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University of California
Berkeley, California

Jesse Choper

*Jesse Choper: Oral Histories on the Management of Intercollegiate Athletics
at UC Berkeley: 1960 - 2014*

Interviews conducted by
John Cummins
in 2011

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Interview 1: September 7, 2011

Begin Audio File 1

01-00:00:00

Cummins: Okay, this is September 7. This is the first interview with Jesse Choper, a professor in the law school, former dean of the law school at Berkeley and faculty athletic representative from—

01-00:00:22

Choper: Six years.

01-00:00:22

Cummins: About six years.

01-00:00:23

Choper: Six years. It was six years.

01-00:00:25

Cummins: Two thousand five to 2010.

01-00:00:29

Choper: That's right.

01-00:00:29

Cummins: Why don't you begin by talking about your youth and your involvement with sports.

01-00:00:39

Choper: Yes. Well, sports played a big role in my youth in the sense that I was a very average athlete. I think it's fair to say below average but not that far. I played basketball. We played softball, we played touch football when I was a kid every afternoon for a bunch of years. Okay. But very early, I'd say when I was about five years old, I got involved in the national pastime, baseball.

01-00:01:27

Cummins: Give the year.

01-00:01:28

Choper: Wilkes-Barre, Pennsylvania. I was born in 1935. And we had a couple of colleges there. One of them had a football team. As a matter of fact, after the Second World War they had a very good football team. A lot of these guys came back from the service and they were big bruiser kind of guys. It was a community in which the dominant nationality was Polish. And the Poles produced a lot of good football players and some of the great football players were from Wilkes-Barre. Right? Charley Trippi I remember was a great running back for Atlanta and I think he played for Georgia, Georgia Tech.

Anyway, but I got involved in baseball. It's not important how I got involved but I just got interested in it. And as is my wont, I get into something, it's both a—they often say your good qualities are at the same time your bad qualities

or your pluses or your minuses. I just got totally involved with major league baseball. And we had a baseball team in the eastern league, Class A Eastern League called the Wilkes-Barre Barons. They were a Cleveland Indians farm club. So I adopted Cleveland as my team. And I saw some great ball players play in that eastern league who went on to the major leagues. I saw practically the whole—I think it was 1950s, Philadelphia Phillies World Series team. They played for Utica, New York. I recall the Utica Blue Jays. Had pitchers like Robin Roberts and Richie Ashburn played. Saw a bunch of players. And then I adopted the Saint Louis Cardinals.

01-00:03:27

Cummins:

And so you followed the sports pages and the statistics?

01-00:03:30

Choper:

I was the guy who knew all the batting averages, knew all the history. I read the *Baseball Digest*, I read the *Sporting News*, I read what they had. So I was into it. And I stayed terribly involved in it I would say probably—I forget when it became less intense. But it got reduced a good deal by the time I went away to law school, which is—I went to college local town. You tell me if I'm going too long on a particular topic.

01-00:04:12

Cummins:

No, please.

01-00:04:16

Choper:

They played 140 games a year, the Wilkes-Barre Barons. Seventy at home. I saw sixty-three games one year. You'd get in for a quarter and I used to walk. It was a fifteen-minute walk from my house. And they were all night games. I wasn't five but I was seven, eight. I went, sometimes got a ride back with parents of my friends who were still hanging around until the end of the game. Safety was not an issue in my hometown.

So anyway, when I got to law school I got overtaken by whatever it was, other things. And while I continued to be aware of who's doing what and so forth I wasn't as intensely involved. And then after I graduated from law school, I started teaching in Minnesota, then I got involved again. The Minnesota Vikings were either in their first or second year with this great quarterback, Fran Tarkenton. The University of Minnesota football team, it became a big faculty and spouses event every Saturday. Go to the football game, freeze your butt off. They're outside.

01-00:05:46

Cummins:

Yeah, very cold.

01-00:05:47

Choper:

Outside. So we went to all the games with some crummy seats down around the fourth row from the field, which you couldn't see over here, there. But anyway, they had some great players then, too. Minnesota did pretty well. The Big Ten was a big deal. It's still a big deal but I think it was probably, well,

from my perspective it was a bigger deal even than it is now. No, that's not true. So anyway—

01-00:06:22

Cummins: Around nineteen—

01-00:06:23

Choper: This is 1961. Sixty-one.

I started teaching at Minnesota in '61, I was there four years. And then it was also the beginning of the Minnesota Twins. So I went to some of those. So I took a renewed interest in sports. But I had a young son and you couldn't consume both weekend days—I used to work on Saturdays. When we didn't go to the football games. So it limited how much I could pay attention. But I paid attention. Even when we'd go out, listening to the radio and so forth—but I was still a Cleveland and Cardinals fan. And then in '65 I came to Berkeley and I got into the pro-football, the 49ers, that fine team, the Raiders, too. And there were a group of faculty in the law school who were sports fans. And so we followed the 49ers and we followed the Raiders and the Warriors.

01-00:07:36

Cummins: Was Mike Heyman one of those people?

01-00:07:37

Choper: Yes. Well, I'm going to come back to that. I'll come back to that. The first four years I came here, '65 to '69—I had been accustomed now for four preceding years of going to football games with my wife and she enjoyed it. She was not rabid but she was a good athlete herself and she was interested in going to the games. So we went. I asked about it and they said, "Oh, yeah, there's a group of us go." The law school leader of the group was Adrian Kragen, who I'm sure will appear—

01-00:08:18

Cummins: Yes, absolutely.

01-00:08:19

Choper: —in your story here. And we went to the games. Mike Heyman was part of the group. Ed Halbach was part of the group. There were a couple of new people who went with me who were also big fans. And I went to all of the football games. I sat with Adrian and his buddies and he also had some long-time friends who would go there. And it was in section CC. Now, I don't know if you know where that is but it is behind the goal line on the angle. So it's—

01-00:08:55

Cummins: Now these games are which? Are these the—

01-00:08:58

Choper: Cal games.

01-00:08:59

Cummins: Cal, okay.

01-00:09:00

Choper: Oh, the Cal games.

01-00:09:02

Cummins: So not the 49ers. This is—

01-00:09:03

Choper: This is my real first experience with Cal sports. Well, no, because of the Minnesota. I had done four years at the University of Minnesota sports. And so we went on and for four years went up there. Well, our football teams were not good. This is '65 to '69. And I used to complain to Adrian about the seats, which were way at the top of the stadium and so forth, looking down out of the corner of the end zone. He always said, "Oh, you don't understand. You can see the line play here and so forth." And he could sit, of course, most anyplace. So he sat there and I think he'd been sitting there for a long, long time. And one day we were sitting back there, Saturday, and I don't know that I was bitching as usual about the view from the seats. And he said, "You see that guy down there about six, seven rows in front of us?" Well, there was no one between us. You could see him. He was the next person sitting down there. I saw him from the back. Great big round shouldered guy, older man with a white full head of hair. "Do you know who that is?" I said, "No, Adrian, who's that?" He said, "That's Pappy Waldorf." He said, "He could sit in any seats he wants in this stadium." He said, "This is where he sits." And whether he said, "Now shut up," or not—Adrian wouldn't say anything like that. He made his point.

01-00:10:58

Cummins: Exactly.

01-00:11:02

Choper: I said, "Well, maybe." But anyway, after four years, I remember the game that sent me away, against USC. We kicked a field goal early in the game, maybe middle of the first quarter maybe, and then we hung onto that lead until about five minutes to go and then it just disappeared. And I said—

01-00:11:20

Cummins: And in those days, because it was the sixties and because of all that was going on on campus at the time, how did that influence—do you have any comments on athletics?

01-00:11:33

Choper: I don't remember the connection. I was involved in that, too, in my regular life. They were very sparsely attended. The games were very sparsely attended except for the big game. I remember there were rooters there and there were kids there. I do remember. But the fact of the matter is I don't remember too clearly about that aspect of it.

01-00:12:05
Cummins: Both because they weren't winning and—

01-00:12:09
Choper: Yes.

01-00:12:09
Cummins: —and for other reasons. There wasn't a great following.

01-00:12:14
Choper: Alumni, yes.

01-00:12:13
Cummins: Yes.

01-00:12:13
Choper: Oh, I think that's right.

01-00:12:14
Cummins: Right, okay. And then what about basketball?

01-00:12:19
Choper: Basketball came much later.

01-00:12:23
Cummins: I don't want to cut you off. If you want to say anything—

01-00:12:26
Choper: Well, no. I just said, "Look, this is silly. I got things I got to do." I went back to work on Saturdays. And I stopped and I don't know that I actually went to another football game—I may have, some friend of mine, but until I got the job as faculty athletic representative—another Cal football game. However, the basketball is different. I was always a great basketball fan, too. We had a local team called the Wilkes-Barre Barons. Same deal.

They were really good. They played in a league but they also played a lot of exhibition games. Ninety percent of the team were local guys and they were virtually unbeaten on their home floor for years. The major competition was Scranton, which was up in—it's not quite a Twin City, about ten miles apart. And I used to go to all the basketball games. All of them. The seasons were shorter in those days, they didn't overlap like this. And I saw some of the great basketball players, George Mikan in the Minneapolis Lakers game. They were top flight. They were in the National Basketball League. And I saw them beat Carl Braun and the New York Knicks. They beat everyone but the Harlem Globetrotters. And another all-black team called the New York Rens. And I think it was R-E-N-S for renaissance for some reason. Oh, I saw these great guys. Goose Tatum, Sweetwater Clifton I saw. Sweetwater Clifton actually played baseball for Wilkes-Barre, too. So I saw great teams. I saw them knock off a lot. I saw them knock off the Syracuse—what did they call

them at that time? But they turned into the Cincinnati Royals. Anyway, so I liked basketball.

Oh, I'm leaving off a big fact. So in 1970 here, which had no cause or relationship with my leaving the football team, too, but I had an interest in horse racing. It's like that's really the story of my existence. I don't do much but I get into it big when I do so. I really had an interest in horse racing. And that was an all-day event. I went every Saturday and then I gave up football which was played on Sunday. That was the big thing for me in those days. The 49ers and the Raiders.

01-00:16:02

Cummins: So you would go to those games, too?

01-00:16:04

Choper: Didn't go.

01-00:16:05

Cummins: Oh, but you'd watch them at home. You'd watch them on TV.

01-00:16:06

Choper: Do you know Ed Halbach?

01-00:16:10

Cummins: Yeah, I know who he is. Oh, sure.

01-00:16:10

Choper: Yeah. He had tickets to the Raiders. He would give us two of his tickets—periodically I'd go to see them live. But they were sold out most of the—

01-00:16:21

Cummins: Yes, yes. They were the Madden years.

01-00:16:24

Choper: The Madden years. Yeah, yeah. Some of the great 49er, too.

01-00:16:30

Cummins: Stabler. Yes.

01-00:16:34

Choper: So I just felt that wasn't fair so I gave up football. And it was a very conscious decision. And gave up all athletics. Then I got remarried to Mari and this—

01-00:16:53

Cummins: Roughly?

01-00:16:54

Choper: Many years later. I got divorced in '85 and I met Mari 1990. So she is a real jock, very interested in sports. And so she started after me. "Oh, why don't we go to Cal basketball games?" Basketball. She gets into it. She knows quite a bit about it. Not as much as she thinks but she knows quite a bit about it. And

so I said, “Okay.” I got some tickets and I went and once again I got into it. For about three years we went and we sat in section ten. That was a faculty section. They had tickets for the faculty. I sat there with Bob Price and, oh my goodness, he was the interim dean of the architecture school.

01-00:18:04

Cummins: Oh, Sam Davis.

01-00:18:06

Choper: Sam Davis, that’s right. Sat right behind him and some other people around there. We got to all the games. I got into it. Just went all out and got season tickets and I went to the games. My good friend Stu Gordon—you know him?

01-00:18:25

Cummins: Yes, I know him.

01-00:18:27

Choper: This was I think just shortly after Haas Pavilion opened. When would you say that was? Ninety-five?

01-00:18:46

Cummins: Ninety-nine.

01-00:18:48

Choper: There was a great basketball player—Sean Lampley.

01-00:18:49

Cummins: Sean Lampley, yes.

01-00:18:50

Choper: Yeah. He was one of the best I ever saw. So we went there. But Stu would say, “I got two extra seats. You want to come and watch?” and so forth. And the fact of the matter is I learned he had eight tickets, four of them on the floor and four of them in great seats just about four rows from courtside and just a little bit towards the Cal bench from midcourt. All right? So my friend Bob Haas, he sits right below me.

01-00:19:26

Cummins: So they’re your tickets?

01-00:19:30

Choper: So after a while, after this went on and I didn’t realize he had these extra tickets, so I said, “Stu,” I said, “I’ll tell you what.” I said, “This is silly.” I said, “I got tickets.” I said, “I’ll get rid of my tickets.” I said, “Let me buy your tickets. If you ever need them you just tell me. I’ll give them to you.” That’s the best because he pays—at that time still I guess you pay list price. Well, in those days you did anyway. You pay list price for the tickets and you’re particularly a big donor you get the seats. So anyway, he said, “Okay.” He’s never asked me, of course, for the other. As a matter of fact, he asked me, he said, “Come down and sit on the floor. I like my seats better than the

seats on the floor.” So there I was sitting and I remember when Bob Berdahl asked me if I would consider being faculty athletic representative. I said, “Well, I want to know more about it.” And then I forget, one of the things he said, “Well, there are a few perks.” He says, “You get good tickets.” He says, “But I cannot improve on your basketball tickets.” I remember he said that. So I got into the basketball I would say for some years. And once again I went to Arizona a couple of times to watch them. Crazy. I just got into it and everything gets pushed aside for the game. I watch all the away games, which I still do, on TV. So there’s an old saying who a judge is. A judge is a lawyer who knows the governor. So I was a faculty member who knew the athletic director, Steve Gladstone. Oh, then Mari—

: So I got to know him a little bit through sports. I remember actually at football games I would see him. Then Mari got me to start going to football games, too. Usually I think Stu would have tickets there, too. He gave me the tickets. Went to a few games. Not a lot. This is before. So Lester’s term expired.

01-00:22:04

Cummins: Bill? That’s Bill Lester, William Lester?

01-00:22:06

Choper: Bill Lester.

01-00:22:05

Cummins: Right.

01-00:22:07

Choper: I think he served the full five years. I think it was a five-year-term. I think he served the full—you can check that.

01-00:22:14

Cummins: Preceding you and after Citrin?

01-00:22:16

Choper: Yes.

01-00:22:16

Cummins: After Jack Citrin? Right.

01-00:22:17

Choper: He was the person in between. And they were looking around for somebody. They wanted someone from the law school. I think either Steve or Bob suggested me and he said, “Do you want it?” And I said, “Let me think about it for a while,” because I’m always taking on stuff. I’m already overloaded. So to make a long story short I took it and that’s how I became faculty athletic representative.

01-00:23:00

Cummins: Now, before we get to that point can you talk about whether athletics and attending games was something you did as Dean of the Law School.

01-00:23:16

Choper: I wasn't going then.

01-00:23:52

Cummins: Could see any connection between fundraising and athletics even then as dean?

01-00:23:59

Choper: Dave Maggard was the athletic director when I was dean from '82 to '92. Look, if I learned anything in that deanship it was that you could do very, very little without a substantial amount of money. So I devoted a good piece of my efforts to fundraising. And it was sort of parallel with the campus getting injected with the serum, as well. And Mike Heyman. He was doing big things. To make a long story short, I used to go to these fundraising meetings. I forget, maybe deans meetings. But anyway, Dave Maggard was there so it had something to do with—and I began to learn that there was a lot of money involved in intercollegiate sports. I never thought of it before. That's the bottom-line. I never thought of it at all. So I was always somewhat envious of that. More than somewhat. I was not alone. Not that I was resentful.

With exception. Because then when I began to look at alumni out of law school and people of means and whether they were philanthropic or not, there were one hell of a lot of times in which I learned that they were significant—this is 1982—significant donors to the athletic department and they gave us beans.

01-00:25:53

Cummins: Now, do you think that that was because fundraising was not a priority until you came onboard?

01-00:26:00

Choper: Certainly in part. Certainly in part. I would say it was not a priority for me as an original matter. It started really with Ed Halbach in a relatively modest way. But he started it. And then he was dean for six years, from '69 to '75. Sandy Kadish was dean from '75 to '82. Sandy did what I thought that I would do, and that is Ed's the point man, Ed Halbach. I'll do what I'm supposed to do. It's not totally unimportant. But that's not what's important to a university. To the extent that I thought about it, I'd been here seventeen years before I became dean, and they wanted me to become dean in '75. I say become. A bunch of people wanted me to get in, put my name in it. And I didn't for a variety of reasons. But when I did, I didn't have an agenda. I'd been very active in the administration of the law school before. I was chairman of the appointments committee for ten years. I knew a lot about what was going on—I knew, I thought, what it took to build—not to build but to have a great law school. We had a great law school.

But in the first thirty days I was in the dean's job I woke up. First of all, I came in in one of our many, many budget freezes and so forth, in '65. You

can go back and look that up. People were unhappy about it and so forth. I saw that money was important. So I really got into it. So Sandy had started a campaign, I think it was a two-year campaign—whatever it was, and we raised \$250,000 in annual giving. That was a lot of money in '81, '82. And I succeeded to that. But I was much more aggressive. We did 500,000 next year, a million dollars the following year. But no, it was just in annual giving plus chairs and so forth.

01-00:28:48

Cummins:

But you were stunned to see the number of people that gave to athletics. That's interesting.

01-00:28:53

Choper:

Some of them I got involved with afterwards. Stu Gordon was one. I'd never met Stu Gordon until I went out of my way once at some event, I guess it was a donors event, I remember it, in the library. They had it in the big reading room in the library. I walked up, I saw him, I saw his name card. I remember he was walking in front of me. I walked up behind him. He has given us a hundred bucks maybe. And Adrian. Adrian was one. He used to tell me about all the alumni. "There's this guy, there's that—" Adrian Kragen who had been here. He'd been around for many, many years. I think he graduated from the law school in 1934 and had been teaching here since the mid-fifties, early fifties maybe. So anyway, Adrien knew everybody. And he would say, "See that guy? He almost himself built the press box there." I said, "Oh, he did?" Anyway, he didn't tell me that night. But I had a good memory in those days. I remembered the names and I saw his name and I went up and I got behind him and I introduced myself to him. We started talking. And Curt Simic was then the director of development.

01-00:30:21

Cummins:

Be about '84. Eighty-three, eighty-four.

01-00:30:26

Choper:

Yeah, that's about right in the beginning here although the very first year I started a campaign to raise \$300,000 three times for three chairs. Called it the distinguished professors chair. Three hundred thousand dollars for the price of a chair. And I was greatly assisted by one of our most famous alums, G. William Miller, who had been secretary of the Treasury. He was here as a regents professor. And I talked to him one day and I said, "I want to have this fundraising." Bill says, "I'm going to do something about that," he said, because I will start it with \$100,000. He knew some of the people pretty well. Dick Jennings, whom I don't know if you ever knew his name, but Adrian was the second, and Steve Riesenfeld was the very first. Three very distinguished guys in their own rights.

01-00:31:21

Choper:

So we raised the 900,000 and the condition was that you do not—I'm really digressing here. But the condition was—this is in addition to annual giving. I don't want you to put it that way.

To shift over your—so anyway, we raised \$900,000 from a relatively small number of people because I didn't want to make this a big deal. Until the very end you say, "We're having this thing. You want to contribute to it?" That's fine. Larry Sonsini for the first time stepped up.

01-00:31:56

Cummins:

Interesting.

01-00:31:58

Choper:

Yeah. Mario Rosati. You know that name. He's a partner in that firm. Wilson Sonsini Goodrich & Rosati. And he gave \$75,000. Nine hundred, you can get them. They were both protégés of Dick Jennings. Sent them down to Silicon Valley when it wasn't Silicon Valley. They went to this firm that had four lawyers in it when Larry Sonsini got there. Anyway, so I got some that way. But some to this day, to this day I'm not going to name names for the record here. Substantial donors to the athletic department. Nothing. Nothing significant to the law school. Nothing meaningful. And I got to know them. They're nice people but—

01-00:32:53

Cummins:

And what's their rationale when you approached them or do they not even provide it?

01-00:33:02

Choper:

I don't think I ever went to anybody and said, "I know you give a lot of money to the athletic department. How about giving to the law school?" I don't think I ever said that. As a matter of fact, people would often tell me, "Well, I'm a big supporter of this, big supporter of that." And I said, "That's great. I don't want you to stop being a big supporter of that. I'm asking you to be a better supporter of the law school. We need it." So I think their rationale was that they were great big sports fans and that's where they were going to put their money. And they'd done it for years. Took a long time to get through to people, particularly when they didn't want to hear it too clearly, that private support—what do you mean, private? This is a state school.

01-00:33:59

Cummins:

Exactly.

01-00:33:59

Choper:

And, of course, it was a state school and money was loose for a long time. Deans got whatever the hell they wanted. The law school was always treated probably better than it should have been given the great departments that we had on the campus.

- 01-00:34:20
Cummins: In the interview that I did with Dave Maggard and I since followed up with Mike to confirm this, which he did, Maggard said that in 1980 he put together a fundraising effort called Cal Sports 80s and it was strictly for facilities. And he got Roger Heyns and Walter Haas to co-chair it. So Roger was no longer chancellor at that point but that was a very shrewd move on Dave's part to be able to get both of them to chair it. And then Mike Heyman comes in in 1980 as chancellor. Obviously, just as you said, he knows that fundraising is critically important now.
- 01-00:35:09
Choper: He came from that background.
- 01-00:35:11
Cummins: Yes.
- 01-00:35:12
Choper: He came from that background.
- 01-00:35:13
Cummins: Exactly.
- 01-00:35:14
Choper: He knew. He was on the receiving end of solicitations from Dartmouth and Yale.
- 01-00:35:18
Cummins: Exactly, exactly.
- 01-00:35:19
Choper: I don't know about Dartmouth but Yale was the most successful fundraising law school in the country.
- 01-00:35:25
Cummins: Right, right. So Dave says that he got a call from Mike in 1982 and he came over and Mike said to him, "You're raising more money in athletics than anybody else on the campus, maybe with the exception of engineering but that's it. And what I am going to do is adopt your model and the only change is that you now have to come to me for permission to—"
- 01-00:35:55
Choper: Go to donors.
- 01-00:35:55
Cummins: —"go to those people, the major donors." And so historically there is an absolute connection between athletics and fundraising for the campus. And then you have just reinforced that but you've added a different twist, which is that at least in your view vis-à-vis the law school, there are some who do give to athletics substantially but they have no interest in giving academically.

01-00:36:29

Choper:

Oh, it wouldn't take you very long to produce a list like that today. To this day when they have that fundraising report from the campus, I go through and I look at the names and I say, "Oh, gees." There are supporters to the athletic department. Now, that's not the only ones. Stu. When I got after Stu, within a—I don't know how well you know him. He's a very philanthropic guy.

01-00:37:00

Cummins:

Absolutely.

01-00:37:01

Choper:

And an extraordinary hard worker and very successful financially. He did well in his law practice but he has real estate. He runs a real—

01-00:37:12

Cummins:

Restaurant.

01-00:37:13

Choper:

Well, I don't know about the restaurant. He has had success and partnerships with some. But he and a guy named Rich Guggenheim have a little real estate firm. Stu has got his finger in a lot of pies. So he made, I think it was a \$250,000 contribution for the moot courtroom. And he continues to be a big donor to the law school.

01-00:37:48

Cummins:

Of course, of course. And baseball program.

01-00:37:52

Choper:

Oh, yeah. I went with him to the football game the other day, Saturday, and he's telling me he just spent two weeks raising money, not from private donors but from the state judicial council, I think, to avoid closing down a bunch of the trial courts in San Francisco.

01-00:38:14

Cummins:

Amazing.

01-00:38:15

Choper:

Telling me that. "Got to do something." He said, "They had some money." He persuaded them to do it. And he said, "Well, you should have seen it. I got 200 thank you notes," he said, "from people." And I said, "Why didn't they go to bat with you?" "Well, I was doing it myself." I didn't cross-examine him on it.

Now, the only other thing was that for one football game a year at least, sometimes more than one, that's where I saw football games, they had the press box there, the chancellor's box and a press box. The chancellor had it, vice chancellor had it. And you could invite big donors to a lunch at University House and then go over to the football game. So I did that about seven, eight times, at least. I don't know that it ever helped but couldn't hurt.

And Dave Maggard used to be up around there. And I got to know him a little bit. He's a nice guy.

01-00:39:19

Cummins: Very nice guy.

01-00:39:19

Choper: I liked him a lot.

01-00:39:21

Cummins: No question.

01-00:39:22

Choper: I didn't get to know him well. Occasionally some alum who was a good donor would call and wanted seats, something or other. There was a young fellow who took care of me all the time. I can't think of his name. He's now with one of the big foundations. Can't think of his name now. Nice guy.

I still see him around because I'm on the board of a non-profit, which he comes to this thing, they're supporters of it. I think it's the guy who was in with Al Davis and left a lot of money. He built the building over here.

01-00:40:23

Cummins: Soda?

01-00:40:24

Choper: Yeah, the Soda Foundation. Yeah, I think that's the one. Anyway, so they were always very nice for getting tickets for me and so forth.

01-00:40:39

Cummins: Good. So let's talk about then you come on board as the faculty athletic rep and Bill Lester was the one that had to deal with the—

01-00:40:59

Choper: Saragoza.

01-00:41:00

Cummins: —Saragoza matter, which was very difficult, to say the least. And the university received major sanctions for that, and you were aware of that.

01-00:41:10

Choper: Oh, yes. Sort of. I was aware of it. And a few years earlier, what's the basketball coach that was—

01-00:41:23

Cummins: Todd Bozeman.

01-00:41:25

Choper: Todd Bozeman, yeah. I read about that. I used to read the sports pages.

01-00:41:35

Cummins: So you come in and what are your initial impressions then as—

01-00:41:40

Choper:

Bob Berdahl said—I said, “How much work is it?” “Well, I’m not sure.” He said, “There are four meetings a year.” He said, “There are four meetings a year and maybe on a committee.” Well, I tried to find out who I could ask about this. I did ask Jack Citrin. I didn’t know him well but I knew him. He’s sort of in a related area to mine. We’d crossed paths several times. And he gave me some rough idea. Psychologically I was going to take the job. For some reason I wanted—

—to do it because I wanted to feel good. And then I learned that one of my former students was the faculty rep for USC. And I found out after a while that she was the guru. She had been there for about a dozen years. Noel Ragsdale. And she had been my research assistant. And the funny thing was when I went to one of the first introductory meetings of the Pac-10 Council she came and I started asking her this and she started to laugh. She said, “Gosh, I’ve become your mentor.” I said, “Damn true.”

01-00:43:15

Cummins:

So it’s Rags—

01-00:43:17

Choper:

R-A-G-S-D-A-L-E.

01-00:43:18

Cummins:

D-A—Ragsdale.

01-00:43:19

Choper:

Yeah. She just stepped down about a year after I did, after about a dozen years on the job, which was not an easy job at USC.

I got to know the faculty reps and some of the ADs pretty well, too. I’d be happy to ask some of them and I think Sandy would, too. Faculty reps I would. Yeah.

01-00:43:55

Cummins:

USC had a whole set of issues obviously.

01-00:44:04

Choper:

She lived through all of that. Knew all about it.

01-00:44:08

Cummins:

Right. And it’s a private institution versus public.

01-00:44:52

Choper:

So anyway, I called her, as well. Or maybe I didn’t call her and I meant to. But I took it. I remember Bob saying, “I want to get this out of the way because this is my last year.” So whenever it was, I took over right in the transition between him and Bob Birgeneau. I was going to say something. Oh, yeah. So first thing I did is I have lunch with Bill Lester whom I knew very

slightly. I knew him. I don't think I knew his name nor did I know—we have a mutual friend, he and his wife. He's a very nice guy.

01-00:45:47

Cummins: Very nice, yes.

01-00:45:48

Choper: So we had lunch up at my usual place for an elegant lunch, at I-House. We sat out there and we talked. I asked him what it's all about and so forth. But I had one thing in mind. I don't want anything bad to happen on my watch.

01-00:46:07

Cummins: Of course.

01-00:46:07

Choper: That was it. I didn't think of anything else. I knew that that was my responsibility. And to look after the academics. So in a nice way I said, "Tell me about the Saragoza thing." I said, "What I want to do is I want to avoid that sort of thing."

He said, "Yeah," he said something like, "I don't blame you." He was perfectly friendly. He said, "Well," he said, "the word got out some way from the football players bragging about the fact that they had a deal working there, this class. So they came to me with it, which is the way it happens. You certainly make the faculty rep aware of what's going on and that they certainly did it down here. I wanted to know."

01-00:48:21

Cummins: Sure.

01-00:48:22

Choper: "And I would always ask." I imagine they felt that he would be a good person to talk to Saragoza. Whether he volunteered or not I don't know. But he said, "So I talked to him and I told him what was going on." And he said to me, "Well," he said, "that is just not true." He said, "I have never done that sort of thing." This is why I'll remember this so vivid. So Bill said, "Well, what can I do? It's a colleague." He said, "So I thought he was telling the truth." So I don't know that I said this to him or not but I thought it or maybe I thought it somewhat later. I don't know. And I've had nothing similar, but analogous situations where you got to get—

—facts. And I would have said something like, "Well, I appreciate that. I'm relieved to hear it." I said, "Would you do me a big favor? And that is make a record of all of this. Put it down on paper," I said, "because the PAC-10," or whatever it is, "they're going to want more on this." And I said, "Get the statement at least from somebody." But the benefit now of six years being on the job. I guess there are other ways you could go about trying to run it down better. Didn't they do much anymore? I don't know what happened. I never did. I only was concerned about my own responsibility. My own

responsibility would be to hear from the people in the athletic department. Said, “What are you guys planning to do now about investigating this—“

01-00:50:30

Cummins: Yes, right.

01-00:50:31

Choper: —“in some way because you’re supposed to have an internal”—I didn’t even know. I knew nothing.

01-00:50:36

Cummins: At that point.

01-00:50:36

Choper: I haven’t even taken the job yet. Haven’t even been in the job yet. I know from nothing. For example, we had an analogous situation that’s now public with basketball here. I don’t even know what happened, how that finally came down.

01-00:50:52

Cummins: This was improper recruiting?

01-00:50:53

Choper: Improper recruiting.

01-00:50:58

Cummins: I think it came out all right.

01-00:51:00

Choper: It did because I know Bob Birgeneau went to Indianapolis to plead the case. And I don’t know if they’ve given a final decision yet. They found it to be a major violation. It was in the newspapers I think.

01-00:51:18

Cummins: Yeah. I’ll have to go back and look. Yeah. These things come up.

01-00:51:26

Choper: So I was told very early in the game that they had been going through some records. They had a whole agenda of things that this law firm from Kansas City had—

01-00:51:45

Cummins: Yes. Mike Glazier.

01-00:51:45

Choper: —a plan and so forth. Actually it was his law firm but it was the guy who was in charge of the administrative part of it. Glazier’s the litigator.

01-00:51:45

Cummins: Yes.

01-00:51:55

Choper:

And they hadn't quite gotten around to it, to doing a full inventory of checking phone calls. But they did what they were going to do and they found something that looked very strange and they went to them and they discovered that all of these calls, a couple of hundred calls, had been made by this one coach.

01-00:52:23

Cummins:

One of the assistant coaches.

01-00:52:25

Choper:

Yeah, a brand new assistant coach. This is all on the record.

01-00:52:28

Cummins:

Yes, right.

01-00:52:29

Choper:

What's his name? Jay John. Who had been the head coach at Oregon State. Had just been fired and was hired by Mike Montgomery in his very first year as an assistant coach. He'd been a very successful assistant coach at Arizona, which was a big program before he'd gotten the job. Chris Stivers, and I have nothing but good things to say about him and the staff in that office.

01-00:52:57

Cummins:

The compliance office, yes.

01-00:53:00

Choper:

Compliance office. I dealt more with Chris than anyone else but I dealt with all three of them. Foti Mellis and Chris Stivers. He's a former Cal football player.

01-00:53:19

Cummins:

Oh, Dave Ortega.

01-00:53:19

Choper:

Dave Ortega.

01-00:53:22

Cummins:

Right.

01-00:53:22

Choper:

Yeah. All three smart, committed, and serious about rule observance in academics. And that goes right to the top of the department and certainly with Sandy. She was not, I don't know if she's going to see this or not, not the easiest person—

01-00:53:45

Cummins:

To deal with.

01-00:53:46

Choper:

—to get along with. I didn't have any problem really dealing with her but it was hard to read her sometimes. She was sort of brusque. Anyway, I told you the story about the budget stuff. I guess that—

01-00:54:01

Cummins:

Oh, go ahead.

01-00:54:03

Choper:

But I go back to this. So the basketball deal. So they checked and rechecked and they ran the whole thing. Oh, this ended up to put us in good stead we thought, at least, with the NCAA. We made a thorough investigation and found—and his explanation, he didn't deny it. Couldn't deny it. It was on your phone records. He said, "I just didn't know about these rules." I'll tell you what he said there and then I went to the hearing in which he was very good, in which the PAC-10 just said, "Forget it." Not the PAC-10 but the NCAA wanted this gone. And they were there, they had a representative there. But his explanation was basically, he said, "Look," he said, "I have been used to for the last, whatever it was, six years at Oregon State, someone put a phone in my hand I talked to the person. I never counted, I never made records. I never did anything there. I was the head coach. It's perfectly understandable," he said. "They told me what to do in terms of recruiting." So he said, "I just didn't know." And then he said, "You call and you have—" I learned what dropped calls were in this. That your cell phone shuts off and then you got to call again. It might become two calls. So that made—and when he testified at the hearing at the PAC-10 and I went to that, and I thought Mike Glazier was good. But I'll you who was really good was Jay John.

01-00:55:59

Cummins:

Defending what he did.

01-00:56:01

Choper:

Defending what he did. He told that story again but he also said, "You know, I had just come. I had just been fired." He said, "I came here without my family," he said, "to take this new job. They were still up in Oregon State." He said, "This was not an easy time for me." He said, "I just wasn't thinking and I didn't know what I was supposed to do and I guess I didn't know enough or was thinking enough to ask if there was anything that I got to do about this sort of thing." So anyway, he was good. Much better than I thought he would be. I had never talked to him before this. I had been around, had listened to what he had to say at different times. But I just went, I said, "You are a very good witness." He was. He was really quite believable. Who knows, he could have been lying standing there. I'm a gullible person. And we reported everything. And I don't think there was a single recruit that made any difference to us. Were never recruited for anything. Then you found a couple with some of the other coaches, too. Well, Christ, that some of the other assistant coaches—Sandy once told me, this was also an eye-opener for me. We used to get all these self-reported violations and so forth. He said, "Jesus,

there's a lot of these things, a lot of violations." So she said, "If they don't put in self-reporting over a period of time I'll know there's something wrong." Because they all do it. They do it accidentally. You asked me about the NCAA rules. They rival the regulations of the Internal Revenue Code in the detail and in some ways—there's a reason for every rule but sometimes it is not a very strong reason. That's true at every level of our government. And these rules are like any other rules. They are affected by political considerations when they're made. The people who make the rules of the PAC-10 are the council and they are the athletic directors, for one. They have a big role. They had a full-time people with the thing. And the assistant, they're called SWA, senior women's administrator, who was Theresa Gould when I was there, for the years—and I guess she still is.

01-00:58:40

Choper:

And a faculty representative, faculty reps who get paid attention to a lot, more so, I'm told, and I believe it, than any other conference. I don't know about the Ivy League, make any difference there. Not much difference. And the president, what they call CEO. You went once or twice in that capacity.

01-00:59:07

Cummins:

Yes. I did, yes.

01-00:59:09

Choper:

And so I don't think the presidents have a great deal to do with the rulemaking. I think they're much more concerned with the administration, budget, and so forth. Big things. But not whether you can make four phone calls a month or three phone calls a month. And that is the thing that's typical about the sort of thing that I found very tedious and boring.

01-00:59:46

Cummins:

When you became the faculty athletic rep, I'm sure you had the NCAA rulebook. They must have given you one, right?

01-00:59:54

Choper:

I may still have it.

01-00:59:56

Cummins:

It's such a tome.

01-00:59:56

Choper:

Yes. You don't read. It's not the kind of book that you read.

01-00:59:59

Cummins:

No, you couldn't possibly.

01-01:00:00

Choper:

No, you don't read it. That's silly. It's the same thing as saying read the California Corporations code. I've never read that either. I teach corporations. I read positions in it when I have to. That's what we think law school training is about. We don't want to clutter your head with details. We want to get you

to think like a lawyer, know where to look and what the hell to do with what you get when you look. But when you work with it every day like Chris Stivers and Foti, they know and they would tell me what their reading was. I'd read it over, occasionally I'd say, "Well, how about this?" And Chris is a lawyer. He's a Hastings Law School. That's a good law school. Smart guy. And so he was great. He was very good. And I read everything and edited every paper that I put my name on, which was all of the reports. I made occasionally some strategic suggestions as to how it might be better, occasionally we would talk about the interpretation of the rule and so forth. But most was that it be clear. He was a good writer but particularly in the beginning, first couple of years, I used to edit it. I got to put my name on it.

01-01:01:26

Cummins: Absolutely.

01-01:01:27

Choper: And they write them themselves, you see. Noel Ragsdale. I was embarrassed about the extent to which they did themselves what I relied on our staff for.

01-01:01:42

Cummins: But as a result of the scandal that they just went through, the Reggie Bush matter, et cetera, apparently—and they brought in this—is it Freeh, the former director of the FBI et cetera, to advise them, and they expanded their staff, et cetera. Well, it'll be very interesting.

01-01:02:07

Cummins: It's noon so we will reschedule another meeting.

[End Audio File 1]

Interview 2: November 4, 2011

Audio File 2

02-00:00:00

Cummins: Okay. This is November 4, 2011. This is the second interview with Jesse Choper and we were just talking, at the end of the last tape, about your becoming the faculty athletic rep, your views of Foti and Chris Stivers, very positive. And we talked about other faculty athletic reps in that tape. So why don't we start there, and maybe if you want to talk about anything related to the conference, Pacific Coast conference or NCAA, whatever. Whatever your recollections were.

02-00:00:45

Choper: Well, I think I probably mentioned I had very, very little to do with the NCAA, largely because of the fairly special role that the PAC-10 had with the NCAA in terms of compliance with rules and discipline and so forth. So they got most things. The PAC-10 had a first bite of the apple. I think we were the only conference like that.

02-00:01:22

Cummins: I was just going to say that's what Tom Hansen said. We were the only conference—still are, I guess, that does that. "And the reason for doing that was that the NCAA was so slow," he said, "in moving these cases along." So we thought a case could sit for a long time, people had no idea what was going on. Anyway, go ahead.

02-00:01:43

Choper: Well, they continue to sit for a long time. That's a big bureaucracy. But I never went. Occasionally I would think of going but I was told if you'd like to go, sure. I went to one NCAA program for new faculty reps. I was brand new. That was relatively interesting. But I went to the PAC-10 meetings and there were four of them every year and they ran anywhere from a full day to three full days. There's not a single person that I met on that council, the forty people on the council, that I did not like. And some of them, not just the faculty reps, but several of the athletic directors, several of what they called senior women's administrators, I got to know them fairly well. I liked and respected every one of them. That may be my nature or whatever. Because I should say that—I think I would go off the record but Mike Garrett was a very unpopular guy, at least with the athletic directors.

02-00:03:11

Cummins: Because he was trying to get away with things or just—

02-00:03:14

Choper: No, they may have thought that. He tended to be arrogant. He didn't come to a bunch of meetings. But I always had good relations with him. Not extensive by any means. But I found him to be an intelligent guy. He had his views. If you ever talk to Noel she'll tell you much more about the whole thing. And he sort of disappeared after the flap.

02-00:03:47

Cummins: Yes, exactly.

02-00:03:51

Choper: But anyway, the meetings were very long for what was done. For me, it was the meetings themselves that was the low point of that. And they were time consuming. And I tend to have a fixation on time. That is an irrationality of mine. I don't have time for anything.

02-00:04:30

Cummins: It's very important.

02-00:04:32

Choper: Well, Sandy Kadish once said, "You know if they're going to put on your tombstone? He didn't have time." And the debates over tiny little rules. I think I probably mentioned that before. They couldn't get my attention. I'd be there and I'd vote on virtually all of them. First I wanted to find out how Sandy or Theresa, what their view is. And we used to have meetings before I'd go there. So I went over that, we discussed them and so forth. It became rarer and rarer that I would disagree with what they said, although technically I had the final authority. The first meeting I didn't know what the hell I was doing. I drove Theresa nuts by voting against—I didn't know what her views were.

But anyway, but after that I said, "This is foolish. I don't know enough about—" I didn't even know enough to ask. And Steve Gladstone didn't go to the meetings. Oh, I can't remember his name now. He's now the athletic director at Santa Clara.

02-00:06:05

Cummins: Dan Coonan.

02-00:06:07

Choper: Yeah, yeah. And I liked him a lot. He was very interesting. But he sort of gave me free reign that first meeting.

02-00:06:13

Cummins: Interesting.

02-00:06:14

Choper: And I exercised it, largely influenced by what is this going to cost the university. But I didn't have a good fix on what the cost was going to be. Anyway, that's—

02-00:06:27

Cummins: Well, let me just say on that that that's again a very common problem—I wouldn't say a problem, it's just a reality where a faculty member comes in as the faculty athletic rep or a person like myself or a vice chancellor is just given the responsibility of intercollegiate athletics. Really don't understand.

02-00:06:49

Choper: No background.

02-00:06:49

Cummins: No background. And anyway, I think that that begins to show itself, not in your case, because I'm sure you caught on pretty quickly. I don't have any doubt based on what Tom Hansen and others have said. But certainly for administrators who are not ADs, you have to rely exclusively on what the AD tells you, number one. Not that they're going to lie or anything.

02-00:07:19

Choper: No. No, no, no, no.

02-00:07:20

Cummins: But you don't have any context within which to think about it.

02-00:07:24

Choper: Yeah. Steve had me over before and introduced me to everybody and I went to a meeting or two. I wanted to do the job right. So I went to staff meetings a couple of times. But I wasn't prepared for the voting at these meetings or, for that matter, what was discussed at the meetings. They give you a great big thick book.

02-00:07:50

Cummins: It's like being a regent.

02-00:07:52

Choper: And you don't know what to make of it, to tell you the truth. After a while you get the drill but I was thrown right into the swimming pool. That first meeting was traumatic. It turned out to be traumatic.

02-00:08:10

Cummins: I'm glad to hear you say that.

02-00:08:10

Choper: Have you talked to Theresa at all?

02-00:08:12

Cummins: I am. I'm going to. It's coming.

02-00:08:13

Choper: You ask her about that first meeting. She'll tell you.

02-00:08:15

Cummins: I will. I definitely will.

02-00:08:16

Choper: She said it. Yeah. She says, "You're killing me," or something to that. And you can repeat anything I've said.

02-00:08:24

Cummins: Sure.

02-00:08:26

Choper:

And even the meetings with the faculty reps were long. All-day sometimes. More than once a year. They were all-day meetings. Again, I very rarely got juices flowing about the issues that were discussed. And all or most of them treated them quite seriously. Look, I had full respect for that and occasionally there was something I thought for me. I'm not saying the others were insignificant, although, for me, I thought most of them were a little—

02-00:09:12

Cummins:

Minutia.

02-00:09:13

Choper:

Little minutia. But occasionally the issue involved academic values or budget. Those are the two things that I was most concerned about. Those I got more interested in and participated in discussions.

02-00:09:37

Cummins:

But it's interesting when I think back now. When I had it, I remember going down to talk to the AD at Stanford who's now at UOP.

02-00:09:47

Choper:

He's terrific.

02-00:09:48

Cummins:

Yeah, terrific guy.

02-00:09:50

Choper:

I'm forgetting his name now but—

02-00:09:51

Cummins:

Ted Leland.

02-00:09:54

Choper:

Yeah. And I was quite friendly with him. And, I'll tell you, in the beginning I used to follow his lead on the voting. I paid attention. And I remain friendly with him. I see him at the Bohemian Club periodically.

02-00:10:18

Cummins:

Stanford has a principle and the principle is that anything that comes up that would adversely affect the academic side for the student athletes—

02-00:10:43

Choper:

Vote against it.

02-00:10:43

Cummins:

—vote against it. And so one issue that came up that I had to deal with was adding a game in football, so it was twelve games. I think it must have been after the fact that I learned that. I think anyway, that we don't have a set of principles, right. Or do we?

02-00:11:15

Choper:

Oh, sure, I think we do.

02-00:11:16
Cummins: You think so?

02-00:11:18
Choper: Yeah. I think the principle is we should and we do take it very seriously.

02-00:11:26
Cummins: Oh, I don't think there's any question about that.

02-00:11:27
Choper: That's the principle.

02-00:11:30
Cummins: Yes. But you wouldn't have a principle necessarily that, at least the way it was as I recall it told to me, that Stanford—for example, on that extent, the twelve games, they voted no.

02-00:11:42
Choper: Did they?

02-00:11:42
Cummins: And we voted yes.

02-00:11:43
Choper: I want to tell you I voted yes and I'll tell you why.

02-00:11:46
Cummins: Okay. Good. This is a good topic.

02-00:11:48
Choper: Yes. I forget exactly when it was. Whether Sandy was then already—

02-00:12:02
Cummins: I can't remember.

02-00:12:02
Choper: But the fact is they said, "Look, what's the difference? They're in practices. You're not increasing the practices, Sandy." You do increase the travel. But what are we talking about here? We're not talking about much at all. It is not that you're adding another eight and two-thirds percent, one-twelfth to the effort. You're adding virtually nothing. Well, they wanted to do it. Yeah, that's fine. That's fine. I voted for it. That's why. My initial instinct would have been no, right. But when I saw the reasoning of the thing I said, "You know, it doesn't make much difference." And that's true with a lot of things. I pushed and pushed on baseball, however.

02-00:12:56
Cummins: On the number of games?

- 02-00:12:57
Choper: Just played too goddamn many games. But the reality is, and there they amount to something. Their class schedule and everything like that is affected by it. They travel—
- 02-00:13:16
Cummins: Yes, absolutely.
- 02-00:13:17
Choper: I think it's fifty-six games they play. It's amazing.
- 02-00:13:20
Cummins: That's huge.
- 02-00:13:24
Choper: And I didn't get any disagreement with that. We pushed several times. But look, you just can't drop out. And this notion of a level playing field. So that is one thing that I learned. Am I repeating?
- 02-00:13:40
Cummins: No, not at all. This is good.
- 02-00:13:41
Choper: The level playing field was, look, if we don't play this many games or close to them, we're going to have trouble recruiting. And we'll be the only ones. I felt there's something to that and I pushed for the change at the NCAA level. And the whole conference did. But I played a strong role in that.
- 02-00:14:08
Cummins: Right. Didn't get anywhere.
- 02-00:14:10
Choper: And I never got anywhere with it. And we voted for it all the time. Look, Stanford, I'm sure, plays that now. I'm not sure but I would think plays that many games, too. They all play the same amount.
- 02-00:14:23
Cummins: Oh, yeah, I would imagine.
- 02-00:14:24
Choper: Because that becomes the standard. And the only way you can make a major change in most of these things is to go to the NCAA. And that is such a cumbersome—

—process that, at least in my judgment, paid inadequate attention generally to academic values. Now, that's just true in my judgment and I think it is true. I want to say off the record, because it's just a word, all right.
- 02-00:15:06
Cummins: We're on tape.

02-00:15:06
Choper: I was told that the role of the faculty reps in a PAC-10 has diminished meaningfully. I don't know what the adjective is. Substantially or whatever in the last couple of years.

02-00:15:26
Cummins: Yes. No question.

02-00:15:27
Choper: You've heard about that? You've heard that from Bob Jacobson?

02-00:15:29
Cummins: Oh, yes. That's a common feeling.

02-00:15:30
Choper: Listen, money is the game. They hired Larry Scott, who is a very capable guy, smart to get the revenue, increase the revenue stream.

02-00:15:48
Cummins: Get the revenue.

02-00:15:49
Choper: And he's done it.

02-00:15:49
Cummins: Yes, he's done it. Absolutely. The history is that—I think we talked about this earlier, not on the tape—the faculty athletic reps had a substantial amount of authority in the history of—

02-00:16:09
Choper: Yes, I understand that.

02-00:16:09
Cummins: It was the Pacific Coast Conference and then the PAC-10. And that was pretty much the case until they made these changes. So the presidents then and chancellors wanted to exert more of their authority and Tom Hansen and I talk about this in his interview. So in Tom's view, when he was the commissioner, he tried to get consensus from the presidents and chancellors on issues and then he would move forward. It runs now much more like a corporation and the chancellors function as a board and they tell him, "Okay, here's your general objective, mission, whatever you want to call it. Go do it." And the issue of the expansion of the conference, yeah, largely driven by financial—

02-00:17:04
Choper: Oh, money.

02-00:17:05
Cummins: Money. No question. That's what's driving all of this.

- 02-00:17:07
Choper: I told you the anecdote when they announced I was out as faculty rep but I was still on the—when they brought Colorado in.
- 02-00:17:14
Cummins: No.
- 02-00:17:14
Choper: I was out but I still got the email announcement.
- 02-00:17:18
Cummins: Oh, I see.
- 02-00:17:18
Choper: So I got this thing. By the time I get here it was probably out already but I got an early morning email. I don't look at them like crazy like people do. And it was from Larry Scott saying, "I just wanted to tell you in advance that at ten o'clock today," or something like that, "we're going to announce that we're adding Colorado to the conference." "We're adding the sixth largest market in the country," or something like that. Denver market. That was it.
- 02-00:18:02
Cummins: That was it.
- 02-00:18:03
Choper: See, it wasn't Colorado's a great school or whatever. That was it and it's perfectly clear that's what the mission and made it clear to me. If there was anything that was ever clearer.
- 02-00:18:12
Cummins: Oh, yes. No, it's interesting. Derek Van Rheenen mentioned this. That when the SEC, the big southeast conference, announced their deal, they had in that contract a million dollars for each of the schools for their athletic study centers as an indicator that we haven't forgotten. Now, you could say, well, that's largely symbolic but at least they had it.
- 02-00:18:43
Choper: That's an important symbol. The thing is that I'm sure that there's becoming more and more a sensitivity to it. But it's two parallel lines that won't meet. Sure, that they're increasing their sensitivity to academic values. All of them, I think. First of all, some of them are getting their knuckles rapped barely. But at the same time they have this increasing need for money. They're largely opposed and who knows where the twain will meet. I don't know where it will meet.
- 02-00:19:32
Cummins: Exactly. Exactly.
- 02-00:19:35
Choper: They're working at cross purposes with one another, those two things.

02-00:19:39

Cummins:

Yes, yes. Well, see, and that's why the big-time, for example, is so different from Division III, the Ivies. And I would make the case that in the Ivies, they pulled out of the big-time in 1955, formed the Ivy League, and they thought through what they want, how they value sports, athletics, both at the recreational sports level and at a higher competitive level, and they're willing to put money into that. Okay. We on the other hand are competing at the very highest levels. We expect athletics to raise all the money. Okay. We haven't thought through exactly—I'm not just saying Berkeley but the big-time generally—how this all fits together. How does it tie in to the mission? It's never mentioned in mission statements. Universities turn their eye away. So it's this very ambivalent kind of—

02-00:20:48

Choper:

Yeah, You were with Mike at the time he did that, yeah?

02-00:20:55

Cummins:

Did?

02-00:22:55

Choper:

Went to the NCAA?

02-00:20:57

Cummins:

Yes, I was.

02-00:20:58

Choper:

So you saw how that went over. People still, alumni today, talk about it.

02-00:21:04

Cummins:

Absolutely. Well, I heard a story, you may know this, that at Tulane the president of Tulane was a guy named Scott Cowen. I think he's still there. And this was pre-Katrina. They were losing money and he just couldn't rationalize it anymore. Well, first he talked with some people in what's called University Athletics Association or conference. These are the small schools like Swarthmore and Chicago and places like that. And said, "If we left our conference do you think you would accept us?" And so they talked about it and—

02-00:21:48

Choper:

Which one? Some smaller conference?

02-00:21:50

Cummins:

A smaller conference, yeah. And the conference said, off the record, "It's highly likely that we would." So he goes to the board. The board agrees with him. They have a vote.

02-00:22:01

Choper:

Board of trustees?

- 02-00:22:01
Cummins: Board of trustees. Seven-to-one they say, "This makes sense. We're losing too much money," et cetera. So they announce it. It gets out in the press. The city goes berserk, okay, and they reverse themselves and say, "Okay, we'll stay in division I."
- 02-00:22:21
Choper: You mean the city of New Orleans?
- 02-00:22:23
Cummins: Yeah, the people.
- 02-00:22:25
Choper: The people.
- 02-00:22:26
Cummins: Yeah. Just are, "You've got to be kidding. We wouldn't have our games to go to. We wouldn't have really good teams we're playing."
- 02-00:22:3.4
Choper: Well, we wouldn't be in the big leagues anymore.
- 02-00:22:35
Cummins: Yeah, we wouldn't be in the big leagues. That's right. I can't imagine a president or a chancellor at a big-time school saying, "We're getting out." I just can't imagine it. So that's the reality. Anyway, go ahead. So this was a diversion? That is interesting.
- 02-00:22:57
Choper: So where were we? Just talking about PAC-10 meetings.
- 02-00:22:59
Cummins: Talking about the PAC-10 meetings.
- 02-00:23:00
Choper: That role. So that's pretty much it. When the five years was up I told Bob Birgeneau I'd hang on for some more. He came back, said, "Well, yes, let's do it for one more year." Which I think is a good thing. I think term limits are a good thing.
- 02-00:23:31
Cummins: Yeah, turnover.
- 02-00:23:32
Choper: All the people, my colleagues there, they've been there twenty years.
- 02-00:23:37
Cummins: Long, long time.
- 02-00:23:38
Choper: Long, long time. But they're really into it. These people, they are really into it. As Bill Lester said, "You know, I've got a day job." So I do, too.

I didn't want to give that up. They asked me once if I wanted to be vice chancellor for development. The chairman of the board, actually, of the UC Berkeley Foundation. And I said, "I would do it," I said, "part-time." I said, "This is not a part-time job. It's twice a full-time job." I said, "That's just not what I want to do with my life." Even though I'd have enjoyed it. I would have enjoyed it. I enjoy the alumni. In many ways, when I was dean, that was the best part of the job and a very big feature of the faculty athletic reps is I got to know some people, alumni, that I hadn't known before and some of those are lasting relationships with people like Roger Dunn and Dwight Barker. Gary Rogers. Rick Cronk somewhat. But anyway, they're wonderful people and I really enjoy that a lot. And I continue to go to the football games. Some regulars at the football games I wouldn't have gotten to know like I have. But when I realized, it was almost a relief when I knew it was over.

02-00:25:38

Cummins:

Yeah. So what do you think that says about the possibility of presidents and chancellors initiating any significant reform? Because the two reports that came out here, the senate report taskforce on intercollegiate athletics and then Bob Birgeneau setup this council, Bob Haas was on it and four faculty and four donor alumni people. At least maybe the council more than the TFIA, but they strongly suggest that the chancellor and the appropriate vice chancellor take, along with the athletic director, strong steps to reform intercollegiate athletics. Basically to get the arms race under control. And my take on that is there's no way in hell—

02-00:26:31

Choper:

Oh, it can't be done.

02-00:26:33

Cummins:

It can't be done. When I talked to Mike Heyman about it, he says this in so many words in his oral history, "If I did that I'd be spending my entire life reforming intercollegiate athletics. I couldn't possibly be chancellor at Berkeley."

02-00:26:52

Choper:

Oh, you mean to reform intercollegiate athletics. That couldn't be done.

02-00:26:55

Cummins:

Yeah. Could not be done. Absolutely.

02-00:26:57

Choper:

No, one person can't do it and one university can't do it.

02-00:27:00

Cummins:

No, exactly.

02-00:27:01

Choper:

And one conference can't do it.

02-00:27:04

Cummins:

And one conference. Even within the conference I think it's exceedingly difficult to get any kind of consensus about this. If you wanted, for example, to get the arms race under control you would have to agree to share your budgets. Basic bottom-line. To set some limits on the kind of spending. So you can imagine how impossible that would be. So I just can't see it. I really can't.

02-00:27:33

Choper:

No, take the NCAA. And then they got antitrust problems on top of that. But you would think at a certain point, the Congress doesn't do very much of anything, but with something like this they might get interested.

02-00:27:49

Cummins:

They might. Yeah, it's the only possible—

02-00:27:51

Choper:

Just like they gave to major league baseball. They could do something about this because I think people are upset about it. See, the fact is it wouldn't much affect the quality of athletics. Kids love to do it anyway and they love to compete at the high level. Most of them have unrealistic expectations of how high they can go. The money is still there in the professional sports and even below the NFL level. Europe. So I don't believe it would change in any significant way the quality of intercollegiate sports if you just brought down the whole thing. Reduced the whole thing. Set limits on how much you pay a coach and reduce the number of games.

02-00:28:51

Cummins:

Very hard to imagine.

02-00:28:53

Choper:

Maybe someday but I don't see it.

02-00:28:55

Cummins:

Maybe someday. Okay. Then the second question, related to what we were just talking about, is the role of donors. And I'm very curious about your view. One of the ways I'm thinking about this is now, after reading and everything I've done, you're asking athletics to function on their own. They have to raise money from the outside. Donors are critically important.

02-00:29:18

Choper:

Absolutely.

02-00:29:20

Cummins:

If you're doing that how can you say that donors should not have a significant role? How can you say that?

02-00:29:26

Choper:

Oh, you can't.

02-00:29:27

Cummins:

Yeah, you really cannot. And that's another area where we, say Berkeley, has not come to grips with this either. And what would it mean? Sandy Barbour told me that the thing she really likes about being at Berkeley is that the athletic director can make decisions. She can hire coaches. And there isn't a board, okay, of donors that can overturn.

02-00:30:06

Choper:

She's used to that. You mean in other places?

02-00:30:08

Cummins:

Exactly. It wasn't that way at one of the other institutions where she worked.

02-00:30:21

Choper:

Do you remember Gordon Gee out at Ohio State?

02-00:30:23

Cummins:

Yeah, exactly.

02-00:30:24

Choper:

I forget, they asked him to fire a football coach. "What do you think, I'm crazy?"

02-00:30:28

Cummins:

Exactly. Okay. So I think that, say, for here we have to figure out a way to more actively involve the donors than we currently do.

02-00:30:43

Choper:

I'll tell you my experience with the donors. And I got to know a lot of them. Some on travels with the team but others through things like the Big C Society. I went to all of those things that involved students and academics and so forth and so on. And I met a lot of these people. I found, look, they all wanted to win. Sure. I don't know a single one who doesn't want to win. But they all—you know, all. I would say they near uniformly valued academic values. So I think the donors know that. I think in a way you have to educate these people that these are not compatible goals altogether. Now, Bob Birgeneau, I think he values athletics a lot. The notion of excellence in everything. It is a great ideal.

02-00:32:09

Cummins:

Ideal. Aspiration.

02-00:32:11

Choper:

Aspiration. And it is certainly true that there are certain things that you do accomplish through intercollegiate athletics, right down to the competitive—a lot of people believe that and I think that's probably true, that there's certain spirit that's developed and a seriousness of purpose, familiarity with hard work. If you want to achieve something you got to work at it, which most of them do. And then, my gosh, when the question of racial diversity on the campus—I used to look at these numbers all the time. I paid a lot of attention

to them. And if it weren't for a football team and a basketball—basketball's just a few people, football was a lot. They made up a very high percentage at one point of the number of African American students that we had. Well, you should get those from—

02-00:33:09

Cummins: I have them.

02-00:33:09

Choper: You do?

02-00:33:10

Cummins: I have them, yeah. Football alone has like forty-six African American players. Now, see, this is just men.

02-00:34:59

Choper: I know. Oh, Derek has the numbers.

02-00:35:01

Cummins: Yeah. Derek told me it used to be one-in-ten of the athletes, African American male athletes, African American total population undergraduate, one-in-ten were athletes.

02-00:35:17

Choper: That was before Proposition 209.

02-00:35:20

Cummins: Yes. Now it's one-in-three.

02-00:35:36

Choper: There are values accomplished by all of this.

02-00:35:42

Cummins: Right. One of the other areas where values come into play, I think, is the comparison with recreational sports and how much money we put into that versus how much money we put into a small number of highly competitive athletes. So the numbers, the use numbers for the rec sports facility, for example, are extremely high. There are standards that are set nationally based on the number of students utilizing a facility. It should be around ten square feet per student and ours is like about three-and-a-half square feet per student.

02-00:36:22

Choper: Yeah, well, it's like everything else here.

02-00:36:25

Cummins: Yes, everything else here. Exactly. So that's a hard one from an equity point of view. But then, of course, that gets into other benefits that athletics provide.

02-00:36:37

Choper: Well, we got the whole budget thing when everyone was taking a bit hit here. I'm not unsympathetic to that. I understand it.

02-00:36:47
Choper: I would hope, but it's not true, that the big television contract will solve most of the problems but it doesn't.

02-00:36:54
Cummins: Not at all.

02-00:36:56
Choper: And one of the reasons is because it's going up all the time. So it's an inflationary spiral. The balloon will bust.

02-00:37:10
Cummins: But people were saying that in 1980.

02-00:37:14
Choper: I understand. Well, it's a little different than the national economy but you know how people were saying the stock market can't last like this.

02-00:37:22
Cummins: Yes.

02-00:37:24
Choper: Or the deficit will grow. You just saw it. We got along. The analogy for me is what the banks did in respect to mortgages. I heard talk by the former president of Wells Fargo on this. Wells Fargo came out pretty well on this. They didn't have much. But a lot of people weren't happy with him for not having much because everybody was doing it.

02-00:38:00
Cummins: Financing questionable mortgages.

02-00:38:02
Choper: Everybody was doing it.

02-00:38:03
Cummins: That's right.

02-00:38:05
Choper: Now, it takes a lot of gumption to stand in the way of that.

02-00:38:09
Cummins: Yes, it does. Yes, it does.

02-00:38:11
Choper: And it's one thing to stand in the way for one-year, two years. But seven, eight years. God, I don't know how long that bubble lasted but up in Berkeley we saw what happened.

02-00:38:21
Cummins: Absolutely.

02-00:38:21

Choper:

It's a twenty-year thing. And it just kept going up. I remember once in a class when the market kept going up. A woman student, she said something about, "What should you do in this case? You buy stock in that." I said, "Well," I said, "what do you mean you buy stock? That can go down." She didn't understand that.

02-00:38:49

Cummins:

She didn't understand that. Well, she does now.

02-00:39:51

Choper:

She didn't understand it. That was a very dramatic example.

02-00:39:12

Cummins:

I think I've covered basically all the points I think that are—

02-00:39:19

Choper:

You said something about traveling with the team.

02-00:39:20

Cummins:

Yes, and you did mention this but go ahead.

02-00:39:25

Choper:

Did I mention that? I got to meet supporters. I went to away games for football and basketball. And I must say I enjoyed that. It really was a nice thing. But I got to spend some time with some student athletes. Not much. And I did not spend a lot of time looking at—some of my colleagues, the other faculty reps, would observe the relationship between the athletes on the one hand and the coaching staff on the other. I didn't. I saw some of it with football and basketball but not too much. I was very much impressed with the student athletes that I met.

02-00:40:35

Cummins:

Yeah, very impressive at least in my experience.

02-00:40:36

Choper:

You have the feeling that they're these galoots or something like that. They're unthoughtful, they aren't intelligent, all they know is what—which just wasn't true. And I became friendly with a few of them. I didn't do it. They did. They thought they could go into law. I remember once there were two brothers who played basketball and this kid used to come back and tell me about stuff. He was a pretty good basketball player actually. His brother played. I can't think of the name now. But the father was a major basketball player. Tell me the name. Yeah. Know who I'm talking about?

02-00:41:23

Cummins:

I can't remember. Yeah.

02-00:41:26

Choper:

I think the father played for UCLA and then was an All-American and a big pro star.

02-00:41:35

Cummins:

I'm not sure.

02-00:41:36

Choper:

I remember exactly what he looked like and I remember used to have this—you gave him that ball in the corner, he'd put it three times out of four. Maybe number six on the team. Oh, yeah. The brother was a big seven-footer here. You go to the basketball games?

02-00:41:58

Cummins:

Not too much. Right. Yeah.

02-00:42:00

Choper:

Well, I can't remember his name. Yeah, he got better after a while. Just about two years ago. Two, three years ago. And this fellow's a smart guy and he kept in touch. But I kept in touch with several of them. I would see them and talk with them. So that was rewarding to keep in touch. I think the coaches, I didn't get to know all of them well but I got to know a number of them. They were serious about making sure that their athletes did well. Jeff Tedford. Look, he didn't want to lose them, for one thing. But I think I told you this story about Mike Anderson and how Jeff hired this fellow. Did I tell you this story?

02-00:43:03

Cummins:

No, no.

02-00:43:04

Choper:

Well, it tells you a lot about Jeff. I'm a real admirer of his. And do you know he would push the envelope periodically with students and he'd come to the committee and I remember Sandy and I once went to see him. He was quite defensive because we'd had a disappointing year with some that we admitted right on the cusp. To make a long story short, he met this guy whom I got to know through Carl Stoney and that group of people whose name is Mike Anderson. And he's a Cal alum and he was a big football fan. He was with a company in human relations and he made a ton of money when they got bought out, something like that. And so he retired at a fairly early age. And he played golf with Jeff once and they got to talking and he hired him. Not as a coach and I don't think he paid him but he had some little on the team. But what Jeff recruited him to do was to take the football players and help them prepare for the job market. And he would go and he took them to restaurants and he showed them how to deal with utensils properly and so forth. And I admired that a lot. And he also prepared them for interviews and helped them get jobs. I know he would call me periodically to see if I could help someone with a law firm or something like that. And Jeff didn't have to do that. That

didn't mean a thing about winning games. He had, Jeff, a real personal interest—

02-00:45:07

Cummins: In those kids?

02-00:45:09

Choper: —in the welfare of the kids. Yeah, I think he treated them sort of like his family and so forth. So I admired that. I talked to all of the student athletes at the beginning of the year, in groups, sometimes smaller groups, and one of the things that I emphasized was—“I've got two things. If you have any trouble with faculty members who they think don't like them and looks down on them and discriminates against them, in effect, whatever it is, to come to see me.” Those are the two things I really emphasized after a couple of remarks. The second was, “If you have any trouble with a coach, for example, playing while you think you're injured or having practices that you feel are unnecessarily interfering with your classes,” I said, “you can talk to the athletic department. That's fine.” I said, “But if you have any discomfort about doing that or if you don't feel you've gotten satisfaction I'd be glad to talk to you.”

02-00:46:23

Cummins: Did anybody ever take you up on it?

02-00:46:25

Choper: Occasionally, yeah. Yeah, occasionally with the discrimination. I remember. I don't know if it was discrimination, it was unconscious discrimination. I forget. Maybe it was crew or something like that. They had to start early in the morning and a serious student wanted to take a section in the business school of something. Well, they had about fifteen sections. I think actually it was women's crew or women's soccer. One or the other. It was a woman. And she said, “There were several sections that I could take consistent with my class but the others interfere with—” So it was not easy but I got it done. I said, “After all, this person has got a thing, a serious student. Why can't you do something for her? You got enough sections.” Said, “Well,” they finally did it. So the students would come on things like that. Of course, I would get them when they—formal complaints about the way a coach treated them. And I must say we investigated and the department investigated them pretty clearly, as well. They conducted the investigation.

02-00:47:45

Cummins: And that's a tough issue because you get a complaint that a coach is abusive to a player.

02-00:47:56

Choper: Yeah. Yeah. Oh, I spent a lot of time with some of them, with the parents on the phones. I did. I took them seriously. Some of these coaches are strict disciplinarians. They don't molly-coddle them.

02-00:48:20

Cummins: And for some student athletes that works very well. For others it doesn't.

02-00:48:25

Choper: Doesn't work. But I never had any problem with the coaches. And I remember Jack Citrin, the one you talked to. He was very good friends with Steve Gladstone. Still they're friends, very close friends. And he told Steve once he should change the hours he held practices. And they did. They started earlier in the morning. Or they'd start at six o'clock in the morning instead of 7:30 so they could make eight o'clock classes. I think that's right. And I got to know Steve Gladstone. He's a strict disciplinarian but he's interested in student welfare. Even though we often had recruits that came in that we had to pass on as the admissions committee because they were below the line. Many times from foreign countries, which is hard to judge.

02-00:49:32

Cummins: These teams go through various stages, as you know. But they were having a hard time because there were kids coming with apparently good credentials. They wouldn't be in the regularly admissible category. They wouldn't be down at the C level or—

02-00:49:58

Choper: No, no, no. They were As and Bs.

02-00:50:01

Cummins: As and Bs. But they weren't doing well. So a coach can get into that kind of a situation, too, where on paper they look fine and then they can't—

02-00:50:13

Choper: Of course. They don't apply themselves.

02-00:50:15

Cummins: They don't apply themselves. Yeah.

02-00:50:18

Choper: Derek van Rheenen, with a number of them, he or someone on his staff, and usually it was he, interviewed every one, someone did, and made a judgment about whether they could get through it. I told you the [student's name redacted] story.

02-00:50:40

Cummins: I'm not sure.

02-00:50:41

Choper: I'm sure I did. It's a long story. That was my very first meeting of the admissions committee.

02-00:50:51

Cummins: I don't think you—go on.

02-00:50:53

Choper: He didn't do well.

02-00:50:54

Cummins: He didn't?

02-00:50:54

Choper: He did not do well in the summer bridge program. He did not pass either of his courses. And he was a big star.

02-00:51:02

Cummins: Yes, absolutely.

02-00:51:02

Choper: I guess he was admitted as a C or D—I didn't tell you this?

02-00:51:05

Cummins: I don't think. I don't recall.

02-00:51:07

Choper: Bill Lester had to go to Europe so I started several weeks before my term began on July 1. The very first thing I did is I went to this student athletic admissions committee, okay. So Derek. I've never met Derek. I didn't even know about this thing called the Athletic Studies Center before. And on the agenda was reporting on how the student athletes did in Summer Bridge. Okay. So that was probably in June. And I didn't take office until July the 1st but Bill had to go to Europe and would I go? Sure. So I listened. I'm totally wet behind the ears. But I listened to this and Derek made this comment. He says, "You know, he didn't pass even one," he said, "but he's got strong maternal support. And he seems serious about wanting to do well. It's not that he shirked off," as occasionally I learned some people do. "He tried hard. He just didn't make it." The message is we'll get him through. I think we will. So this is my first meeting. I'm supposed to ensure academic values and so forth. I have no idea. I understood that he was running the center. I thought, "Well, maybe he's just a mouthpiece for the athletic department." I didn't know anything.

So I made this little pitch. I said, "I'm not going to vote on this in the committee but I'm concerned about the fact that—" I knew nothing. I said, "I'm concerned about the fact that if he couldn't pass either of these courses," I said, "that his future here—what makes you think that he can make it?" I said, "I don't think we're doing him any favor. We're not doing the football team any favor." I was wrong about that because if they get to play for at least one year they really—so in theory it doesn't make any difference but I never found that to be true. And I also didn't know that there were no scholarships probably available at other schools. It was too late in the year for him to get going with another school. I didn't know that at the time and I don't know that anyone mentioned it to me at the time. But I remember Derek saying, "Well, very well." He said, "He didn't pass either of the courses."

This is almost a direct quote. He said, “But you really can’t expect,” he said, “someone who had barely a high school education,” he said, “to pass Berkeley courses on the first swing.” And you know there was a light. The bulb went on in my head. I said to myself, “Well, you know, he’s right about that.” So as I said, I didn’t vote on it. But, boy, it was true and he ended up with damn close to a B average. Mothers have a lot to do with it. Oh, that’s right. When I’m traveling with the team—

02-00:54:43

Cummins: Meet the parents?

02-00:54:45

Choper: Yeah. I saw some of that. I saw—

02-00:54:48

Cummins: Interesting.

02-00:54:49

Choper: —this great big fellow, what the hell is his name, he’s in the pros now. He’s a linebacker for Green Bay. Desmond Bishop.

02-00:54:57

Cummins: Oh, Desmond Bishop. Yeah.

02-00:54:59

Choper: So we’re sitting around. We’re in a hotel in the late evening and Mari is just talking to the mother and so forth and so on about him. And I had never met him. But this big hulking guy comes up to see his mother. “Desmond, have you done this? Have you done that? You get right up there and study.”

He turned and he did it. Now, he wanted to, as well, I’m sure. He wanted to succeed. But we all do things we want to but he wanted to go out and have a good time. They won the game, as I recall. Whatever it was. So, “You better—“ No, we didn’t win the game. Well, I forget. But that impressed me the way that this mother was riding herd on her son. And this great big guy and there he is. “Yes, Ma’am. Okay.” So that means a lot, too. And Derek would talk to the parents.

02-00:56:24

Cummins: Exactly. Well, obviously if you’re going to admit these students then you’ve got to provide them with the opportunity to succeed.

02-00:56:31

Choper: Yes. Oh, yes. Yes, yes, yes.

02-00:56:35

Cummins: And they’re tracked very carefully. So much about athletics is such a two-sided issue. This would be another one because you could make a case that, well, he’s taking up the place of somebody that has worked really hard, et cetera. There are so many issues dealing with athletics.

02-00:57:02

Choper: Oh, absolutely.

02-00:57:02

Cummins: Which makes it difficult. And it makes it easy for people to say, “Oh, well, this is—” And people so often operate on stereotypes on all of this. They’re either student athletes or they’re just dumb jocks. There’s way too many exceptions made for them, on and on and on.

02-00:57:25

Choper: On and on and on. That’s true.

02-00:57:26

Cummins: So anyway.

02-00:57:27

Choper: No, it’s true. All of the things are true. And, look, it’s true of most things in life. It’s complicated.

02-00:57:33

Cummins: Yes. It’s complicated.

02-00:57:34

Choper: This is complicated. I told you, I’m sure, when I came into this I had real questions about whether we ought to compete. Whether we’re doing the right thing. This is a great academic institution to which I’ve always been so proud to be connected. And I don’t mean just the law school, university.

I managed to grab the benefit of that, too, for myself. But I began to see more. It’s not that I don’t have any questions about it today but if you look then to reality, like we said, you can’t do it. I didn’t even know that Mike had ever said that. I didn’t follow that sort of thing.

02-00:58:24

Cummins: Well, Jack Citrin said, he said on this issue, “This issue is like abortion. It’s like affirmative action where people have very, very opposing views on it and they probably always will.” But then you look at the reality of the situation in this case. That would be my position, too, based on everything we’ve discussed. So you then want to make the program as best you can possibly make it.

02-00:59:00

Choper: And what’s what you got to do. That’s right. It can be done at a certain level.

02-00:59:06

Cummins: Which I think this program pretty much operates at.

02-00:59:11

Choper: Yeah. We’ve given student athletes, particularly from really underprivileged backgrounds and minority students who wouldn’t be here otherwise—some of

them, of course, aren't going to make much use of the education but some of them will.

02-00:59:25

Cummins: Yes.

02-00:59:27

Choper: You know David Ortega?

02-00:59:29

Cummins: Yes.

02-00:59:30

Choper: So he used to talk to these students when they were being recruited. He was terrific. I went on recruiting breakfasts and so forth that I went to. I always went to them. I met parents that way. It was good. I enjoyed that. You're able to talk. No one was listening. The parents were listening.

02-00:59:52

Cummins: The parents were listening. Right.

02-00:59:55

Choper: About the kind of programs that we have. But he would get up and say things. He was a great football player for Cal. Did you know that?

02-01:00:02

Cummins: Oh, yes.

02-01:00:07

Choper: He's got his picture up there and everything and he's got—yeah. He'd get up and say what a great place this is and how much it benefited him. And he said, "You get a Berkeley degree, you go out after it," he said, "you meet people, you apply for a job." He says, "They're not just going to think you're another dumb jock." He said, "Hey, look, made an impression on me." And I couldn't say a thing like that. He could.

02-01:00:41

Cummins: No question.

02-01:00:45

Choper: Now, I don't know as a student how—he came in at a time I guess it wasn't taken as seriously. He played here in the eighties.

02-01:00:56

Cummins: Well, and the athletic studies center was created in the early to mid-1980s. We didn't have one before that.

02-01:01:01

Choper: Yeah, then he was—

- 02-01:01:02
Cummins: Maybe an advisor or something would be it. And creating it was interesting because Bob Steidell was the faculty athletic rep at that time.
- 02-01:01:15
Choper: I know his name. I don't know him.
- 02-01:01:17
Cummins: Very nice man in engineering. He was an engineer and when I interviewed Bob Price and Jack Citrin—I haven't done Ken Jowitt—but those were the three that kind of put that athletic study center together.
- 02-01:01:32
Choper: Ken Jowitt, too.
- 02-01:01:34
Cummins: And Bob Price said that Steidel raised the issue of whether having an athletic study center would be considered a special benefit under NCAA rules. So now you can see. Again, that's why the history is so interesting here.
- 02-01:01:52
Choper: No, that's right. Yeah, some of those special benefits are just terrible.
- 02-01:01:58
Cummins: What they call special benefits, yeah.
- 02-01:02:00
Choper: Well, they're so niggling, too.
- 02-01:02:03
Cummins: Exactly, exactly.
- 02-01:02:05
Choper: That you can't invite a fellow, a student athlete, over to dinner.
- 02-01:02:11
Cummins: I know. Exactly.
- 02-01:02:14
Choper: See, no one's going to come or go to a place—but whatever it is. I'm sure they've got their reasons. I'm rationalizing. I'm rationalizing. Or figure out how it could be a bad thing, you can't control it and so forth. And you couldn't take them out to dinner unless you were also taking your own relative who you'd come to visit. These were the rules.
- 02-01:02:34
Cummins: Well, and if you happened to be at the airport. Well, maybe say a faculty member, me or something, coming into the airport at an away game and you're coming late and a player comes late because he's taking an exam. You can't give him a ride to the hotel. That's a special benefit. Stuff like that.

- 02-01:02:56
Choper: Those are the rules. See, I told you. I don't know. They're crazy. Absolutely.
- 02-01:03:00
Cummins: I know, I know. Exactly.
- 02-01:03:02
Choper: Absolutely crazy. I don't know. I don't mean to say crazy. I mean they do have reasons but I think they're difficult to justify. It's a line drawing question, like so many rules are.
- 02-01:03:21
Cummins: Well, what Tom Hansen said was that—because he said he would get that constantly. “These rules, why do you have to have so many rules?” and on and on. And he said basically that the NCAA, there would be, as you said, long discussions about these rules. And the rules were put in place because there was an abuse of some kind and so they put a rule in place. And he said, “I'm serious. As soon as that rule was put in place those coaches were talking immediately about—“
- 02-01:04:01
Choper: How to change it.
- 02-01:04:02
Cummins: —“how to get around it. Well, they can have that rule but we can do X.” This kind of thing. And so he said a lot of it is because of that.
- 02-01:04:10
Choper: Got it. Yeah, I understand it. Sure. Prophylactic rule. Look, overreaction is endemic in our political system. When do we do anything about energy shortage? Only after the Nixon period when we're all in lines to get gas. All of a sudden we became conscious of that. Oh, things will take care of themselves. It's the same goddamn thing with the budget now.
- 02-01:04:40
Cummins: Yes, it is.
- 02-01:04:43
Choper: We have this super committee and they can't do a goddamn thing. They got about two weeks left or draconian alternative goes into effect. And it's like they're still at square one. Well, maybe in the last minute they'll come up with some—it'll be very imperfect. But instead of thinking it through. And we have good recommendations, several [sensible people on the] committee. Sensible. Yeah. They may not be perfect.
- 02-01:05:14
Cummins: Absolutely. Sensible.
- 02-01:05:16
Choper: You should start with those not with the proposition that you can't do any of this and both sides are like that. Anyway—

02-01:05:20
Cummins: No, no, no.

02-01:05:24
Choper: So you get overreaction.

02-01:05:26
Cummins: Yes. I think you're right. If you had an antitrust exemption, and they certainly tried vis-à-vis salaries and that didn't go anywhere. But how it was that the NFL or the baseball players have these exemptions. How did they get them? And I asked Tom that. I guess a lot of it is getting the votes, having the right people in Congress that are willing to support something like that.

02-01:05:56
Choper: Of course.

02-01:05:56
Cummins: Because congress people are the same as these fanatics, the fans.

02-01:06:03
Choper: That's why I think you could get an antitrust exemption for coaches salaries. I do think so. Again, that's the sort of thing that they do the right thing. They don't do anything else.

02-01:06:20
Cummins: Yeah. That would make a difference. But anyway. Okay. Anything else that you would like to talk about?

02-01:06:27
Choper: No, no. If you have more you can—

02-01:06:29
Cummins: Yes, we can come back.

02-01:06:29
Choper: —call me or whatever. Whatever works. I'm happy to do it. I enjoyed talking with you.

02-01:06:34
Cummins: Great, thank you.

[End of Interview]