25 percent of the entering freshman class for the fall of 1988 had already been accepted at the time of the plan's approval (Eguiguren, 1988). In the fall of 1988, enrollment jumped to 50,107 (Adams, 1989a). In the fall of 1989, enrollment rose again to 50,245. In 1990, enrollment decreased to 49,618 (Canton, 1990b).

Minority recruitment and retention. In 1984, the Minority Affairs Committee of the Students' Association presented a report to then President Flawn; when Cunningham became President, the committee presented the same report to him. Essentially, the 33-page report stated that in 1984, only 3.3 percent of the UT student body was black and 8.7 percent Hispanic. These numbers were below Texas high school graduation rates for black and Hispanics (Nather, 1985).

On February 1, 1985, the Black Student Alliance (BSA) proposed the implementation of Operation: RETAIN, which offered seven recommendations to assist the institution in retaining black students, which included:

- Requiring seminars on racism for incoming faculty;
- Increasing numbers of minority faculty, staff and degree counselors;
- Adding cultural awareness programs; and
- Upgrading the status and funding of the Afro-American Studies Center. (Bowman, 1986)

In answer to the group's recommendations, Cunningham appointed a special committee to investigate the issue of minority retention. BSA members were not satisfied with the committee because of the nine active committee members, only two were black and three Hispanic (Bowman, 1986). To show their discontent, approximately 30 BSA members marched from Beauford H. Jester Center to the front steps of the Main Building then to Cunningham's office while singing, "We Shall Overcome" (Greene, 1986a). Cunningham met with BSA members, who demanded that minority retention efforts be expanded and that Operation: RETAIN be implemented without compromise (Greene, 1986a).

Cunningham, though understanding UT was not to the desired level of minority enrollment, emphasized the institution's steady improvement over the years. Between 1976 and 1985, the total UT student body increased by 6,451; the increase in minority students during those years was a jump from 3,915 of the total student body to 7,691. Among its peer institutions, UT had the second largest percentage of black and Hispanic students; the institution with the largest percentage was the University of California at Los Angeles. During the 1984-1985 academic year, UT received some $20 million in federal, state and institutional support for undergraduate and graduate minority students (Edwards, 1986c). In 1986, UT had 129 recruitment and retention programs at the institutional, college and departmental levels. A new program, called the Preview Program, was introduced as a way to offer an academic advantage to minority students and introduce participants to campus life. It provided 50 minority scholarship recipients with the opportunity to come to the University in order to take two courses, one in study skills, the other a general freshman course. The cost to the institution was estimated to be $50,000 annually (Edwards, 1986b).

In 1987, Cunningham and Texas A&M President Frank Vandiver announced the implementation of the University Outreach Program, a joint effort between the two institutions to help prepare promising minority students for college-level work. Through the program, the presidents hoped to assist junior high and high school counselors in helping students choose college preparatory classes, provide tutoring

for students, allow students to meet successful role models and educate parents about financial aid availability. The two institutions also planned to establish offices in the Dallas/Ft. Worth Metroplex, Houston, McAllen and San Antonio with representatives from both UT and A&M working with students and school counselors. Each institution paid an estimated $200,000 annually (McCarthy, 1987a).

Also in the fall of 1987, Cunningham began to visit high schools across the state in order to draw attention to the institution's recruitment efforts and explain admissions policies (Henderson, 1987e). In its second year, these recruitment trips were expanded to include luncheons with high school counselors, community college visits and dinners with local alumni groups. The team of recruiters included UT vice presidents, staff from the Offices of Financial Aid and Admissions and former Longhorn football player Earl Campbell. Between September and December of 1988, the group traveled to 33 high schools or community colleges in 14 cities. Ricardo Hinojosa, UT alumnus and Federal District Judge from McAllen, stated his appreciation of the University's interest in recruiting minorities rather than athletes and believed it would increase the number of minority applicants (Matejowsky, 1987g; Milch, 1988b).

Retention also received increased attention. In 1989, it was reported that after five years only 35 percent of black students graduated compared to an average of 54 percent for all students. Lewis Wright, Assistant Vice President for Administration and Special Advisor on Minority Issues, expounded on the three factors producing a

low minority retention rate: 1) underpreparation, 2) financial aid and 3) a hostile learning environment.

> On the average, the K (kindergarten) through (grade) 12 educational experience of black and Hispanic students is not of the quality of the K through 12 educational experience of white students. . . .On average, black families' median income is significantly lower than white families. . . . (Fisher, 1989)

Regarding the hostile learning environment, Wright stated that racism was difficult to document, but could not be dismissed (Fisher, 1989).

In the fall of 1990, enrollment figures showed a drop in the number of black students: from 1,866 in the fall of 1989 to 1,830 in 1990. The overall undergraduate population decreased by 962 students from 50,245 in the fall of 1989 to 49,618. Some speculated that the decrease in enrollment was related to the publicity of significant campus incidents in the spring of 1990, which highlighted racial tensions on campus (Canton, 1990b). Shirley Binder, UT Director of Admissions, stated that several black parents called the institution after the spring incidents in order to find out if it was safe to send their students to UT (Ewing, 1990).

Finance

1986 Special Texas Legislative Session. State financial resources became constrained in 1986. In February of that year, Texas Governor Mark White requested that all state agencies reduce their general revenue expenditures by 13 percent to help alleviate the state's immediate financial crisis; UT reduced its share by 7.4 percent

(Aramendia, 1986; Hobratschk, 1986a). That summer, White began assessing the effect of a projected 34 percent cut to the state's $37 billion budget (Cademartori, 1986b). A 34 percent reduction in state appropriations would translate into a $55 million loss for the University. Chair of the Board of Regents Jess Hay stated that if such a large reduction in state resources were passed, "Texas would retreat to third-rate status among the 50 states. All we've done to enhance our programs would be undone in a single stroke of the legislative axe" (Cademartori, 1986b). He further stated that budget cuts alone would not entirely solve financial difficulties in Texas, which ranked 47th among the 50 states in per capita spending and had the third lowest tax base in the nation. Cunningham warned that such drastic reductions in state support would severely affect faculty salaries, which allow the institution to keep a competitive edge. Others argued that more money should be invested in higher education to help the State of Texas diversify its economy to offset the depression in the oil industry (Cademartori, 1986b).

Figure 44: Editorial cartoon. (Mark Taylor, *The Daily Texan*, March 4, 1987, p. 10)

State Representative and member of the Legislative Budget Board, Bill Hollowell (Democrat from Grand Saline), suggested that the state take control of the Permanent University Fund because he felt Regents were disregarding the state's financial crisis.

> [The UT Board of Regents] is arrogantly ignoring the mandate of the Legislature by using income derived from the PUF to augment state appropriations for 3 percent faculty salary increases and other general revenue items. We ought to line-item the PUF instead of giving them discretion over that huge amount of money. UT ignores the reality of the financial situation we're in and does what they please, as they always do. (Aramendia, 1986)

State Representative and member of the Legislative Budget Board, Hugo Berlanga (Democrat from Corpus Christi) stated,

> There was a lot of concern that we're asking all state agencies to hold the line, and UT can give their people a 6 percent [salary increase]. It just didn't sit well with us. They [UT Board of Regents] were given the flexibility as to where to cut in hopes they would comply, but there hasn't been that much of an effort. The bottom line is we are going to do the cutting for them. (Aramendia, 1986)

Ray Farabee (Democrat from Wichita Falls), State Senator and member of the Legislative Budget Board defended the Regents' action.

> The major part (of PUF revenue) needs to be preserved for the UT and (Texas) A&M systems to maintain flagship universities. I think they compete more on a national basis and. . .maintaining that competitive edge is important. (Aramendia, 1986)

A Special Session of the Legislature was called to find a solution to the state's economic struggle. During the process, legislators voted to reduce UT's budget by 18 percent, which was subsequently lowered to 13 percent then 9 percent (Gaumnitz & Greene, 1986; Matejowsky, Pratt & Nather, 1986). House Speaker Gib Lewis proposed a radical solution. According to his plan, any money derived from capital gains (money made from the sale of stocks or securities) from the Permanent School Fund (an endowment for Texas' public elementary and secondary schools) and the Permanent University Fund would be reclassified as profits and placed in the state's treasury. At the time, capital gains were reinvested in the two funds in order to counteract inflation and build the endowment corpus of both funds (Cademartori, 1986c; Matejowsky et al., 1986). The proposed "raid" on the two funds would

generate $1.1 billion in revenue (Matejowsky et al., 1986). Cunningham responded that this move would start a new precedent for the state.

> Of course the fear is not only the earning potential, but that once you start the pattern that every time the state has problems they'll dip back into the PUF. . . .The bottom line we come up with is very dramatic. We had a very successful Centennial in 1983 and we raised about $200 million. On Friday, or on Saturday, we could lose that $200 million in one shot. (Cademartori, 1986c)

Some expressed concern that Lewis' proposal would downgrade the endowment's bond rating[44]. At the time, the PUF was ranked one spot below the highest bond rating (Hobratschk, 1986b).

The UT Ex-Students' Association organized against Lewis' proposal by creating a phone bank in which alumni called other alumni and asked that they in turn contact their state legislators. Roy Vaughan, Executive Director of the Ex-Students' Association, stated,

> The PUF [proposal] was an unconscionable proposal. The people we talked to were madder than hell, they were just incensed about it. We probably generated about 3,000 contacts to legislators Wednesday [through the phone bank]. . .we're still highly concerned about the 13 percent cuts, we'll wait and see if the House and Senate can come up with a joint proposal that won't hurt the universities before the organization plans any additional lobbying. (Cademartori, 1986d)

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44 A bond rating signifies the "likelihood of timely and complete repayment of principal and interest on the debt incurred by issuing a bond" (Chabotar & Honan, 1996). Bond ratings are set by three independent rating agencies, who consider a number of factors such as endowment size, debts and enrollment. Bonds are issued typically for new construction and major renovations. A high bond rating means increased confidence in the endowment's creditworthiness or ability to repay investors; thus, the higher the ratings, the easier it is to attract investors (Chabotar & Honan, 1996).

At the end of the 1986 Special Legislative Session, the Permanent University Fund was left intact; state funding to colleges and universities was cut by $645 million, which translated into a reduction of $22 million for UT (Cademartori, 1987).

Concerns about the PUF again arose at the beginning of the 70th Texas Legislative Session (1987), when Governor Clements proposed that $56 million in capital gains from the PUF be used for university research and development. The proposal was different from Lewis' in that it did not require capital gains to go to the state treasury; instead, the money would go to institutions within the UT and Texas A&M Systems. Both plans, however, called for a change in the endowment's original policy wherein capital gains were considered a part of the corpus (Twilligear, 1987d).

1991 Special Texas Legislative Session. Once again, state finances were reduced during the 72nd Texas Legislative Session (1991) in which state officials projected a shortfall of $4.7 billion. Institutions were already suffering from a state-mandated 1 percent budget cut, which translated to $2.5 million shortfall to the University. UT administrators implemented a hiring freeze and a two percent cut in non-salary budgets. Vice President for Business Affairs Charles Franklin explained that academic support took priority over student services when considerations were made regarding budget cuts (Connally, 1991). Due to the state's difficulties in determining a proper budget, a Special Session of the Legislature was convened on July 8, 1991 (Loy, 1991b).

In order to help state officials find more revenue for higher education, the Texas Foundation for Higher Education[45], led by former Chair of the UT Regents Jess Hay and former Lieutenant Governor Bill Hobby, proposed to increase tuition by 113 percent ($18 per semester credit hour to $32) (Allen, 1991a). Their proposal called for the state to spend $6.4 billion on higher education, which was $573.7 million more than the $5.8 million that the Legislative Budget Board had estimated was needed to maintain current service levels (Loy, 1991b). Both Chancellor Mark and Cunningham testified approvingly of the plan before the Legislature (Weiner, 1991).

Comptroller John Sharp proposed another radical solution that would increase undergraduate tuition by 78 percent of which 75 percent would be turned over to the state for general use (Rhoads, 1992). This proposal would fundamentally change the relationship between institutions of higher education and the state as Cunningham stated, "Not only is tuition going up, but a significant portion of the increase is going to support general state services. That's a radical change, a major public policy question. For the first time, in essence, students would be taxed in order to pay for general state services" (Allen & Tsur, 1991). Governor Ann Richards responded favorably to Sharp's plan stating that Texas residents are more

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45 The Texas Foundation for Higher Education was founded in 1986 by Hay and Hobby to "gather support of community and business leaders for a plan to counter" what Hay has referred to as the "threat to higher education posed by the current budget process" (Allen, 1991a).

concerned about "making ends meet than financing expensive research projects" (Loy, 1991d).

> It is imperative to understand that the average Texan is far more concerned about taking care of the kids and their elderly parents and the bills that are coming in than they are in research in cold fusion. The perception of the people of this state is that we waste a lot of money. It is time that we convince (them) that this government is as lean as we can get it. (Loy, 1991d)

Harry Reasoner, Chair of the Texas Higher Education Coordinating Board, countered Richards' comments. "It would be the wrong message for the people of Texas to believe there's a lot of fat in higher education" (Loy, 1991d). Since 1986, Reasoner maintained, public higher education had experienced a 20 percent reduction and was ranked 49th among 50 states in Texas' per-student spending (Loy, 1991d). One graduate student surmised that Sharp's proposal and subsequent reactions were all a part of the political game.

> You [university students] and I are pawns in the hands of our university president and our governor. Ann Richards wants to get a lottery and retool the tax factory. Neither idea sits well with the Legislature, so she had John Sharp, the state comptroller, draw up an alternative. She must have told him to make it look grim, because he did a bang-up job. For example, Sharp's plan would cut $45 million from the UT budget over the next biennium, while doubling student tuition across the state. Bill Cunningham wants the tuition increase, but he wants more money from the state to go with it. That idea doesn't sit well with the Legislature either…So he [Cunningham] spelled out the alternatives, and he made them look grim. He threatened to cut funding to research projects like McDonald Observatory, reduce the libraries to regular business hours…and lay off 227 assistant professors and lecturers, and 226 staff workers. Neither Cunningham or Richards really wants to see the University crippled. They're just playing the public finance game: if you want to increase revenue you threaten to cut popular and powerful programs. The threats are idle, but proposing them mobilizes powerful forces to oppose them and those forces will agitate for what you wanted in the first place. (Kelly, 1991b)

In the end, Richards signed a $2.6 billion tax bill that increased tuition from $20 per semester credit hour to $24; UT Regents approved a proposal that would double the general use fee over the following three years; and the Legislature approved an appropriations bill, which increased funding to the UT System by three percent (Weiner, 1991).

Even after these decisions were made, institutions still faced a reduction in appropriations of $5 million for 1991 (Allen, 1991e). Despite the cuts, a two percent across the board salary increase was mandated for state employees (Lin, 1991). Cunningham was forced to make reductions in a number of areas. All colleges and schools were required to cut their budget by three percent. The most difficult reduction, however, was in the elimination of 60 non-teaching jobs (Lin, 1991). Cunningham commented on the situation.

> It's important to understand that these are real, permanent reductions in the budget. This is not a time to use Band-Aids. You've got to make real reductions in the budget, otherwise you simply come right back to it next year. We hated to do that. It's important to understand though that we had about 270 positions that had been frozen in the budget since January when we had a hiring freeze on staff. By eliminating the assistant positions, we'll be able to hire back a net 210 positions. (Lin, 1991)

Cunningham pointed out that state appropriations were paying for a decreasing portion of the University's budget. In 1984, the state paid for 45 percent of the budget while in 1991, that percentage dropped to 28 percent (Allen & Tsur, 1991). "We've gotten behind in terms of real money available for education and at some

time we're going to have to talk about being a state-assisted school and not a state-supported school" (Bosco, 1991b).

Tuition increase. A bill was passed during the 70th Texas Legislative Session (1987), which allowed governing boards of Texas public institutions of higher education to raise graduate student tuition to twice the rate of legislatively mandated undergraduate tuition. The UT School of Law and the Graduate School of Business were the first to propose a tuition increase. Law students were enraged not only by the proposal to raise their tuition, but by the lack of information provided. In October 1987, Dean Yudof informed Law students that an increase was being proposed; however, he was not permitted by Cunningham to furnish any details regarding the amount of increase. Sometime in October, Cunningham submitted a fully detailed tuition increase proposal to the Board of Regents in order to meet the six-week deadline for filing actions to be placed on the Regents' agenda. The Regents' agenda was published on November 30. On that day, Cunningham allowed Yudof to give detailed information about the proposal; subsequently, Yudof distributed a memo to the Law students with a thorough explanation of the proposal. According to the proposal, resident tuition in the School of Law was to increase during the 1988 – 1989 year from its current $48 per semester credit hour to $75; the following year it would increase to $90 per semester credit hour. Non-resident tuition would increase in 1988 – 1989 from its current $150 per semester credit hour to $165; the following year it would increase to $180 per semester credit hour (McCarthy, 1987b).

In contrast, students in the Graduate School of Business approved of their proposed tuition increase, which was at a lower rate than that of the Law students. Resident tuition in the Graduate School of Business would increase from its current $16 per semester credit hour to $32 in 1988 – 1989. Non-residents would see an increase during the same time period from the current rate of $120 to $150. Alice Murski, Graduate Business Council President, stated that students approved of the motion because they realized it would assist in their education and would be allocated to such things as student advising, scholarships and faculty raises (McCarthy, 1987c).

By the time all the information was released, students were unable to contact Regents in order to argue their case. Throughout the process, Law students were sympathetic to Yudof, who they believed was caught in the middle between themselves and Cunningham (Eckstein, 1987; McCarthy, 1987b). Deece Eckstein, President of the Student Bar Association, communicated his frustration regarding Cunningham's leadership in the situation.

> The lesson [to be learned from this situation] is simple and twofold: Keep your hands on your wallet, and keep your eyes on UT President William Cunningham. . . .When Cunningham became president of the University, he was hailed as a breath of fresh air and praised for his responsiveness to student concerns. Whatever else can be said about his style, it is clear that he – and the regents – have not forgotten how to do "business as usual." (Eckstein, 1987)

Responding to the Law students' concerns that information had not been released to them early in the process, Cunningham commented, "In retrospect and hindsight,

maybe we should have told students – we didn't do that" (McCarthy, 1987c). On December 3, 1987, the Regents unanimously voted to increase tuition for both the School of Law and Graduate School of Business (McCarthy, 1987c).

Seeing that increasing graduate tuition was going to be a trend across campus, the Council of Graduate Students (COGS) requested in May 1990 that the administration conduct an impact study and search for alternative sources of funding before other increases were proposed. Graduate students felt that because there was no student regent, their interests were not being heard by the Board (Stewart, 1991f). As an example, students wanted to make proposals to ease the process such as adjusting the payment schedule. A tuition installment plan had been set up earlier, which allowed students to pay half of their bill at the first of the semester and the other half in two payments later in the semester. One graduate student commented, "Right now, the first two tuition installments are due before my first paycheck" (Stewart, 1991i).

Cunningham met with representatives from the Council of Graduate Students and the Graduate Professional Association; one COGS member felt that administrators were willing to meet with students, but were not willing to listen to their proposals. At that meeting, students were told that the decision process was decentralized, that individual colleges and schools were the ones deciding the issue; it was not Cunningham's responsibility to make that decision (Stewart, 1991g). Chair of the Department of English Joseph Kruppa commented, "He's (Cunningham is)

doing a very delicate dance on this. He said (decentralization) makes the process simpler, but if you don't do it (increase tuition) you may not get treated as nicely" (Stewart, 1991j). Chair of the Department of History Brian Levack echoed Kruppa's comments, "I don't think it's any revelation that there is pressure from the president to raise tuition. There's an enormous amount of pressure placed on the schools that haven't raised tuition" (Stewart, 1991k). Acting Chair of the Department of Art David Deming added, "If we [the department] gain money through tuition, we have a better chance at getting more funds when they're available" (Stewart, 1991l).

Initially, Cunningham asked deans of the individual colleges and schools to submit separate proposals for tuition increases by November 1, 1991. He later delayed this deadline by one month in order to give deans more time to receive student feedback (Shah, 1991). Further concerns were raised regarding the ability of foreign students to pay the new tuition rates since their work visas only allowed them to work 20 hours a week (Shah, 1991; Stewart, 1991i).

In April of 1991, the UT Board of Regents voted to increase tuition in the School of Architecture, College of Engineering and College of Pharmacy. Regents also voted on a second increase for the Graduate School of Business (Stewart, 1991e). Resident graduate students in Architecture, Engineering and Business had their tuition raised from $36 per semester credit hour to $40; non-resident tuition was raised from $152 to $158. Tuition increased to the same level for Pharmacy students, but they were paying considerably less in the beginning, $18 for residents and $122

for non-residents (Loy, 1991a). In February 1992, UT Regents voted to raise graduate tuition in 9 of the University's 14 colleges and schools to the maximum value authorized by the Texas Legislature, twice the rate of undergraduate tuition. Hence, resident graduate tuition was raised to $52 per semester credit hour by the fall of 1993; non-resident tuition was raised to $158 (Rhoads, 1992; Stewart, 1992a). Students believed that Cunningham was responsible for the increases in tuition and fees, and therefore, gave him the nickname "Dollar Bill" (Klos & Powell, 1992).

Graduate student insurance. Controversy erupted in October 1987, when the Texas Higher Education Coordinating Board discovered that The University of Texas at Austin and The University of Houston had been paying health insurance premiums for graduate student employees (teaching assistants, assistant instructors and graduate research assistants), which was "not in compliance with the law" (Beil, 1988b; Beil & Williams, 1988). The law stated that those receiving insurance premiums were also eligible for the teacher retirement system; graduate students were not eligible for retirement benefits because enrollment in the University was a condition of their employment (Beil, 1988b; Perliski, 1988). In mid-March of 1988, the UT Board of Regents directed UT administrators to stop paying the premiums of graduate student employees on September 1 of that year (Price, 1988). Cunningham did not inform UT graduate students of the decision, because he felt it would be better to have researched possible options before the information was given (Beil, 1988b). On April 27, 1988 (two weeks before the end of the spring semester),

graduate students were told by reports in *The Daily Texan* that their insurance premiums would no longer be paid after September 1; this amounted to approximately one-sixth of their compensation (Adams, 1989a; Carr & Zuern, 1991).

The same day as *The Daily Texan's* first report, hundreds of graduate students rallied on the Main Mall to protest the loss of insurance premium payments and the administration's lack of communication. Cunningham stepped out on the Main Building's balcony overlooking the area where the protest occurred; graduate students began shouting for him to come down and speak to them. Cunningham walked out to meet students and was joined by several administrators: Ed Sharpe, Vice President for Administration; William Livingston, Vice President and Dean of Graduate Studies; Sharon Justice, Dean of Students. There was no confrontation; Cunningham told the group that the problem would take time to solve (Beil, 1988a). Later he stated, "In retrospect, maybe we should have tried to tell them (the affected students) earlier" (Price, 1988).

The issue was temporarily solved when a $115 monthly supplement was added to the salaries of graduate students employees for the 1988 – 1989 academic year (Adams, 1989a). In that year, approximately 1,900 graduate students received $2,280,000 to offset the cost of insurance premiums (Beil & Williams, 1988; Perliski, 1988). On April 11, 1989, the situation became tense when Livingston announced that graduate student employees not hired for summer work will not

receive the $115 monthly supplement[46] (Kennedy, 1989c). Soon after the announcement, 400 graduate students gathered on the Main Mall. One week later, 300 students gathered at the Main Mall and marched in protest to the UT System offices (Kennedy, 1989d). On April 25 – 27, 1990, graduate students staged a "teach out" in which their classes were taught outdoors in an effort to draw attention to their role in the educational process (Wright, 1990). On the first day of the teach out, graduate students ended the day by holding a "funeral procession for the death of academic excellence" (Wright, 1990, p. B4). More than 120 graduate students dressed in black and marched in silence from the University to the UT System offices carrying placards that read "Professionals not Pawns," "Health not Wealth" and "Double Tuition, Double Benefits?" (Wright, 1990, p. B4).

The issue was finally resolved when the Texas Legislature passed a bill, which allowed institutions of higher education to provide insurance premium sharing for graduate students. This amounted to the same benefit received by part-time employees. One problem with the measure; it did not provide for funds to pay the costs until the following legislative session (Adams, 1989b). Funds for the first year were allocated from UT resources; the second year was paid using funds appropriated through the Legislative Budget Board (Carr & Zuern, 1991).

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46 During the time insurance premiums were paid by the University, graduate students employed as teaching assistants, assistant instructors or graduate research assistants during the fall and spring semesters also had premiums paid during the summer (Kennedy, 1989b).

Cunningham's ties to corporate America. Students had some apprehension towards Cunningham. As one student commented, "Cunningham is a bright, articulate and giant man. He began by telling us he strongly agrees with our point, whatever it might turn out to be, and he could probably get behind it 100 percent, but not publicly" (Birenbaum, 1992). This apprehension extended into the student perception that Cunningham was too willing to partner with corporate America. In the minds of many students, some corporations were taking advantage of low-wage research produced by university students and faculty to support greater profits. In contrast, they compared Chancellor Mark, whose connections with the National Aeronautics and Space Administration and the Pentagon helped the University obtain well-funded federal government research contracts.

The tension became greatest when *The Daily Texan* began publicizing links between Cunningham and Freeport McMoRan, Inc. Cunningham became a member of Freeport's Board of Directors in 1987 ("Berdahl inherited," 1995). In 1990, an open records request revealed that he received a substantial amount of money and major stock options for his involvement on the Board of Directors for Freeport McMoRan (Anderson, 1990a; Escamilla, 1990). An open records request also found that Cunningham spent a week long vacation in July of 1990 at a Freeport-owned house in Colorado (Anderson, 1990b).

In 1989, Cunningham received anywhere from $1,000 to $4,999.99 in retainer fees for his position on the Barton Creek Country Club Policy Committee

(Anderson, 1990b). Barton Creek Country Club and Conference Center was owned by Club Corp Inc., who had partnered with Freeport McMoRan in order to develop some 4,000 acres of property along Barton Creek in Austin. A large number of Austin residents were opposed to the measure due to concerns that pollution from the development would contaminate Barton Springs and jeopardize the Edwards Aquifer, which serves as a significant water supply for the city. The development was finally defeated on June 7, 1990, when the Austin City Council held a hearing on the matter in which 800 Austinites testified against the development in a meeting that lasted 17 hours (Hallford, 1991).

Also in 1990, some $3,451.20 was paid to the Barton Creek Conference Center for three UT executive officer retreats (Anderson, 1990b). Kathy Mitchell, member of the Howlers Research Group, a group that investigates corporate arrangements, expressed concern regarding Cunningham's corporate involvement. "Bill Cunningham's personal interests lead him to direct UT money into businesses like the conference center, whose profits will benefit both himself personally and the corporations" (Anderson, 1990a). Robert Solomon, a UT Professor of Philosophy specializing in business ethics commented, "This particular case doesn't make me especially uncomfortable, but the enormous number of accusations and suspicions (of widespread UT administration impropriety) makes me very uncomfortable" (Anderson, 1990b).

Criticism and evidence about Freeport McMoRan's activities related to the corporation's impact on the environment and human rights continued to be published in the *Texan*. Another one of Freeport's subsidiaries, PT Freeport Indonesia, held exclusive rights to mine silver, copper and gold found on 6.1 million acres in Irian Jaya on the western half of New Guinea ("Regents," 1994). A meeting was held between members of the Rainforest Action Network and representatives of Freeport McMoRan to discuss concerns about the mistreatment of local people and the potential deforestation of the region (Escamilla, 1990). Even as concerns began to grow regarding the company's involvement in the region, Cunningham allowed the UT Geological Sciences Department to send graduate students and faculty to Irian Jaya in order to conduct research. Some questioned whether this was true research or a way to further the work of Freeport (Escamilla, 1990; "Moffett, 1994). James Robert "Jim Bob" Moffett, Chair of the Board and chief executive officer of Freeport McMoRan, Inc, was also the recipient of the UT Distinguished Alumni Award in October 1989; Robert Dedman, chief executive officer of ClubCorp and donor to the University, was the recipient in 1990 (Anderson, 1990b).

In September of 1990 at a public campus meeting, Cunningham was asked about the development project along Barton Creek to which he replied, "I have not commented on anything associated with that project and will not comment" (Anderson & Canton, 1990). Neil Tuttrup, a member of Earth First!, asked

Cunningham how he could rationalize his "participation in environmentally destructive projects" (Anderson & Canton, 1990). Cunningham responded,

> I have never been involved in any project, in my opinion, which would endanger or damage the environment. I would not permit myself to be involved in any such project. I think all of these projects have to be evaluated on their technical merits and not on emotions. (Anderson & Canton, 1990)

Cunningham further stated, "I receive no compensation from Barton Creek Country Club or Barton Creek Conference Center," which seemed to contradict earlier financial statements (Anderson & Canton, 1990).

In 1990, the Moffetts donated $2 million to the University for a capital project, specifically to go to the construction of a molecular science building. Cunningham pledged to name an appropriate building on campus for the Moffetts in recognition of their contribution (Rowe, 1990). This issue continued to be a concern after Cunningham left the institution to become Chancellor of the UT System; therefore, more information will be presented when discussing the issues encountered by the next UT President, Robert Berdahl.

Legal Actions

Prosecution of the UT 16.

During Cunningham's presidency, the issue of UT System's investment in companies doing business in South Africa continued to be a concern among students.

Figure 45: Editorial cartoon. (Van, *The Daily Texan*, April 14, 1986, p. 4)

On October 20, 1986, this controversy resulted in a significant incident and prolonged legal battle after 16 individuals (called the UT 16) took over the president's office. Cunningham was not present when the group entered his office, locked and chained the doors, and then used office desks to barricade the entrance. After contacting the media, the group sat in a circle and waited for UT administrators to respond to their demands. Their primary demand was for the Board of Regents to call an emergency meeting in order to immediately divest in companies doing business in South Africa. The group was prepared to occupy Cunningham's office until their demands were met; however, twenty minutes after entering his office, UT police broke through the barricade and arrested all 16 protesters – 13 of which were UT students (Burch, 1987; Erickson, 1988a; Trampe, 1987d; Twilligear, 1987a). The

protesters were charged with disruptive behavior (Matejowsky, 1987d), which according to the Texas Education Code means "seizing control of any building or portion of a building with an administrative, educational or other authorized activity" (Borda, 1987).

While awaiting trial, the protestors continued to broadcast their case for divesture. They pointed out, for instance, that many of the larger companies were beginning to divest: Eastman Kodak, Coca-Cola, General Motors, IBM, Honeywell, Exxon, McGraw Hill and Xerox (Johnson, 1987). The protesters reminded the Regents that in 1985 the Steve Biko student organization presented an alternative investment portfolio for the Regents to consider. It was created by Franklin Research Management of Boston and illustrated the financial effects of divestment. Vice President of Franklin Research Patrick McVeigh presented the company's findings.

> Our experience shows nobody has been hurt by divestment. . . .Our three years of studies show there is no negative impact at all. This has been for funds as large as $18 billion (the state of New Jersey), . . .However, some are still wary of divestment. The companies that are in South Africa do tend to be big ones. They are "good" companies, in that you would want to invest in them in a down market. . . . (Johnson, 1987)

Also in 1986, Reverend Leon Sullivan denounced the principles, which he had developed 10 years earlier. Many companies signed his principles; and yet, their actions did not curtail apartheid. Therefore, Sullivan advocated total divestment from all companies promoting the oppression of the South African black population (Sarnacke, 1987). In 1987, the University of Houston System Board of Regents

announced that they would divest all holdings in companies doing business in South Africa (Matejowsky, 1987b).

Chester Wilson, a 38-year-old graduate student in interdisciplinary studies and one of the UT 16, accused Board of Regents members of not wanting to divest due to a conflict of interest caused by the relationship of their personal investments and those of the Permanent University Fund (Freedenthal, 1987b; Matejowsky, 1987d). In 1987, financial disclosure forms filed with the Texas Secretary of State's Office showed that three regents, including Chair Jess Hay, held stock in companies in which the Permanent University Fund also held a significant portion of stock. Many of these companies conducted business with the South African government or loaned money to the government. As an example, a protester cited that one regent held 500 shares and sat on the Board of Directors for Texas Commerce Bancshares; UT System owned 31,700 shares of the same stock (Freedenthal, 1987b; Johnson, 1987). "The regents have other interests at hand besides those of the students and taxpayers of Texas – their own" (Freedenthal, 1987b).

In January 1987, the 13 individuals who were arrested for occupying the President's office obtained an injunction from State District Judge Harley Clark prohibiting the University from continuing its disciplinary actions against the students until the criminal proceedings had been completed. If students testified on their own behalf during a hearing with UT administrators before the conclusion of

the criminal proceeding, their Fifth Amendment rights could have been infringed (Matejowsky, 1987f; Twilligear, 1987a).

Wilson was tried separately before Travis County Judge Leslie Taylor because Taylor felt the court did not have enough room to try the whole group at once. (Trying one individual required only six jurors [Matejowsky, 1987d].) The UT 16 depended on the "necessity defense" as their principal defense; thus, they argued that their crime was necessary in order to prevent the even greater crimes of apartheid (Borsky, 1987).

Figure 46: Editorial cartoon. (Hervey, *The Daily Texan*, September 21, 1987, p. 4)

In July 1987, Wilson was found guilty of disruptive behavior (Matejowsky, 1987d). Later, he was given the most severe sentence allowed by law – six months in jail. Judge Taylor admonished Wilson at his trial saying that someone of his age "should know better" (Trampe, 1987e).

Eleven of the UT 16 protesters were tried together by Taylor. Four of the UT 16 failed to appear and had warrants issued for their arrest (Calderon & Trampe, 1987). At the trial of the eleven, Texas Senator Gonzalo Barrientos testified that the protesters had called him from Cunningham's office and asked him to serve as a mediator between the protesters and UT administrators since he performed that function in the 1975 occupation of then President Rogers' office. However, he was unable to mediate before the protesters were arrested (Trampe, 1987c). Barrientos commented that Cunningham was too quick to arrest the group. "Reason is always the best first attempt" (Trampe, 1987b).

Though none of the eleven had prior criminal records, they were found guilty of disruptive activity. Each was fined $200 and required to pay $94 in court costs (Allen & McCarthy, 1987). Despite requests by both the prosecuting and defense attorneys for their sentences be comprised of probation and community-service work (Henderson, 1987c), three of the protesters received five-month sentences; the rest received three-month sentences (Trampe, 1987e). The differences between the length of sentences had to do with Taylor's assumption of those who took leadership roles

in the action. All the UT 16 members denied that anyone was a leader in the group (Case, 1987).

One of the UT 16, who failed to show up for the trial, was later arrested after police recognized him on the campus (Trampe, 1987f). He pleaded no contest and was sentenced to six months light probation and 100 hours of community service (Trampe, 1987g; 1988). Another protester turned himself in, pleaded no contest and was fined $200 and sentenced to six months probation and 160 hours of community service (Trampe, 1987h; 1988). Another protester, who was arrested on his way to an exam, pleaded no contest and was sentenced to 130 hours of community service and fined $200 for damages to Cunningham's office (Trampe, 1988). None of these three were tried by Judge Taylor (Trampe, 1987f; 1987g; 1987h; 1988). One protester had moved to Washington, D.C. and had no plans of returning (Trampe, 1987h). Seeing the discrepancy between the sentences of those tried by Taylor versus other judges, the Students' Association and the Faculty Senate both adopted resolutions asking the UT administration to dispute the "unduly harsh" sentences regarding future appeals by the UT 16 (Henderson, 1987d). Cunningham wrote a letter in response to the Faculty Senate's resolution in which he stated that seeking a reduced sentence would be "inappropriate" although he disagreed with Taylor's sentencing. "After consultation with our attorneys, we recommended a combination of community service, restitution, and probated sentences" (Henderson, 1987f). At an event sponsored by the Texas Union Committee on Student Issues, President Cunningham

addressed students and was met with hostile accusations that he was the first president to punish student protesters with jail terms (McCarthy, 1987a).

The group of 11 tried by Taylor filed an appeal, requiring her to hold a hearing to determine whether or not the UT 16 deserved a second trial. Defense attorneys intended to call prosecuting attorneys to testify for the defendants. One of the prosecuting attorneys criticized Taylor's harsh sentencing and stated that she thought his suggestion for probation was "meaningless" and "utterly ridiculous" (Trampe, 1987i). In the end, Taylor denied the activists' request for a second trial (Trampe, 1987j). One week after handing down her latest verdict, Taylor resigned her position to take a federal prosecutor's position in Houston (Trampe, 1987k). The 11 members of the UT 16, who were tried and sentenced to jail terms by Taylor, appealed their case to Texas 3rd Court of Appeals; their convictions were upheld (Erickson, 1988b; Farrell, 1989). In 1990, the group of 11 then filed a recusal motion, which stated that Taylor had made her decision about the guilt or innocence of the group prior to the hearing. Their case was scheduled to be heard in the Texas Court of Criminal Appeals on November 14 (Higginbotham & Huang, 1990).

Figure 47: Editorial cartoon. (Hervey, *The Daily Texan*, October 2, 1987, p. 4)

In 1993, eight of the protesters were serving sentences and were granted writs of habeas corpus, which allowed them to leave prison and stay on probation until the judge could further study their case (Scheibal, 1993c).

Some of the information concerning this case was not found in *The Daily Texan* or supplemental sources using the search criteria outlined in Chapter Three. Therefore, the details of the events during the last few years of the court case have not been explained in detail.

Governance

University expansion into East Austin. The University continued to be criticized for its expansion policies into East Austin, specifically the Blackland

neighborhood, which is named after the black soil in the area and bound by Martin Luther King, Jr. Boulevard to the south, Comal Street to the west, Manor Road to the north and Chestnut Avenue to the west (Eldridge, 1986; Purcell, 1988). Blackland residents were not happy with UT's continued acquisition of land and sent a letter to Cunningham, state lawmakers, city officials and the media complaining that the institution had broken a 1984 agreement signed between the Blackland residents, the City of Austin and The University of Texas at Austin.

> (The University's) ethical and moral violations have led to the present state of antagonistic affairs which we believe your agents are unwilling and incapable of reconciling. . . .Unless there are fundamental and substantial changes in the policies of your institution, we have no other options than to enter into a bitter and protracted era of hostility. (Woo, 1988)

The letter accused the institution of coercing residents to sell their property, escalating land purchases and ignoring zoning ordinances by putting commercial enterprises in residential areas (Woo, 1988). UT's proposed purchases of East Austin lands accounted for 38 percent of the Blackland neighborhood. Austin City Council members took a "hands off" approach. "We have passed resolutions in the past saying we support peaceful coexistence between the neighborhood and UT. But in the large part there's nothing we can do" (Woo, 1988).

The properties purchased by UT that were not being developed were to be used by the City of Austin to provide low-cost housing. Residents selling homes to the University were given several options. They could continue to live in their homes until 1994; they could select "comparable" homes outside the neighborhood for the

institution to buy in exchange for their Blackland residence; or UT would move their current home at no expense to the owner to a vacant lot outside the neighborhood (Woo, 1988). One Blackland resident wrote an emotional editorial to the *Texan* explaining the depth of the residents' resentment of the University.

> Cynicism is the humor of the powerless. . .we residents of Blackland are very cynical people. We have absolutely no power to defend our homes and community against the University. . . .Apparently the needless evictions of 160 low-income residents are nothing. . . .It was nothing when they evicted John Larrero, a 98-year-old Seminole in March 1986. It was nothing when they evicted five Central American refugee families later that summer. And back in 1983, they would have evicted George Worlds, but they couldn't: we buried him instead on the day they would have kicked him out of his little home on Leona Street. Worlds' stress-induced stroke was one of several that cut down our elderly as the University's bulldozers ripped the guts out of this neighborhood and drove everyone's blood pressure up. . . .There is no free market for real estate in an area that is subject to frequent annexations. No one wants to buy property that will be gobbled up in a few years. We in this area are stuck with one buyer: the University. As long as it has the power of eminent domain. . .it will retain a monopoly over real estate deals in its proposed path. (McCarver, 1988)

The National Association for the Advancement of Colored People followed up the residents' accusations, asking the University to give up its right to eminent domain (Lubke, 1988b). Cunningham refused, but agreed in December 1988 to limit expansion to the western portion of the original 16 blocks it had intended to purchase. The "50-50" plan was a compromise with Blackland residents. The eastern portion purchased by the institution could be purchased by the City of Austin to develop low-income housing (Horan, 1989; Weiner, 1989)

Cunningham chosen as UT Chancellor. In January 1992, Chancellor Hans Mark, who was 62 years old at the time, announced his resignation effective

September 1, 1992. Mark stated that he made the decision to resign based upon his 8-year tenure and his desire to return to aerospace engineering.

> By (Sept. 1), I will have served longer than all my predecessors except for Harry Ransom. . . .The time has come for me to turn over the reins to someone else who is younger and who will bring fresh ideas and new leadership to the job. (Lin, 1992)

In March 1992, the UT Board of Regents nominated only one candidate to become the new UT System Chancellor, William Cunningham. The following month, Regents unanimously chose Cunningham to serve as the next Chancellor of the 15-component system, which included nine general academic and six health-related institutions (Stewart, 1992b). On September 1, 1992, Cunningham began his term as Chancellor and William Livingston, Vice President and Dean of Graduate Studies, began serving as Acting President. Livingston held that position until December 31, 1992; on January 1, 1993, Cunningham's successor, Robert Berdahl, began his term as UT President (Bailey, 1992).

Conclusion

Cunningham's selection as UT President was uncommon in two regards: 1) he was chosen based on a dual appointment in which a second individual was named as Executive Vice President and Provost and 2) he was chosen from the position of a dean rather than at the vice presidential or presidential level as were his immediate predecessors. His era was marked by increased activism; protests seemed to be even more commonplace than during the turbulent 1960's. Campus free speech policies

were challenged and large numbers of students were arrested for violating those policies, which were later changed in response to student concerns. Ironically, Cunningham's free speech rights were infringed when students shouted him down during a presentation on the Main Mall. A number of issues highlighted racial tension on campus: UT System's investment in companies doing business in South Africa, expansion into East Austin and racist activities carried out by two local fraternities. Cunningham actively challenged hazing among campus organizations and was forced to deal with a heavy cost, the death of a pledge. Enrollment became a matter of concern as number of UT applicants and students increased all while the institution was experiences mid-year rescissions and challenges bent on removing large sums of money from the Permanent University fund.

Robert M. Berdahl

Figure 48: Robert M. Berdahl. (Don Rogers - Austin)

Robert M. Berdahl was born March 15, 1937, in Sioux Falls, South Dakota (Berdahl, 1997). He is married to Margaret "Peg" Berdahl; they have three daughters: Daphne, Jennifer and Barbara. His educational background includes a B.A. from Augusta College in Sioux Falls, South Dakota (1959), an M.A. from the University of Illinois (1961); and a Ph.D. from the University of Minnesota (1965). Before assuming the presidency at UT, he served as Vice Chancellor for Academic Affairs at the University of Illinois at Urbana-Champaign (1986 to 1993). Previous to that position, he served as Dean of the College of Arts and Sciences at the University of Oregon (1981 to 1986) and as a member of the History faculty at Oregon (1967 to 1986) ("Chancellor Robert M. Berdahl," 2001).

Presidential Selection

In November 1992, the UT Board of Regents selected Robert Berdahl as the next UT President over four other candidates from both inside and outside the UT System (Bailey, 1992). Berdahl's appointment was unusual, since he was the first person chosen from outside the UT System since Stephen Spurr, over 20 years earlier. Many believed that Mark Yudof, then Dean of the School of Law and finalist for the presidency, would be appointed. Yudof had a 26-year history with the University, having served previously as Associate Dean and faculty member in the School of Law (Lara, 1997). Some believed that the presidential advisory committee itself had too many individuals with direct ties to the Law School. Three of the faculty members were either faculty at the Law School or had spouses on the Law School faculty. One of the students on the committee was a law student; the UT alumni representative was a lawyer; the community representative was a county judge and a graduate of the UT School of Law (Williamson, 1992c). One faculty member commented,

> In light of this [the composition of the committee], there are a lot of people who felt it was a done deal, that Yudof was already chosen. There certainly won't be much opposition from the faculty. It's a reasonable inference that this was already decided. (Williamson, 1992c)

Alan Cline, Chair of the Faculty Advisory Council commented, "I was surprised [at Berdahl's appointment]. Mark Yudof knew where the bodies were buried" (Patton, 1997). Karl Galinsky, professor of Classics, stated, "The motive was that the University was getting too inbred. The regents felt it was good to see someone who

didn't grow up in the system. It is like inbreeding anywhere else – sometimes you are not open to differing perspectives" (Patton, 1997). Upon accepting the UT presidency, Berdahl selected Yudof as the Executive Vice President and Provost.

Figure 49: Robert M. Berdahl. (The University of Texas at Austin, Office of Public Affairs)

Berdahl also began to articulate his philosophy of the role of large public universities, especially those designated as flagship institutions. He believed considerable attention should be given to areas of study such as biological and material sciences, public school education and environmental studies (Wright, 1993). Regarding UT's role in training students, he stated, "We need to equip students to work in a world in which they will have to work side-by-side effectively, constructively, empathetically and creatively with people who come from very different cultural, economic and social backgrounds" (Wright, 1993, A5). Thus, from the beginning Berdahl expressed concern about diversity and strongly supported the

use of financial aid to attract and retain underrepresented populations in larger numbers (Wright, 1993).

When Berdahl took office on January 1, 1993, he faced many potential difficulties; one in particular surfaced early. State appropriations to colleges and universities were expected to be low, causing questions to be raised about increasing student costs in the form of tuition and fees. To this Berdahl commented, "Nobody likes to pay tuition. But if it comes to the position of reducing the quality of the institution or paying a bit more in tuition, I think students have an interest in maintaining the quality of the institution" ("As His Tenure Begins," 1993). As a candidate chosen from outside the UT System, he would need help in understanding the institution's culture and its constituents. In light of that fact, Berdahl asked Acting President William Livingston to serve two extra weeks to assist in his transition ("Berdahl Shouldn't Expect," 1993).

Legal Actions

Perhaps the one event for which Berdahl's presidency will be best remembered is the decision and subsequent consequences in the case of *Hopwood v. the State of Texas*, commonly referred to as Hopwood. This legal action began before Berdahl became UT President. Throughout the process of this case, certain actions and rulings took place, which had far-reaching implications for the institution, creating numerous challenges for the chief executive officer. The case was

complicated and continued over an extended period of time; therefore, the explanation that follows has been simplified for the sake of brevity, and it highlights the difficulties most troubling to President Berdahl.

On September 29, 1992, Cheryl Hopwood and Stephanie Haynes filed a reverse discrimination suit in the U.S. District Court alleging that they were denied admission to the UT School of Law in the fall of 1992 because they were not minorities. Haynes later dropped her name from the suit and other plaintiffs were added. In August 1994, U.S. District Court Judge Sam Sparks ruled that the particular admissions policies used for the freshman class of 1992 at the UT School of Law in which applications for blacks and Hispanics were reviewed separately from all other students discriminated against the plaintiffs (Strahan, 1996d). However, he supported the use of affirmative action policies for admissions stating that it served a compelling state interest (Stockwell, 1997).

In March 1996, the Fifth U.S. Circuit Court of Appeals, which encompasses jurisdiction in three states – Texas, Louisiana and Mississippi (Strahan, 1996d) – ruled that the UT School of Law could not use different admissions standards for minority and non-minority students (Gwynne, 1996). This decision abolished the precedent set by the U.S. Supreme Court in *Regents of the University of California v. Bakke*, which had ruled that racial quotas were unconstitutional, but allowed the use of race as a factor in admissions decisions (Jaschik & Lederman, 1996). Berdahl

predicted that the ruling would result in "the virtual resegregation of higher education" (Jaschik & Lederman, 1996).

After the UT School of Law admissions policies were ruled unconstitutional, administrators at UT System temporarily suspended admissions decisions in order to determine appropriate policy revisions (Merle, 1996e). At that time, UT had already made 90 percent of the institution's admissions and financial aid decisions for the fall of 1996 (Merle, 1996i). Berdahl announced that UT's temporary freeze on all admissions should "not be interpreted as a backing off" on affirmative action policies, but stated it was the court's opinion that the institution "could be held liable for damages and a possible injunction if it adheres to its current policies" (Strahan, 1996b).

Later, the Fifth U.S. Circuit Court granted a 30-day stay in the case, allowing the State of Texas to appeal the case to the U.S. Supreme Court. The stay allowed institutions to reinstated the policies initially used for admissions and scholarship decisions. It also reversed the decision made by Kenneth Ashworth, Commissioner of the Texas Higher Education Coordinating Board, to divert $1.5 million in minority scholarships to educationally disadvantaged students (Merle, 1996i).

At a forum held by the UT administration in the Beauford H. Jester Center Auditorium, President Berdahl told 300 students,

> This is a very critical case in terms of the future of this country and the direction it takes in race relations. (Strahan, 1996b)

> I am very saddened by it [the Fifth Circuit Court's decision]. We will fight it as strenuously as we can the only place we can, and that's in the courts. (Roser, 1996a, p. B1)

Students applauded Berdahl's remarks, seeing him as "an ally in the fight for diversity" (Strahan, 1996b). Kevin Foster, a UT graduate student and representative for the Student Coalition for the Defense of Affirmative Action, announced that a march had been planned in protest of the court's ruling (Pope, 1996). Students and community leaders were invited to march from the tower to the Capitol and on towards the Office of the Attorney General. Foster reasoned, "We decided that to disrupt the day-to-day activities of the University is not strategically the best way to go" (Strahan, 1996b).

Several days later, the Faculty for Affirmative Action, a 40-member ad hoc group of faculty supporting the use of affirmative action, organized a rally and teach-in to be held in the Texas Union courtyard. Some 400 students, faculty and staff participated (Merle, 1996h). A counter-protest was organized by a small group of students, who defended the court's decision.

> To enter a university like UT is a privilege, not a right. We can't end discrimination by discriminating against another group. (Merle, 1996h)

> The College Republicans are out here today because we believe that it is time for equal opportunity. We disagree that affirmative action, preferences and quotas are the way to go. (Pope, 1996)

Other counter-protestors stated that economic status would be a better determinant for affirmative action policies.

After the rally and teach-in, Berdahl met with representatives from the Faculty for Affirmative Action and the Coalition for the Defense of Affirmative Action in an effort to keep communication open. Berdahl told the group, "The Fifth Circuit Court ruling is profoundly disturbing. We have no choice but to follow it" (Pope, 1996). John Downing, professor of Radio-Television-Film and an organizer of the teach-in, stated, "Personally, I feel, at times, the anger is misdirected towards Berdahl. People don't realize that if Berdahl defied Hopwood he would be out of here in five minutes and his successor would have to sign on the dotted line" (Pope, 1996).

Texas Attorney General Dan Morales appealed the Fifth Circuit Court's ruling to the U.S. Supreme Court, which in turn refused to hear the case, letting the lower court's ruling stand. This decision left the three states in the Fifth Circuit Court's jurisdiction – Texas, Louisiana and Mississippi – with admissions and financial aid policies that are incongruous with the rest of the nation (Strahan, 1996c). Two Supreme Court Judges, David Souter and Ruth Bader Ginsburg, stated that the court would not hear the Hopwood case since the lower court's ruling was against the particular admissions procedure used in 1992 and the UT School of Law had restructured its admissions policy since that time (Strahan, 1996d).

Reactions to the Supreme Court's decision expressed surprise and disbelief. Samuel Issacharoff, legal counsel for the UT System and Professor of Law at The University of Texas at Austin, stated

> It is absolutely devastating and bizarre that three of the states with the worst histories on race relations are told that they alone cannot take race into account to achieve the goals of either diversity or desegregation. It's a blow to the University. . . .All areas of legal relief have to be explored, but we are fighting an uphill battle in light of the 5th Circuit decision. (Strahan, 1996d)

William Cunningham, Chancellor of UT System, expressed the System's responsibility and commitment to students in light of this latest development.

> As with all such legal matters, the ultimate decision on any further action related to this case will be up to the Texas attorney general. All university policy issues related to affirmative action are subject to review and approval by the UT System Board of Regents. Admissions for the fall 1996 have been completed, and few, if any, other decisions that may be afflicted [sic] by legal processes in this case are pending this summer. The UT System and its component institutions will honor all prior commitments regarding admissions, financial aid and other matters. The UT System remains dedicated to the principle of equal educational opportunity for all the citizens of Texas. ("Hopwood Reactions," 1996)

Texas Attorney General Dan Morales issued a statement.

> In the coming days, my office will provide our state's universities with legal guidance in regard to the effect of this decision on admissions policies. Cultural, ethnic and racial diversity in an academic or any other environment benefits all. Our universities should strive for such diversity. However, as I have consistently indicated, it is simply wrong to give one applicant an automatic advantage over another applicant, based solely upon the color of one's skin. We will never overcome past discrimination by practicing discrimination today. ("Hopwood Reactions," 1996)

William Hobby, Chancellor of the University of Houston System, requested an opinion from Morales to clarify how institutions should address legal questions surrounding race-based criterion for admissions and financial aid (Carnevale, 1997a). Morales responded by instructing Texas public institutions of higher education to use race-neutral policies (Crissey, 1997e) in "all internal institutional policies, including

admissions, financial aid, scholarships, fellowships, recruitment and retention, among others" (Morales, 1997). This opinion is legally binding for all Texas public institutions of higher education and "Morales threatened injunctions and punitive damages for non-compliance with his interpretation that Hopwood makes race-based admissions and financial aid decisions unlawful in Texas" (Crissey & Carnevale, 1997).

Later, Morales criticized institutions for leaning too heavily on affirmative action policies in the past. "They've [Texas public institutions of higher education] been using race and ethnicity as a shorthand in order to achieve those objectives. If they are committed to diversity, then right now we would have diverse universities" (Carnevale, 1997a). Berdahl responded to Morales' statement, "I don't understand where Mr. Morales makes those statements without having had any study on the issue. If Morales said that, then he's not knowledgeable" (Carnevale, 1997a). Berdahl maintained that Hopwood would make minority recruiting very difficult. Commissioner Ashworth agreed saying that only 50 to 60 percent of minorities recruited through race-based policies can be recruited using other means (Carnevale, 1997a). Some feared how the new admissions policies would affect UT's national ranking among other institutions of higher education.

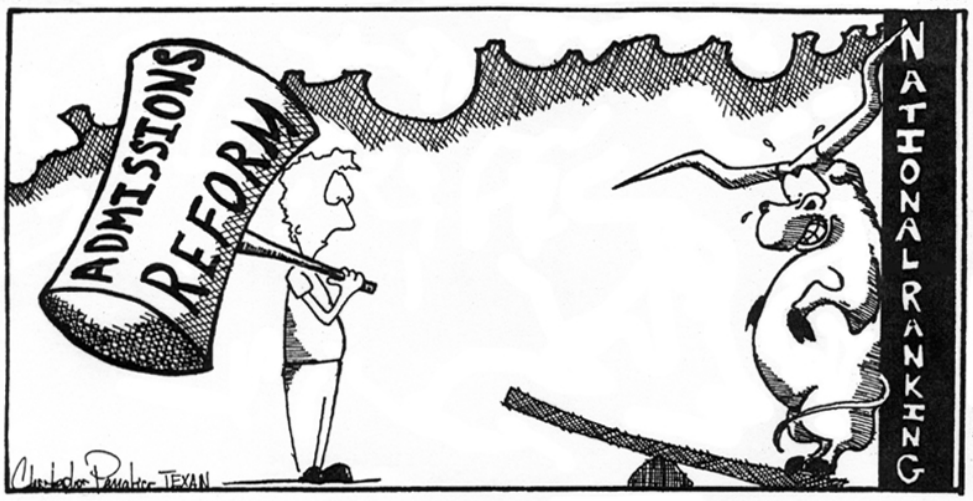

Figure 50: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, March 22, 1996, p. 4)

Texas legislators were displeased with Morales' opinion. Representative Sylvester Turner, Democrat from Houston, stated, "It appears as though the attorney general's office of Texas has gone out of its way to expand the meaning of Hopwood" (Carnevale, 1997a). Senator Carlos Truan and two other legislators stated they would not support any state appropriations to Texas public higher education if there were not sufficient opportunities for minority students (Crissey & Carnevale, 1997). Berdahl expressed his frustration. "I feel like we are damned if we do, and damned if we don't. Any effort to penalize the University for its response to Hopwood would be very painful and damaging to this institution" (Crissey & Carnevale, 1997). Other legislators began to propose bills to offset the effects of Hopwood. Senators Gonzalo Barrientos and Rodney Ellis proposed a bill to offer free tuition to students in the top of their class (Carnevale, 1997a). Representative

Irma Rangel filed a bill to offset the effects of Hopwood by allowing Texas public institutions to use race as a factor in admissions (Carnevale, 1997b). President Berdahl commented that Rangel's bill would be overruled by federal court order. "I think that there is a conflict between the 5th Circuit and the [Texas] Legislature. We will do whatever we can within the law" (Carnevale, 1997b).

The Texas Advisory Committee to the U.S. Commission on Civil Rights, an entity of the U.S. Department of Education, held a public meeting at the UT School of Law to discuss how Hopwood has affected Texas public institutions. Lino Graglia, UT Law Professor and a member of the Texas Advisory Committee, commented,

> Any discussion of affirmative action is good from my point of view. The more it's discussed, the less it's liked. . . .I suggested that one topic might be: How well are Texas schools actually complying with Hopwood? My view is that [Texas universities] are trying to get around it. (Bass, 1997)

The U.S. Department of Education announced at one time that if affirmative action programs were eliminated, Texas public institutions could lose $1.8 billion in federal funds. They later recanted (Bass, 1997; Carnevale, 1997b).

Still more lawsuits were being filed against the UT School of Law for not only reverse discrimination, but discrimination experienced by minorities in the admissions process. One particular case was filed by Hector Rodriguez, an Austin attorney, acting on behalf of Mexican-American law school applicants who were not admitted in the fall of 1994 (Bass, 1997). Rodriguez spoke with university administrators before filing the lawsuit. "The University officials I visited with,

including Dr. Berdahl, said their hands were tied. I took that as the invitation to do something" (Bass, 1997). Ray Farabee, UT System Vice Chancellor and General Counsel, stated that the pending lawsuits could potentially drain the UT System's resources (Bass, 1997).

This brief history and explanation of Hopwood, though simplified, attests to the complicated nature of the UT presidency during the mid-90s. Hopwood consumed much of Berdahl's time and energy. The dispute involved a large number of individuals and groups, each trying to impose their value system upon the other using a variety of political strategies. Berdahl had to understand the environment, structure and values of the individuals and interest groups, both internally and externally, in order to navigate the institution through this hardship. Legal actions surrounding the Hopwood case continued to be taken even after Berdahl accepted the position as Chancellor of the University of California, Berkeley in the summer of 1997.

Significant Incidents

The decisions and actions surrounding Hopwood sparked several significant events: rallies, a teach-in and a march. In those situations, Berdahl revealed his willingness to communicate to individuals and groups about their concerns. A few other significant events occurred unrelated to the Hopwood case.

Protest of Holocaust Revisionist Advertisement. In February 1993, the *Texan* ran a Holocaust revisionist advertisement, which denied the occurrence of the Holocaust, specifically the legitimacy of the gas chambers of Auschwitz. In response, Berdahl offered his comments in a guest column in the *Texan*.

> I am very disappointed by the decision to run an advertisement that seeks to foster doubts about the Holocaust. . . . The appearance of the advertisement is an unfortunate occasion for *The Daily Texan* and the University. I am confident, however, that the campus community will use this occasion as an opportunity to renew its opposition to religious prejudice, racism and bigotry in all their forms, and to reaffirm and strengthen its dedication to the humane principles that underlie our democratic society. (Copp & Rogers, 1999, p. 130)

The following month, a crowd of 500 students protested the ad on the Main Mall. The Hillel Foundation, a Jewish student organization, and 15 other student organizations arranged the event (Griffiths, 1993a). Vice President of Student Affairs James Vick speaking on behalf of President Berdahl avowed that "the historical reality of the Holocaust could not be denied and neither could the anti-Semitism that caused it. Anti-Semitism 'was allowed to grow because people who knew better remained silent'" (Griffiths, 1993a). Several state representatives attended and spoke: Sherri Greenberg, Glen Maxey, Scott Hochberg and an aid to Senator Gonzalo Barrientos. Many at the rally questioned the wisdom of the Texas Student Publications Board (TSP), who voted to allow the ad to be run. The TSP Board responded to questions stating that they were not a paternal governing body and supported free speech. Participants stated that students should take a more active role in electing TSP Board members (Griffiths, 1993a).

Texas Independence Day celebration. In another incident, controversy surrounded the traditional UT celebration of Texas' Independence from Mexico held annually on March 2nd. This day has also been the day when UT alumni celebrate their relationship with the institution as graduates. In 1995, this tradition became more heated as two opposing groups rallied in conjunction with the observance of this date. On one side was a group of conservative UT students, who believed that the celebration supported their identities as Texans; on the other side were the many Mexican-American students, who found the celebration offensive to their national heritage. Other students felt the debate over the event was a criticism against the University's identification with Texas.

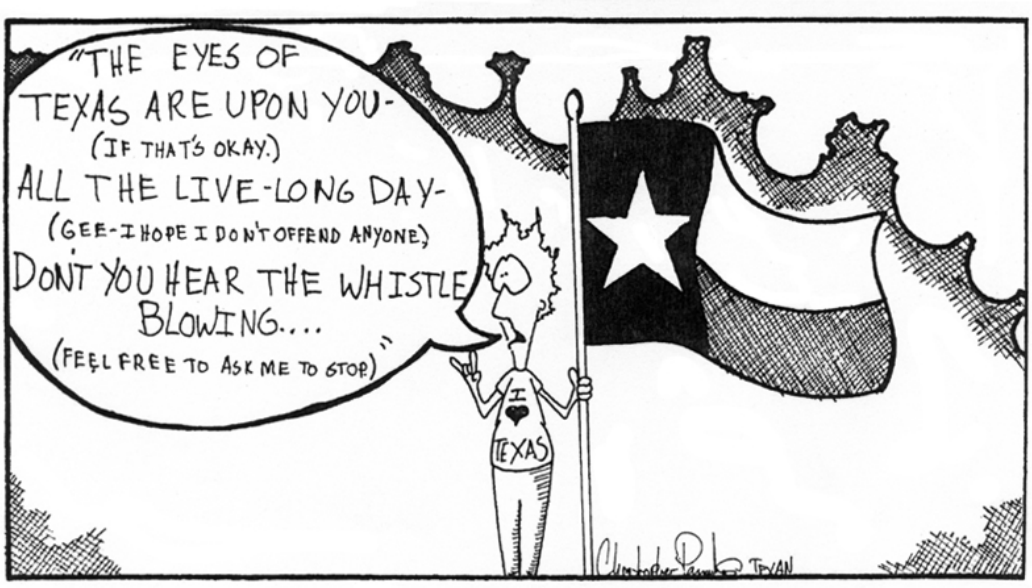

Figure 51: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, March 1, 1996, p. 4)

The Student Involvement Committee began meeting the previous November to determine how to celebrate Texas Independence Day. The committee decided to hold a short observance. "At 12:15 p.m. on the South Mall the Student Involvement Committee and other campus spirit organizations will serve tea, toast the University and sing The Eyes of Texas" ("UT Limits San Jacinto Celebration," 1995). The largest symbol of this event was an enormous 2,775 square-foot Texas flag, which was traditionally unfurled from the balcony of the UT President's office by Alpha Phi Omega, a UT co-ed service fraternity. For a number of years, the event had been sponsored by the UT Ex-Students' Association (also called the Texas Exes). However, Jim Boon, Executive Director of the Texas Exes, met with groups from the Hispanic community including the League of United Latin American Citizens and made the decision not to sponsor the event ("UT Limits San Jacinto Celebration," 1995). Thus, the plans for the campus celebration were cancelled.

On March 2nd, two coalitions met in front of the UT Tower and ended up holding a shouting match: the UT chapters of the Young Conservatives of Texas and the Movimiento Estudiantil Chicana/o de Aztlan. President Berdahl addressed a group of students concerning criticism he received for not supporting the Texas Independence Day celebration.

> I will not attend events that by some faction cause occasion for conflict . . . .People ought to deal with March 2 on their own. . . .I'm still skeptical that anything that is so loaded with symbolism is going to be acceptable, [but] I don't close it out. ("Berdahl Defends March 2 Actions," 1995)

Both of these incidents reveal the sensitive nature of race-relations on the UT campus during the mid-90s. Berdahl's response to the first incident highlights his own convictions based upon his study as a German history scholar. Understanding and reacting to both of these issues required considerable sensitivity. Berdahl's decision not to attend the demonstrations, but rather to send an emissary illustrated his understanding and belief of human nature and his role as President.

Governance

Formation of the Faculty Council. During Berdahl's presidency, one substantial change took place in The University of Texas at Austin's system of governance. On March 20, 1995, the General Faculty – composed of all voting faculty members – voted almost unanimously to dissolve the University Council and the Faculty Senate and replace both with a Faculty Council ("Faculty Council to step up," 1995). Previous to this decision, the Faculty Senate was composed of elected faculty members from each college and school, which served as an advisory committee to the President ("UT Faculty Senate," 1993). The University Council reported directly to the UT President and was composed of fifty-eight faculty members, twenty administrators and seven undergraduate students ("Loss of Quorum," 1994). Paul Kelley, secretary for the University Council, recalled the historical events leading to the formation of the University Council.

> The University was formally opened in 1883 and from then up until 1937 there was no governing body. The faculty governance was handled by

> monthly meetings of the general faculty as a whole, . . .in 1936 there was a "rumble of discontent" among some of the junior faculty, resulting in a motion adopted by the general faculty urging the president to create a committee on the "organization, functions and future of the University of Texas." The committee, made up of only associate and assistant professors, was headed by assistant professor J. Alton Burdine. The committee presented its findings in early 1937 in the Burdine Report, . . . In the spring of 1937, an appointed group was created that was called the Administrative Council, . . .It was really most analogous to what we now call the dean's council. It was an appointed group that advised the president and represented faculty. . . .in the fall of 1944, what was then called the Faculty Council was created, . . .There were no student representatives on the old Faculty Council, only faculty members and some administrators. . . .[and] was in operation until the fall of 1969, when it changed into the present University Council, which included students as voting members. ("Restructuring," 1995)

The reason for the new arrangement, according to Alan Friedman, chair of the Faculty Senate's Task Force on Governance, was to reduce bureaucracy and duplication of efforts.

> Essentially, the faculty will have one meeting to attend every month instead of two and their power will be more consolidated. ("Faculty Council: A forum lost," 1995)

> If we can set up a system that is more effective, we will draw the best people to participate in it. ("Loss of Quorum," 1994)

Before the Faculty Council was created, a debate arose among the faculty concerning whether or not anyone outside their ranks should be given a voice in the new entity. James Vick and President of the Students' Association John Black worried that the faculty would effectively eliminate any opportunity for a forum in which to discuss issues affecting the whole campus community. The faculty chose to be inclusive of other voices than their own. The newly formed Faculty Council was composed of sixty-two elected faculty members, five undergraduate students, two graduate

students[47], two non-voting staff members and twenty ex-officio administrators. Once the vote was taken, President Berdahl announced his immediate approval. "The motion carries. Congratulations, major changes in University governance don't happen very often" ("Faculty Council: A forum lost," 1995).

In reflecting on his tenure as UT President, Berdahl upheld his belief that empowering the faculty added to the work of the University through facilitating a link between academic and budgetary planning, increasing accountability within the institution and improving undergraduate education (Crissey, 1997f). He also commented that from the beginning, he intentionally planned to elevate the role of faculty and avoid past tendencies of "political and administrative suspicion of faculty" (Patton, 1997).

> The key to any university is the quality of its faculty and the trust that is given to that faculty. Unless the faculty is empowered and confident in itself, you do not have the university that you could. I want them to feel like they can do anything they want to do. (Patton, 1997)

Paul Woodruff, Chair of the Faculty Council, affirmed Berdahl's actions.

> The main gift that he has given us is the image of leadership within the academy that is unusual and admirable. This has not been a presidency which invites images like a strong hand at the helm. Rather, it invites thoughts like [a] powerful and generous mind in the Tower. (Joyce, 1997)

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[47] Both of the undergraduate and graduate student representatives were chosen by student organizations: the UT Student Government (whose members are elected by the UT student body) selected three undergraduate students, the Cabinet of College Councils (whose members are elected from within the 17 college councils) selected two undergraduate students and the Graduate Assembly (whose members are elected by UT graduate students) selected two graduate students ("New College," 1995).

Philosophical differences. Some questions were raised regarding the relationship between Chancellor Cunningham and President Berdahl, especially in matters of governance. Chancellor Cunningham expressed opposition to Berdahl's efforts to confer more power to UT faculty. UT Professor Reuben McDaniel, Chair of the Faculty Council in 1995-96, recalled, "Cunningham believes in separation of powers. Administration should do what administration does, and faculty should do what faculty does, . . .Dr. Berdahl shared my view that the faculty should have a role in University affairs" (Patton, 1997). Some UT faculty members claimed that Cunningham "never stopped being president of the University" (Patton, 1997). Berdahl supported this comment by stating, "It has not been easy for my boss to have been my predecessor or my predecessor to have been my boss."

Just prior to leaving The University of Texas at Austin, President Berdahl commented on his general philosophy of governance.

> Shared governance, which depends on mutual trust on the part of all partners, cannot function when the boundaries of responsibility are breached. Legislators should not be setting admissions standards for universities, trustees should not be second-guessing coaches, systems should not be deciding campus priorities or running academic programs, presidents should not be making major budgetary allocations or reductions without the advice of faculty and faculty should not assume that regents tend to undermine academic freedom and tenure by adopting a post-tenure review policy. Legislators should develop broad guidelines for higher education and they should provide adequate support for colleges and universities, regents should set policy for their systems (including, I believe tuition levels), system heads should administer systems, presidents should administer campuses and faculties should share in the governance of campuses. To the extent that responsibilities are blurred, the authority of each partner is undermined and genuine accountability is impossible. (Berdahl, 1997)

These statements are the product of the myriad of experiences Berdahl encountered with issues related to governance during his time in office at UT.

Academic Concerns

Post-tenure review.

One of the most significant issues concerning faculty during Berdahl's presidency was the matter of post-tenure review. Between the 74th (1995) and 75th (1997) Texas Legislative Sessions, a Senate Interim Committee on Higher Education was appointed. Senator Bill Ratliff, Republican from Mount Pleasant, served as Chair of that interim committee. He was also a former Chair of the Senate Education Committee and prior to the 75th session was named Chair of the Senate Finance Committee. Ratliff led efforts to require more accountability measures for faculty (Rosales, 1996).

In September 1986, a meeting was arranged between Chancellor Cunningham, Senator Ratliff and the UT System Faculty Advisory Council, an advisory council composed of 18 faculty representatives from UT System component institutions (Roser, 1996b). Citing the rising cost of salaries and the burden placed on the state by large numbers of faculty members who are hard to dismiss due to their tenured status, Ratliff recommended that universities establish policies to evaluate tenured faculty (Crissey, 1997c; Crissey, 1997d; Rosales, 1996; Roser, 1996b). "Every one of you knows one or more members of your department that either ought to get kicked in the rear, or they ought to be sent packing. I want the

incompetents removed" (Roser, 1996b. p. B2). Ratliff also stated, "lawmakers would be unlikely to approve money for faculty raises without a post-tenure review policy" (Roser, 1996b, p. B2). After Ratliff left the meeting, the 18 Faculty Advisory Council members still remaining voted unanimously to ask the UT Regents to postpone the adoption of a post-tenure policy until February 1997, the second month of the five month long Legislative Session (Roser, 1996b). The reason for this request was to give more time to thoroughly study the issue. Alan Cline, Chair of the UT System Faculty Advisory Committee, commented, "the [tenure review] policy making is proceeding too hastily and without sufficient input from faculty" (Cline, 1996).

In the hopes of averting action by the Legislature, Cunningham submitted a tenure review policy proposal to the 15 component institutions in the UT System on September 20, 1996. He hoped that the Regents could adopt the policy at their November meeting before the 75th Texas Legislative Session began. His policy incorporated a five-year review of tenured faculty and required the individual being reviewed to submit a curriculum vitae, annual reports, published articles and student evaluations; all to be reviewed by a committee of tenured peers (Mealer, 1996a). On September 26, representatives of the Faculty Advisory Council objected to Cunningham's proposal; one reason being that it seemingly guaranteed tenure for only five years (Roser, 1996c). In response to Cunningham's proposal, the Council voted to establish an ad hoc committee to review the Cunningham's proposal as well

as proposals from faculty at UT and The University of Texas at Dallas (Mealer, 1996b). The chief complaint regarding Cunningham's proposal was summarized by an Assistant Professor of Political Science at The University of Texas – Pan American.

> Forty years ago, universities were purged during the McCarthy era. The people who were behind that are the same kind of people who are behind this today. I do not believe Cunningham's motivations are ethical, honest or good. (Mealer, 1996b)

A lawyer present at the meeting observed that the tenure controversy was "a 'power battle' and 'class warfare' between legislators, administrators and faculty" (Mealer, 1996b). One UT cartoonist satirized the struggle in the *Texan*.

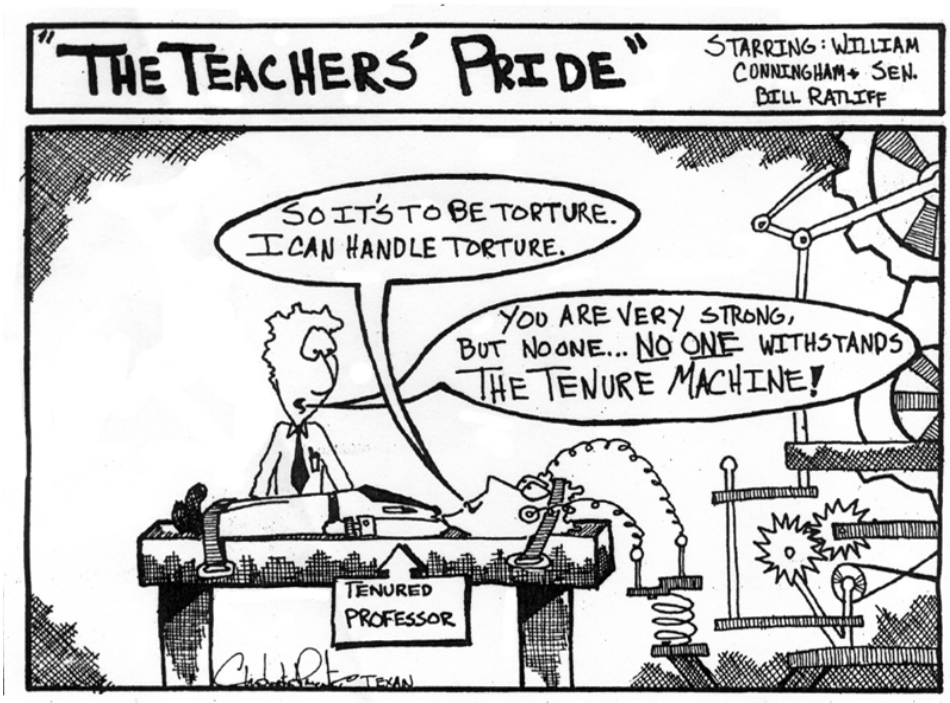

Figure 52: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, October 15, 1996, p. 4)

In a memorandum, Berdahl commented on the System's draft document.

> These guidelines recognize the central importance of academic freedom, reiterate all of the guarantees and procedures that currently protect tenured faculty in the Regents Rules, and outline a process for periodic reviews. I believe it addresses the concerns of the Legislature while it also defines a review process that is fair and not burdensome. (Rosales, 1996)

The UT Faculty Council approved the Chancellor's proposal. The guidelines listed three potential results of the tenure review process: determining raises in salary and awards, revealing faculty members who need mentoring and a possible reviewing the need for termination of contract. In December 1996, just before the 75th Texas Legislative Session began, Senator Teel Bivins filed a bill that provided for the termination of tenure and employment for those professors who received unsatisfactory reviews (Crissey, 1997a).

Some faculty became concerned over possible censure by the American Association of University Professors (Crissey, 1997a; Crissey, 1997b). AAUP publishes an annual list of institutions that stand in violation of academic freedom; this list is used by faculty members when seeking employment (Crissey, 1997a). UT faculty member Alan Friedman recalled that the institution had been placed once before on the AAUP "black list" of institutions in the mid-1940s after the UT System Board of Regents fired UT President Homer Price Rainey, who defended the rights of English Professor, Frank Dobie, to teach the works of John Dos Passos, a suspected communist. UT was on the list for seven years (Ackerman, 1992; Crissey, 1997a).

President Berdahl approved of the post-tenure review proposal, which had earlier been approved by the Faculty Council. It was then sent it to the UT Board of Regents. Some faculty members criticized the proposal saying that academic judgments should be made by peers and not administrators. Berdahl responded that the draft document did not confer any new powers on the administration, but rather built upon the current system of annual faculty evaluations (Crissey, 1997b; Crissey, 1997c).

Campus Master Plan. In 1993, President Berdahl formed and commissioned the UT Campus Master Planning Committee to design a cohesive campus master plan. The purpose of the plan was to improve the institution's livability while enhancing its academic community ("Master plan," 1994; "Still growing," 1995). In a prepared statement, President Berdahl commented, "There are clear opportunities for the University to build a sense of community as we grow by creating an environment conducive to academic life in all respects" (Strahan, 1996a). The committee was composed of 16 faculty, staff and student members and had several subcommittees ("Master Plan," 1994).

This kind of planning happens infrequently. In the 1880's, F.E. Ruffini designed the first Main Building in the Victorian Gothic style. Over the next 30 years, buildings were built in a variety of styles before administrators decided to develop an organized campus building plan ("Common ground," 1995). The first UT Master Plan was created in 1909 by Cass Gilbert, a New York architect; the second

in 1933 by Paul Cret, a Philadelphia architect, who complemented Gilbert's style and formulated the core of the University, including the Tower, and the South and West malls ("Still growing," 1995). Thus, Cret instituted the Mediterranean style with limestone buildings with red-tiled roofs (Hayes, 1996). After World War II, campus planning again became chaotic. Austin Gleeson, Professor of Physics and Chair of the Campus Master Planning Committee, commented that it was a time of "rapid growth when buildings were being built helter-skelter" ("Common ground," 1995; West, 1996). Larry Speck, then Dean of the School of Architecture and Member of the Committee, added, "Certain pragmatic decisions caused the loss of coherency here on campus. . .and we want to rectify that" ("Common ground," 1995).

The 1993 committee selected an architectural firm from New Haven, Connecticut, Cesar Pelli & Associates Inc., to provide consultation. From this work, the Committee decided to follow the design motif of Paul Cret ("Hayes, 1995) and added 10 planning assumptions including "concentrating professional schools together to ease pedestrian traffic and keeping parking lots on the fringes of campus unless garages can be made aesthetically attractive" ("Master plan," 1994). Speck stated,

> The Master Plan sets out guidelines for all future architecture on the University. The guidelines will dictate the kinds of materials used in construction, how tall and what shape the buildings will be, even the type of glass that can be used. Most of the buildings on campus will be either L-shaped or U-shaped, in order to create plazas and community spaces. ("Common ground," 1995)

The Plan also proposed the placement of new buildings, recommending that the institution began to fill in existing land instead of purchasing new property ("Common ground, 1995). These new buildings would increase the building space on campus by 35 percent. Suggested new buildings would add residential housing for students; the new style would be "more commodious" rather than the existing "prison for students" as in Jester (Strahan, 1996a). Other proposed changes would increase parking by 10,000 spaces, add 9,000 more spaces in bike racks and would improve the existing UT shuttle bus routes. *Daily Texan* Cartoonist Chris Panatier lampooned the enormity of the Campus Master Plan.

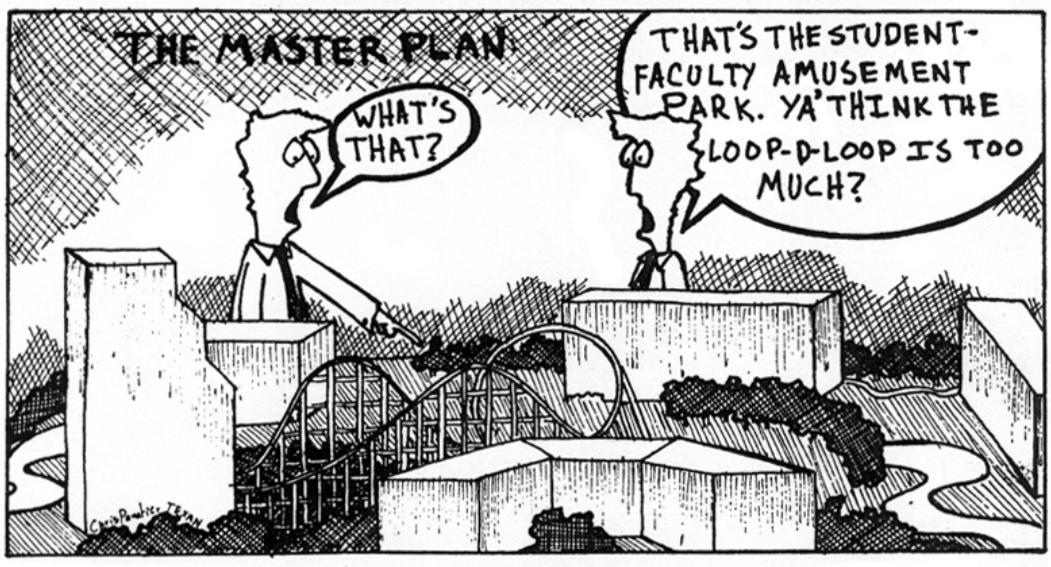

Figure 53: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, September 29, 1995, p. 4)

Ultimately, it will take between 20 to 30 years for the Campus Master Plan to be completed (Strahan, 1996a).

Controversy surrounding the Campus Master Plan began when the calculated renovations to the Darrell K. Royal-Texas Memorial Stadium rose from the Plan's estimated cost of $13 million to $85 million by 1997 (Crissey, 1997g).

> The Capital Improvements Program is a list of construction projects for the University through 2001. In August 1996, the CIP listed 30 projects totaling $293 million. As of December, the CIP list had grown to 38 projects totaling $408 million. The Royal-Memorial Stadium projects constitute almost half of this growth. (Crissey, 1997g)

Faculty members were concerned that the institution had reprioritized its endeavors – athletics over academics – and in so doing ignored all the work that had gone into creating the Master Plan. Alan Friedman, Professor of English and Member of the Faculty Council, asserted,

> It looks like the tail has started wagging the dog [that the stadium may] hijack the Master Plan. The number one concern is that none of this is in the public eye. We don't know where the drive is coming from, where the money is coming from, or what the implications for the academic future of the University are. (Crissey, 1997g)

Around the time of this controversy, President Berdahl announced that he would be taking the position as Chancellor at The University of California, Berkeley. Rumors began to spread that his hastened departure from UT was a result of this new emphasis on the stadium renovations (Crissey, 1997g). The judgments of UT System Regents and faculty diverged. Regents wanted to invest in the stadium in order to make a greater impression as the institution entered the Big 12 athletic conference. Regent Lowell Lebermann remarked, "The stadium is deteriorating. The changes are necessary especially as we enter the Big 12. It may not have been great timing, but it

is time" (Crissey, 1997g). On this point, faculty began to question the UT Regent's devotion to athletics. "Frankly, I don't think the push for the stadium from downtown [the UT System office] is healthy. It sends a bad message. . . .The idea behind the stadium is that we have to be able to compete in the Big 12. Personally, I'm not overwhelmed by the academic caliber of the Big 12" (Crissey, 1997g). Karl Galinsky, chair of the UT General Faculty Standing Committee of Counsel on Academic Freedom and Responsibility, continued saying that the stadium renovation is "a prime example of the UT System office micromanaging the University. When the Chancellor is behind things 150 percent they tend to go on the fast track" (Crissey, 1997g).

Before leaving UT, Berdahl commented on the UT Campus Master Plan expressing his concern that the plan will not succeed if faculty do not stand behind it. He believed that the renovation of the stadium would be the first test of the plan. "So far, it [the Campus Master Plan] has served us well. But there will be a temptation to ignore the plan when it is inconvenient or adds marginally to the cost of the project" (Crissey, 1997f).

Finance

Naming of the molecular biology building. On December 1, 1994, the UT Regents voted to name the new UT molecular biology building after Louise and James Robert Moffett ("Regents," 1994). The structure was to have two wings; one

to be named the Freeport-McMoRan wing and the second to be named the June and J. Virgil Waggoner wing. “Jim Bob” Moffett – UT alumnus, Chair and chief executive officer of Freeport-McMoRan – and his wife personally donated $2 million to the College of Natural Sciences. The Freeport-McMoRan Company, an international minerals company, donated $1 million. Virgil Waggoner – a UT alumnus, Chair of the UT Natural Sciences Foundation Advisory Council, and President and chief executive officer of Sterling Chemicals, Inc. – and his wife donated $1 million (“Moffett,” 1994).

Controversy erupted as students, faculty and environmental activists protested the naming of the building, citing allegations of environmental and human rights violations against Freeport-McMoRan. This issue began to intensify while William Cunningham was President of The University of Texas at Austin; however, it was not until the Regents voted on the building’s name that the controversy became heated. As was stated earlier, one of Freeport’s subsidiary companies, FM Properties, proposed to develop Barton Creek Properties in the Barton Creek watershed (“Moffett,” 1994), which threatened Barton Springs, a significant water supply (Hallford, 1991). Other allegations against Freeport began to be made. In 1988, the Environmental Protection Agency “named Freeport the nation’s top corporate polluter” because of hazardous waste dumped into the Mississippi River (“Moffett,” 1994). The Indonesian government owned ten percent of Freeport’s Indonesia subsidiary (Cisneros, 1995) and in April 1995, the Australian Council for

Overseas Aid cited “numerous human rights abuses, including tortures and killings at Freeport’s Indonesian mine. The report named the Indonesian military and Freeport security as the perpetrators of the crimes” (Vaughn, 1995a). The precious metals available in this area were estimated to be worth $50 billion (Vaughn, 1995c).

UT Chancellor Cunningham continued to serve as a member of Freeport’s Board of Directors, thus, receiving a considerable amount of financial compensation for his service (“Berdahl inherited,” 1995). This relationship raised questions concerning Cunningham’s conflict of interest and the propriety of naming the building after Moffett. Many students declared their opposition to the Regents’ decision. The Student Government endorsed a resolution condemning the naming of the building and requested “the Board of Regents to rename the [molecular biology] building in a manner that reflects the ideals of the students, faculty, and staff of the University” (Vaughn, 1995e). One suggested name would be that of former professor and U.S. Representative Barbara Jordan (Merle, 1996b, Merle, 1996c). While many approved of using Jordan’s name, some questioned the association of Dr. Jordan’s name to a building not in her field of expertise.

In November 1995, the Students for Earth Awareness presented a petition signed by 3,150 students and faculty demanding that the name of the building be changed (Vaughn, 1995a). Bill Collier, spokesperson for Freeport, dismissed the student petition. “It’s easy to get people to sign a petition. A more accurate gauge of the support [Students for Earth Awareness members] have is that they were only able

to get 15 or 20 to participate in their sit-in. They are trying to put a winning face on a losing effort" (Vaughn, 1995c).

Figure 54: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, October 20, 1995, p. 4)

Berdahl made it clear that he wanted to pursue dialogue; however, he also reminded campus constituents that the petition is counter to the institution's policies of "neutrality and academic freedom" (Vaughn, 1995c).

> I have received a petition from a large number of students concerning the 14-hour engineering requirement. Do we pay attention to that? Yes. Do I pay attention to a petition by students to alter the procedures by which the University has historically functioned in the naming of buildings. . .and is overriding the whole process by which this has been done in the past? No. (Vaughn, 1995c)

In a meeting with the Faculty Council, Berdahl reiterated his point. "We are an institution for free debate. But I don't think we are equipped to make judgments as to the legality or illegality of events that take place thousands of miles from our shores"

(Vaughn, 1995d). Some expressed their apprehension concerning the involvement of the UT Geological Sciences Department in Irian Jaya ("Moffett, 1994). Bill Bunch, an environmental attorney who worked with the Save Our Springs Legal Defense Fund, stated, "I think it's unfortunate that the University would whore itself out to Freeport-McMoRan as a commercial geophysical exploration consultant disguised as research, and then add insult to injury by calling the head of the company some kind of hero" ("Moffett," 1994).

Faculty were frustrated not only by the name chosen for the building, but the process used in deciding the name. Steven Feld, Professor of Anthropology, asserted "The molecular biology building's name, for example, was presented as a done deal by the administration" (Cisneros, 1995). The Regents rules required "input from the institutional faculty" when naming a building, but this rule could be waived "when unusual circumstances justify such action and particularly when a substantial donation has been made toward the construction of the building to be named" (Vaughn, 1995d). In a meeting of the UT System Board of Regents Faculty Advisory Council, faculty from other UT System institutions expressed their concern over the process of naming buildings. Samuel Freeman, Professor at UT Pan American and member of the Faculty Advisory Council, commented

> The rules, I think here, are a joke, and I would suggest that the recommendation the Faculty Advisory Council make is that the Board of Regents. . .stop insulting our intelligence. They say on the one hand that faculty will be consulted, and then they immediately take that away, as if we are too damn stupid to figure out what has been done here. (Vaughn, 1995e)

As the debate intensified, Berdahl took out a full-page ad in *The Daily Texan* to explain what he believed to be UT's interest in the matter and to give reasons for his support of the Regents' decision (Vaughn, 1995b). In this ad, Berdahl stated that he "cannot support any effort to reverse commitments already made by the University and the Board of Regents with regard to the naming of the molecular biology building" (Vaughn, 1995b). He also stated that returning the donation because of "public criticism or allegations" would compromise the institution's neutrality and endanger future gifts (Vaughn, 1995b).

> We received a gift from this company. We receive gifts from many companies. Does that mean we are somewhat beholden to Freeport-McMoRan? No, we are a neutral place. . . .To abrogate a commitment with one contributor would signal all contributors that The University cannot be relied upon to keep its word. (Berdahl, 1995)

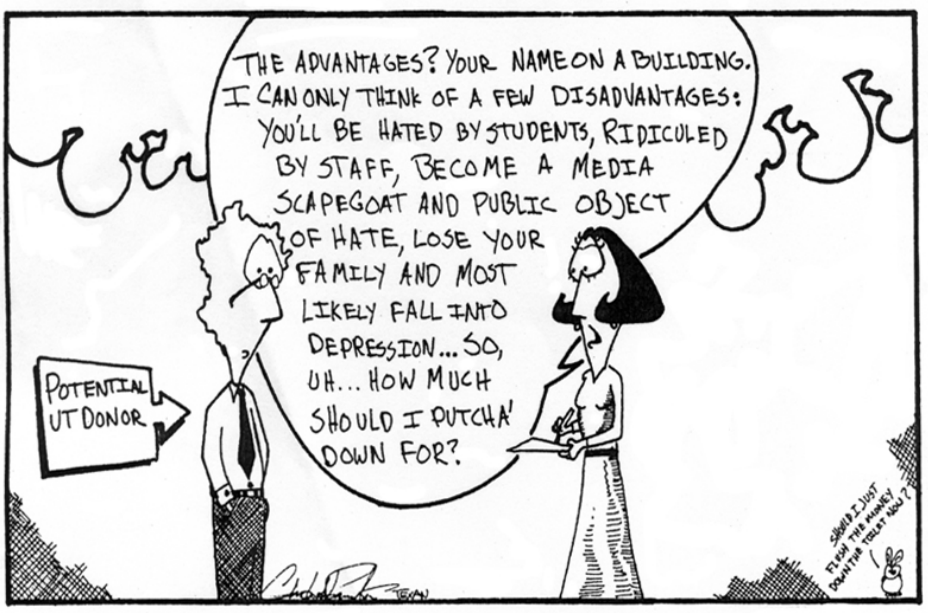

Figure 55: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, September 25, 1996, p. 4)

Bob Boyer, Professor of Computer Sciences, believed that Cunningham should be defending the Regents' decision instead of Berdahl (Vaughn, 1995b). In an editorial to *The Daily Texan*, a student agreed with Boyer.

> We sympathize with President Berdahl. He is in a difficult position. Because of UT System Chancellor William Cunningham's close ties with Freeport-McMoRan and the regents' support for the naming of the Moffett building, Berdahl's position on the Moffett issue is almost compelled by his superiors. ("Viewpoint: Berdahl's letter," 1995)

Life Sciences faculty members presented a resolution to the UT Faculty Council calling for renaming the new building. "Our professional activities will be associated with the new building and its name will have a direct impact on us and our research" (Merle, 1996b). President Berdahl wrote a letter to Boyer stating that voting on the resolution "would test his effectiveness as president" and could pit him against the faculty or the regents (Merle, 1996d).

> If the faculty voted one way, and I was not able to support them, I would be at odds with the faculty, in which case it would be very difficult for me to function. If the faculty votes that way, and I support that, I would be at odds with the regents, because the regents have made it clear that they have made the decision to name this building and they are not going to change that. (Vaughn, 1995f)

The Council approved the resolution. "The resolution that we offer is one that asks the regents to invite the Moffetts to make a gracious gesture in the best interests of the University by agreeing to take their name off the building" (Merle, 1996c). The Deans' Council, of which Berdahl is a member, rejected the Council's resolution. "The Deans' Council believes it is vital for the University to honor its commitments

to donors and to keep its word when recognizing gifts" (Merle, 1996e). A senior vice president for Freeport warned faculty that if they continue to accuse the company of "false and damaging charges," the company would be forced to sue (Merle, 1996a).

Berdahl communicated his concern that the debate over this issue was becoming unproductive. "I believe the discussion has clearly reached, if it has not well passed, the point of diminishing returns" (Merle, 1996a). He added that the media's reports have been "repetitive, and generally have added little to our understanding of the circumstances. This is the last I intend to say about it" (Merle, 1996a). Alan Cline, Professor of Computer Sciences, stated, "President Berdahl is not the issue here. It is unfortunate that somehow he has been pushed into the middle of it. Almost all of the decisions were made prior to his arrival on campus" (Merle, 1996d).

Berdahl formed the Development Policy Advisory Committee in response to the conflict over the naming of the molecular biology building. This committee was charged to form policy regarding the naming of buildings. After less than one year, John Durbin, Professor of Mathematics and Chair of the committee, resigned after the committee was not consulted when the UT football stadium and the newly planned psychology building were renamed (Bass, 1996). Berdahl restated that the committee's task was to formulate policy and not provide input into the naming of buildings (Flores, 1996a). This incident caused a change in the *Regents' Rules and Regulations* (Part One, Chapter VIII, Section 1), which returned the authority to

name buildings and other major facilities to the Regents. Approval had to be granted by the Board before a commitment could be made to a donor regarding the naming of a building or other facility (University of Texas System, 1988).

Increasing fees. During Berdahl's presidency, the Texas Legislature decreased the amount of appropriations allocated to UT (Scheibal, 1993a) and raised student tuition a nominal amount, $2 per credit hour each year through 2001 ("Significant fee," 1995). As a result, UT administrators were forced to begin looking for new sources of revenue. One area needing strategic financing was the campus computer infrastructure. In the previous two decades, extraordinary changes occurred in the use of technology. Personal computers were becoming a common commodity. Accordingly, in September 1992, then Acting President William Livingston, appointed an ad hoc committee composed of faculty, students and staff to answer the question: "Is the University's current system of funding computer infrastructure meeting the growing needs of students?" (Berdahl, 1993) The committee worked through the fall studying the current and future technology requirements and methods of financing these needs. In a *Daily Texan* article, Berdahl outlined the Committee's findings.

> Their report, issued in January 1993, makes clear that our academic programs are not keeping pace in the introduction of computing technology. Students' access, both to the number of PCs and the time during which they are available, must be enhanced and innovative introduction of computer concepts and applications into all curricula must be undertaken. The committee observed that recent budget cuts and the University's relatively low tuition make funding of such projects difficult. They also noted a recent survey by the Texas state auditor citing that 25 of 27 public institutions of

> higher education in Texas have adopted a general, across-the-board student information technology access fee. In its report to the president, the committee recommended the adoption of such a fee for all students, beginning with the fall 1993 semester, to replace the existing course computer fees and incidental computer fees. In brief terms, the main objectives are: to increase the number of PCs on campus; to build full-function laboratories, with advanced microcomputers and full network access; to provide funds for anew and improved electronic classrooms in all schools and colleges of the University; and to provide universal access to the UT Austin computer system and electronic mail for all students. (Berdahl, 1993)

Following the committee's recommendations, Berdahl proposed that all students pay a comprehensive fee of $6 per semester credit hour or roughly 25 percent of the tuition undergraduates pay for each semester credit hour (Griffiths, 1993b; Henley, 1993). This would generate an estimated $7.2 million in the first year as opposed to the current system's income of $1.6 million (Bailey, 1993; Griffiths, 1993b). Berdahl appointed nine students and nine faculty members to serve on the Information Technology Advisory Committee (Noble, 1993).

> The charge to this committee will be to advise the president and provost on the policies, priorities, and strategies to be followed to maximize the uses of the fee and enhance the academic instructional programs at the University. It will prepare annually a three-year strategic plan to serve as a budget guide; it will review and assess the plan prepared annually by the Faculty Computer Committee; and it will audit prior year uses of the information technology fee to verify that expenditures support the approved goals and objectives. (Berdahl, 1993)

According to Berdahl, the revenue from this fee increase "will level the playing field between those who have computers and those who don't" (Scheibal, 1993b). Wayne Danielson, Professor of Journalism, added that UT only has one computer for every

37 students, whereas other major public universities have one computer for every seven students (Scheibal, 1993a; Scheibal, 1993b).

Other substantial fee increases were implemented in the fall of 1995. The Student Services Fee Committee recommended a mandatory increase of almost six percent to fund the 31 agencies, which receive revenue from the Student Services Fee. For an undergraduate taking 12 credit hours, this amounted to an increase from $101.64 per semester to $107.23 per semester ("Student fees," 1995). Advising and placement fees also increased in many of the institution's schools and colleges. For example, the College of Natural Sciences increased these fees by 114 percent, from $35 to $75 ("Rising fees," 1995).

The largest single fee increase in UT's history also occurred during this period when the General Fee rose by $10 per semester credit hour in the fall of 1995 and again by $10 per semester credit hour in the fall of 1996. In 1995 during the 74th Texas Legislative Session, a bill (HB 815) was passed lifting the General Fee's cap of $12 per credit hour and limiting the fee to no more than the cost of tuition ("Fee will fund," 1995; "General fee," 1995; Merle, 1996g). An estimated $11 million would be generated in the first year and $33 million over the two years ("Berdahl responds," 1995). This new revenue was to support three percent salary increases for faculty and staff and five percent salary increases for teaching assistants and assistant instructors; it was also to be used for capital improvement projects and the academic needs of departments ("Berdahl responds," 1995; Merle, 1996g; "Students can

expect," 1995). One million was to be set aside for financial aid to help low-income students ("General fee," 1995). Berdahl wanted to help needy students, but he also stated that higher education "is going to cost more in the future. You just have to anticipate that" and raising the fee "means in a sense that we are really taxing our students" ("General fee," 1995). Berdahl also stated that his position as UT President meant that he had to oversee the quality of the institution and raising the fee provided needed revenue to preserve the quality faculty, graduate students and staff needed at the institution ("General fee," 1995). After meeting with Students' Association President Sherry Boyles, UT Cabinet of College Councils Chair Lisa Lenard and Director of Student Financial Services Larry Burt, President Berdahl decided to raise the tuition set-aside amount to $1.25 million. The reason for raising the amount was to lessen the impact on needy students. Funds would be distributed to students based on the amount of parental support they received ("Financial aid," 1995). On July 25, fee bills were mailed to students registered for the fall semester containing a letter from President Berdahl explaining the fee increase.

> The letter included statistics on state funding of higher education, saying the proportion of the UT budget funded by the Texas Legislature has declined from 45 percent in 1984-1985 to 27.9 percent last year [1994]. "The harsh reality is that the University is increasingly dependent on externally sponsored research, student fees, tuition and gifts/grants to maintain and enhance its standing as a flagship institution," Berdahl said in the letter. . ."If the University cannot retain its best teachers and scholars, if it cannot compete effectively for the best and brightest professors across the country, it cannot maintain itself as a University of the first class and the educational experiences of students will deteriorate,". . . ("Budget, student fee," 1995)

Berdahl remarked that the decrease in state appropriations and the approved increase in the ability to charge students higher costs marked a change in the public's perception about higher education. "I think there's been a kind of shift in attitude to suggest that it's the individual who benefits from an education rather than the community" (Students can expect," 1995).

Other fee increases were approved by the UT Board of Regents in the summer of 1993. Student services fees increased from $109.24 to $117.46 per semester. Housing costs rose $99 per semester for double rooms and $8 per month for one-bedroom apartments for married students. Student parking permits, C and M class, rose by $2 for a total of $13 and $11 respectively (Scheibal, 1993).

One fee, which some students protested was the $1 per semester to fund the construction of a statue honoring Martin Luther King, Jr. This fee was approved by a student referendum in the spring of 1995. Some 3,400 students voted on the matter; 61 percent approved of the fee, which was to be accumulated over a four year period of time ("MLK statue," 1995).

Figure 56: Editorial cartoon. (Christopher Panatier, *The Daily Texan*, October 20, 1995, p. 4)

With all the increases in student fees, the UT Student Government petitioned to have greater say in what fees were collected and how they were being spent. As a result, Berdahl approved the establishment of a Student Fee Oversight Committee in the fall of 1996 to advise him on changes to the student fees before he presented those changes to the UT Board of Regents. The committee was composed of nine members – four chosen by Berdahl, five chosen by the Student Government. Under the agreement, Berdahl was not obligated to follow the committee's advice (Flores, 1996b).

Fundraising. With state revenues shrinking and costs being passed on to students, Berdahl began focusing efforts to increase the institution's fund-raising efforts by instituting a $1 billion capital campaign, which was approved by the UT Board of Regents. In order to raise this large amount, the UT Development Office

and its staff expanded considerably in 1995. According to Berdahl, the University lagged behind the fund-raising capacity of other comparable institutions.

> The University of California at Berkeley raises $125 million every year in private funds, while Texas A&M raises $90 million. "Most of the leading public [institutions] are in the neighborhood of $100 million," Berdahl said. "We are a more outstanding university than [most of] those and are also located in a region of the U.S. were there is substantial philanthropy and a capacity for substantial philanthropy." ("UT administrators," 1995)

Larry Lollar, the newly hired Vice President for Development, hoped to increase gifts from the $40 million in 1994 to $100 million by 2000 (Haurwitz, 1996; "UT administrators," 1995).

Student Life

Hazing. Regrettably, another serious hazing incident occurred on April 29, 1995. The Texas Cowboys, a UT spirit organization that fired "Smokey the Cannon" at UT home football games ("Silver Spurs," 1995), held their spring initiation picnic on that day near Bastrop, Texas (located Southeast of Austin). The following day, the body of Gabe Higgins, a 19-year-old mechanical engineering sophomore and Cowboy pledge, was pulled from the Colorado River fully clothed. An autopsy found that he had drowned; his blood-alcohol level was 0.21, twice the legal limit for driving ("Bastrop Sheriff," 1995; "Cowboys Forfeit," 1995).

After determining that hazing had occurred at the spring initiation picnic, Dean of Students Sharon Justice suspended the organization for five years. The Cowboys contested the judgment, which was then reduced to a suspension of three

years with an additional year of probation by a UT hearing officer ("Cowboys Forfeit," 1995; "Vick Reinstates," 1995). In turn, Justice appealed the decision to Vice President for Student Affairs James Vick, who reinstated the five-year suspension. "I feel that [the five-year suspension] was the appropriate punishment. The University is seriously committed to ending hazing, and it is prepared to raise the penalties for groups who repeatedly violate those hazing regulations" ("Vick Reinstates," 1995). The Cowboys had been charged with hazing violations twice in previous three years[48] ("Vick Reinstates," 1995).

Higgins' parents filed a lawsuit against the Cowboys and its individual officers charging them of "negligence" leading to the death of their son ("Bastrop Sheriff," 1995). Jeff Rusk, attorney for Higgins' parents, stated, "Even though five years is a significant step, it certainly seems insignificant compared to the life of Gabe Higgins. Five years of not blowing off a cannon is hardly a punishment" ("Vick Reinstates," 1995). More than a year after the incident, the Cowboys and the landowner of the property where the event was held agreed to pay $1,090,000 to settle the wrongful death civil suit filed by Higgins' parents ("Cowboys, Parents," 1997).

Creating campus unity. When Berdahl became UT President, the campus was divided over a number of issues, particularly Hopwood. As President, Berdahl saw a

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48 In 1994, the Cowboys were suspended from the first three football games for hazing pledges. Justice commented, "We determined that pledges had been blindfolded, hit, punched, paddled and required to participate in calisthenics and lineups" ("Viewpoint: Rap Sheet," 1995).

great need for campus unity. “One of my biggest concerns is exactly the issue, the overall issue, that you’re addressing, and that’s campus unity” (“Conference,” 1995). As a practical example of building community between students and campus faculty, administrators and staff, Berdahl began a program in the fall of 1993 called the “Mooov In,” where UT employees voluntarily assisted students in moving into residence halls. The gesture was symbolic, as one staff member observed. “It’s symbolic of the administration trying to make the campus a more friendly place” (“UT Mooov In,” 1995). Berdahl believed that the action helped students get to know administrators and faculty on a more personal basis. “This gives the faculty and staff the opportunity to show students that they are people too and that they care” (“UT Professors,” 1994). Even planning matters were used by Berdahl to promote unity as evidenced in the Campus Master Plan.

> There are so many issues that are divisive, or can be divisive, that are then compounded by the fact that a fairly small percentage of students actually live on campus. (“Conference,” 1995)

> The history of the United States, after all, is the construction of a national identity out of a very diverse melting pot, and it is probably the most successful self-governing community in the history of the West. . .I would see the strength of the university, as well, as being ‘out of the many, one. . .[the university community believes in] a commitment to freedom of inquiry, to respect for reason, for civility of discourse, for respect for individual minds, for the notion and that freedom of inquiry suggests that nothing is declared unthinkable, that all thoughts can be explored. (“A Berdahl told me,” 1995)

Berdahl's unwavering commitment to these basic principles and his constant attention to university constituents kept peace on campus even in the midst of possibly explosive situations such as Hopwood.

Conclusion

As with most UT Presidents, Robert Berdahl's term was marked by many conflict-ridden issues. Hopwood presented unique challenges calling for new leadership initiatives. Race relations were strained as campus constituents reacted not only to Hopwood, but other concerns such as the longstanding UT tradition of celebrating Texas Independence Day. Concerns were raised about institutional governance when the faculty voted to abolish the existing system of authority and create a new system. This adjustment gave greater influence to faculty while diminishing the role of UT administrators, something which Berdahl encouraged, yet was incongruent with the philosophy of the UT Chancellor.

Legislators murmured about the role of tenure and were able to influence the implementation of post-tenure review, creating conflict between faculty and state officials. As state appropriations began to diminish, students were forced to bear a greater cost for their education. Fees increased more than any other time in UT's history, polarizing students against the state. When a building was named after a certain donor, the campus community came into conflict with UT System administrators and regents; Berdahl was caught in the middle. Yet, in the midst of all

these circumstances, he managed to keep peace on campus, avoid unruly incidents and build unity among conflicting interest groups. Open communication and an eagerness to understand the various viewpoints of others allowed Berdahl to further two of the core values of the institution, academic freedom and the relentless pursuit of truth.

Chapter 5: Presidential Perceptions

The purpose of this study was to document historically the specific issues confronted by presidents who served at The University of Texas at Austin (UT) between 1967 and 1997. The previous chapter provided as an analysis of data found in multiple document sources: *The Daily Texan*, *Alcalde* (the UT alumni magazine), University Council minutes, presidential addresses to the General Faculty and "state of the university" speeches or both, and archived information found in the UT Office of Public Affairs. The majority of the perspectives mentioned in Chapter Four reflected the opinions of the UT student body, faculty, alumni, regents, private citizens, government officials and business leaders; only a small portion reflected the opinion of the individual president. For that reason, this chapter (Chapter Five) sought to reveal the individual president's perception of the events and issues, which they encountered while in office. In this way, potentially greater insight was obtained regarding the development of certain situations and events, which may not have been disclosed to or highlighted by the media and general public. Questions for the interviews were developed from the examination of documents found in Chapter Four; these can be found in Appendix B. These questions were used as guidelines, though several of the former presidents volunteered much of the information related to the questions without the need of a question to prompt their answer.

Like the previous chapter, this chapter has been organized chronologically in order to examine each president's situation in isolation. The accounts recalled by the

presidents or members of their cabinet, do not develop a complete history of UT or of the individual issues, but rather provide information about the presidents' perceptions. Not every event or issue mentioned in Chapter Four will be addressed in this chapter. This is due to a number of factors: gaps in memory and the limited time available for interviews.

One exception was made regarding the material used in Chapter Five for one of the former UT presidents. Stephen Spurr, who died in June 1990, wrote an account of his presidential term just after leaving office. This document titled "Fired with Enthusiasm" was subsequently published in *Change*, a peer-reviewed publication of the American Association for Higher Education. That document was utilized in this portion of the study rather than in Chapter Four because it provided a first-hand account of Spurr's experience. While this article represents a significant number of Spurr's concerns, it focuses heavily upon the conflicts that led to his dismissal. Therefore, it was important to interview members of Spurr's cabinet to obtain insight into issues not specifically referenced in his written account and to gain background information concerning Spurr's total experience as a President. Three individuals who worked closely with Spurr were interviewed.

- Ronald Brown, who served as Vice President for Student Affairs during President Spurr's UT presidency, was interviewed on November 7, 2001.
- Robert Mettlen, who served as Assistant to President Spurr and Vice President, was interviewed on November 14, 2001.

- Don Zacharias, who served as Assistant to President Spurr, was interviewed on October 31, 2001.

Interviews with the former UT presidents occurred during a 10-month period of time. Interviews were conducted as each president's schedule permitted; therefore, interviews did not occur according to the chronological order of presidential service. Table 11 summarizes the dates of each interview.

Table 11: Interview Dates for Former Presidents of The University of Texas at Austin

Former UT President	Date of Interview
Norman Hackerman	May 29, 2001
Lorene L. Rogers	April 11, 2002
Peter T. Flawn	February 28, 2002
William H. Cunningham	March 4, 2002
Robert. M. Berdahl	June 22, 2001

The analyses from Chapters Four and Five along with the information from the first three chapters provide support for the conclusions found in Chapter Six.

Presidents of The University of Texas at Austin (1967-1997)

Norman Hackerman

Describing his leadership responsibilities at The University of Texas at Austin, Hackerman stated that he effectively served as president for the four years in which he was Vice Chancellor of Academic Affairs at The University of Texas System. "Very few people on campus know about those four years." Joseph R. Smiley served as UT President from 1961 to 1963. After he departed, UT System Chancellor Harry Ransom arranged to have Hackerman serve as Vice Chancellor of Academic Affairs, which gave him responsibilities for all the UT System institutions including the health-related components.

> There was no president. That's the point. Dr. Ransom was interested, but primarily in the HRC [Humanities Research Center[49]] and he had all the rest of the System to worry about – the finances and the operations with the Legislature, that kind of thing. So, we made an arrangement that I would take care of this campus [UT]. I wrote the budget. In fact, I wrote the budget when I was Vice President. Dr. Smiley didn't like budgets in particular. . . .I became Vice President in the fall of '61 and I wrote the budget for '62 – '63, while Smiley was president. He went off to The University of Colorado as President. . . .That's when Dr. Ransom had an office up on the 25th floor of the tower and we met up there for an afternoon and he laid out what he thought might be a way to operate. He'd be Chancellor and I'd be Vice Chancellor for Academic Affairs.

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[49] The Humanities Research Center was later renamed the Harry Ransom Center to honor Ransom's efforts.

Hackerman agreed to Ransom's proposal and Ransom was able to convince the Board of Regents that it was a workable plan. This arrangement continued until Frank Erwin became Chair of the Board of Regents in 1966.

> . . .when Frank Erwin became Chairman of the Board of Regents, he thought it was unfitting to not have a president here. So, he decided to reinstate the presidency and somebody appointed a committee, a selection committee, and my name was put on it because I was already doing the job. I can't tell you who else was considered because I wasn't privy to that information. And they decided to offer me the job and I took it, but without a hitch because I was already doing it. With one exception, one hitch, I no longer had to work with the academic affairs at branches, but by the same token, I could no longer sit in on the executive sessions of the Board of Regents as an institutional president. I sat with the rest of them [institutional presidents], outside. So, I took a step back there. I stayed until I went off to Rice [University] in 1970. So, from '63 to '70, I effectively had the problem of the Austin campus.

Hackerman told the Board of Regents that he would not take the position as UT President unless:

> I could continue teaching the 8:00 a.m. Monday, Wednesday and Friday freshman chemistry class. I could go play squash at 5:00 p.m. everyday. And, that they would listen to me when I tried to tell them what was good for the academic system. They agreed with that and I had no great problems with them [Board of Regents]. Dr. Ransom was on my side every time I can think of. So, that obviously made a difference.

After officially becoming UT President, Hackerman appointed three vice presidents: Vice President for Academic Affairs Gardner Lindzey, Vice President for Business

Affairs James Colvin and Vice President for Student Affairs Bryce Jordan[50]. The work of these individuals constituted the majority of the institution's management.

> They didn't have any assistants; they each had a secretary and that was the whole management [group]. We had a bunch of deans, but it was a rather lopsided arrangement. The Dean of Arts and Sciences controlled 80% of the budget. I appointed [John] Silber, who took over for [John A.] Burdine when he retired. I had a search committee and they gave me a bunch of names and I kind of got Silber's name onto their list because I thought he'd be good. And, it [the list] came through to me and I appointed Silber.

Regarding his relationship to Silber, Hackerman stated that it may have looked like the two were in conflict, but in reality that was not the case. He followed up his comments regarding Silber by mentioning Larry Caroline.

> We had a guy named Larry Caroline, a young Philosophy professor, irritated the devil out of the board [of regents]. Silber must have hired him because he was teaching in the Philosophy Department. And the guy was just literally academically useless and deserved not to be promoted. I think some people wanted to drop him for not making progress on his dissertation; he misinformed us or misled us or something like that. I'm sure he said he'd have it done before he got here. But, Silber defended him not because he thought he was a great guy or that he had been misused, but he was a good guy because you get a lot of newspaper coverage. I think Caroline irritated everyone for a while.

When asked about his relationship with Frank Erwin, Hackerman responded with a story.

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[50] On August 1, 1966, Charles Whitman, a UT student, forced his way onto the UT Tower's observation deck. He was heavily armed and open fire on individuals crossing campus or on neighboring streets. Seventeen people (including Whitman) were killed; thirty-one were wounded ("Whitman," 2002). After the Whitman shooting in 1966, a committee was formed to study what to do about student affairs. From this, it was decided that a position for Vice President for Student Affairs should be created (Ronald Brown, personal communication, November 7, 2001).

It [the relationship with Erwin] was pretty good. This might be too long a story for you, but one of the problems in the place was a statement that you could not hold two positions of honor and trust. Have you ever heard that?

We used to hear it a lot back here before 1965 or '66. In the late '50s, Logan Wilson was president and was appointed by Eisenhower to the National Science Board [NSB]. Now the National Science Foundation started in 1952 and it had a very distinguished board of scientists, engineers and a few college presidents. That appointment intrigued Wilson, but he was a sociologist, I think he was, and he called me in and said, "Look, I'll take this, but you have to help me with the stuff as material comes in because its going to be scientific and engineering material. But, before he could be sworn in, the two positions of honor and trust came up. And, he was told that he couldn't have a salary here and still work for the NSB of the federal government and, that he could take it if he wanted to, but he wouldn't get paid, which in essence said you aren't going to take it.

Now, it did something else. There was a man who was then president of Texas Southern University, who had been on the National Science Board for two years. He may have been an engineer, I'm not sure. When this came up with Wilson, it was evident that this guy had to get off too. About that time, fair amounts of money were coming out of Washington for research in different places. There wasn't a Texan on any board of any federal agency that was giving money away. And the reason was, you couldn't hold two positions of honor and trust.

Come 1966, '67 and [President Lyndon B.] Johnson wants to appoint me to the [National Science] Board; Frank Erwin was Chairman [of the Board of Regents]. Same thing came up, it was now seven years past Logan Wilson, so some people on the Board remember that situation – no way to do that [appoint a UT president on a federal board]. Johnson apparently was fairly insistent. Erwin wanted me up there [in Washington D.C.]; he had been raising the devil because there's nobody from Texas on any of these boards. So, he concocted an idea and got the Board to accept it. The idea was that as a part of my portfolio, I was told to serve on the NSB; it would be part of my job. So, it wasn't [that I was holding] two positions of honor and trust, so I took it. Since then, it's been wide open.

At any rate, I went on the NSB in '68 and served six years and was reappointed by Nixon in '72, but he was gone by the time I had to get my plaque, so [President Gerald] Ford signed it. The [National Science] Board made me their Chairman in 1974 and I stayed as Chairman until I left in 1980. There was a two-term limit. Turns out I wasn't supposed to be Chairman for six years, four years was supposed to be the maximum. Nobody told me; nobody told the Board either; they told them afterwards.

> But, that act did open up appointments to Washington boards. Of course, there are lots of people that have done it since. But, it also meant a delocalization of Texas and its institutions. What I just told you about the two positions of honor and trust may have been a written policy, but I doubt it. Somebody said, "Hey we can't do that, he's working for us, we don't want him working for somebody else." Therefore, you've got to stay here and do what you're supposed to do. But, that opened it up and obviously it was Erwin's good idea that did it and the willingness of the Board of Regents and the Chancellor to go along with it too. So, that period, roughly from '50 to '70 made a real difference to this institution.

Though Erwin and Lyndon B. Johnson were close allies, Hackerman did not feel that Johnson was trying to influence the management of campus matters or policy. "No, by that time he was pretty tired for one thing, all worn out. And, I think he recognized that he was a great big fish and there was no point in fooling around with these little fish."

In commenting on the Reorganization of the College of Arts and Sciences, Hackerman stated that the action taken was a mistake. "I had the votes to split the College from the Faculty Council. Then I left in July of '70 and the vote would have come up that September." When asked if Silber's political connections were the cause of the reorganization, Hackerman responded, "I don't think political connections had anything to do with it. Personality clashes. Silber was both a flaming liberal and. . .a rational conservative."

Hackerman acknowledged that the institution was rapidly growing, but could not recall much information about campus construction projects. He mentioned that the federal government gave the University the Balcones Research Center, which had been built as a magnesium plant for national defense purposes. One significant

change that occurred related to campus construction projects was the modified use of the Available University Fund.

> When I started, the Available [University] Fund was believed to be useable only for building buildings, but. . .you could not use it for other things. The one thing that I thought was clear and evident and on its way was computing. And I convinced the Board [of Regents] to use several million to purchase a CDC-6600, which was the first large, high class, high speed computer on campus. We built a special place underground. That's where we put the computer with air conditioning and so forth. . . .That in a sense broke the old cliché that it [the Available University Fund] could be used only for buildings – you could use it for buildings and other things.
>
> Now, it had been used for one other thing before that and that was to buy the rare books that Dr. Ransom acquired. And that was being bought earlier, but it wasn't considered to be out of bounds. This was considered to be out of bounds because it might open everything. The Available [University] Fund became generally useful. I didn't get much other use out of it because they restricted the use of it in terms of quantity. More recently, of course, it has been very effectively used.

During the institution's time of rapid growth, Hackerman's primary concern was providing high-quality faculty and expanding academic programs. In order to be a first-class institution, Hackerman felt that UT had to build up certain departments: Astronomy, Philosophy, Biological Sciences, Physics, Mathematics and Linguistics. He also hoped to increase faculty in order to lower the student/teacher ratio, which was then around 22:1 or 21:1, too high in Hackerman's estimation. However, funds were insufficient to accommodate his goal. For Hackerman, having a high-quality faculty required that faculty conduct original research and not simply repeat information learned from other sources.

> Scholarship was either dominant or equal to the other purposes of the institution. And some people say that's wrong. My position is that in a college or university what's important is to remember that faculty are

> ignorant as well as students being ignorant, but they're just not as ignorant, and to be a good faculty member you have to be original, have initiative, not just repeat what you read, which after awhile gets pretty dull. So, you have to be actively involved in learning while students are actively involved too. That was my position, still is by the way. Why do scholarship at a university? The lesser reason is for what you produce. The greater reason is because your mind is sharper and you're more apt to instigate sharpness in students.

From his own experience, Hackerman understood the importance of obtaining grants for the purposes of research. In fact, to his knowledge, he was the first faculty member at UT and the State of Texas to hold a federal research grant, which he received from the Office of Naval Research.

> This grant came to me in early 1946 and although there had been people on campus who got money from outside, they got it as consultants usually. And, in fact they probably didn't use the place properly, that is they'd do experiments with outside people. This [grant] was to support my research that I was going to do anyway, it just made it easier to do. I held that grant until I left 1969 –1970. At any rate, I had a lot of experience with grant money.

It was Hackerman's experience with federal research grants that led President Logan Wilson to appoint Hackerman as Dean of the then just established Office of Government Research. With the institution of that office, a goal was set to lower teaching loads in order to allow faculty more time to conduct research and to work at obtaining research grants.

> My goal [as Dean of the Office of Government Research] was [for faculty to teach] six hours per semester. When I went into the administration in 1961, that's about what most people had unless they did nothing but teaching then they might have nine hours.
>
> When I came to UT, it was not uncommon for young assistant professors to have three or four three-hour lecture classes plus some quiz sections, up to about 15 hours. And, I was a part of the rabble that nagged the Dean of the Graduate School that you really couldn't do effective research if

> you put 15 hours of lecture in and you had to spend at least 40 hours to prepare for it properly. And, by the way, we did teaching laboratories without recognizing that we were doing extra time. We graded our own papers and the exams used to (with the help of teaching assistants) take all day to grade. The point is that 15 hours is much too much. So, our pitch was to get it down to no more than nine. And we did prevail and we began to count research as a part of the teaching load. I forget the number but it was either three Ph.D. or five Master's candidates counted as a three-hour course or something like that. Some of us got down to nine hours: a freshman class, a senior class and a graduate class.

Hackerman's insistence that the number of teaching hours be lowered was not always a popular view. He defended his personal position that both teaching and research were important for faculty members by pointing out that he continued both functions even while holding administrative duties.

> I was once accused by one of the fellows who wrote about things like that about leading the charge away from teaching, because I had the grant and got down from 15 hours to six. But I did give six hours per semester. I had 20 people in my research class. I was graduate Dean for almost a year while the graduate dean was away on sabbatical. And as Vice Chancellor and President, I kept a course, a freshman chemistry course from '62 all the way through, until I left. And I kept my research lab too.

When asked about the significant incidents occurring on the campus during his presidency, Hackerman acknowledge that it was a time of unrest and that he worked to have a good rapport with students. He did not consider the Waller Creek incident serious, but did consider the Chuck Wagon incident and mass protest march in May 1970 serious.

> The Waller Creek incident was a little different. . . .There were these scraggly trees down in Waller Creek; they were pretty junky trees. They weren't more than 15 feet high and they were kind of bare. They didn't have much support underground because there was a lot of concrete. I thought the way to handle it properly was to get an injunction from the judge to keep the

students from going into the trees, because they had threatened to climb them. I put it as a matter of safety; I thought they'd fall over with the students in them.

At any rate, that was one place Mr. Erwin and I didn't see eye to eye. I told him I thought it was foolish not to use the court, because then the Austin police would have to do whatever was needed to do. But, he ordered the physical plant to come knock them [the trees] down with a bulldozer. Interestingly, they couldn't find the key to start the bulldozer early that morning. I can't tell you if that was deliberate or accidental, but it's fishy. [This gave students time to prepare the protest that morning.] And so the guys got up in the trees and we got a lot of publicity around the world, including Pravda [the national newspaper of the Soviet Union], which had a picture. The trees were knocked down.

I was in my office on the ground floor on the West side of the Main building. There were all kinds of police officers in the office. (We already had them [policemen] because of [Charles] Whitman [shooting], that's what started the police force.) . . .Austin police, DPS [Department of Public Safety police] and some plain clothes guys, I didn't know who they were. So, that big office was fairly crowded. It was dark, there was a knock on the door and I went to it to unlock it. Cops didn't want me to unlock it, I opened the door and there were a bunch of students out there. They had dragged the trees up to the place. I said, "Take those damn things back to Waller," and they turned around and took them back and I closed the door and that was the end of it. But the cops, you know, had unholstered their guns and all of that kind of stuff. But, the students took them back and that was the end of the problem. If you go down there [Waller Creek], you'll find a bunch of scraggly little trees in exactly the same place. They grew back. At any rate, we [Frank Erwin and Hackerman] didn't see eye to eye on that, I told him what I thought and that was the end of it.

Concerning the Chuck Wagon incident, Hackerman felt that it was caused by

. . .a standard bunch of frustrated students, not necessarily frustrated by us, (i.e. the faculty or the management) but just frustrated. And they were going to flail around and take it out somehow. We [the Chair of the Union Board and Hackerman] talked pretty calmly and in a sense, we let the fire burn out, literally. That was fairly simple.

Hackerman believed that the most potentially serious incident was the mass protest and march following the Kent State incident. He continued by explaining that

some individuals on campus were activists wanting to stir up trouble. They were registered as students, but that was not their agenda. This group included adherents of the "Chicago Seven," who were charged with the disruption of the 1968 Democratic National Convention ("The Chicago Seven," 2002). A local chapter of the Students for a Democratic Society (SDS) was formed. At one point, SDS members approached Hackerman about letting Abbie Hoffman (one of the Chicago Seven) speak on campus. He agreed.

> I told them to use Gregory Gym, which would hold five to ten thousand people and has a stage area. And, loud speakers were put up and so on. I went down there and listened to him. And he really shot his toes off in no time, he rambled, was somewhat incoherent at times, made no sense, there were 8,000 or 10,000 students in the place, who were sitting on the floor and they went away. They went away saying why am I spending time with this guy. He went away.
>
> He [Hoffman] went next to Houston and Rice [University] wouldn't let him on campus. So, he spoke in a park across the street, Herman Park. And, they got so roused that they went over and burned the NROTC building down. That's when Rice came after me [to be their chief executive officer]. I don't know if they saw the difference or heard about it or what. But, the difference is saying a flat "no" [to a proposed speaker wanting access on campus] without a really high-class reason; it's pointless. If you can't let people hear what you don't want them to hear without them knowing that you don't want them to hear it, then you're just asking for trouble and you get it and get it pretty regularly. So, we had a lot of SDSers here, people from Chicago who had no business being here, who registered as students. One of them became president of the student body. . . . He wasn't here very long.

Hackerman also explained that he would place a loud speaker outside the President's Office and broadcast his conversations with students in his office so that everyone on the Main Mall could listen. "They [students] were no better debaters than I. So, I

didn't lose and they heard and sort of figured it out and stopped coming. It worked out pretty well."

Hackerman reflected on the changes in the UT presidency since his time in office.

> I think the president can no longer be as free of a person as I was. For one thing, while the state has continually increased its appropriation, never dropped it, the fact is that three-quarters of the money comes from outside. And that changes what the president must do, he's got to make sure that it stays greased, no matter what it is. So, he really doesn't have as much time as I had. I had plenty of time, it didn't really bother me to give that freshman class or play squash. For one thing, I don't spend a lot of time worrying, I guess that helps. If you can come to a rational conclusion and you can't see any other conclusion that's as rational, so you just come to it and stop playing with it. I'm not sure it's easy for everybody to do that. In addition to that, this is a much more complex place than it was in 1970. There are not only more actors in the thing, but more facets. It's not just pure academic anymore. The system evolves the way it evolves. You can nudge it or push it or try to trip it or something, but it does evolve and you better learn how to live in whatever exists at the time. So, if I were to be in the same position again, I would have to think about what I would do.

Stephen H. Spurr

In his article published in *Change*, Spurr compared the length of his service to previous UT presidents and reflected on his decision to accept the UT presidency.

> I was twentieth to serve as president over an 80-year span; not one of us remained in office until retirement. Harry Benedict almost made it in 1937. He died in office. Since my three-and-one-half-year tenure is exceeded by only 7 of the other 19, I can claim to have been a modest success.
>
> I was attacked by the faculty/student presidential selection committee from the University of Texas. In the company of my peers, I had frequently stated that Texas was the last presidency I would ever consider. Well known to the profession are the forced resignation in 1936 of the university's only Nobel Laureate, geneticist Hermann J. Muller; the firing of President Homer Rainey in 1944; the dropping of J. Frank Dobie in 1947; and the Lear-like holocaust in 1970 that purged administrative ranks at both the system and the Austin campus levels, a tragedy that virtually left only then Vice Chancellor for Health Affairs Charles A. LeMaistre, MD, to take possession of the bloody battlefield.
>
> So much for my knowledge of Texas history. I was wooed first by the faculty/student committee, then by the charming and persuasive new chancellor, and finally by the very imposing members of the board of regents, particularly its retiring chairman, Frank C. Erwin, Jr., the principal figure in both the development of the University of Texas system and its periodic episodes of strife. In February 1971 I gave in, not so much because I thought I could survive – I publicly gave myself three to five years if all went well – but because it was a challenge my sporting blood could not refuse. (p. 42, 43)

It is apparent that Spurr was unfamiliar with the uniqueness of UT's culture, especially the importance UT alumni placed on football. As a chief executive officer chosen from outside the UT System, Spurr had a great deal to learn about the culture of the institution and the state.

> When I arrived, we were close to number one in football, and I was given to saying that my goal was to equalize our football and academic ratings. Thanks to Darrell Royal and his team, we've lost enough games recently to bring this about. Nonetheless, most of our 200,000 of or so Texas-exes (called alums elsewhere) have tears in their eyes when they watch the

> Longhorn Marching Band play the "Eyes of Texas" on Saturday afternoon television. (Others wonder why so much emotion is aroused by the playing of "I've been working on the railroad.") Like the rest of Texas, "The University" is big, cocky, friendly, and a lot better than most non-Texans think it is. (p. 42)

Commenting on the cultural differences encountered, Ronald Brown stated that it was difficult to not know when you had violated some taboo, some of which were not necessarily unique to Texas, but were indicative of moving from one environment to another. For example, Brown mentioned that when Spurr referred to the student newspaper after he had first arrived at UT, he accidentally called it the *Michigan Daily* instead of *The Daily Texan*. "I think that's human nature and anytime you do that you can almost see people visibly cringe. And the attitude is, 'has he really moved, changed?'" Another example mentioned by Brown was Spurr's decision to go white water rafting with the Texas Land Commissioner instead of attending the UT verses Texas A&M University football game. Spurr felt that spending time with a politically strong Texas politician was a higher calling. He (as well as Brown) did not understand that "the rivalry between the institutions is so personal."

Robert Mettlen argued that Spurr recognized the cultural gap, but thought there was also some merit to considering the political elements at play.

> It would be hard for me to say that very many Texans could have understood the politics of the day, remember that these were exceedingly volatile times and everything was in part compounded by not just Texas politics, but national politics. Here's LBJ in our living room with everything that surrounded him certainly touching the University of Texas. . ."

In accepting the presidency, Spurr made informal agreements with Chancellor LeMaistre and Frank Erwin. Spurr would be responsible for the institution's academic affairs; LeMaistre would help represent the institution to the Board of Regents and external entities; Erwin would lobby for financial support and university interests to the Texas Legislature. Spurr had little experience interacting with members of an institution's governing board, which Brown speculated bore heavily upon the decision to dismiss Spurr.

> My impression is that as a Vice President [at Michigan] he and the other vice presidents hardly had any contact with the Regents, maybe sitting in the board meetings. I don't think that the regents there involve themselves so much in the daily affairs of the university. Ergo, Spurr comes from that environment into this environment by contrast. . . .If there was one thing that brought him down, well that was it, and that he wasn't the first choice of the selection committee.

Looking back at issues related to academic affairs, Spurr felt that UT System and the Board of Regents had given him freedom to make decisions for the institution. It was other issues not related to academics that negatively impacted his presidency.

> To the credit of the chancellor and the regents, my single, no-alternative recommendations on key academic appointments, new academic programs, and the like were always approved. The letter of the unwritten gentlemen's agreement was kept. I knew there were disagreements, but the erosion of support proceeded silently.
>
> The major frictions in university governance arose not from the central processes of teaching and learning but from peripheral issues that are frequently nonacademic in nature and often create discord and heat disproportionate to their relative importance. (p. 43)

Spurr illustrated these "major frictions" by identifying and expounding on a few of the key controversies, which he encountered.

> Before I came, Erwin had embarked upon a campaign to gain editorial control of the *Daily Texan* or to drive it off campus. . . .I arrived to find a deadlock not greatly different in its prospects for solution from that on the West Bank of the Jordan. Reluctantly stepping between the battle lines, I persuaded John Peace, Erwin's successor as chairman of the board, that the matter had to be settled. He, in turn, convened a mediation session. . .and told the principals and their lawyers to stay there until a settlement was reached. My suggestion was adopted to the effect that a trust agreement be reached between the existing Board of Texas Student Publications and the regents in which the university as trustee would be responsible for the management and financial affairs of the student newspaper. An elected student editor, under a new board composed of a majority of elected students and a minority of appointed faculty, would be responsible for editorial policy and content. Mr. Peace, with loyalty to me and a certain amount of conservative reluctance on his own part, painstakingly developed enough regential [sic] support to vote Mr. Erwin down, while the president of the student's association, Bob Binder (later to become a member of the Austin City Council), sold the compromise to the publications board. The compromise has held. As the successful mediator, I didn't earn any brownie points with either party. (p. 43)

The second contentious issue identified by Spurr was his work to promote minorities on campus, which involved his efforts to hold a three-day Congress on Black Professionals in Higher Education on the UT campus.

> On coming to Austin, I had been astounded to find only one tenured black professor on our faculty. Visiting with him, I learned that he dreamed of bringing blacks to the campus, perhaps persuading a few of them to return for good. We considered the risks of doing this on an all-white campus and decided to invite them, counting on the reluctance of human beings to abuse hospitality. Thus was born the congress. Mumblings soon reached me that influential alumni and regents were displeased, so I asked former President Lyndon Johnson if he would open the congress. "Better than that, I'll give you a major speech," he said. And so he did, although it nearly killed him, for he had his second heart attack at Charlottesville only two days later. At the end of his speech, he pointedly defended my role in the congress: "How very proud I am of this new, fresh mind that leads the University of Texas, Dr.

> Spurr, who arranged the meeting here." After that I felt free to strike out on the dangerous and narrow path of attracting minority students and staff to campus while trying to avoid double standards or reverse discrimination.
>
> The issue of minority enrollment remained a critical one. Perhaps the law school provides the best example. Until recently, we had no black students in the law school – or even on campus for that matter. When I arrived in 1971 we had a very few mostly recruited through the CLEO (Council on Legal Education Opportunity) program. Though the demand for black and Chicano lawyers was great, our law school admissions process, based on test scores and grade point averages, eliminated most minority applicants. For this reason I asked the regents for some discretionary authority to admit a limited number of students whom Dean Page Keeton and I believe academically qualified though their test scores were not of the highest, but was turned down flatly in executive session. A few days later Mr. Erwin came to my office and told me that he appreciated the political necessity of doing something about minority students, that he trusted me to admit students who could make it scholastically, and that I should proceed to do so.
>
> Thus, over a three-year period, Dean Keeton and I admitted minority students, both Chicano and black, into the law school. Thankfully, they have done well, their grades not differing significantly from a comparable group of white students with similar undergraduate grade point averages. So the problem gradually died away, leaving me, however, vulnerable to the charge of acting on the unrecorded order of a single regent. (p. 43, 44)

Spurr explained that his dealings with the UT School of Law were difficult because a number of the regents were graduates. The "old and deep antipathy" between Dean Page Keeton and Frank Erwin also made Spurr's dealings with the School of Law sensitive.

> This [antipathy between Keeton and Erwin] stemmed from a celebrated incident before my time when Erwin wished to deny raises to outspoken members of the law faculty and Keeton successfully developed alumni and bar support to defeat him. (p. 44)

Brown added that the antipathy was further exasperated when Erwin tried to convince Texas legislators to make external foundations illegal. These were used by Keeton to support the UT School of Law.

When Dean Keeton retired, Spurr was concerned that Erwin would try to interfere in the selection process. Spurr appointed a faculty/student selection committee, who then provided a list of potential candidates. Spurr then approached LeMaistre with his concerns and was advised to take the problem to Regent Allan Shivers. Shivers and Spurr worked out an agreement in which Spurr would appoint a legal committee to help evaluate and investigate the qualifications of the nominees, but in the end, the choice would be left to the president.

> I chose Ernest Smith from our own law school faculty, everyone concurred, the regents confirmed my single nomination, and the chairman of the faculty/student selection committee praised the process as having been properly carried out in every detail.
>
> But as the selection process neared its end, an incident occurred which, combined with the accumulated erosion arising from my independence in academic matters, resulted (I believe) in my dismissal. Frank Erwin stopped me one day as I was leaving the local club to say that he wouldn't interfere with the deanship if I'd admit a young friend of his into the law school. I smiled to myself because I was sure that the deanship matter would work out satisfactorily despite Erwin, but gave the stock answer that I would personally look into the matter and do what I could. (p. 44)

The law school admissions committee reviewed the individual's application and found that his qualifications were significantly below par. Keeton informed Spurr of their findings and stated that he would admit the applicant if Spurr had made that commitment.

> . . .I assured him that I had not and that I would support his decision. Unfortunately, Erwin received the news while my wife and I were hosting a retirement party for Dean Keeton. In a telephone call to my executive assistant, he exploded and shouted, "You can tell that son-of-a-bitch that I won't have anything to do with him again." He hasn't. (p. 44)

It was obvious that Erwin was working to influence university affairs and some, including Spurr, believed that former President Lyndon B. Johnson was doing the same. However, Spurr found this not to be the case as he illustrated with a story.

> After arriving on campus, we were entertained several times by the Johnsons and, in due time, returned the invitation. When I greeted Mr. Johnson at the door, he drew himself up and, in a most formal manner, addressed me with "Good evening, Mr. President." When I mumbled something about that being my line, he continued, "I've been in politics a long time and know that there can be only one boss. As far as the university is concerned, you, sir, are my president. I do not intend to set foot on campus unless invited, but, when you want me, I'll be there. I won't offer my advice, but it is available for the asking." (p. 46)

Concerning academic matters, Spurr believed he seriously misjudged faculty morale. "The debacle of 1970 [firing of John Silber and the reorganization of the College of Arts and Sciences] had had such an impact that each time a faculty member resigned to go elsewhere, headlines blared and tremors ran through the university community, regardless of whether the man leaving was distinguished or mediocre" (p. 46) To overcome the effects of past events, Spurr labored to improve the quality of the faculty. As president he did not hire faculty directly, but he hired deans, whose names came from lists produced by faculty/student committees. In turn, those deans worked with department chairs to recruit a high quality faculty. To assist further in academic success, Spurr established the Center for Teaching

Effectiveness, expanded the use of computers for instruction and contributed $900,000 to bolster the salaries of teaching assistants.

Spurr also worked to improve the quality of academic facilities. Ronald Brown recalled an incident at a UT Board of Regents meeting where Spurr and Erwin sharply disagreed on building priorities.

> On that [regents'] agenda, there were a number of construction items: an addition to Welch Hall (the Chemistry Building). . .the swim center, Special Events Center, Performing Arts Center. . . . And, just so you can get the context, OPEC[51] had raised its ugly head in '73 and so when the bids came in on those buildings, they were all way over estimate. You don't think about it until you get into it, but even the carpet is made from petroleum.
>
> Whoever was Chair [of the Board of Regents], called Spurr the night before the meeting and asked Spurr to prioritize [the construction items]. Spurr felt that Welch Hall was important; it had classrooms in it, both large and small, (even then there was a terrible shortage of classroom space on campus). So, he put that on top. He must have put the Special Events Center second or third, the swim center second or third, probably third, and the Performing Arts Center on the bottom. Well, that really infuriated Frank. And, there's a side of Frank that most people don't know. He could be a real son-of-a-bitch, but he was also a very cultured person. He had a great love for music, so the Performing Arts Center was something very important to him.
>
> When they moved down the Performing Arts Center [on the priority list], Erwin said, "Well, I guess we're going to have to put staging in the Special Events Center." And just like that, he moved an amendment that was worth nearly a million dollars.

In reference to Erwin's desire to build the Performing Arts Center, Mettlen supported Brown's account of Erwin's love for music.

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[51] OPEC is an acronym for the Organization of the Petroleum Exporting Countries, which was created in 1960 and is composed of oil-producing and exporting countries from Africa, Asia, the Middle East and Latin America. In the 1970s, OPEC was able to have a greater say in the pricing of crude oil on world markets. In 1973 the Arab oil embargo created a crisis in oil pricing, causing oil prices to rise sharply; thus, products created from petroleum were overpriced during this time (OPEC, 2002).

> Erwin was an absolute nut about opera and he wanted a Performing Arts Center that would seat 3,000 people and every piece of advice that Spurr got from those who should have been asked for advice, including professors of music and deans of fine arts, were that student voices, if this were to be a student venue, that student voices were not strong enough to penetrate an auditorium of that size. So, one of the things as I recall – Steve [Spurr] wasn't going to declare war over it. But he was antagonistic to the 3,000 seat auditorium and Erwin said we're going to have one. Well, in a sense, I think their relationship was a bit like Chinese water torture with occasionally drops of water hitting Spurr's forehead having been boiled to 212 degrees Fahrenheit in advance to it hitting him on the head. Those inconsistencies and arguments and disagreements tend over time to compound.

Erwin may have been intrusive in prioritizing construction projects; however, as Brown commented, Erwin was an individual who could get results despite the political differences involved. This included the acquisition of land for the University.

> Let me give you an extreme. I was in a conversation one time with Erwin and a guy, who had been in the [Texas] Legislature. . .And, the Legislature had to authorize the condemnation of all that land over there on the East side of campus to build the LBJ Library. There were houses there; one woman had lived there her whole life. So, Erwin had to persuade the Legislature to do that without telling them why. And, he knew to pull that off that he had to have an awful lot of confidence among a lot of people of very, very disparate political views. So, that was the answer to the first thing you asked, if you're looking for a way to accomplish these things, Erwin was it. I wish we had one of him now.

Mettlen also stated that it is important to remember that this was a time on the UT campus when lots of buildings were being constructed. As a result, there were lots of disagreements over what should be built, where it should be built and who would be given the contract to build it. Don Zacharias pointed out that buildings were being constructed because of the tremendous growth in the number of students admitted.

This is important to keep in mind – you've got a constituency out there of students wanting to come to Texas and so, what Frank Erwin is seeing and hearing is, "Increase the size of the institution, so my son or my daughter can go there." And so, he's focusing on that and he's focusing on – I think it would be fair to him, I think if he were here today, I think that he would say, "I want to leave a legacy of being a builder."

In the business of being fair to someone like Frank Erwin, he's hearing and seeing and sensing the enormous sense of what the people in the State of Texas are thinking. And, as an ex-student himself, he wanted more people to attend. During this time, remember that [Texas] A&M [University] decided to admit women and it would be more interested in courting women and it was exploding. And, UT can't let A&M get ahead of it.

In the end, Brown argued that Erwin, like Ransom, had a vision for the campus, which was not agreed upon by everyone.

You could argue that Ransom had a vision – that his vision was if you build this wonderful collection then the image of Texas and the State of Texas would be one of culture, refinement, class and not just rough and tumble cowboys and oilmen, or technicians, engineers, geologists.

Erwin had a vision, the same as Ransom had a vision. It was one that a lot of people didn't see. He knew if you built, let's be specific, the Performing Arts Center and built it in an absolutely first-class way that that in turn would create programs, sort of like the "if you build it they will come." For instance, that building – behind the stage is a rehearsal space that you build scenery on that is exactly as large as the stage space itself – has all kinds of wardrobe shops, scene shops, dancing, etc.

The other example is the swim center. In the scheme of things, that's not the most important thing in the world, but it is always consistent that we get all the records, attract the best people, the best swim teams.

It's also a question of visibility. If we issue a press release that someone's just invented something about the genes of the fruit fly; it may be revolutionary and create new science for the whole world, but what the hell does somebody from Tyler, Texas know about the fruit fly? But, you tell them that you have the best swimming team in the world and that's understandable.

You take it for granted that there's something over there [at the Performing Arts Center] every week, almost every night. It's really amazing the diversity of programs; it enriches the culture of this campus. See, that's where Spurr and I had had the benefit of being in Ann Arbor – it was on the train route from Chicago to the East Coast, so we could attract some of the

> best. One of the big controversy's about the Performing Arts Center was the size of the center – Shirley Bird Perry, me and Frank were on one side, and the whole College of Fine Arts on the other. Faculty wanted it no more than 1,200 seats, quote because "young voices don't travel very far." Their vision was that it would be another recital hall. Our vision was that it would be a place to bring in all sorts of cultural entertainment. I mention Shirley Bird Perry because she was in charge of cultural entertainment at the Union.

These narratives tell about the growing antagonistic relationship between Spurr and Erwin. The major frictions to which Spurr referred ultimately led to his dismissal. All of the individuals interviewed had a deep-seated memory of Spurr's firing. Each revealed their perception of the event. That evening after Spurr had been told to resign or he would be fired, Brown, Mettlen and Zacharias all went to Spurr's home to discuss the matter. Brown helped construct Spurr's speech, which was presented the following day at a specially called faculty meeting. Spurr described his experience.

> How was I fired? Completely by surprise. After the regents met on September 20, the chancellor put his arm around me and told me that the regents had a minor concern about my management of the Humanities Research Center and would I come to his office on Monday morning to resolve it. I should have suspected but I didn't.
>
> I turned up as requested and was without ceremony asked for my resignation with the threat that if the chancellor did not have it that day, he would fire me. . . .
>
> My first reaction was to comply because I then thought no president could be effective without the support of administrative superiors any more than he or she could survive without reasonable support from the faculty and students. I insisted on sleeping on my final decision and the chancellor finally allowed me the respite. Come morning, I knew I couldn't face myself if I issued a statement that I was resigning for personal reasons. How could I answer the next question: "Was it because of your health?" "No, my operation was a complete success." "Why, then?" "I can't tell you." The conclusion would be inescapable that I had had my hands in the till or was guilty of some unspeakable transgression. . . . (p. 44, 45)

When posing the question, "how did it feel to be fired?" Spurr responded, "Surprisingly, it felt good." He mentioned the number of individuals and groups that supported him. The deans were supportive; the faculty quickly met and took a vote of no confidence in Chancellor LeMaistre. The president of the student government, a close friend to Erwin, did not speak about the issue, but the student government vice president and the student senate conveyed their disapproval of the Chancellor's action.

In the end, Spurr felt that his firing centered on the question of academic governance and believed that he had not been judged appropriately.

> The real issue [of his firing] has to do with the academic governance of the University of Texas at Austin. There's a long tradition in all professions that one's competence is best judged by his peers. Lawyers are admitted to the bar and disbarred by their fellow lawyers. Physicians are judged and accredited by fellow physicians. In the academic profession when we are dealing with the transmission and uncovering of the fragile commodities of truth and knowledge, it is even more vital that the academic decisions be made by academicians. . .without interference from regents and others unless able to judge academic competence. . . . (p. 45)

> As for myself, I had come into office determined to foster the academic governance process and to keep academic decisions as much as possible at the campus level and as little as possible at the system level. As I kept telling people, I didn't particularly want to be a university presidents in the first place, and the alternatives had a lot in their favor as far as I was concerned. The day after I was fired, I shortened this philosophy by saying that I came into the presidency with a determination that I wasn't going to kiss anybody's ass, and for the first time I think that I was fully understood and believed. (p. 46, 47)

Spurr added his assessment of the factors that led to short-lived presidencies at the University.

> Austin is a city of a quarter million – a state capital and university town rolled into one. Almost everyone shares a common interest in Texas politics and almost everyone is a graduate of the university or has children who are there, went there, or will go there. As a result, the social, cultural, and political life of town and gown are inextricably mixed, a fact that, more than any other, explains the inability of any one university president to survive for very long. Too many enterprising faculty have learned not to take no for an answer but to go directly to their friends downtown. Too many senior law students serve as legislative assistants and find out all too quickly how to use their newly acquired knowledge in taking on the university administration as their moot court adversary. (p. 47)

Spurr concluded his account by updating his audience of the situation at the University and forecasting what UT presidents can expect in the future.

> The situation at the University of Texas at Austin has not improved materially since my leaving. Former Vice President Lorene Rogers, certainly a qualified candidate, was appointed by the chancellor as president *ad interim* and was confirmed as president by a slim majority of regents in September 1975. Unfortunately, she had been unanimously opposed on several occasions by the faculty/student advisory committee on the selection of a new president. In choosing her, the regents succeeded in convincing the academic community not only that they didn't give a damn for what the faculty and students felt, but also that they had long since made up their minds as to what they were going to do and had let the advisory committee grind its way through a long and tedious selection process when the die had already been cast.
>
> Massive turnouts at a general faculty meeting, student demonstrations, and a student referendum resulting in overwhelming votes of no confidence in the chancellor and no acceptance of the new president only hardened the regents' resolve to demonstrate that they had the power and meant to use it. Now, less than a year later, the campus is subdued, interest in faculty and student participation in campus governance is at low ebb, and faculty morale is at rock bottom. If history repeats itself, however, it won't be long before pressure is applied to fire a member of the faculty for political reasons, to admit an unqualified student into law or graduate school, to change the grade of a relative of a high state official. Sooner or later, the then president will decide that the time has come to stand up and be counted – to join the distinguished group to which I have recently been added. Then, again, the faculty and students will respond. Someday they will be listened to.

Lorene Rogers

In reflecting on how she began her affiliation with The University of Texas at Austin and how she developed an interest in Chemistry, Lorene Rogers told the story of how she met her husband, Burl. The two met at North Texas State Teachers' College[52]; Lorene Lane was studying for a degree in English Literature and Burl for a degree in Chemistry. In 1935, after Burl graduated (Lorene had graduated the year before), the two were married and moved to the Rio Grande valley where Burl taught chemistry and physics in San Benito High School. The next year Burl was asked to teach in the public high school in Greenville, Texas. Burl's best friend, Curtis Wilson, visited them during the Christmas holidays that year and told Burl about his studies at The University of Texas at Austin and suggested that Burl should apply there for a teaching assistantship. Burl applied for the following fall semester, but one week later was told that the institution had an immediate opening. The Rogers then moved to Austin and three years later, Burl completed his Ph.D. in Chemistry. They then moved to New Jersey where Burl had accepted a job in a chemical plant. Less than a year later, there was an explosion at the plant and Burl was badly burned. He lived one week after the explosion. Rogers began studying English at Columbia University that fall (1941), but after visiting her parents the following summer, she finally yielded to their pleas not to go back to New York. (World War II had started.)

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52 North Texas State Teachers' College later changed its name to The University of North Texas.

She decided to return to The University of Texas and study Chemistry, since she had developed an interest in the subject after hearing Burl and his friends talk about their work.

Upon graduating with an M.A. in Organic Chemistry and a Ph.D. in Biochemistry, Rogers accepted a faculty position in 1947 at Sam Houston State University in Huntsville, Texas. After a couple of years there, the Chair of the Chemistry Department became ill and not knowing what would happen with the Department, Rogers decided it would be best to leave. She was offered a job at the University of Tennessee, but before taking it, Rogers came to UT to say goodbye to two of her former professors. One of them, William Shive, asked, "Why don't you come here instead?"

> And I said, "Nobody's invited me to come here." He said, "Well, let me see what I can do." He checked around. There wasn't a place on the Chemistry faculty for that next year, but he was a consultant to Eli Lilly at that time, and he talked to them and they set up a postdoctoral fellowship for that year. So, I came back to the University on that fellowship with a promise. . .that I'd be put on the Chemistry faculty the next year. Well, it never happened. There was just too much opposition. They said, "We know her, we like her, we respect her, but she's a woman and we're not going to have a woman in this department." By that time I was serving as an assistant to Dr. Roger Williams, Director of the UT Biochemical Institute. He asked the people in nutrition (in the Department of Home Economics) why they didn't give me a faculty job half-time so he could keep me half-time. They were glad to have me teaching nutrition, even though I had never had a day of Home Economics in my life. In 1967, I was asked to come into the graduate dean's office as Assistant Dean at first, later he [Graduate Dean W. Gordon Whaley] promoted me to Associate Dean.

After three years, Rogers told the Graduate Dean that she wanted to go back to teaching. He convinced her to stay for two more years and promised to give her a

one year's paid leave of absence when she left. In 1971, she left her position to take the one year's leave of absence, but Stephen Spurr asked her to remain and assist him.

> I left just as Dr. Spurr was named President. He had been Graduate Dean at Michigan before he came [to UT] and I had met him at some of the dean's meetings. He called me as soon as he was named President and asked if I would postpone my leave of absence and come work for him. He told me that I could have my leave of absence back, but he said, "You know everybody here and have worked with all these people on campus and I don't know anybody. If you'll stay with me for three years, then I'll give you your paid leave of absence back and be eternally grateful to you."

Spurr then appointed Rogers as a Vice President. At the end of the three years, she started her leave of absence, but was contacted by the Regents shortly thereafter about serving as President *Ad Interim* since they had fired Spurr. Rogers accepted.

> They knew it was an interim appointment. And, during that time, they kept asking me if I wanted to be president and I kept saying, "No." . . .And then, they appointed this student/faculty committee to advise the regents on a replacement. They [the student/faculty committee] announced almost immediately that they would name the next president of the University, no matter what the regents said. Well, of course, that didn't endear them to the regents.
>
> Finally, Dr. LeMaistre, who was then the Chancellor, and Allan Shivers, Chairman of the Board of Regents, came to my office on a Tuesday before the regents were to meet on Thursday and Allan Shivers said, "We want to ask you if you would be president, if you will accept the presidency. And you have until Thursday morning to give me your answer." He came back on Thursday morning by himself and said, "Well, what is your answer." And I said, "My answer is no. I've told you all along that I really didn't want this job at this stage in my life. And, I certainly don't want it with this student/faculty committee being opposed to me." And he said, "Lorene, if you don't take it, I don't know what we're going to do. The regents are not going to accept the people that that committee is recommending. We just can not accept the kind of people they're recommending to us." And I said, "Well, if you think I'm you're only possibility, then don't name anybody on Friday, when the regents meet and let's wait until your next regents'

meeting." And he said, "I'll go back and talk to the others." I thought that this was all settled, that it was off my plate for a while.

There was a party at the Chancellor's house on Thursday evening and everybody was in groups whispering to each other. The presidents of the other institutions were all there, the regents were all there and I can't remember whether all the student/faculty committee was there, but I know some of the members were there. I was just having a good time because I thought I had all of this postponed and that I had a month to talk about it and decide whether I was going to do this. And then finally, about 9:30 p.m., Dr. LeMaistre came and tapped me on the shoulder and said, "The Chairman wants to see you in the library." So, I went in to the library and Allan Shivers was in there and he said, "Lorene, things are getting completely out of hand. We think we have to name a president tomorrow and we want to know if you'll do it." Well, in my weakened state, I said, "Yes." So, that's how it came about.

The next day, the regents voted to appoint Rogers as UT President.

Mrs. Johnson voted against me and then as soon as the meeting was over, she rushed over to me and said, "I want you to know that I will support you in every way." She kept inviting me to come to the ranch for a weekend, but I never did go. I had too many other things on my plate. I would have enjoyed going to the ranch with her, but I just never felt that I could do it because as you know, all hell broke loose as soon as the word got out that I had been made President.

At one point, I said to Allan Shivers, "I will resign any time you want me to." And he said, "That's the worst thing you could do Lorene, the worst thing for us." And I said, "I'm just saying, if you think it's best for the University, I'll be glad to get out any time." He didn't think so. And so, I stuck it out. Finally, about Christmas, things began to get quiet.

One of the reasons Rogers believed the regents wanted her to be the next President had to do with her accomplishments during her one year interim presidency.

At the end of that period [the one year interim], there was a meeting of the regents in South Texas. I was asked to speak at that meeting and chose to give them a summary of what I had accomplished during that year. Allan Shivers was there; and in charge of the meeting. . . .I got a standing ovation at the end of the speech and Allan Shivers said something to the effect, "Lorene I think you could have anything you want at this point." Because they thought that I had done such a good job that year as just an *ad interim*

> President. That was probably what encouraged the regents to go ahead and make me President.

When asked about the individuals who supported her, Rogers commented that Allan Shivers stood strongly behind her. "I don't think I could have done it if he hadn't been. And, I wouldn't have done it if he hadn't been because as I said, I offered to resign anytime. So, he probably felt obligated to stand behind me then." Regarding the two chancellors who served during her interim presidency and beyond, Rogers stated that she never knew exactly what Dr. LeMaistre's attitude was towards her.

> Anything he [LeMaistre] said to me, he was strongly supportive. Whether he really was, I don't know. I don't think he was in favor of my becoming president. It may have been because he knew there would be an outcry. And, then with Don Walker, I didn't have much respect for him. In the first place, when I was teaching at Sam Houston State College, he was a graduate student there. Later he was always a little nervous around me, what with his being the Chancellor and my being the President. But, when I went to his office for any kind of conference, he would nearly always have somebody else there and he would spend the whole time ranting at me. And, this was just showing off because I hadn't done anything, but he would just huff and puff and say how things had to be and that I wasn't doing my part and all this sort of thing. Most of my presidency was under him, all but one year.

Regarding her relationship with Frank Erwin, Rogers stated that they came into conflict because she refused to act upon Erwin's demands after he was off the Board.

> Frank wasn't on the Board [of Regents] when I was made President. He was on the Board when I was made President *Ad Interim*, but he went off the Board in February. And, he called me at one point after he was off the Board and was ordering me to do something. He said, "Well, when I was on the Board, I had people do this." And I said, "But you're not on the Board now." And that apparently upset him and as I was told later, he went all over Texas saying that I was a complete failure as a President that it was a big

> mistake to put me in there, even though he was more responsible I think than anybody for my being made President *Ad Interim*. Apparently, he kept that up all during my presidency. I crossed him and that was unforgivable.

Rogers also had an interesting relationship with the faculty of the Chemistry Department.

> As soon as I was made actual President after that one year *ad interim*, I got a call from the Chairman of the Chemistry Department wanting me to join their faculty. And he said, "Our budget council has just met and we know that you are a chemist and a good chemist and we want to invite you to join our faculty." I said, "You just go back and tell your colleagues they are too late. They refused to have me when I needed a position in Chemistry and I don't know why I should accommodate them now by putting my faculty position in Chemistry." So, I kept my appointment in Home Economics, which was cutting off my nose to spite my face in a way. But, I got a great deal of satisfaction from it.

Though some of her on-campus relationships were strained, Rogers stated that she received a great deal of positive recognition on the national scene. She was the only woman president in the American Council of Education. Her gender did not seem to make a difference to that group. "They were all cordial." She was elected to several top positions in many of the national groups in which she held membership.

Rogers reemphasized that her primary difficulty with the faculty and students when she was named UT President had to do with the presidential advisory committee though her being a woman may have had some influence.

> They [the advisory committee] wanted to have it their own way. They never accepted the fact that those committees are advisory to the regents. The regents have the power, they always have had. As I said, they announced at the beginning that they [the advisory committee] would name the next president of the University. So, it probably had as much to do with that as with my being a woman. For instance, one of the people I considered to be my good friend. . .was reported to have said, "Surely we can get someone

> other than a woman to head this university." So, there was an awful lot of doubt that a woman could do this job.

When asked whether the faculty boycott of the University Council meetings had a detrimental effect on her work, Rogers responded

> Almost none. What happened was that every time there was a Council meeting, I went to the meeting and there wasn't a quorum and I would dismiss the meeting and go back to my office and go to work. I got more work done than if there would have been a meeting. Finally, about Christmas or a little after, they gave up then and started coming back to the meetings.

During her one year as President *Ad Interim*, several students took over the President's office in protest of a report by the Department of Health, Education and Welfare. After the incident was resolved, Rogers met with those students to discuss their concerns. She commented

> I was at home ill when they occupied the office. When I finally got over the flu, I met with them [the students] in the conference room. I let them talk and say what they wanted to and then one of the young men started getting abusive in his language and I said, "I will not put up with this anymore." And I got up and walked out. And then, two or three of the student leaders came to my office and wanted to see me. They came in and apologized for the way some of their colleagues were acting. After that, we got along very well.

Another area of conflict external to the University had to do with the Texas Legislature. Financially, the state was having difficulty balancing the budget due to double-digit inflation. Fewer funds were appropriated for research and faculty salaries. Rogers felt that the University suffered because "we didn't have the power in the Legislature that we had when Erwin was there."

> I can remember some unpleasant meetings with them [state legislators]. There was a legislator from El Paso who talked very ugly to me

> in one of the meetings. . .I didn't answer him then. . .but before the meeting was over I said, "I have a few words I want to say." And in effect I said that I had done the very best that I could on this and pointed out the accomplishments I had had and that there was no more that I could do. Again, several people came around and apologized for the ugliness of some of the members.

Some state legislators (as well as Frank Erwin) contended with Rogers on the issue of teaching assistants. Rogers defended the use of teaching assistants.

> Because we could not have filled the classes without teaching assistants unless Erwin had gotten us millions more in funding. Teaching assistants as you no doubt know are underpaid. But, I just didn't see how we could manage the University without having any teaching assistants. Besides, if teaching assistants are handled correctly, it's good experience for them and helpful to the department and should be continued.

Rogers expressed her appreciation of the UT System Board of Regents' decision to provide greater autonomy to UT System presidents. This change occurred during her time as President *Ad Interim* and allowed her to present her case to state legislators without having to depend solely on the chancellor.

> You never know, if you have someone like Don Walker for instance as Chancellor, whether your word is getting through as you meant for it to get through to the regents or to the Legislature. I argued for that largely because of Don Walker. I felt that in order to do the best job for the University I needed to be able to go directly to the regents and the Legislature without having my words interpreted by somebody else.

At the commencement ceremonies in 1979, Rogers was presented with a book of letters of appreciation from faculty members and department chairs. In her estimation, this proved that she had gained the support of many individuals on campus during her five years as chief executive officer. Looking back on her presidency, Rogers was proud to have recruited high-quality faculty and students. In

1977, she went to Oslo and participated in the ceremonies where UT Professor Ilya Prigogine was awarded the Nobel Prize in Chemistry. She also enrolled the University in the National Merit Scholars Program, which has brought a number of young scholars to campus. Upon retiring, Rogers finally took her one year's leave of absence.

> I said I was going to take that year to decide whether I was going back to teaching or not. But, so much time had passed and so much had been accomplished in both Chemistry and Nutrition that I would have had to kill myself getting ready to go back and do the kind of job that I would have wanted to do. And, I finally decided to just give it up. So, I went ahead and resigned at the end of that year. By that time, I was on a number of commercial boards, the most important one being Texaco.

Peter T. Flawn

Flawn began the interview by identifying the process, which prepared him for the UT presidency.

> What really prepared me for the UT presidency was the five years I spent as the president of the University of Texas at San Antonio [UTSA]. I used to say that if you wanted to be a university president, it's better not to start with this one, but to gain experience at a less complicated institution. But we've had very successful presidents who have started with this one, so that's probably not great wisdom now. But, I do think that if I had been elected president here before my five years at UTSA, it would have been more difficult.

When asked if the UT Board of Regents groomed him for the UT presidency, Flawn answered

> Regents don't think that way. They have a six-year term and it takes them a couple of years before they really understand the world of higher education. They have the same trouble with long-range planning that presidents have here, because we're on a two-year legislative cycle. It's a planning difficulty.

Once Flawn had been chosen as UT President, the question was asked how he developed his ideas for the centennial celebration. He stated that he left UTSA at the end of 1977 and in 1978 he began serving as President of the Geological Society of America. That organization was approaching its centennial celebration.

> I had a lot of issues to consider with the Geological Society of America and I remember appointing a centennial planning committee. We were looking at the kinds of things a scientific society should do to marks its centennial. So, when I got here [The University of Texas at Austin] and was selected as President in February 1979, although I didn't take office until September 1st, 1979, I had a very nice grace period of some months to work on the institution. It seemed to me that celebrating the centennial was something that could and would and did resound to the university's benefit. It

> was an opportunity to bring many people across the state into a commission that would look at everything the university was doing and evaluate it and write a report. . .and I thought it would help us with the Legislature. We needed at that time an educated lobby. There were a lot of people who supported the University, but most of them couldn't answer questions about it. They didn't know much about it. So, by educating a couple of hundred people through the centennial operations, why I thought it would be a great benefit to the University.

Flawn stated that he did not want the observance to be a short ceremony, but rather a longer-term celebration. Therefore, he reasoned, since the legislation authorizing the University was passed in 1881 and the first students did not enroll until 1883 that gave him three years to appoint the commission and prepare for the events and initiatives surrounding the centennial remembrance.

> One of which was to increase the number of endowed faculty positions at the institution. One of the first things that was clear to me in 1979, was that if we wanted to have a truly outstanding faculty, we could not recruit the kinds of people we wanted if we had to depend entirely on legislative appropriations. So, I thought if we could double the number of endowed positions, we would be doing well. As a matter of fact, we increased them all by a factor of ten. I mean it was remarkable and we did it through the matching program that we established, whereby if we had a private donor, who wanted to give us a $100,000 to endow a professorship, we were able to match it with $100,000.
>
> That idea came to me through a remarkable man named Fred Moore, who was a geologist, a great friend of the University, but a graduate of the University of Virginia. And for years, we [individuals at UT] had been here resisting opportunities to put Available [University] Fund money into salaries, because we knew the Legislature would frown on that and would probably deduct it from our appropriations. And so, I was walking down Congress Avenue one day and I ran into Fred Moore, who had been chairman of the Coordinating Board and he said, "You know I just had a remarkable trip. I was in Virginia and the Virginia Legislature has just agreed to match donations to the University of Virginia to create endowed positions." And it was like a light bulb went off because it was a way that we could use the Available [University] Fund to move Available [University] Fund money over into an endowment. And, we put a rider in the appropriations bill that

> confirmed the authority of the Regents to do that. It was a very successful program. We were able to recruit outstanding faculty from around country and around the world.

When asked why the state did not deduct that income from its appropriations, Flawn responded that the Legislature realized that it was in the best interest of the state that the University increase its endowment through gifts.

> Salary appropriations come to us through a formula and it's the same formula that applies to every other institution in the state and there are some 30 odd public senior colleges and universities in Texas. And, the Legislature has always been reluctant to give flagship institutions a special status when it comes to the formula. The only way we benefit from the formula is. . .the semester credit hours generated in graduate programs for Master's and doctoral courses. The formula gives you a little higher return, which is also a great incentive to other institutions to get graduate programs approved.

The bonding capacity of the Permanent University Fund was changed during Flawn's presidency. Flawn saw this as an expected progression of the Fund's management.

> That was a natural evolution of the statutory controls on the Permanent University Fund and its product, the Available University Fund. And, at the same time the investments that could be made were liberalized. At one time we were pretty much restricted to fixed income investments, that is bonds and stocks that had paid a dividend for a certain length of time, and there were other capital requirements. It was extremely conservative and reflected the depression era thinking and I had no quarrel with that. I still believe public institutions should have conservative financial investment policies. But, when they increased the bonding capacity, they were able to take care of other institutions without threatening our base. And the Board ever since has realized that their ability to sell bonds is limited by the amount of money that they want to put into UT and [Texas] A&M [University] in terms of excellence funds.

With the bonding capacity changed, Flawn was asked if there were attempts to raid the Permanent University Fund.

> That's perennial. There have always been attempts to do that and we've always had the political strength to defeat them. I hope that continues, because without some constitutional protection, there's no public university in the United States that's ever amounted to anything. All of the distinguished public universities have had some kind of special constitutional status within their state.

In 1985, towards the end of Flawn's presidential term, the state projected a $1.1 billion shortfall; as a result, the Legislative Budget Board proposed a 26% reduction in state spending on higher education. It was then proposed that tuition be increased so that students assumed a greater portion of the cost of their education. Flawn reflected on the reasons for the state's policy of keeping tuition at a low rate and some of the developments that influenced higher education finance in Texas.

> I think when I first came here students paid less than 10% of the direct cost of their education and none of the indirect costs. All the buildings were built for them; they didn't have to [pay for those buildings]. . . .Then, as costs increased, and as the Permanent University Fund and the Available [University] Fund were stretched to their limit, we had to turn to our only other sources of income, which were Legislative appropriations, tuition and fees, and private philanthropy and we've been working in all of those areas as hard as we can.
>
> There's always been a strong current of populism in Texas. And, the constitution called for the establishment of public free schools. I don't think its free public schools; I think it's public free schools. Now that's not at the university level, that's the public education system. And, from the earliest time, people of this state and their elected representatives have tried to keep the cost of higher education as low as they possibly could. Well, when we were just a regional, cow college, that wasn't difficult to do. But when all of the additional costs began to impinge on the University, something had to be done. And, before Governor Connally's time, every institution came down to the Legislature with hat in hand and depending on the skillfulness of their presentations and lobbying, that determined what their budget was. And so, John Connally set up a Commission on Higher Education, which then evolved into the Coordinating Board. It was to try and rationalize funding of higher education and to tie the appropriations to the performance of the institution in terms of semester credit hours generated at undergraduate and

graduate levels. And to take into account research and some of the other things that were going on.

At that time, there were only two universities in the state – UT and A&M – that were doing any research to speak of and I thought the formulas worked. But, there was a formula committee established within the Coordinating Board and it was soon dominated by the four-year institutions, the old normal schools that became teacher's colleges that became universities of a sort. And, they began an assault on the formula that provided additional monies to those institutions with graduate and research programs. So, we've been fighting that ever since.

In his 1981 State of the University address, Flawn expressed his frustration in the intrusive nature of external bureaucracies such as the Coordinating Board. When asked to elaborate on these frustrations, Flawn responded

My main frustration was the amount of time, energy and money we had to spend dealing with these people, who really didn't care anything about our mission, but were focused on what they were empowered by Congressional, legislative or court action to require of us. And, at one time, I conducted a study as to how many people we had involved, who were doing nothing but writing reports on accounting, auditing, complying. . . .They all [external bureaucracies] wanted reports in different formats and there was no efficiency in it at all. . .it was just a nightmare. I think to some extent it still is.

We had on the Coordinating Board at the time a particularly aggressive associate director, who was making it very difficult for us to get approval of a new program. We needed to move with the times. That subsequently was cured, but we spent a lot of time trying to deal with the consequences of the formation of the Coordinating Board. That's all kind of settled down now; the Commissioners have been very good. . . .But, the statute gives them supreme authority on higher education in Texas.

[Another frustration] was that you could never be sure that anyone ever read the reports or did anything with them. It was just a matter of generating those reams of reports. Then you take something like internal audit. I think when I was president [of UT] the first time we had one internal auditor, who worked with the state auditor. And, when I came back in as interim president [at UT] in 1997, I found that, I think, we had 12 internal auditors. So, the internal audit department had increased enormously, but they were needed. . .it's just that the bureaucratic imperative is to continue to

> expand, to grow, at whoever's expense. . . .Running a public institution today is very, very difficult.

When asked about the faculty poll taken after his 1981 State of the University address in which faculty believed the UT administration to be somewhat intrusive, Flawn replied that their response was a direct reflection of the pressure the UT administration was getting from these external bureaucracies.

> It was transmitted through the institution. When the Coordinating Board was demanding and the Legislature and the Legislative Budget Board were demanding a teaching load policy and requirements, [that is] how you measure teaching effort, why the faculty who have never had to contend with that resisted it and since they didn't deal with the Legislature, Legislative Budget Board or the Coordinating Board, they perceived the enemy as the administration whereas we were being required to submit for each faculty member a report on teaching load. That was a big issue then.

With the demands placed on the institution and its chief executive officer by these agencies, Flawn was asked if he had to focus his efforts more externally or internally.

> At the time, when I was [UT] President, I thought that the president needed to keep control of the budget, development and external relations; those were things that you really couldn't hand off to a vice president. But, you have to be involved in the academic life/affairs of the institution or you become so far removed that you don't know the tenor of the faculty. You don't know what the faculty's doing or thinking. So, you can't pass that off either. So, we didn't have the phraseology you now have about 24/7, but there was never a time when there wasn't something that you could be doing to advance the University. It was all day, all night, seven days a week. There's a limit to how long you can do that.

During Flawn's UT presidency, the UT System went through a reorganization in which the new position of Executive Vice Chancellor for Academic Affairs was established. Flawn responded that the reorganization did not particularly

affect his relationship with the System administration or the Board of Regents. The most dramatic change came when he moved from being President at UTSA to being President at UT.

> You can draw up tables of organization and reporting lines, but this institution [UT Austin] has always been different than the other general academic institutions in the [UT] System. When I was at San Antonio, for example, I reported to the Chancellor and rarely spoke to the Chairman of the Board of Regents. When I was President here, the Chairman of the Board of Regents would call me two or three times a week and I was in constant communication with the Board. . .of course, I made every effort to keep the Chancellor in the loop, but this institution, depending on who's Chairman of the Board, has always commanded the attention of the Board in a way that other institutions haven't, because it's the flagship. I always tried to keep good personal relationships with the Chancellor and with the Executive Vice Chancellor for Academic Affairs.

As a follow up question, Flawn was asked if there was any overlap between his duties as UT President and the duties of the chancellor.

> With every administration, that has to be worked out. I have always taken the position that the University of Texas System is not a multi-campus university, but a federation of quasi-autonomous institutions and that systems don't have faculty and students or a football team and they don't do research and they don't teach. They are a holding company and they provide a variety of services to their member companies so to speak. . . .
>
> The problem comes when a chancellor is hired, who really wants to be president of the University of Texas at Austin. And, somehow some of our faculty entrepreneurs can sense that. And, they start going around the president, when they get a "no" from the president's office, they go down to the chancellor and that's a very unfortunate situation. I never really had that problem because I always had an understanding with the chancellor that if someone tried to go around me to him, he'd be turned back. . . .
>
> So, it's when the Board decides they want to recruit a chancellor, who is a national academic figure and the national academic figure gets here and finds out that the Chancellor's job is not something that he wants to do. . .and the academic action is here on this campus, that's when problems develop.

Changing topics, Flawn was asked if the "war on mediocrity," his emphasis in excellence, was a direct product of the centennial celebration efforts. He responded that it was not.

> We'd been getting beat up very badly in the press. I don't think that we were the only public institution in those years being attacked, in some cases being vilified. I knew that this was a much better institution than it was generally perceived to be because I had been here since 1949 and I had been at other institutions. I thought that we needed to persuade the faculty and staff that this was a great enterprise and that our enemy was mediocre performance. I was talking to a reporter and actually the "war on mediocrity," that phrase, was coined not by me, but I think an Austin [American] Statesman reporter, who said, "So you're declaring war on mediocrity?" or something to that effect. And I said, that was a good phrase, so that's what it was. We set out to try to improve performance in all aspects of the University's endeavors.
>
> I think the University and its faculty and its staff were ready to emerge from this miasma of being told that they were a second-rate institution. We weren't. People said, "Well, are you trying to be the Harvard of the South?" And, my answer was, "No, we don't want to be the Harvard of anything. We want to be the University of Texas. And, we want to be good at it." So, they were good years.

Flawn's emphasis in excellence extended into the institution's research efforts. One of the foremost accomplishments during his presidency was the addition of the Microelectronic and Computer Technology Corporation (MCC) to the Austin area. This accomplishment was made possible by a joint effort between the City of Austin, business community and the University. Flawn commented that the results of this venture substantially assisted the City of Austin by bringing in a number of other companies, putting Austin on the high technology map and creating a kind of intangible energy in the high technology industry in Austin.

One challenge to his call for excellence was managing enrollment. Flawn responded that there was a good deal of pressure to admit as many students as possible, but that he worked hard to keep the numbers at a manageable level. He remembered stating that the institution "could handle 48,000 students, but at 48,001 everything was saturated from bicycle racks to sidewalks to libraries to everything else." He also affirmed his belief in a provisional admissions program.

> I don't think anybody was against it at that time. There was a general appreciation that as a public institution and everybody ought to have a chance to come and try. And, if they didn't meet the requirements for admission that there ought to be a mechanism for them to come and prove that they could do it. And, so we were strong proponents of provisional admissions and I still am. There are too many examples of kids, who didn't test well or for some reason in high school were so burdened with other things that they weren't high in their class. And who came here in the provisional program and went on to get doctoral degrees. They were very good students. I still think that's important.

Another of Flawn's concerns regarding the student body was the fact that it had no form of government.

> We were working with College Councils and that was fine, but I thought that a university of this distinction without a student government was not a desirable situation. But, we didn't want to be so involved in it that the students thought it was a creation of the administration. So, it was a very delicate situation over quite some time. . .our Vice President for Student Affairs, Ronald Brown and Shirley Bird Perry worked hard behind the scenes so that the students would come up with their own constitution, but it was one that we could still live with. . . .And, it worked out. I was very pleased with that. But, it was something that was largely out of the public eye.

Responding to critical issues on campus, Flawn remarked that free speech was a significant issue, specifically the situation involving the scheduled speech of the former Iranian Ambassador to the United Nations. After the arrests, Flawn began

getting threatening telegrams; for that reason, police were assigned to guard his home.

Regarding the incident of Assistant Instructor Kathleen Kelleher, who was reassigned to non-teaching duties, Flawn believed that she had received poor advice from some of the faculty members in the Government Department.

> The government department in those days was badly fractured. A small group of political activitists had essentially taken over the department and made faculty meetings so unpleasant that the majority of faculty just sort of went on their own way. The Dean of Liberal Arts at that time was Robert King. I remember him coming to me and telling me that he had two departments that needed to be fixed. He said he wanted to fix the Government Department first, so he dissolved the [Government Department's] budget council and essentially put the department in receivership. . .he created an executive committee of faculty from other departments and hired a new chairman. So, that was the background for the Kathleen Kelleher case.
>
> She insisted that her academic freedom permitted her to teach however and whatever she wanted and that she was not bound to use the syllabus that was approved by the department. And that was basically the issue, whether the University had any control whatsoever on what was being taught in its various departments, whether the faculty of those departments could impose on their colleagues an approved syllabus that would have a certain basic knowledge content. You could see how. . .any teaching assistant could say "Well to hell with the syllabus, I'm going to teach it my way." You'd have no control over the classroom at all. So, that was the issue and of course the courts upheld the University's right to control content of its classes.

Reflecting on his accomplishments, Flawn stated that he was proud of the administrative team that he had assembled.

> I think evidence that that was indeed the case can be found in the Cunningham administration, which kept everybody. They continued to work in the capacities they had with me. When I became President it was clear to me for a number of reasons that we needed to change the principle academic officers. So, I replaced the academic vice president, and the vice president

> and dean of the Graduate School, vice president for research and several deans. I remember, with really a great deal of pleasure and satisfaction, the executive officers meetings that we had weekly because we had no turf battles. One vice president's problem was every vice president's problem; we put them [the problems] out on the table and we would team up with the best course of action for nearly every problem, nearly every issue. I think one of the really serious problems in administration is when you have vice president's who are so concerned about their own turf that they don't keep the welfare of the institution in the forefront of their mind.

Flawn was also proud of an intern program he began in the President's Office for individuals who seemed to hold promise as future administrators.

> One of the issues that I remembered was the problem of preparing faculty and staff within the University for higher-level positions. We had no money to run a training program and I think every president in his mind or her mind had an inventory of younger people who could be deans or could be vice presidents, but it is always a small inventory because the common wisdom in the University is that teaching and research are the higher callings and people who can't do that go into administration. And so people, who are talented and can do administration, don't want anybody to know that they have that capability. When you get a really good department chair and you're looking for a dean, it's very difficult to do what corporations do and that is to bring people along regularly. . .as executives in training so to speak.
>
> The System recognized that and they hired a man and they set up an institute of higher education. . . .And, he began putting on programs for department chairs and for committee chairs and that kind of thing. And, I looked at some of those programs, I remember at the time, I was very impatient with these courses in group dynamics and interpersonal relations . . .and I told the guy down there, "Look, what I want, I want my departmental chairs to know how to fire somebody without provoking a lawsuit. I don't care about this interpersonal relationship business, you should get into some practical administrative problems."
>
> So, I set up an intern program in the President's Office…if you set up an intern program, you've got to be prepared to give it time, you can't bring somebody in and let them just sit at the desk. And the first one that I brought in was a young [Hispanic] woman. . .and she was really good. She sat in on all the executive officers meetings and there were never any leaks. She was afraid at first that she was supposed to represent the Mexican-American student community and I said, "That's not what you're here for, you're here to learn higher education administration." And, I thought that was very

successful. . . .I think that's the best way to prepare young people for administration, that is to put them into a situation and give them a task. I started them off by asking them to review the flow of paperwork and see if there were some things that we could cut out or that could be expedited and so forth and so on. I was pleased with that.

When asked why he retired, Flawn responded,

> I found myself being angry too much. I didn't like that. I didn't want to face another legislative session. I was just shy of 60 and there were other things I wanted to do and I had been at the University long enough at that time, long enough so that my retirement program was adequate. I've always thought that if you're in administration or management, you ought to carve out a series of objectives and go in and give it all you've got, and then let someone else come in and do it. I think that's good advice. I think that hanging on to a job after the fire in your belly has died, is not in your interest or in the interest of the institution.

Describing his presidential beginnings, Cunningham explained the process that led to his appointment as UT President and the process by which Gerhard Fonken was appointed as Executive Vice President and Provost.

> I think that the Board probably felt for whatever reasons that I was the right person to be president, but they were also saying that that's kind of a risky deal. Cunningham's 40 or 41 years old, he's only been Dean two years and for whatever reason, they didn't think they wanted Gerry [Gerhard Fonken] to become president, but they also wanted someone who had a lot of experience and they had confidence in. And, they felt that was the right decision.
>
> Now, the Board came to me with that. They said, just to make it clear – Jess Hay was the Chairman of the Board – and he met with me the morning that I was to be named President. He said, "Bill, my guess is that the Board is going to vote to appoint you President of the University." Of course, they can't vote until they are in public, so anything could change. And, he said, "I certainly support that. It would be my recommendation to you that you appoint Gerry Fonken as your Executive Vice President and Provost, but that's your decision." And, I said, "I think that's a great suggestion, and I hope he would do that." So, that's how it came to pass.

With those considerations in mind, Cunningham was asked if he, as President, took on a more external focus and Fonken an internal focus.

> First, Gerry was a very effective and powerful Provost. He did a great job for the University and he was loyal to me and supportive to me as anybody ever could have been. You know, going into that [arrangement] was kind of a high-risk deal, because after all, Gerry had been an active candidate [for UT president] and he had effectively been my boss and you know, these things don't always work out very well. But, Gerry and I met literally the next day. We met on Monday and talked about it and he said, "I will do everything I can to make you a great President." And, he was very supportive.
>
> So, Gerry continued in his role. See Gerry was already Provost, he was not Executive Vice President and he was a very powerful Provost under Flawn. In the Flawn and Cunningham administration, the deans reported to

the president, but for day-to-day activities, they reported informally to the provost. And, the deans liked that system probably better than the current system. The important person to like it is the president; that's a decision for the president.

In the country, if you look across the United States today, you will probably find more deans reporting to provosts than presidents, so that's more the common model. But, I like that model and Fonken liked that model, Flawn liked that model, so we just continued that. Now I chaired the Dean's Council; I chaired the University Council and I met periodically with deans on a one-to-one basis, but most of the time, the provost was in the room and most of the time, I bet they solved nine out of ten problems, that's probably about right, nine out of ten, eight out of ten with the provost. And, then occasionally, the provost would come up and he would say or the dean would say, "I really want to see you, Bill about this issue." And the three of us would sit down and there was some disagreement and I would have to resolve it. But, also Gerry and I saw eye-to-eye on most things, so in reality, we never had any conflict.

It worked out very well, but I did say to everyone that I didn't want to be only an external president. I made that point early on. I was president of The University of Texas; I was not the chief development officer. I liked to raise money and I enjoyed that and that's a very important part of the business, the external part in general, but I wanted to be president of the whole thing and with Gerry that was never a problem for him.

With the UT administrative leadership team in place, Cunningham began the work of confronting a number of issues that plagued the institution. One concerned enrollment management. The student population continued to increase and Cunningham promptly began taking corrective actions.

We did several things. The first part on that was that students were having trouble getting classes. I made a decision that we would never keep one student one semester longer because they couldn't get a class. And, I said to the dean's, I don't care how you solve it, you solve it by giving credit to other classes; you solve it by waiving your graduation requirements; I don't care what it is. You solve it by putting the right courses in, but we can't tell people that they can't get classes to graduate; we just can't do that. We cannot operate that way. And, most of the deans got with the program pretty fast.

The Daily Texan published Cunningham's home and office number and instructed students to call him and let him know that they could not get any classes. Cunningham replied that most everyone was good enough to call the office and not his home. He replied that when he got to the office usually at 7:00 a.m., he would have around 40 voice mail messages from students calling about the lack of class availability.

> And so, I'd turn to my secretary at 7:30 and say, start calling these people and I called every one of them, got them out of bed. . . .I even had some faculty members complaining and I waited until 8:00 then I'd call at 8:00 and most of them were in bed. So, I had a little bit of fun.

Even though enrollment was at a peak, Cunningham worked to increase the University's efforts at reaching underrepresented student populations, specifically through the University Outreach Centers.

> The University had been working very hard on minority recruitment. I mean, that was something we did under Flawn's administration, and we continued to high profile it, maybe more I don't know, but continued to make it a high profile issue. When I was president, we were making a lot of progress with Hispanics, we were not making a lot of progress with blacks. And unfortunately, I think that the data will probably show that continues to be a problem for the institution. But with Hispanics, we continue just to go up a quarter of a percent, a half of a percent, a quarter of a percent, two-thirds of a percent, just kind of chugging away on a regular basis. We got some pressure from Asian students, but we kind of just dismissed that on the basis that they already had a higher percentage of students at the University than there were in the population of Texas. And, they were doing very well. So, that got dismissed.
>
> [Texas] A&M [University officials], in all fairness, came up with the idea of these outreach centers. It was not our idea. But, we looked at it very quickly and discovered…that it was a good idea. And, so I called [Texas A&M President] Frank [Vandiver] and told him that we'd like to be a partner in it and they, of course, didn't have any choice really but to say "yes." And

> [they] said, "yes" very openly and were happy to have us as a partner. And, then we opened up the four centers.

Cunningham also elaborated on his state wide recruiting campaign, which began when Cunningham went to see a friend of his, Mark McLaughlin, who lived in San Angelo and was a member of the development board. They had some extra time during his visit and McLaughlin asked if Cunningham would like to go to the local high school. Cunningham agreed.

> And so we went over to the high school and all of the sudden we found that we were meeting with students and with the principal and with some of the teachers. And, it was kind of fun. So, it kind of evolved from there. . . .But, when I had down time, I would always try to use it that way, rather than just sit around an office or try to make calls back to the office.
>
> And then, we moved it from there to a much more proactive program of designing trips [for recruitment]. We spent most of our time in South Texas or in urban areas – Dallas, Houston and the inner-core areas – focusing on minorities. But, we occasionally went to some very high profile, elite, expensive, private schools…and did it on a regular basis and I took a whole troop with me.
>
> We actually even took two teams. Mario Ramirez had a lot to do with that too. Mario Ramirez is a doctor in the valley…one of the most highly respected people in South Texas and he was a Regent. . .but before he became a Regent, he had …for years, going back to Lorene Rogers' day [as President], had sponsored. . .an event in the Spring, where he would truck by busses all the kids from his very poor county down in South Texas into his ranch and then the president of UT would go down and speak. As I said, Lorene went, Pete Flawn went, I went and we would talk about attending UT . . .but my theme was "you ought to really go to college" and you've got a lot of choices here folks and you ought to think about the choices you've got and UT Austin is one of them, but UT Austin is not the only one.

One of the more difficult challenges faced by Cunningham were efforts by state legislators to take money out of the Permanent University Fund for general state purposes. Cunningham gave more details about the events surrounding this measure.

> That was a huge threat. Jess Hay was our Chairman [of the Board of Regents] at the time, a very effective Chairman and we did have what we felt was a legitimate threat to take…what they said was, "We just want to take the capital gains." Well, of course, the capital gains are 70% of the PUF, so if you can take capital gains, you can take everything. It was our position that that was unconstitutional. And I think if we would ever had to go to court we would have proven that.

Cunningham and Hay were in Dallas when they received the news that Speaker of the House Gib Lewis had decided to sponsor the bill that would have taken the capital gains out of the PUF. That information was transmitted to the Ex-Students Association, who made the decision to activate a phone bank to call state legislators about the proposed bill; thus, overloading the phone lines.

> And for about three days, no one could use the telephone. It's one of those things you can't stop, you kind of unleash it and it just has to kind of has to run its cycle and then it's over.
>
> And then, Jess Hay met with Gib Lewis and I was there and…Gib basically called and said, "Okay, we have to meet, I want my telephone back. We've got to get this resolved." And so, he said, "Okay an alternative we'd like to do is we'd like to borrow some money from the University." And Jess Hay looked right across to him and said, "I don't think that's a problem, the University would be pleased to loan the State of Texas money, but we want collateral and we want the Capitol." And Jess didn't smile, he said, "We want the Capitol. You have to deed the Capitol over to the University and then we'll loan you the money." I couldn't believe it. He [Gib Lewis] was just shocked. And, that ended it.

When asked if Cunningham found that money from the Available University Fund had to be used more for general operations than for excellence items, he responded

> I think there's been a movement for a long time to spend more of the AUF actually on. . . "operations." So, it's a trend that's been there for a long time and I'm not sure if it was ever used. . .only for "excellence." And that would depend on your definition of what excellence is. . .is excellence minority scholarships? Well, some people say "yes," some say "no." Is excellence building up a department's TA [teaching assistant] budget so they

> can hire more graduate students? Well, some would say "yes," some say "no," some would say, "That's the state's responsibility." Fine. The state doesn't do it. So, it's kind of hard to define, but clearly without the AUF, UT Austin would be in big trouble.

Concerning the budget reductions called for by Governor Mark White, Cunningham responded that the UT Board of Regents decided to provide AUF money to UT in order to off set the decrease in funds. Cunningham also discussed the measure wherein graduate tuition was increased to make up for any additional shortfalls.

> Now, the regents came in then and made us whole [made UT's budget whole after the reductions]. We were the only ones made whole. And they gave us more AUF money to solve our problems, but then it became obvious to all of us that we needed to do something about tuition. And what I felt…I remember sitting at my desk playing around with different models on a Saturday. And I always felt that the Legislature…this is still the pattern to this day, the Legislature feels voting for a tuition increase is like voting for a tax increase. And they just hate it.

Knowing that legislators have an aversion to raising tuition, Cunningham proposed that they provide the institution's governing board with the authority to raise tuition; thus, the blame for a tuition increase would be placed on the governing board, not legislators.

> And so, I asked for, at that stage, the opportunity to double graduate student tuition and double undergraduate tuition…and that we would keep the difference. Remember the funding in the state is a deduct system. So, it doesn't do us any good if we raise tuition only to have it taken back by the state. . . .I went down there and made the presentation and Hobby said, "This was interesting, let's get some more senators." So, he brought a bunch of senators in and we all talked about it. And, the bottom line was they went along with our ability to double graduate tuition. They wouldn't give us the authority to double undergraduate tuition.

After the measure was passed, the UT School of Law and the College of Business decided to increase graduate tuition immediately. Cunningham found it interesting that "the business students wrote me a letter thanking me and saying they thought it should have gone up more and the law students wrote me a letter threatening to sue me." Cunningham encouraged other colleges to increase their graduate student tuition by pointing out that the budget was tight and that faculty salary increases were at risk. Those factors persuaded each college to double its graduate tuition. Speaking about the financial mix of state appropriations versus tuition as the basic building blocks of higher education finance in Texas and other states, Cunningham commented

> There were three models of funding higher education. There was the University of Michigan or Michigan model in which they had very high tuition and low state support. And then there was the California model that had very low tuition and high state appropriations. Then, there was the Texas model that had low tuition and low state support. And, it was really true, I mean, we could back that up with the data. It turned out that our state support was lower than Michigan's, Michigan was a low state support and our tuition was lower than California's and they were the low tuition. And, that pattern hasn't changed much.

Another considerable challenge encountered by Cunningham was hazing. It was brought to his attention by a number of anonymous letters sent to his office.

> When I became president, I started getting these strange letters from people – parents, women, mothers – all unsigned. "Dear Dr. Cunningham, You've just got to do something about this…unsigned, "a loving mother." You know, those kinds of things. And, you get a few of those and you kind of dismiss them, then all the sudden you say wait a minute, this is now the seventh one I've read in two weeks. Why is this happening? Then, I started focusing on that. . . .I met with the student leaders, and I met with student groups. . . .We worked real hard on it… made them [campus organizations]

> all sign pledges to me they wouldn't haze. Now, I think we made some progress. We didn't solve the thing, but made some progress.

Regarding the death of Mark Seeberger, a fraternity pledge, Cunningham stated that he was out of town at the time of the incident; therefore, Vice President for Student Affairs Ronald Brown contacted Mark's parents about the incident. He also stated that The University provided a great deal of support to the family and visited with the family about the incident. "We went to the funeral. It was awful, just awful."

Another incident that carried a great deal of emotion was the institution's expansion into East Austin. Land had begun to be purchased during Flawn's presidency, but it was not until Cunningham's presidency that the issue grew into a distressing problem.

> You know, I don't think we at all expected the backlash we got. And, I think in hindsight, we probably didn't handle it very well. There are a lot of things in hindsight I'd do differently in this world. . . .No, I think we should have been more open with people saying what we were trying to do now. In the end, we reached a pretty effective compromise. . . .Incidentally this is not a new issue. You go up to Boston and go talk to the people at Harvard, you go talk to University of Chicago. Anybody who is kind of landlocked as most major universities are at some point need to move out and the University had a policy for a long time of kind of buying land as it came available around the University, not so much saying we want to take this block, but whenever a piece of land came up that was roughly reasonably close to the University, then the University bought it. But, then this was a much more active effort to try to take over a much bigger piece of land. And, probably in hindsight, we should have been more open, after saying that, you don't know whether that would have led to substantially less difficulty because there were some people who were going to fight us. They didn't like the University; they were anti-establishment and the University is the personification of establishment. . . . It was perceived as a minority question and it wasn't a minority question at all, it was just were the cheap land was. You can buy a lot more land per dollar.

Protests on campus became commonplace during Cunningham's term in office and one situation in which Cunningham felt he had to react quickly was the time when 16 individuals forcibly took over his office. That morning he was running late after discovering he had a flat tire, as a result, he ended up driving his wife's car to campus.

> I got this call as I was coming in in my wife's car; she had a police radio in her car. She always had it on. . . .and it said 700's office had been taken over and that was my code number. And so, I picked up the [receiver] – it was the first time I had ever used it – and I said, "This is 700, what's going on?" [And they said,] your office was taken over, what do you want to do? And I said, "I'll be there in 10 minutes, get as many police as you can and don't do anything until I get there." And so, in the interim, they [the UT 16] had barricaded [themselves in the office]. . .
>
> So, then I arrive and Assistant Captain Harry Eastman was there and he said, "Well, Dr. Cunningham, what do you want to do?" And, I said, "Get them out of my office." I mean I made the decision instantly. I had seen what happens when you negotiate. Michigan State had gone through that. You spend five and six days [negotiating]. We would have been there for days. They were prepared…they thought they were in and this was the beginning of a long-term deal. See, their grand design was to get [State Senator] Barrientos down there and negotiate and turn this into a big media event. And, we had them out of there before the media even got there, arrested and gone. I don't think there were any pictures taken, maybe I'm wrong.

When the individuals had been tried and found guilty, the prosecutor called Cunningham to ask his advice on sentencing. Cunningham replied that the students should be required to pay for the damage that had been done to his office, but that probation instead of jail time was a more appropriate sentence. It was a surprise when the judge sentenced the group to jail time.

During his presidency, Cunningham found that he was forced to contend with a highly activist student government president, Toni Luckett. In general,

Cunningham did not feel that she was an effective president. She was also one of the leaders who rallied students to shout him down as he was giving a speech on the Main Mall.

> She was, of course, very anti-administration and all those kinds of things. But, Toni was so anti-administration that she couldn't stay at a meeting more than five minutes. . . .She was a big splash and no impact, I mean, [after the speech incident] she was almost unheard of throughout the rest of her time and I have no idea what's happened to her since.

Cunningham stated the reasons for giving the speech.

> First, we now know what we knew at the time that the student that was on a hunger strike was not on a hunger strike, I mean, he was eating when people weren't around. So, fine, but we knew that. Second, it [his hunger strike] was to some extent a galvanizing [element] at least to the radical community of the University and what he demanded was that we come out against racism. . .We're against racism, of course we're against racism. So, we were happy to do that…

Therefore, it was decided that President Cunningham should give a speech to communicate the institution's stand against racism.

> I wrote out this statement that we published I guess the next day in the newspaper as I remember now. . .and this girl put her hands over my speech after I got a third of the way into it and I just made a decision on the spot that it just wasn't worth continuing. We'll just publish the speech. And, I never felt any danger and that kind of thing. We had a lot of security people around. And, it was interesting, two black leaders stuck with me the whole way, stuck by my side when I gave my speech and walked back to my office with me. One was Lewis Wright and the other one was John Butler. And, you always remember that because it wasn't easy to stick [by someone] I suspect in those days. But, I was never bothered by that [the incident]. . .I mean, it was just on to my next deal, it didn't bother me.

Robert M. Berdahl

Being the first individual selected as President of The University of Texas at Austin from outside the UT System since Stephen Spurr some 20 years prior, Robert Berdahl began by reflecting on the methods he used to become more familiar with the UT campus and culture.

> I have to say first of all that I had gone to [The University of] Illinois [at Urbana-Champaign] as Provost from the outside and so I had had the experience of coming into a university and trying to acquaint myself with the culture from the standpoint of the central administration of the campus prior to going to Texas. So, it was not an entirely new experience in that sense. Though having said that, it was a bit different because I had been a graduate student at Illinois and had taught a summer session at Illinois. I knew a lot of the faculty at Illinois, so I was very familiar with the faculty at Illinois and much less familiar with Texas when I went. And, I don't know of any particular method by which I learned the culture. I think that I am a historian and so I tend to want to learn a lot about the history of the institution that I am apart of. So, I read a lot of the history of Texas.

Berdahl mentioned publications by Margaret Berry and Ronnie Dugger as historical works he consulted, but found that some of "these were pretty tendentious books about the history of The University of Texas." In addition to consulting these sources, Berdahl sought the counsel of others who had served at the institution.

> I had known Paul Olum, who spent a couple of years there [at UT] as Dean before he came to the University of Oregon where I had worked closely with him. When he was President of the University of Oregon, I was a Dean. So, I knew a fair amount about the history and I filled in a lot of the gaps. I learned a lot from Bill Livingston, who is kind of a walking encyclopedia of the history of the university. I spent a fair amount of time with Peter Flawn when I first got there [UT]. I also spent a lot of time with [UT System Vice Chancellor for Academic Affairs] Jim [Duncan] talking about some of issues that confronted us and the way in which Texas was different. But, mostly I guess I just sort of learned what I learned. I don't know how well I learned it,

from osmosis, from just trying to understand how things were done at Texas. And, how they were done differently at Texas than other places where I had been. Obviously, the culture of Texas as a state and the politics of Texas as a state are relatively unique in America in the political and cultural landscape of the country. And, that was also fun to learn and I just tried to acquire as much of it as I could from the people I met.

Another unique and potentially troublesome aspect of Berdahl's situation was having his predecessor, William H. Cunningham, serving as his superior.

I think that anybody would have to say that that was a somewhat difficult transition for both of us. I think Bill had spent his entire career on the [UT] faculty and was a dean and then president. He had a perspective on the university that was an internal perspective. So, his view of how things were done at Texas was certainly informed by not having been anywhere else. My view about Texas was informed by experiences at two other universities. I had the benefit of an outsider's perspective and the deficit of an insider's perspective. He had the benefit of an insider's perspective and the deficit of an outsider's perspective. So, we each had somewhat different takes on how one built a first-class university.

I think also the lines of organizational and administrative authority were not as perhaps clearly observed in his practice as I had seen among system heads at the other two systems that I had been a part of. I think that at Oregon, where you had the system also housed actually on the University of Oregon, and at Illinois where the same was the case, the evolution of those systems were such that the demarcation of responsibilities between the president and the chancellor were much more clearly articulated and had matured. In the case of Oregon over a long period of time, in the case of Illinois over roughly the same period of time as Texas, but Illinois was a more mature university than Texas was. And so, the administrative responsibility and authority were more clearly delineated there, at least as I saw it, and I would say it was difficult for Bill to make that transition to some extent because he was still very attached to the [UT] campus and it was the campus that he knew the best and it was the campus that was so clearly the flagship of the system.

There were a lot of other ways in which the confusion of the roles, I thought, was not very helpful. [For example,] the issues related to entertainment. The fact that the chancellor was furnished with a house that was suitable for fairly large entertaining purposes whereas the president wasn't, gave the perception to a lot of people that Bill was and remained the head of the campus. And, I think this was not a relationship or not a

> perception that I think Bill entirely wanted to dispel. It was complicated at times, relatively stressful and yet, I have to say I feel as though I was able to accomplish a fair amount as president and I feel really pretty good about the time I spent at Texas.

Some disagreement occurred between Berdahl and Cunningham based on their individual philosophical beliefs. "He [Cunningham] was a top-down kind of guy and I was a bottoms-up kind of guy." Additionally, Berdahl felt that Cunningham should have worked more with the UT Board of Regents to make a larger distinction between administration and policy. "It is the responsibility of the Board to set policy. It is the responsibility of the administration to administer that policy." Sometimes the difference between those two responsibilities became blurred.

In thinking about the organization of the institution's central administration, Berdahl commented that he made no significant structural changes from what his predecessor had established.

> The structural changes that we introduced were reasonably minimal. The structure was a fairly common structure for universities. I suppose the major change that we introduced aside from the change in some of the personnel was to separate the research function from the Provost's Office. We created a [position for a] vice president for research, where there had been none. The other major structural change was to try. . .to create a [position for a] vice president for university relations that was a professional development arm of the university. That was very underdeveloped when I got there and we invested a fair amount in trying to develop a professional development staff that could undertake some systematic fund-raising. I think fund-raising prior to my coming there was very limited in both what they raised when compared to their capacity and reasonably embryonic in its development.

Another change introduced by Berdahl had to do with the formal relationship between the faculty and its responsibility in governance at the university. This involved the elimination of the University Council and Faculty Senate and the formation the Faculty Council.

> We gave the faculty a great deal more voice in that process than they had had previously since. . .there were voting members of the [University] Council that came from the administration. And that I think simply vitiated the role of the faculty in any kind of shared governance process. And so, I really tried to strengthen that. In the last analysis, I don't think you can have a great university without fairly extensive recognition of the self-governing, shared-governing capacity of the faculty. And that, in my view is the primary weakness of the structure or was the primary weakness of the structure at The University of Texas at Austin and it is clearly the strength of the structure of the University of California.

Berdahl also led the institution in changing its views of campus planning. When asked about the impetus that led to the development of the UT Campus Master Plan, Berdahl replied that he had grown frustrated along with others on campus with the institution's lack of foresight and calculation in building buildings.

> And so, having seen a master plan work at Illinois decided that we should launch a master plan for that campus [UT] that would help guide. . . the new construction. The other piece of it was that we were acquiring land east of I-35 that was putting us in conflict with the city. . .and with the minority community of the city and there was a strong sense that we had to acquire land in order to expand and build new buildings and we had to grow. It was costing a lot money to acquire land; we were spending several million dollars a year on land acquisition. I was persuaded that if we could come up with a rational master plan, we might not have to acquire quite as much land if we used what land we had more intelligently.

According to Berdahl, the UT Regents were enthusiastic about the Master Plan; however, he felt that they took the Plan too literally. The Master Plan identified

issues related to the placement of buildings, building materials and issues of articulation between buildings that would create harmony on campus rather than replication. Instead, Berdahl felt that the Board of Regents had the idea embedded in their minds that the Master Plan called for the replication of the older Mediterranean styled buildings on campus; therefore, they were wanting to build old buildings.

A point of contention between the Board of Regents and Berdahl occurred when the Board of Regents supported the expansion of the football stadium, which would include the installation of skyboxes. Berdahl opposed this action because it took place "at a time when the faculty were receiving no salary increases to speak of." For that reason, Berdahl felt that was an unhealthy statement about the values of the institution. He also expressed concern that the stadium's expansion would build up a significant amount of debt placing more pressure on intercollegiate athletics to win.

> There was a difference between wanting to win and having to win and if you went far in debt to build the skyboxes and expand the stadium, then you had to fill it in order to pay it off. Thus, you are putting yourself in a position of having to win. And, I thought that created an entirely different dynamic within intercollegiate athletics, football in particular.

Berdahl was concerned about UT's financial situation, as greater financial obligations were incurred from needs such as enhancing the institution's computer infrastructure. Berdahl was asked to comment on the developments that led to increases in student fees.

> I think the fee increases were clearly a process that went on between the campuses and the [UT] System office, because the fee increases had to be approved by the Regents.
>
> The biggest disappointment I had at Texas was the utter lack of state support. Even during the period that I was there, partly because of the structuring. I think that was one of the positive changes that Bill Cunningham introduced at the System, a restructuring of the investment portfolio of the Permanent University Fund, which reversed the steady decline that the Available University Fund was providing to the campus. When I got there it was at $80 million and it dropped to below $75 million in the four years that I was there. And so, we had a decline in the Available University Fund resources and basically a decline in state resources that came as result of changes in the funding of undergraduate versus graduate education and the balance between those two and the failure of the state to provide any additional resources for faculty and staff salaries during that time frame. I don't think there was any money allocated for the improvement of faculty and staff salaries in the entire period that I was there. And, there were three sessions of the Legislature while I was president. And, that required us, if we were going to do anything for faculty and staff salaries to reallocate resources within the institution and to take money away from some activities and commit it to salaries. I felt that the support for the university from the state was woefully inadequate.

Berdahl believed that the State of Texas had not supported UT in part because of

> the failure of the state ever to be willing to differentiate missions of institutions and to recognize that it cannot have high-quality research universities throughout the state. It [the state] can afford a limited number of those [kinds of institutions]. It has two reasonably good ones that are very poorly supported: Texas and Texas A&M. That was a continuing frustration for me. The sense that we could never really make progress without resources and the Legislature politicizing so heavily the distribution of resources within higher education in Texas.

During his term at UT, the Texas Legislature's political composition in Berdahl's estimation was heavily weighted in favor of other geographic regions in Texas and was composed of individuals that had "out right antipathy for The University of

Texas at Austin." That political environment and the consequences of the legislator's actions affected the institution in ways he had not experienced in other political environments. "When I came to California, people said, how are you dealing with the California Legislature? And I said, 'It's a piece of cake compared to the Texas Legislature.'" Berdahl stated that UT's political situation was compounded by the fact that the institution is located in Austin just blocks from the State Capitol. As a result, legislators felt more freedom to object to campus affairs or

> . . .alternatively a frustrated faculty member, who had pet projects or pet peeves, felt free to go to members of the Legislature to object too. So, it didn't matter what end of the political spectrum they came from. The Legislature was intensively involved in the campus. And, I think that that political engagement was unhealthy ultimately for the campus.

One of the events that will be most remembered about Berdahl's presidency was the decision and subsequent outcomes in the case of *Hopwood v. the State of Texas*. When asked about the Hopwood case, Berdahl remarked that the most difficult aspect of the Hopwood decision was its immediate impact on students. The event that he remembered most was a two or two and a half hour intensive session with a group of extremely upset students. Berdahl reflected that Hopwood was a decision passed down to the state by a federal court. Therefore, the State of Texas held some "resentment of this being imposed by the courts and in a sense a need for the state to defend its own autonomy." Tension with the students grew when UT officials followed the limitations put in place by the Hopwood decision.

> They [students] understood that if we had. . .the courage of our convictions we'd defy the law, not really appreciating that as a public official

> you can't just violate the law. So, I think there's a sense that you're being disingenuous if you say you support affirmative action, but aren't willing to break the law. Isn't that what the Civil Rights Movement was all about, breaking unjust laws and so forth. The university had fought as the University of Texas had fought deciduously to defend segregation in defiance of *Brown v. Board of Education* and everything that followed in its wake. It was a segregated university until the 1960's, years after *Brown v. Board of Education*. So, there was a strong sense that we should defy the law and that was difficult.

In order to counteract the effects of Hopwood, Berdahl spoke about actions that were taken to broaden the terms of scholarships and recruitment efforts to account for economic and social circumstances. He also mentioned his public relations efforts.

> I did a lot of speaking around the state trying to explain why I believed that a diverse student body was important, trying to lay out some of the history of affirmative action and the reasons why it was important. I felt I had a pretty good hearing from people. . . .I wrote an op ed piece in the *Texas Monthly*. And, I felt as though people understood that and there was a good deal of support for the position we were taking and people were also too polite to object to it.

Reflecting on the objectives he accomplished at the institution during his four and a half year term, Berdahl stated that he worked hard to bring a greater sense of community to the institution.

> It was a very divided community, faculty at odds with administration, staff at odds with administration, students sort of lost in this large very, very large, impersonal institution. And we set a goal of really trying to build a stronger sense of community and defining what bound us together. I think that we made a lot of strides in that regard. I've had people say that it was a more humane place after I left than it was before I came. And, I think a lot of the things that we did like the revision of commencement, which I think was quite successful, the Master Plan, creating the core values, defining those core values of the institution, changing some of the governance role of the faculty, all of that I think helped meld this into a stronger community than it was when I came. We overcame a lot of the alienation of the various segments of that community.

I think another accomplishment that I feel very good about, even though it was somewhat dismantled after I left – and its been reconstructed now – was the effort to enable people to recognize that we had to raise money privately and that we had to develop a really professional approach to that and not keep going back to the same donors. You know when I got there [UT] we were raising $50 to $60 million a year and when I left we were raising $110 million. I would list those things as probably the strongest legacy that I left behind.

Chapter 6: Summary and Conclusion

This study historically documents the issues encountered by presidents of The University of Texas at Austin (UT) who served between 1967 and 1997. The first chapter outlined the need for this inquiry citing the changing issues that university presidents of American institutions have encountered since the founding of this nation. The current body of related literature (Chapter Two) was then explored to determine the extent to which other studies have been conducted on the topic. Having discovered a lack of information on the critical issues encountered by university presidents, the researcher decided to conduct a case study using presidents who served at The University of Texas at Austin between 1967 and 1997. Chapter Three outlined the procedure used and offered insight into the methodologies employed. The following questions guided the research to achieve the objectives of this study.

1. What were the common issue themes identified in the literature for higher education between 1967 and 1997?
2. What issues have presidents at The University of Texas at Austin confronted as they carried out the duties of their office in the same time period? How were they similar and how were they different from other UT presidents of this period?
3. How have these same presidents perceived the issues they confronted?

Data were obtained from *The Daily Texan* and supplemental sources during this time frame. Given that such a large volume of information was derived from these sources, a classification system was developed in order to organize and analyze the

information. The written analysis of the document data (Chapter Four) provided the basic framework for interviewing the university presidents, who served during this period, or members of their cabinet in order to record their perceptions related to the issues pertinent to their time in office. Chapter Five presents a narrative of those presidential interviews. The first five chapters form the foundation for the summary and conclusions as well as implications for future research identified in this chapter.

Review of Methodology

The methods used for conducting this particular study warrant further reflection. The classification system used to organize documents proved most efficient. It was a useful tool for linking datum to datum and making initial sense out of what would otherwise be disparate bits of information. Collecting document data using three sources of data – microfilm, an Internet-based search engine and documents archived in hardcopy – yielded interesting results, particularly with regard to the first two data sources.

Issues of *The Daily Texan* between November 1, 1967 (Norman Hackerman's first day as UT President) and September 1, 1984, were only available on microfilm. In order to limit the amount of material searched from this vast source of information, the researcher chose to examine the front page, university page (if available), editorial page and special editions. Searching these sections on microfilm proved to be a valuable, albeit time-consuming experience. As articles were examined to determine their relevance to this study, the researcher was able to gain a greater appreciation for the larger societal issues which potentially affected the issues on campus. For instance, during Hackerman's term a number of protests occurred

which were directly related to the nation's involvement in the Vietnam War. Reading articles related to the war, but unrelated to the study at hand provided valuable insights into the information contemporaneous UT students were acquiring about the Vietnam War and U.S. political figures. In another case, while searching for references to the contemporaneous UT president early in this project, the researcher noticed that UT Regent Frank Erwin commented on a wide range of issues, which would normally be addressed by the UT president. This provided additional evidence that Erwin was highly engaged in university affairs. Photographs and editorial cartoons also revealed the passion and poignant opinions associated with the issues examined.

Searching *The Daily Texan* through an Internet search engine allowed for a complete examination of all sections of the newspaper, which rendered a more thorough investigation. This type of search provided a complete list of articles meeting the study's criteria; however, it did not allow the researcher to see the larger societal issues influencing campus constituents, since only articles involving the UT president were retrieved. Another shortcoming of the Internet-based search engine arose; photographs and editorial cartoons were not displayed. Therefore, the researcher doubled her efforts by examining microfilm for the remaining years of the study for relevant photographs, editorial cartoons and related information.

Both the microfilm and Internet searches had some other limitations. Some copies of the microfilm were badly scratched or overexposed; and thus, could not be read. This was particularly true for issues in the late 1970s. For the Internet search, some irregularities occurred when searching for articles between January 1, 1990 and September 1991. This included a number of articles appearing twice on the retrieved

list. Therefore, microfilm copies of *The Daily Texan* were fully searched to ensure that no content was lost due to these irregularities. Searching the last 13 years of this study (1984 – 1997) using both sources yielded the most thorough identification of data and provided a superior understanding of the issues.

The interviews for this study were moderately structured. Ethnographic, open-ended interviews were conducted, which allowed for the free flow of thoughts based on certain topic areas identified by the researcher. As information was given, the researcher followed up by asking questions about the individual's experience, opinions, feelings and knowledge. Those being interviewed also provided important information that contextualized many of the issues or situations being discussed. In the case of Stephen Spurr, who is deceased, the combination of his essay, "Fired with Enthusiasm," and interviews with three of his cabinet members, provided a broad understanding of his presidential perspective. All interviews were conducted in person by the researcher.

Discussion and Conclusions

The data revealed a number of interesting insights into campus life and provided a broad understanding of the issues encountered by UT presidents. What is interesting to note is that the six issue themes – governance, academic concerns, finance, legal actions, student life and significant incidents – developed for the purposes of this study have been a concern for higher education since the founding of this nation. That is to say, earlier presidents contended with many of the same issues as modern presidents, though not to the same degree or in the same context. Basic questions continue to be asked of institutions of higher education regarding

who should be taught, what should be taught, who should pay for higher education and how should institutions of higher education be governed. The answers to these questions have been debated for centuries. Colleges and universities are societal entities, mirroring societal issues; as a result, institutions change and adjust to the needs and values of the culture in which they operate. This investigation chronicled the story of one institution and its leaders as they struggled, along with the culture in which it operated, to determine the proper response to these age-old questions. With this in mind, it is appropriate to identify the results of this research.

While each issue theme was compartmentalized in Chapter Four for the sake of documentation; it is important to note that each did not occur in isolation; but rather, was part of the broader context of university life. As the study of issues encountered by UT presidents between 1967 and 1997 unfolded, it became clear that the issues were highly situational and contingent. Each president was required to react to the different demands placed on him or her based on the situation in which the institution operated. Therefore, the issues related to governance (how an organization accomplishes its activities) were the most significant since they were highly dependent upon the particular organizational culture in which the institution operated. All other issues regardless of how classified by the researcher involved in some fashion a question or questions of governance.

As has been identified in Chapter Two, Bolman and Deal (1991) noted the tendency to overemphasize the significance of individuals and underemphasize the significance of the context or "the stage on which they [actors] play their parts" (Bolman & Deal, 1991, p. 408). Examining both the public records and private perceptions of the UT presidents or members of their cabinet repeatedly highlighted

the importance of the political culture in which the presidents operated. Caffee and Tierney (1988) offer a model of organizational culture that contains three general dimensions: environment, values and structure (see Figure 1, p. 33). The environmental dimension refers to the context in which the institution must operate[53]. Values refer to the priorities and norms of the organization. While structure refers to the many ways an organization accomplishes it activities or its system of governance. These three dimensions can be used effectively to characterize the political culture of UT as viewed through the lens and terms of the six presidents who served between 1967 and 1997. In order to fully develop an understanding of the dominance of governance, some preliminary explanation needs to be provided concerning the other two elements of culture – environment and values – that impact structure (governance).

Environment

Most institutions of higher education are somewhat political; however, the unique environment in which UT operates (its close proximity to the state Capitol, the center of legislative activity in Texas) calls for special considerations on the part of the chief executive officer. This close proximity provides the opportunity for campus protesters to march easily from the university to the Capitol complex. Repeatedly, protesters, both students and non-students, have used the Main Mall (located to the South of the UT Tower) as a gathering place from which to begin

53 The model offered by Caffee and Tierney (1988) lists actors as an element of the organization's environment; however, for the purposes of this discussion, actors will be described along with values. This allows the researcher to give an account of the particular value systems as manifested through individuals and groups.

their protest marches. The largest such event occurred in May 1970 when 25,000 marched to protest the shooting of students at Kent State University and the United States' military invasion of Cambodia.

Likewise, this close proximity allows faculty, staff and students to have easy access to elected officials and their staffs. Former UT Presidents Spurr and Berdahl mentioned that faculty, who did not receive institutional support for their chosen projects or who had a conflict with the institution felt free to approach state legislators in the hopes that they would find an advocate. Spurr additionally noted that too many UT students, particularly law students employed as legislative assistants, wanted "to use their newly acquired knowledge in taking on the university administration as their moot court adversary" (Spurr, 1976, p. 47). In his interview, Berdahl also pointed out that legislators felt more freedom to object to campus issues and activities. These issues and activities were heavily publicized through sources such as *The Daily Texan*, which was the primary reason for Frank Erwin making the motion to end the free off-campus distribution of the publication. It was also at the heart of his contention with Texas Student Publications. The regents had no authority over the content of the student newspaper, and thus, did not feel the need to provide funding for a source of information that could be damaging to the institution's relationship with state legislators and which could jeopardize the amount of state appropriations allocated to the University. Such political coalitions formed between campus constituents and state officials cause communication and negotiation to be a multifaceted interchange.

UT has other unique characteristics that attract political interests. The Texas Constitution of 1876 enacted the institution's development by directing the

Legislature to establish and support a "university of the first class" ("University of Texas," 2002). The Legislature also made what has become to be a significant financial provision for the University by providing land grants to support the institution. The Permanent University Fund, a public endowment supporting institutions in the UT and Texas A&M Systems, derives its endowment base from these land grants. Additionally, UT is the largest and most research intensive component of the UT System; hence it serves as the System's flagship. All of these elements invite great amounts of attention from state legislators, who feel obligated to oversee the efficient use of state resources; and from regents, who serve as advocates for the institutions they govern. Working in this politically charged environment required UT presidents to take an active role in promoting the interests of the institution. For example, President Spurr noted that the institution required a special type of defense from state legislators, who questioned the efficient operation of the institution because it differed so vastly from other institutions within the state in size and complexity.

Values and Actors

Within this highly charged political environment, a number of individuals and organizations work to influence university affairs. As Baldridge (1971) points out, organizations are divided into various interest groups in which each seeks to impose its values on the other; presenting the potential for conflict. A president, therefore, must have an intimate understanding of the external culture as well as the subcultures active on campus. Abrams (1993) states that disagreements are often "turf issues," where parties expect to gain only at each other's expense. Exploring

various actors impacting campus life will assist in understanding their attitudes, beliefs and values to a larger extent.

Individual actors. Some believed that former U.S. President Lyndon B. Johnson attempted to exert influence on university affairs. This claim was refuted by former UT President Hackerman, who during his interview stated that Johnson came to UT exhausted after having served as President during a difficult time in the nation's history. Similarly, Spurr indicated that Johnson made it clear that he did not intend to meddle in university affairs unless invited. On one occasion, Spurr solicited Johnson's assistance in hosting a "Congress" of Black Professionals on campus. The support and assistance Johnson showed and the success of the event gave Spurr greater confidence in his efforts to attract minorities to campus.

Perhaps the one individual charged with the greatest influence was Frank Erwin. More than any other regent during this time, Erwin refused to accept the boundaries between a regent's responsibility in setting policy and the local campus administrator's responsibility to administer that policy. As an alumnus of UT, Erwin had an unbridled passion for his alma mater. As a student, he had witnessed first hand the abrupt firing of President Homer Price Rainey and understood from an early age the power of regents. Serving two terms on the Board of Regents – including a period of time as Chair – provided ample opportunity for him to acquire an intimate knowledge of campus operations. As a two term Regent, he also had an advantage over less experienced regents who were not as familiar with the Board's established policies or the institutions for which they created policies. Therefore, he could exert more influence due not only to the force of his character, but also his in-depth working knowledge of the UT System's policies and resources. He was a friend of

Lyndon B. Johnson and worked closely with many other Democratic leaders; accordingly, his views were that of a politician. During his term on the Board, he played a major role in dramatically increasing UT System's budget, student population, development of additional component campuses and expanding UT's physical plant. Additionally, Hackerman relayed the story of Erwin's efforts to develop university relations with federal entities by promoting the university president's service on federal boards, providing greater opportunities for the acquisition of federal research contracts and extending the institution's influence.

Spurr, more than any other UT president, came into conflict with Erwin over two issues: admissions to UT's School of Law and construction priorities. Erwin used the admission of certain individuals into the UT School of Law as political clout and felt that, as a UT Regent, his requests for special admissions exceptions should be honored. Spurr along with Dean of the School of Law Page Keeton did not abide by Erwin's judgments, believing that academic matters should be left in the hands of the faculty. Regarding building priorities, Erwin and Spurr had differing assessments of institutional needs. Erwin was focused on bringing outside constituents to the institution through elaborate structures such as the Swimming Center and Performing Arts Center. Spurr focused on providing academic resources for those individuals already on campus: classroom space and enhanced library facilities. As Ronald Brown, Vice President for Student Affairs during Spurr's presidency, stated in his interview, the two men had differing visions for the campus. Spurr, who became President after serving as a faculty member at other universities, felt strongly about the institution's academic mission. Erwin, an attorney and political activist, felt the institution should be promoted as the center for cultural

activities for the populace. These clashes in values ultimately led to Spurr's dismissal.

Erwin's battles with students and faculty have been well documented; particularly the confrontation at Waller Creek in 1969, when students protested the destruction of trees for the expansion of the football stadium. Erwin appeared at the scene and demanded that all the protesters, many of whom had perched themselves in the trees, be arrested. Erwin had little tolerance for the values expressed by students, which was apparent when he pronounced "Students have the morals of a fig" (Szilagyi, 1980b). Regarding the work of graduate students who served as teaching assistants, Erwin stated that he did not feel they were qualified to teach and had some well publicized confrontations with President Rogers over the issue. As to the work of faculty, he did not have the same appreciation for research activities as the academic, labeling the research endeavors of certain faculty as "lucrative playhouses," a view that was held by many state legislators ("Silber to TSP," 1971, p. 4). Contrary to the faculty's view of shared governance, Erwin's view of governance was that of a traditional top-down hierarchy, in which faculty held little power: "the only power the faculty has is what the Board of Regents gives them, and the Legislature rules the regents" (Cheng, 1975, p. 1). Despite these differing views, several of the individuals who worked with Erwin – Norman Hackerman, Ronald Brown, John Silber and Lorene Rogers – acknowledged his contributions to the institution and its development. The increase in state appropriations and the expansion of the UT System serve as testimony to the success of Erwin's efforts on behalf of UT and the UT System.

Erwin is an exceptional case among other members of the UT Board of Regents. While he was a great advocate for UT causes, he was intrusive in the sense that he became heavily involved in the daily administration of the institution. Berdahl identified the distinction, which should be made between the work of regents and university administrators. In his interview, he commented that a governing board was responsible for setting policy, whereas the university's administration was responsible for administering that policy.

External entities. Former UT presidents also dealt with a number of off-campus coalitions. A case in point is the institution's expansion into East Austin. Brown indicated in his interview that prior to Spurr's presidency, Erwin had to convince state legislators to condemn land east of campus in order to build the LBJ Presidential Library. Many long-time residents were forced to move. After completion of the Presidential Library, the institution continued its eastward expansion, uprooting still more private citizens and small businesses. Residents of the Blackland neighborhood began to protest the University's expansion and the City of Austin became involved as residents worked with the institution to find a resolution to the situation. In 1988, an agreement was reached, the "50-50" plan, in which President Cunningham agreed to limit the institution's expansion into the Blackland neighborhood. Cunningham asserted that the matter should not be viewed as a minority issue, but rather as an economic issue. Land east of the institution was less expensive; therefore, the University could purchase more land per dollar. When faced with this same issue, Berdahl determined that the institution needed to consider this situation more carefully and approach it from a different perspective. In his interview, Berdahl acknowledged that the institution was still coming into conflict

with minority residents and the City of Austin over the institution's expansion into East Austin. He reasoned that the University might not need "to acquire quite as much land if we used what land we had more intelligently" (p. 490). This was part of the impetus for a new Campus Master Plan and showed a new measure of compromise and sensitivity on the part of the University with its surrounding community.

Over the thirty-year period, other off-campus entities at the state and federal levels increasingly influenced university affairs. For example, during Rogers' presidency, the Texas Higher Education Coordinating Board was given greater authority over construction projects[54]. Governor Dolph Briscoe implemented this measure because of his concern that appropriations were funding building projects rather than direct academic services. Flawn contended in his 1981 State of the University address that the intrusion of all governmental entities into the academic process was "eroding the intellectual independence of our great universities" ("Documents and Minutes," 1981, p. 14660). Of the Coordinating Board, Flawn stated that it represented "regulation in the guise of coordination." He further exhorted the Texas Legislature to "sort out the role and function of a Board of Regents vis-à-vis the Coordinating Board" ("Documents and Minutes," 1981, p. 14662).

The intrusion of these external bureaucracies expanded as state and federal agencies demanded greater accountability. Agencies wanted to protect employees against arbitrary, capricious and discriminatory administrative practices; they also

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54 Buildings constructed using money from the Permanent University Fund were an exception to this rule; they did not require the oversight of the Texas Higher Education Coordinating Board.

wanted to monitor the use of resources to be certain that the institution was operating efficiently and effectively. (This was especially true as a greater portion of the institution's revenue came from federal research contracts.) Rogers maintained that the institution had to increase its administrative structure because of the "ever-increasing number of governmental regulations and accompanying record-keeping and reporting" ("Documents and Minutes," 1975, p. 12043 – 12044). The increasing influence of these external agencies also demanded more attention from the UT president. This growth was used in part to justify the selection of two individuals for the top posts at UT after Flawn's presidency, one to focus internally, the other to focus externally.

Some mention should also be given regarding the relationship between the UT president and state officials. As has been documented, this relationship at times has been relatively contentious. Historically, certain situations have caused suspicion and animosity on the part of certain state officials. The Bauer House controversy provides one such example. In the spring of 1971 (during the 62nd Texas Legislative Session), controversy erupted when *The Daily Texan* reported that the renovation of the Bauer House (the UT System chancellor's home) was not a renovation, but rather involved the demolition of the former home and the construction of a new home. Though this was an action on the part of regents, specifically Erwin, it contributed to legislators' negative attitudes towards the UT System and UT.

Relations between state officials and university presidents also have been somewhat strained when the state experienced a shortfall in revenue. State representatives must focus on the broader interests of the state as well as the more narrow interests of those individuals whom they represent. Thus, higher education is

only one portion of a legislator's job and colleges and universities compete with other state priorities for funding. UT has the unique advantage of accessing excellence funds (from the Available University Fund), which are derived from the interest earned on investments from the Permanent University Fund. When the state experiences a revenue shortfall, the Permanent University Fund is one of the revenue sources which state legislators see as a potential to solve their fiscal crisis[55]. This became apparent during Cunningham's presidency, when in 1986 state officials proposed to reclassify capital gains from the Permanent University Fund as profit and place that income in the state's treasury. During that same time, legislators took exception to the UT Board of Regents using income from the Permanent University Fund to grant salary increases to UT faculty when other state employees were not given an increase in salary. This highlights one of the complexities of UT's relationship to the State of Texas; as a research intensive institution, it is unlike most other state agencies. Often times, national rankings are used to determine whether a university is a quality institution. Those rankings typically use a "prestige" factor in determining quality; an institution gains prestige as it shows consistency of quality over time. Flawn pointed out that being a first-class institution requires constant innovation and attention. Therefore, even a temporary decrease in faculty salaries can cost an institution prestige if faculty members leave and searches must be conducted to replace those individuals.

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55 The practice of diverting funds set aside for higher education for general public purposes began early in the state's history. Funds derived from the sale of land in 1839 that were to be used for higher education were redirected for general state purposes due to Secession and the Civil War and were not fully repaid until 1883 ("University of Texas at Austin," 2002).

The state's relationship to the University and its chief executive officer requires a delicate balance between autonomy and accountability. The institution needs the freedom to work towards academic excellence without excessive intrusions. Legislators need institutional representatives to recognize the needs of the state and work towards meeting those needs. One example of state, local and university officials successfully working together was in the attraction of the Microelectronic and Computer Technology Corporation, a computer research consortium, to the Austin area. This initiative took the efforts of many individuals – state officials, local Austin business representatives, UT System administrators and regents, and UT administrators and faculty – and served as a catalyst to help diversify the state's economy.

Faculty. Former UT presidents also acknowledged the importance of faculty in the governance process. This perception is perhaps not surprising due to the presidents' backgrounds as faculty members. For instance, Hackerman supported the notion that faculty should make decisions of an academic nature. He believed that issues such as the Larry Caroline case, wherein a non-tenured faculty member was making unpopular political statements in public, should be handled not by UT's central administration or governing board, but by the local academic department. Likewise, Berdahl provided a stronger voice for faculty in institutional matters by assisting them in eliminating the Faculty Senate (composed of faculty) and the University Council (composed of faculty, administrators and students) and establishing a new Faculty Council (composed of faculty, students, non-voting staff and ex-officio administrative members). The new Council gave faculty a greater

voice than that of administrators and potentially provided a stronger link between the institution's academic and financial planning.

Generally speaking, the most acute conflict of values revealed through this study existed between the values of the faculty as opposed to the values of certain external constituents, namely state politicians (though private citizens, alumni and regents could also be considered since they each hold an external focus). Table 12 identifies these opposing values. This is not to imply that every faculty member or external campus constituent holds fast to these values; there are always exceptions. Rather these are values that were consistently exhibited throughout the course of this study and for that reason merit some consideration.

Table 12: Tensions between the Values of Faculty and Select External Constituents

Values of Faculty	Values of Select External Constituents
Research	Teaching
Graduate students	Undergraduate students
Tenure	Non-tenured/renewable contracts
Selective admissions	Open admissions
Academics	Athletics/extracurricular

Faculty believe research is important for a number of reasons. As Hackerman stated, it sharpens the mind and makes the individual a better teacher. It is also a source of income for the institution as researchers are rewarded contracts for their work. (Until Flawn's presidency, few monetary rewards were associated with the University's teaching awards. These monetary rewards were still far less than the financial awards and prestige gained from federal research grants.) External constituents are more concerned about educating the general public in order to have qualified workers to support the state's economy. These conflicts in values lead to

tensions between the emphasis on graduate students, who are more involved in the research enterprise, as opposed to undergraduate students. For example, Rogers defended the use and continued funding of teaching assistants, while legislators (and Frank Erwin) believed that those individuals were not qualified to teach undergraduates.

State legislators also accused faculty members of using graduate students to teach classes in order to "abandon" their teaching duties to pursue research activities. This became an issue during Rogers' administration as state legislators demanded greater accountability on the part of faculty members. As a result of state legislators' continued demands for accountability, policies were formed that measured a faculty member's workload. Developing these policies was a complicated task. State legislators demanded tangible products as evidence of productivity – time spent in the classroom, student evaluations and publications. Faculty argued that much of their work could not be measured using tangible evidence. Measuring time in the classroom was easy; measuring preparation time for the classroom interaction was not as easy. State legislators throughout the period of this study also questioned the purposes of tenure. While faculty viewed tenure as a means of protection from punitive actions due to their academic ideas and ventures, state politicians viewed tenure as a type of permanent job security without incentives for an individual to remain productive.

A continuing conflict of values also revolved around enrollment management. State legislators wanted the largest number of people to benefit from the institution's resources, which were subsidized by state tax revenues. Faculty wanted to make certain that those admitted could handle the academic rigor of the

curriculum. State officials argued that the institution was elitist due to its more stringent admissions standards, which were well above those of other state institutions of higher education. Faculty argued that the institution had an especially generous admissions policy that allowed a large population of students (approximately 48,000 during the later years of this period) to study at any given time. In the minds of faculty, the institution existed primarily for academic endeavors. On the other hand, certain external constituents (including some regents) viewed athletics and extracurricular activities as equally important. Thus, conflict arose a number of times when the football stadium was being expanded; especially when the expansion was proposed during times when faculty salaries were not keeping pace with inflation. A great deal of confusion, even on the part of state legislators, existed concerning the funding sources for UT athletics and academics. Even though the athletic department is funded from its own revenue as an auxiliary enterprise, individuals often incorrectly saw the two in competition for the same funds.

The UT president was frequently caught between the faculty and these many external constituents. Since each of the former presidents served as a faculty member earlier in their career, they generally had a greater appreciation for the values of faculty; however, as stewards of one of the state's most valuable resources they also needed to understand the values of the external constituents, who supported the institution financially. Furthermore, UT presidents served at the pleasure of the UT Board of Regents and were held accountable by the regents; hence, these political actors also demanded greater attention. The firing of Spurr is an excellent example of the necessity of presidents to pay attention to and understand the values of not only

the chancellor, who acts as an agent of the Board, but also individual Board members, especially the chair, who is the voice of the Board.

During this thirty-year period, the mix of UT's revenue shifted. State appropriations became a smaller portion of the institution's operating budget while income derived from federal research contracts, gifts, and tuition and fees increased as a portion of the overall budget. Though the state's portion of the UT budget decreased, the aspirations of state officials to regulate the institution did not. Thus, UT presidents were increasingly placed in the difficult position of heeding not only the requirements of state officials, but also those individuals and entities who were providing a larger share of the institution's revenue. As an example, tuition and fees were increased during the later years of this study. After instituting a substantial fee increase, Berdahl remarked that the decrease of state appropriations as a portion of the institution's budget and the approval to increase the charge to students showed a shift in the public's perception of higher education. The shift suggested that it is the individual who benefits most from higher education rather than society; therefore, the individual should pay a greater portion of the cost of their education. As a consequence, student government representatives petitioned to have a greater say in what fees were collected and how they were being spent. Berdahl then approved the establishment of a Student Fee Oversight Committee, which would advise the president on changes to student fees.

Students. The largest campus group, which is also composed of a substantial number of subcultures is students. The size of the student population was constantly a cause for concern during this thirty-year period not only because large enrollments stretched the institution's resources, but also because a large student population

allowed students greater power through mass demonstrations and protests. Students used their power to protest issues of national significance (e.g. the United States' involvement in the Vietnam War, the shootings at Kent State University and apartheid in South Africa) as well as issues of local significance (e.g. the destruction of the trees at Waller Creek, the selection of UT presidents, and the lack of diversity in the student body, faculty and staff). In addition, not everyone registered as a student was interested in education. Hackerman acknowledged that a number of individuals, who were registered as students during his term as President were interested in mobilizing student populations for the purpose of activism. (Those individuals were often affiliated with national organizations such as the Students for a Democratic Society.) Likewise, not everyone protesting on campus was enrolled as a student. Thus, the enforcement of campus policies of assembly, use of facilities and free speech became more problematic.

In April of 1986, students demonstrated their power during a series of protests held on the West Mall. At that time, the institution's free speech policies were viewed as particularly restrictive. During the first week, when protests exceeded the time limits of the institution's free speech policy for use of the Main Mall, 42 individuals were arrested (37 of whom were students). During the following two weeks, students continued to protest and arrests continued to be made. The university administration gave up arresting students after recognizing that the more individuals they arrested, the more individuals protested. During that two-week period, some 228 students were arrested.

On a number of occasions the values expressed by student subcultures were cause for campus confrontations. The most striking example of this occurred in the

spring of 1990. Toni Luckett, a student who campaigned on an activist platform, was elected as President of the Student Government. She was able to convince the activist student groups to vote for her, causing a run-off election with a sorority member, who garnered the votes of Greek Life organizations. Luckett's victory was poignant considering two incidents, which highlighted racial tensions on campus. In April 1990, members of two Greek Life organizations publicly expressed racist messages, sparking protests by students concerning diversity issues on the campus. Luckett led the protests. UT President Cunningham decided to give a speech on the West Mall focusing on the University's accomplishments and commitments to diversity. In the end, his actions united the protesting students against him, and he was not allowed to complete his speech after being shouted down by students.

On another occasion, students took an interesting action by voting in March 1978 to abolish their student government organization. The reasons for their action had to do with perceptions that the organization was weak and heavily controlled by regents. Some students felt that abolishing the organization would allow for a new organization, with greater independence. However, because of the transient nature of students, little action was taken to reorganize student government. President Flawn and members of his staff worked diligently with students to reinstate a system of student governance. In October 1982, students voted to reestablish a student government. Nevertheless, many students did not take the organization seriously. In a write-in vote, students overwhelming chose a cartoon character for their next student body president. This action shows the distrust and skepticism students had at the time of the student government's ability to represent their interests. Since the student body is composed of a wide range of subcultures, it is difficult to find

individuals, who can adequately speak for the entire student population. The UT presidents had to acknowledge this difficulty and work with those individuals chosen to represent students as a whole, while also consulting various student groups to determine the true breadth of student opinion.

Structure or System of Governance

Structure is the last element of Caffee and Tierney's organizational culture. Broadly speaking, structure (how an organization accomplishes its activities) is governance. Hence, the term governance will be used throughout this discussion. A number of the institution's activities and operations have already been identified earlier in this manuscript. Therefore, in order to demonstrate structure in a more narrow sense, two decision-making activities and processes, which significantly impacted the UT presidency will be examined in detail vis-à-vis presidential selection, and the authority and responsibilities of the UT president as opposed to the UT System chancellor. These examples reveal the intricate nature of the system of governance with which a UT president must contend.

Presidential selection. The political interests of various campus constituents became particularly evident in the presidential selection process. When Frank Erwin became Chair of the UT Board of Regents, he decided to reinstate the UT presidency, separating that position from the work of the chancellor. Hackerman was selected with little controversy; he had been managing the institution since being named the Vice Chancellor for Academic Affairs. Spurr's selection following Hackerman's term was much more divisive. The events occurring between the summer of 1970 and the spring of 1971 created a great deal of commotion on

campus. The chief executive officer, President Norman Hackerman, and chief academic officer, Chancellor Harry Ransom, for both UT and the UT System resigned, as did the Vice Chair of the Board of Regents, Jack Josey. John Silber, the campus' most powerful dean had been fired and the largest college on campus was reorganized. Moreover, the president of the Students' Association refused to assign students to administrative search committees. These were the conditions in which the presidential search for Hackerman's replacement began.

Compounding the difficulty was the presidential selection process itself in which campus constituents were placed at odds with off-campus constituents. A campus advisory committee composed of faculty and students was charged with screening candidates and presenting three or more names to the chancellor. The chancellor would then make a nomination to the Board of Regents. If the list of individuals was not sufficient, a request could be made for additional nominations or the chancellor could invoke a new procedure. In either case, the chancellor was to consult with the campus advisory committee before offering the presidency to an individual. The advisory committee presented three candidates to the chancellor. One candidate was Dean of the UT School of Law Page Keeton; he was highly favored by faculty and students, but not a favorite of Chair of the Board of Regents Frank Erwin. A second candidate was Vice President of the University of Michigan, Stephen Spurr, who specialized in Forestry, an academic discipline not represented in UT's role and scope, but rather that of its rival, Texas A&M University. Spurr was also a non-Texan and had never been associated with UT. At that time, UT presidents generally were not chosen from outside the institution. The final candidate was the Provost of Michigan State University, John E. Cantlon, who was African

American. Given that the institution was still struggling with issues related to its discriminatory past, it was highly doubtful that an African American would have been chosen as president at that time in the University's history. In essence, the campus advisory committee used the modest political means at its disposal to influence the regents' choice. For that reason, they presented a predisposed list of candidates, which placed the chancellor and regents in a problematic situation. As was reported, Erwin did not find Keeton to be a viable option due to past conflicts and an African American candidate was unlikely to be chosen at that time. Therefore, Spurr was chosen for the position. Choosing Spurr eliminated much of the complaints by faculty and students concerning the presidential search process since he was on the advisory committee's list. However, since he was not the first choice of many faculty and students, but rather a compromise choice on the part of the regents, his presidency began in a weakened condition.

After Spurr's appointment, a new selection process was developed in which a dual committee system was utilized. One committee was composed of faculty and students; a second committee was composed of four UT System administrators, four regents, three UT System presidents, one student, one faculty member and the president of the Texas Exes. (The chancellor and regents were not required to consult with the faculty/student advisory committee.) One of the reasons given for this change in the selection process was that faculty and students could not properly judge candidates since presidents needed skills beyond academic areas. Essentially, this change in the presidential selection process removed the participation of faculty and students and further diminished their perception of power. Regents at that time did not believe strongly in notions of shared governance, which was probably due to

Erwin's influence on the Board. A number of the regents believed that faculty were hired to teach while students attended the institution to learn; and everything beyond those functions was the realm of administrators and regents.

After Spurr had been abruptly dismissed, Rogers began serving as President *Ad Interim*. The faculty/student advisory committee did not produce names that the regents could support and the General Faculty determined that they would only support candidates who had been recommended by the faculty/student advisory committee. Rogers was not endorsed by that committee. Some speculated that she was not endorsed by this committee because the regents chose her to serve in the interim and there was general concern that she would, therefore, carry out whatever the regents desired. Others believed that the committee wanted to chose someone from outside the UT System. Still others pointed out that Rogers could only serve a few years before she was required to retire. (At that time, the mandatory retirement age was 65.) Whatever the case, the regents took a public vote in which five voted in favor of Rogers' appointment, three voted against (one regent was absent). Thus, it was clear that even the regents were not in agreement among themselves, though all those voting against Rogers immediately pledged their support for her. The campus was in turmoil for months as faculty and students refused to participate in the University Council or any standing committees appointed by the president. Several individuals stated that they were not opposing Rogers per se, but rather the process by which she was chosen in which the opinions of faculty and students were ignored. Whatever the case, Rogers' presidency began in a weakened position due to the lack of confidence in the selection process. After the problems associated with Rogers' appointment (and after Erwin's departure from the Board), the Board of Regents

worked to change its image to being more open and cooperative. Regents encouraged each component institution to elect a faculty member to attend Board meetings and voted to rotate meetings between all the UT System components and to allow one institution to give an in-depth presentation on its goals and activities at each meeting. Additionally, the Board changed its policies on presidential selection.

Flawn, who followed Rogers as UT President, was selected on the recommendation of a single search advisory committee composed of eight UT System administrators/officials, eight faculty and students and the president of the Texas Exes. In this way a balance was struck between administrative officials and faculty and students with a seventeenth member representing alumni. From this process, Flawn was selected without a significant dispute from campus constituents. As a result, his presidency began on a more supportive note than that of other Spurr and Rogers.

Cunningham's selection as UT President likewise utilized a single advisory committee. It was a larger group of individuals composed of two UT System administrators, three regents, three members of the UT Centennial Commission, five faculty, two students, three UT System presidents, one dean and one alumnus. Though the committee was more heavily weighted away from faculty and students, there was no animosity in the selection process. Some discrepancy exists between the reports of public sources and Cunningham's recollection as to whether the committee made a dual appointment or if Cunningham was allowed to chose the individual, who would serve as the Executive Vice President and Provost. The public record indicates that the committee was concerned about choosing an individual or individuals who could adequately pay attention to both internal as well as external

relations. This concern acknowledged the increasing demands placed on the UT president by external constituents.

In the case of Berdahl, his appointment was unique in that he was the first individual chosen from outside the UT System since Stephen Spurr some 20 years prior. *The Daily Texan* did not feature the process by which he was selected. Since the two previous presidents were selected without incident, this became a lesser focus for campus media. One story reported that he was chosen unanimously in the regents' public vote. Since the split vote taken on Rogers' appointment, the Board of Regents has voted unanimously in public to support UT presidential candidates. This is not to say that all regents have equally felt supportive of certain presidential candidates, but that they have agreed generally with the majority vote when voting in open session. This creates an interesting situation in that the newly appointed president may not know how individual regents voted in private. This action supports the need for regents to support the chosen candidate and develop a working relationship with that individual no matter what their private vote.

Examining the procedures used in choosing these six UT presidents demonstrates that the individual designated to occupy that office is significantly impacted by the confidence in (or lack there of) the selection process. The UT Board of Regents, who ultimately chooses the institution's president, shapes the environment in which that individual must serve through the method of selection. In the same fashion, the individual selected as UT president must appraise the institution's environment to determine whether his or her own values correspond to those of the campus culture.

This review of presidential selection also illustrates some of the unique characteristics of the individuals chosen as UT president between 1967 and 1997. Two of the six presidents were selected from outside the institution. Historically, UT has trained, nurtured and promoted from within talented faculty and staff to serve in administrative positions. In turn, these individuals develop loyalty and an appreciation for the institution. They also present a lesser risk than hiring external candidates, since they have proven their abilities in the UT culture. Ira Iscoe, a member of the selection committee that chose several UT presidents using different selection methods, mentioned that choosing an outside president is risky because it takes one year for an individual to get to know the physical plant and two years to understand the institution's cultural situation, especially in light of the political context of the University. Ronald Brown mentioned this difficulty when he was asked about Spurr's presidency. However, Berdahl, who was chosen from outside and who was not a Texan, seemed to adapt well to the institution, seeking advice from those who had a long history with the campus. Berdahl's conflict came more from the confusion of the authority and responsibilities of the UT System chancellor as compared with those of the UT president. This leads to the second example of decision-making activities and processes, which have significantly impacted the UT presidency.

Authority and responsibilities of the chancellor and president. As with the presidential selection process, governance can be investigated by examining the authority and responsibilities of the UT System chancellor and the president of The University of Texas at Austin. The beginning date for this study (1967) was chosen because in the few years prior to that time, Harry Ransom served as chief executive

officer for both UT System and UT. At that time UT System and UT had not experienced the rapid growth that later took place; therefore, Ransom did not have as many concerns as later chancellors and presidents and could more easily oversee both the System and its flagship institution. Moreover, the UT System offices were located in the East wing of the Main Building at the base of the UT Tower while UT administrative offices were located in the West wing. This close proximity allowed for ease of access and communication between administrators for the UT System and UT. Likewise, until 1977 all UT Board of Regents meetings were held in a large meeting room on the second floor of the Main Building (now Room 212 or the Academic Room), which may have caused some confusion regarding issues related to UT as opposed to those related to the UT System. When Erwin became Chair of the Board of Regents, he reinstated the position of UT president and anticipated the expansion of the UT System[56]. Prior to 1967, Ransom and Hackerman had worked out an arrangement wherein Hackerman managed UT. Thus, when Hackerman was given the title of UT President in 1967, he simply continued the job he had been doing for some time.

When Spurr became UT President, questions began to arise regarding the jurisdiction of the UT president versus the UT System chancellor. At that time, UT presidents were not permitted to represent themselves or their institutions before the Board of Regents. Instead, presidents were instructed to take their concerns to the chancellor, who would then communicate to the regents. (Also, access and communication between administrators of UT and UT System had become more

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56 Erwin's goal was to have UT System component institutions located across the state in each Texas senatorial district. This in turn would give the UT System political clout among state legislators, who represent various geographic regions.

difficult since the UT System offices had moved off campus to a downtown location[57].) One of the reasons Spurr recalled for his dismissal was that he went around Chancellor LeMaistre and communicated directly to the Board. This can be seen in Spurr's dealings with the Board in the case of the Texas Student Publications. The fifty-year-old charter of the Texas Student Publications, which oversaw the publication of seven campus-based publications including *The Daily Texan*, was expiring. Spurr stated in his article, "Fired with Enthusiasm" that Erwin was determined "to either gain editorial control of *The Daily Texan* or to drive it off campus" (p. 445). Stepping around Chancellor LeMaistre, Spurr persuaded John Peace, Erwin's successor as Chair of the Board of Regents, to settle the matter. Peace in turn called a mediation session in which a settlement was finally reached.

After Spurr was fired, Rogers began her interim presidency. Ten months later (July 1975), the Board of Regents changed the chancellor's duties. Chancellor LeMaistre was to focus on fund-raising and public relations, while the daily operations – representing the UT System to the Legislature, implementing policies of the Board – were given to Deputy Chancellor E. Don Walker, whose title became "President of the System." Some speculated that this change was a way of easing LeMaistre out of office and represented a power shift from former Chair of the Board of Regents Frank Erwin to Allan Shivers, current Chair of the Board. Shivers

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57 In 1970, the UT System was given a federal building, which had formerly served as a U.S. Post Office; it was later named "Claudia Taylor Johnson Hall" in honor of the wife of Lyndon B. Johnson. In 1971, the UT System was given another federal building, which had been used as a federal courthouse. It was named "O.Henry Hall" after William Sydney Porter, an American writer who used the pseudonym "O. Henry" and who was tried in that federal courthouse for embezzlement (University of Texas System, 2002).

stated that it was a recognition on the part of the Board that a "dual system of authority" was needed due to the growing number and significance of external constituents ("Regents Detail," 1977, p. 1). Three months after this change in duties, the regents approved a measure that allowed presidents of UT System component institutions to process legislation without submitting a request to the chancellor and to represent their institution to the Coordinating Board, Texas Legislature, UT Board of Regents and other governing boards. Rogers mentioned in her 1975 "State of the University" address that she had been working with Walker in trying "to clarify the lines of authority for various units which are in truth a part of the UT Austin operation but over which the President has little control" ("Documents and Minutes," 1975, p. 12043). Thus, Rogers stated that the greater autonomy provided by the regents assisted in clarifying these lines of authority.

In 1978, LeMaistre left his position as Chancellor to become the President of one of the UT health-related components, M.D. Anderson Cancer Center in Houston, and Walker was first named the Acting Chancellor and eventually Chancellor. The position of President of the System was eliminated. Walker, who had a background in business, decentralized UT System's authority and stated that he believed UT component institutions should be "virtually freestanding" (Burris, 1976b, p. 16). He further stated that the UT System served in the role of a coordinator for the general activities that supported the component campuses. Specifically, he felt that the System should oversee the management of investments, legal services, construction projects and system-wide police offices.

In 1981 during Flawn's presidency, the Board of Regents created two new UT System executive positions, which took over some of the chancellor's

responsibilities. The Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Health Affairs supervised the general academic and health-related institutions, respectively. Each of the presidents of the UT component institutions reported first to one of these individuals rather than the chancellor. Flawn stated that this did not change his relationship with the System administration or the Board of Regents. He did acknowledge that the responsibilities between the chancellor and president with regard to UT had to be worked out with every administration. In particular, Flawn felt that individuals chosen as chancellor with strong academic backgrounds were tempted to become more involved in campus issues, since more academic activity occurs at the campus level as opposed to the System level.

In 1992, when Cunningham was chosen as Chancellor, some of the confusion regarding the authority and responsibilities of the chancellor and UT president had to do with Cunningham's prior service as the chief executive officer of UT. Some evidence existed that he had difficulty separating from his former leadership role at the institution. As can be sensed in Berdahl's comment, "It has not been easy for my boss to have been my predecessor or my predecessor to have been my boss" (p.400). Berdahl further acknowledged that the transitions – Cunningham's transition to Chancellor and Berdahl's transition to UT as President – were difficult due to their perspectives. Cunningham, who had spent his entire career at UT serving as a faculty member, Dean and President, had an internal perspective of the institution (and was still very attached to the campus), while Berdahl had an external perspective having served at two other universities. Therefore, the two had different perspectives on how best to administer institutional policies. Berdahl also commented that

Cunningham did not always observe the lines of organization and administrative authority as the other two systems heads (University of Oregon System and University of Illinois System) he had been acquainted with prior to coming to UT.

An example mentioned by Berdahl concerning the confusion of the authority and responsibility of the chancellor and president was their residence. Cunningham, who lived in the Bauer House, was furnished with a large space for entertainment purposes, while Berdahl was not provided such a residence. In another case, it was evident that Cunningham openly opposed Berdahl's efforts to give more authority to the faculty through the creation of the Faculty Council. Berdahl believed this was a responsibility not of the chancellor but of the local faculty and its chief presiding officer.

As can be seen through this examination, the authority and responsibilities of the chancellor and the president have been obscure at times. Since 1967, regents have made an effort to identify the respective responsibilities of these two positions. Sometimes changes were made based on the political interests of regents. At other times, regents acknowledged the growing demands and complexities of the System, which called for an expansion of leadership. Still, there seems to be no historically defined way of operating that distinguishes the authority and responsibilities of the chancellor as opposed to the UT president when it comes to campus matters. Instead, the authority and responsibilities are generally negotiated between the chancellor, president and the regents. Thus, an individual chancellor's view of the UT campus impacts how they work with the campus president. Walker changed a highly centralized system to a highly decentralized system. Additionally, for individuals with a strong tie to the institution, such as Cunningham, it was difficult to relinquish

control over that institution's operation; the temptation to manage a favored academic program and set institutional priorities is strong.

These three elements of organizational culture offered by Caffee and Tierney (1988) – environment, values and governance – have been illustrated by select examples from different UT presidents during this period and effectively describe the political culture in which each president encountered the various issues over their time in office. The environment in which The University of Texas at Austin operates is highly political and its presidents need to understand the values of the actors, who impact the myriad of issues they encounter while in office. Understanding both the environment and the values of campus constituents provides a fuller appreciation for issues related to governance. As has been suggested, governance was the dominant issue theme, which most heavily impacted other issue themes – governance, academic concerns, finance, legal actions, student life and significant incidents – encountered by UT presidents during the time period of this study. To demonstrate the significance of governance, two examples were identified that revealed the intricate system of governance with which UT presidents must contend: presidential selection, and the authority and responsibilities of chancellors and presidents.

Implications for Future Research

A number of interesting research avenues are suggested by this study. The data presented in Chapters Four and Five offer any number of historical avenues which one could expand and examine in greater detail. The conclusions reached focus on governance and organizational structures, which are constantly changing, and thus, call for continued exploration. One area of future research should focus on

other available historical documents such as the archived presidential files in the Center for American History. Examining these documents could shed greater light on the issues encountered by UT presidents.

The interviews conducted for this particular study represent the perceptions of the former UT presidents (and in the case of Stephen Spurr, members of his cabinet). The perceptions of other campus constituents – former cabinet members, executive officers, other administrators, faculty, staff, students, parents, alumni, members of governing boards and coordinating agencies, politicians, corporate and community leaders, as well as private citizens – potentially offer a wealth of new information and greater understanding.

This work builds a foundation for understanding the issues encountered by the UT presidents between 1967 and 1997. Additional questions should be raised regarding aspects of university presidential leadership: leadership styles and characteristics, measures of effectiveness, relationship with internal and external constituents, and career paths. Focusing on each president's actions and effectiveness could add a new dimension of understanding.

In addition, this research examines one institution over a thirty-year time frame. Replication of this research for other institutions could provide a rich understanding of presidencies on other campuses. Likewise, some of the conclusions suggest that an investigation of the UT System as an administrative entity over this time frame would enhance the understanding of the working relationships between the System and the campus.

The time frame under investigation ended on June 30, 1997, the last day of a former UT president's tenure; therefore, this investigation should continue as new

presidents are appointed in order to record the issues encountered by each. Continuing this study could provide valuable insight into the UT president's experience and will enhance the understanding of future holders of this key leadership position; also, it could enlighten trustees who must select institutional leaders and judge their performance while in office.

Summary

This study was conducted to historically document the issues encountered by UT presidents who served between 1967 and 1997. While conducting this research, it became apparent that these issues were significantly impacted by the larger society in which the institution operates. The UT president encounters political pressures unlike the chief executive officers at many other Texas public institutions of higher education due to UT's closeness to the state Capitol and its historical background. With these factors in mind, it became apparent that issues related to governance were the most significant because they were dependent upon the particular organizational culture in which the institution operated. All other issues – governance, academic concerns, finance, legal actions, student life and significant incidents – involved in some fashion a question or questions of governance.

In order to explain this line of reasoning, a model of organizational culture developed by Caffee and Tierney (1988) was utilized, which examined three dimensions of organizational culture: environment, values and structure (governance). These three dimensions effectively characterized the political culture of UT as viewed by the six presidents who served between 1967 and 1997.

Appendix A: Letter of Interest

[Date]

[Name and address of recipient]

Dear _____:

I am Charlotte Sullivan, a doctoral student in the Higher Education Administration Program at The University of Texas at Austin. Currently, I am working on a dissertation examining university presidential leadership. The inquiry is a case study using presidents of The University of Texas at Austin who served between the years 1967 to 1997. Dr. James Duncan serves as my dissertation chair.

As a part of this study, I would like the opportunity to interview you for one hour to an hour and a half as a part of the concluding stage of data gathering for the study. This study will focus on major issues addressed by UT presidents between 1967 and 1997 as identified through the media and other public sources. I will be using an enhanced issue taxonomy developed by the Carnegie Commission on Higher Education "to examine the vital issues facing higher education in the United States" as it approached the year 2000. The specific focus of my time with you will be to discuss your perceptions and reflections on those issues and/or issue themes that have been identified related to your term as President. I will provide you with the general questions for the interview ahead of time.

I will be contacting you in the near future to determine your desire and availability to participate and to give you an idea of the anticipated time frame for scheduling an interview as well as to answer any questions you have. In order to facilitate the communication process, I would like to know your preferred method of communication. Therefore, a response form and self-addressed stamped envelope are enclosed, which allow you to specify the best method of communication.

If you have any questions before we establish contact, please feel free to contact me or Dr. Duncan at one of the phone numbers or email addresses provided in this letter. We will be pleased to answer any questions regarding this study. I look forward to our interaction and your participation in this study.

Sincerely,

Charlotte Sullivan
[Contact information]

Appendix B: Interview Protocol

Interview Questions for Norman Hackerman

How did your time at the UT System prepare you for the UT presidency?

Did your transition from the System level pose any special difficulties when you were appointed UT President?

How much influence did LBJ impose on UT before and after he resided on campus?

In 1985, you stated that, In Frank Erwin's first few years, he was a rational person; in his last years, his responses were more emotional. Can you explain more? [The source of this statement is: Britt, B. (1985, July 11). Ex-Rice President Hackerman plans a very active retirement. Houston Chronicle, p. 1]

Regarding the Waller Creek incident, one newspaper statement proposed that Erwin took over the situation after a failure of administrators to have the trees torn down early in the morning before the protestors could gather. Is that true? Were you working with students at the time for an injunction to withhold work on the site? [The source of this statement is: Ford, J. (1970, June 29). UT Regents move hit. San Antonio Express, p. 1]

The Chuck Wagon incident seemed to revolve around the question, "Who should have access to the facilities of a public university?" Do you think that was the central question or was there another element to consider?

Did the Board of Regents pit you and John Silber against each other in the reorganization of the College of Arts and Sciences?

What influence did you have in the decision to reorganize the College of Arts and Sciences?

What would you say was your greatest success as a president?

How were you able to balance your administrative duties with your academic pursuits?

Who was in your "kitchen cabinet", the individuals that influenced your leadership?

Interview Questions for Members of Stephen H. Spurr's Cabinet

Can you tell me anything about the third candidate for UT President? (John E. Cantlon, Provost from Michigan State)

Spurr came in as an outsider. How did he try to learn about Texas and the UT culture?

Spurr came to UT at a time when the campus community was in turmoil. What measures did he take to handle this situation?

- Did he talk to LeMaistre and the Regents about his role versus their role?
- Did he do things to win over faculty?
- How much did Spurr know about the politics on and off campus?

How would you characterize Spurr's relationship with LeMaistre? Erwin? Board of Regents? Faculty? Students? Keeton?

Did Spurr have a say in the faculty workload standards?

What measures did Spurr take to increase minority recruitment? (Any financial aid involved?)

How did the Bauer House controversy affect Spurr's work?

How did Spurr persuade Regents on matters of campus construction? (Academic vs. entertainment)

What was Spurr's feeling about Frank Fleming, student body president and friend of Frank Erwin?

Spurr was concerned about salaries. Was his major opposition to receiving raises from the System, Erwin or Legislators?

How involved was Spurr in *The Daily Texan* rechartering agreement?

Spurr's health became an issue while in office. Did it contribute to his dismissal?

What were your impressions of Spurr's firing? (What were the 16 reasons? And, why 16?)

Interview Questions for Lorene Rogers

How did you relate to the Chemistry faculty after having been denied an appointment in that Department?

Why did you accept the position as UT President, *ad interim*?

You stated that you received a lot of support through phone calls, letters and flowers delivered to your home and office. In what other ways were you shown support?

In looking at the various relationships you had with campus constituents, how would you characterize your relationship with: LeMaistre, Walker, the Board of Regents, Erwin, the Texas Legislature, faculty, students?

Did the change in Chancellors affect your presidency?

Being the first woman President at UT (not to mention the first at a major university), how did this affect your administration?

What was the difference between your philosophy as an *ad interim* president as opposed to a permanently seated president?

How much of a detriment was the faculty's boycott of university committees?

What was the most challenging legal action you encountered – the lawsuit by the faculty members over their salary? The sex discrimination case brought by Assistant Art History Professor Janet Berry? Can you tell me more about the inequities in faculty salaries and your resolution to these inequities?

Why did favor the formation of the College of Liberal Arts? Was the change initiated because of political, financial or academic needs?

UT System component institutions and their presidents were granted greater autonomy. Who initiated this action and how helpful was it to your work as president?

How extensive was the effect of the report by the Department of Health, Education and Welfare? Were they difficult to work with?

How did you feel about the abolishment of the Students' Association?

The Legislature did not provide sufficient appropriations for research, faculty salaries, etc. Was this more of a political problem, a result of high inflation or a lower view of higher education by legislators such as Governor Briscoe?

Interview Questions for Peter T. Flawn

How did your work as President at the University of Texas at San Antonio prepare you for UT Austin presidency?

Where did you get the idea for the centennial celebration?

How did you develop the three initiatives of the centennial celebration?

How much input did you have in the Centennial Commission's report?

Where did you get the idea for the emphasis on excellence?

Why did you decide to review the undergraduate degree requirements?

Do you feel that the enrollment limitations implemented during your presidency were effective?

Did the new admissions standards help minority recruiting in the long run?

Who initiated the efforts to bring MCC to Austin?

Do you feel that receiving state and federal dollars was too high of a cost in terms of their new rights to be intrusive?

Why do you think UT faculty saw the UT administration as being intrusive?

Did you have any control over UT's expansion into East Austin?

Did the reorganization of the System administration impair your work?

Do you think students blamed you for UT System's investment in companies conducting business in the Republic of South Africa?

State appropriations became a large concern during your presidency at UT, especially during the 69th Legislative Session when a 26% cut was proposed. Who was first to call for an increase in tuition? The Centennial Commission?

Do you think expanding the PUF's bonding capacity to all component institution's in the UT and A&M Systems was appropriate?

Do you think the case of Kathleen Kelleher was one of academic freedom?

Interview Questions for William H. Cunningham

How did the dual appointment of you and Gerhard Fonken come about? Was your focus as UT President more on external constituencies?

Do you think students blamed you for UT System's investment in companies conducting business in the Republic of South Africa?

Who made the decision to arrest protesters in April of 1986? What advice was considered when making these decisions?

Had you developed a pattern for handling on-campus protests?

Do you believe the free speech restrictions were too rigid?

Had there been other racial incidents with UT fraternities before the two associated with Round Up in 1990?

What was the purpose of the speech on April 13, 1990?

Who made the decision to arrest the UT 16?

What caused you to initially become concerned with hazing on campus?

Do you feel that the enrollment limitations implemented during your presidency were effective?

Where did you and then A&M President Frank Vandiver come up with the idea for the University Outreach Program?

How successful were your recruiting trips across the state?

Were you surprised by the reactions caused by UT's expansion into East Austin?

How did you first approach the problem of graduate student insurance premiums?

How serious was the threat to take money from the Permanent University Fund in order to finance a state deficit?

You stated total revenues from state appropriations were 45% in 1985 down to 31% in 1991 – was this a gradual trend or was this the result of larger cuts?

Interview Questions for Robert M. Berdahl

In coming to the UT presidency as an "outsider," how did you learn about the campus culture? Campus constituents?

You served in a unique situation in that Chancellor Cunningham was both your boss and predecessor. What kinds of challenges did that create?

As a new president, why did you decide to keep the existing administrative structure instead of developing a new structure?

What was your reasoning for approving of the abolishment of the University Council and the Faculty Senate in favor of the creation of the Faculty Council?

State appropriations (as a portion of UT's budget) dropped during that time causing you to request an increase in student fees, specifically technology fees. What kinds of decision-making processes did you go in determining the amount needing to be raised and the particular fees to increase?

From your standpoint as UT President, what was the most difficult aspect of Hopwood decision?

Did students understand that Hopwood was a legal action in which you could not control the consequences or did they blame you in some way?

What were the measures you felt were most important to implement in order to counteract Hopwood?

What was the impetus for getting started with the campus master plan?

How did you communicate your priorities to campus constituents?

What would you say was your greatest success as a president?

Why did you choose to leave UT?

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Vita

I, Charlotte Ann Sullivan, was born in Lufkin, Texas to Robert S. and Shirley J. Sullivan. After graduating from Lufkin High School, I attended The University of Texas at Austin and graduated in 1987 with a Bachelor of Science in Secondary Education (minors in English and Speech Communication). After working for three years as an apprentice campus minister at Rice University and the Texas Medical Center, I attended Southwestern Baptist Theological Seminary in Ft. Worth, Texas where I earned a Master of Arts in Communications (1993) and a Master of Divinity with a concentration in Biblical Languages (1994). While in seminary, I served as Writer in Residence and traveled extensively. For a number of years, I taught Communication Arts courses as an adjunct faculty member or Instructor at Texas Wesleyan University (Ft. Worth, Texas), The University of Texas at Arlington (Arlington, Texas), Southwestern Baptist Theological Seminary and Austin Community College (Austin, Texas).

In the fall of 1997, I entered the Higher Education Administration Program at The University of Texas at Austin (UT). While a student, opportunities arose, which allowed me to work with a number of entities: UT's Department of Educational Administration, Charles A. Dana Center, Office of the Executive Vice President and Provost, Office of Governmental Relations and Office of Graduate Studies as well as the Texas Higher Education Coordinating Board and The University of Texas System. These experiences broadened my understanding of higher education administration. Support was also provided in the form of scholarships and

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